



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 24 November 2022; 9:30am
Meeting Number: MOJDAP/212
Meeting Venue: Electronic Means

To connect to the meeting via your computer -
<https://us06web.zoom.us/j/87920190587>

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+61 8 6119 3900

Insert Meeting ID followed by the hash (#) key when prompted - 879 2019 0587

This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

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Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Gabriela Poezyn (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 9.1

Cr Nige Jones (Local Government Member, City of Joondalup)
Cr Adrian Hill (Local Government Member, City of Joondalup)

Officers in attendance

Item 9.1

Ms Ciara Sim (City of Joondalup)
Ms Cathrine Temple (City of Joondalup)

Minute Secretary

Mr Stephen Haimés (DAP Secretariat)

Applicants and Submitters

Item 9.1

Mr Peter Simpson (PTS Town Planning Pty Ltd)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

2. Apologies

Ms Karen Hyde (Deputy Presiding Member)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).



5. Declarations of Due Consideration

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

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

- 7.1** Mr Peter Simpson (PTS Town Planning) presenting in support of the recommendation for the application at Item 9.1. The presentation will address support of the proposed time extension.

The City of Joondalup may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

9.1 Lot 651 (32) Fernando Parkway, ILUKA

Development Description:	Multiple Dwelling Development (Brightwater Beaumaris)
Proposed Amendments:	Extension of Time to Substantially Commence
Applicant:	PTS Town Planning Pty Ltd
Owner:	Brightwater Care Group
Responsible Authority:	City of Joondalup
DAP File No:	DAP/18/01484

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02148 DR146/2022	City of Rockingham	Lot 53 (No 67) Folly Road, Baldivis	Proposed place of worship (Hindu Temple)	26/08/2022
DAP/22/02220 DR162/2022	City of Kwinana	Lot 9507 Berthold Street, Orelia	Proposed Child Care Centre	28/09/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022



11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Peter Simpson
Company (if applicable)	PTS Town Planning Pty Ltd
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	24 November 2022
DAP Application Number	DAP//18/01484
Property Location	Lot 651 (32) Fernando Parkway, Iluka
Agenda Item Number	9.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES ☒
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT ☒ AGAINST ☐
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT ☒ AGAINST ☐
Will the presentation require power-point facilities?	YES ☐ NO ☒ If yes, please attach



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Speaking in support of the proposed time extension
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

We are seeking approval for the extension of time to substantially commence the development for an additional 2 years.

Mr Adam Roebuck representing Brightwater Care Group will also be in attendance to answer any questions.

We support the recommendation to approve the time extension and we are generally comfortable with the proposed amended and new conditions, noting that they are in response to SPP7.3.

This application is for Aged Person Dwellings, which has obviously been significantly affected by Covid-19.

The proposed extension request meets the tests for granting an extension in terms of:

- Whether the planning framework has changed substantially since the development approval was granted.
- Whether the development would likely receive approval now.
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.
- Whether the original time limit was adequate in all of the circumstances
- Whether the development was seeking to 'warehouse' the approval.

We seek your approval of the extension of time and are happy to answer any questions.

LOT 651 (32) FERNANDO PARKWAY, ILUKA – EXTENSION OF TIME TO SUBSTANTIALLY COMMENCE

Form 2 – Responsible Authority Report (Regulation 17)

DAP Name:	Metro Outer JDAP	
Local Government Area:	City of Joondalup	
Proposed Amendments:	Extension of approval for an additional two years to 20 November 2024	
Applicant:	PTS Town Planning Pty Ltd	
Owner:	Brightwater Care Group	
Value of Amendment:	Nil.	
Responsible Authority:	City of Joondalup	
Authorising Officer:	Chris Leigh Director Planning and Community Development	
LG Reference:	DA18/0848.01	
DAP File No:	DAP/18/01484	
Date of Original DAP decision:	30 November 2018	
Application Received Date:	19 September 2022	
Application Statutory Process Timeframe:	60 Days	
Attachment(s):	1. Previous JDAP determination notice and plans (dated 30 November 2018) 2. Location Plan 3. City's Assessment against SPP7.3 (R-Codes Volume 2) 4. Comments / response from DFES 5. Applicant's justification and assessment against SPP7.3	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☐ Yes	Complete Responsible Authority Recommendation section
	☒ N/A	
	☐ No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

- Accept** that the DAP Application reference DAP/18/01484 as detailed on the DAP Form 2 dated 16 September 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- Approve** DAP Application reference DAP/18/01484 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the *City of Joondalup Local Planning Scheme No. 3* subject to the following conditions.

Amended Conditions

6. Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatments of the subject site and the adjoining road verges, and shall:
 - provide planting of a sufficient height and density to soften the impact of the retaining walls and solid walls and fencing as viewed from all streets;
 - provide a minimum of four (4) large trees (including species) provided on site in accordance with the requirements set out in Table 3.3b of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments;
 - provide all details relating to paving, treatment of verges and tree planting;
 - remove the 'Hardstand waste bin collection' on the corner of Fernando Parkway and Santos Vista and replace with landscaping;
 - be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;
 - show spot levels and/or contours of the site; and - be drawn at an appropriate scale of either 1:100 or 1:200.
20. 29 bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993 as amended), prior to occupation of the development and thereafter maintained to the satisfaction of the City. Details of bicycle parking areas shall be provided to the City for approval prior to the commencement of development.

New Conditions

23. This decision constitutes planning approval only and is valid for an additional period of 2 years. If the subject development is not substantially commenced by 30 November 2024, the approval shall lapse and be of no further effect.
24. Lighting shall be installed along the pathways, communal spaces and entrances prior to the development first being occupied, to the satisfaction of the City. The lighting design is to minimise light spillage within the complex and onto the surrounding residential properties and be in accordance with the requirements of Australian Standard AS4282.
25. An amended plan shall be submitted and approved showing an awning extending over the entrance and ramp to the development, to the satisfaction of the City. Amended plans are to be submitted prior to construction and the awning is to be completed prior to occupation of the development.
26. A minimum of 12 dwellings shall be designed to meet Silver Level requirements, or three dwellings shall be designed to meet the Platinum level requirements, as defined in the Livable Housing Design Guidelines (Livable Housing Australia). Details shall be submitted to and approved by the City prior to commencement of development, and works shall be undertaken in accordance with the approved details.
27. Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City.

28. An arborist report shall be submitted to and approved by the City prior to commencement of development. The arborist report shall include details on the proposed species of trees as required by condition 6, and verify that the four large trees will be able to thrive in the proposed location and deep soil area.
29. Dwellings shall be individually metered for water usage prior to occupation of the development.
30. The development shall be fibre-to-premises ready, including the provision for the installation of fibre through the site and to every dwelling prior to occupation of the development.

New Advice Notes

13. In accordance with the City of Joondalup *Health Amendment Local Law 2021*, washing or keeping of clothes is not permitted in any kitchen or other place where food is kept. All laundries must therefore be physically separated from the kitchens.

All other conditions and requirements detailed on the previous approval dated 30 November 2018 (Attachment 1 refers) shall remain unless altered by this application.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Urban
Local Planning Scheme	City of Joondalup Local Planning Scheme No. 3 (LPS3)
Local Planning Scheme Zone/Reserve	Urban Development
Structure Plan/Precinct Plan	Iluka Local Structure Plan (Structure Plan No. 26)
Structure Plan/Precinct Plan Land Use Designation	Commercial R80
Use Class (proposed) and permissibility:	Multiple Dwelling - Discretionary ("D") use
Lot Size:	4,257m ²
Net Lettable Area (NLA):	Not applicable
Number of Dwellings:	58 dwellings
Existing Land Use:	Vacant
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

The application proposes to extend the approval period by an additional two years, which would result in development approval lapsing if the development is not substantially commenced by 30 November 2024.

The application does not seek any other modifications to the previously approved development with the plans and land uses remaining the same.

Information has been provided to demonstrate that since the original approval, measures have been taken to pursue and implement the development proposal. Justification in support of the proposed application identifies the impact of the COVID-19 pandemic and the uncertainty surrounding the impact of the pandemic, particularly in relation to aged persons dwellings in the current construction market, which has reduced the supply of skilled trades and construction materials.

Background:

Lot 651 (32) Fernando Parkway, Iluka (subject site) is bound by Burns Beach Road to the west, a vacant Commercial R80 site to the north, Santos Vista and single residential dwellings to the east, and Fernando Parkway and Pattaya Park to the south (Attachment 2 refers).

The subject site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS), 'Urban Development' under the City's *Local Planning Scheme No. 3* (LPS3) and 'Commercial, R80' under the Iluka Local Structure Plan (LSP). In addition, the site is subject to the requirements of the City's Iluka Local Centre Local Development Plan No. 2 (LDP).

Development approval for 58 aged persons dwellings was granted by the JDAP on 30 November 2018. As the approval did not include a condition relating to a substantial commencement period, a 2 year period for substantial commencement is applicable under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, clause 71(a).

For the approval to be valid, substantial commencement was therefore required to take place prior to 30 November 2020.

On 8 April 2020 (updated on the 30 April 2020), a Notice of Exemption from planning requirements was issued, where the period for substantial commencement was increased by 2 years (provided the original substantial commencement date occurred after 8 April 2020).

The substantial commencement period was therefore increased to 30 November 2022.

Accordingly, the existing approval remains valid however the applicant now seeks a further 2 year extension to 30 November 2024.

The application was originally assessed under the previous planning framework; being the former State Planning Policy 3.1: Residential Design Codes - Part 6 (SPP3.1). On 24 May 2019, State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (SPP7.3) was gazetted. While the previous application considered the objectives and intent of the draft version of SPP7.3, the application was not assessed against the gazetted version of SPP7.3.

In considering this current application, an assessment against the new planning framework has been undertaken (Attachment 3 refers). Elements that do not meet the acceptable outcomes are addressed below. It is also noted that this assessment does not include consideration of discretions that were previously supported by the JDAP under the requirements of the City's Residential Development Local Planning Policy (RDLPP) or the applicable LDP.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005.*
- *Metropolitan Region Scheme (MRS).*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).*
- *City of Joondalup Local Planning Scheme No. 3 (LPS3).*

State Government Policies

- State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments (SPP7.3).
- State Planning Policy 7:0 Design of the Built Environment (SPP7).
- State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7).

Structure Plans/Activity Centre Plans

- Iluka Local Structure Plan No. 26 (LSP).
- Iluka Local Centre Local Development Plan No. 2 (LDP).

Local Policies

- Environmentally Sustainable Design Local Planning Policy.
- Residential Development Local Planning Policy (RDLPP)

Consultation:

Public Consultation

The original planning application was advertised to 131 properties in the vicinity of the subject site, with three signs on site (one on each lot frontage) and plans made available for public viewing. During the advertising period, a total of 52 submissions were received, 45 objecting to the proposal and eight submissions supporting the proposal. Objections related to:

- Visitor parking;
- Traffic
- Building height being in excess of three storeys
- Intensity of development
- Landscaping within the street setback area
- Waste collection
- Fencing

- Reduced lot boundary setbacks.

The current development application was not advertised for community consultation as the proposal is not considered to significantly vary from the planning requirements or considered to result in any detrimental impact on the amenity of surrounding residents. Further, the proposed application does not include any modifications to the building, however it is recommended that addition/amended conditions are included in any new determination to reflect the current planning requirements. No changes to the conditions or plans trigger the requirement for additional consultation.

Referrals/consultation with Government/Service Agencies

As part of the previous assessment, the application was referred to the Department of Fire and Emergency Services (DFES) as the site is located within a bushfire prone area, and it was unclear whether the proposed use of aged or dependent persons' housing was considered a 'vulnerable land use'.

There have been no changes to the definition of 'vulnerable land use' since the issue of the original planning approval, and therefore further referral is not required under the delegation (DEL2022/03 – Powers of Local Governments Metropolitan Region Scheme).

The City received advice from DFES (Attachment 4 refers) that the decision maker is to determine whether the proposed use is considered a vulnerable land use. It is considered that, in line with advice received from the Department of Planning Lands and Heritage, the dwellings are for independent living and therefore should not be classified as a vulnerable land use.

It was noted that the previously approved Bushfire Management Plan was prepared in accordance with a rescinded version of the Guidelines for Planning in Bushfire Prone Areas (version 1.3) (the Guidelines). It is therefore considered that a new Bushfire Management Plan is to be submitted which is prepared in accordance with the current Guidelines (ie. version 1.4).

Design Review Panel Advice

As part of the City's assessment for the original application, the proposal was presented to the City's Joondalup Design Reference Panel (JDRP) at a meeting held on 19 September 2018.

The JDRP was generally supportive of the proposal and provided comment in relation to the bin store in the basement, the size and location of the roof terrace, and the central courtyard's access to sunlight throughout the year. The plans were amended to address these comments; therefore the City was satisfied that the applicant had adequately addressed the issues raised by the JDRP.

The application is seeking an extension of time only and does not propose any alteration to the previously approved plans or the design of the building, therefore the City does not consider further design review necessary.

Planning Assessment:

Based on matters considered through the State Administrative Tribunal (ALH Group Property Holdings PTY LTD and Metro Central JDAP) the following is to be considered when determining if an extension of time is appropriate:

- Whether the planning framework has changed substantially since the development approval was granted.
- Whether the development would likely receive approval now.
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.
- Whether the time originally limited was adequate in all of the circumstances.
- Was the developer seeking to “warehouse” the approval.

The applicant has provided justification against the above criteria (Attachment 5 refers).

Each of these items is considered below.

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

SPP7.3, the Iluka LDP, Iluka LSP and the Residential Development Local Planning Policy (RDLPP) are the primary guiding documents in assessing development on the subject site. As the LDP was endorsed by the Western Australia Planning Commission, the requirements of the LDP apply in the event of any inconsistency with requirements of SPP7.3. The LDP was adopted prior to the introduction of SPP7.3 and has not been altered since the development was previously approved.

The City’s previous assessment, as outlined in the 30 November 2018 Responsible Authority Report, considered the development against the draft objectives of SPP7.3. SPP7.3 Volume 2 became operational following publication in the Government Gazette on 24 May 2019.

A summary of the City’s assessment against the provisions of SPP7.3, including the items that are replaced by the LDP, is included in Attachment 3. The key design elements which do not meet the suggested acceptable outcomes are discussed in more detail below.

Side and rear setbacks

Element 2.4 Side and rear setbacks objectives state:

- O 2.4.1 Building boundary setbacks provide for adequate separation between neighbouring properties.
- O 2.4.2 Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.
- O 2.4.3 The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.

- O 2.4.4 The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.

The acceptable outcomes suggest a minimum setback of 3 metres, with an average setback of 3.5 metres for walls that exceed 16 metres in length. The proposed development achieves a minimum 3 metre setback to the northern lot boundary, however the average setback of 3.5 metres is not achieved for the ground floor, level 1 and level 2.

The applicant considers that there has been no change from the original plans, and the building meets the required minimum setback of three metres, there will be little impact on the adjoining development. The City notes that the adjoining site to the north is owned by the same owner as the subject site, with developments proposed to complement and integrate with each other. The proposed setback to the northern boundary will also have no impact on any existing vegetation on site.

The extent of boundary walls, which contributes to the reduced average lot boundary setback along the northern boundary, meet the requirements of the LDP and therefore ensure consistency with any future development on the vacant lot to the north. As the proposal is to the south of the adjoining vacant lot, there will be no significant impact on sunlight to any future development on this site.

The walls to the northern lot boundary are articulated, with the boundary walls being separated to assist in reducing the overall bulk as viewed from the neighbouring property. The inclusion of a large, landscaped courtyard and open walkways along the northern side of the development ensure that the proposal is consistent with the desired setbacks and separation between the subject site and any future development on the northern lot.

In considering the above, the side and rear setbacks are considered to achieve the element objectives.

Tree canopy and deep soil areas and landscape design

Element 3.3 Tree canopy and deep soil areas objectives state:

- O 3.3.1 Site planning maximises retention of existing healthy and appropriate trees and protects the viability of adjoining trees.
- O 3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.
- O 3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.

And;

Element 4.12 Landscape design objectives state:

- O 4.12.1 Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.

- O 4.12.2 Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.
- O 4.12.3 Landscape design includes water efficient irrigation systems and, where appropriate incorporates water harvesting or water re-use technologies.
- O 4.12.4 Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.

The acceptable outcomes suggest 10% of the lot (426m²) should be set aside for deep soil area, for a minimum of four large trees, or one large tree and eight medium trees. A deep soil area of 64m² is suggested for each large tree and 36m² for each medium tree.

The development site is 4,257m² and the development proposes a centrally located area of 223m² (5.2%) for deep soil planting. A further 84m² of deep soil planting can be accommodated along Santos Vista, however, this does not meet the minimum 2 metre dimension for a deep soil area (1.25 metre minimum dimension) and therefore has not been included in the calculation.

The applicant considers the proposed deep soil areas can be supported given the assessment of the previous application that was approved by the JDAP had regard to the provisions of the draft Apartment Design Codes which required a minimum of 12% of the lot area (510.84m²) to be set aside for deep soil zones.

No detailed landscaping plans were submitted with the previous or current application, however the plans show provision of trees within the courtyards of the ground level apartments facing Santos Vista and Fernando Parkway, in addition to raised planter boxes being provided on each level of the development. A number of verge trees are also proposed along Burns Beach Road and Santos Vista.

Whilst the proposed deep soil areas on the site are less than the acceptable outcomes of the R-Codes, the City acknowledges the deep soil areas were supported having regard to the draft Apartment Design Code which required a greater area for deep soil planting than the now gazetted version. It is considered the centrally located deep soil area will facilitate healthy tree growth and canopy coverage for four large trees, and the trees proposed within ground level courtyards will offer amenity and visual appeal for residents and from the streetscape. In addition, the numerous planter boxes throughout the development will provide an attractive outlook for residents, improving amenity within the development. The City considers the proposed deep soil areas meet the relevant objectives of the R-Codes and can be supported subject to modifications to condition 6 as outlined below.

As no detailed landscaping plan has been provided, and the deep soil area is less than the recommended acceptable outcome, it is considered that a condition be placed on the determination that an arborist report be submitted with the requested landscaping plan, demonstrating that future tree species are appropriate for the proposed location and deep soil area. Although the original determination requested a landscaping plan as a condition of approval, specific tree details were not required under the previous requirements and therefore not referenced in the condition. Due to the change in requirements under the R-Codes requiring specific tree sizes, it is recommended that

the condition 6 of the original determination (refer Attachment 1) be amended to include the requirement of four large trees and associated deep soil area.

Public domain interface

Element 3.6 Public domain interface objectives state:

- O 3.6.1 The transition between the private and public domain enhances the privacy and safety of residents.
- O 3.6.2 Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.

The acceptable outcomes suggest that front fences do not exceed an average solid wall height of 1.2 metres. The proposal shows fencing exceeding 1.2 metres in solid wall height for portions of all street frontages, with a maximum wall height of 2.1 metres proposed along the southern frontage, as measured from the verge level.

Discretion to fencing height was previously granted in relation to the requirements of the previous RDLPP requirements, which were similar to the current R-Code requirements, however the height was taken from the average verge level, not the verge level at the base of the wall. It is considered that this minor change in the calculation of fencing height will have minimal impact on the overall appearance of the development, with the justification and reasons for support remaining the same.

The proposed fencing in the street setback areas features a mix of materials, being rendered brickwork, timber infill, glass and limestone blocks, which add interest to the façade of building as viewed from the public domain. The variation of materials also ensures that the appearance of blank frontages to the street is minimised. This is also assisted by the separation of the solid portions of walls.

The solid sections of fencing along the south and east facing dwellings assist in providing privacy to the bedrooms and living areas, whilst still allowing adequate casual surveillance to the street and adjacent parkland through the open portions of fencing.

The dwellings to the southern and western sides of the lot have a floor level above the street level, clearly delineating the transition between the private and public realm, but also ensuring that the height of the fence internally to the dwellings does not impact on views to the street and adjacent park.

The fencing design complements the building design, with landscaping incorporated into the private courtyards of these dwellings, therefore enhancing the amenity of the development, and assisting in the provision of shade.

It is therefore considered that the element objectives have been met.

Pedestrian access and Entries

Element 3.7 Pedestrian access and entries objectives state:

- O 3.7.1 Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.

- O 3.7.2 Entries to the development connect to and address the public domain with an attractive street presence.

The proposal provides the main entrance to the building from the southern boundary, with universal access provided via the use of a ramp and steps to an open style lobby. From here, all dwellings have internal access via communal pathways on the ground floor, with the upper floors being accessible via two lifts. The entrance to the building is open to the street, providing minimal opportunities for concealment.

Whilst open blades are provided to articulate the entrance to the building, the main entrance and a portion of the ramp have no shelter or weather protection.

It is considered however, that should the proposed application be approved, a condition should be included extending the shelter over the ramp and a portion of the street level entrance, which will assist in articulating the entrance whilst also providing shelter and shade to residents and visitors. Discussions with the applicant indicate that they are agreeable for this requirement to be included as a condition of approval.

It is therefore considered that with the inclusion of a condition requiring extended shelter to the entrance of the building, the element objectives have been met.

Car and bicycle parking

Element 3.9 Car parking and bicycle parking objectives state:

- O 3.9.1 Parking and facilities are provided for cyclists and other modes of transport.
- O 3.9.2 Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.
- O 3.9.3 Car parking is designed to be safe and accessible.
- O 3.9.4 The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.

The acceptable outcomes suggest the provision of 29 resident bicycle bays and seven motorcycle bays. The development proposes 20 resident bicycle bays and no designated motorcycle bays.

A total of 83 resident car bays are provided, 14% more than the acceptable outcome for resident parking of 73 bays. The additional car parking bays allows for the parking of motorcycles within the basement car parking, with a total of 82 combined car parking and motorcycle bays required. The additional car bays provide more flexibility for parking arrangements, allowing motorcycles to park within car bays without impacting on the allocated and required car bays. It is therefore considered that the lack of motorcycle parking will have minimal impact on the useability of the parking area and can be supported.

The location of the car parking minimises any negative visual impact as it is located below street level and will not be visible from the public realm. The visitor parking bays are also located in the main basement parking area; however conditions were placed

on the original approval (Attachment 1 refers, conditions 15 and 16) that the visitor bays are not located behind the gate. This ensures that the visitor parking is readily accessible.

A communal bicycle store is located to the south-eastern corner of the basement, which accommodates 20 bicycles, 31% less than the suggested acceptable outcome of 29 bicycle bays. It is considered that there is the potential to provide additional resident bike parking in the basement area, where it is secure and protected from the elements. Due to the location of the development along a popular cycle route along the coast, it is considered a shortfall in bicycle parking should not be supported, and that a condition be placed on the determination that a minimum of 29 resident bicycle bays be provided. The applicant has no objection to an amended condition requiring a total of 29 resident bicycle bays on site.

In response to the above, it is considered that with the inclusion of a new condition requiring 29 resident bicycle bays, the proposal achieves the element objectives relating to car and bicycle parking.

Solar and daylight access

Element 4.1 Solar and daylight access objectives state:

- O 4.1.1 In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.
- O 4.1.2 Windows are designed and positioned to optimise daylight access for habitable rooms.
- O 4.1.3 The development incorporates shading and glare control to minimise heat gain and glare:
 - from mid-spring to autumn in climate zones 4, 5 and 6 AND
 - year-round in climate zones 1 and 3.

The corresponding acceptable outcomes suggests that external shading devices be incorporated into the building in order to minimise direct sunlight to habitable rooms between late September and early March, whilst allowing sunlight during the winter months.

The eastern and western elevations do not include shading devices to the main bedrooms of the dwellings. The dwellings to the western side of the lot have a nil setback to the boundary, therefore the provision of awnings or shading devices is not possible.

The applicant has indicated that timber look cladding to the eastern elevation will assist in providing shading of the window. However, this cladding does not appear to extend beyond the window, therefore providing little shading to the main bedroom windows during the early morning. Although it is considered that the cladding will not assist in providing sun protection to these windows during the early morning, these windows will be shaded by the solid walls of the adjacent balconies, as the windows are set behind the balcony line. This will ensure that the direct sun will be minimised to the main bedrooms from midday onwards, during the summer months. The planting of trees within the private spaces of the ground floor units will also assist in providing

shading to the main bedroom windows on the ground floor, and potentially the first floor, depending on height.

Each main bedroom to the western elevation features major openings to two elevations, which allows internal window treatments to be closed to the west facing windows during the afternoon, whilst still allowing natural sunlight to these rooms via the sliding doors facing north. Sliding screens along the west facing balcony will also assist in increasing or decreasing direct afternoon sunlight to the bedroom and main living spaces.

The development has been designed to maximise sunlight to all units, with 86% of the dwellings receiving more than two hours of direct sunlight to the living areas and private open space. All units are dual aspect, maximising opportunities for cross ventilation.

It is therefore considered that the proposal meets the element objectives of the R-Codes and is considered appropriate.

Size and layout of dwellings

Element 4.3 Size and Layout of Dwellings objectives state:

- O 4.3.1 The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.
- O 4.3.2 Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.

SPP7.3 seeks to ensure high internal amenity and function of dwellings, such as bedroom sizes being minimum dimensions of 3 metres by 3 metres and living areas meeting a minimum dimension of 4 metres by 4 metres. A total of 12 dwellings include minor bedrooms that do not meet the minimum 3 metre room dimension. Further, two dwellings include living rooms that do not meet the minimum room dimensions, as suggested in the acceptable outcomes.

Justification from the applicant considers that whilst the minimum dimension to the living rooms falls below the acceptable outcome minimum dimension by 0.14 metres to 0.20 metres, the additional length of these spaces offsets the minor dimension difference and offers a functional space for aged persons to be accommodated within the dwelling. The discretion to the minimum dimension of the bedrooms is to the third bedrooms only. As these units are for aged and dependent persons, these bedrooms would be utilised as guest bedrooms or studies only, and therefore the 0.10 metre difference will have little impact on the useability of these spaces.

The applicant has also provided furniture layouts for all units in support of the room dimensions. that the City considers the rooms are sufficiently sized for furniture settings and personal goods that will allow functionality of each unit. These rooms are also well-proportioned, and a regular shape, with all meeting the minimum area requirements as specified in Table 4.3b of the R-Codes. Minimum ceiling heights of 2.7 metres, combined with floor to ceiling windows for living areas and bedrooms provides good natural ventilation and daylight access to each dwelling.

It is therefore considered that the element objectives have been met.

Private open space and balconies

Element 4.4 Private open space and balconies objectives state:

- O 4.4.1 Dwellings have good access to appropriately sized private open space that enhances residential amenity.
- O 4.4.2 Private open space is sited, oriented and designed to enhance liveability for residents.
- O 4.4.3 Private open space and balconies are integrated into the overall architectural form and detail of the building.

The acceptable outcomes suggest the size of the private open space (both the minimum dimension and minimum area) should be dependent on the number of rooms within the dwelling, and the location of the dwelling within the development. That is, the more bedrooms in a dwelling, the greater the private open space requirements. The suggested acceptable outcomes for private open space are a minimum dimension of 2.4 metres for two bedroom apartments (minimum area of 10m²), a minimum dimension of 2.4 metres for three bedroom units or more (minimum area of 12m²), and a minimum dimension of 3.0 metres for ground floor terraces (minimum area of 15m²).

In all instances, each dwelling includes a balcony or a terrace at the ground floor which is accessible from the primary indoor living space. The area of each outdoor living space meets the acceptable outcomes required, however, there are instances where portions of some outdoor areas are provided with a minimum dimension less than the suggested acceptable outcome. The minimum courtyard dimension proposed is 2.46 metres, with the minimum balcony dimension proposed being 1.0 metre.

Applicant justification states that although there are discretions to the minimum dimensions of some outdoor spaces, all balconies and courtyards exceed the area requirements, and provide functional outdoor spaces which are accessible from habitable rooms. On the basis of the increased size offsets, it is considered that the reduced dimensions do not affect the functionality of the space, and meets the needs of the occupants.

Each private open space is oriented towards the street or to the communal courtyard area, presenting an attractive environment which enhances the liveability for residents. These spaces are regular in shape and appropriately sized for the dwelling type. Although each unit provides private open space, there is communal space provided more than twice the minimum required, which will provide additional outdoor space for recreation and relaxation within the development.

The outdoor spaces have been designed to complement the design of the building, with balconies and terraces being incorporated into the overall architecture of the building. A mixture of sliding and fixed timber screens provide privacy and sun protection to dwellings, whilst still providing an outlook to the street. Whilst these screens are functional, they also add to the overall architectural façade of the development.

To further enhance the useability of the private open space, but also ensure that the amenity of the development is maintained, it is recommended that an additional condition be included ensuring that there is adequate clothes drying facilities provided for each dwelling, being screened from view of the streets. Although there is minimal

space for external clothes drying for each dwelling, the provision of both fixed and sliding screens to balconies, and solid portions of walls to courtyards allows for drying areas to be provided without impacting on the streetscape.

It is therefore considered that the proposal, with the inclusion of a condition relating to the screening of clothes drying areas, meets the element objectives and is therefore supported.

Circulation and common spaces

Element 4.5 Circulation and common spaces objectives state:

- O 4.5.1 Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.
- O 4.5.2 Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.

The corresponding acceptable outcomes suggest that new developments should provide a minimum 1.5 metre circulation corridors. At a minimum, 1.8 metre wide corridors are provided along the corridors between dwellings, however 1 metre wide corridors are provided within the basement for three sections of storerooms. Whilst these areas are narrow, each features a wide area which can be used for manoeuvring items so that they can be put into the associated storeroom. A number of storerooms have access directly from car bays, which are convenient and easily accessible.

The applicant believes that the circulation areas relates to areas between dwellings only, not between storerooms, however it is considered that these spaces need to be universally accessible to all occupants of the dwellings, and provide sufficient space to allow items to be brought in and out of the associated storage areas.

Noting the applicant's justification, it is however considered that the reduced circulation corridors are to the basement storage area only, and will have no impact on the attractiveness of the space, however, will still provide useable corridors for the purpose of accessing the storerooms. To improve amenity within the corridors and circulation spaces, and enhance safety, it is recommended that a condition be included requiring lighting to all pathways, communal spaces and entrances prior to the development being occupied.

It is considered that with the inclusion of a condition requiring lighting to communal spaces, the proposal meets the element objectives for circulation and common spaces, and is therefore supported.

Storage

Element 4.6 Storage objectives state:

- O 4.6.1 Well-designed, functional and conveniently located storage is provided for each dwelling.

An enclosed lockable storeroom is provided for each dwelling, with areas varying from 3.82m² to 5.92m². Whilst the minimum dimension of 1.5 metres is not provided for some of the storerooms, each store offers a layout that provides a functional space for the storage of goods.

The applicant considers that the proposed storeroom sizes are functional for the intended use, and easily accessible from the car parking area.

The storerooms are located within the basement car park area and are easily accessible and conveniently located where goods can be transferred from vehicles to the storerooms without changing levels.

A separate bicycle store and communal shed is provided within the basement which can be used for additional storage of bicycles or communal tools, freeing up space for private storerooms. All storerooms have a minimal internal height of 2.7 metres, 0.6 metres higher than the suggested acceptable outcome.

It is considered that the proposal meets the element objectives for storage and is therefore supported.

Universal design

Element 4.9 Universal design objectives state:

- O 4.9.1 Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.

The acceptable outcomes suggest that a minimum of 20% (i.e. 12 dwellings) meet the Silver Level requirements, or 5% of dwellings (i.e. three dwellings) meet the Platinum Level as defined in the Livable Housing Design Guidelines (Livable Housing Australia). The applicant has confirmed that a minimum of 20% of the number of dwellings will be designed to meet the Silver Level requirements.

It is therefore considered that with the inclusion of an additional condition, the proposal meets the element objectives and acceptable outcomes for Universal design.

Water management and conservation

Element 4.16 Water management and conservation objectives state:

- O4.16.1 Minimise potable water consumption throughout the development.
- O4.16.2 Stormwater runoff from small rainfall events is managed on-site, wherever practical.
- O4.16.3 Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.
- O4.16.3 Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.

The dwelling has been designed to manage stormwater runoff on site, with the large communal courtyard, associated deep soil area and individual private courtyards assisting runoff from small rainfall events. Openings in the roof are situated above the internal landscaped areas to further manage stormwater on site. The proposed levels of the dwellings on the ground are raised above the floor level, with fencing also reducing the risk of flooding during major rainfall events.

The element objectives suggest that each dwelling is to be individually metered for water usage. The applicant has advised that each dwelling will be individually metered for water usage, and has agreed to this being included as a condition of approval.

It is considered that the proposal, with an additional condition regarding individual water meters, meets the element objectives for Water management and conservation and is therefore supported.

Utilities

Element 4.18 Utilities objectives state:

- O4.18.1 The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.
- O4.18.2 All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.
- O4.18.3 Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development.
- O4.18.4 Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.

The acceptable outcomes indicate that all developments are fibre-to-premises ready, including the provision for the installation of fibre through the site, and to every dwelling. The applicant has advised that the development will be fibre to premises ready, including the provision to every dwelling. It is recommended that an additional condition be included on the determination requiring that the development is fibre-to-premises ready to ensure that the dwellings are fit for purpose, and meet the needs of the future residents. The applicant has agreed to this additional condition.

It is considered that with the inclusion of a condition requiring that the proposal is fibre-to-premises ready, the proposal meets the element objectives of Utilities.

Whether the development would likely receive approval now

The proposed application does not alter the building design from the previous approval. The LDP outlines the relevant development standards for the subject site and has not been amended since the original decision. The matter has been considered against the relevant provisions of SPP7.3 and is considered to meet the objectives, as discussed above.

On this basis, if submitted now it is considered the development would receive development approval, with additional conditions.

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval

The applicant has demonstrated the intent to act on the approval within the approved time frame, however, have been affected by the COVID-19 pandemic. Actions that have taken place between the issuing of the original approval, and early 2020 were:

- Completed the subdivision process with the new Certificate of Title issued for Lot 651. It is noted that the Certificate of Title has a Memorial under the Retirement Villages Act 1992.
- Continued to 40% completion of the building permit documentation until the start of 2020.
- Contractor engagement agreement entered for the balance design and construction of the project.
- Commenced the Sales and Marketing Campaign. This process was paused in mid-2020 in response to the impacts of the COVID-19 pandemic

It is acknowledged that within the current development climate, many development applications have been delayed in commencing construction.

Whether the time originally limited was adequate in all of the circumstances

The time initially granted did not take into consideration the COVID-19 pandemic and issues associated with acquiring materials/trades associated with development. Although a two year period of approval is reasonable, when compared to other projects of a similar scale, the period for substantial commencement was usually three or four years.

Was the developer seeking to “warehouse” the approval

Warehousing has been interpreted as obtaining permits with no intention of acting on these approvals. Given the measures detailed above, the applicant has taken steps to show their intention to act on this planning approval. These are considered reasonable circumstances for why the development has not yet commenced.

Conclusion:

The proposed development is considered to adequately address the relevant provisions under the City’s *Local Planning Scheme No. 3*, the LDP and State Planning Policy 7.0: Design of the Built Environment.

The application meets all the relevant requirements when determining if an extension of time is appropriate. The proposed development is considered acceptable when considered against State Planning Policy 7.3 Residential Design Codes – Volume 2 – Apartments.

It is therefore recommended that the application be approved subject to conditions.

Alternatives

In accordance with clause 17(4) of the Regulations, the JDAP may determine an application by either approving the application (with or without conditions) or refusing the application.

Should the JDAP resolve to refuse the application, this determination needs to be made based on valid planning considerations as outlined under clause 67 of the

Planning and Development (Local Planning Schemes) Regulations 2015 and as set out in the Development Assessment Panel Practice Notes: Making Good Planning Decisions.

However, as outlined in the planning assessment above, the City considers that the development meets the relevant provisions and/or objectives of the applicable planning framework and it is therefore recommended that the application be approved, subject to conditions.

If the applicant is aggrieved by the decision or any aspect of the decision, the applicant has a right of review in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.



LG Ref: DA18/0848
DAP Ref: DAP/18/01484
Enquiries: (08) 6551 9919

Ms Melinda Marshall
Veris Pty Ltd
Level 10, 3 Hasler Road
OSBORNE PARK WA 6017

Dear Ms Marshall

METRO NORTH-WEST JDAP - CITY OF JOONDALUP - DAP APPLICATION - DA18/0848 - DETERMINATION

Property Location:	Part Lot 9040 (34) Kallatina Drive, Iluka
Application Details:	Multiple Dwelling Development (Brightwater Beaumaris)

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Joondalup on 27 August 2018 for the above-mentioned development.

This application was considered by the Metro North-West JDAP at its meeting held on 30 November 2018, where in accordance with the provisions of the City of Joondalup District Planning Scheme No.2, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Ms Sonya Hayes on behalf of the City of Joondalup on 9400 4296.

Yours sincerely,

DAP Secretariat

10 December 2018

Encl. DAP Determination Notice
Approved Plans

Cc: Ms Sonya Hayes
City of Joondalup



Planning and Development Act 2005

City of Joondalup District Planning Scheme No.2

Metro North-West Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Part Lot 9040 (34) Kallatina Drive, Iluka

Application Details: Multiple Dwelling Development (Brightwater Beaumaris)

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 30 November 2018, subject to the following:

Approve DAP application reference DAP/18/01484 and accompanying plans (Attachment 3) in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Joondalup Local Planning Scheme No. 3 subject to the following conditions:

Conditions

1. This approval relates to the 58 multiple (aged or dependent persons') dwellings and associated works only. It does not relate to any other development on the lot.
2. The 'Rooftop gym' shown on the plans shall be removed.
3. An access easement for the shared driveway shall be placed on the certificate of titles for the subject lot and the adjoining lot to the north. The easement shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificate of titles, prior to the commencement of development.
4. A notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificate of title, prior to the commencement of development. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner'.

5. The boundary walls on the north boundary shall be of a clean finish and aesthetically treated to minimise their visual impact. Details are to be provided to and approved by the City prior to the commencement of development.
6. Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatments of the subject site and the adjoining road verges, and shall:
 - provide planting of a sufficient height and density to soften the impact of the retaining walls and solid walls and fencing as viewed from all streets;



- provide additional trees within the 'deep planting' zone;
 - provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - provide all details relating to paving, treatment of verges and tree planting;
 - remove the 'Hardstand waste bin collection' on the corner of Fernando Parkway and Santos Vista and replace with landscaping;
 - be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;
 - show spot levels and/or contours of the site; and
 - be drawn at an appropriate scale of either 1:100 or 1:200.
7. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction of the City.
8. A Waste Management Plan indicating the method of rubbish collection shall be submitted to the City prior to the commencement of development and approved by the City prior to the development first being occupied. All rubbish collection shall be in accordance with the approved Waste Management Plan.
9. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The Construction Management Plan shall detail how it is proposed to manage:
- all forward works for the site;
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements for the contractors and subcontractors;
 - the management of dust during the construction process;
 - other matters likely to impact on the surrounding properties;
- and works shall be undertaken in accordance with the approved Construction Management Plan.
10. A full schedule of colours and materials for all exterior parts of the development (including retaining walls) shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
11. Any proposed building plant and equipment, 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 screened from view from the street. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.



12. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points, where the driveway meets Burns Beach Road.
13. The glazed balustrades for the 'Porch' and the upper floor balconies shall be clear glass.
14. Eight on-street parking bays on Santos Vista shall be constructed by the developer at the developer's expense, prior to the occupation of the development. The detailed design is to be approved by the City prior to construction.
15. Nine visitor car parking bays shall be provided within the basement car park, adjacent to and outside the security gate and clearly delineated (marked/signed), prior to the occupation of the development.
16. The security gate for the basement car park shall be relocated such that on site visitor parking bays are not located behind the gate.
17. A sign, with a maximum size of 0.2m², shall be provided adjacent to the driveway and visible from Burns Beach Road advising of the availability of visitor car parking bays within the basement car park. Details are to be provided prior to the commencement of development.
18. Six visitor bicycle spaces shall be clearly delineated (marked/signed) and located outside of any security barrier, prior to the occupation of the development.
19. The car parking bays, driveways and access points shown on the approved plans shall be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
20. Bicycle parking facilities shall be in accordance with the Australian Standard for Off-street Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking areas shall be provided to the City for approval prior to the commencement of development.
21. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.
22. Retaining walls shall be of a clean finish and made good to the satisfaction of the City.

Advice Notes

1. With respect to the removal of the 'Rooftop gym', should the amenities still be required, the internal reconfiguration of the building to accommodate these amenities is to be to the satisfaction of the City and as demonstrated on the plans in Attachment 13.



2. The owner/applicant is advised that the subject site has been identified as being within a bushfire prone area as designated by the Fire and Emergency Services Commissioner. As a result:
 - a. a notification on the certificate of title is required in accordance with clause 6.10 of *State Planning Policy 3.7 – Planning for Bushfire Prone Areas* (SPP3.7); and
 - b. additional construction methods may be required as part of the Building Permit.

Further information about the designated bushfire prone areas and SPP3.7 can be found on the Department of Fire and Emergency Services website: <https://www.dfes.wa.gov.au/> and the Department of Planning website: <http://www.planning.wa.gov.au/>

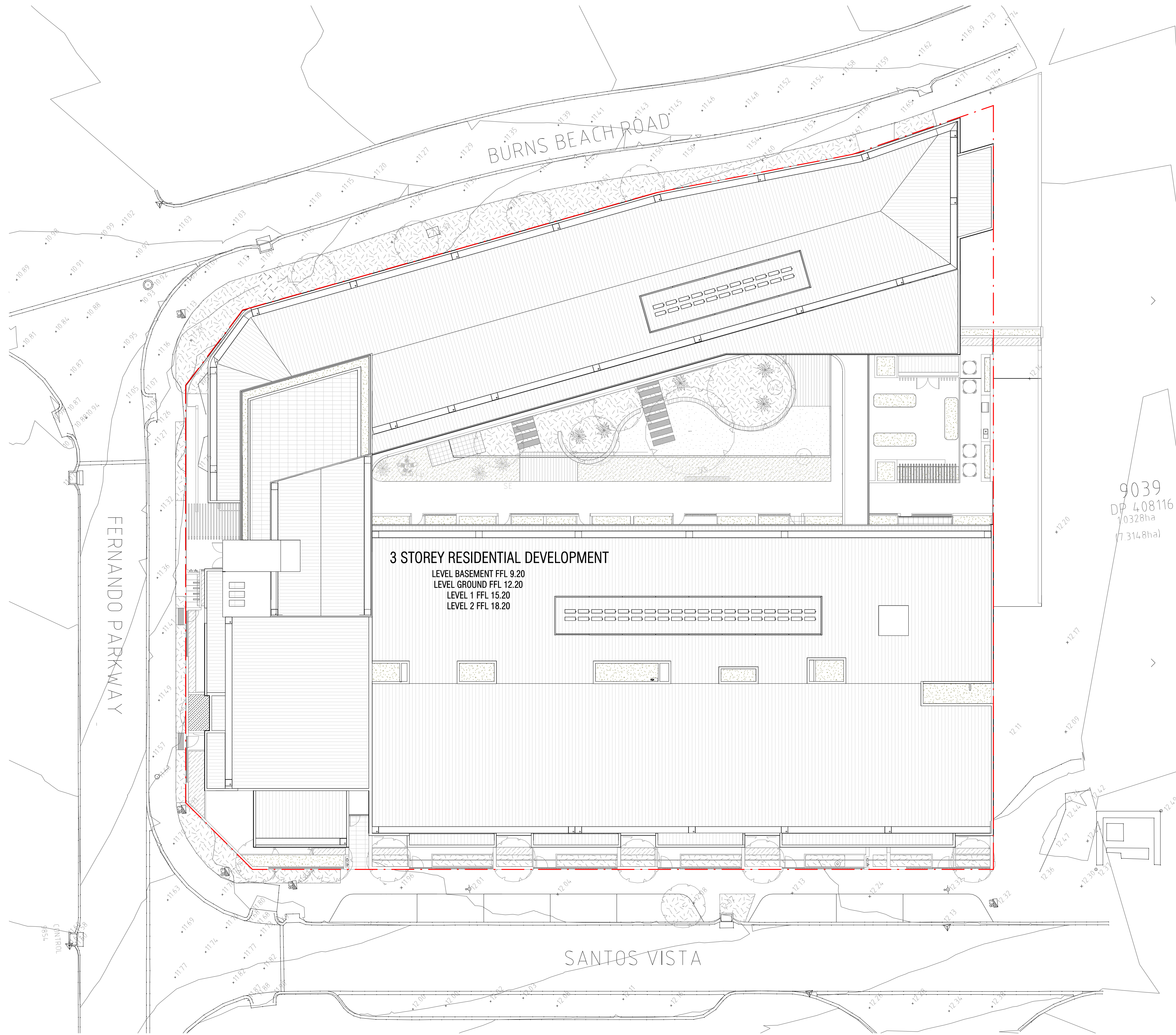
3. With respect to the landscaping, it is recommended that universal access to the main internal garden area is provided off the pathways.
4. With respect to the Waste Management Plan:
 - a. all waste is to be collected within the basement. No bins are to be placed on the verge for collection;
 - b. the Hardstand – Waste Bin Collection area on the corner of Fernando Parkway and Santos Vista is not supported and is to be removed from the plans;
 - c. the applicant is to confirm that the clearance height between the finished floor level of the driveway/basement and ceiling is sufficient enough to cater for waste service vehicles;
 - d. the bin store area is to be designed and equipped to the satisfaction of the City. It shall be provided with a hose cock and have a concrete floor graded to a floor waste connected to sewer. Given the proposed location within the basement of the building, please ensure connection to sewer is possible.
5. With respect to the schedule of colours and materials, the City encourages the developer to incorporate materials and colours to the external surface of the building and associated structures, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
6. Any existing footpaths and kerbing shall be retained and protected during construction of the development. Should the footpath/kerb be damaged during the construction of the development, it shall be reinstated to the satisfaction of the City.
7. Development shall comply with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Consideration needs to be given to the positioning and placement of noisy plant equipment (e.g. air conditioners, mechanical exhaust etc) so as to not have a negative impact on surrounding residents.
8. Development shall comply with the *Health (Aquatic Facilities) Regulations 2007*. Prior to commencing construction, design approval must first be obtained from the Department of Health (WA). For more information contact the Water Unit on



9388 4999. Additionally, please be aware that monthly water sampling will be required and is subject to additional fee (approx. \$32 per month when undertaken by City of Joondalup).

9. All laundry areas to be provided with a floor waste in accordance with the City's Local Laws. In addition to having mechanical ventilation it is recommended that internal laundry areas be provided with condensation dryers to minimise the likelihood of mould occurring.
10. Ventilation to toilets and any other room which contains a toilet must comply with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
11. Compliance with the NCC BCA is solely the responsibility of the independent building surveyor who certifies and issues the Certificate of Design Compliance.
12. The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at <https://www.joondalup.wa.gov.au/verge-treatments/>

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



DEVELOPMENT
ASSESSMENT PANEL

APPROVED
30-Nov-2018



LEVEL 1, SUITE 6, 23 RAILWAY ROAD, SUBIACO WA 6008
T (08) 9388 0333 www.mjastudio.net | admin@mjastudio.net
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REV.	DATE	AMENDMENT	INITL.
B	01.05.18	VM Issue 3	
C	25.06.18	Draft DA Issue - Preliminary	
D	19.07.18	Draft DA Issue	
E	27.07.18	Draft DA Issue to City of Joondalup	
F	07.08.18	DA Issue to City of Joondalup	
G	27.08.18	Phase 1 ECI Conclusion	
H	18.10.12	DA Issue REV 2 to City of Joondalup	

CLIENT

Brightwater Care Group

PROJECT

Brightwater Beaumaris

PROJECT ADDRESS

Lot 9040 Burns Beach Road, Iluka

MJA PROJECT NUMBER

17089

PROJECT STATUS

Schematic Design

TRUE NORTH

SCALE @ A1

0 1 2 5m

1 : 200

DRAWING			
Site Plan Proposed			
DRAWING NO.	DRAFTER	CHECKED	REV.
D1.02	MK	AW	H

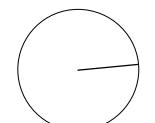
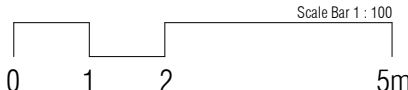


REV.	DATE	AMENDMENT	INITL.
D	31.05.18	VM Issue 4 - Preliminary Plans Only	
E	25.06.18	Draft DA Issue - Preliminary	
F	25.06.18	Draft DA Issue - Apt. Nomenclature Revised	
G	16.07.18	Draft DA Issue - General Revisions	
H	19.07.18	Draft DA Issue	
I	27.07.18	Draft DA Issue to City of Joondalup	
J	07.08.18	DA Issue to City of Joondalup	

CLIENT
Brightwater Care Group

PROJECT
Brightwater Beaumaris
PROJECT ADDRESS
Lot 9040 Burns Beach Road, Iluka

MJA PROJECT NUMBER
17089
PROJECT STATUS
Schematic Design

TRUE NORTH

SCALE @ A1
 0 1 2 5m
1 : 200

DRAWING			
Level 1			
DRAWING NO.	DRAFTER	CHECKED	REV.
D2.03	CT	AW	J



DEVELOPMENT
ASSESSMENT PANEL

APPROVED

30-Nov-2018

REV.	DATE	AMENDMENT	INITL.
D	31.05.18	VM Issue 4 - Preliminary Plans Only	
E	25.06.18	Draft DA Issue - Preliminary	
F	25.06.18	Draft DA Issue - Apt. Nomenclature Revised	
G	16.07.18	Draft DA Issue - General Revisions	
H	19.07.18	Draft DA Issue	
I	27.07.18	Draft DA Issue to City of Joondalup	
J	07.08.18	DA Issue to City of Joondalup	

CLIENT

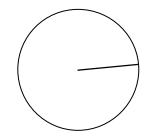
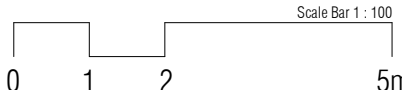
Brightwater Care Group

PROJECT

Brightwater Beaumaris
PROJECT ADDRESS
Lot 9040 Burns Beach Road, Iluka

MJA PROJECT NUMBER

17089
PROJECT STATUS
Schematic Design

TRUE NORTH

SCALE @ A1

1 : 200

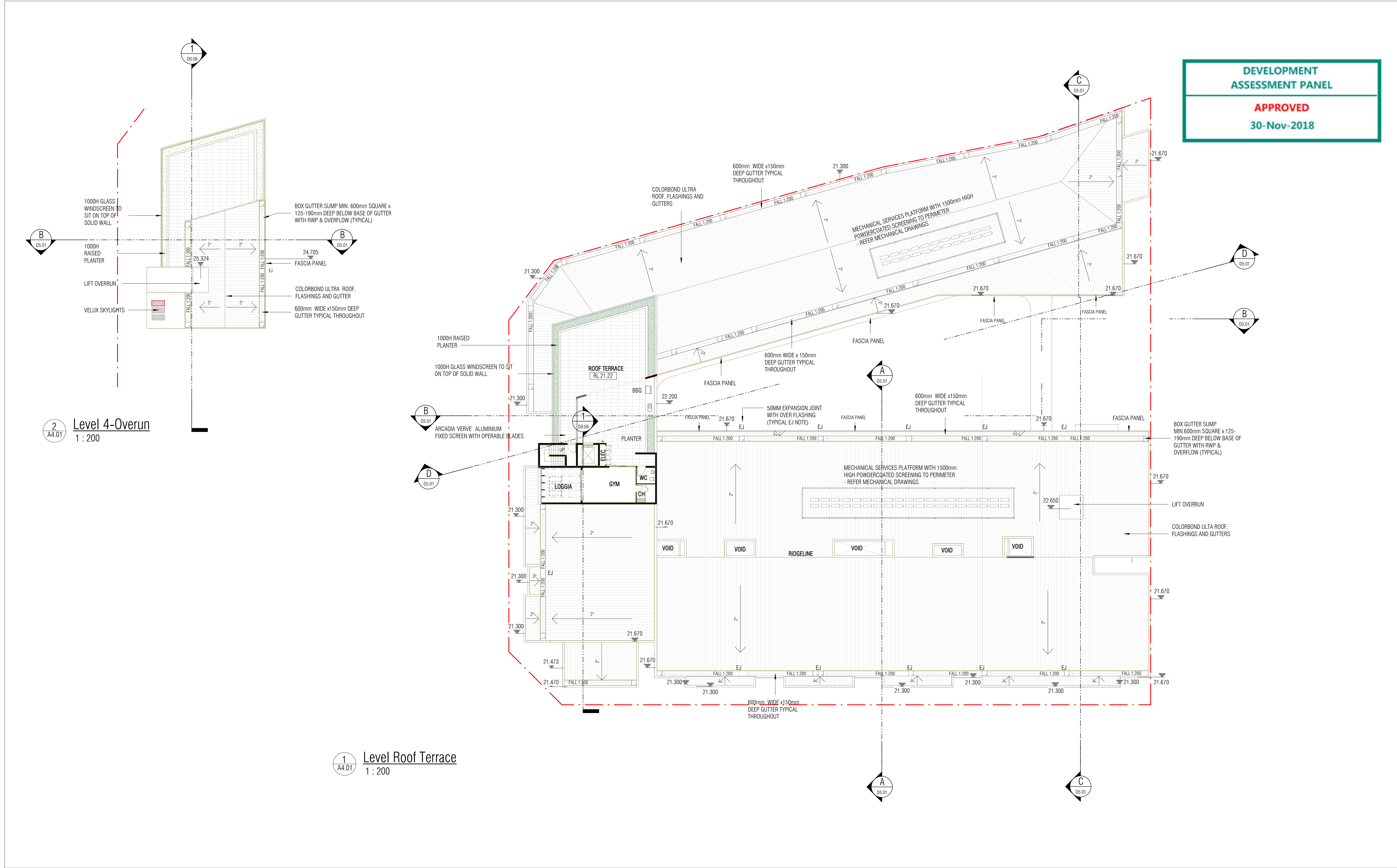
DRAWING

Level 2
DRAWING NO. D2.04 DRAFTER CT CHECKED AW REV. J



DEVELOPMENT
ASSESSMENT PANEL

APPROVED
30-Nov-2018



REV.	DATE	AMENDMENT	INITL.
G	25.06.18	Draft DA Issue - Preliminary	
H	16.07.18	Draft DA Issue - General Revisions	
I	19.07.18	Draft DA Issue	
J	27.07.18	Draft DA Issue to City of Joondalup	
K	07.08.18	DA Issue to City of Joondalup	
L	27.08.18	Phase 1 ECI Conclusion	
M	05.10.18	DA Issue Rev 1 to City of Joondalup	

CLIENT	PROJECT	MJA PROJECT NUMBER	TRUE NORTH	DRAWING
Brightwater Care Group	Brightwater Beaumaris	17089		Roof Plan
	PROJECT ADDRESS	PROJECT STATUS	SCALE @ A1	DRAWING NO. DRAFTER CHECKED REV.
	Lot 9040 Burns Beach Road, Iluka	Schematic Design	 1 : 200	D2.05 MK AW M



DEVELOPMENT
ASSESSMENT PANEL

APPROVED

30-Nov-2018

REV.	DATE	AMENDMENT	INITL.
D	08.06.18	VM Issue 4 - Plans, Elevations, Sections	
E	19.06.18	VM Issue 4 - Roof Terrace Revisions	
F	25.06.18	Draft DA Issue - Preliminary	
G	19.07.18	Draft DA Issue	
H	27.07.18	Draft DA Issue to City of Joondalup	
I	07.08.18	DA Issue to City of Joondalup	
J	05.10.18	DA Issue Rev 1 to City of Joondalup	

CLIENT
Brightwater Care Group

PROJECT
Brightwater Beaumaris
PROJECT ADDRESS
Lot 9040 Burns Beach Road, Iluka

MJA PROJECT NUMBER
17089
PROJECT STATUS
Schematic Design

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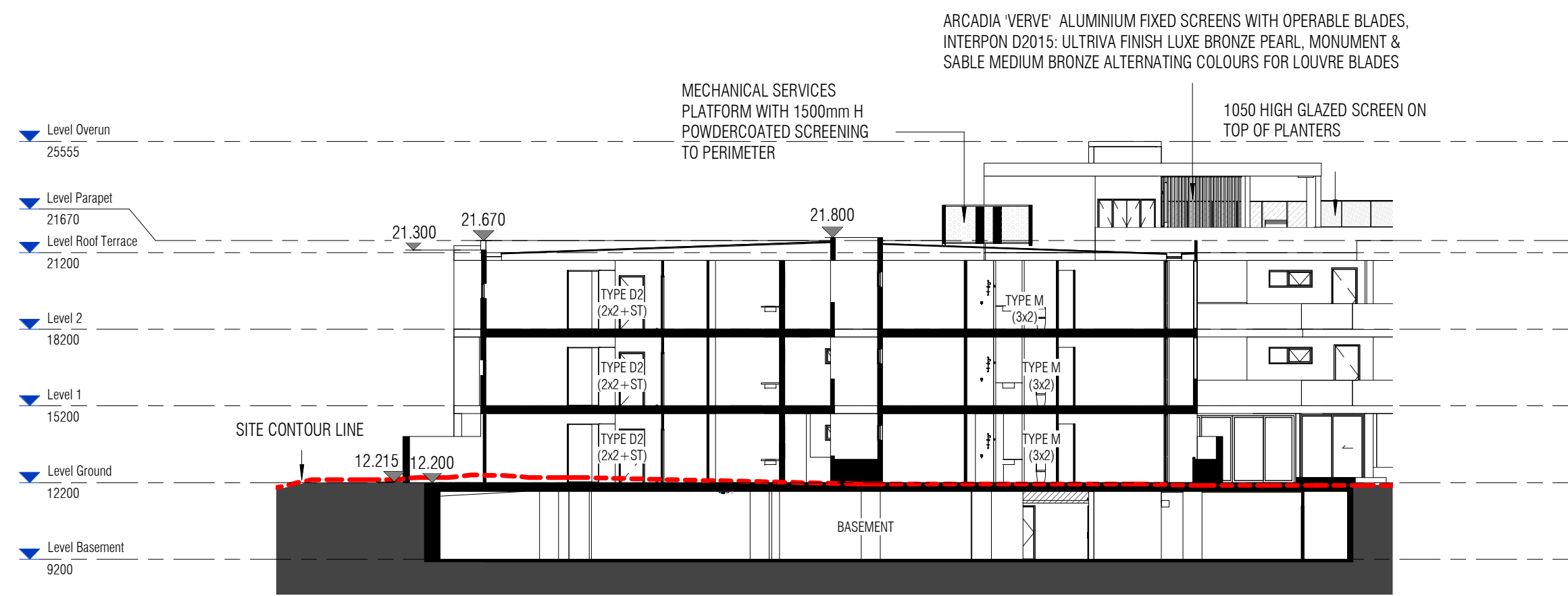
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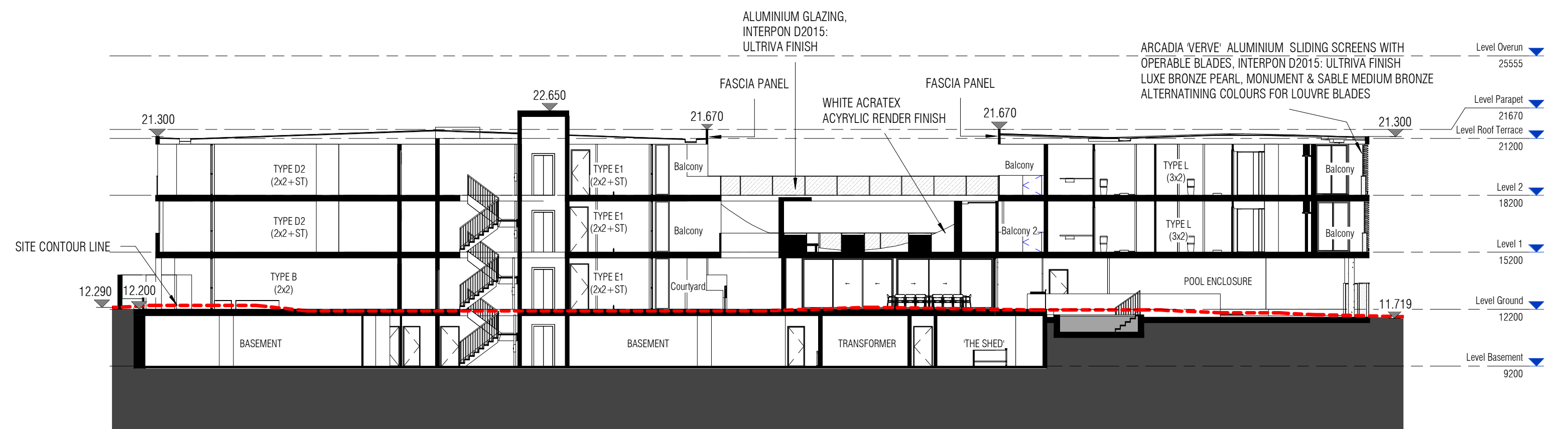
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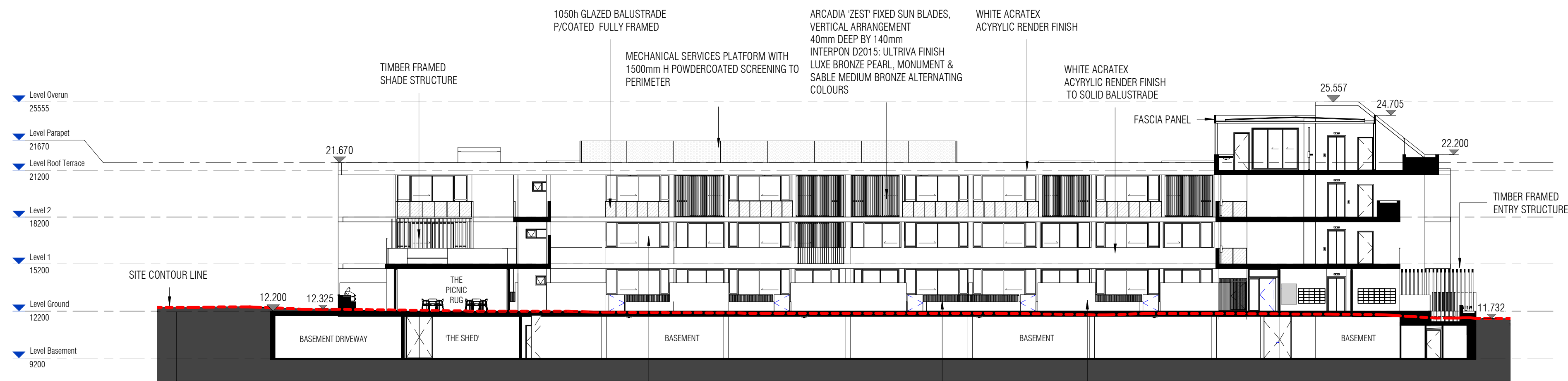
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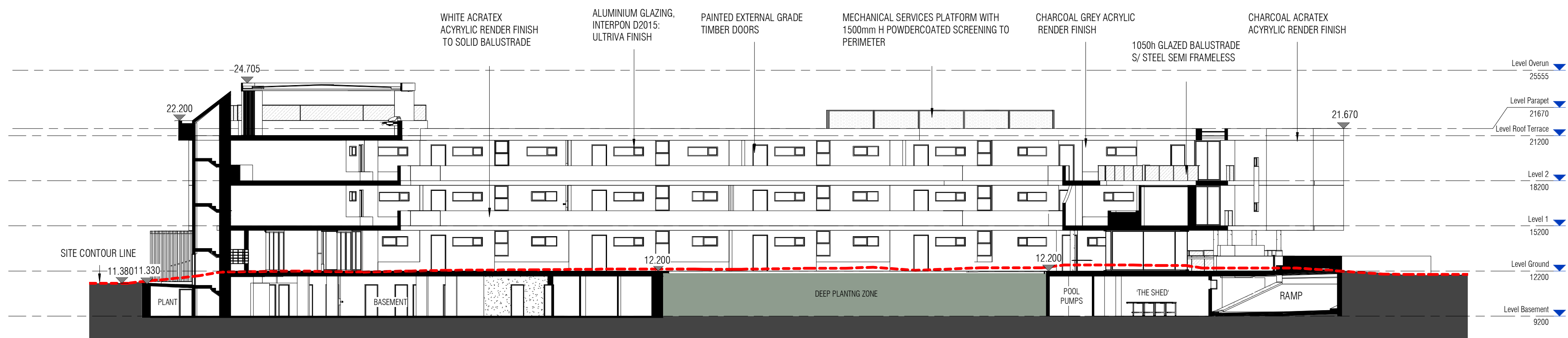
A
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MJA studio

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REV.	DATE	AMENDMENT	INITL.
B	24.04.18	VM Issue 2	
C	01.05.18	VM Issue 3	
D	08.06.18	VM Issue 4 - Plans, Elevations, Sections	
E	25.06.18	Draft DA Issue - Preliminary	
F	19.07.18	Draft DA Issue	
G	27.07.18	Draft DA Issue to City of Joondalup	
H	07.08.18	DA Issue to City of Joondalup	

CLIENT
Brightwater Care Group

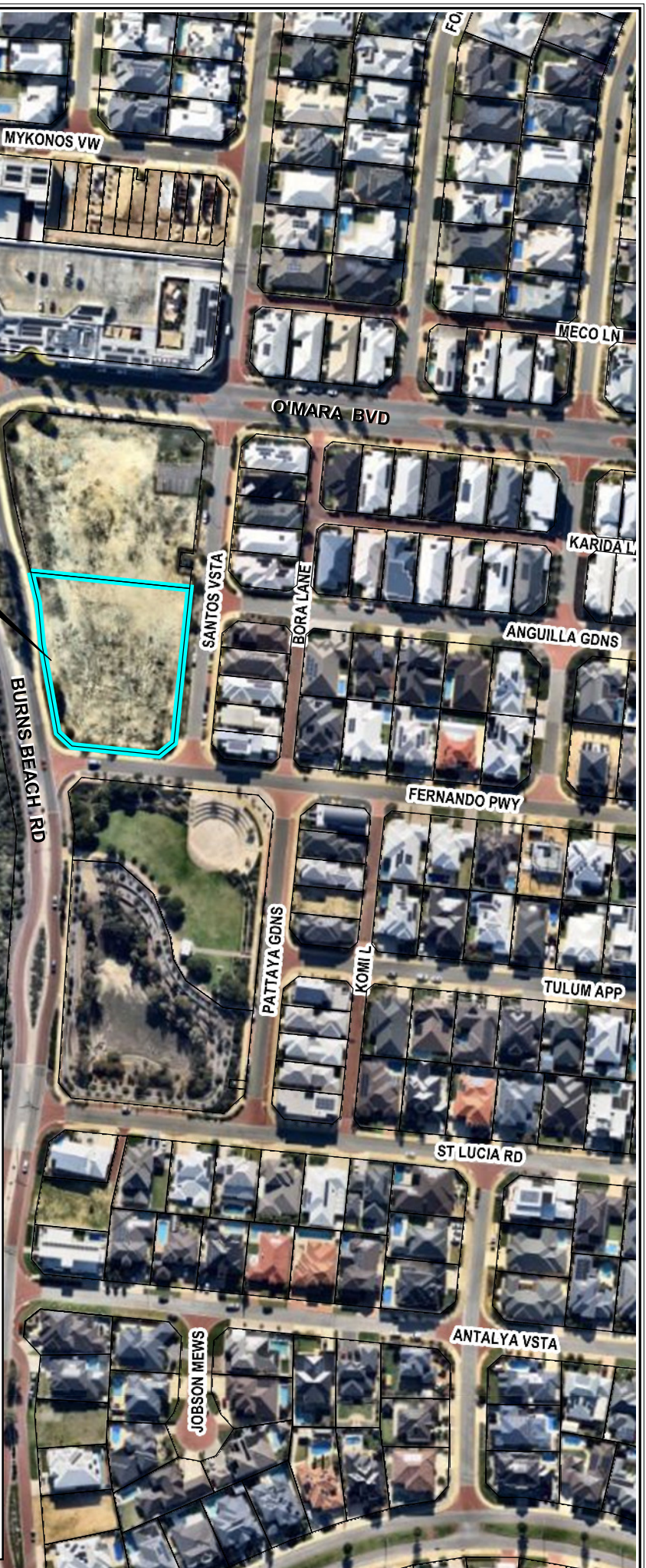
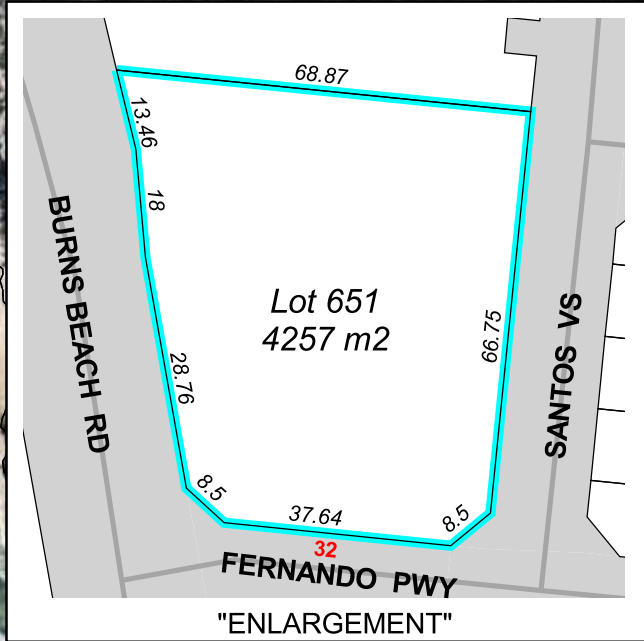
PROJECT
Brightwater Beaumaris
PROJECT ADDRESS
Lot 9040 Burns Beach Road, Iluka

MJA PROJECT NUMBER
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PROJECT STATUS
Schematic Design

TRUE NORTH
SCALE @ A1
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DRAWING
Sections
DRAWING NO. D5.01
DRAFTER CT
CHECKED AW
REV. H

Subject Site
Lot 651 Deposited Plan 415219
32 Fernando Parkway, Iluka



State Planning Policy 7.3 (SPP7.3)

Element	Acceptable Outcome	Proposed
2.2 Building height	N/A – Replaced by ILDP No. 2. No change from original approval.	
2.3 Street setbacks	N/A – Replaced by ILDP No. 2. No change from original approval.	
2.4 Side and rear setbacks	Minimum 3.0 metres Average: 3.5 metres	GF: minimum 3.5m, average 2.2m Level 1: minimum 3m, average. 1.77m Level 2: minimum 3m, average. 2.24m
	Boundary walls replaced by requirements of ILDP No. 2. No change from original approval.	
2.5 Plot ratio	1.6 (as per ILDP No. 2)	1.6
2.6 Building depth	20m for single aspect apartments (A2.6.1)	All apartments are dual aspect.
2.7 Building separation	Meets side and rear setback requirements of R-Codes as well as visual privacy.	Meets element objectives rear and visual privacy setbacks.
3.2 Orientation	Buildings to oriented to face the public realm and incorporate direct access from the street.	Building has direct access to the southern boundary, with all dwellings oriented to face the public realm.
3.3 Tree canopy and deep soil areas	Retention of existing trees on site.	No existing trees on site.
	Minimum 4 large trees (256m ² DSA) – minimum dimension of 6 metres. OR 1 large tree and 8 medium trees (352m ² DSA).	223m ² deep soil area.
	Landscape to include shade producing canopies.	No details of tree species provided.
3.4 Communal open space	Augmented as per ILDP No. 2	
	30% open space	30.1%
	Minimum 300m ² communal open space	754.91m ²
3.5 Visual privacy	Visual privacy setbacks to side and rear boundaries - 6 metres from balcony to lot boundary.	Level 1 Unit 213 balcony: 3 metres Unit 214 balcony: 5.2 metres Level 2: Unit 3.3 balcony: 3 metres Unit 314 balcony: 5.2 metres No change from original discretion granted.
	Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.	Most balconies oriented to the street. Internal dwellings face the communal courtyard, to restrict direct overlooking. Minimal highlight windows.
3.6 Public domain interface	Majority of dwellings to have direct access by way of a private terrace, balcony or courtyard.	58% of dwellings have direct access to the street.

	Upper level balconies and windows overlook the street and public domain areas.	All external dwellings front the street, with major openings and balconies provide overlooking to the public areas.
	Front fencing includes visually permeable materials above 1.2 metres and average height of solid walls or fences to the street does not exceed 1.2 metres.	Fernando Parkway: 1.98m maximum solid Burns Beach Road: 1.55m solid to pool Santos Vista: maximum 2.11 metres.
	Services and utilities not located within primary street setback area.	Located to the roof and screened.
3.7 Pedestrian access and entries	Pedestrian entries are protected from the weather.	The main entrance steps and a portion of the ramp uncovered.
3.8 Vehicle access	Augmented as per ILDP No. 2	
	Vehicle access points shall be located as marked on ILDP No. 2 plan.	Access in accordance with the ILDP No. 2, with no changes proposed from original approval.
	Vehicle access is limited to one opening per 20m street frontage that is visible from the street.	One access point is proposed to service the subject site and adjoining site to the north.
3.9 Car and bicycle parking	Bicycle Parking Resident: 29 bays Visitor: 6 bays	 20 bays 6 bays
	Car Parking Resident: 66 bays Motorcycle: 7 bays Visitor: 9 bays	 83 bays 0 bays 9 bays
4.1 Solar and daylight access	Minimum 70% dwellings having living rooms and private open space obtaining at least 2 hours direct sunlight; and maximum 15% receiving no direct sunlight (A4.1.1).	86% having at least two hours of direct sunlight to the living areas and private open space during the winter solstice. 5.2% of dwellings receive no direct sunlight.
	Habitable rooms one window in external wall, visible from all parts of room, glazed area not less than 10% of floor area and minimum 50% clear glazing.	All dwellings have a window/glass door with a glazed area not less than 10% of the floor area. No obscured glazing proposed.
	Light wells and/or skylights not primary source of daylight to any habitable room.	No lightwells proposed to habitable rooms.
	Building orientated and incorporates external shading devices.	East: no shading devices to bedroom windows (GF, Level 1 and Level 2) West: no shading devices to main bedroom window (GF, Level 1 and Level 2).
4.2 Natural ventilation	Habitable rooms have openings on at least two walls with straight line distance 2.1m	All rooms have openings on at least two separate walls with a distance greater 2.1 metres.

	Minimum 60% of dwellings are naturally cross ventilated	100% of apartments are dual aspect, capable of being cross ventilated with openings on at least two external walls.
	No habitable room relies on light wells.	No rooms rely on light wells
4.3 Size and layout of dwellings	Dwellings internal floor areas as per Table 4.3a.	All dwellings exceed the internal floor area requirements.
	Habitable rooms have minimum floor areas with dimensions in accordance with Table 4.3b. - Minimum bedroom dimension of 3 metres - Minimum living room dimension of 4 metres.	- Unit B living room dimension: 3.86 metres - Unit C living room dimension 3.8 metres - Unit F bedroom dimension: 2.9 metres
	Floor to ceiling height 2.7m for habitable rooms, 2.4m for non-habitable rooms, and other as per National Construction Code.	Ceiling height 2.7m minimum for both habitable and non-habitable rooms. All units meet maximum lengths.
	Maximum length of single aspect open plan living area 9m (A4.3.4)	All living areas have two aspects, being to the courtyard and the pedestrian entrance.
4.4 Private open space and balconies	Minimum private open space requirements: Ground floor/terrace: 15m ² 3m minimum dimension 2 bedroom: 10m ² area 2.4m minimum dimension 3 bedroom: 12m ² 2.4m minimum dimension	Dwelling A: 1.96m dimension Dwelling C: 2.46m dimension Dwelling F: 2.66m dimension Dwelling J: 2.87m dimension Dwelling M: 1.88m dimension Dwelling A: 1m dimension Dwelling M: 1m dimension All courtyards meet the acceptable outcome in relation to private open space area.
4.5 Circulation and common spaces	Circulation corridor 1.5m min.	Minimum 1.8 metres between dwellings/along corridors. 1m minimum between storerooms.
	Circulation and common spaces are designed for universal access.	All communal and common spaces universally accessible with them being located on the ground floor, or accessible via a lift.
	Circulation and common space capable of passive surveillance.	Major openings and courtyards face common spaces.
4.6 Storage	Store sizes as per Table 4.6.	
	22 x 5m ² stores required 36 x 4m ² stores required	19 x <4m ² 37 x ≥4m ² (but <5m ²) 2 x ≥5m ² storerooms

	Minimum dimension 1.5m Minimum height of 2.1m.	6 storerooms do not achieve minimum 1.5 metre dimension. All storerooms are located within the basement with a minimum 2.7m ceiling height proposed.
	Stores conveniently located, safe, well-lit, secure and subject to passive surveillance. Stores provided separately from dwellings or within or adjacent to private open spaces (A4.6.3).	Store sizes acceptable. Store locations acceptable.
4.7 Managing the impact of noise	Potential noise sources not adjacent external wall habitable room or within 3m of bedroom (A4.7.2).	Noise sources located within basement or on the roof.
4.8 Dwelling mix	N/A – Replaced by ILDP No. 2	
4.9 Universal design	20% of dwellings achieve Silver Level requirements as defined in the <i>Liveable Housing Design Guidelines</i>, or 5% achieve Platinum Level requirements.	A minimum of 20% of dwellings will be designed to meet the Silver Level requirements.
4.10 Façade design	Façade design includes: • scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm. • rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.	All street elevations include articulation, differing materials and details to add visual interest.
4.11 Roof design	The roof form or top of building complements the façade design and desired streetscape character.	A low pitched, concealed roof is proposed, similar to the design of the contemporary building.
	Building services located on the roof are not visually obtrusive when viewed from the street.	Building services screened by 1.5 metre high screen. Similar design to proposed building.
4.12 Landscape design	Landscaped areas are located and designed to support mature, shade-providing trees to open space and the public realm, and to improve the outlook and amenity to habitable rooms and open space areas.	No detailed landscaping plan provided as part of proposal.
4.13 Adaptive reuse	Not applicable as development not heritage.	N/A
4.14 Mixed use	Not applicable as no mixed use proposed.	N/A
4.15 Energy efficiency	Incorporate at least one significant energy efficiency initiative; or all dwellings exceed minimum NATHERS	ESD Checklist provided as part of initial approval.

		requirements for apartments by 0.5 stars.	
4.16 management conservation	Water and	Dwellings are individually metered for water usage.	All units are individually metered as conditioned.
		Storm water runoff is managed on-site.	All stormwater will be contained on-site.
		Provision of an overland flow path for safe conveyance of runoff from major rainfall events to the local stormwater drainage system.	Overland path via courtyard and communal space.
4.17 management	Waste	Waste storage facilities. Waste Management Plan. Sufficient area for storage of green waste, recycling and general waste (separate). Communal waste storage sited and designed to be screened from view from the street, open space and private dwellings.	Waste management plan provided as part of initial submission. Considered acceptable.
4.18 Utilities		Utilities that must be located within the front setback, adjacent to the building entry or on visible parts of the roof are integrated into the design of the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive.	No services within front setback. All services located on the roof are screened by a 1.5 metre high screen.

Please note that the acceptable outcomes stated above is a summary only and when considering compliance with these requirements, please refer to the full requirement as detailed in *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*.



Our Ref: D07206
Your Ref: N/A

Ciara Slim
City of Joondalup
Ciara.Slim@joondalup.wa.gov.au

Dear Ciara

RE: 651, HN 32 FERNANDO PARKWAY, ILUKA - 58 AGED AND DEPENDENT PERSONS DWELLINGS - DEVELOPMENT APPLICATION

I refer to your email dated 18 October 2022 regarding an extension of time to the above existing development approval. The previous referral to DFES in 2018 included submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by Xero Fire and dated 4 October 2018, for the above development application, as well as a planning report for the proposal. As per the last referral, the below assessment/advice does not relate to the Bushfire Attack Level (BAL) Report (version 1.0) prepared by Natural Area Consulting Management Services and dated 9 March 2017 this does not appear specific to the development application.

This advice relates only to *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

Assessment

- DFES acknowledge that the development has a valid planning approval, and the current application proposes to extend the approval period for a further two (2) years.
- It is noted the BMP was prepared in accordance with V1.3 of the Guidelines, which has now been rescinded. DFES have assessed the BMP against version 1.4 of the Guidelines.
- The below comments are made following a review of the previously approval BMP, and a referral to the Built Environment Branch, which is now required for all proposals including Class 9 buildings.
- DFES has previously advised that in accordance with SPP 3.7, the decision-maker will determine the applicability of the term 'vulnerable land use' to the application.

1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map

Issue	Assessment	Action
Vegetation classification	Evidence to support the exclusion of vegetated areas within the road reserve as managed to low threat in accordance with AS3959 is required.	Clarification required.
	Specifically a review of the island within the Burns Beach Road reserve to the west of site (between photos	The decision maker to be satisfied with

	1a and 1b) does not currently appear managed, and may constitute classifiable vegetation that would impact the subject site. The decision maker should be satisfied that this area will be suitable managed to a low threat state by the responsible authority. Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.	the vegetation exclusions and vegetation management proposed.
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2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location, and Siting & Design	A1.1 & A2.1 – not demonstrated The BAL ratings cannot be validated for the reason(s) outlined in the above table.	Modification to the BMP required.

The following advice is also provided following a referral to the Built Environment Branch:

As there has been considerable changes for residential care buildings since this building was originally assessed, a new submission to DFES is required to allow assessment of compliance against the FES Commissioner's operational requirements and the requirements in the NCC/BCA 2019 Amendment 1.

Recommendation – insufficient information

Given the proposed development application has the potential to increase the threat of bushfire to people, property and infrastructure, the decision maker should ensure the bushfire risk and hazard reduction measures are established and understood before making a determination.

Consequently, the decision maker should require that the BMP addresses the policy requirements of SPP3.7 and the Guidelines to inform decision making.

As this planning decision is to be made by a Joint Development Assessment Panel please forward notification of the decision to DFES for our records.

If you require further information, please contact me on telephone number 9395 9819.

Yours sincerely



Michael Ball
SENIOR LAND USE PLANNING OFFICER

7 November 2022



13 September 2022

Mr Chris Leigh
Director
Planning and Community Development
City of Joondalup
PO Box 21
Joondalup WA 6919

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ABN - 32 603 168 850

Dear Chris

DAP18/01484 - PART LOT 9040 (34) KALLATINA DRIVE, ILUKA (LOT 651, 32 FERNANDO PARKWAY, ILUKA)

PTS Town Planning Pty Ltd acts for Brightwater Care Group Limited, the owners of the approved development at 34 Kallatina Drive, Iluka (DAP18/01484). We note that the Certificate of Title and the City of Joondalup mapping now refers to the site as 32 (Lot 651) Fernando Parkway, Iluka.

In accordance with the Regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*, we respectfully request approval to extend the period in which the application must be substantially commenced for two years to 30 November 2024.

In accordance with the DAP requirements please find enclosed:

- A completed and executed DAP Form 2
- A completed and executed Application for Development Approval
- A completed and executed MRS Form 1
- A copy of the Certificate of Title
- A copy of the original approval

Background

The Metro North-West JDAP at its meeting held on 30 November 2018 approved the development of 58 Aged Person Dwellings on the site. The approval does not include a substantial commencement period and therefore defaults to the standard 2 years, which is 30 November 2020.

On 8 April 2020 the Minister for Planning issued a Notice of Exemption from Planning Requirements during the State of Emergency for the COVID-19 pandemic (the notice was subsequently updated on 30 April 2020). Schedule 4, Part 4.2 of the notice extends the substantial commencement period of all development applications (as at 8 April 2020) by two years. Therefore, the approval was extended to 30 November 2022. This extension was confirmed by the City of Joondalup by electronic mail dated 15 June 2020.

Proposed Form 2

This Form 2 application seeks to extend the approval to 30 November 2024. There are no changes to the plans.

Planning Assessment

We understand that there are generally three considerations with respect to granting an extension to a development approval, being:

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

We also note that the assessment does not need to determine that all three considerations have been met.

Whether the planning framework has changed substantially since the development approval was granted

There has been no change to the 'Urban' zoning under the Metropolitan Region Scheme.

There has been no change to the 'Urban Development' zoning under the City of Joondalup Local Planning Scheme No. 3. There have been no scheme amendments which impact the subject site.

There have been no amendments to the Iluka Structure Plan since the original approval. The last amendment was on 12 June 2018, prior to the determination of the application on 30 November 2018.

There have been no changes to the Iluka Local Centre Local Development Plan No. 2.

There have been no changes to the R80 density on the subject site.

The RAR on page 7 considered State Planning Policy No. 7 – Design of the Built Environment.

The only changes to the Policy Framework are the introduction of the Residential Design Codes Volume 2 and subsequent changes to the City of Joondalup Residential Development Local Planning Policy. It should be noted, however, that the RAR considered various aspects of the draft Residential Design Codes Volume 2.

The introduction of the Residential Design Codes Volume 2 does not substantially change the planning framework as it is a State Planning Policy and does not change the zoning, density, structure plan and LDP provisions applicable to the site. Notwithstanding, we have enclosed an assessment of the development under the Residential Design Codes to demonstrate its consistency with SPP7.3. Please note that it is not the intent to re-assess the application under the R-Codes but to demonstrate general consistency and therefore the assessment considers an overview of the development in the context of the R-Codes.

Therefore, the key planning framework provisions have not changed, and the development meets the objectives of Residential Design Codes Volume 2.

Whether the development would likely receive approval now

Given the above consideration under the current planning framework and the assessment under the Residential Design Codes Volume 2, it can only be concluded that JDAP would grant approval now.

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval

Following the approval of the proposed development by the Metro North-West JDAP at its meeting held on 30 November 2018, the following actions were undertaken until late 2019/early 2020 when the COVID-19 pandemic commenced.

- Completed the subdivision process with the new Certificate of Title issued for Lot 651. It is noted that the Certificate of Title has a Memorial under the Retirement Villages Act 1992.
- Continued to 40% completion of the building permit documentation until the start of 2020.
- Engaged Georgiou Group under an early contractor engagement agreement for the balance design and construction of the project.
- Commenced the Sales and Marketing Campaign. This process was paused in mid 2020 in response to the impacts of the COVID-19 pandemic.

The COVID-19 pandemic has had a significant continuing impact on Brightwater. Brightwater's extensive preparation for the pandemic and subsequent outbreaks meant that the crisis management structure has continued during the pandemic with enormous impacts on all parts of Brightwater's business.

Working with other aged care providers, the Brightwater Research Centre took the lead in commissioning a proactive trial of rapid antigen testing for COVID-19 and influenza for residential aged care clients and staff.

The impact of the COVID-19 pandemic on the provision of aged persons dwellings and Residential Aged Care facilities cannot be underestimated given the cohort represents the largest group to experience the impacts of the pandemic being vaccination, testing, isolation, health restrictions and mortality rate.

Given the uncertain outcome surrounding the pandemic including the resulting demand, Brightwater along with most other aged care providers were not willing and unable to progress approved developments.

Therefore, the applicant actively and conscientiously pursued the implementation of the development approval prior to the COVID-19 pandemic. However, as a result of the pandemic ceased work on the site given the uncertainty surrounding the impacts of the pandemic, particularly on aged persons dwellings, which is the cohort which has experienced the most impact from the pandemic.

The intention with the extension is to advance the project and seek partnerships with a view to commencing the development within 2 years.

Conclusion

This Form 2 application seeks to extend the approval to 30 November 2024. There are no changes to the plans.

The key planning framework provisions have not changed, and the development generally meets the objectives of Residential Design Codes Volume 2.

The applicant actively and conscientiously pursued the implementation of the development approval prior to the COVID-19 pandemic, however, ceased work given the uncertainty surrounding the impacts of the pandemic.

We consider the granting of the extension of the approval to be appropriate and look forward to your favourable consideration of this application.

Mr Chris Leigh
City of Joondalup

DAP18/01484 - PART LOT 9040 (34) KALLATINA DRIVE, ILUKA (LOT 651, 32 FERNANDO PARKWAY, ILUKA)

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned on 0411 445 031 or peter@ptsplanning.com.au.

Yours sincerely

PTS Town Planning Pty Ltd



Peter Simpson
Director

Our Ref: J000222
Your Ref: DA20/0848
JDAP Ref: DAP/18/01484



8 November 2022

Ms Ciara Slim
Urban Planner
City of Joondalup
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Dear Ciara

ABN - 32 603 168 850

DAP18/01484 - PART LOT 9040 (34) KALLATINA DRIVE, ILUKA (LOT 651, 32 FERNANDO PARKWAY, ILUKA)

We refer to your electronic mail received on 27 October 2022.

We acknowledge the additional two considerations identified in ALH Group Property Holdings PTY LTD and Metro Central JDAP and advise as follows:

Whether the time originally limited was adequate in all of the circumstances.

In normal circumstances it could be argued that the 2 year approval was reasonable, however, we note that most projects of this scale, being \$24 million and 58 Aged Persons Dwellings, are generally granted 4 year approvals. This was the case even before the impacts of COVID-19.

As identified in our original submission, before the impacts of COVID-19, a significant amount of work was undertaken to progress the development including: completion of the subdivision process; 40% completion of the building permit documentation until the start of 2020; engagement with the builder and the Sales and Marketing Campaign was commenced. This process was paused in mid 2020 in response to the impacts of the COVID-19 pandemic. The impact of the COVID-19 pandemic on the provision of aged persons dwellings and Residential Aged Care facilities cannot be underestimated given the cohort represents the largest group to experience the impacts of the pandemic being vaccination, testing, isolation, health restrictions and mortality rate. It is also noted that the State of Emergency relating to COVID-19 was only removed on Friday 4 November 2022.

Therefore, while the original timeframe could be argued to be appropriate, the world events from late 2019/early 2020 to the removal of the State of Emergency last week and in particular the impact to the aged care sector, means that the original timeframe was not adequate in all of the circumstances. In reality the applicant only had 12-15 months of the approval before the impacts on Covid-19 prevented further development of the plans until now.

Was the developer seeking to “warehouse” the approval?

As identified in the original submission the work undertaken to progress the development indicates that the applicant was not “warehousing” the approval. The development of the building permit documentation and the engagement with the builder clearly highlights the applicant’s desire to progress the development of the site. The intention with the extension is to advance the project and seek partnerships with a view to commencing the development within 2 years.

We highlight that in considering an extension is not necessary for the consideration of the extension to meet all five principles to grant an extension. Therefore if one or more of the principles is not met, that does not result in a refusal of the application.

We also note, as identified in *Georgiou Property 2 Pty Ltd and Presiding Member of the Metro West Joint Development Assessment Panel (2017) WAST 138*, that when considering whether the development would likely receive approval today, it should not amount to a full merits assessment as if the application was lodged today. On this basis, it is not the intent to undertake a full assessment of the development under the Residential Design Codes Volume 2 Apartments, but to demonstrate general consistency in the context of the R-Codes. On this basis we provide the following commentary to the table enclosed.

We consider the granting of the extension of the approval to be appropriate and look forward to your favourable consideration of this application.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned on 0411 445 031 or peter@ptsplanning.com.au.

Yours sincerely

PTS Town Planning Pty Ltd

A handwritten signature in blue ink, appearing to read 'Peter Simpson', is written over a light blue horizontal line.

Peter Simpson
Director

	Acceptable Outcomes / Requirements	Proposed	Applicant's Response
2.4: Side and rear setbacks			
R-Codes	Minimum: 3.0 metres Average: 3.5 metres (where building length exceeds 16m)	Average: GF: 2.2 metres Level 1: 1.77 metres Level 2: 2.24 metres	We understand that this refers to the northern boundary as this is the only boundary that does not have a street frontage. The original RAR identified a required setback of 4 metres and that the proposal was 3 metres. The variation was supported. It is noted that the plans have not changed since the RAR. Therefore, it is questioned how a different assessment has not been determined based on the same plans. Brightwater Care Group owns the subject site and Lot 651 (99) O'Mara Boulevard, which is the site to the north. We also note that under the LDP a wall can have a nil lot boundary setback for 2/3rds the length of the boundary. In considering the Element Objectives we advise as follows: - Based on the original assessment indicated in the RAR of 3 metres, the setback would meet the AO; - The LDP enables a nil boundary wall and therefore the balance of the wall which is setback will provide relief to the boundary to provide adequate separation to the adjoining site. As the adjoining site is owned by the same entity, the subject site and future development of adjoining site can respond to the proposed boundary-built form. - As a result of the LDP side setback provisions which enable nil boundary walls the setback will respond to the desired future streetscape character and as indicated above, given the same ownership the overall site can respond to the desired streetscape pattern. - The setback does not impact any existing vegetation and the setback is consistent with the LDP. - The adjoining site is owned by the same entity and has the same development provisions and therefore the future development of the adjoining site can respond to the boundary-built form. Based on the above, the setbacks meet the AO, based on the previous RAR, and Design Principles.
3.3: Tree canopy and deep soil areas			
R-Codes (A3.3.4)	Minimum deep soil area equal to 10% of site area (minimum 426m ²)	223m ² (5.2%)	The RAR considered the draft provision of the R-Codes, which was 12% at the time, noting that it has reduced to 10% and considered the landscape area was appropriate for the development. The original application included a landscape concept and Condition 6 requires the provision of a Detailed Landscape Plan to be submitted and approved by the City prior to the commencement of works. Therefore, this matter has been addressed by the existing condition of approval.
	Tree requirements: 4 large trees (256m² DSA, minimum dimension 6 metres) OR 1 large tree and 8 medium trees (352m² DSA, minimum dimension 6 metres for large tree, 3 metres for medium trees)	No details provided	
R-Codes (A3.3.5)	Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.	No details provided	Condition 6 also requires the provision of additional trees within the deep soil zone Therefore, this matter has already been considered as part of the original DA approval and the additional trees addressed by the existing condition of approval. As identified in our letter, an extension request does not require the full re-assessment of the application.
3.7: Pedestrian access and entries			
R-Codes (A3.7.2)	Pedestrian entries are protected from the weather.	The proposed entrance is only partially protected from the weather, with the ramp partially open, and no shelter extending to the entrance portion at street level.	It is noted from the Level 1 plan that an awning extends from the lobby to the boundary to provide weather protection. This can include a non-permeable roof cover as a condition of any approval. It is noted that the ramp is provided with partial cover from the elements as a result of the built form above. It is also noted that the pedestrian access is on the southern side of the site and therefore any extension of the roof cover is not likely to have any beneficial impact given that the weather comes in from the south. Notwithstanding a condition can be imposed to extend the shelter over the ramp.

3.9: Car and bicycle parking																					
R-Codes (A3.9.1)	A minimum of 29 resident bicycle parking bays are required.	20 resident bicycle bays.	While we consider the 20 bays appropriate for aged persons dwellings, which are likely to have a lower bicycle rate than standard dwellings under the R-Codes, we would have no objection to a condition requiring the provision of 29 resident bicycle bays.																		
R-Codes (A3.9.2)	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays, therefore a total of 7 motorcycle spaces are required.	No motorcycle bays provided.	We do not consider the provision of 7 motorcycle spaces for aged persons dwellings to be appropriate taking into account the occupants of the proposed development. In considering the Element Objective, we note that the R-Codes does not distinguish between standard dwellings and aged persons dwellings. We consider that the development meets Element Objective 3.9.1 as the provision of car parking is appropriate for the proposed aged persons occupants. Additionally, as the proposed development provides more than the minimum car parking requirement with most dwellings provided 2 bays, the additional bays can be used for motorcycle parking if required by an occupant.																		
4.1: Solar and daylight access																					
R-Codes (A4.1.4)	The building is oriented and incorporates external shading devices in order to: - minimise direct sunlight to habitable rooms: - between late September and early March in climate zones 4,5 and 6 <u>only</u> AND - in all seasons in climate zones 1 and 3 - permit winter sun to habitable rooms in accordance with A 4.1.1 (a).	East: No shading device to bedroom windows x 1 per dwelling. West: Major openings to bedroom windows – no shading device	With reference to the eastern façade, the elevations show timber look cladding to the bedroom windows which are provided to meet the BAL 19 rating but also form shading of the window consistent with the Element Objective. The other eastern facing habitable rooms are setback from the frontage via the balcony which provides shading from the roof above. This is represented in the elevations and perspectives. The western elevation to the bedrooms shows only a smaller window facing west with the main opening to the bedroom orientated 90 degrees and located off of the balcony. This has been specifically designed to reduce the impact of the western sun on both the bedrooms and habitable rooms facing west. The windows will incorporate glare control within the glazing. Therefore the design meets the Element Objective.																		
4.3: Size and layout of dwellings																					
R-Codes (A4.3.2)	Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b. Table 4.3b Minimum floor areas and dimensions for habitable rooms <table><tr><th>Habitable room type</th><th>Minimum internal floor area</th><th>Minimum internal dimension</th></tr><tr><td>Master bedroom</td><td>10m²</td><td>³3m</td></tr><tr><td>Other bedrooms</td><td>9m²</td><td>³3m</td></tr><tr><td>Living room – studio and 1 bed apartments</td><td>N/A</td><td>3.6m</td></tr><tr><td>Living room – other dwelling types</td><td>N/A</td><td>4m</td></tr><tr><td colspan="3">¹ Excluding robes</td></tr></table>	Habitable room type	Minimum internal floor area	Minimum internal dimension	Master bedroom	10m²	³3m	Other bedrooms	9m²	³3m	Living room – studio and 1 bed apartments	N/A	3.6m	Living room – other dwelling types	N/A	4m	¹ Excluding robes			- Unit B minimum living room dimension: 3.86m - Unit C minimum living room dimension: 3.8m - Unit F minimum bedroom dimension: 2.9m	We note that there is only 1 Type B unit out of the 58 dwellings and that the dimension difference is only 140mm. We also note that the living area exceeds the minimum dimension, and it is only the dining area which is below the minimum dimension. We consider that the additional width of the living area offsets the minor dimension difference for the dining area and meets the Element Objective as the dwelling is functional for the aged persons to be accommodated in the dwelling. We note that there is only 1 Type C unit out of the 58 dwellings and that the dimension difference is only 200mm. We note that the living area width exceeds the minimum dimension to offset the depth dimension and therefore meets the Element Objective as the dwelling is functional for the aged persons to be accommodated in the dwelling. The Unit F bedroom dimension we presume relates to the third bedroom. Given that the dwellings are for aged persons dwellings, these bedrooms would be guest bedrooms or studies and therefore the 100mm difference will have no impact on the occupants and meets the Element Objective as the dwelling is functional for the aged persons to be accommodated in the dwellings.
Habitable room type	Minimum internal floor area	Minimum internal dimension																			
Master bedroom	10m²	³3m																			
Other bedrooms	9m²	³3m																			
Living room – studio and 1 bed apartments	N/A	3.6m																			
Living room – other dwelling types	N/A	4m																			
¹ Excluding robes																					
4.4: Private open space and balconies																					
R-Codes (A4.4.1)	Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4.	- Dwellings 103 – 105: 1.96m min. dimension. - Dwellings 203 – 205, 303 – 305: 1m min. dimension. - Dwelling 114 – 2.46m min dimension. - Dwellings 116 – 119: 2.66m min. dimension. - Dwelling 101 – 2.87m min. dimension.	We note that the courtyards for units identified all exceed the area requirements of the R-Codes. In considering the Element Objectives the courtyards and balconies are functional and are provided access from habitable rooms including bedrooms. The balconies and courtyards are orientated to obtain natural light and ventilation. The balcony sizes are functional for the intended occupants being aged persons. On this basis the increased size offsets the reduced dimension and meets the needs to the occupants.																		

	<table><tr><th colspan="3">Table 4.4 Private open space requirements</th></tr><tr><th>Dwelling type</th><th>Minimum Area¹</th><th>Minimum Dimension</th></tr><tr><td>Studio apartment + 1 bedroom</td><td>8m²</td><td>2.0m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2.4m</td></tr><tr><td>3 bedroom</td><td>12m²</td><td>2.4m</td></tr><tr><td>Ground floor / apartment with a terrace</td><td>15m²</td><td>3.0m</td></tr><tr><td colspan="3">¹ Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, from the street and/or are integrated into the building design.</td></tr></table>	Table 4.4 Private open space requirements			Dwelling type	Minimum Area ¹	Minimum Dimension	Studio apartment + 1 bedroom	8m²	2.0m	2 bedroom	10m²	2.4m	3 bedroom	12m²	2.4m	Ground floor / apartment with a terrace	15m²	3.0m	¹ Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, from the street and/or are integrated into the building design.			- Dwelling 102 – 1.88 min. dimension. - Dwellings 202, 302: 1m min. dimension.	
Table 4.4 Private open space requirements																								
Dwelling type	Minimum Area ¹	Minimum Dimension																						
Studio apartment + 1 bedroom	8m²	2.0m																						
2 bedroom	10m²	2.4m																						
3 bedroom	12m²	2.4m																						
Ground floor / apartment with a terrace	15m²	3.0m																						
¹ Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, from the street and/or are integrated into the building design.																								
4.5: Circulation and common spaces																								
R-Codes (A4.5.1)	Circulation corridors are a minimum 1.5m in width.	Corridors between storerooms: minimum 1m wide.	We consider that the circulation referred to in the R-Codes relates to the circulation area to the dwellings, not between storerooms located within the basement, which are likely to be infrequently used																					
4.6: Storage																								
R-Codes (A4.6.1)	Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area. This can be located either internally or externally to the dwelling with dimensions in accordance with Table 4.6. Therefore 22 x 5m² storerooms required 36 x 4m² storerooms required Table 4.6 Storage requirements <table><tr><th>Dwelling type</th><th>Storage area¹</th><th>Minimum dimension¹</th><th>Minimum height¹</th></tr><tr><td>Studio dwelling</td><td>3m²</td><td rowspan="4">1.5m</td><td rowspan="4">2.1m</td></tr><tr><td>1 bedroom dwelling</td><td>3m²</td></tr><tr><td>2 bedroom dwellings</td><td>4m²</td></tr><tr><td>3 bedroom dwellings</td><td>5m²</td></tr><tr><td colspan="4">¹ Dimensions exclusive of services and plant.</td></tr></table>	Dwelling type	Storage area ¹	Minimum dimension ¹	Minimum height ¹	Studio dwelling	3m²	1.5m	2.1m	1 bedroom dwelling	3m²	2 bedroom dwellings	4m²	3 bedroom dwellings	5m²	¹ Dimensions exclusive of services and plant.				<4m² – 19 storerooms ≥4m² - <5m²: 37 storerooms ≥5m²: 2 storerooms 6 storerooms do not achieve the minimum 1.5 metre dimension.	In considering the Element Objectives the storerooms are functional and are provided access from the basement car parking area The storeroom sizes are functional for the intended occupants being aged persons.			
Dwelling type	Storage area ¹	Minimum dimension ¹	Minimum height ¹																					
Studio dwelling	3m²	1.5m	2.1m																					
1 bedroom dwelling	3m²																							
2 bedroom dwellings	4m²																							
3 bedroom dwellings	5m²																							
¹ Dimensions exclusive of services and plant.																								
4.12: Landscape design																								
R-Codes (A4.12.1)	Submission of a landscape plan prepared by a competent landscape designer. This is to include a species list and irrigation plan demonstrating achievement of Waterwise design principles.		The original application included a landscape concept and Condition 6 requires the provision of a Detailed Landscape Plan to be submitted and approved by the City prior to the commencement of works. Therefore, this matter has been addressed by the existing condition of approval.																					
4.16: Water management and conservation																								
R-Codes (A4.16.1)	Dwellings are individually metered for water usage.	No details.	The dwellings will be individually metered for water usage, which can be a condition of any approval.																					
4.18 Utilities																								
R-Codes (A4.18.2)	Developments are fibre-to-premises ready, including provision for installation of fibre throughout the site and to every dwelling.	No details.	The development will be fibre to premises ready including provision to every dwelling, which can be a condition of any approval.																					

SPP7.3 R-CODES

VOLUME 2 - APARTMENTS

ASSESSMENT TEMPLATE

32 (Lot 651) Fernando Parkway, Iluka

58 Multiple Dwellings (Aged or Dependent Persons)

Prepared By:



PART 1 - INFORMATION FOR THE APPLICANT

It is recommended that the following information is provided by the applicant when lodging a development application.

A5 – Development application guidance (1/2) <i>This guidance assists proponents in formulating the appropriate materials when submitting a development application. Check with the relevant local authority if there are any additional materials required.</i>			
Documentation	Required Information	Provided?	
Development details	A summary document that provides the key details of the development proposal. It contains information such as the: – plot ratio of the development – number, mix, size and accessibility of apartments – number of car parking spaces for use (residential, retail, accessible, visitor etc.) – percentage of apartments meeting cross ventilation and daylight requirements.	√	
Site analysis	[Prepared at earlier stage of design development in A3 <i>Site analysis and design response guidance</i>]	√	
Design statements	An explanation of how the design relates to the Design Principles in State Planning Policy 7.0 Design of the Built Environment. An explanation of how the proposed development achieves the relevant objectives of this policy in A6 <i>Objectives summary</i> . For adaptive reuse projects which affect heritage places, provide a Heritage Impact Statement prepared in accordance with the State Heritage Office's <i>Heritage Impact Statement Guide</i> available at www.stateheritage.wa.gov.au (for state registered places) or the relevant local government guidelines (for other places).	√	
Site plan	A scale drawing showing: – any proposed site amalgamation or subdivision – location of any proposed buildings or works in relation to setbacks, building envelope controls and building separation dimensions – proposed finished levels of land in relation to existing and proposed buildings and roads – pedestrian and vehicular site entries and access – interface of the ground floor plan with the public domain and open spaces within the site – areas of communal open space and private open space – indicative locations of planting and deep soil areas including retained or proposed significant trees. – overshadowing over neighbouring sites – location of adjacent solar collectors.	√	
Landscape plan	A scale drawing showing: – the building footprint of the proposal including pedestrian, vehicle and service access – trees to be removed shown dotted – trees to remain with their tree protection areas (relative to the proposed development) – deep soil areas and associated tree planting – areas of planting on structure and soil depth – proposed planting including species and size – details of public space, communal open space and private open space – external ramps, stairs and retaining wall levels – security features and access points – built landscape elements (fences, pergolas, walls, planters and water features) – ground surface treatment with indicative materials and finishes – site lighting – stormwater management and irrigation concept design.	√	
Other plans and reports	Acoustic Report (or equivalent) Waste Management Plan (or equivalent)	√	

A5 – Development application guidance (2/2)

Documentation	Required information	Provided?	
Floor plans	A scale drawing showing: – all levels of the building including roof plan – layout of entries, circulation areas, lifts and stairs, communal spaces, and service rooms with key dimensions and Real Level (RL) heights shown – apartment plans with apartment numbers and areas, all fenestration, typical furniture layouts for each apartment type, room dimensions and intended use and private open space dimensions – accessibility clearance templates for accessible units and common spaces – visual privacy separation shown and dimensions where necessary – vehicle and service access, circulation and parking – storage areas.	√	
Elevations	A scale drawing showing: – proposed building height and RL lines – building height control – setbacks or envelope outline – building length and articulation – the detail and features of the façade and roof design – any existing buildings on the site – building entries (pedestrian, vehicular and service) – profile of buildings on adjacent properties or for 50m in each direction, whichever is most appropriate. Samples or images of proposed external materials, finishes and colours of the proposal, keyed to elevations.	√	
Sections	A scale drawing showing: – proposed building height and RL lines – building height control – setbacks or envelope outline – adjacent buildings – building circulation – the relationship of the proposal to the ground plane, the street and open spaces particularly at thresholds – the location and treatment of car parking – the location of deep soil and soil depth allowance for planting on structure (where applicable) – building separation within the development and between neighbouring buildings – ceiling heights throughout the development – detailed sections of the proposed façades.	√	
Building performance diagrams	A solar diagram (where required) at the winter solstice (21 June) at a minimum of hourly intervals showing: – number of hours of solar access to the principal communal open space – number of hours of solar access to units within the proposal and tabulation of results – overshadowing of existing adjacent properties and overshadowing of future potential development where neighbouring sites are planned for higher density – elevation shadows if likely to fall on neighbouring windows, openings or solar panels. A ventilation diagram (where required) showing unobstructed path of air movements through dual aspect apartments and tabulation of results.	√	
Illustrative views	Photomontages or similar rendering or perspective drawings illustrating the proposal in the context of surrounding development. Note: Illustrative views need to be prepared using a perspective that relates to the human eye. Where a photomontage is prepared, it should use a photo taken by a full frame camera with a 50mm lens and 46 degree angle of view.	√	
Models	A three dimensional computer generated model showing views of the development from adjacent streets and buildings. A physical model for a large or contentious development (if required by the consent authority).	√	

ELEMENT 2.2		BUILDING HEIGHT	
ELEMENT OBJECTIVES		ASSESSOR COMMENT	
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.2.1 – The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.		The RAR identified that the roof terrace was not supported, and a condition was imposed on the approval (Condition 2) to remove the rooftop gym. On this basis the proposed height is consistent with the desired future height on the site as established under the LDP. It is noted that this height provision has not changed since the original approval.	
O2.2.2 – The height of buildings within a development responds to changes in topography.		The site is flat and therefore not applicable.	
O2.2.3 – Development incorporates articulated roof design and/or roof top communal open space where appropriate.		The roof is flat in response the maximum height under the LDP, and the communal area has been located at ground level in response to Condition 2.	
O2.2.4 – The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.		The plans provide shadow diagrams which show that the development will not impact surrounding residential development and that the central communal open space is provided with a high level of solar access.	
ACCEPTABLE OUTCOMES			
Acceptable Outcome pathway may not be applicable where a performance solution is provided			
A2.2.1 – Development complies with the building height limit (storeys) set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the building height limit set out in the applicable local planning instrument. (Excerpt from table 2.1)			
Streetscape contexts and character refer A2		Planned areas	
Site R-Coding		R-AC0	
Building height (storeys) refer 2.2		9	
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		LDP provides for a maximum height of 3 storeys and 10.5 metres.	

ELEMENT 2.3 STREET SETBACKS		ASSESSOR COMMENT	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
02.3.1 – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.		The street setback requirement has not changed since the original approval and the RAR considered that the proposed setback meets the intent and objectives the street setback.	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>
02.3.2 – The street setback provides a clear transition between the public and private realm.		The proposed setback provides a clear transition between the footpath and the development which will include landscaping and courtyards at the interface.	
02.3.3 – The street setback assists in achieving visual privacy to apartments from the street.		The ground level dwellings are provided with courtyards to the south and east while open terraces to the west provide views towards the water.	
02.3.4 – The setback of the development enables passive surveillance and outlook to the street.		The development provides dwellings facing the streets providing passive surveillance.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A3.2.1 – Development complies with the street setback set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the street setback set out in the applicable local planning instrument <i>(Excerpt from table 2.1)</i>			
Streetscape contexts and character <i>refer A2</i>	Low-rise		Planned areas
	Higher density residential	Mid-rise urban centres	High density urban centres
Site R-Coding	R40	R50	R160
	R40	R60	R100
Minimum primary and secondary street setbacks <i>refer 2.3</i>	4m ⁴	2m	2m
	2m or Nil ⁵	2m or Nil ⁵	2m or Nil ⁵
(4) Minimum secondary street setback 1.5m (5) Nil setback applicable if commercial use at ground floor			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LDP provides for a minimum setback of 2 metres.
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ELEMENT 2.4 SIDE AND REAR SETBACKS		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O2.4.1 – Building boundary setbacks provide for adequate separation between neighbouring properties.	The setbacks are identified in the RAR and based on the setbacks, excluding the boundary walls, now being 3 metres under the R-Codes the setbacks meet the provisions.	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>
O2.4.2 – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.	Refer above.	
O2.4.3 – The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.	There are no trees to be retained. The development is part of a two stage development on the adjoining site which will have a similar interface.	
O2.4.4 – The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.	N/A	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A2.4.1 – Development complies with the side and rear setbacks set out in Table 2.1, except where: a) modified by the local planning framework, in which case development complies with the side and rear setbacks set out in the applicable local planning instrument AND /OR b) a greater setback is required to address 3.5 Visual privacy. <i>(Excerpt from table 2.1)</i>		

Streetscape contexts and character <i>refer A2</i>		Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
Site R-Coding		R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Boundary wall height (storeys) ^{1,2} <i>refer 2.4</i>		1 ³		1 ³	2 ³	2 ³	2 ³	2	3	4		
Minimum side setbacks ⁵ <i>refer 2.4</i>		2m	3m	3m	3m	3m	3m	Nil				
Minimum rear setback <i>refer 2.4</i>		3m	3m	3m	3m	6m	6m	6m	Nil	Nil		
Average side setback where building length exceeds 16m <i>refer 2.4</i>		2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA		

(1) Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions
 (2) Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code
 (3) Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.
 (6) Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC.

A2.4.2 – Development is setback from the boundary in order to achieve the Objectives outlined in **2.7 Building separation**, **3.3 Tree canopy and deep soil areas**, **3.5 Visual privacy** and **4.1 Solar and daylight access**.

LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		LDP provides for a nil setback to internal lot boundaries, if it has a maximum height as set out in the LDP and a maximum length of two thirds the length of the boundary.	

ELEMENT 2.5 PLOT RATIO	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	ASSESSOR COMMENT
	APPLICANT COMMENT
O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.
	The development has a plot ratio of 1.47:1. While the proposed plot ratio exceeds the plot ratio under the AO, the built form was originally approved based on

	the permitted density and therefore is consistent with the planned character of the area.									
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>										
A2.5.1 – Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument. (Excerpt from table 2.1)										
Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres	Planned areas
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1
Plot ratio ⁷ <i>refer 2.5</i>	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0
(6) Refer to Definitions for calculation of plot ratio										
LOCAL PLANNING FRAMEWORK							REQUIREMENT			
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:							• No			
ELEMENT 2.6					BUILDING DEPTH					
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>					APPLICANT COMMENT				ASSESSOR COMMENT	
					Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.					
O2.6.1 – Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.					The building depth at 28 metres exceeds the AO, however, the width to depth of the dwellings and the orientation optimises the number of dwellings with daylight and solar access and natural ventilation.					
O2.6.2 – Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.					The built form facades are articulated and orientated to provide access to daylight and natural ventilation.					
O2.6.3 – Room depths and / or ceiling heights optimise daylight and solar access and natural ventilation.					Diagrams are included in the plans that to demonstrate the daylight and solar access.					

ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A2.6.1 – Developments that comprise single aspect apartments on each side of a central circulation corridor shall have a maximum building depth of 20m. All other proposals will be assessed on their merits with particular consideration to 4.1 Solar and daylight access and 4.2 Natural ventilation.		
LOCAL PLANNING FRAMEWORK		
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		REQUIREMENT No
ELEMENT 2.7 BUILDING SEPARATION		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O2.7.1 – New development supports the desired future streetscape character with spaces between buildings.	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. The built form responds the site with dwellings fronting the street at a height consistent with the planning framework.	
O2.7.2 – Building separation is in proportion to building height.	The internal separation of between 8 and 18 metres is appropriate for a three-storey building and the proposed use as aged persons dwellings.	
O2.7.3 – Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.	Refer above.	
O2.7.4 – Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings	The communal area is located with a northern aspect and the dwellings separated to provide a high level of amenity for the residents.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A2.7.1 – Development complies with the separation requirements set out in Table 2.7.		

Table 2.7 Building separation

		Separation between:	Building height		
			≤ 4 storeys (up to 15m)	5-8 storeys (up to 28m)	≥ 9 storeys (over 28m)
Within site boundary	Habitable rooms/balconies		12m	18m	24m
	Habitable and non-habitable rooms		7.5m	12m	18m
	Non-habitable rooms		4.5m	6m	9m
To adjoining property boundaries	Habitable rooms/balconies and boundary		Refer 2.4 <i>Side and rear setbacks</i> (Table 2.1) and 3.5 <i>Visual privacy</i> (Table 3.5)		
	Distances apply from major openings of rooms, or the inside of balustrading of balconies. Average dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and the like.				

LOCAL PLANNING FRAMEWORK

REQUIREMENT

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:

No

ELEMENT 3.2

ORIENTATION

ELEMENT OBJECTIVES

Development is to achieve the following Element Objectives

APPLICANT COMMENT

ASSESSOR COMMENT

Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.

O3.2.1 – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.

The dwellings are aligned with the street frontages and orientated to the streets to provide an urban form, activation and passive surveillance. Access is provided from the street.

The communal area is located with a northern aspect and the dwellings are provided with natural light to the north, east and west.

O3.2.2 – Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.

The proposed development does not overshadow any adjoining properties given the orientation of the site and the streets surrounding the west, east and southern extent of the lot. Shadow diagrams were included in the original plans.

ACCEPTABLE OUTCOMES

Acceptable Outcome pathway may not be applicable where a performance solution is provided

A3.2.1 – Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.

A3.2.2 – Buildings that do not have frontages to streets or public realm are oriented to maximise northern solar access to living areas.	
A3.2.3 – Development in climate zones 4, 5 and 6 shall be designed such that the shadow cast at midday on 21st June onto any adjoining property does not exceed: - adjoining properties coded R25 and lower – 25% of the site area¹ - adjoining properties coded R30 – R40 - 35% of the site area¹ - adjoining properties coded R50 – R60 – 50% of the site area¹ - adjoining properties coded R80 or higher – Nil requirements. (1) Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)	
A3.2.4 – Where adjoining sites are coded R40 or less, buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No

ELEMENT 3.3			TREE CANOPY AND DEEP SOIL AREAS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT	
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>		
O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.		The site is vacant and there are no trees located on site.		
O3.3.2 – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.		The RAR considered the draft provision of the R-Codes, which was 12% at the time, noting that it has reduced to 10% and considered the area and tree planting was appropriate for the development.		
O3.3.3 – Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.		The RAR considered the draft provision of the R-Codes, which was 12% at the time, noting that it has reduced to 10% and considered the area and tree planting was appropriate for the development.		
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>				
A3.3.1 – Retention of existing trees on the site that meet the following criteria: - healthy specimens with ongoing viability AND - species is not included on a State or local area weed register AND - height of at least 4m AND/OR				

- trunk diameter of at least 160mm, measured 1m from the ground **AND/OR**
- average canopy diameter of at least 4m.

A3.3.2 – The removal of existing trees that meet any of the criteria at A3.3.1 is supported by an arboriculture report.

A3.3.3 – The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.

A3.3.4 – Deep soil areas are provided in accordance with Table 3.3a. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.

Table 3.3a Minimum deep soil area and tree provision requirements

Site Area	Minimum deep soil area	Minimum requirement for trees ¹
Less than 700m ²	10% OR	1 medium tree and small trees to suit area
700 – 1,000m ²		2 medium trees OR 1 large tree and small trees to suit area
> 1,000m ²	7% if existing tree(s) retained on site (% site area)	1 large tree and 1 medium tree for each additional 400m ² in excess of 1000m ² OR 1 large tree for each additional 900m ² in excess of 1000m ² and small trees to suit area
¹ Minimum requirement for trees includes retained or new trees Refer Table 3.3b for tree sizes		

A3.3.5 – Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.

Table 3.3b Tree sizes

Tree size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided ¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m ²	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m ²	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m ²	6m	4.5m (DSA) + 1.5m (RSZ)	500L
¹ Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.						

A3.3.6 – The extent of permeable paving or decking within a deep soil area does not exceed 20 per cent of its area and does not inhibit the planting and growth of trees.

A3.3.7 – Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No

ELEMENT 3.4 COMMUNAL OPEN SPACE		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O3.4.1 – Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.	The communal area at ground level exceeds the AO of 300m². The overall open space is 30% (excluding the roof terrace) which meets the LDP requirement. The communal area at ground level provides residential amenity appropriate for the proposed use. The communal area is of high quality providing significant landscaping and deep soil areas.	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>
O3.4.2 – Communal open space is safe, universally accessible and provides a high level of amenity for residents.	The ground level open space is provided at the same level of the access from the dwellings and the dwellings provide passive surveillance to the public domain. The communal open space provides a very high level of amenity for the residents which includes significant casual landscaped areas, swimming pool etc.	
O3.4.3 – Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.	The communal open space is separated and screened from the private open space of the ground level dwellings. The communal open space is provided with passive surveillance from the upper dwellings. As the communal open space in largely internal it will not impact the adjoining properties.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		

A3.4.1 – Developments include communal open space in accordance with Table 3.4

Table 3.4 Provision of communal open space

Development size	Overall communal open space requirement	Minimum accessible / hard landscape area (included in overall area requirement)	Minimum open space dimension
Up to 10 dwellings	Informal seating associated with deep soil or other landscaped areas	NA	NA
More than 10 dwellings	Total: 6m ² per dwelling up to maximum 300m ²	At least 2m ² per dwelling up to 100m ²	4m

A3.4.2 – Communal open space located on the ground floor or on floors serviced by lifts must be accessible from the primary street entry of the development.

A3.4.3 – There is 50 per cent direct sunlight to at least one communal open space area for a minimum of two hours between 9am and 3pm on 21 June.

A3.4.4– Communal open space is co-located with deep soil areas and/or planting on structure areas and/ or co-indoor communal spaces.

A3.4.5 – Communal open space is separated or screened from adverse amenity impacts such as bins, vents, condenser units, noise sources and vehicle circulation areas.

A3.4.6 – Communal open space is well-lit, minimises places for concealment and is open to passive surveillance from adjoining dwellings and/or the public realm.

A3.4.7 – Communal open space is designed and oriented to minimise the impacts of noise, odour, light-spill and overlooking on the habitable rooms and private open spaces within the site and of neighbouring properties.

LOCAL PLANNING FRAMEWORK

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:

LDP provides for 30% open space

ELEMENT 3.5

VISUAL PRIVACY

ELEMENT OBJECTIVES

Development is to achieve the following Element Objectives

O3.5.1 – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.

APPLICANT COMMENT

The dwelling orientation and setback from all adjoining properties will ensure no direct overlooking.

Internally the separation is between 8-18 metres. This is considered appropriate as internal balconies do not face other balconies and the nature of the land se, being aged persons dwellings provides a high level of interaction and surveillance.

ASSESSOR COMMENT

Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.

ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>				
A3.5.1 – Visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5.				
Table 3.5 Required privacy setback to adjoining sites				
Cone of vision from unscreened:	First 4 storeys		5th storey and above	
	Adjoining sites coded R50 or lower	Adjoining sites coded higher than R50		
	Major opening to bedroom, study and open access walkways	4.5m	3m	Refer Table 2.7
	Major openings to habitable rooms other than bedrooms and studies	6m	4.5m	
Unenclosed private outdoor spaces	7.5m	6m		
A3.5.2 – Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).				
A3.5.3 - Living rooms have an external outlook from at least one major opening that is not obscured by a screen.				
A3.5.4 – Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.				
LOCAL PLANNING FRAMEWORK		REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		No		
ELEMENT 3.6		PUBLIC DOMAIN INTERFACE		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT		ASSESSOR COMMENT
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.		
O3.6.1 – The transition between the private and public domain enhances the privacy and safety of residents.		The ground level dwellings are screened and secure. The west facing dwellings are provided with views to the coast.		
O3.6.2 – Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.		The landscape street interface responds to the public domain.		
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>				
A3.6.1 – The majority of ground floor dwellings fronting onto a street or public open space have direct access by way of a private terrace, balcony or courtyard.				

A3.6.2 – Car-parking is not located within the primary street setback; and where car parking is located at ground level behind the street setback it is designed to integrate with landscaping and the building façade (where part of the building).	
A3.6.3 – Upper level balconies and/or windows overlook the street and public domain areas.	
A3.6.4 – Balustrading includes a mix of visually opaque and visually permeable materials to provide residents with privacy while maintaining casual surveillance of adjoining public domain areas.	
A3.6.5 – Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m.	
A3.6.6 – Front fencing includes visually permeable materials above 1.2m and the average height of solid walls or fences to the street does not exceed 1.2m.	
A3.6.7 – Fencing, landscaping and other elements on the frontage are designed to eliminate opportunities for concealment.	
A3.6.8 – Bins are not located within the primary street setback or in locations visible from the primary street.	
A3.6.9 – Services and utilities that are located in the primary street setback are integrated into the design of the development and do not detract from the amenity and visual appearance of the street frontage. ¹	
(1) Firefighting and access to services such as power and water meters require careful consideration in the design of the front façade. Consult early with relevant authorities to resolve functional requirements in an integrated design solution.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No

ELEMENT 3.7	PEDESTRIAN ACCESS AND ENTRIES		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.7.1 – Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.		The main pedestrian entry is provided with universal access and the individual entries to the dwellings are provided at grade with the footpath. As an aged persons facility, universal access has been carefully considered and fully integrated.	
O3.7.2 – Entries to the development connect to and address the public domain with an attractive street presence.		The main pedestrian entry is from the corner which provides a clear identification of the entrance. The main entry provides an attractive street presence through the built form, porch and lobby.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A3.7.1 – Pedestrian entries are connected via a legible, well-defined, continuous path of travel to building access areas such as lift lobbies, stairs, accessways and individual dwelling entries.			

A3.7.2 – Pedestrian entries are protected from the weather.	
A3.7.3 – Pedestrian entries are well-lit for safety and amenity, visible from the public domain without opportunity for concealment, and designed to enable casual surveillance of the entry from within the site.	
A3.7.4 – Where pedestrian access is via a shared zone with vehicles, the pedestrian path is clearly delineated and/or measures are incorporated to prioritise the pedestrian and constrain vehicle speed.	
A3.7.5 – Services and utilities that are located at the pedestrian entry are integrated into the design and do not detract from the amenity of the entry.	
A3.7.6 – Bins are not located at the primary pedestrian entry.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No

ELEMENT 3.8 VEHICLE ACCESS		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O3.8.1 – Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.	The proposed development includes one shared crossover in the location identified on the LDP. The access provides sightlines (as per the condition) and all vehicles enter and exit the site in forward gear.	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.
O3.8.2 – Vehicle access points are designed and located to reduce visual impact on the streetscape.	The proposed development includes one shared crossover in the location identified on the LDP.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A3.8.1 – Vehicle access is limited to one opening per 20m street frontage that is visible from the street.		
A3.8.2 – Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/or located behind the primary building line.		
A3.8.3 – Vehicle entries have adequate separation from street intersections.		
A3.8.4 – Vehicle circulation areas avoid headlights shining into habitable rooms within the development and adjoining properties.		
A3.8.5 – Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements.		
A3.8.6 – Driveways designed for two way access to allow for vehicles to enter the street in forward gear where: – the driveway serves more than 10 dwellings – the distance from an on-site car parking to the street is 15m or more OR – the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.		

A3.8.7 – Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer Figure 3.8a).

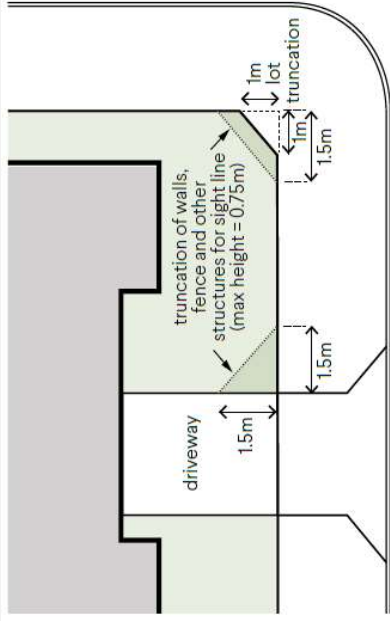


Figure 3.8a Truncation at street corner to provide sightlines (refer A3.8.7).

LOCAL PLANNING FRAMEWORK		REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		LDP indicates preferred vehicle access location.

ELEMENT 3.9 CAR AND BICYCLE PARKING		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	ASSESSOR COMMENT	
	APPLICANT COMMENT	ASSESSOR COMMENT
O3.9.1 – Parking and facilities are provided for cyclists and other modes of transport.	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	20 resident bike bays located in basement and 6 bays located in public domain for visitors. The 20 bays are considered appropriate for the type of use being aged persons dwellings and the 6 visitor bays meets the AO.
O3.9.2 – Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.	The proposed development includes 85 residential car parking bays in the basement. The AO requires 73 bays. The provision of 9 visitor bays has been conditioned.	The proposed development includes 85 residential car parking bays in the basement. The AO requires 73 bays.
O3.9.3 – Car parking is designed to be safe and accessible.	The car parking is safe and accessible as it is located in the basement and is secured.	The provision of 9 visitor bays has been conditioned.

A3.9.4 – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.	The car parking is located in the basement.														
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>															
A3.9.1 – Secure, undercover bicycle parking is provided in accordance with Table 3.9 and accessed via a continuous path of travel from the vehicle or cycle entry point.															
Table 3.9 Parking ratio															
Parking types	<table><tr><th>Location A</th><th>Location B</th></tr><tr><td>1 bedroom dwellings</td><td>0.75 bay per dwelling</td></tr><tr><td>2+ bedroom dwellings</td><td>1 bay per dwelling</td></tr><tr><td>Visitor</td><td>1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above</td></tr><tr><td>Resident</td><td>0.5 space per dwelling</td></tr><tr><td>Visitor</td><td>1 space per 10 dwellings</td></tr><tr><td>Motorcycle/ Scooter parking²</td><td>Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays</td></tr></table>	Location A	Location B	1 bedroom dwellings	0.75 bay per dwelling	2+ bedroom dwellings	1 bay per dwelling	Visitor	1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above	Resident	0.5 space per dwelling	Visitor	1 space per 10 dwellings	Motorcycle/ Scooter parking ²	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays
Location A	Location B														
1 bedroom dwellings	0.75 bay per dwelling														
2+ bedroom dwellings	1 bay per dwelling														
Visitor	1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above														
Resident	0.5 space per dwelling														
Visitor	1 space per 10 dwellings														
Motorcycle/ Scooter parking ²	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays														
¹ Calculations of parking ratios shall be rounded up to the next whole number. ² For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.															
Definitions: Location A: within 800m walkable catchment of a train station and/or 250m of a transit stop (bus or light rail) of a high-frequency route and/or within the defined boundaries of an activity centre. Location B: not within Location A.															
A3.9.2 – Parking is provided for cars and motorcycles in accordance with Table 3.9.															
A3.9.3 – Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9															
A3.9.4 – Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments.															
A3.9.5 – Car parking areas are not located within the street setback and are not visually prominent from the street.															
A3.9.6 – Car parking is designed, landscaped or screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces.															
A3.9.7 – Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.															
A3.9.8 – Parking shade structures, where used, integrate with and complement the overall building design and site aesthetics and have a low reflectance to avoid glare into apartments.															
A3.9.9 – Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.															
A3.9.10 – Basement parking does not protrude more than 1m above ground, and where it protrudes above ground is designed or screened to prevent negative visual impact on the streetscape.															
LOCAL PLANNING FRAMEWORK	REQUIREMENT														
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No														

ELEMENT 4.1 SOLAR AND DAYLIGHT ACCESS		
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
<i>Development is to achieve the following Element Objectives</i>	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O4.1.1 – In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.	The majority of dwellings have either an east, west or northern orientation. Only 8 (14%) are facing south.	
O4.1.2 – Windows are designed and positioned to optimise daylight access for habitable rooms.	All habitable rooms have access have windows to either a balcony or external façade.	
O4.1.3 – The development incorporates shading and glare control to minimise heat gain and glare: - from mid-spring to autumn in climate zones 4, 5 and 6 AND - year-round in climate zones 1 and 3.	The development includes high performance glazing to the west.	
ACCEPTABLE OUTCOMES		
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.1.1 – In climate zones 4, 5 and 6 <u>only</u> : - Dwellings with a northern aspect are maximised, with a minimum of 70 per cent of dwellings having living rooms and private open space that obtain at least 2 hours direct sunlight between 9am and 3pm on 21 June AND - A maximum of 15 per cent of dwellings in a building receiving no direct sunlight between 9am and 3pm on 21 June.		
A4.1.2 – Every habitable room has at least one window in an external wall, visible from all parts of the room, with a glazed area not less than 10 per cent of the floor area and comprising a minimum of 50 per cent of clear glazing.		
A4.1.3 – Lightwells and/or skylights do not form the primary source of daylight to any habitable room.		
A4.1.4 – The building is oriented and incorporates external shading devices in order to: - minimise direct sunlight to habitable rooms: - between late September and early March in climate zones 4, 5 and 6 only AND - in all seasons in climate zones 1 and 3 - permit winter sun to habitable rooms in accordance with A 4.1.1 (a).		
LOCAL PLANNING FRAMEWORK		
REQUIREMENT		
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	No	

ELEMENT 4.2 NATURAL VENTILATION		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	
	ASSESSOR COMMENT	
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.2.1 – Development maximises the number of apartments with natural ventilation.	52% provided with natural ventilation with voids provided internally to assist natural ventilation of the other dwellings. The western facing dwellings have the same width to depth ratio.	
O4.2.2 – Individual dwellings are designed to optimise natural ventilation of habitable rooms.	The development optimises natural ventilation to habitable rooms with all living rooms towards the external extent of the dwellings.	
O4.2.3 – Single aspect apartments are designed to maximise and benefit from natural ventilation.	The single aspect apartments designed to maximise natural ventilation through the width of frontage, orientation of openings to prevailing wind and room depth.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.2.1 – Habitable rooms have openings on at least two walls with a straight line distance between the centre of the openings of at least 2.1m.		
A4.2.2 –		
(a) A minimum 60 per cent of dwellings are, or are capable of, being naturally cross ventilated in the first nine storeys of the building		
(b) Single aspect apartments included within the 60 per cent minimum at (a) above must have:		
▪ ventilation openings orientated between 45° – 90° of the prevailing cooling wind direction AND		
▪ room depth no greater than 3 x ceiling height		
(c) For dwellings located at the 10th storey or above, balconies incorporate high and low level ventilation openings.		
A4.2.3 – The depth of cross-over and cross-through apartments with openings at either end and no openings on side walls does not exceed 20m.		
A4.2.4 – No habitable room relies on lightwells as the primary source of fresh-air.		
LOCAL PLANNING FRAMEWORK		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No	
ELEMENT 4.3 SIZE AND LAYOUT OF DWELLINGS		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	
	ASSESSOR COMMENT	
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	

O4.3.1 – The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.	All apartments exceed the minimum internal floor areas of the AO. Habitable rooms are consistent with the AO noting that the dwellings are provided for aged persons.	
O4.3.2 – Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.	The floor to ceiling height is a minimum of 2.7 metres.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.3.1 – Dwellings have a minimum internal floor area in accordance with Table 4.3a.		
Table 4.3a Minimum floor areas for dwelling types		
Dwelling type	Minimum internal floor area	
Studio	37m²	
1 bed	47m²	
2 bed + 1 bath¹	67m²	
3 bed + 1 bath¹	90m²	
¹An additional 3m² shall be provided for designs that include a second or separate toilet, and 5m² for designs that include a second bathroom.		
A4.3.2 – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.		
Table 4.3b Minimum floor areas and dimensions for habitable rooms		
Habitable room type	Minimum internal floor area	Minimum internal dimension
Master bedroom	10m²	³³m
Other bedrooms	9m²	³³m
Living room – studio and 1 bed apartments	N/A	3.6m
Living room – other dwelling types	N/A	4m
¹ Excluding robes		
A4.3.3 – Measured from the finished floor level to finished ceiling level, minimum ceiling heights are:		
– Habitable rooms – 2.7m		
– Non-habitable rooms – 2.4m		
– All other ceilings meet or exceed the requirements of the NCC.		

A4.3.4 – The length of a single aspect open plan living area is equal to or less than 3 x the ceiling height. An additional 1.8m length may be provided for a kitchen, where the kitchen is the furthest point from the window in an open plan living area provided that the maximum length does not exceed 9m.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No

ELEMENT 4.4 PRIVATE OPEN SPACE AND BALCONIES		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O4.4.1 – Dwellings have good access to appropriately sized private open space that enhances residential amenity.	All apartments have private open space that exceeds the AO area and dimension requirements. All balconies are accessed from habitable rooms.	
O4.4.2 – Private open space is sited, oriented and designed to enhance liveability for residents.	The development maximises balconies to solar access.	
O4.4.3 – Private open space and balconies are integrated into the overall architectural form and detail of the building.	The balconies are integrated into the overall built form and servicing is located in central plant zones and not on balconies.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.4.1 – Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4.		

Table 4.4 Private open space requirements

Dwelling type	Minimum Area ¹	Minimum Dimension ¹
Studio apartment + 1 bedroom	8m ²	2.0m
2 bedroom	10m ²	2.4m
3 bedroom	12m ²	2.4m
Ground floor / apartment with a terrace	15m ²	3m

¹ Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.

A4.4.2 – Where private open space requires screening to achieve visual privacy requirements, the entire open space is not screened and any screening is designed such that it does not obscure the outlook from adjacent living rooms.	
A4.4.3 – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building design.	
A4.4.4 – Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	No

ELEMENT 4.5	CIRCULATION AND COMMON SPACES	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O4.5.1 – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.	The circulation spaces are a minimum of 1.5 metres and are designed for universal access	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>
O4.5.2 – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.	The circulation areas are provided with access to natural light from the core location and no habitable rooms (other than studies) open to the corridors.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.5.1 – Circulation corridors are a minimum 1.5m in width.		
A4.5.2 – Circulation and common spaces are designed for universal access.		
A4.5.3 – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.		
A4.5.4 – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.		
A4.5.5 – Bedroom windows and major openings to living rooms do not open directly onto circulation or common spaces and are designed to ensure visual privacy and manage noise intrusion.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	No	

ELEMENT 4.6		STORAGE	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.			
O4.6.1 – Well-designed, functional and conveniently located storage is provided for each dwelling.	58 Weatherproof storerooms are provided for each dwelling in the basement or podium.		
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.6.1 – Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area. This can be located either internally or externally to the dwelling with dimensions in accordance with Table 4.6.			
Table 4.6 Storage requirements			
Dwelling type	Storage area ¹	Minimum dimension ¹	Minimum height ¹
Studio dwelling	3m ²		
1 bedroom dwelling	3m ²	1.5m	2.1m
2 bedroom dwellings	4m ²		
3 bedroom dwellings	5m ²		
¹ Dimensions exclusive of services and plant.			
A4.6.2 – Bulky good stores that are not directly accessible from the dwelling/private open space are located in areas that are convenient, safe, well-lit, secure and subject to passive surveillance.			
A4.6.3 – Storage provided separately from dwellings or within or adjacent to private open space ¹ , is integrated into the design of the building or open space and is not readily visible from the public domain.			
(1) Storage on/adjacent to private open space is additional to required open space area and dimensions.			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		No	
ELEMENT 4.7		MANAGING THE IMPACT OF NOISE	

ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
04.7.1 – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.		The dwellings face west to the coast, south to a local park and east to other residential dwellings.	
04.7.2 – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.		This will be included as part of the detailed design for the building permit	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.7.1 – Dwellings exceed the minimum requirements of the NCC, such as a rating under the AAAC Guideline for Apartment and Townhouse Acoustic Rating (or equivalent).			
A4.7.2 – Potential noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open space and refuse bins are not located adjacent to the external wall of habitable rooms or within 3m of a window to a bedroom.			
A4.7.3 – Major openings to habitable rooms are oriented away or shielded from external noise sources.			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		No	

ELEMENT 4.8	DWELLING MIX	APPLICANT COMMENT	ASSESSOR COMMENT
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
04.8.1 – A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.		The development provides a mix of 2 and 3 bedroom aged persons dwellings. Each floor has a mix of dwelling types.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.8.1 – a) Dwelling mix is provided in accordance with the objectives, proportions or targets specified in a local housing strategy or relevant local planning instrument OR b) Where there is no local housing strategy, developments of greater than 10 dwellings include at least 20 per cent of apartments of differing bedroom numbers.			

A4.8.2 – Different dwelling types are well distributed throughout the development, including a mix of dwelling types on each floor.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	LDP provides that diversity does not apply to aged persons dwellings.

ELEMENT 4.9	UNIVERSAL DESIGN		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT	
O4.9.1 – Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.	A minimum of 20% of the number of dwellings will be designed to meet Silver level requirements.	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.9.1 – a) 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) OR b) 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).			
LOCAL PLANNING FRAMEWORK	REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No		

ELEMENT 4.10	FAÇADE DESIGN		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT	
O4.10.1 – Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.	The facades incorporate a high level of design and incorporates materials and finishes reflective of the site locality.	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	

O4.10.2 – Building façades express internal functions and provide visual interest when viewed from the public realm.	The façade identifies the site function as aged persons dwellings and provides passive surveillance to the streets.
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>	
A4.10.1 – Façade design includes: - scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm - rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.	
A4.10.2 – In buildings with height greater than four storeys, façades include a defined base, middle and top for the building.	
A4.10.3 – The façade includes design elements that relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.	
A4.10.4 – Building services fixtures are integrated in the design of the façade and are not visually intrusive from the public realm.	
A4.10.5 – Development with a primary setback of 1m or less to the street includes awnings that: - define and provide weather protection to entries - are integrated into the façade design - are consistent with the streetscape character.	
A4.10.6 – Where provided, signage is integrated into the façade design and is consistent with the desired streetscape character.	
LOCAL PLANNING FRAMEWORK	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No

ELEMENT 4.11	ROOF DESIGN		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT	
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.11.1 – Roof forms are well integrated into the building design and respond positively to the street.	The RAR identified that the roof terrace was not supported, and a condition was imposed on the approval (Condition 2) to remove the rooftop gym. The roof is flat in response the maximum height under the LDP, and the communal area has been located at ground level in response to Condition 2.		

04.11.2 – Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.	The communal area has been located at ground level in response to Condition 2. The roof can include solar collectors.
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>	
A4.11.1 – The roof form or top of building complements the façade design and desired streetscape character.	
A4.11.2 – Building services located on the roof are not visually obtrusive when viewed from the street.	
A4.11.3 – Useable roof space is safe for users and minimises overlooking and noise impacts on private open space and habitable rooms within the development and on adjoining sites.	
LOCAL PLANNING FRAMEWORK	
REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No

ELEMENT 4.12 LANDSCAPE DESIGN		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
04.12.1 – Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.	Refer to approved landscape plans.	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.
04.12.2 – Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.	Refer to approved landscape plans.	
04.12.3 – Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.	Refer to approved landscape plans.	
04.12.4 – Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.	Refer to approved landscape plans.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		

A4.12.1 – Submission of a landscape plan prepared by a competent landscape designer. This is to include a species list and irrigation plan demonstrating achievement of Waterwise design principles.				
A4.12.2 – Landscaped areas are located and designed to support mature, shade-providing trees to open space and the public realm, and to improve the outlook and amenity to habitable rooms and open space areas.				
A4.12.3 – Planting on building structures meets the requirements of Table 4.12.				
Table 4.12 Planting on structure: minimum soil standards for plant types and sizes				
Plant type	Definition	Soil volume	Soil depth	Soil area
Large tree	Over 12m high, crown spread at maturity	76.8m³	1,200mm	64m² with minimum dimension 7m
Medium tree	8-12m high, crown spread at maturity	36m³	1,000mm	36m² with minimum dimension 5m
Small tree	4-8m high, crown spread at maturity	7.2m³	800mm	3m × 3m
Small ornamentals	3-4m high, crown spread at maturity	3.2m³	800mm	2m × 2m
Shrubs	--	--	500-600mm	--
Ground cover	--	--	300-450mm	--
Turf	--	--	200mm	--
A4.12.4 – Building services fixtures are integrated in the design of the landscaping and are not visually intrusive.				
LOCAL PLANNING FRAMEWORK		REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		No		
ELEMENT 4.13		ADAPTIVE REUSE		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT	
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>		
O4.13.1 – New additions to existing buildings are contemporary and complementary and do not detract from the character and scale of the existing building.		N/A		
O4.13.2 – Residential dwellings within an adapted building provide good amenity for residents,		N/A		

generally in accordance with the requirements of this policy.		
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.13.1 – New additions to buildings that have heritage value do not mimic the existing form and are clearly identifiable from the original building.		
A4.13.2 – New additions complement the existing building by referencing and interpreting the scale, rhythm and materiality of the building.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	N/A	

ELEMENT 4.14 MIXED USE		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O4.14.1 – Mixed use development enhances the streetscape and activates the street.	N/A	
O4.14.2 – A safe and secure living environment for residents is maintained through the design and management of the impacts of non-residential uses such as noise, light, odour, traffic and waste.	N/A	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.14.1 – Where development is located within a mixed use area designated within the local planning framework, ground floor units are designed for future adaption to non-residential uses.		
A4.14.2 – Ground floor uses including non-commercial uses, such as communal open space, habitable rooms, verandahs and courtyards associated with ground floor dwellings, address, enhance and activate the street.		
A4.14.3 – Non-residential space in mixed use development is accessed via the street frontage and/or primary entry as applicable.		
A4.14.4 – Non-residential floor areas provided in mixed use development has sufficient provision for parking, waste management, and amenities to accommodate a range of retail and commercial uses in accordance with the requirements		
A4.14.5 – Mixed use development is designed to mitigate the impacts of non-residential uses on residential dwellings, and to maintain a secure environment for residents.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	No	

ELEMENT 4.15 ENERGY EFFICIENCY		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	ASSESSOR COMMENT	
	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
04.15.1 – Reduce energy consumption and greenhouse gas emissions from the development.	The development seeks to reduce energy consumption through the design and orientation. Additional consideration will be given during detailed design.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.15.1 – a) Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) OR b) All dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars.¹ Compliance with the NCC requires that development shall achieve an average star-rating across all dwellings that meets or exceeds a nominated benchmark, and that each unit meets or exceeds a slightly lower benchmark. Compliance with this Acceptable Outcome requires that each unit exceeds that lower benchmark by at least half a star.		
LOCAL PLANNING FRAMEWORK		REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		No

ELEMENT 4.16 WATER MANAGEMENT AND CONSERVATION		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	ASSESSOR COMMENT	
	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
04.16.1 – Minimise potable water consumption throughout the development.	Additional consideration will be given during detailed design.	
04.16.2 – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	Will be diverted to the landscape areas.	
04.16.3 – Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	Additional consideration will be given during detailed design.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		

A4.16.1 – Dwellings are individually metered for water usage.	
A4.16.2 – Stormwater runoff generated from small rainfall events is managed on-site.	
A4.16.3 – Provision of an overland flow path for safe conveyance of runoff from major rainfall events to the local stormwater drainage system.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No

ELEMENT 4.17 WASTE MANAGEMENT		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O4.17.1 – Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.	A WMP was submitted as part of the original application.	
O4.17.2 – Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.	A WMP was submitted as part of the original application.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.17.1 – Waste storage facilities are provided in accordance with the Better Practice considerations of the WALGA Multiple Dwelling Waste Management Plan Guidelines (or local government requirements where applicable).		
A4.17.2 – A Level 1 Waste Management Plan (Design Phase) is provided in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines - Appendix 4A (or equivalent local government requirements).		
A4.17.3 – Sufficient area is provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines - Level 1 Waste Management Plan (Design Phase) (or local government requirements where applicable).		
A4.17.4 – Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No	

ELEMENT 4.18 UTILITIES	
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ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
04.18.1 –The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.	The site is appropriately serviced.	
04.18.2 – All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.	Utilities are generally located within the built form and do not impact safe movement of pedestrians and vehicles.	
04.18.3 – Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development.	The utilities are integrated.	
04.18.4 – Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.	AC located on roof.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.18.1 – Utilities that must be located within the front setback, adjacent to the building entry or on visible parts of the roof are integrated into the design of the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive.		
A4.18.2 – Developments are fibre-to-premises ready, including provision for installation of fibre throughout the site and to every dwelling.		
A4.18.3 – Hot water units, air-conditioning condenser units and clotheslines are located such that they can be safely maintained, are not visually obtrusive from the street and do not impact on functionality of outdoor living areas or internal storage.		
A4.18.4 – Laundries are designed and located to be convenient to use, secure, weather-protected and well-vented; and are of an overall size and dimension that is appropriate to the size of the dwelling.		
LOCAL PLANNING FRAMEWORK		
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	REQUIREMENT No	