



# Metro Outer Joint Development Assessment Panel Agenda

**Meeting Date and Time:** Tuesday, 15 November 2022; 9:30am  
**Meeting Number:** MOJDAP/209  
**Meeting Venue:** Electronic Means

To connect to the meeting via your computer -  
<https://us06web.zoom.us/j/82697209406>

To connect to the meeting via teleconference dial the following phone number -  
+61 8 6119 3900  
Insert Meeting ID followed by the hash (#) key when prompted - 826 9720 9406

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

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## **Attendance**

### **DAP Members**

Mr Eugene Koltasz (Presiding Member)  
Ms Karen Hyde (Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)

#### *Item 8.1*

Cr Rod Henderson (Local Government Member, City of Swan)  
Cr Charlie Zannino (Local Government Member, City of Swan)

#### *Item 8.2*

Cr Vinh Nguyen (Local Government Member, City of Wanneroo)  
Cr Frank Cvitan (Local Government Member, City of Wanneroo)

### **Officers in attendance**

#### *Item 8.1*

Mr Phil Russell (City of Swan)  
Mr David Tomkin (City of Swan)  
Ms Charlotte Lavictoire (Western Australian Planning Commission)  
Mr Andrew cook (Western Australian Planning Commission)

#### *Item 8.2*

Ms Mel Sun (City of Wanneroo)

### **Minute Secretary**

Mr Stephen Haimes (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Alessandro Stagno (Apex Planning)  
Ms Clare McLean (Peter Webb & Associates)  
Mr Dominic Le

#### *Item 8.2*

Ms Monique Thompson (element)  
Mr Daniel Lees (element)  
Mr Clay Thomas (Edge Visionary Living)  
Mr Gary Godfrey (Hillam Architects)

### **Members of the Public / Media**

Nil.



## 1. Opening of Meeting, Welcome and Acknowledgement

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

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

## 2. Apologies

Nil.

## 3. Members on Leave of Absence

Nil.

## 4. Noting of Minutes

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

## 5. Declarations of Due Consideration

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

## 6. Disclosure of Interests

Member	Item	Nature of Interest
Cr Rod Henderson	8.1	Impartiality Interest – Under clause 2.4.9 of the DAP Code of Conduct, Cr Henderson participated in the prior Council decision in accordance with his functions as a member of a local government. Cr Henderson undertakes to exercise judgment in relation to any DAP application before him, which he will consider on its planning merits.
Cr Charlie Zannino	8.1	Impartiality Interest – Under clause 2.4.9 of the DAP Code of Conduct, Cr Zannino participated in the prior Council decision in accordance with his functions as a member of a local government. Cr Zannino undertakes to exercise judgment in relation to any DAP application before him, which he will consider on its planning merits.



## 7. Deputations and Presentations

- 7.1 Ms Clare McLean (Peter Webb & Associates) presenting against the recommendation for the application at Item 8.1. The presentation will address parking and traffic issues.
- 7.2 Mr Dominic Le presenting against the recommendation for the application at Item 8.1. The presentation will address parking and traffic issues.
- 7.3 Mr Alessandro Stagno (Apex Planning) presenting in support of the recommendation for the application at Item 8.1. The presentation will address support for the officer recommendation but requesting a minor change to condition 8.
- 7.4 Mr Clay Thomas (Edge Visionary Living) presenting against the recommendation for the application at Item 8.2. The presentation will address Edge Visionary Living profile and process of responsible design led development.
- 7.5 Mr Gary Godfrey (Hillam Architects) presenting against the recommendation for the application at Item 8.2. The presentation will address the architectural design rationale for the proposed development and why this warrants approval as per the Alternative Recommendation .
- 7.6 Mr Daniel Lees (element) presenting against the recommendation for the application at Item 8.2. The presentation will address the planning rationale for the proposed development and why this warrants approval as per the Alternative Recommendation.

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

## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1a Lot 624 (No. 158) Marshall Road, Bennett Springs

Development Description:	Proposed Child Care Premises
Applicant:	Apex Planning
Owner:	Bennett Springs Land Development Pty Ltd
Responsible Authority:	City of Swan
DAP File No:	DAP/22/02279

### 8.1b Lot 624 (No. 158) Marshall Road, Bennett Springs

Development Description:	Proposed Child Care Premises
Applicant:	Apex Planning
Owner:	Bennett Springs Land Development Pty Ltd
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/22/02279



**8.2 50 (Lot 418) Alexandria View, Mindarie**

Development Description: Multiple Dwellings (88 Units)  
 Applicant: element  
 Owner: Edge Holdings No.18 Pty Ltd  
 Responsible Authority: City of Wanneroo  
 DAP File No: DAP/22/02296

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

Nil.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

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

**11. General Business**

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

**12. Meeting Closure**



## ALEXANDRIA VIEW, 50 (LOT 418) MINDARIE – MULTIPLE DWELLINGS (88 UNITS)

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

<b>DAP Name:</b>	Metro Outer JDAP	
<b>Local Government Area:</b>	City of Wanneroo	
<b>Applicant:</b>	Element / Hillam Architects	
<b>Owner:</b>	Edge Holdings No 18 Pty Ltd	
<b>Value of Development:</b>	\$42 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	City of Wanneroo	
<b>Authorising Officer:</b>	Greg Bowering	
<b>LG Reference:</b>	DA2022/1039	
<b>DAP File No:</b>	DAP/22/02296	
<b>Application Received Date:</b>	22 August 2022	
<b>Report Due Date:</b>	4 November 2022	
<b>Application Statutory Process Timeframe:</b>	90 days	
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Development Plans</li> <li>2. Rendered Perspectives</li> <li>3. Location Plan</li> <li>4. Previous Approved Apartments</li> <li>5. Summary of Submissions</li> <li>6. Design Review Panel Comments</li> <li>7. Cone of Vision</li> <li>8. Overshadowing Diagram</li> <li>9. Heights of Existing Properties</li> <li>10. Revised Traffic Impact Statement</li> <li>11. Sustainable Design Assessment Report</li> <li>12. Acoustics Report</li> <li>13. Alternate Recommendation</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 checked="" type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections



## Responsible Authority Recommendation

That the Metro Outer JDAP resolves to:

1. **Refuse** DAP Application reference DAP/22/02296 and accompanying plans (**Attachment 1**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Wanneroo’s District Planning Scheme No. 2, for the following reasons:

### Reasons

1. Having regard to the Mindarie Keys Harbourside Village Agreed Structure Plan No. 13 and State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments, the form of the proposed development represents an inappropriate scale of development in the context and character of the area, and does not adequately satisfy all Element Objectives of the following Elements:
  - a. Element 2.2: Building Height;
  - b. Element 2.4: Side and Rear Setback;
  - c. Element 2.5: Plot Ratio; and
  - d. Element 2.7: Building Separation.
  
2. Having regard to the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development does not satisfy the following matters for consideration:
  - a. Clause 67(2)(b) – The proposal is not considered to be consistent with orderly and proper planning given the significant departure to the development standards for the site regarding height, plot ratio and setbacks;
  - b. Clause 67(2)(c) – The proposal does not adequately satisfy a number of the Element Objectives of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments;
  - c. Clause 67(2)(h) – The proposal does not comply with the maximum building height and plot ratio provisions under the Mindarie Keys Harbourside Village Agreed Structure Plan No. 13, which sets out specific development standards to achieve the vision for the site;
  - d. Clause 67(2)(m) and (n) – The proposal will have an undue adverse effect on the amenity of the locality, particularly given its incompatibility with the existing and future character in its setting and the locality, as envisaged by the development standards of Mindarie Keys Harbourside Village Agreed Structure Plan No. 13; and
  - e. Clause 67(2)(y) – The proposal received a substantial number of submissions during the consultation process, of which 75% of the objections received raised concerns on the height or scale of the proposal, indicating its inconsistency with the community expectations for the site.

### Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone	Urban



Local Planning Scheme	District Planning Scheme No. 2
Local Planning Scheme - Zone	Marina
Structure Plan	Mindarie Keys Harbourside Village Agreed Structure Plan No. 13
Structure Plan - Land Use Designation	Marina R160
Use Class and permissibility:	Multiple Dwellings – Discretionary (D) use
Lot Size:	3,908m <sup>2</sup>
Existing Land Use:	Vacant land
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 type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

### Proposal:

The proposal is for 88 Multiple Dwellings comprising the following:

- A 7-8 storey building (split level due to the topography of the site);
- 88 apartment units consisting of eight one-bedroom units, 54 two-bedroom units and 26 three-bedroom units;
- 147 residential car bays and three visitor car bays accessed from Medway Lane and 10 visitor car bays accessed from Stockton Lane;
- 31 secure bicycle bays and 10 visitor bicycle bays; and
- Associated landscaping and communal amenities.

The development plans for consideration are included in **Attachment 1**. The rendered perspective drawings of the proposal are included in **Attachment 2**.

Proposed Land Use	Multiple Dwellings
Proposed Net Lettable Area	N/A
Proposed No. Storeys	7-8 storeys
Proposed No. Dwellings	88 units

### Background:

#### Site Context

Lot 418 (50) Alexandria View, Mindarie (subject site) is an irregular shaped lot located on the bend of Alexandria View forming the south boundary with a two-storey residential property (64 Alexandria View) and Medway Lane to the north-west, and a two storey residential property (23 Shoreham Turn) and Stockton Lane to the north-east. The surrounding residential areas along Alexandria View and Shoreham Turn are comprised predominantly of two storey residential single dwellings. These lots are subject to a dual density code of R30/R60 under the Mindarie Keys Harbourside Village





Agreed Structure Plan No. 13 (ASP 13). The R60 density code applies when the lots have a minimum lot area of 1800m<sup>2</sup>. As the surrounding lots generally have a lot area of 330m<sup>2</sup> to 494m<sup>2</sup>, they have been constructed to the R30 density code standards under the R-Codes.

In the wider context, the subject site is located at the northern end of Claytons Beach. The associated public car park is to the south. The site is located approximately 300 metres from the Mindarie Marina Hotel.

The site is a prominent location on Alexandria View and highly visible from Claytons Beach and the coast. It is therefore an important site with any development impacting on and shaping the Mindarie coastal skyline. The site is identified as an 'Entry Statement Building' under ASP 13 in recognition of the importance of the site. The subject site is currently vacant and slopes downwards from RL 14.68 to RL 10.42 east to west.

A Location Plan is included in **Attachment 3**.

#### Amendment No. 7 to the Mindarie Harbourside Village Agreed Structure Plan No. 13

In 2010, the site was subject to Amendment No. 7 to ASP 13 which increased the density coding of the site from R100 to R160. At the 19 October 2010 Council meeting, Council resolved to support the amendment with the inclusion of clause 3.4.2.2 (ix) which read:

*"In considering any development application for R160 development at Lot 418 Alexandria View, the Council shall have regard to appropriate distribution of traffic between Medway Lane and Stockton Lane to ensure there is no undue impact on either Lane."*

Amendment No. 7 to ASP 13 was endorsed by the Western Australian Planning Commission on 23 December 2010.

#### Development Application History

On 4 August 2016, the JDAP resolved to approve 50 Multiple Dwellings on the subject site which comprised the following (Reference DAP/16/01035):

- A five storey apartment building with 50 apartment units; and
- 87 car parking bays (12 provided for visitor bays), split into two sections with 47 bays being accessed from Stockton Lane and 40 being accessed from Medway Lane.

In 2017, a JDAP Form 2 application was submitted and subsequently approved incorporating minor modifications to the plans. That development approval has since lapsed.

A copy of the previously approved plans is included in **Attachment 4**.

#### **Legislation and Policy:**

##### Legislation



Metropolitan Region Scheme (MRS)  
City of Wanneroo District Planning Scheme No. 2 (DPS 2)

### State Government Policies

State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7)  
State Planning Policy 7.0: Design of the Built Environment (SPP 7.0)  
State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments (SPP 7.3 Vol 2)

### Structure Plans/Activity Centre Plans

Mindarie Keys Harbourside Village Agreed Structure Plan No. 13 (ASP 13)  
Detailed Area Plan No. 5 – Mindarie Keys Harbourside Village (DAP 5)

### Local Policies

N/A

### **Consultation:**

#### Public Consultation

The application was advertised for a period of 21 days as agreed with the applicant, commencing on 1 September 2022 and concluding on 23 September 2022. Advertising was undertaken by way of letters to surrounding landowners within a 400 metre radius, a sign was placed on site and a notice published on the City's website. A total of 105 submissions were received during this time, with 65 (61.9%) objecting to the proposal, 34 (32.3%) in support and one (0.9%) providing comments only. Of the submissions received, a total of 33 submissions were received from within the 400 metre advertising radius. Of those, 32 submissions objected to the proposal with one submission in support.

The key issues raised in the submissions include the following:

- The overall height, bulk and scale is incompatible and inappropriate in the local context and vision of Mindarie;
- The reduced setbacks to Alexandria View erodes the streetscape character along Mindarie;
- Insufficient parking on-site which will exacerbate existing parking issues in the area;
- Increase in traffic and safety impacts;
- Overburdening of traffic onto Medway Lane; and
- Increase in noise and traffic noise.

A summary of the submissions received and Administration's response is included in **Attachment 5**.

The City is aware that the applicant undertook community engagement prior to the lodgement of this development application. That process was not related to the City's formal community consultation.

### Referrals/consultation with Government/Service Agencies



*Department of Planning, Lands and Heritage*

The subject site abuts land reserved as Parks and Recreation under the Metropolitan Region Scheme. In accordance with the Instrument of Delegation under the Planning and Development Act 2005 (DEL2022/03), the City is required to refer the application to the Department of Planning, Lands and Heritage (DPLH) for comment. DPLH has advised they have no objections to the application.

Design Review Panel Advice

The application was presented to the City’s Design Review Panel (DRP) on three occasions prior to lodgement. The plans were presented to the DRP on 24 February 2022, 29 April 2022 and the final plans on 23 June 2022. Substantial modifications to the design of the proposal were undertaken based on the DRP’s recommendations. It is noted that throughout the entire DRP process, the City has continued to raise concerns regarding the overall height, bulk and scale of the proposal.

Following submission of this application, the City referred the plans for consideration to the DRP for review. The DRP supports the proposal and their comments are summarised in the table below.

<p><b>Strengths</b></p>	<ul style="list-style-type: none"> <li>• Proposal represents an important model and benchmark for locating ambitious multi-residential development within an evolving context.</li> <li>• Generous, functional, diverse and well-arranged apartment layouts that capitalise on ocean and beach views and vistas.</li> <li>• Underground and sleeved car parking, not visible from the Alexandria View.</li> <li>• Proposed two storey townhouses have individual entry points that mediate the sectional characteristics of the site and activate/engage and contribute to the public domain interface. Each townhouse incorporates a ground and level 1 private outdoor space providing important occupant amenity and passive surveillance.</li> <li>• Increased setbacks to the existing two-storey residential properties provides a transition to the higher density development. This transition is largely successful in that side setbacks are progressively increased to minimise overlooking and bulk.</li> <li>• The extent of overshadow to the south (beach) is reduced and there is no adverse overshadowing of adjoining properties due to the site orientation.</li> <li>• Proposal ensures there is light and ventilation to lift lobbies.</li> <li>• The aesthetics responds to the coastal location with a series of curvaceous edge forms, curved glass balustrades and through the selection of materials, colours and textures.</li> <li>• Main entry has been relocated to a more central location with a generous entry and enhancing legibility and</li> </ul>
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	<p>convenience to occupants/visitors. The provision of two lifts further enhances the residential access and legibility.</p> <ul style="list-style-type: none"> <li>• Landscaping concept design incorporates high quality landscaping, generous communal amenity with on-structure planting, and upgrades to the verge area.</li> <li>• Commitment to a 4-star Green Star Equivalent Rating.</li> <li>• Whilst the level of discretion being sought is significant the Panel are of the view that the design has addressed many of the concerns associated with built-form and scale.</li> </ul>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>• Maintain commitment to curved balustrades.</li> <li>• Inclusion of seating within the verge area for resident and public use.</li> <li>• Consider a more ambitious 5 Star Green Star target rating.</li> <li>• Consider allowing access from the bedroom to adjoining balcony where possible and in addition to the penthouse levels.</li> <li>• Consider the coordination of services in relation to the constrained 3.1-meter floor to floor height to avoid excessive bulkheads.</li> </ul>
<b>Concluding Remarks</b>	<ul style="list-style-type: none"> <li>• The Panel commend the Proponent for working collaboratively with the Design Review Panel.</li> <li>• Whilst the level of discretion being sought is significant the Panel are of the view that the design has addressed many of the concerns associated with built-form and scale.</li> <li>• In addition to built form and scale the proposal sets an important precedent for how a multi-residential building of scale can be accommodated within both an existing and developing context.</li> <li>• The proposal has endeavoured to mitigate the impact of built form and scale at the eastern and western boundaries and will provide exceptional streetscape and public domain engagement.</li> <li>• Enhancements to the verge will provide a soft landscape frame for the proposal as well as an important community asset.</li> <li>• The Proposal is supported.</li> </ul>

A full copy of the DRP’s final comments are included in **Attachment 6**.

Given the above, the proposed development plans submitted for consideration are considered to sufficiently address the design-based recommendations made by the DRP. Whilst the DRP’s comments and support are acknowledged, the overall height, bulk and scale of the proposal varies significantly from the statutory provisions of the planning framework, and this will be discussed below.

**Planning Assessment:**

The proposal has been assessed against the relevant provisions of Detailed Area Plan 5 (DAP 5), ASP 13, SPP 3.7, SPP 7.0, SPP 7.3 Vol 2 and DPS 2. The following matters have been identified as key considerations for the determination of this application:



- Alexandria View Street Setback;
- Side Setback, Visual Privacy and Building Separation;
- Building Height, Plot Ratio and Bulk/Scale;
- Traffic and Access;
- Parking;
- Sustainability
- Solar Access;
- Landscaping and Stormwater;
- Universal Design; and
- Noise.

These matters are set out and discussed below. It is also noted that due to the topography of the site, the western portion of the building is eight storeys and the eastern portion of the building is seven storeys. The levels/floors will be referenced in accordance with the floor plan names as shown on the proposed plans.

Alexandria View Street Setback

DAP 5 Provisions	Proposal
<u>South-west (approximately 18m adjoining 64 Alexandria View):</u> Minimum 6m Maximum 7.5m	Minimum 3.6m Maximum 9.2m
<u>South-east (remainder of boundary):</u> Minimum 3m Maximum 4.5m	Minimum 1.2m Maximum 7m

The application does not satisfy DAP 5 as the building is proposed with a reduced setback to Alexandria View as outlined in the above table. A number of submissions also raised concerns in relation to the non-compliance with the street setbacks which will impact on the established streetscape character of Alexandria View.

DAP 5 does not provide any discretionary criteria in relation to the assessment of a variation to street setbacks. As such, the proposal has been considered against the Element Objectives of SPP 7.3 Vol 2, Element 2.3: Street and Rear Setback. The City is of the view that the street setback can be supported for the following reasons:

- a) The proposed street setback, in particular to the south-west side, is generally consistent and aligns with the existing setback of the adjoining property at No. 64 Alexandria View, Mindarie as shown in **Figure 1** below. The proposed street setback of the building will not erode the current streetscape character of the area.
- b) The proposal will still maximise activation to the street with courtyards and balconies facing Alexandria View, providing passive surveillance but also ensuring enough privacy is achieved through landscaping.
- c) There is a clear transition between the private and public domain through the use of fencing, landscaping and steps/level differences.
- d) The design of the building incorporates vertical recesses through a curved design and other measures that provide articulation to the street.

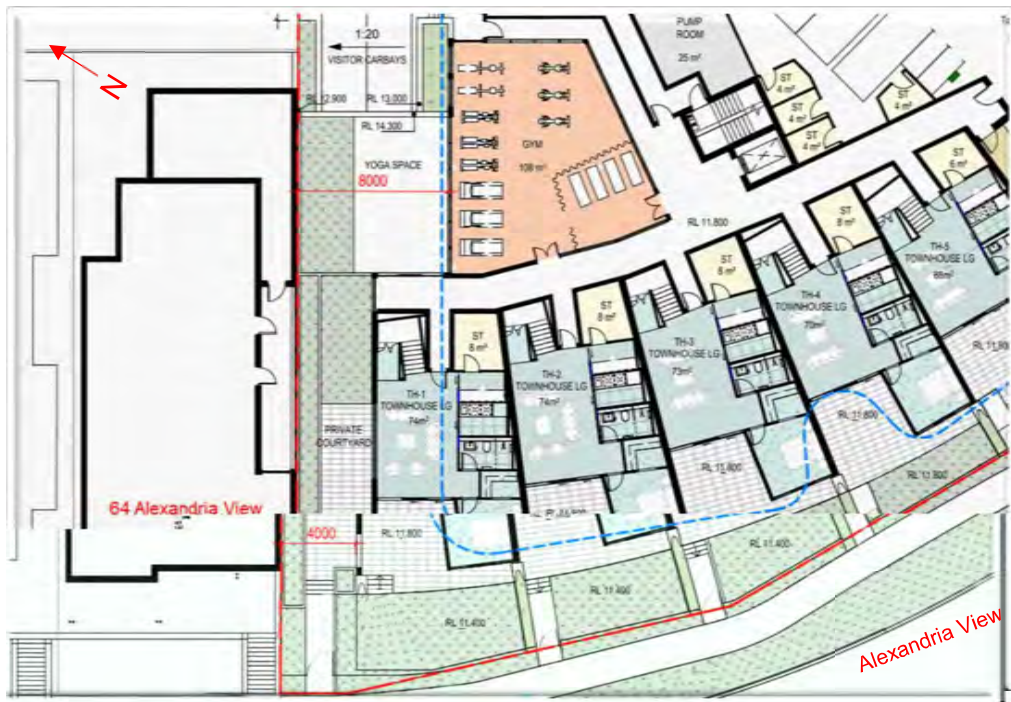


Figure 1: Excerpt of lower ground floor plan (Attachment 1) indicating street setback alignment with 64 Alexandria View

Given the above, the proposal is considered to satisfy the Element Objectives of SPP 7.3 Vol 2, Element 2.3: Street Setback, and is therefore supported.

Side Setback, Visual Privacy and Building Separation

SPP 7.3 Vol 2 - Element 2.4: Side Setback		
Acceptable Outcomes	Proposal	Variation/Complies
<u>North-west:</u> Lower ground: 3m	<u>North-west:</u> Lower ground: 4m – 8m	Complies
<u>North-east:</u> Ground Floor: 3m	<u>North-east:</u> Ground Floor: 2.5m	0.5m variation
SPP 7.3 Vol 2 - Element 3.5: Visual Privacy		
Acceptable Outcomes	Proposed	Variation/Complies
North-west (four storeys or less)		
Major opening to bedroom study, open access walkways: 4.5m	Ground Floor: 4m First Floor: 8m Second Floor: 8m	0.5m variation Complies Complies
Major opening to habitable rooms other than bedroom and studies: 6m	Ground Floor: N/A First Floor: 8m Second Floor: 8m	N/A Complies Complies
Unenclosed private outdoor spaces: 7.5m	Ground Floor: 4m First Floor: 8m Second Floor: 8m	3.5m variation Complies Complies
North-east (four storeys or less)		
Major opening to bedroom study, open access walkways: 4.5m	First Floor: 5.8m Second Floor: 5.8m Third Floor: 5.8m	Complies Complies Complies



Major opening to habitable rooms other than bedroom and studies: 6m	First Floor: 5.8m Second Floor: 5.8m Third Floor: 5.8m	0.2m variation 0.2m variation 0.2m variation
Unenclosed private outdoor spaces: 7.5m	First Floor: 5.8m Second Floor: 5.8m Third Floor: 5.8m	1.7m variation 1.7m variation 1.7m variation
<b>SPP 7.3 Vol 2 - Element 2.7: Building Separation</b>		
<b>Acceptable Outcomes</b>	<b>Proposed</b>	<b>Variation/Complies</b>
<u>North-west:</u> <i>Five to eight storeys:</i> 9m	Third Floor: 8m Fourth Floor: 8m Fifth Floor: 8m – 10.1m Sixth Floor: 11.1m	1m variation 1m variation 1m variation Complies
<u>North-east:</u> <i>Five to eight storeys:</i> 9m	Fourth Floor: 5.8m Fifth Floor: 5.8m Sixth Floor: 8.9m	3.2m variation 3.2m variation 0.1m variation

The application proposes a number of variations to SPP 7.3 Vol 2, Element 2.4: Side and Rear Setback, Element 2.7: Building Separation and Element 3.5: Visual Privacy, resulting in reduced setbacks to the north-west boundary which adjoins 64 Alexandria View and the north-east boundary which adjoins 23 Shoreham Turn. In addition, a number of submissions, including from the direct adjoining neighbours at 64 Alexandria View, raised concerns that the proposal would result in overlooking into the adjoining properties and impact upon their privacy.

There is a degree of overlap in the three elements by way of the Element Objectives and Acceptable Outcomes criteria (i.e. specified setbacks) under SPP 7.3 Vol 2. These variations are discussed below.

### Visual Privacy

SPP 7.3 Vol 2, Element 3.5: Visual Privacy includes the below Element Objective 3.5.1:

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

The City is of the view that the proposal does not result in any adverse impact upon the immediate adjoining properties' privacy as discussed in detail below:

- North-west (64 Alexandria View)  
The adjoining property consists of a two storey single dwelling, with two boundary walls along the south of the building as shown in **Figure 2**. The adjoining property does not have any major openings at the ground floor or upper floor levels facing the subject site. In addition, the alfresco area is located to the north-west side of the dwelling, away from the proposed development.



Figure 2: View of 64 Alexandria View

Proposed “Townhouse 1” at the Ground Floor includes a major opening to a living room and a balcony (as indicated on **Attachment 7**). This results in the cone of vision intruding into the adjoining property’s boundary.

The area overlooked is an unenclosed walkway. There is no direct overlooking of habitable areas or their private outdoor living area. On this basis, the design of the building and windows/balconies minimises overlooking and ensures the privacy of the adjoining property is maintained, therefore satisfying the relevant Element Objective.

- North-east (23 Shoreham Turn)

The adjoining property consists of a two storey dwelling, with two boundary walls along the south of the building shown in **Figure 3**. The adjoining property does not have any major openings at the upper floor facing the subject site but does have one major opening to a dining room on the ground floor as circled in red in **Figure 3**. In addition, their alfresco area is located to the north-east of their property, away from the subject site.



Figure 3: View of 23 Shoreham Turn

The proposed apartments on the north-east corner of the building between the First Floor to the Fifth Floor each include a balcony (as shown in **Attachment**





7) which result in the 7.5 metre cone of vision intruding into the adjoining property. The cone of vision primarily falls within an unenclosed walkway and does not overlook into the ground floor dining room window. Furthermore, any overlooking will be at an oblique angle due to the vertical separation of the proposed upper levels. On this basis, it is considered the privacy of the adjoining property will not be unreasonably impacted by the proposal.

The proposal is considered to satisfy the Element Objectives of SPP 7.3 Vol 2, Element 3.5: Visual Privacy, and the concerns raised in the submissions have been adequately addressed in the design of the building.

#### Side Setback and Building Separation

The Element Objectives of SPP 7.3 Vol 2, Element 2.4: Side and Rear Setback and Element 2.7: Building Separation includes (but not limited to):

- *Building boundary setbacks provide for adequate separation between neighbouring properties.*
- *Building boundary setbacks are consistent with the existing streetscape pattern or desired streetscape character.*
- *The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.*
- *New development supports the desired future streetscape character with spaces between buildings.*
- *Building separation is in proportion to building height.*

The proposed sauna located on the north-east corner of the Ground Floor is setback 2.5 metres to the adjoining property (23 Shoreham Turn) in lieu of 3 metres. The reduced setback is supported as it is minor and primarily faces the adjoining property's garage which is a boundary wall, and therefore has minimal impact by way of building bulk.

The orientation and siting of the proposed development minimises the impacts of building bulk to the adjoining property located along the north-east boundary. This is because the bulk of the building is located towards Alexandria View. The proposal results in minimal visual privacy issues, and the adjoining residences will retain good access to sunlight and natural ventilation.

The levels above the fourth level do not meet the 9 metre separation distances required under SPP 7.3 Vol 2. While tiered setbacks are proposed, the City is of the view that the side setbacks, particularly for the Third to Sixth Floor on the north-western side, should be setback further to provide a transition between the adjoining two storey dwellings up to the eighth storey of this proposal, as there is a six storey level difference. The variations to the upper floor setbacks in combination with the building height and plot ratio (which is discussed below) results in a building mass that is not consistent with the desired streetscape character of the area. Furthermore, the adjoining properties are subject to a 12 metre height limit which even if the adjoining properties are developed to the maximum, the proposal would still not provide an appropriate transition in the streetscape between the different intensities of development.

As a result, the proposed development is over-height and towers over the existing two storey single dwelling to the north-west. The perception of building bulk is further



exacerbated by the reduced setbacks to the upper levels, negatively impacting the amenity of the adjoining residential property and overall streetscape character on Alexandria View. On this basis, the proposal is not considered to satisfy the Element Objectives of SPP 7.3 Vol 2, Element 2.4: Side and Rear Setback and Element 2.7: Building Separation.

Building Height, Plot Ratio and Bulk/Scale

ASP 13 and SPP 7.3 Vol 2	Proposal
ASP 13 Table 1: Building height: 16m	Proposed building height: 22.4 – 26.9m
Element: 2.5 Plot Ratio: Plot ratio: 2.0 (7,816m <sup>2</sup> )	Proposed plot ratio: 2.49 (9,720m <sup>2</sup> )
ASP 13: Site identified as an Entry Statement Building which means: special building form and elevation that draws attention to the location, including such means as distinctive roof forms, balconies, articulation of corner wall elements, materials and colour.	Proposed building is designed in a manner that draws attention to the location by way of height, bulk and scale. The curved balconies and articulation of the façade are inspired by the natural patterns of water, and dune formations synonymous with its coastal positioning. Materials and colours have been selected to be consistent with the local context and therefore the proposal overall presents an authentic aesthetic response.

The application proposes significant variations to the building height and plot ratio provisions prescribed under ASP 13 and SPP 7.3 Vol 2. The proposal has a maximum building height of 26.9 metres exceeding the permitted heights by 10.9 metres which constitutes a 68.1% height increase. In addition, the application proposes a plot ratio of 2.49 (9,720m<sup>2</sup>) which exceeds the permitted plot ratio by 1,913m<sup>2</sup> (or a 24.5% increase).

The majority of submissions objecting to the proposal raised concerns regarding the height, bulk and scale of the proposal arguing that the scale of the building is not in keeping with the existing streetscape, character and amenity of Mindarie. A number of submissions also noted non-compliance with the planning framework relating to building height and plot ratio, which in turn is inconsistent with the community’s expectations for development of the site.

In considering the variations proposed, guidance is taken from the Element Objectives of SPP 7.3 Vol 2, Element 2.2: Building Height and Element 2.5: Plot Ratio outlined below:

- *The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.*
- *The overall bulk and scale of development is appropriate for the existing or planned character of the area.*

Applicant’s justification

In response to the extent of variations proposed, the applicant argues that the proposal satisfies the Element Objectives of SPP 7.3 Vol 2, Element 2.2: Building Height and



Element 2.5: Plot Ratio, and provides the following justification in support of their proposal:

- The building height was prescribed by ASP 13 which was intended to align with the former R-Codes. The planning framework has since evolved and therefore the proposal should be considered against SPP 7.3 Vol 2.
- The proposal responds to its landmark location which is affirmed by the R160 density code. Despite the surrounding low-density context, the site has been envisaged as an apartment development site of scale and prominence.
- The design complements the residential nature of the precinct by incorporating townhouse typologies to the west to the building which ties into and provides a transition to the existing built form context of the street (i.e. townhouses), while providing passive surveillance to the public realm.
- The proposal incorporates a coastal aesthetic, with simple, light-coloured materials, deep balconies and a highly articulated façade to soften the presence of the higher-density building within its surrounding streetscape.
- Significant side setbacks, recesses and siting of the building mass away from the edges of the subject site mitigates the impacts of building bulk and scale on adjoining properties (i.e. overshadowing, solar and daylight access and natural ventilation).
- The penthouse apartment level has been setback from the building edge so that it is hidden from view from neighbouring properties.
- The upper levels are inset from the levels below, providing generous setbacks and mitigating impacts of building bulk by minimising the visibility of these levels in a recessive form.
- The building height varies in direct response to the natural topography of the site, with the lowest point of the subject site reaching a height of eight storeys, which reduces to seven storeys at the highest point of the site. As a result, the lower levels appear connected with the topography.
- Overshadowing of the proposal primarily falls within the Alexandria View road reserve and the battering/coastal retaining down to Claytons Beach as indicated in **Attachment 8**. This therefore has minimal impact on major openings to habitable rooms and areas of open space on adjoining residential properties and usable areas of Claytons Beach.
- The additional plot ratio area results predominately from the overall quality of the proposed design (i.e. generous apartment sizes which promote high levels of amenity for residents).
- The City's DRP acknowledges that the proposal is at a point where the design initiatives represent a benchmark for the increased density and height.
- The above justification demonstrates that the overall bulk and scale of the development is appropriate for the existing and planned character of the area.

#### City's comments

The City acknowledges that the proponents have engaged with the City's DRP process through multiple meetings to address their comments and make a case for the discretion sought. The DRP has indicated that the quality of the design of the proposal could offset the increased building height and plot ratio. In addition, the site is identified as an 'Entry Statement Building' under ASP 13, which the proposal is considered to satisfy.



However, while the quality of the design is a strong factor, it is not the only basis on which to consider whether a variation should be supported. On balance, the proposed overall height, bulk and scale is not supported and this is discussed in detail below.

### *Building Height*

The impact of the proposed building height on the existing and planned streetscape and character of Mindarie has been carefully evaluated in the context of ASP 13 and the Element Objectives of SPP 7.3 Vol 2, Element 2.2: Building Height.

ASP 13 does not provide any discretionary criteria in relation to the assessment of variations to building height. Therefore, the proposal is considered against the Element Objective of SPP 7.3 Vol 2, Element 2.2: Building Height.

The height of the buildings in the surrounding area are predominantly two storeys with a density code of R30, as outlined in **Attachment 9**. These dwellings have mostly been constructed from 2008 onwards and are unlikely to change in the foreseeable future. The proposed building is five to six storeys higher than the existing adjacent residential dwellings and will tower above the landscape. This is significantly out of character with the existing streetscape and will also result in an inconsistent and unbalanced skyline as viewed from the coast. The City contends that a reduced height and increased setbacks are required to provide a sensitive transition in heights and fit with the existing built form and character of the immediate locality. The proposal as currently presented is contrary to Clause 67(2)(m) and (n) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) as the proposal has an adverse effect on the amenity of the locality, given its incompatibility in the existing and future character of the area.

Prior to the site being recoded to R160, the site was initially coded R100. In support of the amendment to increase the density code to R160, a concept plan of a five storey apartment building outlining the anticipated development outcomes on the site was provided. Council at the time supported the amendment on the basis that a relatively compliant proposal under the R160 coding could still be designed in a manner that was appropriate for the existing streetscape and character of the surrounding area. A proposal substantially exceeding both the maximum building height and plot ratio for the R160 was not envisaged for the site by the community or Council. This is also evident in the substantial amount of feedback received during the public consultation process with 75% of the submissions objecting to the proposal raising some form of concern pertaining to height. Under Clause 67(2)(y) of the Deemed Provisions of The Regulations, due regard needs to be given to the submissions received on the proposal. Given the number of submissions received in close proximity to the site objecting to the proposal on valid planning matters, the City considers the proposal is inconsistent with the community expectations for the site as expressed in the adopted planning framework.

In response to the applicant's commentary concerning the provisions within ASP 13 being outdated, under the contemporary SPP 7.3 Vol 2 provisions, the proposal still does not satisfy the indicative building heights of five storeys (or 18 metres). The proposal exceeds the building height provisions under SPP 7.3 Vol 2 by 8.9 metres or 49.4%. The proposal is considered to be contrary to the principles of orderly and proper planning given its significant deviation from the form of development that would be consistent with the R160 density, and therefore does not meet Clause 67(2)(b) of The Regulations.



Considering the above, the proposal is not considered to achieve the Element Objective 2.2.1 of SPP 7.3 Vol 2, Element 2.2: Building Height, as the proposal does not respond to the desired future scale and character of the street and local area.

#### *Plot ratio*

Similar to building height, ASP 13 does not provide any discretionary criteria in relation to the assessment of a variation to the maximum plot ratio provision. Therefore, the proposal is considered against Element Objective 2.5.1 of SPP 7.3 Vol 2, Element 2.5: Plot Ratio.

It is acknowledged that on its own, plot ratio can be a rudimentary measure of bulk and scale, so it is important to consider it in context with other assessment metrics. The extent of discretion being sought in relation to plot ratio is directly linked to the proposed additional height. The amount of plot ratio floor space exceeding the maximum is equivalent to approximately 28 two-bedroom apartments. This is based off the minimum internal floor area under SPP 7.3 Vol 2 and is equivalent to one to two floors of the proposal. The plot ratio variation is therefore a direct result of the additional building height proposed. Given this, the proposal is considered to have an adverse impact on the streetscape and presents an unreasonable bulk that is not of an appropriate scale in its current form, and therefore the proposal is not considered to achieve Element Objective 2.5.1 of SPP 7.3 Vol 2, Element 2.5: Plot Ratio.

#### *Summary*

As a result of the combined variations between building height, plot ratio and side setback (or building separation), the proposal is considered to result in substantial and impactful over-development of the site. The proposal is contrary to the expected and desired scale and built form, and is out of context with the immediate streetscape and the established character of Mindarie. It is also contrary to the development standards for the subject site under ASP 13. The proposal does not satisfy the principles of orderly and proper planning as it represents a significant departure from the intended form and scale of development set out under ASP 13 and SPP 7.3 Vol 2. While the proposal does satisfy the 'Entry Statement Building' requirement, this should be achieved while also providing an appropriate transition to the existing dwellings and without being at a detriment to the existing streetscape and amenity of the area.

In light of the above, the City recommends the proposal be refused as it is contrary to Clause 67(2)(b),(m),(n) and (y) of The Regulations and does not adequately satisfy the Element Objectives of SPP 7.3 Vol 2, Element 2.2: Building Height and Element 2.5: Plot Ratio. The proposal is also contrary to Clause 67(2)(c) and (h) of The Regulations relating to due regard being given to state planning policies and structure plans, as the proposal does not satisfy a number of Element Objectives of SPP 7.3 Vol 2 and provisions within ASP 13.

#### Traffic and Access

A number of submissions raised concerns in relation to the traffic generated from the development and its impact on safety, congestion and traffic noise. The submissions also raised concerns on proposing all residential vehicle access to the site via Medway Lane and argues that the laneways and surrounding road network is unable to accommodate the increase in traffic. Further to the above, ASP 13 includes a provision requiring development on the subject site to have an appropriate distribution of traffic between Medway Lane and Stockton Lane to ensure there is no undue impact on



either lane. However, the application proposes all residential vehicle access and access to three visitor bays being from Medway Lane. Ten visitor parking and all waste collection access is proposed off Stockton Lane. This does not provide an even distribution of traffic between the two laneways. The location of the access is shown in **Figure 4** below.



Figure 4: View of access location on Medway Lane

A TIS was submitted with the application in support of the proposal (**Attachment 10**). The TIS concluded that the proposal is anticipated to generate 32 vehicle trips in the AM peak period and 37 vehicle trips in the PM peak period, with a total of 418 vehicles per day (VPD). Medway Lane has an intended vehicle capacity of 300 VPD as outlined under *Liveable Neighbourhoods* (LN). Medway Lane currently carries approximately 151 VPD. This results in a total of 569 VPD which exceeds the intended traffic volumes for Medway Lane under LN.

While it is acknowledged in the TIS that the traffic generated from the proposal exceeds the anticipated traffic volumes on Medway Lane under LN, the following justification was provided:

- The vehicle trips are anticipated to utilise only a small section of Medway Lane from Shoreham Turn and therefore unlikely to impact the existing residential development accessing Medway Lane to the west of the subject site.
- According to the WAPC Transport Impact Assessment Guidelines, development generating between 10 and 100 vehicle trips during the peak hour falls under 'moderate impact' and is not considered to have any substantial impact on the surrounding road network.

In reviewing the TIS, it is agreed that the analysis and justification provided above is acceptable and also noting that while the projected volume of a 'Laneway' under *Liveable Neighbourhoods* is 300 VPD, the laneway is capable of accommodating



volumes above this. The section of Medway Lane impacted by vehicles accessing the site access is approximately 50 metres in length and does not have any direct driveway access as shown in **Figure 4**. Although the car park access is close to the driveway of 64 Alexandria View, the proposal does not restrict access to that property. In addition, it is unlikely that a vehicle would illegally park in this section of the laneway as there is on-street embayment parking in the surrounding road network and sufficient car bays on-site. A sight distance assessment was also included in the TIS demonstrating that the access location on Medway Lane can operate safely. In assessing this aspect of the proposal, the City has taken into account that the projected level of traffic generated by the proposal and the total number of vehicles per day on Medway lane is substantially increased by the proposed additional plot ratio floor space and the total number of dwellings this facilitates within the development.

The access point off Medway Lane for resident parking is therefore supported noting that the adjacent roads and intersections can adequately and safely accommodate the predicted traffic volumes.

Parking

SPP 7.3 Vol 2	Proposal
<u>Element 3.9: Car and Bicycle Parking:</u> Residential car bays: 108 bays Visitor car bays: 13 bays Motorcycle bays: 11 bays	Residential car bays: 147 bays Visitor car bays: 13 bays Motorcycle bays: 13 bays

Concerns have been raised regarding insufficient residential and visitor parking being provided on-site, which could in turn cause vehicles to be parked illegally on nearby streets and laneways, and within Claytons Beach car park. The submissions also stated that there are existing parking issues in the area as Claytons Beach car park is full through the year.

The application as initially presented proposed nine visitor car bays which resulted in a four bay shortfall for visitor parking. The applicant has since amended the plans to comply with the parking requirements under SPP 7.3 Vol 2, Element 3.9: Car and Bicycle Parking. The proposal results in an overall surplus of 39 car bays. On this basis, the City considers this matter has been adequately addressed.

Sustainability

SPP 7.3 Vol 2, Element 4.15: Energy Efficiency and Element 4.16: Water Management and Conservation requires the design of apartments to move towards reducing water and energy consumption. Furthermore, State Planning Policy 7.0: Design of the Built Environment sets out 10 key design principles including sustainability, which states *‘Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.’*

A Sustainable Design Assessment Report (**Attachment 11**) was provided in support of the application, which outlines Ecological Sustainable Design strategy for the proposal. Some of the key initiatives includes:

- High performance glazing, use of shading devices, and large openings to allow for natural ventilation and sunlight access;



- Installation of solar panels, LED lighting, roof mounted heat pump and centralised hot water system;
- Water efficient fittings and smart metering to be installed, and best practise water sensitive urban design principles to be incorporated into landscaping;
- Building materials to include recycled materials and/or sustainably sourced materials where possible;
- Inclusion of bike storage and EV charging stations for cars and bikes; and
- Ultimately aspiring to achieve a 4-star Green Star Buildings rating and an 8-star NatHERS rating.

The DRP supported the initiatives and commitment to a 4-star Green Star Buildings rating. The proposal also satisfies the requirements of SPP 7.3 Vol 2, Element 4.15: Energy Efficiency and Element 4.16: Water Management and Conservation as it plans to incorporate a number of energy and water efficiency initiatives to reduce overall consumption. Given the level of discretion sought to other elements, should the JDAP be of the mind to approve this application, it is recommended that a condition be imposed requiring the development to implement these initiatives in accordance with the Sustainable Design Assessment report.

#### Solar Access to Apartments

SPP 7.3 Vol 2, Element 4.1: Solar Access requires a minimum of 70% of apartments to have at least two hours of direct sunlight between 9am to 3pm on 21 June. The proposal results in 57% of apartments having a minimum of two hours of direct sunlight. This variation is therefore assessed against the relevant Element Objectives which include:

- *The development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- *Windows are designed and positioned to optimise daylight access for habitable rooms.*
- *The development incorporates shading and glare control to minimise heat gain and flare from mid-spring to autumn.*

The applicant has provided the following justification to support the variation:

- The subject site's access to sunlight is constrained due to its Alexandria View orientation (south-facing) and lot shape.
- The proposal maximises the amount of clear glazing to apartments to optimise sunlight to infiltrate through and bedrooms and living spaces have been prioritised around the edges of the building envelope to achieve direct natural light.
- Despite the overall depth of the building, individual dwelling depths have been minimised to optimise the amount of direct natural light received into habitable spaces.

The City agrees that the proposal has been designed to maximise sunlight access to private open spaces and habitable rooms with large openings being provided, despite the physical constraints. The development also provides awnings over balconies and openings to offer shade and reduce heat gain. In addition, the Sustainable Design Assessment Report provided with the application includes design initiatives to enhance the thermal performance of the building. These initiatives and the design of the building





maximises winter sunlight to habitable rooms while minimising heat gain and glare during summer periods, and therefore the proposal is considered to satisfy the Element Objectives of SPP 7.3 Vol 2, Element 4.1: Solar Access.

### Landscaping and Stormwater

A Landscaping Concept Plan and Stormwater Concept Plan was provided with the application. Upon the City's review, there were minor modifications required to the landscaping species and stormwater plans. Should the JDAP be of the mind to approve this application, it is recommended that conditions be imposed requiring a revised landscaping plan with modified plant species and a stormwater plan to be provided to the satisfaction of the City.

### Universal Design

SPP 7.3, Element 4.9: Universal Design requires the development to include dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility, and to facilitate ageing in place, with a minimum of 20% of all apartments to meet Silver Level requirements as defined in the Liveable Housing Design Guidelines.

While it has not been specifically outlined in any floor plan, the applicant notes that 17 dwellings (20%) within the proposal will achieve a 'Silver Level' rating under the Liveable Housing Design Guidelines, which satisfies SPP 7.3, Element 4.9: Universal Design.

Should the JDAP be of the mind to approve this application, it is recommended a condition is imposed requiring a minimum of 17 apartments to be developed to the Silver Level standard under the Liveable Housing Design Guidelines.

### Noise

A number of submissions raised concerns in relation to an increase in noise due to the proposal and traffic noise generated from the increase in vehicles impacting upon the amenity and quality of life on existing residences.

An Environmental Noise Assessment (**Attachment 12**) was provided with the application based on noise impacts of the proposed development on surrounding properties, as well as noise impacts from the surrounding uses on the proposed apartments. The Environmental Noise Assessment concluded that the proposed development could comply with the *Environmental Protection (Noise) Regulations 1997* subject to the following:

- Waste collection to occur between 7am to 7pm Monday to Saturday (excluding public holidays) or 9am to 7pm on Sunday and public holidays, and best practice measures to be applied; and
- Minimum external façade construction to achieve compliance such as minimum 6mm glass or double glazing on windows; and
- Recommends mechanical services noise emissions to be assessed in the future stages of design.

The City's Health Services has also reviewed the Environmental Noise Assessment and advised that it is acceptable, subject to compliance with the recommendations



outlined in the assessment. The City's Health Services has also recommended an additional acoustic assessment being undertaken once mechanical equipment are selected and after construction to confirm compliance with *the Environmental Protection (Noise) Regulations 1997*. Whilst the City has recommended the proposal be refused, if the JDAP are of the view to approve the application, then it is recommended that conditions be imposed requiring the following:

- The recommendations in the Environmental Noise Assessment to be implemented; and
- An Environmental Noise Assessment to be undertaken post development confirming that the development complies with the original Environmental Noise Assessment and the *Environmental Protection (Noise) Regulations 1997*, and the implementation of any additional recommended noise mitigation measures.

In relation to concerns regarding traffic noise, noise generated from a licensed vehicle's engine or braking system are generally exempt from the *Environmental Protection (Noise) Regulations 1997*. Any noise generated from illegal driving behaviour should be reported to the WA Police.

In light of the above, potential noise impacts associated with the proposed development can be sufficiently managed through compliance with the *Environmental Protection (Noise) Regulations 1997* and through the imposition of specific conditions of development approval.

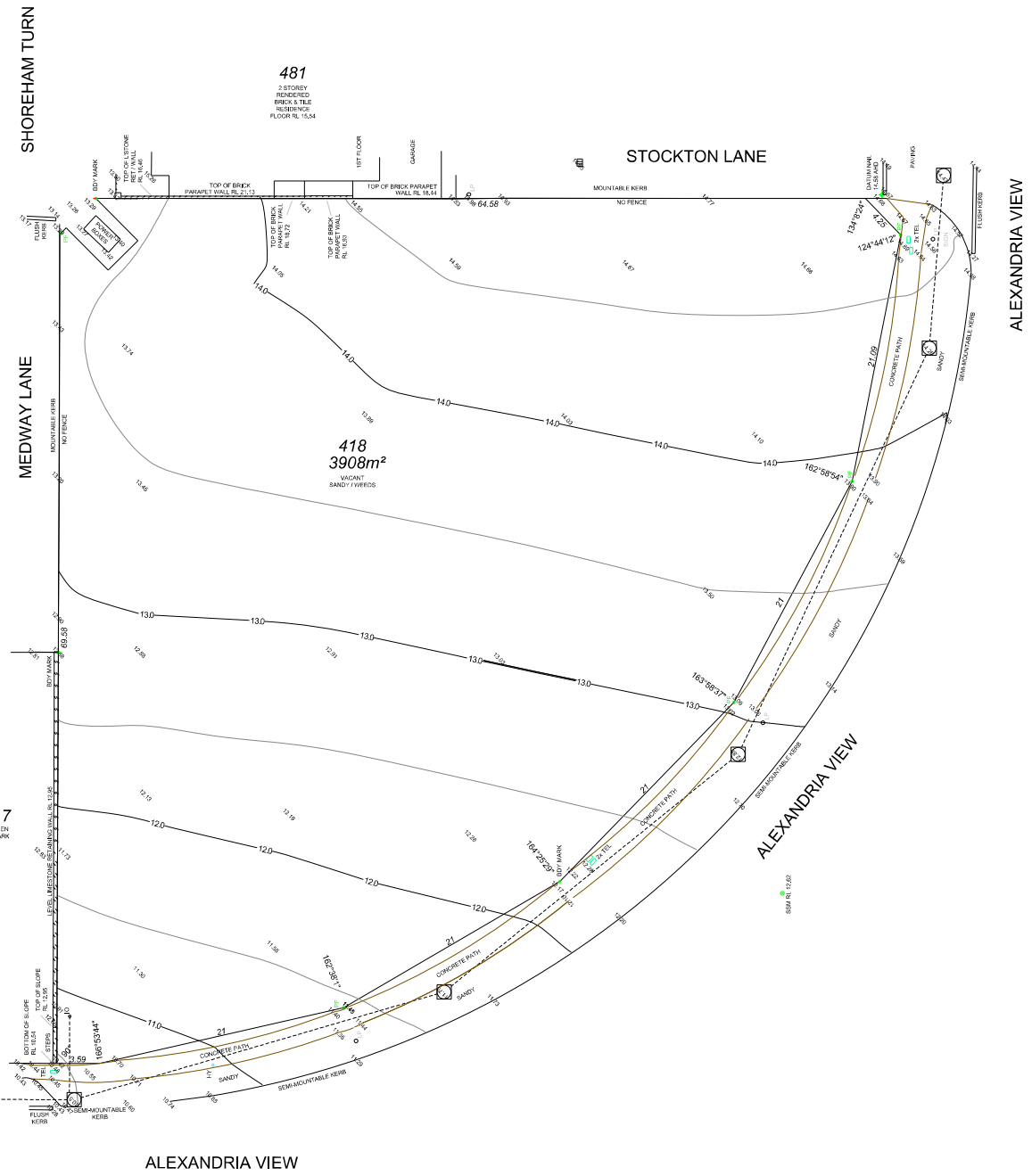
### **Conclusion:**

The development application for 88 Multiple Dwellings at Lot 418 (50) Alexandria View, Mindarie have been assessed against DAP 5, ASP 13, SPP 7.0, SPP 7.3 and DPS 2. The proposal is generally considered to represent a development with well-designed apartments, generous and functional unit sizes, high quality landscaping and communal facilities, and an authentic aesthetic response to the coastal location. The City also wishes to acknowledge that the applicant has engaged with City early on in the process and through the City's DRP on three occasions to address their comments.

In considering the proposal in its entirety and specifically in the context of the proposed site, the height proposed is a significant departure from the development standards adopted under ASP 13. The proposed built form is inconsistent with the desired scale of development envisaged for the site by Council and the community. The proposed building height does not provide a suitable graduated transition between the existing two storey surroundings, which is further exacerbated by the reduced setbacks to the upper levels, resulting in an unbalanced streetscape in a prominent location. The proposal is also not appropriately scaled to its setting and negatively impacts on the amenity and character of the area. In light of the above, the City recommends the proposal be refused.

### Alternatives

Whilst the City has recommended this application be refused, should the JDAP be of the view to make an alternate decision, the City recommends that the conditions of approval be applied as set out in **Attachment 13**.



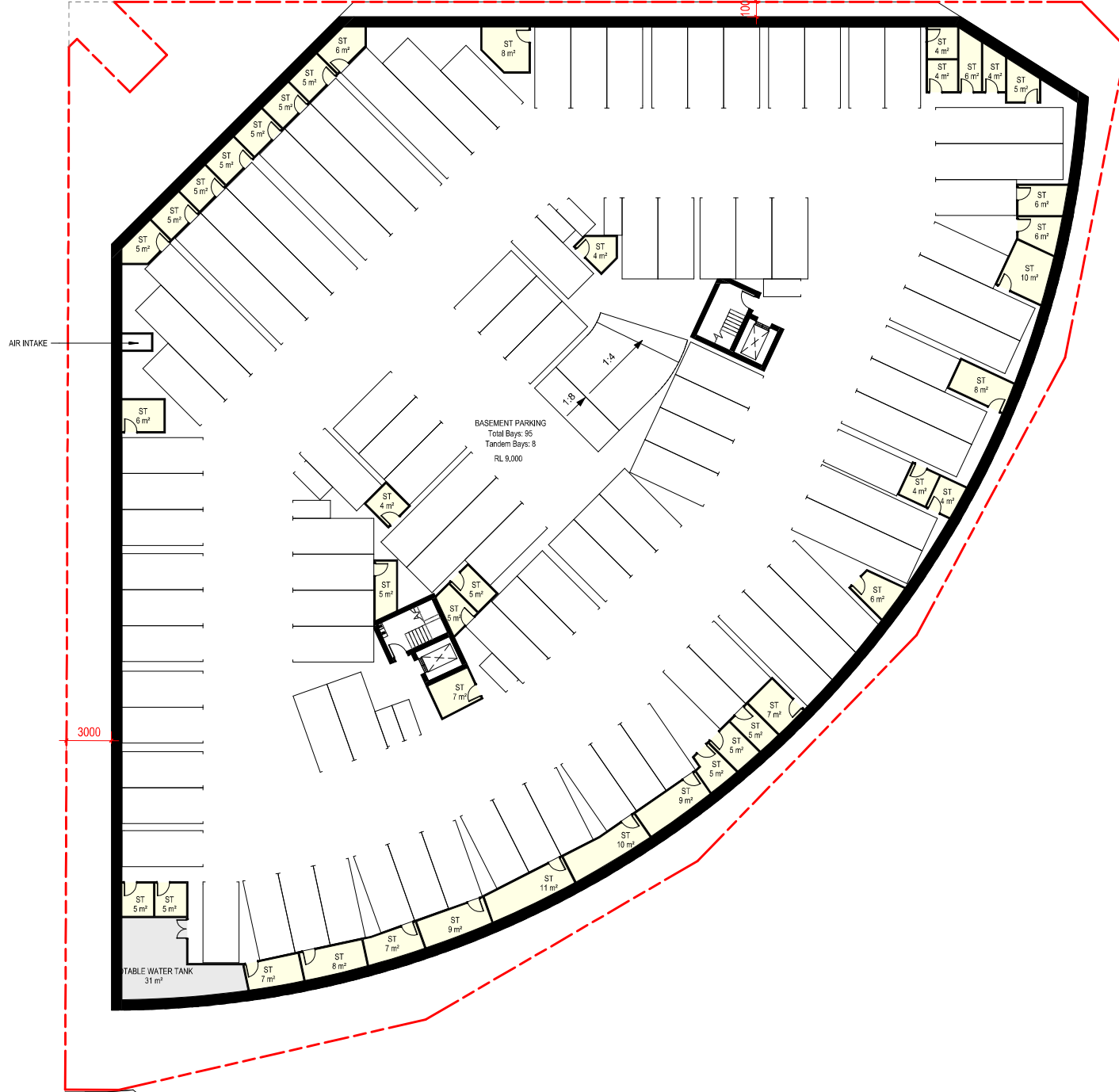
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DEPTH TO CONNECTION 0.5

417  
BITUMEN  
CARPARK

481  
2 STOREY  
RESIDENTIAL  
BRICK & TILE  
RESIDENCE  
FLOOR RL 15.24

418  
3908m<sup>2</sup>  
VACANT  
SANDY WEEDS

ALEXANDRIA VIEW



**1 BASEMENT**  
A03-000 1:200

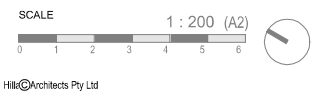
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- 2x2 APT
- 3x2 APT
- 3x2 TOWNHOUSE
- Balcony
- Landscape
- Penthouse
- RESIDENTIAL AMENITY
- SERVICES
- STAIR
- STORES
- WORKSHARING

# MINDARIE

Lot 418  
50 Alexandria View Mindarie



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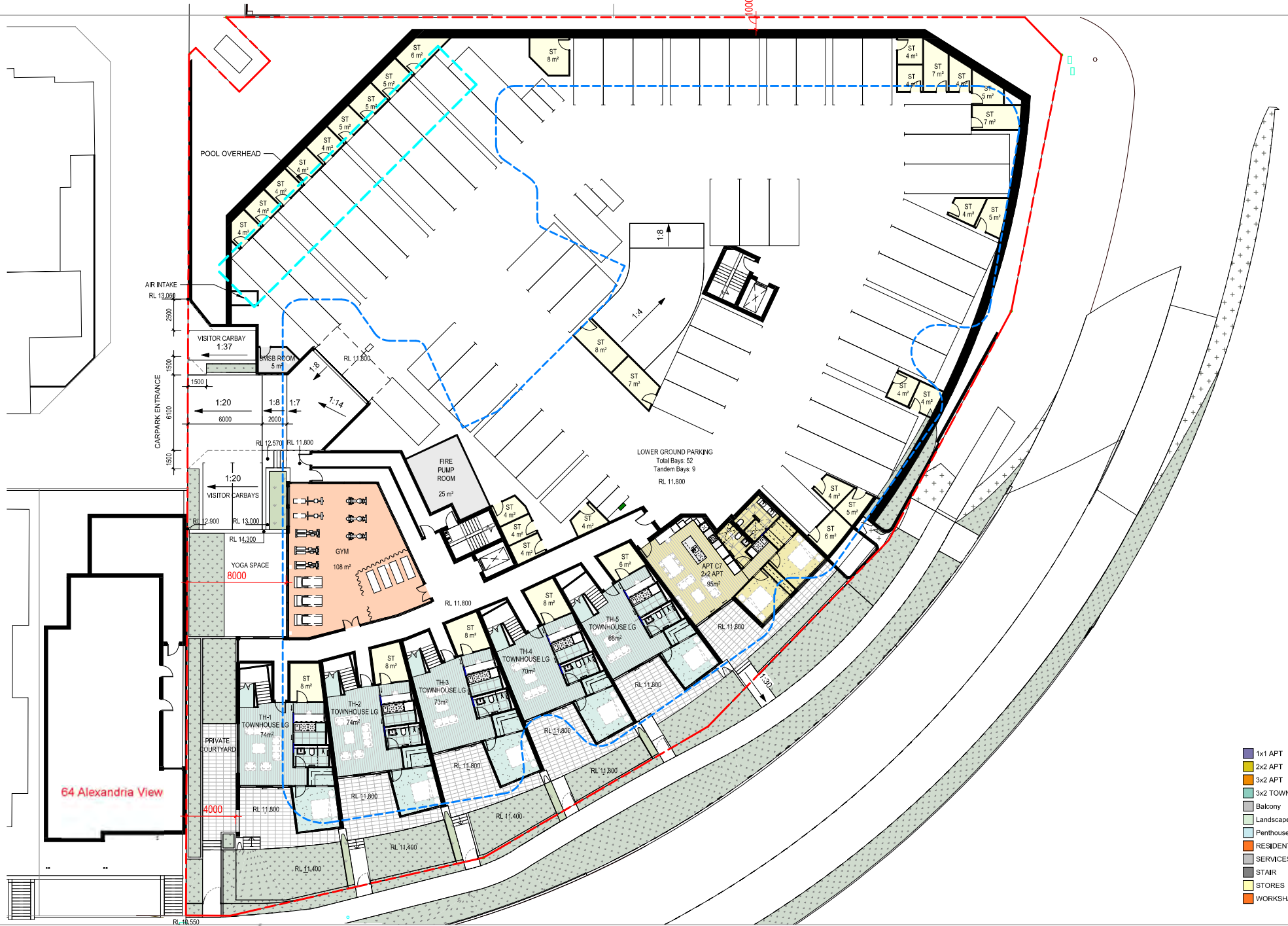
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21.10.22	A	REVISED DA

PROJECT No.  
**2104**

DWG NAME  
**BASEMENT**

DWG No.  
**SK2-01**

REV  
**A**



- 1x1 APT
- 2x2 APT
- 3x2 APT
- 3x2 TOWNHOUSE
- Balcony
- Landscape
- Penthouse
- RESIDENTIAL AMENITY
- SERVICES
- STAIR
- STORES
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21.10.22	A	REVISED DA		
DATE	REV	DESCRIPTION	ISSUED BY	CHECKED

PROJECT No.  
**2104**

DWG NAME  
**LOWER GROUND**

DWG No. **SK2-02**  
REV **A**



- 1x1 APT
- 2x2 APT
- 3x2 APT
- 3x2 TOWNHOUSE
- Balcony
- Landscape
- Penthouse
- RESIDENTIAL AMENITY
- SERVICES
- STAIR
- STORES
- WORKSHARING

**MINDARIE**

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50 Alexandria View Mindarie



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DATE	REV	DESCRIPTION
21.10.22	A	REVISED DA

PROJECT No.  
**2104**

DWG NAME  
**GROUND LEVEL**

DWG No.  
**SK2-03**

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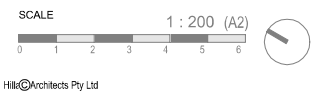
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- 3x2 TOWNHOUSE
- Balcony
- Landscape
- Penthouse
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PROJECT No.  
**2104**

DWG NAME  
**LEVEL 1**

DWG No.  
**SK2-04**

REV  
**A**



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- 2x2 APT
- 3x2 APT
- 3x2 TOWNHOUSE
- BALCONY
- LANDSCAPE
- PENTHOUSE
- RESIDENTIAL AMENITY
- SERVICES
- STAIR
- STORES
- WORKSHARING

# MINDARIE

Lot 418  
50 Alexandria View Mindarie



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21.10.22	A	REVISED DA	ISSUED BY	CHECKED
DATE	REV	DESCRIPTION		

PROJECT No.  
**2104**

DWG NAME  
**LEVEL 2**

DWG No.  
**SK2-05**

REV  
**A**





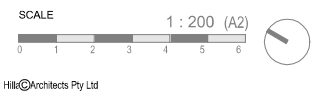
- 1x1 APT
- 2x2 APT
- 3x2 APT
- 3x2 TOWNHOUSE
- Balcony
- Landscape
- Penthouse
- RESIDENTIAL AMENITY
- SERVICES
- STAIR
- STORES
- WORKSHARING

# MINDARIE

Lot 418  
50 Alexandria View Mindarie



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21.10.22	A	REVISED DA	ISSUED BY	CHECKED
DATE	REV	DESCRIPTION		

PROJECT No.  
**2104**

DWG NAME  
**LEVEL 3**

DWG No.  
**SK2-06**

REV  
**A**



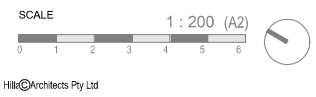
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- 2x2 APT
- 3x2 APT
- 3x2 TOWNHOUSE
- Balcony
- Landscape
- Penthouse
- RESIDENTIAL AMENITY
- SERVICES
- STAIR
- STORES
- WORKSHARING

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DATE	REV	DESCRIPTION		

PROJECT No.  
**2104**

DWG NAME  
**LEVEL 4**

DWG No.  
**SK2-07**

REV  
**A**



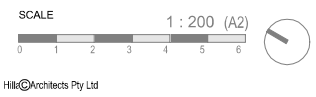
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- 3x2 TOWNHOUSE
- BALCONY
- LANDSCAPE
- PENTHOUSE
- RESIDENTIAL AMENITY
- SERVICES
- STAIR
- STORES
- WORKSHARING

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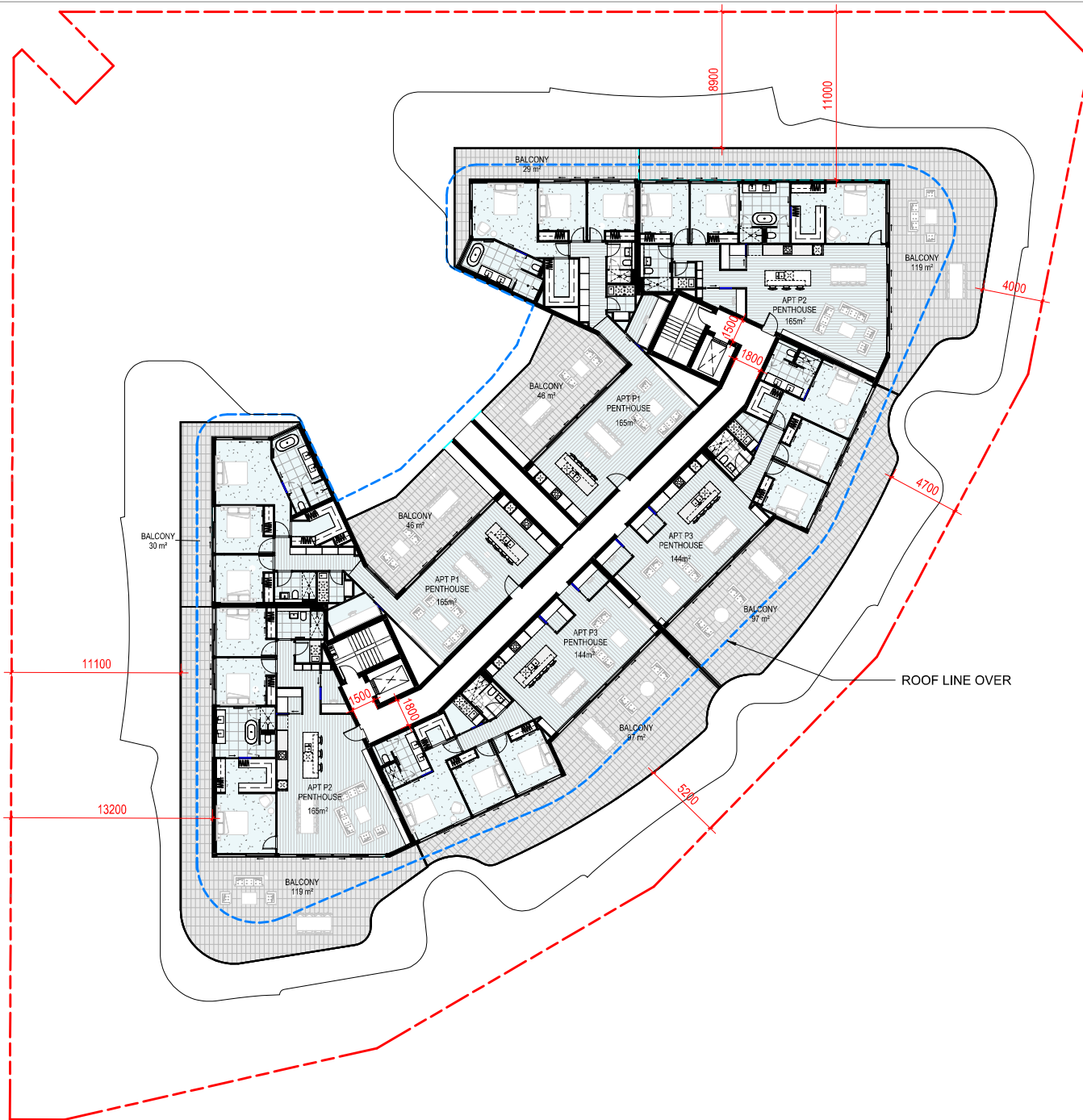
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DATE	REV	DESCRIPTION		

PROJECT No.  
**2104**

DWG NAME  
**LEVEL 5**

DWG No.  
**SK2-08**

REV  
**A**



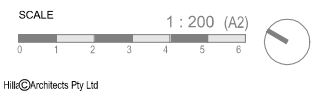
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- 3x2 TOWNHOUSE
- Balcony
- Landscape
- Penthouse
- RESIDENTIAL AMENITY
- SERVICES
- STAIR
- STORES
- WORKSHARING

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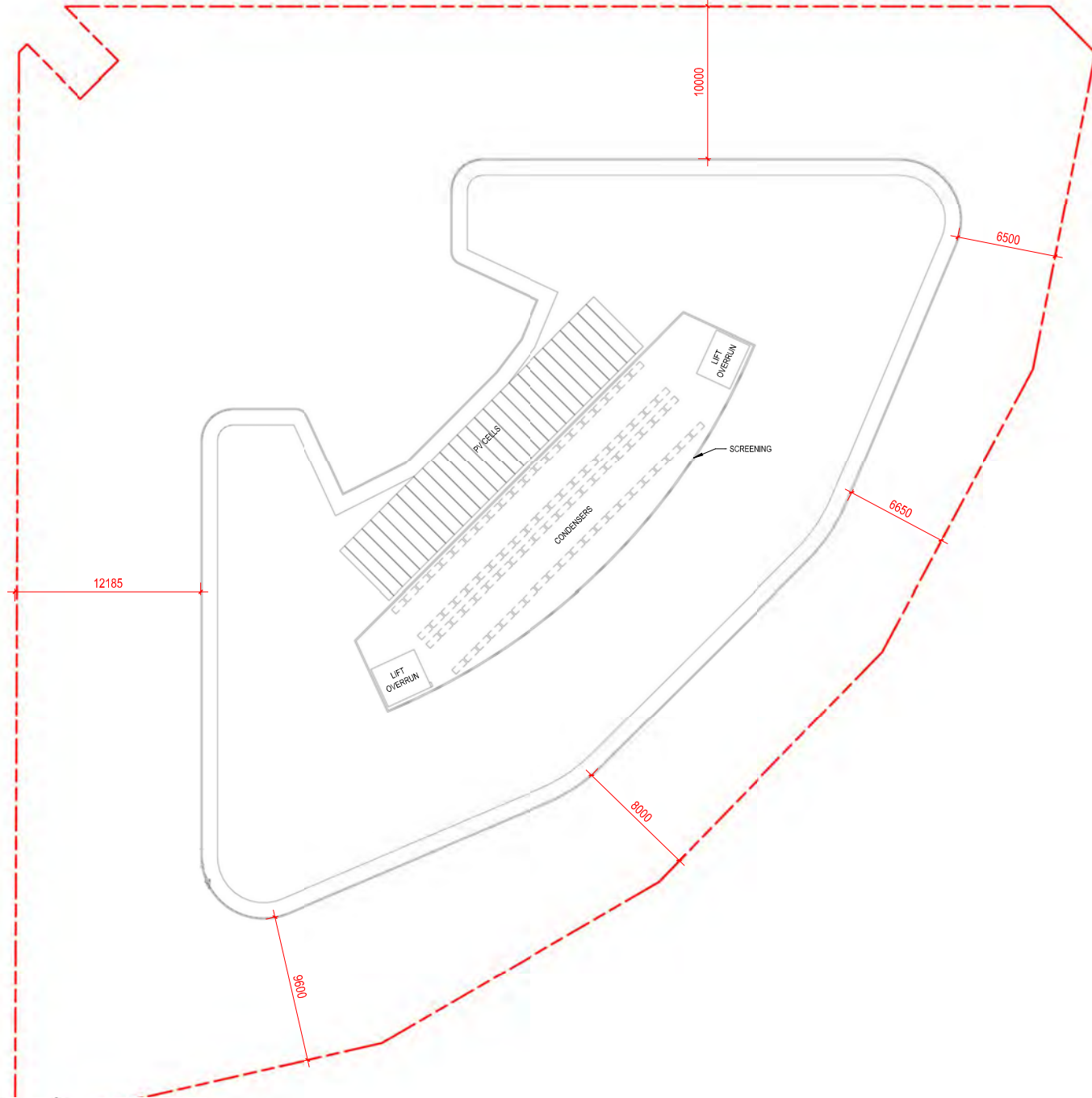
DATE	REV	DESCRIPTION	ISSUED BY	CHECKED
21.10.22	A	REVISED DA		

PROJECT No.  
**2104**

DWG NAME  
**LEVEL 6**

DWG No.  
**SK2-09**

REV  
**A**



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### SCALE

1 : 200 (A2)



21.10.22	A	REVISED DA
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ISSUED BY	CHECKED
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PROJECT No.  
**2104**

DWG NAME  
**ROOF PLAN**

DWG No.  
**SK2-010**

REV  
**A**



1 SOUTH ELEVATION  
1:200



1 NORTH ELEVATION  
1 : 200

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SCALE

1 : 200 (A2)



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DOMINYY	REV	DESCRIPTION

ISSUED BY

CHECKED

PROJECT No.  
**2104**

DWG NAME  
**NORTH ELEVATION**

DWG No.  
**SK3-002**

REV

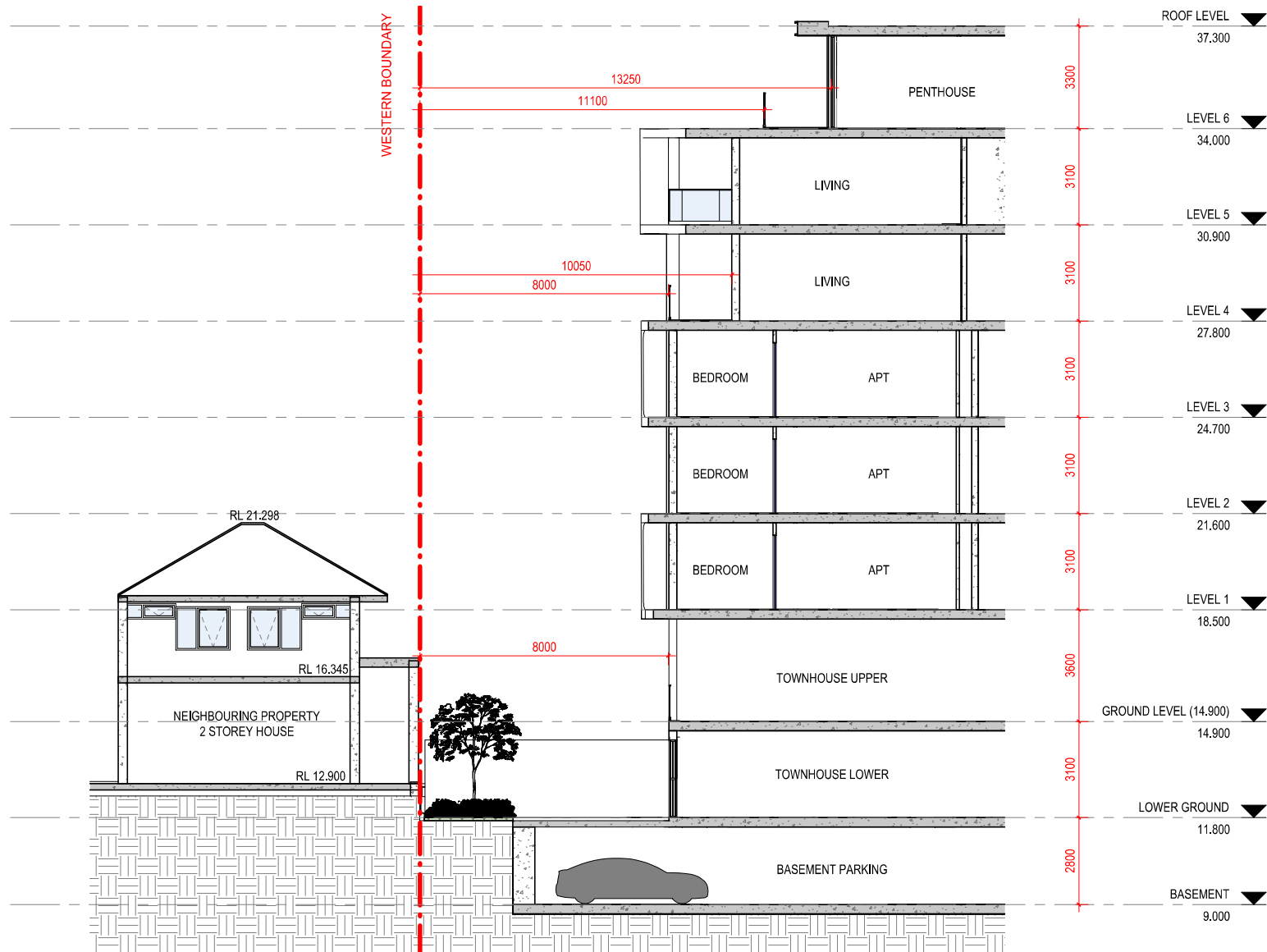


1 EAST ELEVATION  
1 : 200





1 WEST ELEVATION  
1 : 200



**1** Section - Western Boundary  
 A09-002 1:100

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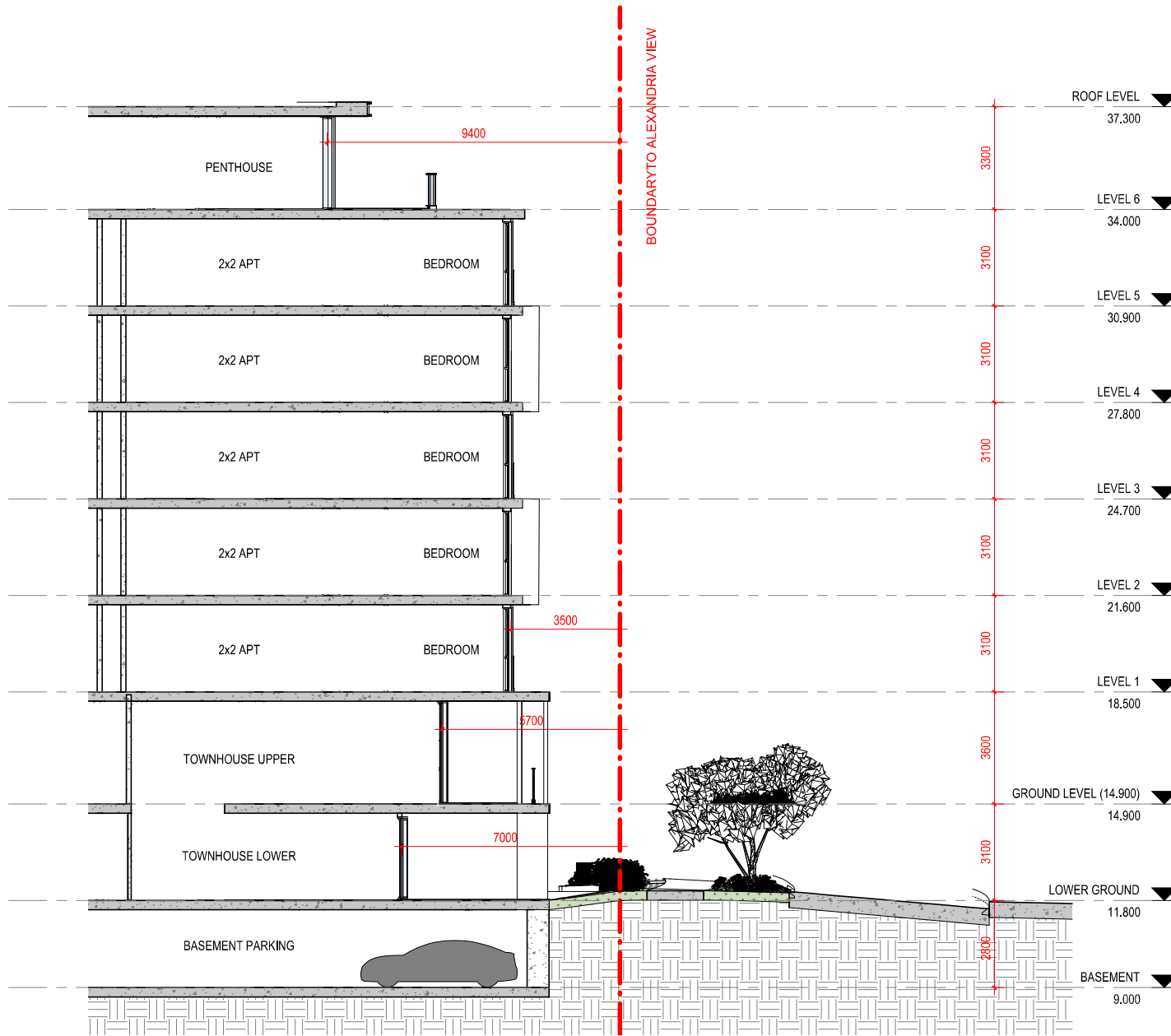
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PROJECT No.  
**2104**

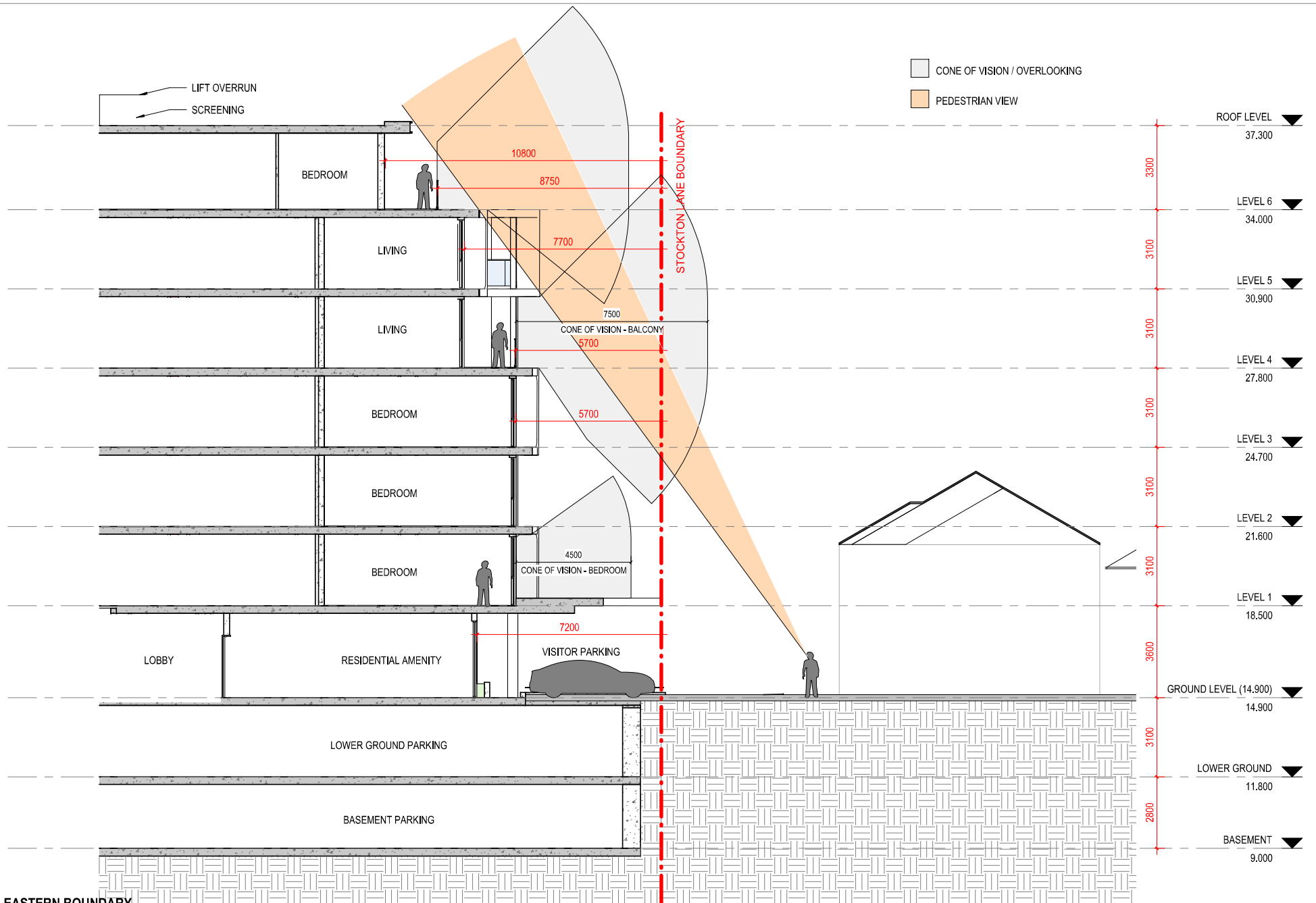
DWG NAME  
**SECTION 1**

DWG No.  
**SK4-01**

REV  
**A**



**1 SECTION - ALEXANDRIA VIEW**  
A09-002 1:100



1 SECTION - EASTERN BOUNDARY  
A08-002 1:100

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SCALE 1 : 100 (A2)



21.10.22  
DATE  
A  
REVISED DATE  
DESCRIPTION

ISSUED BY  
CHECKED

PROJECT No.

2104

DWG NAME

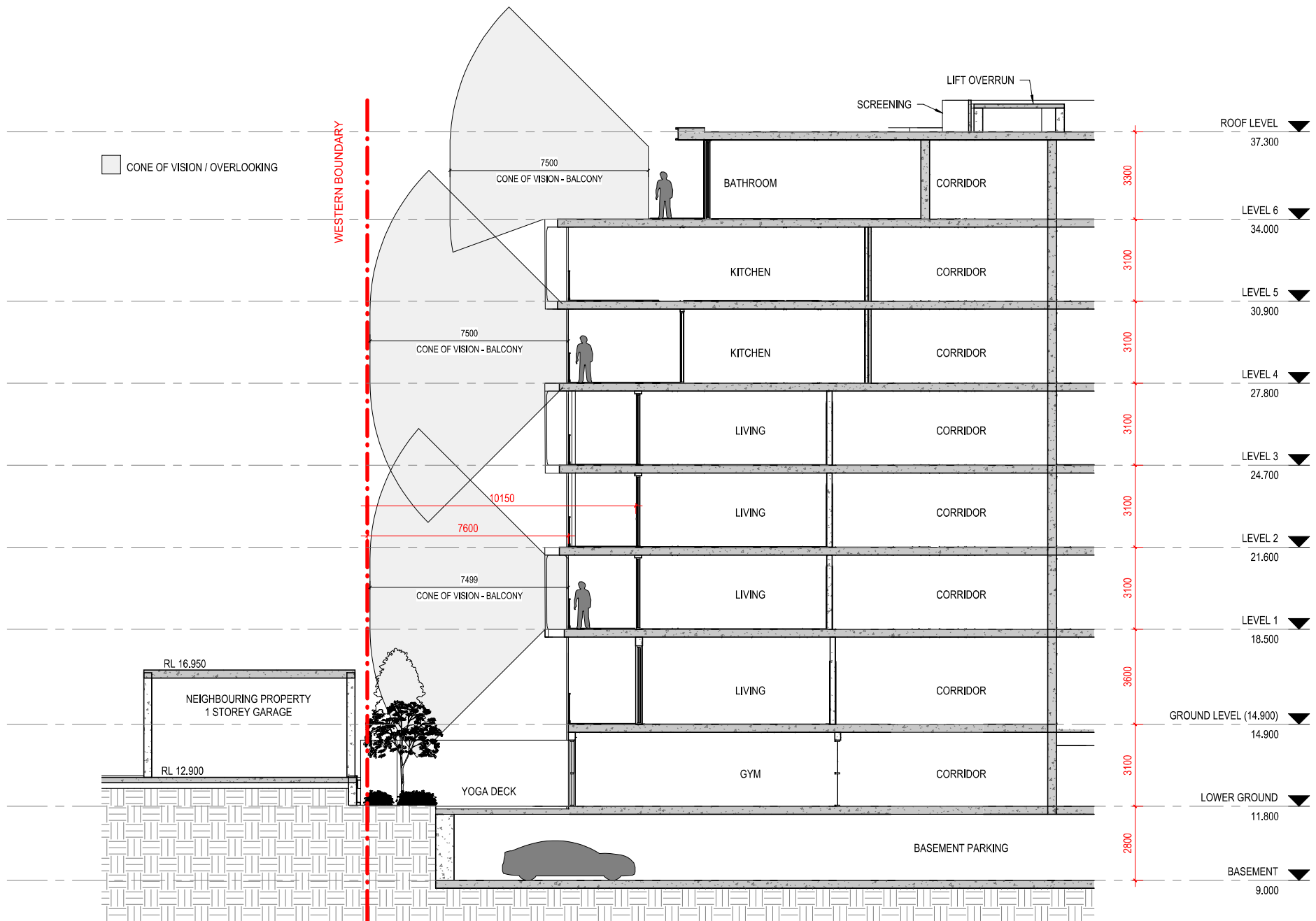
SECTION 3

DWG No.

SK4-03

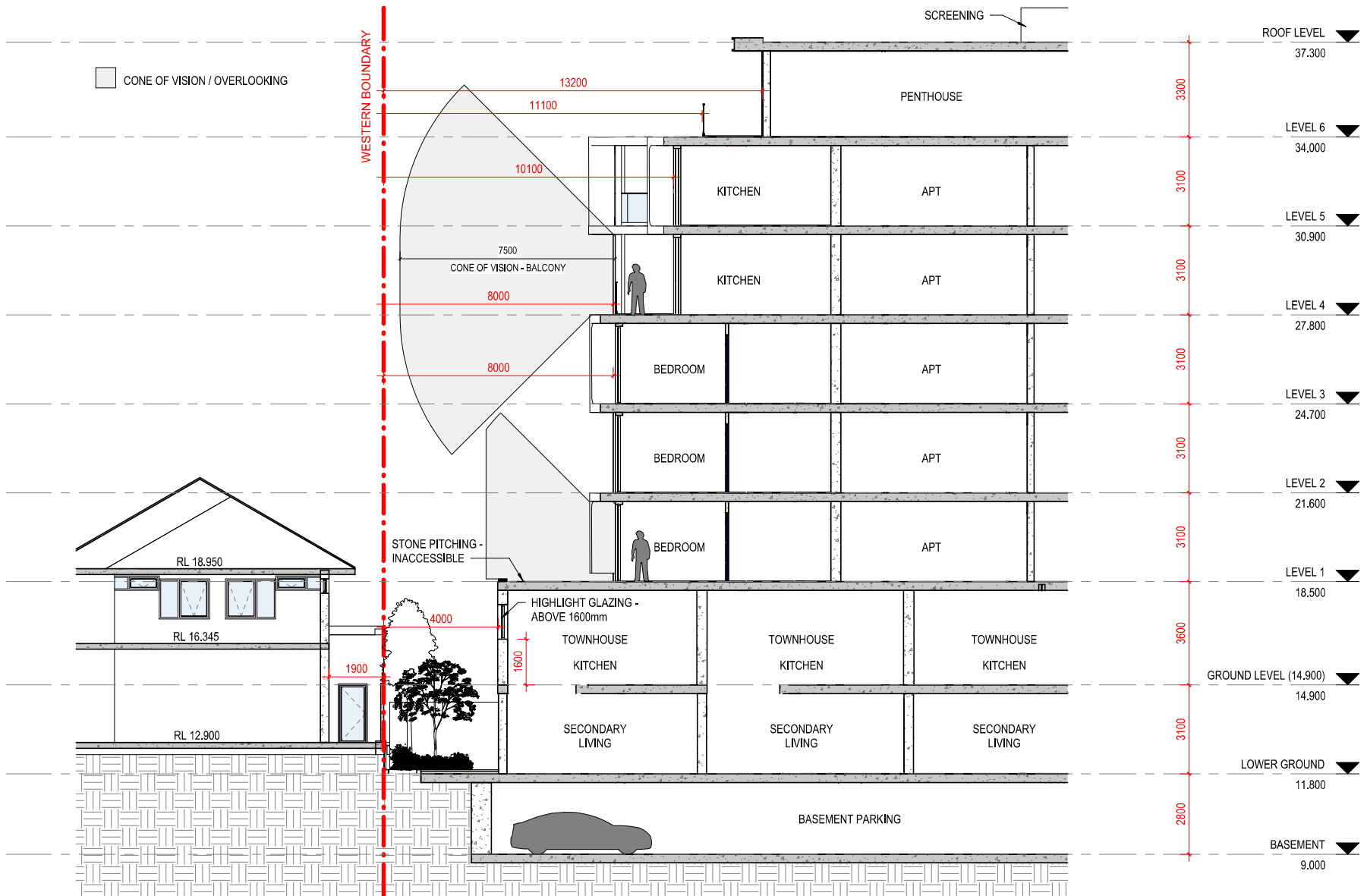
REV

A



**1 SECTION - WEST BOUNDARY**  
A08-002 1:100





**1 SECTION - WEST BOUNDARY\_FRONT**  
A09-002 1:100

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21.10.22  
DATE  
A  
REVISED DATE  
DESCRIPTION

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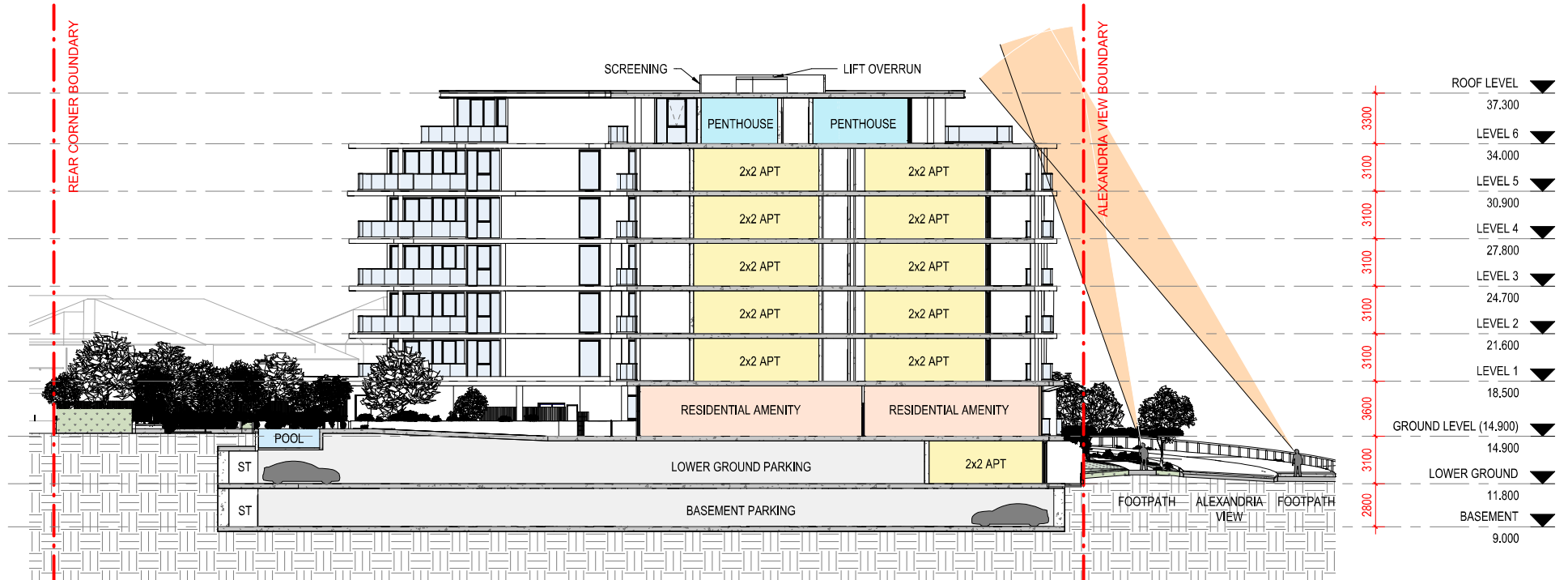
PROJECT No.  
**2104**

DWG NAME  
**SECTION 5**

DWG No.  
**SK4-05**

REV  
**A**

- CONE OF VISION / OVERLOOKING
- PEDESTRIAN VIEW



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SCALE 1 : 200 (A2)



21.10.22	A	REVISED DA
DATE	REV	DESCRIPTION

ISSUED BY	CHECKED
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PROJECT No.  
**2104**

DWG NAME  
**SECTION 6**

DWG No.  
**SK4-06**

REV  
**A**