

## 12.11. RECONSIDERATION OF REPORTS - PROPOSED COMMERCIAL DEVELOPMENT LOT 20 (NO.22) STEPHEN STREET, BUNBURY

<b>File Ref:</b>	P08976
<b>Applicant/Proponent:</b>	Mr Tony Brun, Brenta Property Group Pty Ltd
<b>Author:</b>	Ann Jank, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

### Summary

The City is in receipt of a Development Application from the Brenta Property Group Pty Ltd on behalf of the property owner Notebook Investments Pty Ltd (Directors name **under separate cover, confidential**) for development of a multi storey, Commercial development at Lot 20 (No. 22) Stephen Street, Bunbury, including ground level commercial areas - 2 levels of car parking and a 9-storey office tower.

Initially the applicant submitted a development application which included a proposal for a 14 storey residential tower. Subsequently the owner formally withdrew the residential component on 12/10/2007 with the aim on ensuring a higher level of compliance such that it is understood he could receive a grant of planning approval and satisfy tender requirements for new DPI offices.

Letter **attached Appendix 9**.

The matter was considered at the Council Meeting on 16/10/2007 and Council resolved as follows:

- 1. Note the advice from Notebook Investments Pty Ltd that the residential component of the project has been withdrawn.*
- 2. Note the request for concessions in relation to height and parking (as previously submitted).*
- 3. The applicant to provide an amended report for the revised project to the next Briefing Session that provides details of the amended project plan and the necessary conditions that would form part of a Development Approval.*

Subsequently, it was not possible to provide for a briefing from the applicant at Council's Briefing Session held on the 23/10/07. Council was however given an overview of the project by the Executive Manager City Development and the issues that have been identified (on the residential component).

The applicant seeks variations to the requirements of Town Planning Scheme No. 7 (TPS 7) and the guidelines contained in the City Vision Strategy in regard to car parking requirements and building height.

The proposed full development was advertised for public comment for a 28-day period including advertising notices on site, letters to adjoining owners and notices in the local newspaper. Eight (8) submissions have been received.

Based on the most recent plans dated 22/10/2007 submitted by the applicant, Development Services has formed the view that the proposed development can be supported subject to conditions as determined in the report recommendation.

## **Background**

The site is currently occupied by the Stirlings Centre (Shopping Centre) which is a ground-level development, including car-parking bays at street level.

In accordance with TPS 7 the site is zoned “City Centre” and the proposed commercial development (as well as land uses such as Office, Shop, Restaurant and Lunch Bar) are permitted uses.

### City Vision Strategy

Council adopted the Bunbury City Vision Framework Strategy on 13 December 2005 (Resolution 289/05). This Framework considered height limits for the Greater Central Business District Precinct. A 5-storey limit for buildings is generally planned to be established for areas outside of the central core, which includes the subject lot.

The City Vision Strategy document was adopted by the City of Bunbury, subject to amendments, at the Council meeting of 12 December 2006 (Resolution 241/06). The City Vision Strategy recommends a maximum building height of 5 storeys (or 21 metres) for coastal areas (including Bay and Inlet). Under certain conditions and subject to criteria, including broad community support, consideration may be given to developments up to 8 storeys (or 32 metres).

## **Proposal**

The proposed development is comprised of three distinct elements – a commercial tower, 2 car parking decks including new retail space fronting Prinsep Street and the existing retail area. The developer proposes a 7-level office tower (1-level plant and equipment, lift over-run and services for the office tower) above level 2, giving a total height equivalent to 9 storeys.

The proposal includes part demolition of the existing building and internal refurbishment to the existing retail area to the south of the lot. Pedestrian access to the new retail area is off Prinsep Street with the existing access off Stephen Street being maintained. The developers have proposed enhanced open space between the existing Stirling Centre and Centrepoint.

The location plan, floor plans, elevations and a section are **attached Appendix 10**.

The following criteria are considered relevant in terms of properly considering the matter:

### *Car Parking and Access*

The applicant proposes all vehicle access from Prinsep Street with parking on ground level and two parking decks.

In accordance with TPS 7 a total of 219 car parking spaces are required for the amended project, including 55 spaces for existing retail, 33 spaces for new retail (fronting Prinsep Street and extension on southern section) and 131 spaces for offices.

The existing retail area is currently served from 55 car parking bays and will be reduced effectively. Therefore the existing 55 car parking bays are required to be relocated as part of the redevelopment consistent with recent determinations by Council.

Whereas the developer has on plan provided 218 car parking spaces. This leaves a deficit of 1 space to the required 219 car parking spaces.

Development Services acknowledges that although there is a shortfall in car parking numbers it is anticipated that, as the proponent progresses to working drawings, it is likely that amended plans will be provided addressing the potential minor shortfall in car parking numbers. However to ensure compliance with TPS 7 requirements and the relevant Australian Standards it is recommended that any grant of approval by the City is subject to the developer contributing \$25,000 per car parking space in deficit.

It is proposed that a generalist condition is applied in this regard in that some of the car-parking spaces proposed may in the end not meet the precise requirements of the Australian Standards.

It is also noted that the developer has proposed that 40 car parking spaces are set aside as 'tandem' car parking spaces for commercial tenancies within the complex. Whilst it is not ideal to allow tandem car parking spaces for commercial development (tandem spaces work for residential development in that 2 spaces can be made to relate to specific residential units) in that such spaces should be capable of being used at all times. In this case, nonetheless, it is considered that the parking format is broadly acceptable, in that such spaces can be allocated to specific tenancies.

It is important therefore, at a practical level, to condition any grant of planning approval such that Council's support would be subject to the submission of a management plan to address this issue.

It is noted that the applicant has proposed a reformulation of the established public car parking layout in the area between the subject lot and Centrepont. Notwithstanding, there is no net loss of car parking in this area as a result of the proposed development.

Development Services has determined that it is appropriate that car parking numbers should be calculated on the basis of the principle of actual "demand" for car parking. In terms of clarification, it is noted that Table No. 2 – Car Parking Guidelines states that "...the local government may (emphasis by writer) impose conditions regarding the required number and/or method of provision of car parking spaces...". The key use-class under consideration in respect of car parking is that of "office". Table 2 states that Council may require (for offices) one space for every 50 square metres (sqm) gross floor area. In respect of the fact that TPS 7 does not define the term "gross floor area", and in that it references and defines "gross leasable area", it is considered that car parking should be calculated on the basis of gross leasable area.

Development Services also notes that in fact car parking “demand” is determined by the actual floor area used for offices [per se] and not on the amount, say, of core area – for uses such as toilets and lifts, etc. In summary, therefore, demand for car parking is calculated on gross leasable area.

Definition of gross leasable area **attached. Appendix 11.**

It is noted that in light of the fact that the Clause 5.7.1.6 uses the word “may”, that this would in fact allow Council to require a lesser amount of car parking than that stated in Table 2 (Car Parking Guidelines). Table 2 is **attached Appendix 12** in the report that has been circulated under separate cover.

### **Traffic Study**

The applicant has submitted, as part of his development application, a Traffic Management Study. The most recent submission in this regard (submitted on 27/08/07) is marked Version 4 and is **attached Appendix 13** in the report that has been circulated under separate cover. The City’s Engineering Section has analysed Version 2. As this report was significantly different to the requirements of the City of Bunbury, Version 4 was only briefly reviewed prior to a meeting being called to create a new brief for a new traffic study.

Council’s Engineering Section has outlined the extent of amendments required to allow the Traffic Study to be used in a meaningful way in terms of determining the possible impact of the proposed development on the current traffic arrangements in the CBD, and these amendments have been included in the new brief.

The following are concerns with regards to Traffic Management Study that was initially supplied:

The Traffic study provided to date, is not in line with WAPC transport assessment guidelines and is unable to determine the level of impact on any intersection.

The Traffic Management Study is based on 1994 traffic data. This is 13 years out of date, and hence cannot be extrapolated or used to determine whether with the additional vehicle number created by the development will decrease the level of serviceability to unacceptable levels.

It is stated that there is no information available regarding traffic volumes for intersections like Prinsep Street and Victoria Street. This is an important intersection that needs to be analysed and traffic counts or other acceptable methods to determine the existing traffic situation is required to complete this analysis.

Confirmation is required that the central bus depot’s bus movements have been taken into account in the traffic study.

The trip distribution diagram indicates that all vehicles exiting the proposed development would go to Victoria Street and no vehicles would go to Blair Street. This is not realistic. As the traffic distribution figures needs to be reviewed, so will the percentage of increase in daily traffic table.

It is noted that the proposed development is likely to have a relatively significant impact on the established traffic arrangements and street infrastructure within the central area of the City. Upgrading of the existing street infrastructure may be required to cope with the additional daily vehicular movements and to measure this impact, and to pass on any upgrading costs to the applicant, requires an adequate traffic management study.

It is understood that the developer is endeavouring to meet a tender process deadline and an early decision is therefore required on the status of the development proposal to allow the developer to meet the specific requirements of their client body. To resolve this issue a new brief has been created with the approval of the City of Bunbury that should adequately address the extent of the likely impacts of the new development. It is proposed, therefore, that the matter of the development application be determined, but subject to the applicant being aware that, prior to the issue of a building license, a traffic management study and safety audit in accordance with the new brief to the satisfaction of the City Engineer will be required, and that all costs associated with the required upgrades will be passed on to the applicant.

To meet all requirements regarding the Traffic Study the developer agreed to this new brief as determined and directed by the City's Senior Engineer Design and Development on the 5<sup>th</sup> October 2007.

One particular submitter (Centrepoint) has taken a contra position in respect of the originally proposed development. Centrepoint's submissions, including the submission by their planning consultancy (Allerding & Associates), is **attached Appendix 14** in the report that has been circulated under separate cover. One key point raised by Centrepoint is that the applicant for the Stirlings Redevelopment has not provided sufficient car parking to cater for the existing retail floor space. These concerns have been largely addressed with the amended proposal.

### **Building Height**

#### Plot Ratio

The development meets plot ratio requirements as per TPS 7 as part of the site remains undeveloped and the new tower development occupies a limited footprint.

The principle controlling mechanism for height within the City Centre Zone is plot ratio. TPS 7 requires a maximum plot ratio of 3.5. However, with the adoption of the City Vision Strategy on 13 December 2006, Development Services is of the opinion that the relevant recommendations related to height controls are required to be considered. This position is supported by legal advice.

#### City Vision Strategy

The City Vision Strategy recommends (clause CBD28) a maximum building height of 5 storeys (or 21 metres) for coastal areas (including bay and inlet) and under certain conditions and subject to criteria including broad community support, consideration may be given to developments up to 8 storeys (or 32 metres).

The proposed office tower is approximately 39 metres high (40.7m highest point of the building) and exceeds the strategy recommendation for this area by 7 metres.

**Attached Appendix 15** perspectives of the originally proposed development viewed from the Leschenault Inlet and Boulders Heights.

*Applicant's Justification relative to the City Vision Strategy*

In summary the applicant has presented the following data in terms of justifying his design relative to height.

The heights of the proposed building is considered in regard to three future Focal Points with high rise buildings. *“The Northern Focal Point has already commenced being formed by the Silos Project with its various stages.”* The Central Focal Point is set out as the area around the Bunbury Tower with Lord Forrest Hotel and Bunbury Entertainment Centre next to it. The proposed development is considered to assist creating the Southern Focal Point as main retail centre of the CBD.

The City Vision document states in clause CBD29: *“That height in the commercial core of the CBD defined as both sides of Wittenoom, Stephen, Victoria and Carey Streets is determined on the basis of complementary development with the Bunbury Tower and the Old Silos hotel development.”*

The developer further states that: *“The subject site is located on Stephen Street is considered to therefore be within the commercial core of the CBD. This is further reinforced given the adjacent Centrepont Shopping Centre.”*

*WAPC Statement of Planning Policy No. 2.6 – The State Coastal Planning Policy*

Importantly Clause 5.3 of the Amendment to State Planning Policy 2.6 states:

*“The height of buildings should be limited to a maximum of 5 storeys (and not exceeding 21 metres) in height”.* Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:

- (a) there is broad community support for the higher buildings following a process of full consultation;
  - (b) the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;
  - (c) the location is part of a major tourist or activity node;
  - (d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore;
- and
- (e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.”

*Applicant's Justification relative to SPP 2.6*

The applicant has presented the following data in terms of justifying his design relative to Clause 5.3 of Amendment to State Planning Policy 2.6.

*“(a) The proposal has been advertised for a period of 28 days and the proponents are not aware of any significant objections relating to the proposed height and bulk of the development. It is also noted that the proposal received extensive coverage in the local media with prominent pictures and “vox pop” public input. It is the proponent’s belief that given the extensive exposure of this proposal that it can be assumed that the proposal has received sufficient support from the community as required in condition a) above.”*

*“Additionally during the City Vision process there were a number of public workshops and the issue of height of the further development of the CBD and the Outer Harbor were discussed and a number of sketches were displayed including those prepared by Cox. These sketches included numerous multistory buildings as high as 20 plus floors. At the time there was overwhelming support for the inclusion of tall structures in the CBD.”*

*“(b) The built form of the proposal has been designed to enhance the visual impact of the CBD by assisting in the creation of the Southern Focal Point which is located with Boulters heights in the background. There are several sites in the area each of which is capable of substantial Mixed Use/Commercial developments which will add to the visual impact to the cityscape of the CBD and also reinforce the importance of the main retail center of the CBD. This is shown in the North-South section of the CBD that has been provided.”*

*“(c) The location is at the southern entry point to the CBD and is the retail focus of the city and therefore the Greater Bunbury and the South West Region. It is of the utmost importance to the maintenance and enhancement of the vibrancy of the CBD that substantial Mixed Use/Residential projects are encouraged to be developed. These projects will reinforce the importance of the Bunbury CBD for the entire region.”*

*“The placement of additional office space and residential immediately adjacent and above the core CBD retail precinct will add a great deal of vibrancy and economic stimulus to existing outlets (shops and food outlets).”*

*“(d) Shadow drawings have been provided (within the planning report) and these confirm there is no overshadowing of the foreshore.”*

*“(e) The visual permeability of the foreshore and coast from nearby residential areas, roads and public spaces are retained. Refer to the 3D drawings that have been provided.”*

Although the State Coastal Planning Policy does not directly affect this site, our assessment relative to other coastal developments is to apply the principle of this policy.

Development Services has analysed the matter of height in terms of reaching a position whereby it can make a meaningful recommendation to Council.

It is noted that Development Services has determined that the maximum height of the proposed development should be limited to 8 storeys in line with the recommendation of City Vision (clause CBD28). The development proposed by the applicant is however 9 storeys in height with the 9<sup>th</sup> storey being set aside for services. It is considered that, on balance, it would be in order to approve the development as proposed (with 9 storeys) subject to the applicant redesigning the external façade of the structure so the visual impact of the proposed development is lessened, and such that the building takes on the appearance of an 8-storey building from pedestrian street level. It is considered that this is achievable, from an architectural perspective, by way of setting the elevation of the 9<sup>th</sup> storey back from the plane of the remainder of the building so that the 9<sup>th</sup> storey is not readable visually from street level. This thinking is reflected in the report recommendation.

### **Strategic Outcomes**

It is considered that the broad direction of the City's 2007-2012 Strategic Plan would not be compromised to any significant extent by supporting the proposed development.

### **Community Consultation**

The proposed full development was advertised for public comment for a 28-day period including advertising notices on site, letters to adjoining owners and advertising in the local newspaper; and eight (8) submissions have been received.

### **Submitters Data**

Eight (8) submissions have been received. Submissions are detailed on the Schedule of Submissions (refer **attached Appendix 16** in the report that has been circulated under separate cover).

The key issues arising from a study of the submissions are as follows:

- Building Height
- Car Parking
- Access to the site
- Damage to the wall adjacent to the R.O.W. due to truck and vehicle traffic
- Damage of the fabric of the Women's Club building during the demolition works
- Access to Women's Club during the construction works
- Noise and dust impact during the construction
- Façade of the existing retail to Stephen Street

### **Applicant Consultation**

In order to progress the matter, discussions have been undertaken with the applicant on a number of occasions.

### **Councillor/Officer Consultation**



This matter has been reviewed by Council staff within the Development Coordination Unit meetings consisting of officers from Engineering, Planning, Building and Health. Further discussions have taken place with Manager Development Services, Senior Planner (Statutory) and Executive Manager City Development.

Council was provided with a preliminary briefing on 3 July 2007.

Council also discussed the matter in Committee Meetings and Council Meetings on 11/09/2007, 18/09/2007, 09/10/2007 and 16/10/2007 and in Council Briefings on 25/09/2007 and 23/10/2007.

### **Analysis of Financial and Budget Implications**

The Recommendation will not impact on the current Annual Budget, nor are there any expenses associated with the requests from a Council perspective provided that all off-site impacts are adequately addressed.

### **Economic, Social, Environmental and Heritage Issues**

In economic terms, the proposal will provide economic benefit during the construction phase of the development and also future employment opportunities in the proposed commercial tenancies.

There are no known environmental impacts that would result from the construction of the development, although amenity issues have been assessed.

The proposed development is adjacent to the former Anglican Deanery, now the Bunbury Women's Club, which is noted as having local significance and is included on the 2001 Municipal Inventory List.

### **Legislative Compliance**

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local Law or Regulations have been complied with. The proposal will be required to comply with the requirements of the Health Act 1911 and the City of Bunbury Health Local Laws 2001.

### **Delegation of Authority**

It is considered that delegation of authority would not apply in this case.

### **Relevant Precedents**

Council has approved a 14 Storey Mixed Use Residential, Retail and Commercial development on the current Reef Hotel site on 16/10/2007 (item no. 11.10 refers)

### **Possible Options**

Option 1: Per the Recommendation. (Approval without residential component)

Option 2: Refusal

Should Council determine not to resolve to issue a grant of planning approval for the proposed development, a suggested format for such action is as follows:

*“Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves that it refuses to grant planning approval to Brenta Property Group Pty Ltd on behalf of Notebook Investments Pty Ltd for the proposed Mixed Use Commercial and Residential Development at Lot 20 (No 22) Stephen Street Bunbury, for the following reasons:*

- 1. The proposed development does not meet the guidelines of the City’s City Vision Strategy which advises a maximum of 8 storeys (or 32m) for the office tower.*
- 2. The applicant has provided a parking layout for the proposed development that does not comply in terms of car-parking numbers having regard to the requirements of Town Planning Scheme No.7 and the relevant Australian Standards.”*

**Conclusion**

The applicant has altered his development proposal such that the car parking requirement is substantially satisfied (one space short). The applicant has worked closely with the City with a view to reaching a development solution which would meet the expectations of the City Vision strategy, and principally by deleting the 14 story residential tower. It is anticipated that the current development will meet the expectations of Centrepoin and the owners/operators of any established retail outlets in the vicinity in terms of the provision of car parking, in that Brenta Property Group Pty Ltd is proposing that the majority of car parking which will serve the retail outlets (to replace the existing 55 spaces which are currently provided at grade) in the vicinity of the development will be provided at ground level. This will mean, it is considered, that the car parking will be more user-friendly.

In terms of height, it is considered also that the development as proposed by Brenta Property Group Pty Ltd warrants approval in that it is possible to reduce the actual height of the proposed office tower such that it will appear to be 8 storeys from street pedestrian level. It is considered that it is possible for the developer to redesign the external façade of the building such that the top floor is set back marginally so that this objective is achieved.

Traffic management is the other key issue relative to the matter at hand. In this regard, Brenta Property Group Pty Ltd has been working closely with Council’s Engineering Section with a view to reaching a position whereby the matter of traffic management can be resolved to the City’s satisfaction.

It is proposed therefore that Council consider granting planning approval subject to the placement of a condition on such grant to the effect essentially that the traffic

management plan as submitted by the applicant meets the requirements of the City Engineer.

On balance therefore Development Services recommends that Council consider the matter with a view to granting planning approval to Brenta Property Group Pty Ltd.

### **Recommendation**

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to grant planning approval to Brenta Property Group Pty Ltd on behalf of Notebook Investments Pty Ltd for the proposed Commercial Development at Lot 20 (No 22) Stephen Street Bunbury, subject to the following conditions:

#### *1.1 Use and Development*

- 1.1.1 The premises being used only in accordance with the definition of **Office, Shop, Restaurant & Lunch Bar** contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.
- 1.1.2 All development shall be generally in accordance with the approved development plans.
- 1.1.3 This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
- 1.1.4 The applicant redesigning the development so that the visual bulk of the building is lessened, and such that the building takes on the appearance of an eight-storey building from street level, and redesign in this regard is to be to the satisfaction of the Manager Development Services.
- 1.1.5 The developer is required to pay to the City the monetary sum of \$25,000 (twenty-five thousand dollars) for each car parking space less than that which is required for the proposed development pursuant to the requirements of the current Town Planning Scheme (TPS7) and Austroads and any other relevant Australian Standards, to the satisfaction of the CEO, and any monetary figure in this regard is to be paid to the City prior to the issuance of any building licence for the proposed development.
- 1.1.6 The applicant to submit a management plan (to be to the satisfaction of the Manager Development Services), to clarify the operation and the management of all car parking within the facility.
- 1.1.7 A schedule of exterior colours and finishes for the proposed development is to be submitted to, and approved by Council's Manager Development Services prior to the issuance of a building licence.

- 1.1.8 The applicant is to submit a proposal for all operational and security lighting which is to be to the satisfaction of the Manager Development Services. The purpose of this proposal (to be approved prior the issuance of a building licence) is to ensure as far as possible that there is minimum adverse impact on adjoining properties in terms of lighting for the proposed facility.
- 1.1.9 The applicant ensuring full compliance with current legislation/regulations in respect of acid sulphate soils and to the satisfaction of the Manager Development Services.
- 1.1.10 The developer is required to comply with all relevant legislation in respect of ensuring minimum impact on adjoining/nearby businesses, residences and club premises due to vibration during the construction process.
- 1.1.11 Relative to a public submission, the applicant is required to address the matter of protection of adjoining properties by way of a permanent barrier along all adjoining walls and any such proposal is to be submitted prior to the approval of the relevant building licence and the proposals are to be to the satisfaction of the Manager Development Services.

## 1.2 *Drainage & Road Requirements*

- 1.2.1 Arrangements shall be made to the satisfaction of the City Engineer for the submission of an approved independent traffic planning study for the development of the subject land together with the necessary traffic management measures being installed at the cost of the applicant prior to the building licence being issued.  
*An independent qualified Professional Engineer shall prepare the traffic study. The City Engineer shall approve the consultants brief. The brief shall include:*
- *Traffic volumes including pre development and post development traffic volumes to and from accesses to the development and on surrounding streets.*
  - *Level of service of accesses*
  - *Impact of the development on the surrounding streets and intersections, including level of service pre and post development.*
  - *Recommendations for measures to address impacts and maintain satisfactory levels of service*
  - *Safety Audit and recommendations to address any safety issues*
  - *Assessment of pedestrian access to and from the site including proposed pedestrian routes, road crossings and an access audit*
  - *Assessment of public transport access to and from the site including pedestrian access to the nearest bus stop.*
- 1.2.2 Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer's expense.
- 1.2.3 A Traffic Management Plan, prepared in accordance with Main Roads Western Australia's Code of Practice, shall be submitted and approved by the City Engineer prior to works on roads commencing.

(Note: Any activity within a road reserve associated with building or construction works (eg. Loading, off-loading, movement of construction vehicles, etc.), which may impact on pedestrian or vehicular traffic, is deemed to require traffic management.)

- 1.2.4 Road assets Damage bond of \$ 5000.00 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds".
- 1.2.5 The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer. *(Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards , Austroads Part 11 Guide to Traffic Engineering Practice: Parking, Australian Standard AS2890.1-2004 Off-street car parking & Australian Standard AS2890.2-2002 – Off-street commercial vehicle facilities) The design shall be approved prior to the issue of a building licence.*
- 1.2.6 Street lighting shall be provided for the access way(s), parking areas(s) and turning area(s) by the developer. *(Advice Note: Design and construction standards shall be in accordance with the relevant Australian Standards)*
- 1.2.7 The applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for the proposed development shall be removed, the verge made good and kerbing reinstated, immediately upon completion of the building.  
*Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design (Copies of standard plans attached).*  
*Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards (e.g. no raised kerbing).*  
*Paths shall take priority over crossovers.*  
*In accordance with Local Planning Policy – " Vehicle Crossovers ", Councils Crossover rebate will only be issued where construction has been completed in accordance with the standard drawings.*
- 1.2.8 Satisfactory arrangements shall be made with the City of Bunbury for the upgrading/construction of Prinsep Street, Stephen Street & Blair Street (extent to be determined) (including grading, kerbing, draining, sealing, bus stops, pedestrian crossing & lighting) to the satisfaction of the City Engineer.
- 1.2.9 Site stormwater overflow shall be connected to the Cities stormwater drainage system to the satisfaction of the City Engineer. Plans and specifications are to be submitted and approved by the City Engineer prior to the issue of a

building licence. (Refer attached Local Planning Policy - Connection to the City's Stormwater Drainage System).

- 1.2.10 This property is situated in the Five Mile Brook Flood Study Area and may be susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 2.3 metres AHD.

### 1.3 *Health Requirements*

- 1.3.1 Property shall be connected to Water Corporation sewer.

- 1.3.2 All existing and proposed food tenancies must comply with the provisions of the Health (Food Hygiene) Regulations 1993 and in particular the proponent must comply with the following:

#### 16. Provision of grease traps

A grease trap used in connection with food premises must, where practicable, be located outside the food premises and maintained in a clean and sanitary condition.

#### 20. Provision of sanitary conveniences for public

- (1) Sanitary conveniences must be provided in food premises for persons using the food premises in accordance with the Building Code of Australia as at 14 June 1993.
- (2) Access to sanitary conveniences must not be through areas where food is prepared, packed, stored or handled.

#### 21. Sanitary conveniences – Staff

- (1) Sanitary conveniences for staff must be provided in all food premises in accordance with the building code of Australia as at 14 June 1993.
- (2) Staff and public sanitary conveniences may be combined except that staff facilities must be segregated and locked, and at no time be available to the public.

#### 22. Change room facilities must be provided

- (1) Separate male and female change room facilities for the use of persons engaged in food handling must be provided in Class 1 and Class 2 food premises.
- (2) The change rooms must be -
  - (a) at least 3 square metres, with an additional 0.75 square metres for each person in excess of 4, and separated from the food handling area; and
  - (b) provided with locker storage facilities for the storage of clothing, footwear and other personal effects.

- 1.3.3 The applicant to develop and provide a noise management plan and a demolition and construction dust management plan to the satisfaction of the Manager Health.

- 1.3.4 Prior to the issue of a building licence, the proponent is to supply a plan that indicates where and how the waste, recycling and garbage from the existing

and proposed retail, food and commercial office tenancies including the access to the site for and operation of collection vehicles to the satisfaction of the Manager Health and the Manger Waste Services.

2. *Any other minor operational conditions to the satisfaction of the Manager Development Services.*

**Notes:**

- This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council’s Building Services prior to commencement of works on-site.
- Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.
- The Plans and Specifications must be submitted to the Water Corporation for approval.
- Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.
- The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.
- All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.
- The Plans and Specifications must be submitted to the Fire Emergency and Safety Authority (FESA), Postal Address is, PO Box P1174 Perth WA 6844, Contact No: 08) 9323 9300.
- The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).
- The Plans and Specifications must indicate all provisions of Access for People With Disabilities, into and within the building, in accordance with the BCA – Part D3 (Volume 1) and AS 1428.1.

- The Plans and Specifications for the Building Application must provide Sanitary Facilities for people with disabilities in accordance with the BCA – F2 (Volume 1) and AS 1428.1.
- Any demolition work involving asbestos shall be in accordance with the Health (Asbestos) Regulations 1992.
- Owners, Builders and Developers undertaking development and/or construction of any kind are hereby advised of their responsibility to comply with the requirements of the Disability Discrimination Act 1992. For your convenience, Council has a copy of the documentation of the requirements at the front counter for your perusal.  
For any further information on this Act, inquiries are to be directed to the Disability Services Commission on the following,  
Website: [www.dsc.wa.gov.au](http://www.dsc.wa.gov.au),  
Telephone: 08) 9426 9384, or,  
TTY: 08) 9426 9315.
- The buildings in this mixed use development are classified as being Class 5, 6 and 7a in accordance with BCA Part A3.
- The building shall comply with BCA Part C1.1 for Type A construction.
- Fire resistance and stability to be in accordance with BCA Part C1.
- Compartmentation and separation to be in accordance with BCA Part C2.
- Protection of openings (including shafts and services) to be in accordance with BCA Part C3.
- Provision for escape to be in accordance with BCA Part D1.
- Construction of exits to be in accordance with BCA Part D2.
- Access for persons with disabilities to be in accordance with BCA Part D3.
- Fire fighting equipment (including fire hydrants, boosters, tanks and pumps, hose reels, sprinklers and portable fire extinguishers) to be in accordance with BCA Part E1.
- Smoke hazard management (including smoke detection and occupant warning system and stair pressurisation) to be in accordance with BCA Part E2.2.
- Lift installations to be in accordance with BCA Part E3.
- Emergency lighting and exit signs to be in accordance with BCA Part E4.
- Sanitary facilities (including sanitary facilities for persons with disabilities) to be in accordance with BCA Part F2.



- Light and ventilation (including car park ventilation) to be in accordance with BCA Part F4.
- Buildings to comply with energy efficiency requirements of BCA Part J.
- Compliance with the Health Act 1911 is required.
- Compliance with the City of Bunbury Health Local Laws 2001 is required.

The City of Bunbury contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.

This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in obtaining a vegetation Clearing Permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment on 9726 4111 (Bunbury Office) or at the following website [www.environment.wa.gov.au](http://www.environment.wa.gov.au).

This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in notifying Department of Environment and Heritage of the proposal for consideration of impacts in accordance with the *Environmental Protection and Biodiversity Conservation Act 1999*. Further information can be obtained from Department of Environment and Heritage on (02) 6274 1111 or by visiting <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.