



SHIRE OF CARNARVON  
**AGENDA**  
SPECIAL COUNCIL MEETING  
14 FEBRUARY 2023

Council Chambers, Stuart Street  
CARNARVON, West Australia  
Phone: (08) 9941 0000  
Fax: ((08) 9941 1099  
Website – [www.carnarvon.wa.gov.au](http://www.carnarvon.wa.gov.au)

*The Shire of Carnarvon acknowledges the Yinggarda people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.*

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## **NOTICE OF MEETING**

Notice is hereby given  
**Shire of Carnarvon**  
**Special Council Meeting**  
will be held  
on Tuesday 14 February 2023  
Council Chambers, Stuart Street Carnarvon  
commencing at 1.00pm



Andrea Selvey  
CHIEF EXECUTIVE OFFICER

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### **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

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## INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

*Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)*

*11. Minutes, content of (Act s.5.25(1)(f))*

*The content of minutes of a meeting of a council or a committee is to include –*

*(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.*

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

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## SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time ***subject to the questions being asked only relating to the purpose of the Special Meeting*** (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)

# INDEX

## 1.0 ATTENDANCES , APOLOGIES & APPROVED LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

## 2.0 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

## 3.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

## 4.0 ITEMS FOR DISCUSSION

4.1 Development Application P03/23 – “The Pier” Stage 1 Development .....5

## 5.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

## 6.0 CLOSURE

**4.1.1 DEVELOPMENT APPLICATION P03/23 – “THE PIER” MULTIPLE DWELLING DEVELOPMENT - STAGE 1**

File No: A4085  
 Date of Meeting: 14 February 2023  
 Location/Address: 85 Olivia Terrace, Carnarvon  
 Name of Applicant: ANGOVENP PTY LTD ATF THE CARNARVON WATERFRONT UNIT TRUST  
 Name of Owner: ANGOVENP PTY LTD ATF THE CARNARVON WATERFRONT UNIT TRUST  
 Author/s: Stefan Louw  
 Declaration of interest: Nil  
 Voting Requirements: Simple and Absolute Majority  
 Previous Reports: SCM 2/1/23 – 10 January 2023  
 Schedules: Schedule 4.1.1 (a) – Proposed plans  
 Schedule 4.1.1 (b) – RAR  
 Schedule 4.1.1 (c) – Overall development plan

**Authority / Discretion**

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
X	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

**Summary of Item:**

This item relates to a development application for stage 1 only of the former ‘The Pier’ - multi use development proposal to be located on Lot 300 (HN) 85 Olivia Terrace, Carnarvon. Stage 1 of the overall development comprises a multiple dwelling component, with associated amenities and the jetty. The overall proposal, stage 1 to 3 as per Schedule 4.1.1(c), will be developed in 3 stages over a period of 2 – 4 years. Stages 2 and 3 will be subject to further planning approval.

This report recommends that Council supports the officer recommendation to approve the application.

**Background:**

The original application, comprised of 3 stages, has been withdrawn by the applicant and a new application was received for only stage 1 to be considered by Council. The new application, now only including stage 1, does not propose any changes to what was previously considered by Council in terms of that stage. The applicant has advised that stages 2 and 3 of the development will be submitted later under another development application.

The proposed development site is located at the western end of Robinson Street (the main street within the Carnarvon townsite) where it intersects with Olivia Terrace – via a roundabout - which extends along the Fascine waterway (formerly the south arm of the Gascoyne River).

It is a prominent landmark site within the Carnarvon town centre, with outlooks onto Robinson Street, along Olivia Terrace (north and south), the Fascine waterway, and across to Babbage and Whitlock Islands.

The development site is presently vacant with some remnant palm trees located along its Olivia Terrace frontage and within the south-west corner of the site, and some remnant river gums along its Robinson Street frontage towards its eastern corner.

The development site previously contained the Carnarvon Police Station and Court House, which are now located in relatively new premises at the corner of Robinson Street and Babbage Island Road, Morgantown (the existing premises having been demolished).

### Proposal

The proposal consists of a multiple dwelling component with associated amenities and the jetty and boat pens, which forms part of stage 1 of the three staged development known as 'The Pier', upon lot 300 on DP 412840 located at 85 Olivia Terrace Carnarvon.

Proposed stage 1 includes the following aspects:

- A 4-storey multiple-dwelling complex comprising 35 dwellings with private balconies in the following mix of bedrooms/sizes:
  - 7 dedicated one-bedroom king-size (KS) dwellings – 52 m<sup>2</sup> floor area with 8.3m<sup>2</sup> (approx.) balcony.
  - 26 flexible two-bedroom 'twin-key' dwellings – 79 m<sup>2</sup> floor area with 13.6 m<sup>2</sup> balcony.
    - Each 'twin-key' dwelling is capable of being used as a separate self-contained dwelling, totalling 52 one-bedroom dwellings.
    - Of these 52 dwellings, 26 comprise a king-size (KS) one-bedroom dwelling with a floor area of 52 m<sup>2</sup> and a balcony size of approximately 8.3 m<sup>2</sup>.
    - The remaining 26 comprise a studio (S) one-bedroom dwelling with a floor area of 27 m<sup>2</sup> and a balcony size of approximately 5.6 m<sup>2</sup>.
  - 2 two-bedroom dwellings – 66m<sup>2</sup> floor area.
- Provision of 102 car parking spaces on site.
- Private swimming pool and associated outdoor recreation areas.
- Storage and bin storage collection areas.
- Interim landscaping area.
- A floating jetty is proposed with public access to short and long-term leased boat pens as well as reserved pens for the benefit of hotel guest in the later stages of the development.
- The boat pens will range in size from 8m to 20m with a secured access gate-house on the Fascine shore.

### Planning assessment

This application has been subject to a comprehensive assessment that was undertaken as part of the previous JDAP application and as part of that assessment, stage 1 was found to be compliant with relevant State planning policies as well as the relevant requirements of the Shire of Carnarvon Local Planning Scheme No. 13. Please refer to Schedule 4.1.1 (b) for the complete assessment that was undertaken as part of the Responsible Authority Report (RAR).

### Waiver of planning fees

The applicant has requested that Council consider waving the planning application fee of \$11,281.00 as a detailed assessment of the application has been carried out as part of the previous JDAP application.

In consideration of the above please note the following in relation to processing the application:

- Application was received by officers and discussions took place around the mechanics of the new

application.

- No advertising was required.
- Discussion took place with Department of Transport regarding the new application.
- Internal discussions with infrastructure department.
- Writing the agenda item.

Referrals/consultation with Government/Service Agencies

The JDAP application was referred to the Department of Transport (DOT) for comment on the proposed Jetty. The department did not have any objections to the development subject to conditions being included on the permit. Due to no changes proposed for stage 1, this application was not formally referred to DOT, however, advice was received from DOT to use the previous conditions imposed by DOT for this application.

**Stakeholder and Public Consultation:**

Pursuant to the Shire of Carnarvon Local Planning Scheme No. 13 the proposed application for Stage 1 only does not constitute an application that requires public consultation, as it is not classified as a complex application and because the proposed use is classified as a permitted use 'P'. However, the previous JDAP application that included all stages were advertised. This application for stage 1 does not propose any changes to what was previously considered under the JDAP application.

**Statutory Environment:**

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnarvon Local Planning Scheme (LPS) 13
- Local Government Act 1995

**Relevant Plans and Policy:**

- State Planning Policy (SPP) 1: State Planning Framework
- State Planning Policy (SPP) 3: Urban Growth and Settlement
- State Planning Policy (SPP) 3.4: Natural Hazards and Disasters
- State Planning Policy (SPP) 7.0: Design of the Built Environment
- State Planning Policy (SPP) 7.3: Residential Design Codes

**Financial Implications:**

There are no identified financial implications.

**Risk Assessment:**

		<b>STEP 3 – Risk Tolerance Chart Used to Determine Risk</b>				
<b>Consequence</b> →		<b>Insignificant 1</b>	<b>Minor 2</b>	<b>Major 3</b>	<b>Critical 4</b>	<b>Extreme 5</b>
<b>Likelihood</b> ↘						
<b>Almost certain</b>	<b>A</b>	High	High	Extreme	Extreme	Extreme
<b>Likely</b>	<b>B</b>	Moderate	High	High	Extreme	Extreme
<b>Possible</b>	<b>C</b>	Low	Moderate	High	Extreme	Extreme
<b>Unlikely</b>	<b>D</b>	Low	Low	Moderate	High	Extreme
<b>Rare</b>	<b>E</b>	Low	Low	Moderate	High	High

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service disruption	N/A		

Compliance	Complying with conditions	Low	Including measurable conditions on the Development Approval
Property	N/A		
Environment	N/A		
Fraud	N/A		

**Community & Strategic Objectives:**

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

**In 2040 Carnarvon is a place where:**

- *Our economy fosters investment and productivity in industries befitting Carnarvon’s physical and natural environment and that grows our horizons.*

**Comment:**

It is a rare opportunity for a landmark site, in a regional context, to be considered viable for development. “The Pier” is intended as a benchmark regional development proposing quality urban design and desired mixed-use outcomes. It is intended to be a development of longevity, public relevance and civic significance underpinning the heart of Carnarvon.

This report recommends Council supports the officer’s recommendation to approve the application.

**OFFICER’S RECOMMENDATION PART 1**

*That Council, by Simple Majority, pursuant to Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Carnarvon Local Planning Scheme No. 13, resolves that development approval for application P02/23 for a Multiple Dwelling development at Lot 300 (No. 85) Olivia Terrace, Carnarvon is granted, subject to the following conditions:*

**Conditions**

- (i)** *This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;*
- (ii)** *The number of onsite car bays, bicycle bays and motorcycle/scooter bays determined to be provided within each stage of the proposed development, including access to them, are to be designed, constructed, sealed, drained, and marked to the specifications and satisfaction of the Shire of Carnarvon prior to occupancy of the respective stage of the development, and thereafter be maintained to the satisfaction of the Shire of Carnarvon;*
- (iii)** *Prior to occupancy of the approved development the applicant shall submit to the Shire of Carnarvon a legal agreement—prepared at the applicant's expense (including legal expenses incurred by the Shire of Carnarvon in reviewing and authorising the agreement) and to the satisfaction of the Shire of Carnarvon—to facilitate reciprocal rights of vehicular access over adjoining lot 182 on P222239 to lot 300 on DP 412840 and in which the Shire's interests are protected;*
- (iv)** *Prior to development commences a stormwater and drainage management plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.*

*This plan is to specifically address the collection, storage and/or disposal of stormwater falling within the development site including roof run-off.*



- (v) Prior to occupancy of the development the approved stormwater management plan must be implemented to the satisfaction of the Shire of Carnarvon.*
- (vi) Prior to occupancy of the approved development a waste management plan must be submitted to the specification and satisfaction of the Shire of Carnarvon.*

*This plan is to specifically address the collection, storage and disposal of waste generated from within the approved development.*

- (vii) Prior to development commences a landscape plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.*

*The landscape plan is to denote:*

- (a) the location and species of all trees to be removed, retained, and to be planted;*
- (b) a schedule of proposed plant species, their size, and number;*
- (c) details of any proposed water reticulation;*
- (d) the location, type and design of proposed fencing and external screening;*
- (e) the location, type and design of proposed pavements;*
- (f) the location, type, and design of any proposed external signage;*
- (g) the location, type, and design of any proposed external lighting; and*
- (h) an implementation schedule for implementing the landscape plan in respect to each stage of the approved development*

- (viii) Prior to occupancy of the approved development, the approved landscaping must be completed to the satisfaction of the Shire of Carnarvon.*

- (ix) Prior to the development commencing, an acoustic report for the whole proposed development be prepared and submitted to the Shire of Carnarvon for approval.*

- (x) Prior to occupancy of the approved development any recommendations made in the approved acoustic report must be implemented to the satisfaction of the Shire of Carnarvon.*

- (xi) Prior to the development commencing, an external lighting plan be prepared and submitted to the Shire of Carnarvon for approval.*

- (xii) Prior to occupancy of the approved development the external lighting as per the approved external lighting plan must be completed to the satisfaction of the Shire of Carnarvon.*

- (xiii) Utilities servicing the approved development are to be designed to integrate with the overall architecture of the approved development;*

- (xiv) Prior to occupancy of the approved development, the development is to be connected to a reticulated water supply to the requirements of the Water Corporation and the satisfaction of the Shire of Carnarvon;*

- (xv) Prior to occupancy of the approved development, the development is to be connected to the reticulated sewerage scheme, to the requirements of the Water Corporation and the satisfaction of the Shire of Carnarvon;*

- (xvi) Filling of lot 300 on DP 412840, other than that directly necessary for the development as approved under a building permit, is prohibited;*

- (xvii) A construction management plan to the specifications and satisfaction of the Shire of Carnarvon shall be submitted with a building permit application for the development.*

*This plan is to particularly address site accessibility; parking for contractors and 'tradies'; ongoing dust control; the provision and maintenance of construction site fencing, signage; the location, unloading and storage of construction materials; the storage and removal of building and services waste; and the contact details and availability of the project manager and site supervisor;*

*The approved construction management plan is to be implemented and adhered to at all times, up to the completion of the approved development and the issue of an occupancy permit by the Shire of Carnarvon;*

- (xviii) Prior to development commences, detailed construction drawings of the jetty, boat pens and gate-house must be submitted for approval and be to the satisfaction of the Shire of Carnarvon.*
- (xix) The proposed jetty and boat pens shall be designed to withstand/accommodate at least a 1 in 100-year cyclone event, and 1 in 500-year inundation levels;*
- (xx) Occupancy within the approved development is not permitted until the respective occupancy permit has been issued by the Shire of Carnarvon pursuant to section 58 of the Building Act 2011;*

#### *Advice Notes*

- (a) The design and construction of the proposed jetty and boat pens is to accord with applicable provisions of the State Planning Policy (SPP) 2.6 – Coastal Planning;*
- (b) A licence is required to be obtained from the Department of Transport, Maritime Property Services to provide and maintain the proposed jetty and boat pens;*
- (c) The proponent is advised that the Carnarvon Fascine waterway is managed and maintained by the Shire of Carnarvon. The Fascine waterway is a dynamic environment and maintaining navigable depths in and out of the waterway on an on-going basis cannot be guaranteed at this time. Accordingly, prospective registered proprietors of the multiple dwellings and/or the hotel, short-stay and studio suites seeking a boat pen licence/lease should be formally notified of the vessel navigability situation by way of a Notification on the Certificate of Title or by some other appropriate means;*
- (d) Access and facilities for people with disabilities must be provided at all times to all approved buildings, and internally throughout any building in accordance with AS1428.1 2009;*
- (e) All building development is to comply with the National Construction Code Series;*
- (f) A copy of the building plans and specifications must be deposited with the Department of Fire and Emergency Services (DFES) pursuant to regulation 18B of the Building Regulations 2012.*

#### *OFFICER'S RECOMMENDATION PART 2*

*That Council, by Absolute Majority, pursuant to Section 3.18 of the Local Government Act 1995 waves the planning application fee as requested by the applicant.*

# THE PIER CARNARVON



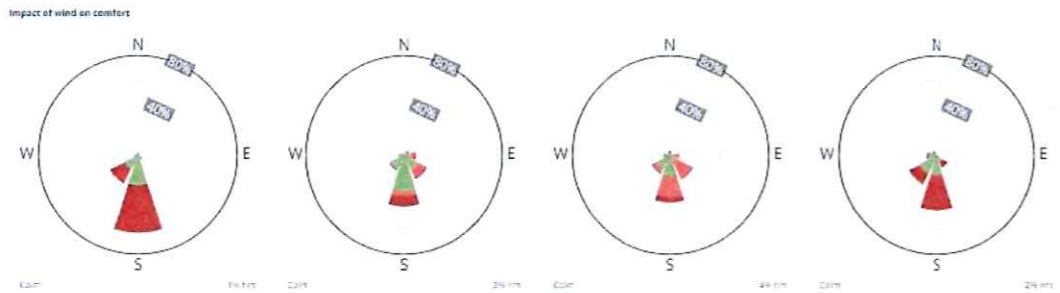
**GENERAL NOTES:**

1	USE FIGURED DIMENSIONS WHERE SHOWN.
2	COLOURS AND TEXTURES USED IN THIS DOCUMENT ARE FOR THE PURPOSE OF CONTRAST AND COMMUNICATION AND ARE NOT, EXCEPT WHERE SPECIFICALLY ANOTATED; INDICATIVE OF FINAL FINISHES OR COLOURS.

**PRE DESIGN:**



Summer - hot, dry	Autumn - warm, dry	Winter - pleasant, dry	Spring - warm, dry
Aug min: 24°C Aug max: 32°C Typically strong winds Often breezy, rarely calm Very low precipitation (48mm over 5 days)	Aug min: 19°C Aug max: 28°C Mainly breezy Occasionally strong winds, rarely calm Light to moderate precipitation (24mm over 1 day)	Aug min: 14°C Aug max: 23°C Mainly breezy Rarely strong winds or calm Very low precipitation (18mm over 5 days)	Aug min: 19°C Aug max: 28°C Typically breezy Often strong winds, rarely calm Very low precipitation (13mm over 4 days)



**Best ways for architecture to respond to climate**

- Take the inside outside**
  - Large openings to connect inside with outside
  - Shaded outside areas as alternative to inside space
  - Larger glazing ratios
  - Shading where needed
- Bring the outside in**
  - Controlled openings for natural ventilation
  - Shaded outside spaces like courtyards & atriums
  - Larger glazing ratios
  - Shading as needed
- Provide shelter from heat**
  - Shaded glazing with solar control
  - Limit unshaded glazing
  - Efficient indoor cooling systems
  - Shaded outdoor areas with fans and assembly shading
- Provide shelter from the cold**
  - Well-insulated glazing and envelope
  - Good source of insulation
  - Massing with limited air circulation
  - Efficient & comfortable heating systems

**LEGEND:**

**ABBREVIATIONS**

- GF GROUND FLOOR
- FF FIRST FLOOR
- SF SECOND FLOOR
- TF THIRD FLOOR
- RL RELATIVE LEVEL BASED ON SURVEYOR'S DRAWINGS
- ALL LEVELS SHOWN ARE RLS
- FFL FINISHED FLOOR LEVEL
- FGL FINISHED GROUND LEVEL
- FPL FINISHED PAVING LEVEL

**SITE SURVEY**

**EXPLANATORY NOTE**  
THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED FROM LANDGATE DIGITAL DATABASE ONLY AND NOT BY FIELD SURVEY.  
SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. IF NOT ABLE TO DO SO, LOCATED SERVICES HAVE BEEN PLOTTED FROM THE RECORDS OF RELEVANT AUTHORITIES WHERE AVAILABLE AND HAVE BEEN NOTED ACCORDINGLY ON THIS PLAN.  
WHERE SUCH RECORDS EITHER DO NOT EXIST OR ARE INADEQUATE, ANNOTATION HAS BEEN MADE HEREON.  
PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

**LEGEND**

- WM WATER METER
- SV STOP VALVE
- FH FIRE HYDRANT
- GG GULLY GRATE
- SMH SEWER MANHOLE (SOURCED FROM ESINET)
- TB TRANSFORMER BOX
- LP LIGHT POLE
- HSP HOUSE SERVICE POLE
- PD POWER DOME
- MHR MANHOLE ROUND
- MHS MANHOLE SQUARE
- CP COMMS PIT
- SS SINGLE POST SIGN
- RUB RUBBISH BIN
- BIW BOLLARD
- BS BUS STOP POST
- TBM TEMPORARY BENCH MARK
- TREE
- PALM

**MAJOR ELEMENTS KEY**

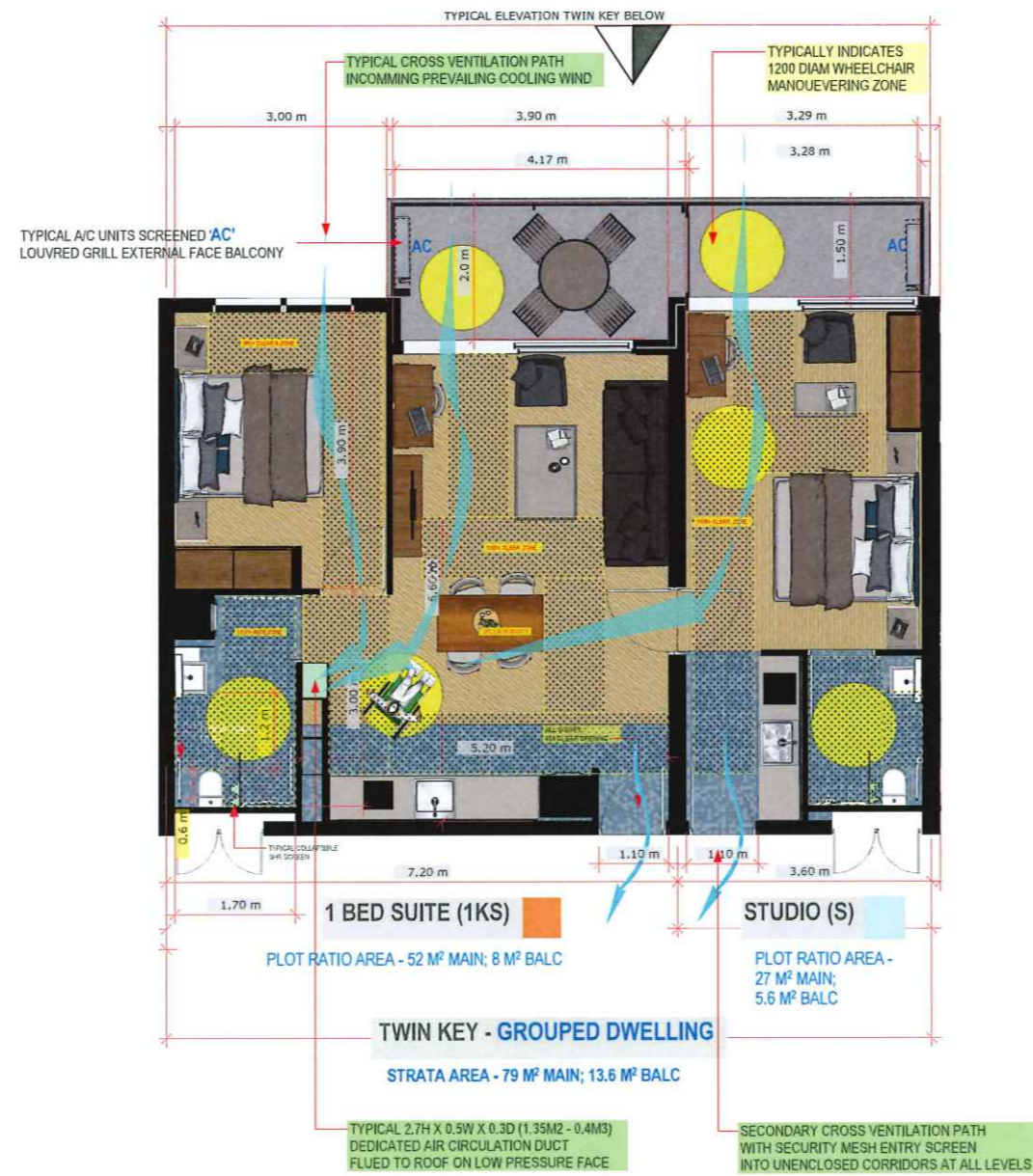
- 1 BED SUITE (1KS)
- STUDIO (S)
- 2 BED (2B)
- SERVICES
- LIFT
- ESCAPE STAIRS
- COMMUNAL OPEN SPACE

**REVISIONS**

NO	DATE	DESCRIPTION
0	10/12/21	ORIGINAL ISSUE
1	10/12/21	DT

**HTD SURVEYORS & PLANNERS**  
HILLE, THOMPSON & DELFOS  
24 Durlacher Street, GERALDTON WA  
PHONE: (08) 9221 3111  
EMAIL: htdsurveys@htd.com.au  
WEBSITE: http://www.htd.com.au

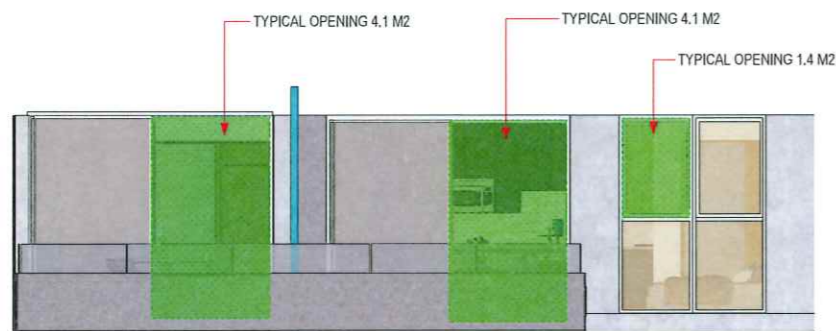
**CLIENT**  
DG CORP  
LOT 300 on DP412840  
DETAIL SURVEY  
OLIVIA TCE ROBINSON ST, CARNARVON - SHIRE OF CARNARVON  
SCALE 1:500  
SHEET NO. A3  
PROJECT NO. 45821DS1-1-0



**APARTMENTS & ROOMS TYPICAL PLANS**

**MAJOR ELEMENTS KEY**

- 1 BED SUITE (1KS)
- STUDIO (S)
- 2 BED (2B)



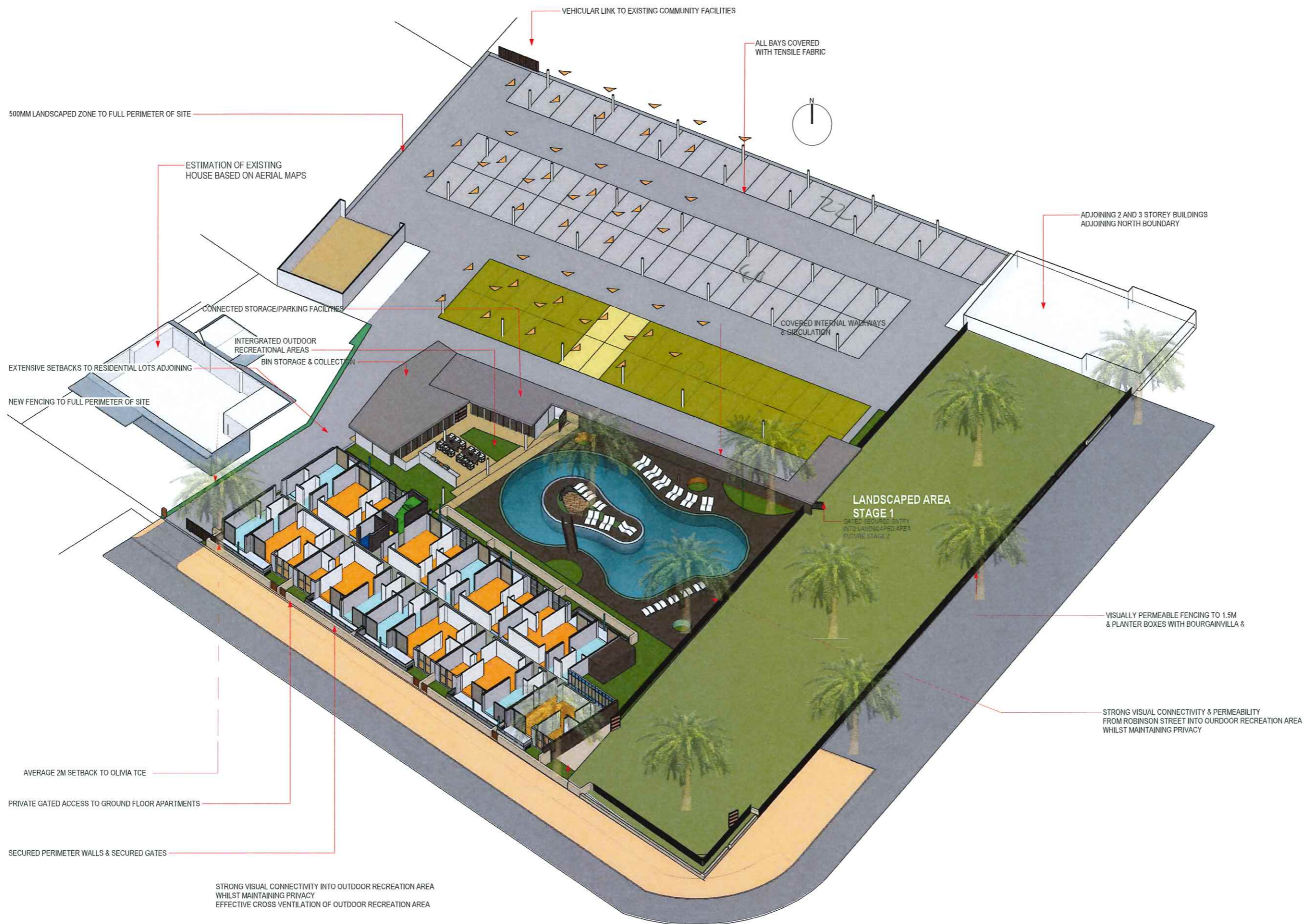
**TYPICAL ELEVATION 2B GROUPED DWELLING**

**TYPICAL ELEVATION TWIN KEY GROUPED DWELLING**

**LIVEABLE HOUSING DESIGN GUIDELINES (LHDG)**

- ACCESSIBLE UNITS DESIGNATED ON FLOOR PLANS (DAU)
- ALL DOORS 900mm CLEAR OPENING
- ALL BATHROOMS ACCESSIBLE WITH GRAB RAILS
- COMPLIANT FIXTURES & BENCH HTS
- COLLAPSIBLE SHR SCREEN
- ALL DAU UNITS WITH COMPLIANT CONTINUOUS ACCESSIBLE PATH OF TRAVEL

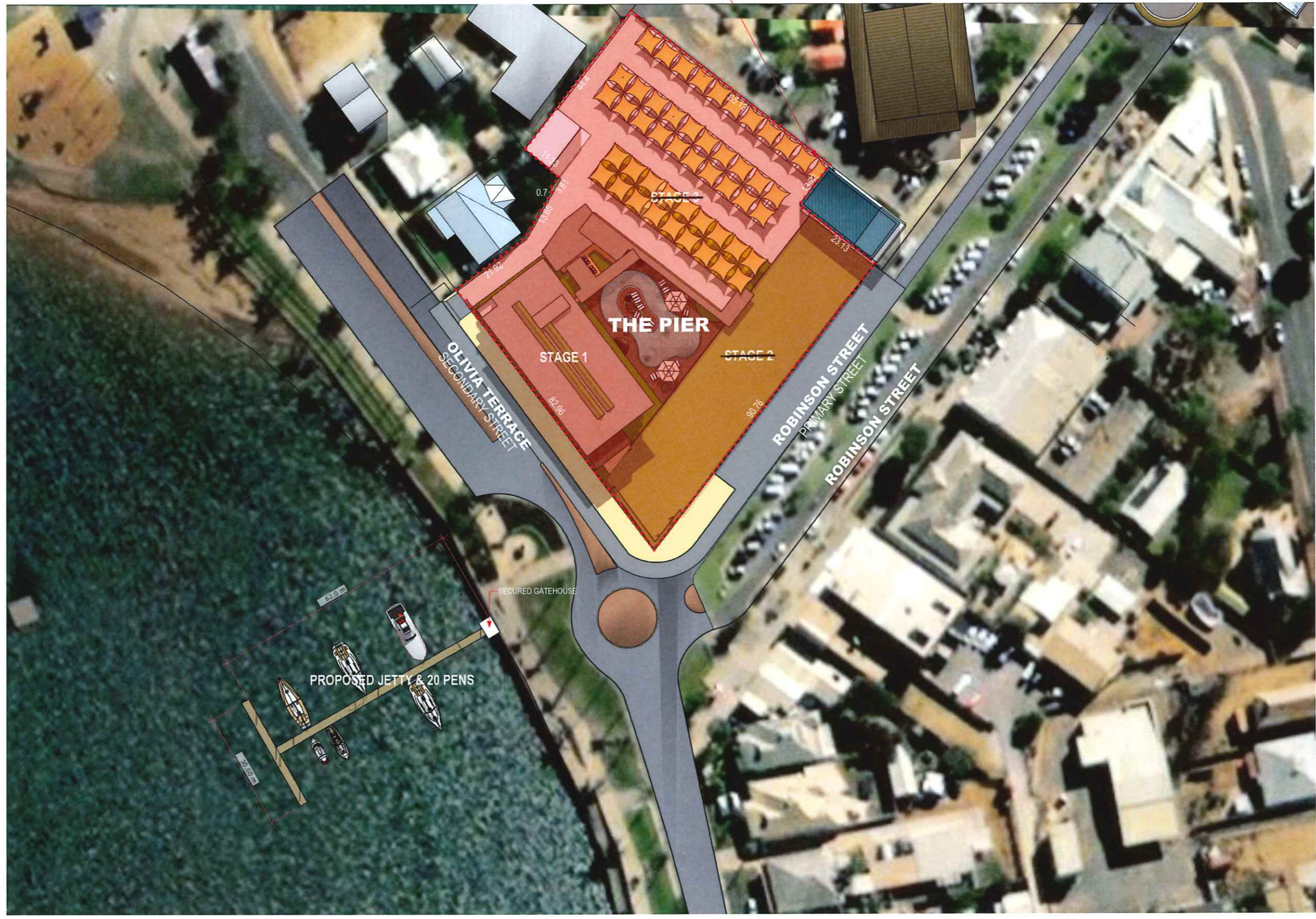
- SERVICES
- LIFT
- ESCAPE STAIRS
- COMMUNAL OPEN SPACE



**MAJOR ELEMENTS KEY**

- 1 BED SUITE (1KS)
- STUDIO (S)
- 2 BED (2B)
  
- SERVICES
- LIFT
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- COMMUNAL OPEN SPACE

SCOPE OF PLANNING APPLICATION & BOUNDARY SHOWN BOUND IN RED  
 BOUNDARY DIMENSION SHOWN IN WHITE (SURVEYORS DRAWING HAS PRECEDENCE)



**MAJOR ELEMENTS KEY**

- 1 BED SUITE (1KS)
- STUDIO (S)
- 2 BED (2B)
  
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**ROBINSON STREET ELEVATION**

TYPICAL DESIGNATED SIGNAGE ZONE BETWEEN EACH VERTICAL FIN (ORANGE)



**OLIVIA STREET ELEVATION**



**ELEVATION 3**

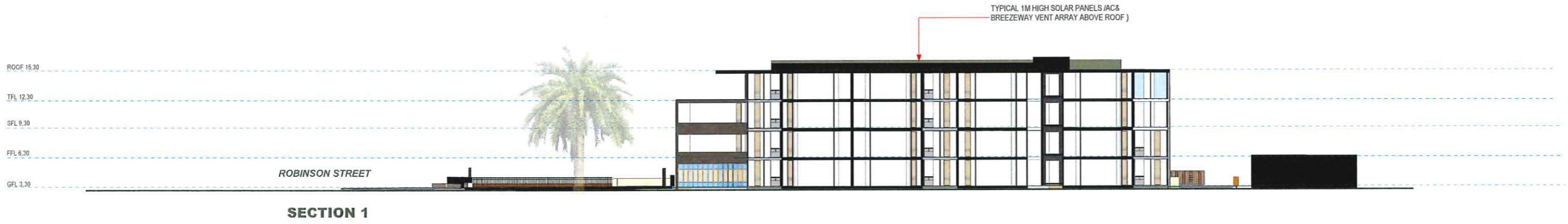


**ELEVATION 4**

**MAJOR ELEMENTS KEY**

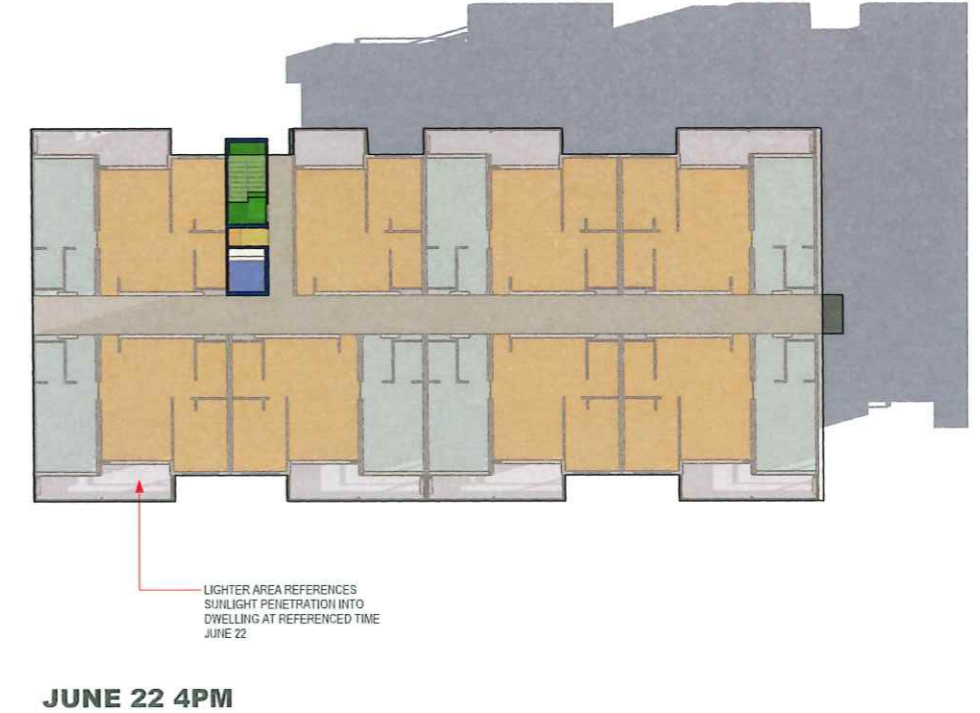
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- COMMUNAL OPEN SPACE





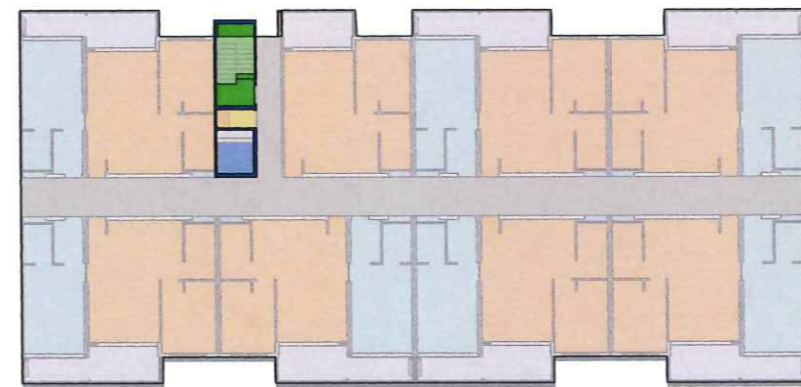
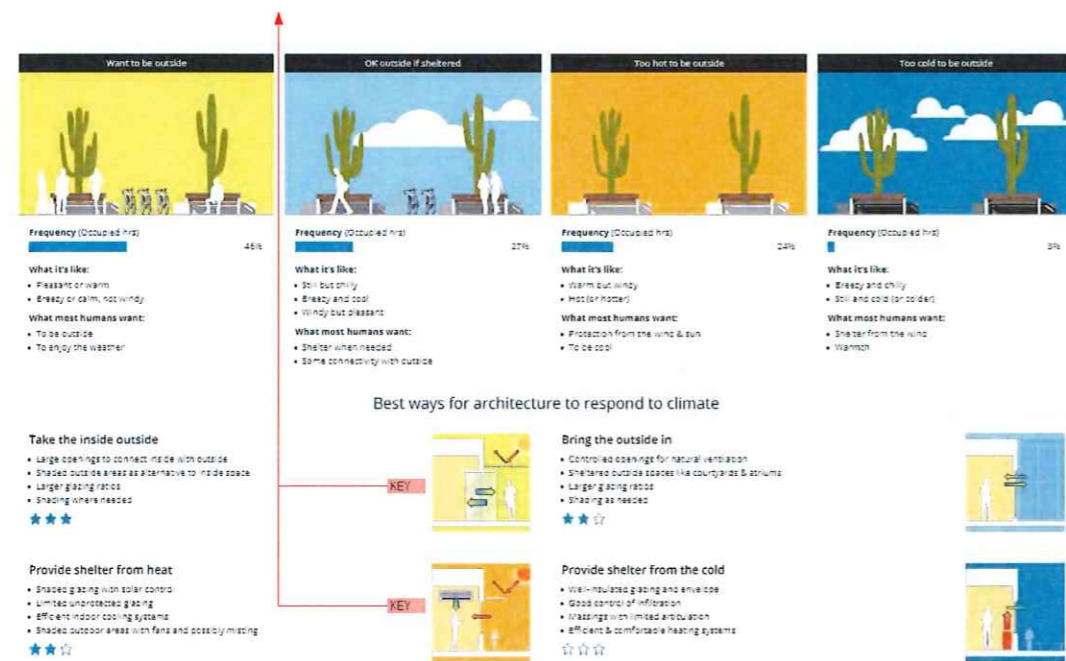
**MAJOR ELEMENTS KEY**

- 1 BED SUITE (1KS)
- STUDIO (S)
- 2 BED (2B)
  
- SERVICES
- LIFT
- ESCAPE STAIRS
- COMMUNAL OPEN SPACE



**JUNE 22 PENETRATION OF SUNLIGHT DIAGRAM**

UNLIKE PERTH, MINIMISATION OF DIRECT SUN PENETRATION INTO DWELLINGS IS KEY TO SUSTAINABLE CLIMATIC CONTROL.



**MAJOR ELEMENTS KEY**

- 1 BED SUITE (1KS)
- STUDIO (S)
- 2 BED (2B)
- SERVICES
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# Form 1: Responsible Authority Report

(Regulation 12)

## Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) for a Development Assessment Panel (DAP) application under Regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs under r.12 except for applications for a review of the original decision or a reconsideration of the original decision, please use the State Administrative Tribunal (SAT) Reconsideration template for those reports.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either “not relevant” or “not applicable” under those headings.

Where the RAR template is submitted to a Council meeting, please note:

- The officer’s recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading “Responsible Authority Recommendation” must contain the Council’s recommendation.
- If the officer recommendation is different from the Council recommendation, this should be shown under the heading “Officer Recommendation”.
- The “Reasons for Responsible Authority Recommendation” section should be completed after the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the “Responsible Authority Recommendation” should be completed and the “Officer Recommendation” section can be deleted.

# 85 OLIVIA TERRACE, CARNARVON - PROPOSED MIXED-USE DEVELOPMENT (HOTEL, RETAIL/COMMERCIAL, OFFICES, SHORT-STAY APARTMENTS AND MULTIPLE DWELLINGS)

## Form 1 – Responsible Authority Report (Regulation 12)

<b>DAP Name:</b>	Joint Development Assessment Panel	
<b>Local Government Area:</b>	Shire of Carnarvon	
<b>Applicant:</b>	Angovenp Pty Ltd ATF The Carnarvon Waterfront Unit Trust	
<b>Owner:</b>	Angovenp Pty Ltd	
<b>Value of Development:</b>	\$12 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	Shire of Carnarvon	
<b>Authorising Officer:</b>	Stefan Louw,	
<b>LG Reference:</b>	P27/22; A4085, ADM1942	
<b>DAP File No:</b>	DAP/22/02363	
<b>Application Received Date:</b>	27 July 2022	
<b>Report Due Date:</b>	12 October 2022	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Additional DA Information + Revised Development Plans</li> <li>2. Schedule of Referral Agency Responses</li> <li>3. Car Parking Assessment A</li> <li>4. Car Parking Assessment B</li> <li>5. Applicant parking demand assessment</li> <li>6. WAPC Method of Calculation (Cash-in-lieu Parking)</li> </ol>	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
<b>[NB: To be advised following consideration and resolution of the application by the Carnarvon Shire Council]</b>	<input checked="" type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

### Responsible Authority Recommendation

#### PART 1

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 accepts the attached Responsible Authority Report (RAR), including attachments.

#### PART 2

That Council, by Simple Majority, pursuant to Regulation 12 of the Planning and

Development (Development Assessment Panels) Regulations 2011 recommends that the Regional Joint Development Assessment Panel resolves to:

1. Accept that the DAP Application reference DAP/22/02363 is appropriate for consideration as a "Mixed Use development" land use and compatible with the objectives of the zoning table in accordance with Clause no.16 of the Shire of Carnarvon Local Planning Scheme No. 13.
2. Approve DAP Application reference DAP/22/02363 and accompanying revised set of development plans dated 9 December 2022 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 Shire of Carnarvon Local Planning Scheme No. 13, subject to the following conditions:

### **Conditions**

- i. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;
- ii. The number of onsite car bays, bicycle bays and motorcycle/scooter bays determined to be provided within each stage of the proposed development, including access to them, shall be designed, constructed, sealed, drained, and marked to the specifications and satisfaction of the Shire of Carnarvon prior to occupancy of the respective stage of the development;
- iii. The applicant shall prepare a legal agreement to facilitate reciprocal rights of vehicular access over adjoining lot 182 on P222239 to lot 300 on DP 412840 in which Shire of Carnarvon's interests are protected.  
This agreement shall be prepared at no cost whatsoever to the Shire of Carnarvon.  
Occupancy of the approved development shall not occur until the agreement is executed by the applicant and the Shire of Carnarvon;
- iv. The porte cochere structure shall be a cantilevered type with no supports located within the Robinson Street Road reserve. The porte cochere shall be designed constructed, sealed, drained, and marked to the specifications and satisfaction of the Shire of Carnarvon prior to occupancy of the approved hotel in Stage 2;
- v. The applicant shall submit to the Shire of Carnarvon a legal agreement for the registered proprietor (RP) of lot 300 on DP 412840 to:
  - (a) maintain the porte cochere within the Robinson Street reserve at its expense and to the satisfaction of the Shire of Carnarvon for the duration of the hotel use; and
  - (b) should the hotel use permanently cease, remove the porte cochere and make good at its expense to the satisfaction of the Shire of Carnarvon the land occupied by the porte cochere within 6 months of the hotel use permanently ceasing.This agreement shall be prepared at no cost whatsoever to the Shire of Carnarvon.  
Occupancy of the approved development shall not occur until the agreement is executed by the applicant and the Shire of Carnarvon;

- vi. Prior to issue of a building permit for any stage of the development, a stormwater and drainage management plan shall be submitted to the specifications and satisfaction of the Shire of Carnarvon.  
This plan shall specifically address the collection, storage and/or disposal of stormwater falling within the development site including roof run-off;
- vii. Prior to occupancy of the development the approved stormwater management plan must be implemented to the satisfaction of the Shire of Carnarvon;
- viii. Prior to occupancy of the approved development a waste management plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.  
This plan is to specifically address the collection, storage and disposal of waste generated from within the approved development;
- ix. Prior to issue of a building permit for any stage of the development a landscape plan must be submitted to the satisfaction of the Shire of Carnarvon;
- x. Prior to occupancy of the approved development, the approved landscaping must be completed in accordance with the approved landscape plan;
- xi. That there is to be no light spill emanating from corridors and common spaces within the approved development into the habitable rooms of adjoining lots;
- xii. Utilities servicing the approved development are to be designed to integrate with the overall architecture of the approved development;
- xiii. Prior to occupancy of each stage of the approved development, each stage of the development shall be connected to a reticulated water supply to the requirements of the Water Corporation;
- xiv. Prior to occupancy of each stage of the approved development, each stage of the development shall be connected to the reticulated sewerage scheme, to the requirements of the Water Corporation;
- xv. Prior to occupancy of each stage of the approved development, each stage of the development shall be connected to the reticulated electricity network to the requirements of Horizon Power;
- xvi. Filling of lot 300 on DP 412840 is prohibited, other than that directly necessary for the development as approved under a building permit;
- xvii. A construction management plan to the specifications and satisfaction of the Shire of Carnarvon shall be submitted with a building permit application for the development.  
This plan shall address:
  - site accessibility;
  - parking for contractors and 'tradies';
  - ongoing dust control;
  - provision and maintenance of construction site fencing and signage;
  - location, unloading and storage of construction materials;

- storage and removal of construction waste;
- contingency arrangements for any construction works and securing materials during cyclone season; and
- contact details and availability of the project manager and site supervisor;

The approved construction management plan is to be implemented and adhered to at all times, up to the completion of the approved development and the issue of an occupancy permit by the Shire of Carnarvon;

- xviii. The proposed jetty and boat pens shall be designed to withstand/accommodate at least a 1 in 100-year cyclone event, and 1 in 500-year inundation levels;
- xix. Occupancy within each stage of the approved development is not permitted until the respective occupancy permit has been issued by the Shire of Carnarvon pursuant to section 58 of the Building Act 2011;
- xx. No hotel suite (Stage 2) and no short-stay suites and studio suites in Stage 3 are to be occupied by any person for more than 3 months within any 12 month period.  
To this end, the proprietor/manager of these suites is to maintain a register of guests, which is to be made available for inspection by authorised officers of the Shire of Carnarvon upon request.

#### **Advice Notes**

- (a) The design and construction of the proposed jetty and boat pens is to accord with applicable provisions of the State Planning Policy (SPP) 2.6 – Coastal Planning;
- (b) A licence is required to be obtained from the Department of Transport, Maritime Property Services to provide and maintain the proposed jetty and boat pens;
- (c) The proponent is advised that the Carnarvon Fascine waterway is managed and maintained by the Shire of Carnarvon. The Fascine waterway is a dynamic environment and maintaining navigable depths in and out of the waterway on an on-going basis cannot be guaranteed at this time. Accordingly, prospective registered proprietors of the multiple dwellings and/or the hotel, short-stay and studio suites seeking a boat pen licence/lease should be formally notified of the vessel navigability situation by way of a Notification on the Certificate of Title or by some other appropriate means;
- (d) Access and facilities for people with disabilities must be provided at all times to all approved buildings, and internally throughout any building in accordance with AS1428.1 2009;
- (e) All building development is to comply with the National Construction Code Series;
- (f) A copy of the building plans and specifications must be deposited with the Department of Fire and Emergency Services (DFES) pursuant to regulation 18B of the Building Regulations 2012.

### **PART 3**

That Council, by Simple Majority, pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulations 2011 resolves to update the Responsible Authority Report with the changes to the conditions as per Part 2 above, and to submit the updated Responsible Authority Report with attachments to the JDAP for determination.



## Reasons for Responsible Authority Recommendation

### REASONS FOR VARIATION:

1. The planning approval timeframe has been increased from 2 years to 4 years as Council considers that this development, given its scale, is likely to take longer than 2 years, noting the current supply chain issues and labour shortages in the construction industry.
2. Council accepts the 143 on-site parking bays proposed by the development and considers that any additional parking demand can be accommodated by existing on-street parking within the Carnarvon town centre. This consideration is based on local knowledge and regular observations of parking demand in the town centre.

### Details: Outline of development application

Region Scheme	N/A	
Region Scheme - Zone/Reserve	N/A	
Local Planning Scheme	Shire of Carnarvon Local Planning Scheme 13	
Local Planning Scheme - Zone/Reserve	Regional Centre	
Structure Plan/Precinct Plan	N/A	
Structure Plan/Precinct Plan - Land Use Designation	N/A	
Use Class and permissibility:	Proposed Use	LPS 13 Use Class + Permissibility
	<ul style="list-style-type: none"> <li>• Hotel/Motel</li> <li>• Retail</li> <li>• Office</li> <li>• Food and Beverage</li> <li>• Tavern</li> <li>• Small Bar</li> <li>• Short-stay Apartments</li> <li>• Permanent Residential Apartments</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Hotel – ‘A’</b></li> <li>• <b>Shop – ‘P’</b></li> <li>• <b>Office – ‘P’</b></li> <li>• <b>Restaurant/Café – ‘P’</b></li> <li>• <b>Tavern – ‘D’</b></li> <li>• <b>Small Bar – ‘P’</b></li> <li>• <b>Serviced Apartment – ‘P’</b></li> <li>• <b>Multiple Dwelling – ‘P’</b></li> </ul>
Lot Size:	7,422 m <sup>2</sup>	
Existing Land Use:	Vacant + overflow vehicle parking	
State Heritage Register	No	
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area	
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other	
Bushfire Prone Area	No	
Swan River Trust Area	No	

## Proposal:

The proposal is for a mixed use development (residential, retail, office, restaurant/bar, and short-stay/tourism accommodation) with associated amenities, to be developed in 3 stages over a period of 2 – 4 years upon lot 300 on DP 412840, at the street address 85 Olivia Terrace Carnarvon.

Stage 1 proposes the development of a 4 storey multiple-dwelling complex comprising 35 dwellings with the following mix of bedrooms/sizes:

- 7 dedicated x one-bedroom king-size (KS) dwellings – 52 m<sup>2</sup> floor area with 8.3m<sup>2</sup> (approx) balcony.
- 26 flexible x two-bedroom 'twin-key' dwellings – 79 m<sup>2</sup> floor area with 13.6 m<sup>2</sup> balcony.

NB: Each 'twin-key' dwelling is capable of being used as a separate self-contained dwelling, totalling **52 one-bedroom dwellings**.

Of these 52 dwellings, 26 comprise a king-size (KS) one-bedroom dwelling with a floor area of 52 m<sup>2</sup> and a balcony size of approximately 8.3 m<sup>2</sup>.

The remaining 26 comprise a studio (S) one-bedroom dwelling with a floor area of 27 m<sup>2</sup> and a balcony size of approximately 5.6 m<sup>2</sup>;

- 2 x two-bedroom dwellings – 72m<sup>2</sup> floor area with 68m<sup>2</sup> balcony/terrace.

Stage 2 proposes the development of a 4 storey hotel incorporating a lobby/reception, food and beverage premises (restaurant/bar), retail/commercial premises on the ground (first) floor, commercial office space wholly on the second floor, and 49 hotel suites on the third and fourth floors.

Proposed floor sizes are as follows:

- Lobby/Reception – approx. 295 m<sup>2</sup> gross floor area (gfa)
- Food and beverage premises – approx. 480m<sup>2</sup> gfa
- Retail/commercial premises (west of Lobby/Reception) – approx. 213m<sup>2</sup> gfa
- Retail/commercial premises (east of Lobby/Reception) – approx. 425m<sup>2</sup> gfa
- Commercial office premises – approx. 1,700 m<sup>2</sup>

The 49 hotel suites comprise –

- 24 x one-bedroom king-size (KS) suites – 52 m<sup>2</sup> floor area with 8.3 m<sup>2</sup> (approx) balcony
- 22 x one-bedroom 'studio-type' (S) suites – 27m<sup>2</sup> floor area with 5.6 m<sup>2</sup> balcony
- 2 x two-bedroom suites – 72m<sup>2</sup> floor area with 68m<sup>2</sup> terrace
- 1 x four-bedroom suite – 144m<sup>2</sup> floor area with 136m<sup>2</sup> terrace

The layout of these suites will be configured in the same way as the proposed corresponding multiple dwellings.

A *porte cochere* (6.7m x 6m approx) – for the setting down and picking up of hotel occupants is proposed within the adjoining Robinson Street reserve, in front of the Hotel lobby/reception.

Stage 3 will comprise the development of a 3 storey short-stay apartment complex over a ground-level undercroft car park comprising 63 suites with the following mix of bedrooms/sizes:

- 12 x one-bedroom king-size (KS) suites – 52 m<sup>2</sup> floor area with 8.3 m<sup>2</sup> (approx) balcony
- 12 x one-bedroom studio (S) suites – 27m<sup>2</sup> floor area with 5.6 m<sup>2</sup> balcony
- 39 x one-bedroom (single bed) studio suites (SS) – 20m<sup>2</sup> floor area (with no balcony)

Again, the 'king-size' (KS) suites and the 'studio-style' (S) suites will be configured in the same way as the proposed corresponding multiple dwellings layouts.

A ground-level dedicated commercial delivery, loading and set down area is proposed behind the rear of the ground floor retail and commercial premises (east of the Hotel lobby/reception), accessed via the proposed onsite car park.

Total nett lettable area (nla) is approximately 6,192m<sup>2</sup>, which includes the hotel suites but excludes the multiple dwellings.

Other features of the proposed development include:

- A 1.8 metre wide footpath extending along and inside the development site's Robinson Street lot boundary – this footpath terminates at the food and beverage terrace, if walking westward along Robinson Street;
- A 1.8 metre wide footpath extending along the rear of the State 2 development complex, connecting to Olivia Terrace;
- Approximately 1,000m<sup>2</sup> (13.5 % of the development site) of communal open space incorporating a landscaped central courtyard and guest/resident swimming pool (approx. 765.5 m<sup>2</sup>) and a common outdoor kitchen/dining space (approx. 33 m<sup>2</sup>);
- A showering area for swimming pool patrons and residents;
- 35 private stores (each approx. 4.25 m<sup>2</sup>);
- An outdoor bin and equipment store/compound (approx. 29 m<sup>2</sup>)

- A storage shed (approx. 104m<sup>2</sup>) incorporating 6 car bays;
- A 143 bay onsite car park (of which 40 bays will be undercover, including those proposed in the aforementioned storage shed);
- One (1) motor bike bay (with tilt guard);
- 7 bicycle bays (with side rails);
- Approximately 1,500m<sup>2</sup> (20% of site) of site landscaping; and
- An (offsite) floating jetty and 20 boat pens located in the adjacent Fascine waterway near the western end of Robinson Street, with access via a secured gatehouse.

The original development plans submitted with the development application have undergone a number of alterations/ modifications following initial assessment by the Shire of Carnarvon. The final revised set of development plans for which approval is sought – together with additional information provided by the applicant’s planning consultant - are provided at **Attachment 1** to this report.

### **Background:**

The proposed development site is located at the western end of Robinson Street (the main street within the Carnarvon townsite) where it intersects with Olivia Terrace – via a roundabout - which extends along the Fascine waterway (formerly the south arm of the Gascoyne River). A location/aerial photo of the development site is provided in the revised set of development plans at Attachment 1.

The development site is a prominent landmark site within the Carnarvon town centre, with outlooks onto Robinson Street, along Olivia terrace (north and south), the Fascine waterway, and across to Babbage and Whitlock Islands.

Its survey description is lot 300 on Deposited Plan 412840, in the land district of Gascoyne. It is generally rectangular in shape and flat.

The development site is presently vacant with some remnant palm trees located along its Olivia Terrace frontage and within the south-west corner of the site, and some remnant river gums along its Robinson Street frontage towards its eastern corner.

The development site previously contained the Carnarvon Police Station and Court House which are now located in relatively new premises at the corner of Robinson Street and Babbage Island Road, Morgantown (the existing premises having been demolished).

Along its north-west boundary the development site adjoins an existing one-storey single house (77 Olivia Terrace) and the one-storey State Emergency Service (SES) premises (9 Camel Lane), whilst along its eastern boundary it adjoins the Carnarvon Civic Centre car park (1 Camel Lane) and the current two-storey Bankwest premises (shortly to vacate).

Despite its prominent location, the development site is exposed to the prevailing south-south-westerly winds, travelling up along the Fascine waterway from the coast, rendering the site quite windy. This suggests a suitable design response is required to mitigate the impact of these prevailing winds, especially where proposed uses and activities within the development site will entail a high degree of people movement and gathering.

Robinson Street is a wide boulevard style main street with a landscaped median intertwined with central, angled vehicle parking bays. Parallel vehicle bays are provided along and within its street verges.

The street is framed by existing retail, commercial and public buildings, no more than 2 storeys high. These buildings comprise a mix of building styles and type, ranging from the Federation-era through to modern contemporary.

Olivia Terrace is a two-lane road, framed by existing single houses and some tourist (short-stay) apartments/units along its eastern edge, and a landscaped pedestrian boulevard and the adjoining Fascine waterway along its western edge. An existing public car park is also located along its western edge, directly opposite the development site. This is a popular car park used by travellers and attendees of passive recreation activities, and community events being conducted along the Fascine waterway edge.

## **Legislation and Policy:**

### Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015* (cf clauses 62, 63, 63A, 64, 64A, 65A, 65B, 66, 67 and 71)
- *Shire of Carnarvon Local Planning Scheme (LPS) 13* (cf clauses 9, 17, 18, 25, 29, 32, 34, 37, 38 and Schedule 5—clauses 1, 4.1, 4.3, 7, 8.1, 8.2, 10.1, 14, 17, 18, 19, 20, 21, 22(d), 23, 24, 31 and 35)

### State Government Policies

- *State Planning Policy (SPP) 1: State Planning Framework* (cf provisions 1, 3.1(b), 3.1(f) - (i) and (iii), and 5)
- *State Planning Policy (SPP) 3: Urban Growth and Settlement* (cf provisions 3, 4, and 5.1)
- *State Planning Policy (SPP) 3.4: Natural Hazards and Disasters*

- (cf provisions 3, 4, and 5.1—Severe Storms and Cyclones, and Storm Surge)
- *State Planning Policy (SPP) 7.0: Design of the Built Environment* (cf provisions 4, 5, and 6—Design Principles)
- *State Planning Policy (SPP) 7.3: Residential Design Codes—Apartments* (cf Parts 1 – 4)

Structure Plans/Activity Centre Plans

None applicable

Local Policies

The Shire has no adopted Local Planning Policies

**Consultation:**

Public Consultation

The development proposal was publicly advertised pursuant to clauses 64 (1) (b) (i) and (iii), and 64 (3) (a) and (b) contained in Schedule 2 of the *LPS Regs 2015*, for a period of 28 days.

At the conclusion of the public advertising period a total of **two (2) submissions** had been received.

Both these submissions raised only **one key issue** - being the amount of parking proposed by the development (100 bays), which given the nature and type of proposed development, the submitters considered unsatisfactory.

The submitters contend that the lack of sufficient onsite car parking bays for the proposed development will exacerbate existing parking congestion/demand already being experienced within Robinson Street, especially given that the Shire – some time ago - removed 6 previous on-street car bays from within the Robinson Street reserve at the front of their premises located at 2 Robinson Street (the FOCUS shop).

The submitters did not state when this parking congestion/demand was specifically occurring but presumably it is during daylight hours and during peak traffic periods.

A summary of the issues raised and responses to these follows.

Issue Raised	Officer comments
Lack of sufficient proposed onsite vehicle parking	<b>Attachment 3</b> to this report provides an assessment of onsite parking calculated to be required pursuant to LPS 13 and the <i>Residential Design Codes—Apartments</i> ('R-Codes').

Issue Raised	Officer comments
	<p>Based on this assessment a total of <b>295 onsite vehicle parking bays</b> have been calculated as being required.</p> <p>The designated provision of 143 onsite bays <b>results in a shortfall of 152 bays.</b></p> <p>This concern about the lack of sufficient onsite vehicle parking is further discussed in the <b>Planning Assessment</b> section of this report.</p>

Referrals/consultation with Government/Service Agencies

The application was referred to the following Government/Service agencies for consideration and comment:

**DEPARTMENT OF TRANSPORT**

A copy of the original development plans was referred to the Department of Transport (DoT) for its consideration and comment.

The DoT limited its consideration and comments to the proposed jetty and boat-pens associated with the development. It did not consider the landside development land uses nor any aspect of the built form beyond the impact of forecast storm surge and sea level rise.

In view of some initial concerns with the proposed jetty and boat pens, and following subsequent Shire consultation with the DoT and the applicant, the proposed jetty and boat pens were deleted from subsequent revised/updated development plans. The proposed jetty and boat pens have since been reinstated in the final updated development plans (which are provided at **Attachment 2** to this report). The revised development plans were subsequently referred to the DoT for further consideration and comment with the DoT now advising as follows:

- (a) Construction of both the water and landside components of the development shall respond to and comply with the recommendations of the WA Planning Commission’s *Statement of Planning Policy 2.6 – Coastal Planning*;
- (b) The proponent shall apply for and obtain a jetty licence from the Department of Transport, Maritime Property Services;
- (c) The proposed pier and pens shall be designed to withstand/accommodate at least 1 in 100-year cyclonic conditions and 1 in 500-year inundation levels;
- (d) The proponent is advised that the Carnarvon Fascine, managed and maintained by the Shire of Carnarvon, is a dynamic environment and maintaining navigable depths in and out of the Fascine on an on-going basis cannot be guaranteed at

this time; accordingly prospective guests and resident purchasers should be formally notified of the vessel navigability situation by way of a Notification on Title and/or using some other appropriate mechanism.

The DoT considers that its advice in items (A), (B) and (D) above are best provided as 'Advice Notes' on any development approval granted, and that if development approval is granted, its advice in (C) be imposed as a condition of development approval. It is understood that the proponent is accepting of the aforementioned DoT advice/recommendations.

#### **WATER CORPORATION**

A copy of the original development plans was referred to the Water Corporation for its consideration and comment.

Water Corporation confirmed that there is capacity in the network to serve the proposed development. Water Corporation further recommended that the applicant engage a suitably qualified engineering consultant to advise on the options available.

Appropriate conditions have been included to address this matter.

A copy of the aforementioned advice is provided at **Attachment 2** to this report.

#### Design Review Panel Advice

No formal design review was undertaken either prior to or after lodgement of the development application although a presentation was made to the Carnarvon Shire Council on the development proposal by the applicant prior to lodgement of the development application.

Following lodgement of the development application, a preliminary assessment of the development proposal was undertaken to firstly, ascertain that the requisite information (including design information) required to accompany the development application had been provided in accordance with clause 63 of Schedule 2 in the *LPS Regs 2015*; and secondly, to identify any key deficiencies in respect to conformance with key planning requirements (as prescribed in LPS 13).

An initial and subsequent list of outstanding matters was forwarded to the applicant following the preliminary and a subsequent complete assessment of the development proposal, who responded accordingly with updated/revised development plans.

#### Other Advice

##### **SHIRE ENVIRONMENTAL HEALTH OFFICER (EHO):**

No comment.



**SHIRE EXECUTIVE MANAGER INFRASTRUCTURE:**

Recommended development approval conditions satisfy Infrastructure Services requirements.

**CITY OF GREATER GERALDTON'S COORDINATOR OF BUILDING SURVEYING:**

(Provides building surveyor services to the Shire)

Recommends the following standard advice notes be attached to the granting of development approval—

- (i) Access and facilities for people with disabilities must be provided at all times to the building and internally throughout the building in accordance with *AS1428.1 2009* (Shire advice note BA1);
- (ii) The development is to comply with the *National Construction Code Series* (Shire advice note BA3);
- (iii) Plans and specifications for the proposed development must be deposited with the Department of Fire and Emergency Services (DFES) pursuant to regulation 18B of the *Building Regulations 2012*. (Shire advice note BA5)

**Planning Assessment:**

Assessment of the proposed development was carried out against applicable legislative and policy provisions listed in the **Legislation and Policy** section of this report.

The assessment identified the following key considerations in the determination of this application:

**MULTIPLE DWELLINGS (STAGE 1)**

*Ground Floor Occupancy*

Multiple dwellings are proposed at ground level, which is contrary to **clause 35.4 in LPS 13**. However, as these front Olivia Terrace which also has existing and adjacent housing and short-stay apartments located further north along and on the same side of Olivia Terrace, this arrangement is deemed acceptable.

It is understood the principal purpose of clause 35.4 in LPS 13 was to preclude residential dwellings from occupying **prime commercial ground floor space** (principally along Robinson Street) within the Carnarvon town centre.

### *Built Form, Landscape Character, and Streetscapes*

It should be noted that the Shire has no prescribed built form, landscape character, or streetscape guidelines against which the design, form, scale, external appearance (facades) etc of the proposed multiple dwelling development can be properly and objectively assessed (*cf* **Element 2.5 – Plot Ratio in the R-Codes Vol.2**).

### *Building Height*

Although the R-Codes Vol 2 prescribe a maximum height limit of 3 storeys for multiple dwelling development where an R60 coding applies (*cf* **Element 2.2 – Building Height of the R-Codes Vol. 2**), both the codes and LPS 13 allow a maximum height limit of 12 metres.

Except for the proposed rooftop building services and solar arrays, the proposed buildings for each stage of the development will be no more than 12 metres high.

### *Building Separation*

Whilst the proposed multiple dwelling development is separated only 1.05 metres away from the Stage 2 development block, it is deemed that the prescribed objective of providing for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook will be met (*cf* **Element 2.7 - Building Separation of the R-Codes Vol.2**).

### *Natural Ventilation*

(*cf* **Element 4.2 in the R-Codes Vol 2**)

Although just over 60% of the proposed dwellings have been assessed as being naturally ventilated (principally the dwellings fronting Olivia Terrace and the northern end dwellings facing into the central courtyard), arguably, natural ventilation of the remaining dwellings facing the central courtyard could be problematic because the openings in these are directly opposite the openings of the dwellings fronting Olivia Terrace and will rely on the latter openings being opened to facilitate natural ventilation. This circumstance, however, will be outside the control of the occupants in the dwellings facing the central courtyard.

To this end, ventilation stacks are proposed within each dwelling to provide an escape for warm air. This is deemed acceptable (although not considered optimal).

### *Size and Layout of Dwellings*

(*cf* **Element 4.3 in the R-Codes Vol 2**)

Table 4.3a in **Acceptable Outcome A4.3.1** prescribes a one-bedroom 'studio' (S) dwelling to have a **minimum floor area of 37m<sup>2</sup>**.

The proposed one-bedroom studio (S) dwelling (27 m<sup>2</sup>) – when **occupied as a stand-alone, self-contained separate dwelling to the one-bedroom king-size (KS) dwelling** does not accord with this minimum floor area.

However, the applicant submits that despite not complying with the **prescribed minimum floor size of 37 m<sup>2</sup>**, the design and layout of these studio dwellings accords with **Design Guidance DG 4.3.1** of the R-Codes Vol 2 in that the design:

- (i) as a 'dual-key apartment' provides more flexibility for different household configurations; and
- (ii) illustrates potential furniture layouts using realistically sized furniture, including living and dining settings in the living space.

#### *Private Open Space and Balconies*

(cf Element 4.4 in the R-Codes Vol 2)

**Acceptable Outcome A4.4.1** in the R-Codes Vol 2 prescribes a one-bedroom 'studio' (S) dwelling to have a **minimum balcony floor area of 8 m<sup>2</sup>**. The proposed studio (S) dwelling balconies are denoted as having a balcony floor area of 5.6 m<sup>2</sup>.

The applicant submits that this lesser balcony floor size is **compensated by the provision of 1,000 m<sup>2</sup> of communal open space** as well as the ground-floor dwellings having generously-sized private outdoor spaces.

#### *Circulation and Common Spaces*

(cf Element 4.5 in the R-Codes Vol 2)

**Acceptable Outcome A4.5.1** of the R-Codes Vol 2 prescribes circulation corridors to be a **minimum width of 1.5 metres**. The proposed corridor widths adjacent to the stairs and lifts have been measured at 1.4 metres wide when scaled from the accompanying floor plans.

This slightly lesser width will not adversely impact universal access and thus ought to be deemed acceptable.

Additionally, no details have been provided to assess conformance with **Acceptable Outcome A4.5.4** which prescribes that there is to be no light spill emanating from corridors and common spaces into the habitable rooms of adjacent dwellings.

It is recommended that a condition of development approval be imposed requiring the submission and implementation of a lighting plan for the whole of the proposed development.

#### *Storage*

(cf Element 4.6 in the R-Codes Vol 2)

**Acceptable Outcome A4.6.1** of the R-Codes Vol 2 prescribes a separate 3m<sup>2</sup> minimum sized, ventilated, weatherproof, bulky goods storage area for each multiple dwelling.

A total of 35 stores are proposed—one for each multiple dwelling should the proposed 26 flexible x two-bedroom ‘twin-key’ dwellings be accepted in lieu of the proposed one-bedroom king-size (KS) dwellings, the one-bedroom studio (S) dwellings, and the 2 x two-bedroom dwellings being counted as 61 multiple dwellings.

Given that the Shire’s Manager Regulatory Services accepts the calculated onsite parking provision for the proposed mixed-use development based upon 35 proposed multiple dwellings, it follows that the proposal for 35 stores be accepted too.

#### *Managing Noise Impacts*

(cf Element 4.7 in the R-Codes Vol 2)

No details have been provided in respect to proposed acoustic treatments in order to assess for conformance with this element’s objectives and acceptable outcomes.

It is recommended (via a condition of development approval) that an acoustic report for the whole of the proposed development be prepared and submitted to the Shire for approval and thereafter implementation of the report’s recommendations.

#### *Dwelling Mix*

(cf Element 4.8 in the R-Codes Vol 2)

**Acceptable Outcome A4.8.1 (b)** in the R-Codes Vol 2 prescribes that **at least 20% of apartments have differing bedroom numbers.**

The proposed multiple dwelling development denotes provision and flexibility for one and two-bedroom dwellings. The development does not propose any dwellings with 3 or more bedrooms.

Whilst the Shire has no adopted housing strategy for the town of Carnarvon, the Shire’s *Local Planning Strategy* identified a lack of 3+ bedroom dwellings within Carnarvon. Despite the apparent need for this housing type such a requirement is not mandatory nor can a proponent be compelled to provide this.

Any desired provision for 3+ bedroom dwellings will need to be negotiated with the proponent.

#### *Universal Design*

(cf Element 4.9 in the R-Codes Vol 2)

The proposed multiple dwelling development has not been assessed against the objective of this particular element.

It is suggested that it is more appropriate to assess this element at the building permit application stage and that no building permit be issued for the multiple dwelling development until this assessment has been completed and any matters arising have been addressed to the Shire's satisfaction.

#### *Landscape Design*

(cf **Element 4.12 in the R-Codes Vol 2**)

The proposed landscaping scheme in respect to the multiple dwelling development has not been assessed against the plant selection objective (**Element O4.12.2**) nor the water harvesting/re-use objective (**Element O4.12.3**) of this particular element.

It is considered that these elements be assessed as part of the assessment of a site landscaping plan which will required (via a condition of development approval) to be prepared and submitted for Shire approval and implementation thereafter.

#### *Energy Efficiency*

(cf **Element 4.15 in the R-Codes Vol 2**)

The proposed multiple dwelling development has not been assessed against relevant objectives of this particular element.

It is suggested that it is more appropriate to assess this element at the building permit application stage and that no building permit be issued for the multiple dwelling development until this assessment has been completed and any issues arising have been addressed to the Shire's satisfaction.

#### *Water Management and Conservation*

(cf **Element 4.16 in the R-Codes Vol 2**)

No details have been provided in respect to minimisation of potable water supply consumption, and the collection, storage and/or disposal of stormwater falling within the development site, including in respect to the proposed multiple dwelling development.

It is recommended that a condition of development approval be imposed requiring the submission and implementation of an onsite stormwater management plan for the whole of the proposed development.

#### *Waste Management*

(cf **Element 4.17 in the R-Codes Vol 2**)

The proposed waste bin compound will be visibly shielded from Olivia Terrace for the storage of waste bins, which is considered acceptable. However, no detail was provided on the management of waste disposal for the development. This will be addressed via a condition of development approval.

### *Utilities*

(cf Element 4.18 in the R-Codes Vol 2)

No details have been provided in respect to the location and design of utility services infrastructure that will service the multiple dwelling development in order to enable an assessment of how well the infrastructure will integrate with the proposed multiple dwelling development.

It is recommended that these details be requested via a condition of development approval for further assessment and approval.

### **PROPOSED STUDIO SUITES (STAGE 3)**

These suites were initially denoted on the original accompanying development plans as '**worker**' accommodation.

As such it was deemed that this type of dwelling would be classified as '**workforce accommodation**' pursuant to LPS 13, which is **a class of use not permitted in the Regional Centre zone**. LPS 13 would need to be suitably amended to permit this class of use.

Although now denoted as '**Studio Suites**' their proposed layout/configuration has not altered from their previous classification as '**worker accommodation**'. The layout/composition of these rooms is similar to a motel-style room where there is an absence of kitchen or cooking facilities.

Hence the best use class as defined in LPS 13 that could be applied to these rooms is either a '**motel**' or alternatively as '**tourist development**' as they are part of a proposed complex offering onsite facilities for the use of guests as well as facilities for the management of the development.

Under either of these classifications the rooms can only be **occupied on a short-stay basis**.

### **ONSITE STORMWATER DRAINAGE**

No details have been provided with the application for the collection, storage and/or disposal of stormwater falling within the development site.

It is recommended that a condition of development approval be imposed requiring the submission and implementation of an onsite stormwater management plan.

### **SEWERAGE DISPOSAL**

Likewise, no details have been provided with the application for the disposal of onsite generated sewerage (wastewater). It is understood that connection to the town's sewerage network is available, and hence will be required.

It is recommended that a condition of development approval be imposed requiring each stage of the development to be connected to the town's sewerage network prior to occupancy of any building within each stage.

### **POTABLE WATER SUPPLY**

It is understood that connection to the town's water supply network is available, and hence will be required. There is an existing water supply pipeline and associated infrastructure presently located within the development site which will require relocation at the developer's expense (and prior to construction of Stage 1 of the development).

### **EXTERNAL SITE LIGHTING**

Given the proposed development's close proximity to the adjacent Fascine waterway, any lighting overspill from external lighting within the development site ought to be prevented or avoided.

To this end, it is recommended that a condition of development approval be imposed requiring the submission and implementation of an external lighting plan prior to Stage 1 of the development commencing.

### **PORTE COCHERE**

**Clause 22** in **Schedule 5—Additional Site and Development Requirements** to LPS 13 prescribes that set-down areas - such as the proposed *porte cochere* - shall not be located within a public road reserve.

The proposed location/siting of the *porte cochere* is contrary to this.

Notwithstanding, **clause 34(2)** of LPS 13 allows approval of a development application that does not comply with any additional site and development requirement.

The location of the proposed *porte cochere* is likely to result in the loss of at least 3 parallel parking bays within the adjacent Robinson Street reserve, which will either need to be provided elsewhere within the Carnarvon town centre by the proponent or alternatively **make a cash-in-lieu payment** to the Shire.

### **VEHICLE ACCESS**

Vehicle access to and from the development site is proposed off Olivia Terrace at the north west corner of the development site and off the rear driveway within lot 182 on P222239 which services the Carnarvon Civic Centre (being Crown Reserve 21853 which is vested in the Shire).

It should be noted that the rear driveway to the Carnarvon Civic Centre is not a public road nor a public right-of-way.

It is recommended that use of this driveway by the proponent be **subject to an access agreement with the Shire**, which ought to include a proportional monetary contribution by the proponent towards the upkeep and maintenance of the driveway whilst the driveway provides access to the development site.

### **CAR PARKING**

The development proposes 143 onsite bays, configured in a two-storey car park located along the northern boundary of the subject land and in an undercroft proposed under the proposed short-stay suites and studio-suites (SS) in Stage 3.

Based on the prescribed onsite car parking provisions in LPS 13 a minimum of **222** onsite car bays have been calculated as being required for the proposed restaurant/café (49 bays), shops (33 bays), offices (28 bays), hotel (49 bays), short-stay apartments (24 bays) and the short-stay studio suites (33 bays).

Given that the proposed 26 'flexible' twin-key multiple dwellings are capable of being used as stand-alone, separate, self-contained dwellings, the calculated minimum car parking requirement for the multiple dwelling development ought to be calculated on the potential provision of **52 dwellings** (rather than 26 dwellings).

This results in a minimum onsite car parking requirement of **59** bays for the king-size (KS) one-bedroom dwellings and the studio (S) one-bedroom dwellings. Adding together the **4** bays (rounded up) required for the 2 proposed two-bedroom (2B) dwellings and **10** visitor bays, results in a **minimum requirement of 73 onsite car bays** for the multiple dwelling development (Stage 1).

In total, a minimum of **295** onsite car bays have been calculated as being required. This results in a **shortfall of 152 onsite bays**. **Attachment 3** to this report sets out the Shire's town planning consultant '**base**' onsite parking calculation (**Car Parking Assessment A**).

The proponent argues that the minimum onsite car parking requirement for the multiple dwelling component (Stage 1) ought to be based upon the provision of **35 multiple dwellings only**, comprising the proposed 7 dedicated one-bedroom king-size (KS) dwellings; the 26 flexible two-bedroom 'twin-key' dwellings (each of which is apparently intended to be strata-titled); and the 2 two-bedroom dwellings.

On this basis, including 6 calculated visitor bays, a minimum of **49** onsite bays have been calculated as being required for the multiple dwelling development (Stage 1).

Adding the 222 minimum bays calculated for the other proposed uses to the above calculated requirements results in a total of **271** onsite bays being required. This results in a **shortfall of 128 onsite bays**. **Attachment 4** to this report sets out the applicant's '**base**' onsite parking calculation (**Car Parking Assessment B**).



The initial development plans submitted with the development application proposed 14 angled bays within the Robinson Street reserve abutting the proposed new footpath located inside and along the lot's Robinson Street boundary. This configuration would have resulted in the removal of the existing Robinson Street footpath traversing the lot's street frontage. Designation of these bays have since been deleted from the revised final development plans.

Notwithstanding the calculated shortfall in the provision of onsite car parking, the applicant has requested consideration of allowing for reciprocal parking on the basis that tenants or occupants of the multiple dwellings and/or the hotel and short-stay apartments are likely to consume food and beverages at the proposed restaurant/bar, and possibly access the commercial retail and office spaces, as will other patrons coming from elsewhere in Carnarvon who may park their vehicles in Robinson Street or surrounding streets.

It should be noted that parking within Robinson Street is usually at a premium during the day but is rarely fully occupied in the evening at which time the restaurant/bar – and perhaps other commercial premises within the development - will be open to the public.

In consideration of this the applicant was requested to undertake a **parking demand assessment** based upon the proposed uses to confirm likely parking demand. The applicant duly obliged and provided a copy of the assessment with the revised development plans. A copy of this is provided at **Attachment 5** to this report.

In response to this, in the interest of avoiding the aesthetics of a large 'parking lot' being located within the Carnarvon town centre, and having regard to an allowance for reciprocal parking, average occupancy rates for short-stay accommodation, and that other modes of transport may be used to access and utilise the various uses within the proposed development (walking, bicycles, coaches etc), some consideration can be given to the granting of concessions in respect to the amount of onsite car parking required.

Thus, the following concessions could be considered:

- Hotel and short-stay uses – 68 bays (based on an average occupancy rate of **60%** of 112 rooms)
- Restaurant/bar – inside: 15 bays (say **50%** of 29 bays, allowing for reciprocal parking)
- Restaurant/bar – terrace: 10 bays (say **50%** of 20 bays, allowing for reciprocal parking)
- Retail/commercial westside: 6 bays (say **50%** of 11 bays, allowing for reciprocal parking)
- Retail/commercial eastside: 11 bays (say **50%** of 22 bays, allowing for reciprocal parking)
- Office: 14 bays (say **50%** discount for 28 bays)

With these concessions a minimum of **124 bays** would be required. Adding the **49 bays** calculated by the applicant for the multiple dwelling development, a minimum total of **173 bays** would be required. This results in a **revised shortfall of 30 bays**.

Applying the Shire's town planning consultant calculation of **73 bays** for the multiple dwelling development, a minimum total of **197 bays** would be required, resulting in a **revised shortfall of 54 bays**.

However, it should be noted that following initial assessment of the development application and consideration of the aforementioned concessions, the applicant was erroneously advised that the minimum number of onsite car bays required for the multiple dwelling development was **61 bays** (the number of proposed dwellings) instead of **73 bays**, resulting in a **minimum total of 185 bays** required for the whole of the proposed development.

Based on this (erroneous) advice, and allowing for a reduction of **23 bays** as calculated by the applicant based on 35 multiple dwellings (not 61 multiple dwellings), a total of **162 bays ought to have been the minimum number of bays calculated**. This results in a **further revised shortfall of 19 bays**.

Notwithstanding this calculated revised shortfall, the applicant argues that based on its parking demand assessment of 97 bays at peak periods (weekdays between 12 and 1.00 pm) and Saturday (less than the weekday peak), the provision of 143 onsite bays as proposed is more than sufficient.

It should be further noted that an independent verification of this assessment has not been carried out by the Shire, however, the Shire's Manager Regulatory Services considers that **162 bays** ought to be the minimum number of calculated bays required (accepting the applicant's argument for **49 bays** to be provided for 35 proposed multiple dwellings) with the **19 bays shortfall** being provided as a **cash-in-lieu payment**.

It is recommended that in calculating any cash-in-lieu payment required the WAPC's *Method of Calculation* publication be applied (cf **Attachment 6** to this report).

### **BICYCLE AND MOTORCYCLE/SCOOTER PARKING**

Given that the Shire's Manager Regulatory Services accepts the calculated onsite parking provision for the proposed mixed-use development based upon 35 proposed multiple dwellings, and that each proposed multiple dwelling store can accommodate the storage of at least one bicycle/scooter, the **minimum requirements for the provision of onsite bicycle and scooter parking are satisfied**.

Although only **one motorcycle bay is proposed** the applicant submits that this provision is **consistent** with the **objectives of Element 3.9** in the R-Codes Vol 2. The Shire's Manager Regulatory Services deems this as acceptable.

## Conclusion:

In conclusion, it can be stated that the proposal has merit, especially since the nature of the proposed development and its range and mix of proposed uses accord with a number of objectives of the Regional Centre zoning that applies to the land, as well as with a number of the aims of LPS 13.

From an urban design perspective the sleeving of the proposed buildings along Robinson Street (Stage 2) and Olivia Terrace (Stage 1), resulting in the proposed onsite car parking area being located behind and screened from these streets is welcomed and supported.

This arrangement particularly accords with the Regional Centre zone objective to '*...encourage pedestrian-friendly, street-oriented development that responds to and enhances the key elements of the Regional Centre and to develop areas for public interaction*'.

Notwithstanding these merits, the design of the development (principally the multiple dwellings complex) has **a number of fundamental shortcomings**, summarised as follows:

### LPS 13

- (i) The multiple dwellings proposed on the ground floor is contrary to the scheme provision for multiple dwellings to be limited to upper floors of a building;
- (ii) The proposed *porte cochere* is located contrary to the scheme provision stipulating that all set down areas shall not be provided within a public road reserve; and
- (iii) The amount of proposed onsite car bays is **at least 19 bays short** of the determined number of onsite bays required (**162 bays**)

Furthermore, there is a lack of detail or advice in respect to the drainage and disposal of stormwater; onsite waste management; internal and external lighting and whether there will be any light overspill; water management and conservation; and how utility services will be integrated into the design of the buildings.

Such advice, however, can be provided and detailed via the imposition of appropriate conditions should development approval be granted.

### R-Codes

The multiple dwelling development does not accord with the acceptable outcomes of the *R-Codes Vol 2* in respect to the following—

- (i) The multiple dwellings fronting the proposed central courtyard are not optimised for the provision of natural ventilation;
- (ii) The studio (S) dwellings will not meet the minimum floor area (37m<sup>2</sup>) and balcony size (8m<sup>2</sup>) if occupied separately and used in a self-contained, stand-alone way to the one-bedroom king-size (KS) dwellings;
- (iii) The corridors adjacent to the lifts and stairs do not meet the minimum corridor width of 1.5 metres;
- (iv) If all of the proposed multiple dwellings are counted as 61 dwellings (and not 35) there is a shortfall of 26 stores;

Notwithstanding that the above aspects may not accord with relevant acceptable outcomes they largely accord with the corresponding Element Objectives.

### **Officer Recommendation**

It is recommended that the Joint Regional Development Assessment Panel resolves to:

1. **ACCEPT** that the DAP Application reference DAP/22/02363 is appropriate for consideration as a **mixed land use** and is compatible with the **Regional Centre** zone objectives listed in Clause 16(2) of the *Shire of Carnarvon Local Planning Scheme (LPS) No. 13*;
2. **APPROVE** DAP Application reference DAP/22/02363 and the accompanying revised set of development plans dated 9 December 2022 pursuant to Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

### **Conditions**

- i. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;
- ii. The number of onsite car bays, bicycle bays and motorcycle/scooter bays determined to be provided within each stage of the proposed development, including access to them, are to be designed, constructed, sealed, drained, and marked to the specifications and satisfaction of the Shire of Carnarvon prior to occupancy of the respective stage of the development, and thereafter be maintained to the satisfaction of the Shire of Carnarvon;

- iii. Prior to occupancy of the approved development the applicant shall submit to the Shire of Carnarvon a legal agreement—prepared at the applicant's expense (including legal expenses incurred by the Shire of Carnarvon in reviewing and authorising the agreement) and to the satisfaction of the Shire of Carnarvon—to facilitate reciprocal rights of vehicular access over adjoining lot 182 on P222239 to lot 300 on DP 412840 and in which the Shire's interests are protected;
- iv. A cash-in-lieu payment equivalent to the provision of 19 car bays is to be made to the Shire of Carnarvon prior to occupancy of Stage 1 of the approved development.

The cash-in-lieu payment to be made is to be calculated in accordance with the Western Australian Planning Commission's *Method of Calculation* publication;

- v. The *porte cochere* is to be designed constructed, sealed, drained, and marked to the specifications and satisfaction of the Shire of Carnarvon prior to occupancy of the approved hotel;
- vi. Prior to occupancy of the approved hotel the applicant shall submit to the Shire of Carnarvon a legal agreement for the registered proprietor (RP) of lot 300 on DP 412840 to:
  - (a) maintain the *porte cochere* within the Robinson Street reserve at its expense and to the satisfaction of the Shire of Carnarvon for the duration of the hotel use; and
  - (b) should the hotel use permanently cease, and at its expense, remove the *porte cochere* and make good to the satisfaction of the Shire of Carnarvon the land occupied by the *porte cochere* within 6 months of the hotel use permanently ceasing.

The legal agreement required by this condition is to be prepared at the applicant's expense (including legal expenses incurred by the Shire of Carnarvon in reviewing and authorising the agreement) and to the satisfaction of the Shire of Carnarvon;

- vii. Prior to development commences a stormwater and drainage management plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.

This plan is to specifically address the collection, storage and/or disposal of stormwater falling within the development site including roof run-off.

- viii. Prior to occupancy of the development the approved stormwater management plan must be implemented to the satisfaction of the Shire of Carnarvon.

- ix. Prior to occupancy of the approved development a waste management plan must be submitted to the specification and satisfaction of the Shire of Carnarvon.

This plan is to specifically address the collection, storage and disposal of waste generated from within the approved development.

- x. Prior to development commences for any stage of the development a landscape plan must be submitted to the specifications and satisfaction of the Shire of Carnarvon.

The landscape plan is to denote:

- (a) the location and species of all trees to be removed, retained, and to be planted;
- (b) a schedule of proposed plant species, their size, and number;
- (c) details of any proposed water reticulation;
- (d) the location, type and design of proposed fencing and external screening;
- (e) the location, type and design of proposed pavements;
- (f) the location, type, and design of any proposed external signage;
- (g) the location, type, and design of any proposed external lighting; and
- (h) an implementation schedule for implementing the landscape plan in respect to each stage of the approved development

- xi. Prior to occupancy of the approved development, the approved landscaping must be completed to the satisfaction of the Shire of Carnarvon.
- xii. Prior to the development commences an acoustic report for the whole proposed development be prepared and submitted to the Shire of Carnarvon for approval.
- xiii. Prior to occupancy of the approved development any recommendations made in the approved acoustic report must be implemented to the satisfaction of the Shire of Carnarvon.
- xiv. Prior to the development commences an external lighting plan be prepared and submitted to the Shire of Carnarvon for approval.
- xv. Prior to occupancy of the approved development the external lighting as per the approved external lighting plan must be completed to the satisfaction of the Shire of Carnarvon.
- xvi. Utilities servicing the approved development are to be designed to integrate with the overall architecture of the approved development;
- xvii. Prior to occupancy of each stage of the approved development, each stage of the development is to be connected to a reticulated water supply to the requirements of the Water Corporation and the satisfaction of the Shire of Carnarvon;

- xviii. Prior to occupancy of each stage of the approved development, each stage of the development is to be connected to the reticulated sewerage scheme, to the requirements of the Water Corporation and the satisfaction of the Shire of Carnarvon;
- xix. Filling of lot 300 on DP 412840, other than that directly necessary for the development as approved under a building permit, is prohibited;
- xx. A construction management plan to the specifications and satisfaction of the Shire of Carnarvon shall be submitted with a building permit application for the development.

This plan is to particularly address site accessibility; parking for contractors and 'tradies'; ongoing dust control; the provision and maintenance of construction site fencing, signage; the location, unloading and storage of construction materials; the storage and removal of building and services waste; and the contact details and availability of the project manager and site supervisor;

The approved construction management plan is to be implemented and adhered to at all times, up to the completion of the approved development and the issue of an occupancy permit by the Shire of Carnarvon;

- xxi. The proposed jetty and boat pens shall be designed to withstand/accommodate at least a 1 in 100-year cyclone event, and 1 in 500-year inundation levels;
- xxii. Occupancy within each stage of the approved development is not permitted until the respective occupancy permit has been issued by the Shire of Carnarvon pursuant to section 58 of the *Building Act 2011*;
- xxiii. No hotel suite (Stage 2) and no short-stay suites and studio suites in Stage 3 are to be occupied by any person for more than 3 months within any 12 month period.

To this end, the proprietor/manager of these suites is to maintain a register of guests, which is to be made available for inspection by authorised officers of the Shire of Carnarvon upon request.

### **Advice Notes**

- (a) The design and construction of the proposed jetty and boat pens is to accord with applicable provisions of the *State Planning Policy (SPP) 2.6 – Coastal Planning*;
- (b) A licence is required to be obtained from the Department of Transport, Maritime Property Services to provide and maintain the proposed jetty and boat pens;
- (c) The proponent is advised that the Carnarvon Fascine waterway is managed and maintained by the Shire of Carnarvon. The Fascine waterway is a dynamic

environment and maintaining navigable depths in and out of the waterway on an on-going basis cannot be guaranteed at this time. Accordingly, prospective registered proprietors of the multiple dwellings and/or the hotel, short-stay and studio suites seeking a boat pen licence/lease should be formally notified of the vessel navigability situation by way of a Notification on the Certificate of Title or by some other appropriate means;

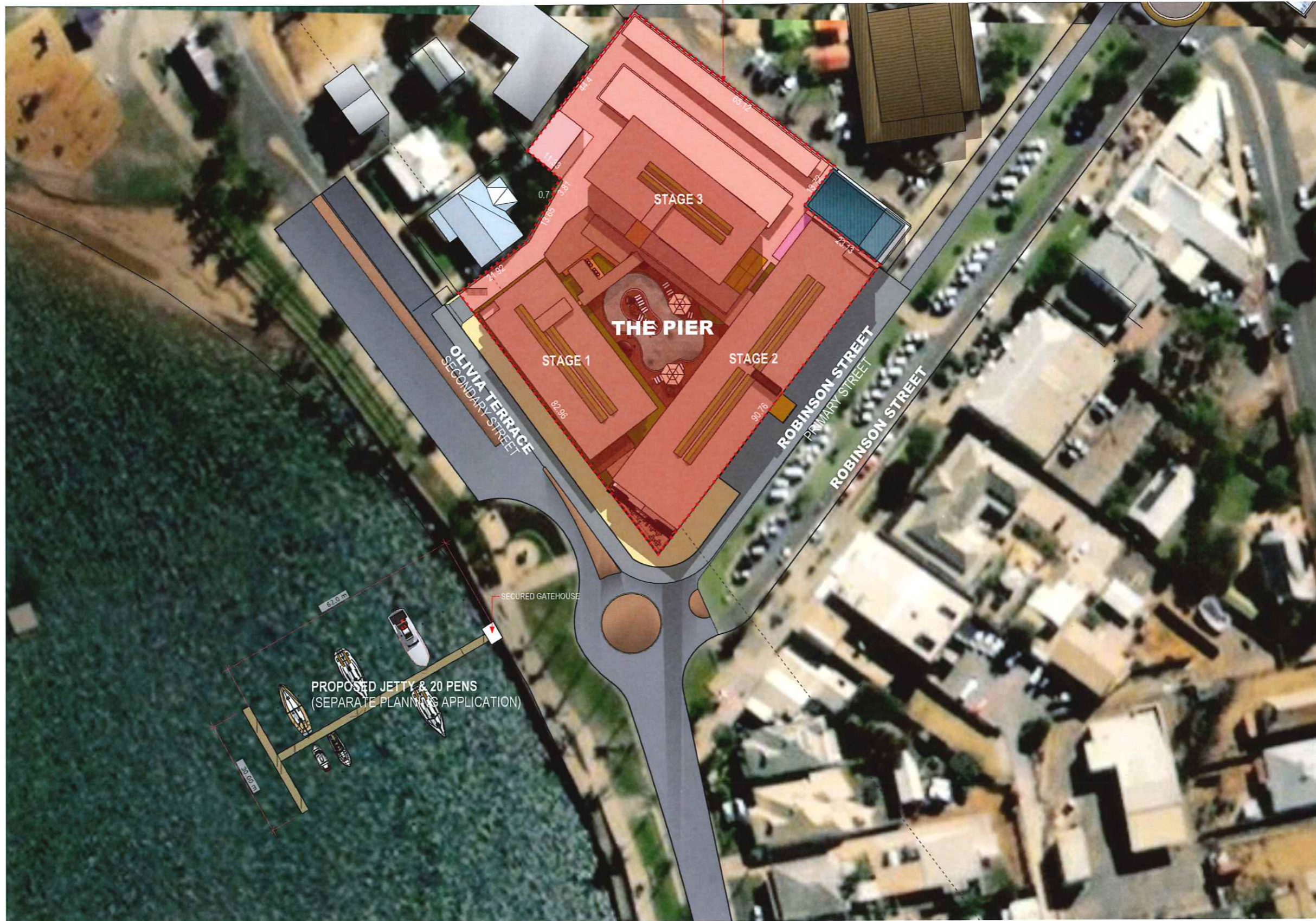
- (d) Access and facilities for people with disabilities must be provided at all times to all approved buildings, and internally throughout any building in accordance with AS1428.1 2009;
- (e) All building development is to comply with the National Construction Code Series;
- (f) A copy of the building plans and specifications must be deposited with the Department of Fire and Emergency Services (DFES) pursuant to regulation 18B of the *Building Regulations 2012*.

### **Reasons for Officer Recommendation**

Provide a brief summary of key issues and provide clear and succinct reason(s) for the Officer Recommendation. It should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting. If the recommendation is for a refusal, this section could be used to amplify the reasons in the recommendation if required.



SCOPE OF PLANNING APPLICATION & BOUNDARY SHOWN BOUND IN RED  
 BOUNDARY DIMENSION SHOWN IN WHITE (SURVEYORS DRAWING HAS PRECEDENCE)



**MAJOR ELEMENTS KEY**

- 1 BED SUITE (1KS) ■
- 1 BED (1B) ■
- 2 BED (2B) ■
- ROOM (R) ■
- 2 X 2 BED SUITES (4B) ■
- RETAIL/COMMERCIAL ■
- OFFICE ■
- SERVICES ■
- LIFT ■
- ESCAPE STAIRS ■
- COMMUNAL OPEN SPACE ■