



Metro West Joint Development Assessment Panel Agenda

Meeting Date and Time: 15 October 2019, 10:00am
Meeting Number: MWJDAP/245
Meeting Venue: Town of Mosman Park
Cnr Bay View Terrace and Memorial Drive
Mosman Park

Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Mr Jarrod Ross (Deputy Presiding Member)
Mr Patrick Dick (A/Specialist Member)
Mayor Brett Pollock (Local Government Member, Town of Mosman Park)
Deputy Mayor Zenda Johnson (Local Government Member, Town of Mosman Park)

Officers in attendance

Ms Gabriela Poezyn (Town of Mosman Park)
Mr Marius Le Grange (Town of Mosman Park)

Minute Secretary

Ms Erika Beattie-Sonc (Town of Mosman Park)

Applicants and Submitters

Mr Michael Micenko
Ms Jenna Ledgerwood
Mr Peter Simpson (PTS Planning)

Members of the Public / Media

Nil

1. Declaration of Opening

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.

2. Apologies

Mr Jason Hick (Specialist Member)

3. Members on Leave of Absence

Nil



4. Noting of Minutes

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

5. Declarations of Due Consideration

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

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1** Mr Michael Micenko presenting against the application at Item 9.1. The presentation will address concerns about the proposed development and its effect on the local community.
- 7.2** Ms Jenna Ledgerwood presenting against the application at Item 9.1. The presentation will address against the proposed development.
- 7.3** Mr Peter Simpson (PTS Town Planning Pty Ltd) in support of the application at Item 9.1. The presentation will speak in favour of the application to extend the approval.

The Town of Mosman Park may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

- | | | |
|------------|--------------------------|---|
| 9.1 | Property Location: | Lot 591 (No. 60) McCabe Street, Mosman Park |
| | Development Description: | Demolition of 270m ² of an existing building and construction of a four (4) storey building, including café, workshop and parking facilities |
| | Proposed Amendment: | Proposed Extension to term of approval until 8 January 2022 |
| | Applicant: | PTS Town Planning Pty Ltd |
| | Owner: | Rocky Bay Incorporated |
| | Responsible Authority: | Town of Mosman Park |
| | DAP File No: | DAP/17/01282 |



10. Appeals to the State Administrative Tribunal

Current Applications		
LG Name	Property Location	Application Description
City of Vincent	Lot 4 (13) Blake Street, North Perth	Eight multiple dwellings and conversion of existing house to two multiple dwellings
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
Town of Cambridge	Lot 181 (61-69) Cambridge Street, West Leederville	Redevelopment of Abbotsford Private Hospital
Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre
Town of Claremont	Lot 508 (3) Shenton Road, Claremont	Eight Storey Mixed Use Development

11. General Business / Meeting Closure

In accordance with Section 7.3 of the DAP Standing Orders 2017 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.



Form 2 – Responsible Authority Report (Regulation 17)

Property Location:	Lot 591 (No. 60) McCabe Street, Mosman Park
Development Description:	Demolition of 270m ² of an existing building and construction of a four (4) storey building, including café, workshop and parking facilities
Proposed Amendments:	Proposed Extension to term of approval until 8 January 2022
DAP Name:	Metro West JDAP
Applicant:	PTS Town Planning Pty Ltd
Owner:	Rocky Bay Incorporated
Value of Amendment:	Nil
LG Reference:	IPA118284 / 3115.5
Responsible Authority:	Local Government
Authorising Officers:	Gabriela Poezyn – Executive Manager Planning and Regulatory Services
DAP File No:	DAP/17/01282
Report Date:	7 October 2019
Application Received Date:	16 July 2019
Application Process Days:	90 Days
Attachments:	<ol style="list-style-type: none">1. Locality Plan2. Plans and justification of Proposal3. Minister's Statement4. Essential Utilities Plan5. Response from Rocky Bay regarding Minister's Statement6. Response from Applicant regarding Minister's Statement and submissions7. Submissions from consultation period8. Title and restrictions imposed from Transfer of land - Instrument L084827

Officer Recommendation:

That the Metro West JDAP resolves to:

1. **Approve** that the DAP/17/01282 as detailed on the DAP Form 2 dated 16 July 2019 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/17/01282 as detailed on the DAP Form 2 dated 16 July 2019 and accompanying plans 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 Town of Mosman Park Local Planning Scheme No.3 for the proposed minor amendment to the approved Demolition of 270m² of an existing building and construction of a four (4) storey building, including café, workshop and parking facilities for the following reasons:

- a. There is concern that the proposal could have a significant negative impact on the surrounding residential area given the lack of clarity on the likely intensity of the future use of the site, in view of the disparity between the information provided within the application and the information in this regard that is in the public domain.
- b. Since its approval in 2018, the proposal has not been further refined, despite the understanding that its shortcomings would prevent its substantial commencement, and reconsideration of a complete proposal that can be implemented, has more benefit than extending the period of validity of this incomplete proposal.
- c. The Town did not support the 4th level of the proposed Administration building in 2018, and with no new information provided in this application, this position remains unchanged, and the further exercise of discretion in this regard is considered to be inappropriate.

Details:

Zoning MRS:	Urban
LPS 3:	Social Care Facilities
Development Scheme:	Local Planning Scheme 3
Lot Size:	3.216ha
Existing Land Use:	Disability Support Services
Heritage Status:	Category 3 – places important to the Town of Mosman Park for telling the story of the development and history of the area.

The application is for approval to extend the period of validity of the current development approval. The current approval is valid until 8 January 2020, and the application seeks an additional two (2) years to 8 January 2022.

Background:

On 8 January 2018, the Metro West Joint Development Assessment Panel (JDAP) approved DA P3115.3/ ICR100673 (DAP/17/01282) for Lot 591 (No. 60) McCabe Street, Mosman Park.

Changes to the Planning Framework since the 2018 approval

The proposal was approved under Town Planning Scheme No.2 and Draft Local Planning Scheme No.3 (DLPS3), which at the time was considered to be a seriously entertained proposal.

Local Planning Policy 14 – Building Height and Natural Ground Level (LPP14) was adopted on the 28th February 2018.

Local Planning Policy 15 – Development Standards for Multiple Dwellings, Mixed-Use Developments and Non-Residential Developments (LPP15) was effective from the 24th May 2019.

Detail of 2018 approval

The approval is for the demolition of 270m² of an existing building and construction of a four (4) storey building. The proposal includes (**Attachment 2**).

a) Demolition

Approximately 270m² of the eastern portion of the Administration Building which currently accommodates the main reception, the board room, a training office, a training room with ancillary kitchenette and resources room, will be demolished. 19 car bays in the front carpark will also be lost.

b) New Cafe

A proposed new single level Café building 346m² in extent and comprising of a kitchen area (101m²) internal seating area (96m²) and outdoor area (149m²) is proposed centrally to the site.

The proposed Café is intended to operate between the hours of 6.30am to 7pm seven (7) days a week.

The Café is designed to provide training on site to Rocky Bay clients, however, will be used by staff, clients and their families, and is proposed to be available for the general public.

Whether the existing Cafeteria in the existing Administration Building would be closed given the new Restaurant Building was not determined when the 2018 approval was granted, and no new information has been provided in this application to provide clarity in this regard.

c) New Manual Arts Workshop and Storerooms

A new single level Workshop is proposed around the existing delivery dock and service and wash bay.

The new addition for the Workshop Building has a total area of approximately 300m² and comprises of the following facilities:

- A Manual Arts Workshop for woodwork and metalwork of approximately 90m²;
- A 120m² Storeroom that appears to be fitted out with workstations and storage cupboards;
- A Chemical Store (5m²);
- Three (3) rooms to accommodate the equipment required for the Service and Washroom;
- A Bike Storage Facility and End of Trip Facilities;
- A Ground Store (20m²);
- A Clean Store (8m²).

This Workshop is located a minimum of 15.5m from the south-western boundary, which is the closest boundary to this facility.

d) New Parking Area

A total of 106 formal parking spaces are proposed at grade in the south-eastern corner of the site that currently provides informal parking. The works also propose additional landscaping between the carpark and southern boundary.

Taking into consideration the 19 bays that are lost at the north of the site as a result of the addition to the Administration Building, formalising this car parking area increases the overall supply of car bays on site from 201 to 288 bays. Of the 288 bays, 35 are reserved for parking of fleet vehicles, leaving 253 bays for visitor and staff car parking.

e) Additions to the existing Administration Building

To accommodate the proposed addition, the single level eastern wing of the existing Administration Building (270m² in extent) is proposed to be demolished and replaced with a four (4) storey high new development. The new development will add a total floor area of 5039m² (excluding top floor terraces) to the existing 2530m² floor space of the Administration building that is retained.

The new building comprises of the spaces listed below:

Floor Level	Facilities Provided	Proposed Use
First level (Ground Floor)	Reception and waiting area (320m ²), interview rooms (3), an administration area (132m ²) and a rehabilitation/therapy health and well-being space (828m ²).	To provide services to disabled persons.
Second level	Life skills/reconnect/community/fitness space (1411m ²).	To provide services to disabled persons.
Third level	Proposed Rocky Bay corporate offices (1411m ²).	Offices.
Fourth level	Staff room with terrace (85m ² and 58m ²), kitchen area (38m ²) and store rooms (45m ²), 2 meeting/training/function rooms (244m ² and 234m ² respectively) each with a terrace area (208m ² and 117m ²). Total area of 1189m ² including terraces.	Reception Centre/ community purpose.

Further background information pertaining to the site and development history is contained in the original Responsible Authority Report (RAR) for the Metro West JDAP meeting of 8 January 2018 and is summarised below

Intensity of Use

Although a significantly larger building than what currently exists on site was proposed and approved in 2018, the applicant maintained that the intensity of the use of the site, once developed, would remain unchanged from its intensity of use of 2018, despite the significant increase in capacity of the building.

Despite numerous requests throughout the application process at that time, the applicant did not provide any information from which a baseline of “current intensity of use” could be established. There were also no detailed layout plans per floor to gauge the current and proposed use of the site.

Minister's Statement

In November 2018 the Minister for Environment; Disability Services; Electoral Affairs provided a statement in conjunction with a Lotterywest grant of \$4.8 million that was awarded to Rocky Bay (**Attachment 3**).

This statement provides a base line of "existing use" with its reference that Rocky Bay currently caters for 475 clients. More significantly, it also indicates that with the new development, Rocky Bay would be able to cater for an additional 700 clients at the site.

This proposed increase to a total of 1175 clients per year represents a 247% increase in intensification in use of the site.

Subsequent discussions to accommodate essential Utilities

In February 2019 the applicant had informal discussions with the Town in regard to a preliminary proposal to accommodate essential utilities for the 2018 proposal including a Fire Pump Room, water tanks, and substation (**Attachment 4**).

Detail of current proposal:

The applicant has sought the extension of the validity of the approval granted in January 2018 on the basis the owner has been unable to secure funding/finance to commence the development within the approval period.

According to the application, the proposal applied for is identical to the one approved in January 2018. The application also maintains that, as with the 2018 approval, the intensity of use on the site will not exceed the current use.

Similar to the 2018 approval, the application does not provide any details regarding the layout of each proposed level, and the proposal does not address provision of the required essential utilities (firefighting and electricity substation) for the development.

In light of the Minister's statement, the Town raised concerns with the capacity of the new building and the future intensity of use of the site with the Rocky Bay Management and the applicant. The Rocky Bay Management advised that:

- no changes to the original approval are proposed which would mean the level of use of the site would not intensify (i.e. no more clients, no more staff); and
- Since the disability industry is currently undergoing significant change, it is not possible to predict client and staff numbers (**Attachment 5**).

The applicant reiterated this advice (**Attachment 6**).

Given this position on intensity of use of the site, no additional parking/traffic impact studies were provided.

Legislation and Policy:

Legislation

Planning and Development Act 2005 (P&D Act);
Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations);
Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations);
Metropolitan Region Scheme (MRS);
Town of Mosman Park Local Planning Scheme No. 3 (LPS3).

Local Policies

Local Planning Policy 1 – Consultation Procedures; (LPP1);
Local Planning Policy 14 – Building Height and Natural Ground Level (LPP14);
Local Planning Policy 15 – Development Standards for Multiple Dwellings, Mixed-Use Developments and Non-Residential Developments (LPP15)

Town of Mosman Park - Local Planning Strategy

The recommendation of this report is consistent with “Enhancing our Town” key strategic objectives of the Town’s Strategic Community Plan 2013-2023.

Consultation:

Public Consultation

Advertising was undertaken in accordance of the Town’s *Local Planning Policy 1 – Consultation Procedures*.

Consultation Period	21 August 2017 – 11 September 2019 (21 Days)
Comments Received	Eighteen (18) submissions were received. The response from the Department of Planning is the only submission in support of the proposal (Attachment 7).

A total of 178 letters were sent to surrounding property owners, an A0 sized sign was placed along the site’s verge fronting McCabe Street, Mosman Park, and the proposal was advertised on the Town’s website.

Referral letters were also sent to the Department of Planning as the subject site is located next to Tom Perrot Reserve, and the following Community Groups, as users of Tom Perrot Reserve:

- Fremantle Mosman Park Cricket Club,
- Mosman Park Football Club,
- Mens’ Shed; and
- Friends of Mosman Park, who have a high level of interest in the Town’s Reserves.

The public consultation time was extended by one (1) week (extending the total consultation time to 28 days) to 18 September 2019 as property owners/occupiers in Tuttlebee Terrace, Mosman Park, raised a concern that the advertising letters did not reach every household in the street. To address the issue, a letterbox drop was conducted on 11 September 2019 to all properties in Tuttlebee Terrace, Mosman Park.

The response rate to the consultation is 10.11%, of which 94.4% object to the proposed development.

The matters raised in the submissions are summarised below. The Applicant was provided with a summary of the submissions and responded (see **Attachment 6**).

Issue Raised	Officer's comments
Building Height, Bulk and Scale	
Proposed 17.78m building not in line with the Policy (LPP14) limits of 8.5m.	<p>Supported. The proposal varies the expected height limit on the site as specified in the Town's Local Planning Policy 14. At the time of the 2018 approval the proposal exceeded the height limitations under Town Planning Scheme No 2. While the proposed built form is unlikely to have an adverse visual impact as the fourth floor is located centrally on the site, there are concerns that the additional floor space particularly of the fourth level will significantly increase the level of activity on the subject site, which could have negative impacts on the amenity of the surrounding residential areas.</p> <p>The Town opposed the fourth floor in the 2018 RAR. This application provides no new information that would change the Town's position and therefore the Town remains opposed to the fourth floor.</p>
Ample room to construct a lower building (noted a compromise is a 3 storey building).	Supported. Providing a building with capacity that would appear to support greater intensity of use than suggested by the application is of concern particularly in the context of the Minister's comments and the lack of clarity from Rocky Bay/the Applicant relating to the proposed level of use of the site once the development has been completed.
Not in line with the existing residential development in the locality.	Noted. While the subject site is zoned for institutional purposes, it is unlikely to look "residential" although every effort should be made to ensure that any future development of the site responds to the residential nature of the area within which it is located.

Overlooking from development into neighbouring properties.	Not supported. The three (3) upper levels of the new development are located significant distances from surrounding residential properties.
Traffic Considerations	
Increased floor space will result in increased traffic generation and the existing road network will be unable to cope with the additional traffic with special concern is the intersection of McCabe Street and Stirling Highway.	Noted. Rocky Bay is identified as a significant traffic generator in the area, and any increase in use beyond its current level of activity would have parking and traffic implications on McCabe Street.
Increased vehicle noise generation from traffic.	Not Supported. McCabe Street is a distributor road and as such, is likely to generate more traffic noise than a residential street.
Proposed intensification of use is contrary to General Intent/Aims of the planning framework.	Supported. While the proposal maintains that the level of activity of Rocky Bay will not increase as a result of this development, there is information in the public realm that indicated that activity at the site potentially significantly intensifies. No information has been provided to negate this possibility.
Overspill in car parking into the surrounding neighbouring streets and Tom Perrot Reserve.	Supported. Should the intensity of the use on site increase, which is not unrealistic given the new proposal's capacity, the on-site parking provisions will be inadequate and additional traffic will spill into the residential streets.
General Amenity	
Littering occurring from the increase in usage.	Noted. This is not a matter to be addressed though the Planning Approval process although the Town can address this matter through its enforcement processes.
Other	
Media Statement made by the Minister of Environment; Disability Services; Electoral Affairs indicates an increase in the site's usage to cater for an additional 700 clients from its existing 475 clients (247% increase).	Noted. The media statement confirms the possibility that the use of the site significantly intensifies once the development is complete. Such intensification would have significant impacts on parking and traffic in the area, which would render the transport reports, that support the 2018 approval which this proposal aligns with, inaccurate.

Increase in staffing requirements placing adverse burden on parking requirements.	Supported. The Applicant and Rocky Bay have been unable to provide adequate information regarding future client and staff numbers, which raises a question whether on-site parking will ultimately be adequate.
Rocky Bay is not required to pay any rates.	Noted. Not a valid Planning consideration.
Detrimental to the amenity and value of the adjacent residential properties.	Noted. This statement has not been substantiated.
Devalue surrounding residential properties.	Noted. Not a valid Planning consideration.
Hazard concern from building construction. Might expose residents to toxic dust and heavy metals. Dust management during construction. Concern with Construction noise.	Supported. Any potential negative impacts from the construction process will be mitigated through a Construction Management Plan that specifies the manner in which construction will occur.

Consultation with other Agencies or Consultants

As the application site abuts Tom Perrot Reserve which is a Reserve for Parks and Recreation, the proposal was forwarded to the Department of Planning, Lands and Heritage for comment.

The Department has advised that there are no objections to the proposal.

Planning Assessment:

The proposal was assessed against the relevant Planning instruments of the new planning framework. The Planning instruments directly affecting the proposal are LPS3, LPP14 and LPP15.

Use:

Under LPS3, the objective of a Social Care Facilities reservation is to provide for *“Civic and Community which specifically provide for a range of social care facilities”*.

There is no further guidance on what comprises “Social Care Facilities” and therefore any use that in some way involves a corporation that provides care services/facility is potentially a permitted use.

Accordingly, the uses proposed as part of this development are acceptable under the planning framework although limitations on its use are placed on the site due to Conditions of Transfer of the land from the State Government to Rocky Bay in 2009 (Refer **Attachment 8**).

One of the limitations is that the site shall not be used for “commercial” activities (refer **Attachment 8, Clause 2(b)**).

Development Standards

The proposal meets the acceptable outcomes of the planning framework with the exception of the elements below which require the exercise of discretion:

Building Height		
Requirement (Clause 5.1.3 C3.1 LPP14) Height limit:	<ul style="list-style-type: none"> <i>C3.1 – LPP 14 – The maximum building above natural ground level shall not exceed the limits measured in meters for the respective zone as specified in Table 2</i> <i>Table 2: All other zones and Reserves; 8.5m</i> 	
Proposed Development	Proposal	Compliance
Administration Building	Building height varying from 16.8m to 17.8m.	Exceeds maximum height of 8.5m.
Officer Comment: Local Planning Scheme No. 3, through Local Planning Policy No. 14, imposes a height limit of 8.5m on this site. The proposal exceeds this height limit in regards to the proposed Administration Building. In the 2018 proposal, a similar level of discretion was exercised in regard to building height, as a height limit of 8.5m and a maximum height limit of two (2) storeys applied to the site under Town Planning Scheme No 2. At the time of assessing the 2018 proposal, the Town flagged a concern with the height of the building, particularly the fourth level for the following reasons: <ul style="list-style-type: none"> The level provides significant floor space that has no definitive use specified in the application; The level does not appear to have been designed to cater for Rocky Bay’s disability clientele because it is not linked to the ramp system that serves the bottom two (2) levels; No justification has been provided in the application for its need; It has the potential to accommodate large numbers of people and therefore contribute to significant intensification of use on site; Is likely to have the greatest impact to the surrounding residents as a result of the outdoor terraces. 		

Despite Condition 1 of the DAP approval, this concern remains as the upper level can still be used for training purposes which triggers the concerns relating to large numbers of people. The current application has not provided any further information to allay the above concerns.

Car Parking	
Requirement: Schedule 5 of LPS3; LPP15 Clause 5.1.3.7	
Café	1 space to every 4m ² of eating, drinking or lounge area, plus 1 car bay per 4m ² of public assembly and/or seating area, with other use areas as determined by the Local Government.
Administration Building (Offices)	1 space to each 40m ² of net floor area.
Meeting/Function area	1 space to every 4m ² of eating, drinking or lounge area, plus 1 car bay per 4m ² of public assembly and/or seating area, with other use areas as determined by the Local Government.
Training Room	Use not listed (number of bays to be determined by the Local Government).
Workshop	Use not listed (Number of bays to be determined by the Local Government).

Proposed Development	2018 Application (LPS3 (as a Draft) Into account)	DAP approval	Current Proposal
Café (346m ²)	62 car bays	62 car bays	62 car bays
Administration Building (4561m ²)	114 car bays	114 car bays	114 car bays
Function Rooms/ Training Room (478m ²)	120 car bays	Unknown because of the Training Room parking requirements.	Unknown because of the Training Room parking requirements.
Workshop (Estimate	4 car bays	4 car bays	4 car bays

of 200m ² at Administration Building rates)			
Existing Uses ((Admin/ILU/Respite)	83 Bays	83 Bays	83 Bays
Total Car bays required	383	263 plus car parking demand for Training Room	263 plus car parking demand for Training Room
Car parking provided	288	288	288

Officer Comment

Removing the Function Room use as a result of Condition 1, the DAP approval brings the number of parking bays provided closer to the amount of parking bays required, although there is a gap as the car parking demand for the top floor as a Training Room has not been accounted for. This uncertainty potentially results in a car parking shortfall.

It must also be noted that parking for all the proposed levels of the new Administration Building have been calculated at the Office rate for parking when the only certainty is that the third floor will accommodate offices. This calculation may therefore not be accurate given the nature of the facilities proposed on the other proposed levels and the number of staff and clients these facilities could accommodate.

Relevant Consideration

Can the Form 2 be considered?

Under regulation 17(1)(a) of the *Planning and Development (Local Assessment Panels) Regulations 2011*, in respect of a development approval that has been granted by a DAP, pursuant to a DAP application, the DAP can amend an approval so as to extend the period within which any development approved must be substantially commenced.

The DAP therefore has the power to consider this proposal and in doing so must consider the following three (3) key considerations (*Claymont Westcapital Pty Ltd and East Perth Redevelopment Authority* [WASAT 77/2008]):

- 1) **Has the planning framework changed substantially since the Development Approval was granted.**

The 2018 approval was granted under Town Planning Scheme No.2, and whilst Local Planning Scheme No.3 was not effective at that time, it was considered as a seriously entertained proposal within the previous RAR. Since the 2018 approval, LPS3 replaced TPS 2, and two (2) new Policies LPP14 and LPP15 were introduced.

Assessing the proposal under both Planning frameworks, the same discretionary elements are identified, being building height and car parking.

On this basis, it is considered the Planning framework has not substantially changed since the 2018 approval was granted.

2) *Would the proposal be likely to receive approval now?*

The 2018 application stated there would be no or minimal increase in the usage of the site as follows:

- Applicant's report - page 2 and page 18
- The Transport report - page 5 of Appendix C; and
- Statements at the 2018 JDAP meeting from the Applicant and representatives of Rocky Bay Inc.

The 2018 DAP decision to approve the proposal was made on the basis of this information. At that time, the Town raised concern at the extensive capacity of the proposed development and queried the information suggesting no increase in intensity of use.

The media statement from the Minister of Environment; Disability Services; Electoral Affairs, reflects an expectation that there would be substantial increase in usage of the site in relation to the proposed development. Overall, the increase is calculated to be 247% and as a consequence of the overall increase in clients there would need to be increases in staff requirements.

As with the 2018 application, the current application maintains that the use will remain at "current levels" i.e. no increase. The Town is concerned with the disparity in the application regarding the use of the site compared to the Minister's statement, as a significant increase in activity at the site will have a negative impact on the amenity of the locality.

Since receiving the current application, the Town has requested the Applicant and Rocky Bay to provide information to clarify the discrepancy. The responses (**Attachment 5 and 6**) received, have not negated the possibility of significant increases in activity at the site. Just as it is possible to relocate staff and clients from the Mosman Park site to any of Rocky Bay's other facilities in the Metropolitan area, it is possible to bring services that will attract more clients and staff from Rocky Bay's other facilities to the Mosman Park site.

Without this certainty, the Town cannot support the current proposal. Therefore, this application would not pass the second planning test; "whether the development would likely receive approval now".

3) *Whether the holder of the Development Approval has actively and relatively conscientiously pursued the implementation of the Development Approval.*

The Town understands that much of the energy relating to the Planning Approval has been channelled into securing funding, but the Town is not aware whether the target amounts have been achieved or whether there is a need to recast the proposal given the availability of funding.

However, the Town notes that very little effort has gone into advancing the proposal, such as progressing to additional detail of the proposed use of the upper levels or identifying how essential utilities will be accommodated.

In essence, the proposal is in that same concept stage as it was in January 2018, despite there being an awareness that the current proposal lacks the essentials to allow it to be developed.

On this basis, it could be argued that this test has not been satisfied.

Officer Comments

While the Planning framework has not changed significantly since the last approval, there is a question on whether the approval has been actively and contentiously pursued and it is considered that the proposal would not be likely to receive approval now.

A significant concern is the proposed level of activity on site once the building, with its substantial capacity, has been completed. While the application is adamant that the current activities on the site will remain constant, there is conflicting information in the public domain in this regard. It has also not been possible to obtain clear explanations for the discrepancies, or additional information, that would provide surety in regards to the future intensity of activity on the site.

Any increase in activity at the site would impact on the locality, and a significant increase, as suggested in the Minister's Statement, would have a significant negative impact, particularly in regards to, but not limited to, parking and traffic. Even with the Function Room use removed from the fourth floor, a shortfall in on-site car bays could exist depending on the manner in which the fourth floor is used, and any additional activity would exacerbate this issue.

The 2018 application flagged that parking at Tom Perrot Reserve could absorb any parking shortfall at Rocky Bay, and the current application has not made any statements to the contrary. When there is an expectation to use parking provisions elsewhere in the locality, the argument that on-site parking provision dictates occupancy levels, as suggested by the Applicant, is flawed (**Attachment 6**). It must also be noted that the use of Tom Perrot parking for Rocky Bay cannot be taken as an 'as of right'.

It is therefore essential that clarity on the future level of use is provided before further approvals for any significant redevelopment of the site can be considered.

Additionally, the proposed development concept requires further refinement before it can be implemented. It is also likely that there will be further amendments as Rocky Bay makes firm decisions about its needs. At this stage, the proposal is therefore incomplete and extending its time frame of validity is an ad hoc action in the context of the issues that still need to be resolved for this proposal.

The current approval lapses in January 2020, and the planning framework (*Planning and Development Regulations (Local Planning Schemes) 2015*) allows for amendments of a proposal even after the period of validity of the Planning Approval has lapsed (Part 9, Clause 77 (2) (b)). It is considered that the benefit of considering a fully thought through proposal at a later date far exceeds the benefit of extending the validity of this incomplete proposal.

It must also be noted that the community had an overwhelming concern in 2018 with the proposed building height and considered the variation sought to be excessive and extreme in the existing locality. The Town's position in the 2018 RAR was, that there should be a compromise which would result in a three (3) storey building.

The community consultation for the current proposal again indicated an overwhelming concern for the height of the building. No new information has been provided in this application to justify the fourth floor, and accordingly, the Town's position in this regard remains unchanged. This position is further supported by the concerns regarding the future intensity of use on the site, given that the amount of proposed floor space has the capacity to accommodate much higher levels of activity than currently occurs on site.

Options/Alternatives:

As per Regulation 13 of the *Planning and Development (Local Assessment Panels) Regulations 2011*, a responsible authority can seek an alternative recommendation.

In this context, as an alternative, the Town recommends that the Metro West JDAP resolves to:

Defer the DAP Application reference DAP/17/01282 as detailed on the DAP Form 2 dated 16 July 2019 and accompanying plans 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 Town of Mosman Park Local Planning Scheme No.3 for the proposed minor amendment to the approved Demolition of 270m² of an existing building and construction of a four (4) storey building, including café, workshop and parking facilities until:

- The future intensity of use of the site has been firmly established and all information in regard to the proposal aligns, or where it does not align, has been explained/substantiated. This would include providing detailed information on the proposed use of each floor;
- It has been demonstrated that the impact of the future level of use will not detrimentally affect the amenity of the locality or measures are taken to mitigate any impact;
- The proposal is comprehensive. This includes that all the necessary elements that allow the proposal to be built, be approved as part of the proposal, rather than being subsequent add-ons.

Conclusion:

The Town acknowledges that Rocky Bay makes a valuable contribution to the community.

While the Town supports that development of the site can occur to ensure that the facilities are adequate to accommodate Rocky Bay's core function to assist people with disabilities, such support cannot be provided where there is lack of clarity on the potential impact of the use on the surrounding residential properties.

The proposal in its current stage is incomplete and should be progressed to a more refined stage before seeking reconsideration.

Additionally, the Town did not support the exercise of discretion in regard to the fourth level in the 2018 application, and as this proposal has not provided any new information that could change this position, the Town remains opposed to the fourth storey.

Accordingly, it is recommended that the application for extension of time is refused, or alternatively deferred until all the matters raised in this report have been addressed.



TOWN OF MOSMAN PARK

DEVELOPMENT ASSESSMENT PANEL MEETING

ATTACHMENT 1

Locality Plan



Lot 591 (N 60) MCCABE STREET, MOSMAN PARK





Lot 591 (N 60) MCCABE STREET, MOSMAN PARK





TOWN OF MOSMAN PARK

DEVELOPMENT ASSESSMENT PANEL MEETING

ATTACHMENT 2

Plans of the Proposal

Our Ref: J000072
LG Ref: IPA96050
DAP Ref: DAP/17/01282

16 July 2019

Mrs Gabriela Poezyn
Executive Manager Planning and Regulatory Services
Town of Mosman Park
PO Box 3
Mosman Park WA 6912

PO Box 538, Inglewood
Western Australia 6932

0411 445 031
peter@ptsplanning.com.au

www.ptsplanning.com.au

ABN - 32 603 168 850

Dear Gabriela

LOT 591 (NO.60) McCABE STREET, MOSMAN PARK – DAP FORM 2

We are pleased to enclose a DAP Form 2 application under Clause 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011* to extend the approval timeframe for 2 years.

Background

The Metro West JDAP approved the original application at its meeting held on 8 January 2018.

The approval does not include a time limitation condition or advice note, however, by virtue of Clause 71(a)(i) of the deemed provisions, the approval period is 2 years and therefore expires on 8 January 2020.

Request for Extension

We are seeking to extend the approval for an additional 24 months and therefore request the extension to 8 January 2022.

There are no changes to the plans.

We understand from State Administrative Tribunal decisions that there are three considerations with respect to granting an extension to a development approval, being:

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

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

The subject site was a Local Scheme Reserve for Public Purposes – Institutional Purposes under Town Planning Scheme No.2 (TPS2).

Local Planning Scheme No.3 (LPS3) was gazetted on 28 February 2018. The subject site is a Local Government Reserve for Social Care Facilities.

As identified within the RAR, the Town of Mosman Park assessed the application in accordance with TPS2, however, considered LPS3 given that it was a seriously entertained document.

While the name of the Local Scheme Reserve has changed, the intent of the reserve remains similar and is consistent with the approved development. This is reflected in the RAR in that the use was considered acceptable under both TPS2 and LPS3.

It is noted that the RAR considered the relevant provisions relating to the built form and car parking under both TPS2 and LPS3. While there may be a difference in the car parking provision between TPS2 and LPS3 this does not constitute a substantial change to the planning framework. In any event both provisions were identified in the RAR.

The built form provisions of TPS2 were not included in LPS3 and have been subsequently been included in local planning policies LPP14 and LPP15. The intent of an extension request is not to reassess the whole application under the current framework but to consider whether the framework has substantially changed. Therefore, we have not undertaken a complete assessment.

The introduction of a local planning policy does not mean that there has been a substantial change to the planning framework. As identified in *Georgiou Property 2 Pty Ltd and Presiding Member of the Metro West Joint Development Assessment Panel* the Tribunal identified that a change to a local planning policy to which due regard is to be given in the exercise of discretion does not necessarily amount to a substantial change to the planning framework.

Therefore, while there has been a change to the planning framework through the gazettal of LPS3 and the introduction of LPP14 and LPP15, the reservation of the site remains and the planning policies, in which due regard is to be given to exercise discretion, is not a substantial change to the planning framework.

Whether the development would likely receive approval now

Given that the planning framework has not changed substantially since the approval and that as part of the original approval due regard was given to LPS3, it is our view that the application would likely receive approval now.

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

Rocky Bay is a not for profit community service provider and therefore in order to commence the development requires funding for the project. The funding comes from a number of sources including grants and philanthropic donations. Rocky bay has over the last 18 months received funding for the majority of the project.

The following provides an overview of the activities undertaken to progress the development approval:

- Consultants have been appointed to undertake the Construction Documentation;
- Architect and Town Planner meeting with the City to discuss service provision;
- Early works for the car parking has been discussed with the Town; and
- Construction Documentation has been substantially completed.

Once the complete funding has been secured the project can commence and the planning condition can be cleared and a building permit lodged.

Given the above, the owner has actively and relatively conscientiously pursued the implementation of the development approval and proposes to continue the process through to construction of the development.

Conclusion

With respect to the matters that the Town and the JDAP needs to consider:

- The Regulations provide the ability to consider the extension;
- The planning framework has not changed substantially since the original approval;
- The proposed development and would likely receive approval now; and
- The applicant has been actively pursuing the development approval.

Therefore it is considered appropriate to grant an extension to the approval.

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

Yours sincerely

PTS Town Planning Pty Ltd

A handwritten signature in blue ink, appearing to read 'Peter Simpson', is written over a faint, light blue circular stamp.

Peter Simpson
Director

Additional Information to be provided on the MRS Form 1

Is the development within a designated Bushfire Prone Area?

Yes ☒ No

If 'yes', have bushfire hazard issues been identified and addressed (e.g. by providing a BAL Assessment(s) or BAL Contour Map and a Bushfire Management Plan with the application)?

Yes No

☒ N/A

If NA is selected and the development is in a designated bushfire prone area then a short statement justifying why SPP 3.7 does not apply should be included.

Does your application require determination by a Development Assessment Panel? (DAP)

☒ Yes No

Please refer to the following website for DAP requirements: www.dplh.wa.gov.au/daps

If yes, please complete DAP Application Form as per DAP requirements.

Checklist (supporting information)

Please complete the checklist below and ensure that all the relevant information is provided with the application.

1. Completed Metropolitan Region Scheme (MRS) Form 1
2. Plans at a scale not less than 1:500 (A3) showing:-
 - (i) the location of the site including street names, lot number(s), north point and the dimensions of the site;
 - (ii) the existing and proposed ground and floor levels over the whole of the land that is the subject of the application, including details of proposed cut and fill, and retaining walls;
 - (iii) the location, metric dimensions, materials, finishes and type of all existing and proposed structures, including services, on the land that is the subject of the application and all existing structures and vegetation proposed to be removed;
 - (iv) the existing and proposed use of the site, including proposed hours of operation and buildings to be erected on the site;
 - (v) the existing and proposed means of access and egress for pedestrians and vehicles to and from the site;
 - (vi) the location, number, dimensions and layout of all car parking spaces intended to be provided, including provision for the disabled;
 - (vii) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (viii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop those areas;
 - (ix) the nature and extent of any open space and landscaping proposed for the site; and
 - (x) proposed external lighting and signage.
3. Plans, elevations and sections, as appropriate, of any building or structure proposed to be erected or altered and of any building or structure it is intended to retain;
4. Any specialist studies that the responsible authority may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;
5. Any management plans the responsible authority may require to support or implement the application; and
6. Any other plan or information that the responsible authority may require to enable the application to be determined. This may include scale models or information in digital formats.

For additional information please refer to Development Control Policy 1.2

www.dplh.wa.gov.au/getmedia/37533b97-e0ad-4947-9d00-c4d62fa92746/DCP_1-2_general_principles

The information and plans provided with this application may be made available by the WAPC for public viewing in connection with the application.



LG Ref: IPA96050
DAP Ref: DAP/17/01282
Enquiries: (08) 6551 9919

Mr Peter Simpson
PTS Town Planning Pty Ltd
PO Box 538
INGLEWOOD WA 6932

Dear Mr Simpson

METRO WEST JDAP - TOWN OF MOSMAN PARK - DAP APPLICATION - IPA96050 - DETERMINATION

Property Location:	Lot 591 (60) McCabe Street, Mosman Park
Application Details:	Demolition of Portion of Building and Construction of Four Storey Building, Including Cafe, Workshop and Parking Facilities

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the Town of Mosman Park on 14 September 2017 for the above-mentioned development.

This application was considered by the Metro West JDAP at its meeting held on 8 January 2018, where in accordance with the provisions of the Town of Mosman Park Town Planning Scheme No.2, it was resolved to **approve** the application as per the attached notice of determination.

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

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

Should you have any queries with respect to the conditions of approval, please contact Ms Erina Parsons on behalf of the Town of Mosman Park on 9384 1633.

Yours sincerely,

DAP Secretariat

17 January 2018

Encl. DAP Determination Notice
Approved plans

Cc: Ms Erina Parsons
Town of Mosman Park





Planning and Development Act 2005

Town of Mosman Park Town Planning Scheme No.2

Metro West Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Lot 591 (60) McCabe Street, Mosman Park

Application Details: Demolition of Portion of Building and Construction of Four Storey Building, Including Cafe, Workshop and Parking Facilities

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

Approve DAP Application DAP/17/01282 and accompanying plans dated 8 December 2017 as shown in **Attachment 2** in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Mosman Park Town Planning Scheme No 2, subject to the following conditions:

Conditions

1. Revised Plans

The application is approved as to the development proposed in the first three levels, and subject to the plans submitted for a building permit being amended to delete the proposed function facility use on the fourth floor.

2. Operating Times

2.1 The operating hours of the proposed café shall be limited to be between 6.30am to 7pm seven (7) days per week.

2.2 All deliveries to the site shall occur during the hours of 7am – 7pm Mondays to Fridays.

2.3 Rubbish removal shall only occur between the hours of 7am – 7pm daily.

2.4 Washing and detailing of vehicles in the washbay located behind the new workshop shall be limited to the hours of 7am and 7pm Monday to Fridays.

3. Landscaping

3.1 A landscape plan shall be submitted and approved by the Town prior to application for Building Permit and shall show, but is not limited to the following:

- a) Species and sizes of proposed new plants at time of planting.
- b) The potential height of the trees being proposed and expected time period required to reach maturity.
- c) The proposed irrigation system.
- d) Materials, colours and textures of all proposed hard landscaping.
- e) Location and type of outdoor furniture if proposed.



- f) Landscaping measures to be taken in the area between the new carpark and the southern boundary to maximize the buffer effect of this area for the adjoining residential properties.
 - g) All proposed lighting.
- 3.2 All new landscaping shall be installed in accordance with the approved plan at the cost of the proponent.
- 3.3 If construction work is proposed to be staged, the implementation of the landscaping plan shall also be staged to match, so that landscaping is completed as each separate element of this proposal is completed.
- 3.4 All landscaping shall be maintained on an ongoing basis to the satisfaction of the Town.
- 4. Carparking and Access
 - 4.1 A minimum of 253 parking bays shall be available for staff, visitors and residents on the site.
 - 4.2 Parking bays provided for fleet vehicles shall not be included in the number of parking bays required under 4.1 above.
 - 4.3 The bicycle facilities shall be designed in accordance with AS2890.3.
 - 4.4 All parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans on completion of the development.
 - 4.5 "Staff only" signs shall be erected at the entrance to the new parking area as car parking in the south-eastern corner of the lot.
 - 4.6 Parking bays shall not be used for any other purpose, such as storage and the like.
- 5. Noise
 - 5.1 Prior to the application of the Building Permit, an acoustics report demonstrating compliance with the Environmental Protection (Noise) Regulations shall be prepared for the new office, new café and new workshop and submitted to the Town for approval.
 - 5.2 Any recommended measures of the acoustics report shall be incorporated in the building design for each of the buildings and implemented to the satisfaction of the Town of Mosman Park.
- 6. Stormwater

All stormwater produced on the subject land shall be retained on site by suitable means to the satisfaction of the Town.
- 7. Lighting

All lighting on site shall be contained within the property boundaries of the site.
- 8. Construction Management Plan
 - 8.1 A Construction Management Plan that details how construction of the development and any ancillary construction necessary for the development will be managed to minimize the impact on the surrounding area, shall be submitted and approved by the Town prior to making application for a Building Permit.



- 8.2 Construction and management of all construction shall thereafter comply with the approved Construction Management Plan.

9. Waste Management

- 9.1 A Waste Management Plan prepared to the satisfaction of the Town shall be submitted and approved prior to commencement of construction.
- 9.2 Waste Management for the development shall thereafter comply with the approved Waste Management Plan.

10. Verge Trees

No verge trees or trees located in the adjoining public reserve shall be removed or damaged, including unauthorised pruning, and any tree on public land likely to be affected by the development shall be protected during construction to the satisfaction of the Town in accordance with Council Policy 2.2.7 Street Trees.

11. Heritage

A photographic record of suitable quality to be used for archival purposes of the interior and exterior of the existing structures that are proposed to be demolished on the site shall be provided by the proponent to the Town to the satisfaction of the Town prior to demolition.

Advice Notes

1. Dilapidation Reports

It is recommended that dilapidation reports are undertaken for adjoining residential properties prior to commencement of construction of the additions to the Administration building.

2. Public Building

The new buildings are required to be registered as a public building under the Health (Public Buildings) Regulations 1992 prior to occupation.

3. Food Premises

All relevant approvals required under the Food Act 2008 must be obtained from the Town's Health Services prior to commencement of operation, and all food related facilities are required to be registered with the Town of Mosman Park.

4. Construction Noise

All construction is to occur in accordance with the Environment Protection (Noise) Regulations 1997.

5. Nuisance

The proponent is required to take all necessary measures to ensure that nuisance to adjoining properties, from dust or noise (which exceeds the limitations of the Environmental Protection Act) as a result of enacting this approval, is minimised.

6. Change of Use



Should any areas be proposed to be used for purposes other than the approved uses as shown on Attachment 2, a new Planning Approval must be obtained for the proposed use.

7. Restriction imposed on Title

This approval is not an authority to ignore any constraint to development/use on the land, which may exist through Contract or on Title, such as an easement or Restrictive Covenant. It is the responsibility of the applicant and not the Town to investigate any such constraints before commencing development.

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



DEVELOPMENT ASSESSMENT PANEL

APPROVED

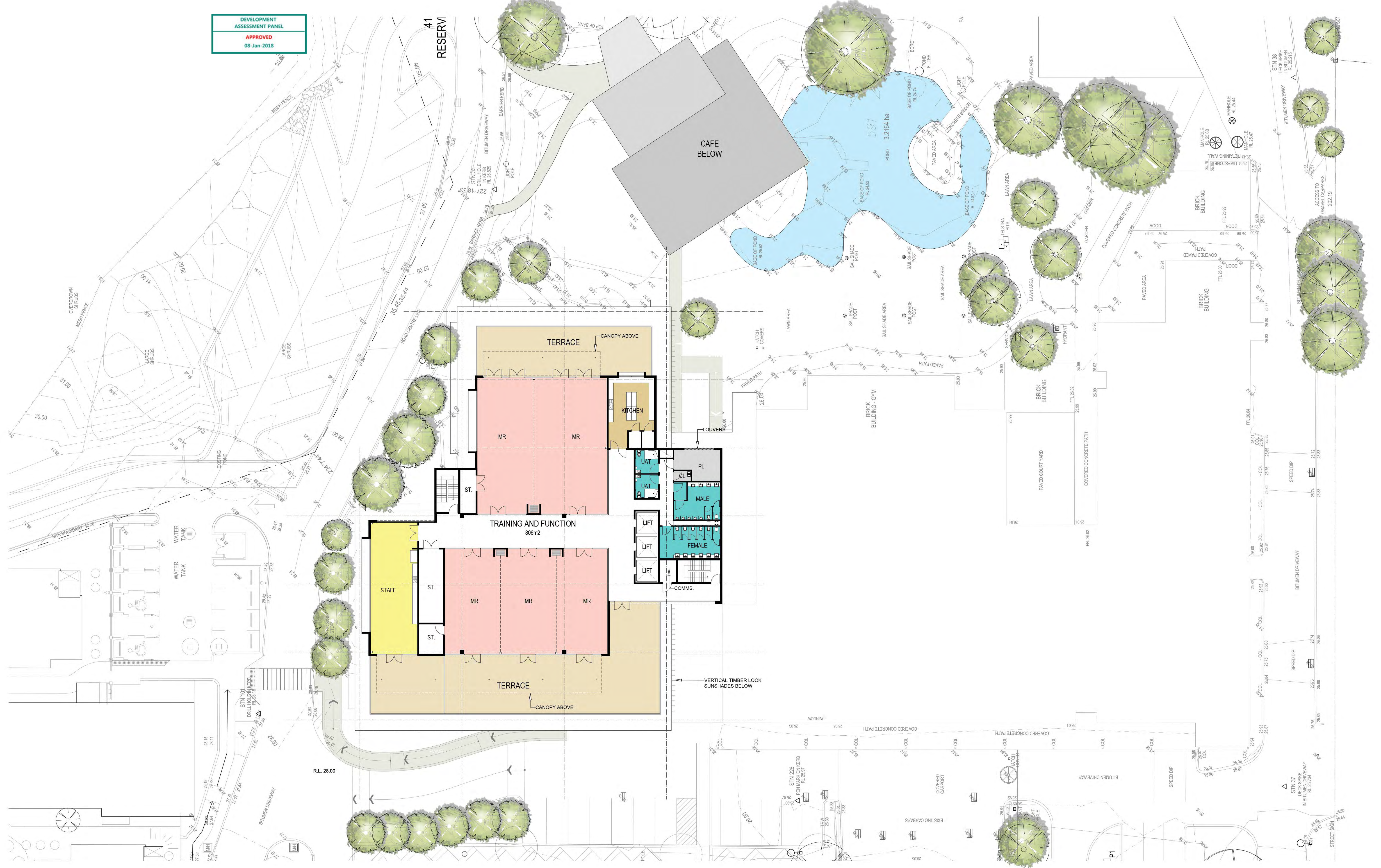
08-Jan-2018

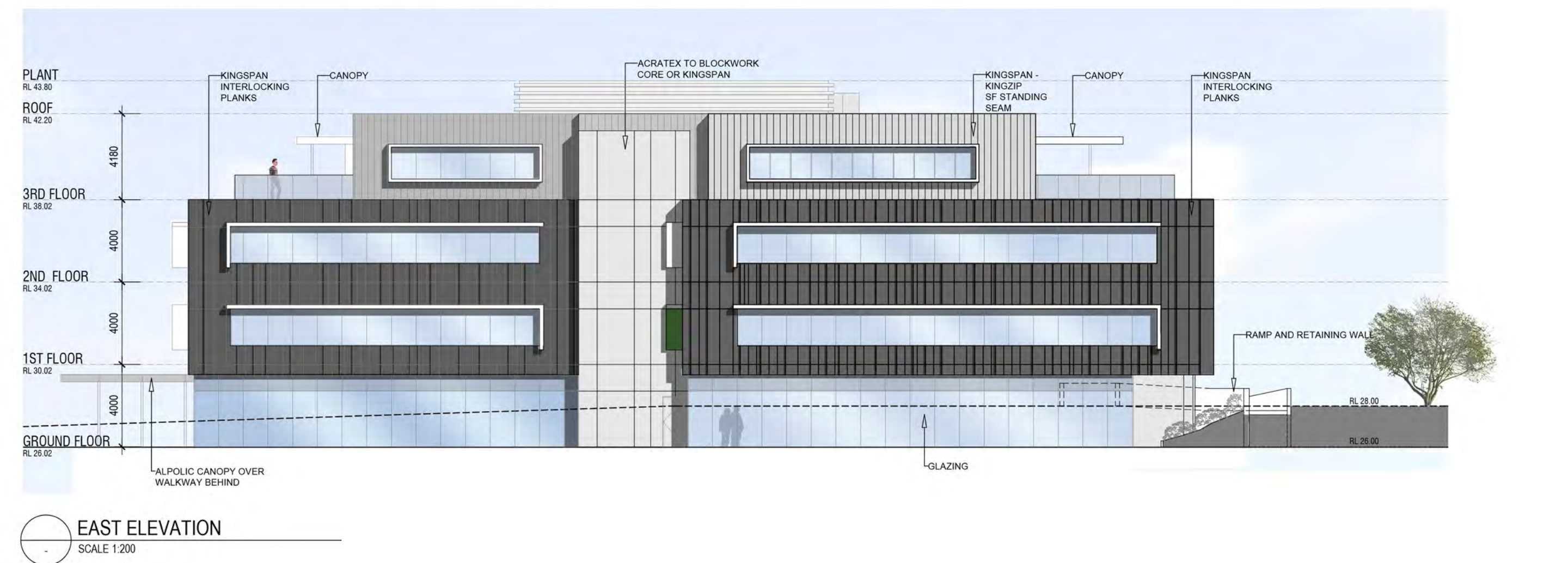
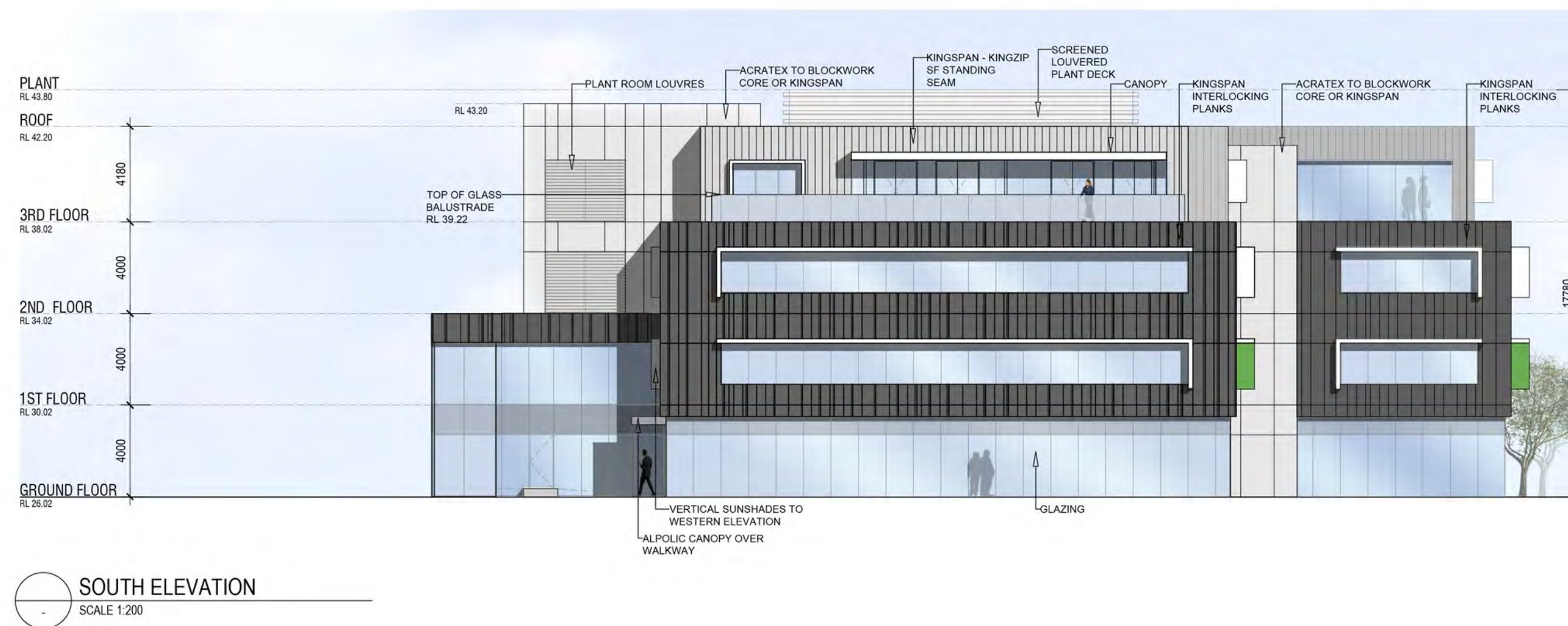
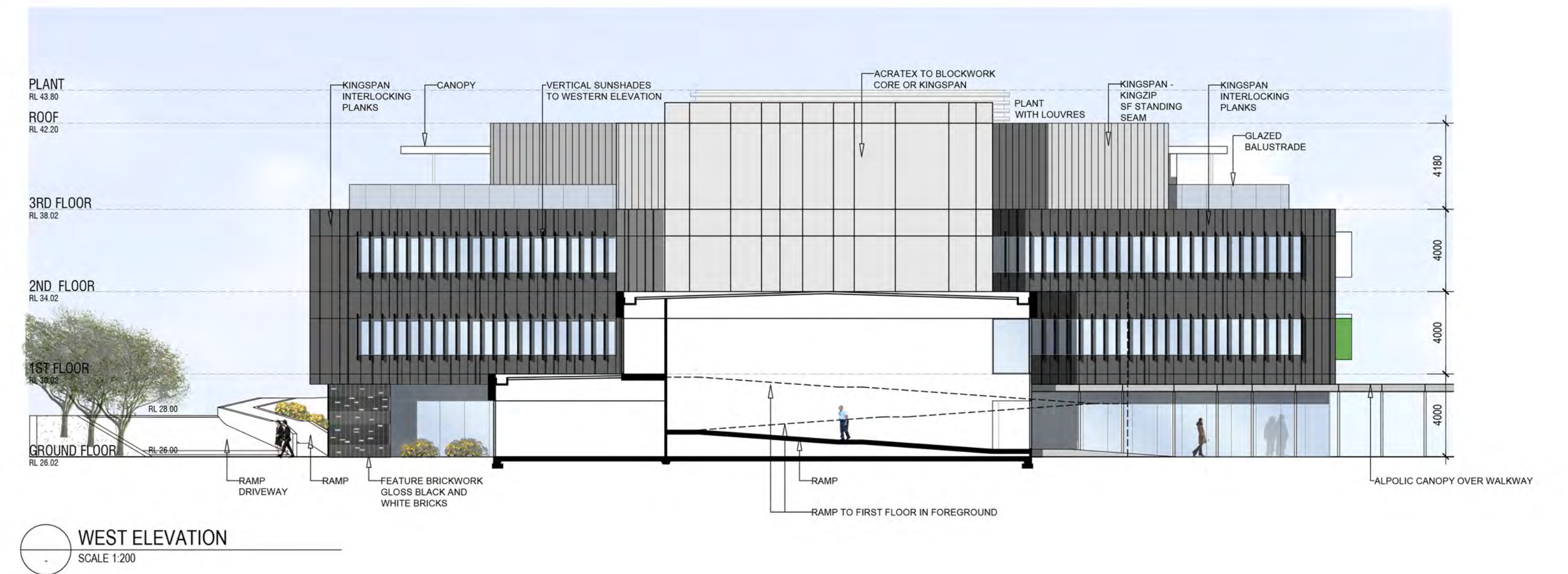
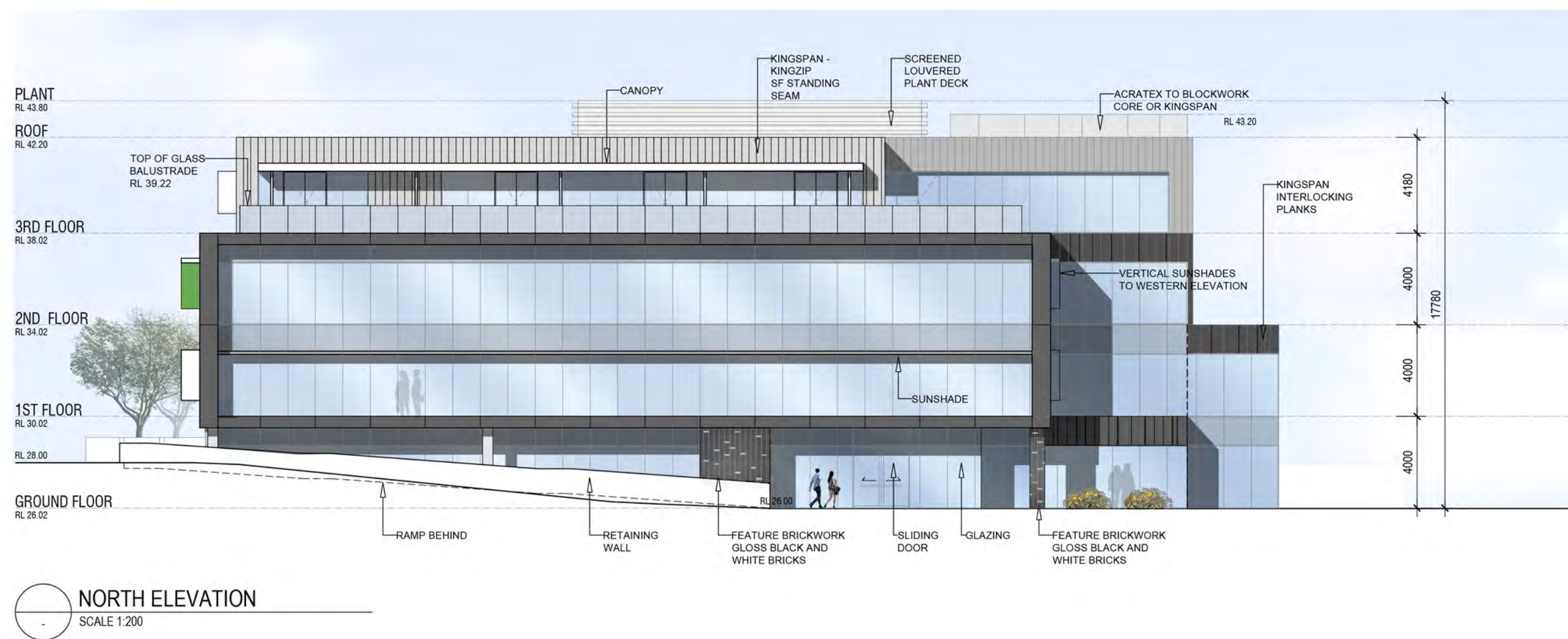


EXTENSION REQUIRED
FOR SAME FLOORSPACE
WITHIN 8.5m HEIGHT LIMIT.

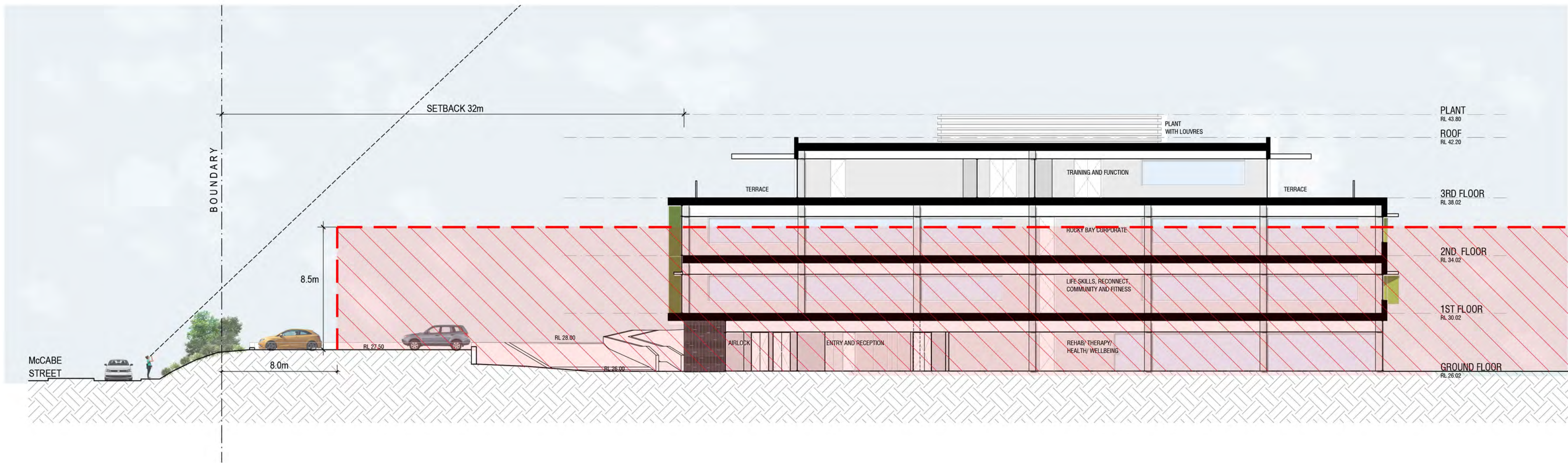












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> SECTION

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PROJECT > ROCKY BAY HUB

JOB NO. > 1345

DATE > DECEMBER 2017

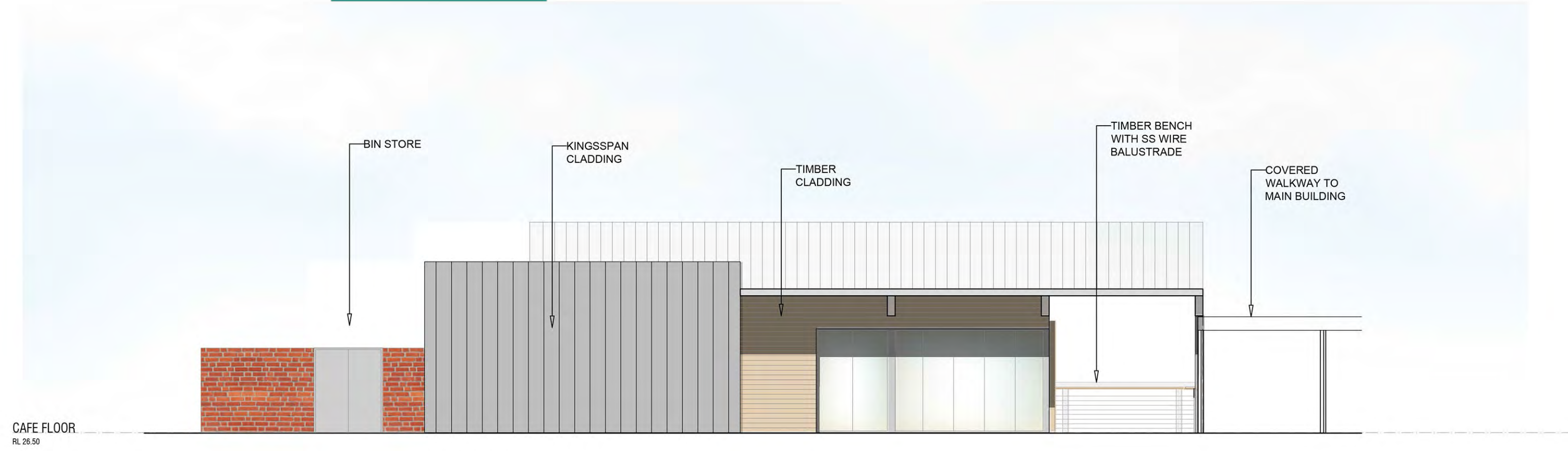


Bollig Design Group

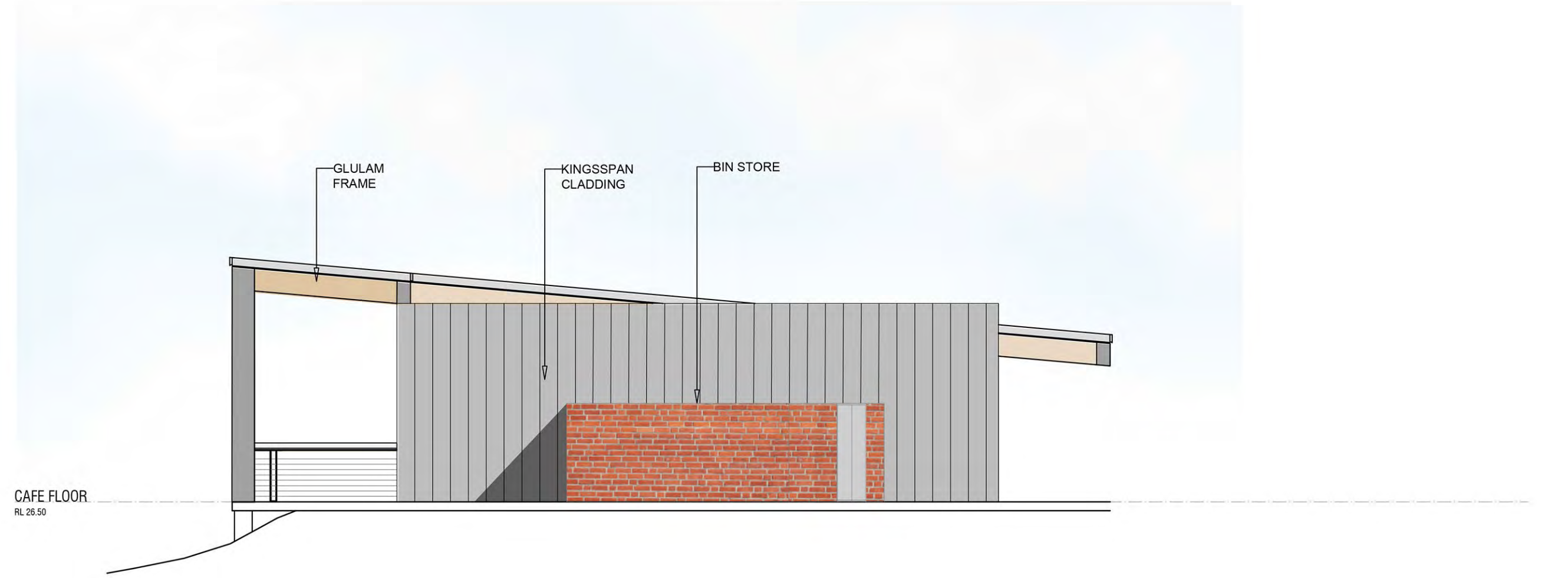
Architecture
Urban Design
Masterplanning
Interior Design

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Level 1, 1260 Hay Street, West Perth 6005
PO Box 1224, West Perth 6872
E bdg@bollig.com.au W bollig.com.au

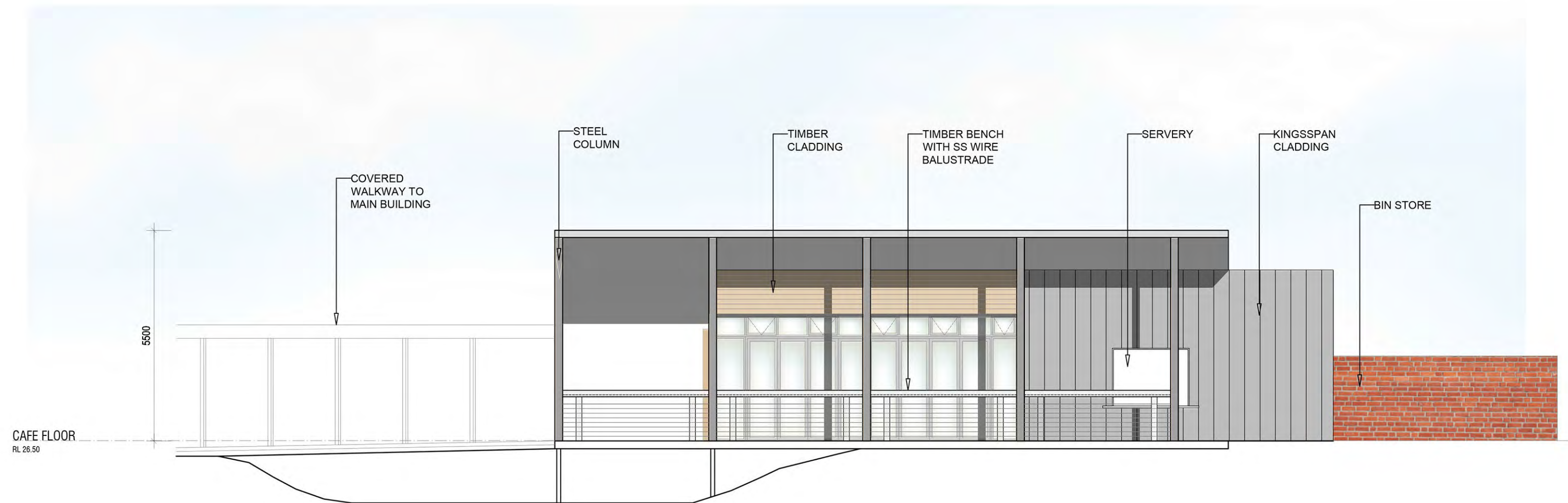




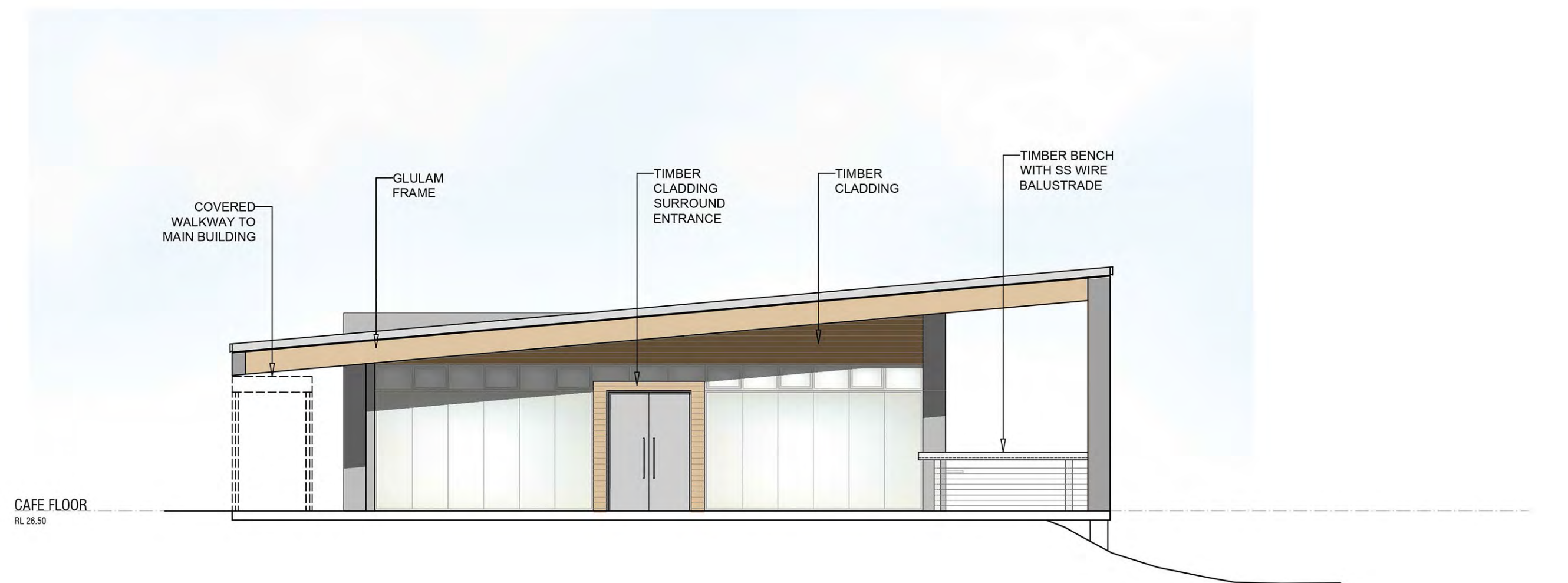
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SCALE 1:100



EAST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

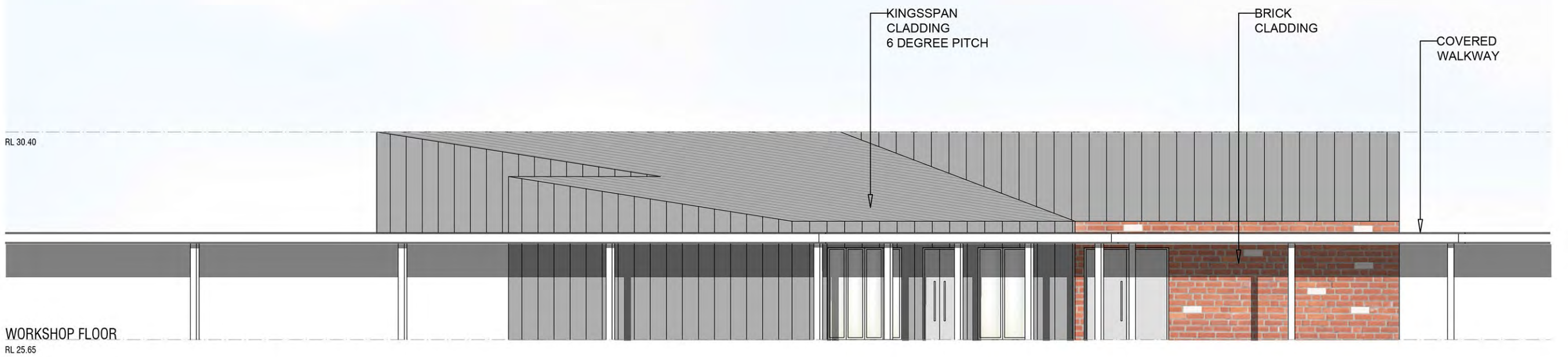


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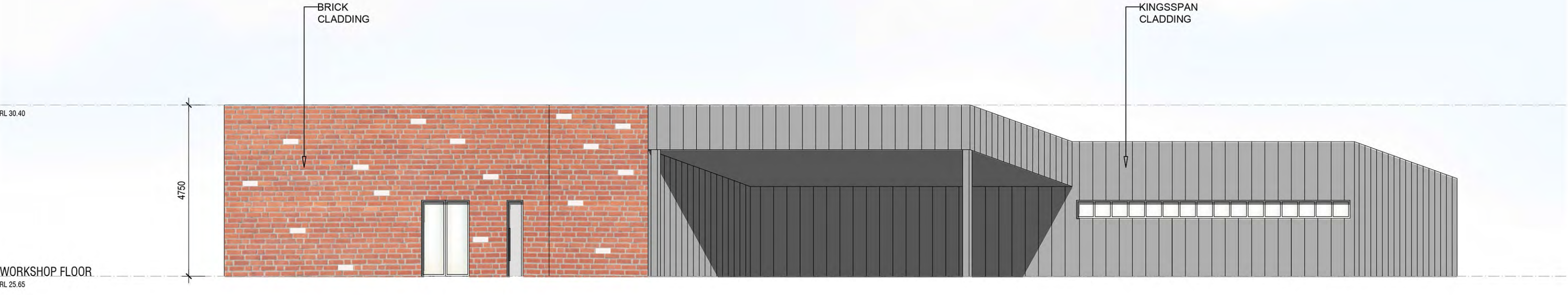




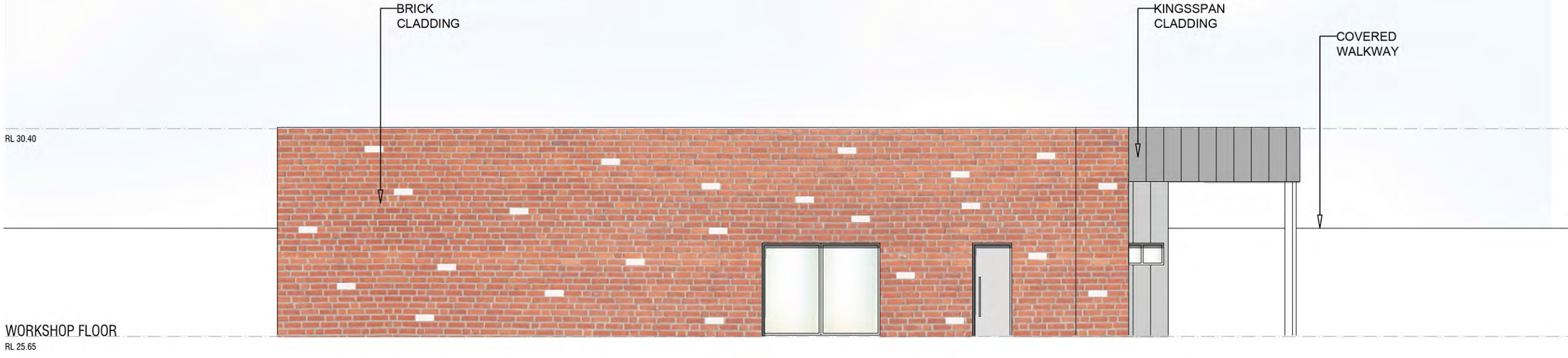
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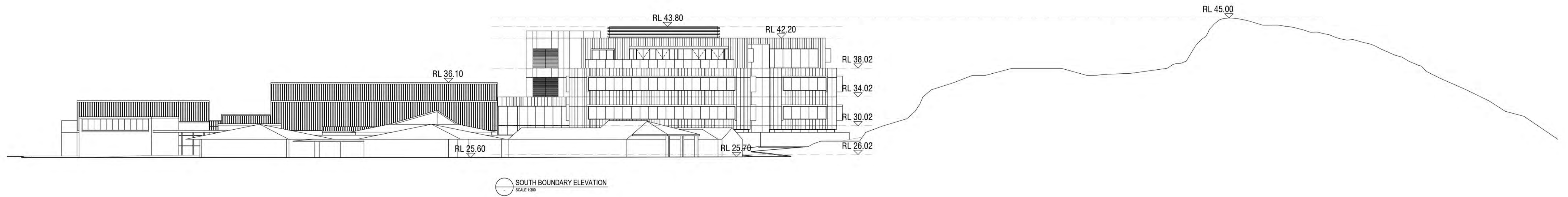
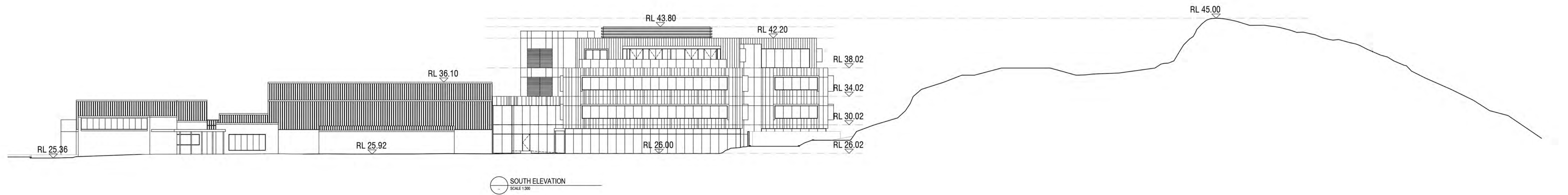
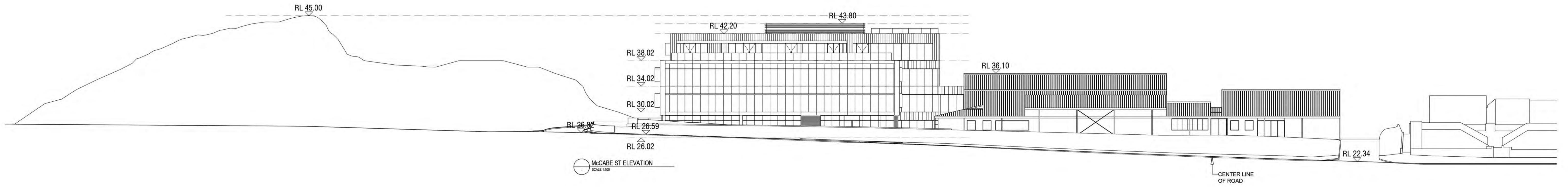
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SCALE 1:100



 SOUTH ELEVATION
SCALE 1:100



 WEST ELEVATION
SCALE 1:100

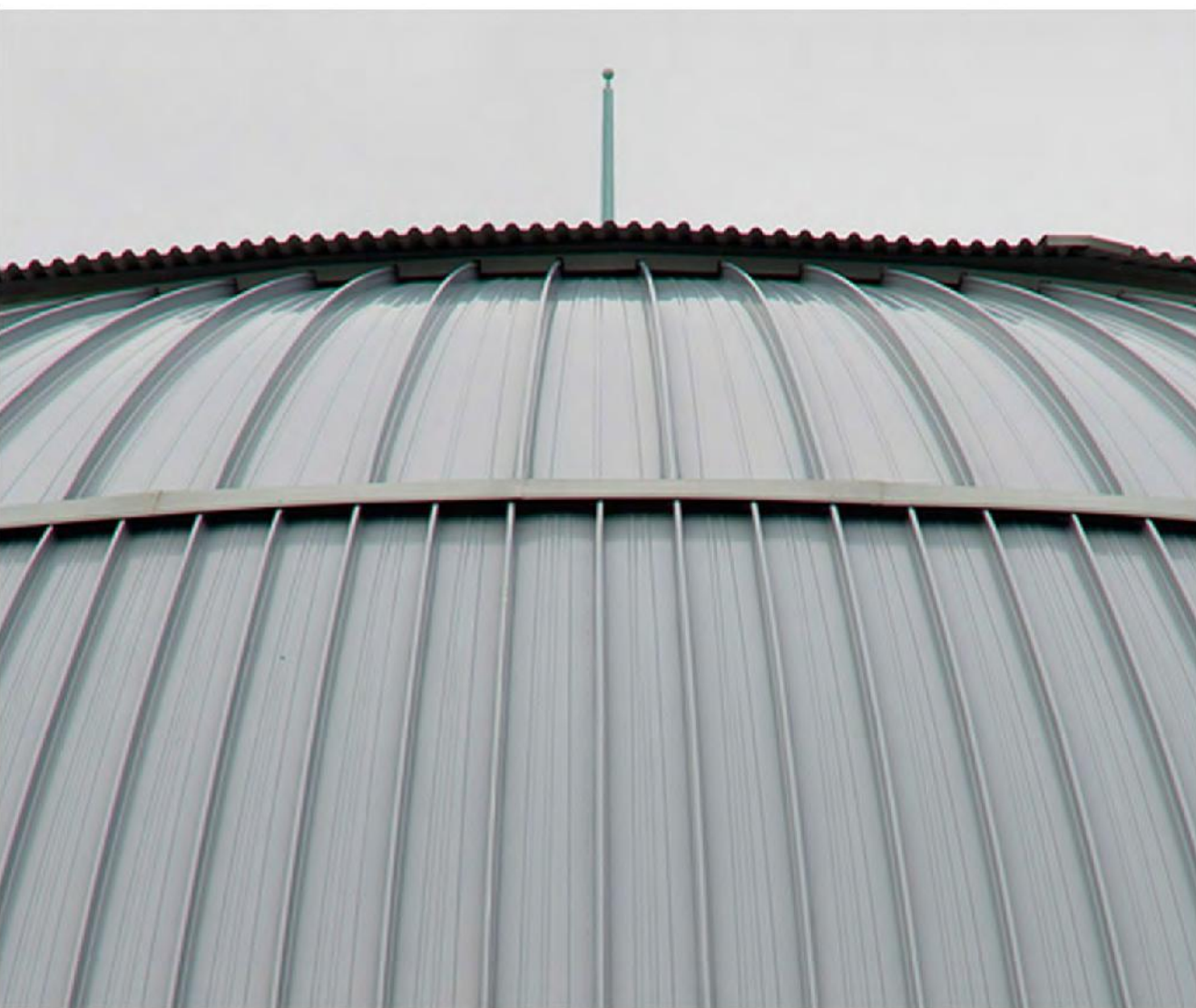


CLADDING

KINGSPAN INTERLOCKING PANELS



KINGSPAN KINGZIP PRE-INSULATED PANEL

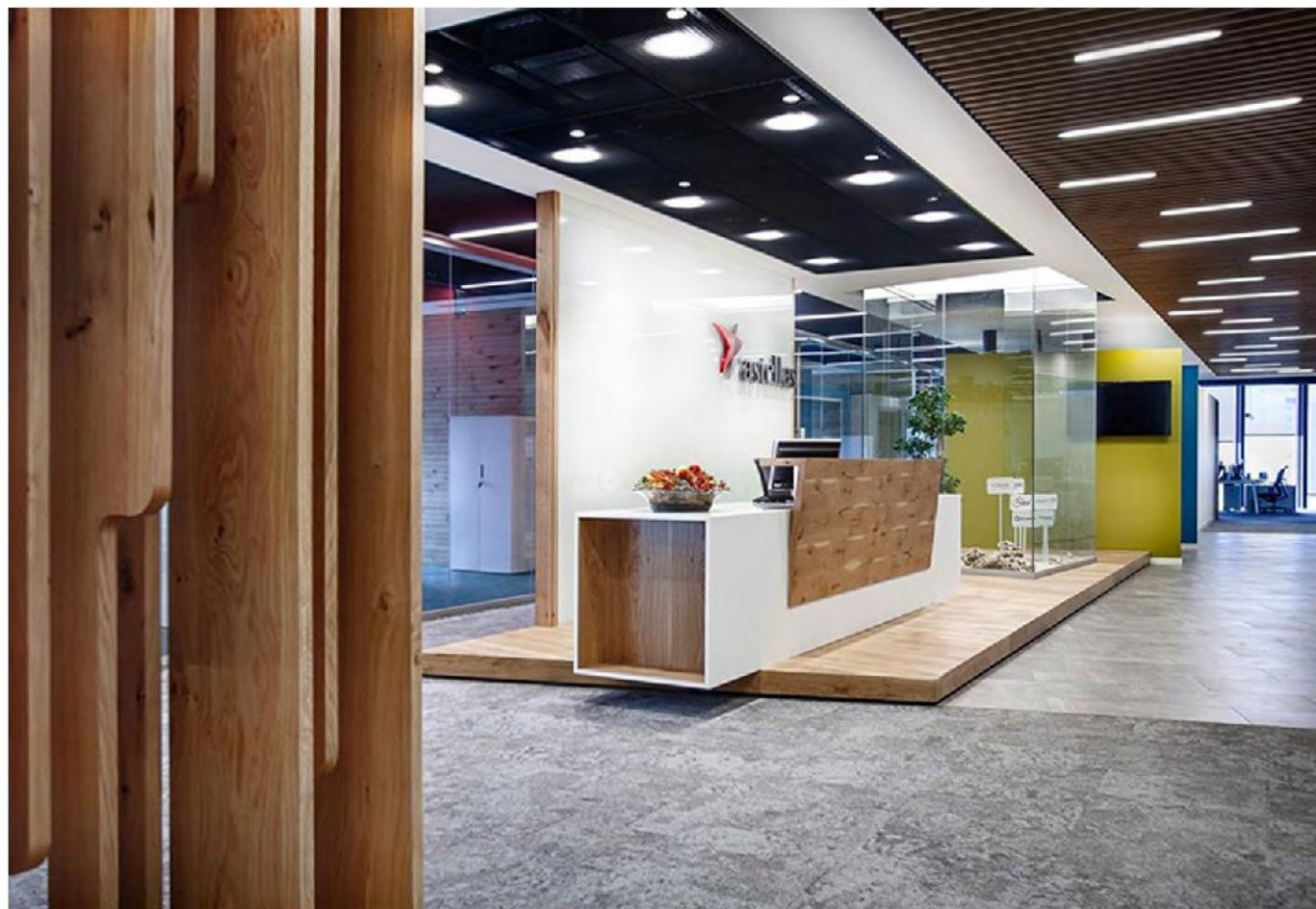
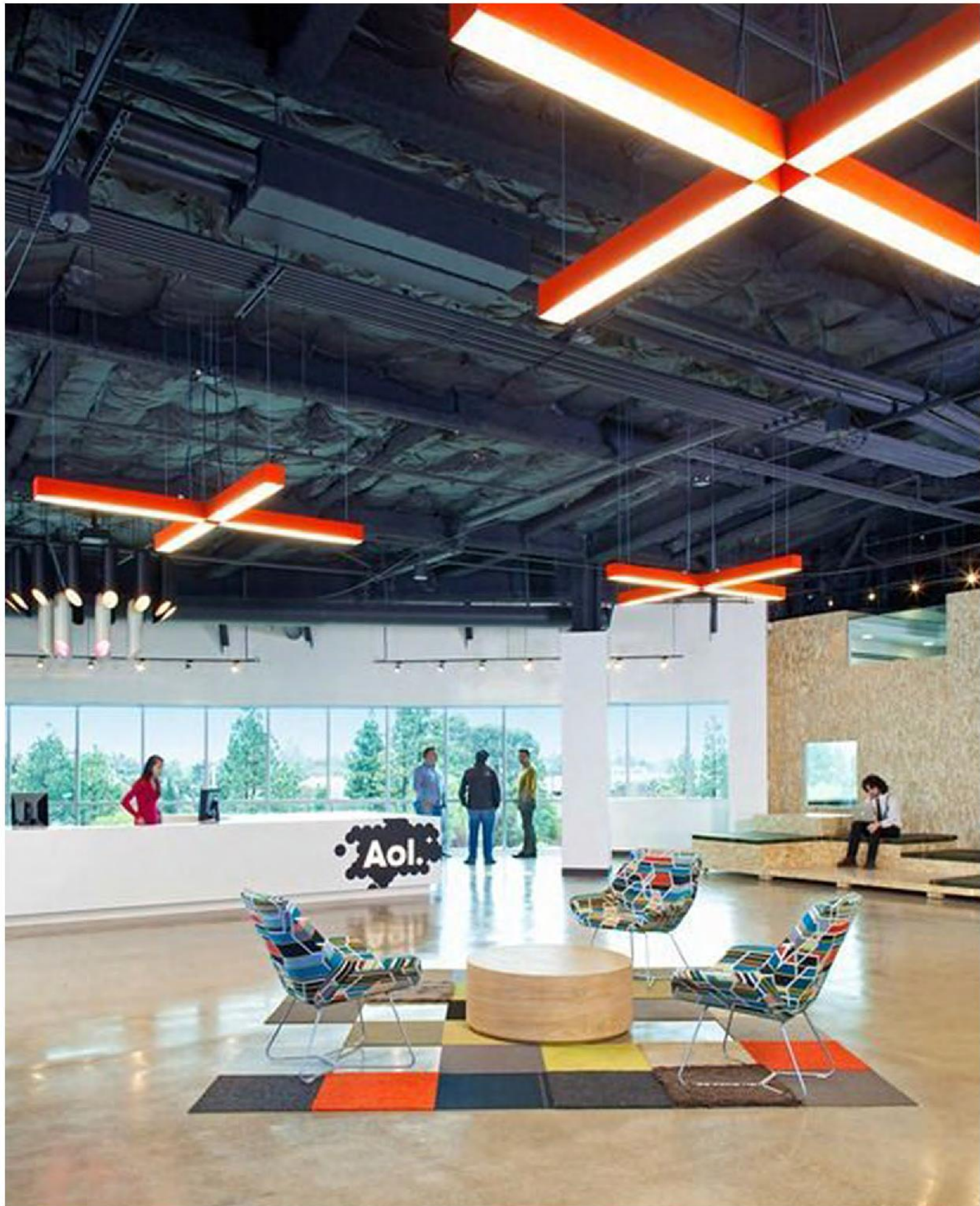
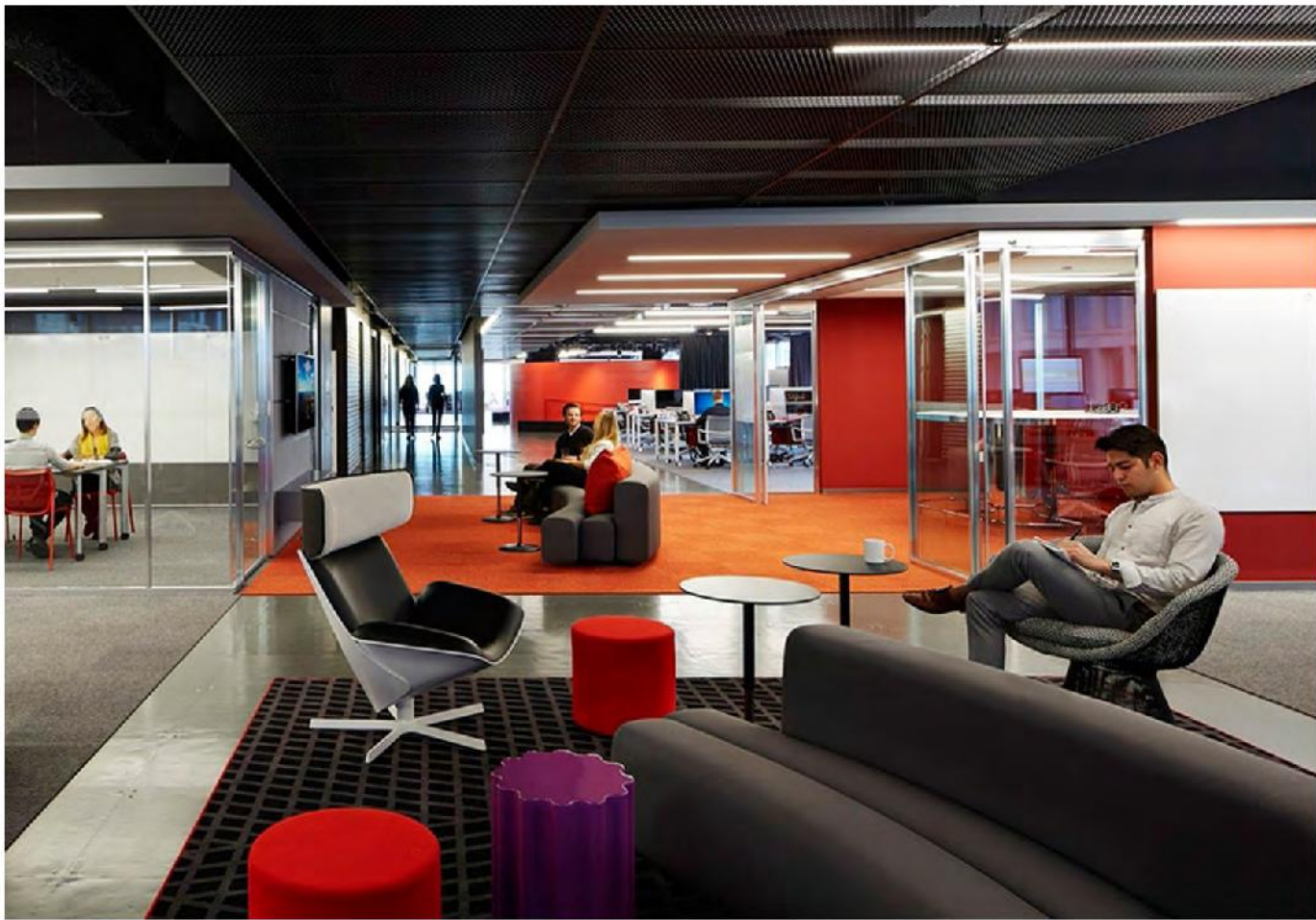


BRICKWORK

FEATURE BRICKWORK - GLOSS BLACK AND WHITE



INTERIORS CONCEPT



> MATERIALS AND CONCEPT IMAGERY

PROJECT > ROCKY BAY HUB
JOB NO. > 1345
DATE > DECEMBER 2017



➤ ARTIST IMPRESSION IMAGE 1

PROJECT ➤ ROCKY BAY HUB
JOB NO. ➤ 1345
DATE ➤ DECEMBER 2017



➤ ARTIST IMPRESSION IMAGE 2

PROJECT ➤ ROCKY BAY HUB
JOB NO. ➤ 1345
DATE ➤ DECEMBER 2017



TOWN OF MOSMAN PARK

DEVELOPMENT ASSESSMENT PANEL MEETING

ATTACHMENT 3

Minister's Statement

\$4.8 million Lotterywest grant to expand Rocky Bay services

Friday, 30 November 2018

- Existing Mosman Park facility to be redeveloped and expanded
- New facility will cater to 1,175 clients with disability by 2022

Disability Services Minister Stephen Dawson has today announced a \$4.8 million Lotterywest grant to Rocky Bay for the redevelopment and expansion of its Mosman Park facility.

Rocky Bay is a registered service provider for the National Disability Insurance Scheme and has been delivering disability services since it was founded in 1938.

The redevelopment project will provide an integrated disability and support facility that builds on existing rehabilitation, therapy, training, skills development, recreation, employment and technology programs.

Rocky Bay's current facility services 475 clients but no longer meets the needs of the disability sector.

The expanded facility is expected to cater for an additional 700 clients when it reaches full capacity in 2022.



Hon Stephen Dawson MLC
Minister for Environment;
Disability Services; Electoral
Affairs

The expansion is due to start in August next year and be completed by early 2021.

Comments attributed to Disability Services Minister Stephen Dawson:

"The State Government is proud to support worthy projects like Rocky Bay's Mosman Park expansion through the Department of Communities and Lotterywest. In doing so, we are all helping to build a better Western Australia.

"The Rocky Bay redevelopment and expansion project provides a unique opportunity to drive lasting change in the way people with disability are supported so they can lead more independent, inclusive and fulfilled lives.

"The State Government is committed to working with service providers like Rocky Bay to advance opportunities, community participation and quality of life of people with disability.

"In these changing times, it's great to see organisations like Rocky Bay continuing to provide people with disability in WA with quality facilities and services."

Minister's office - 6552 5800



TOWN OF MOSMAN PARK

DEVELOPMENT ASSESSMENT PANEL MEETING

ATTACHMENT 4

Essential Utilities Plan

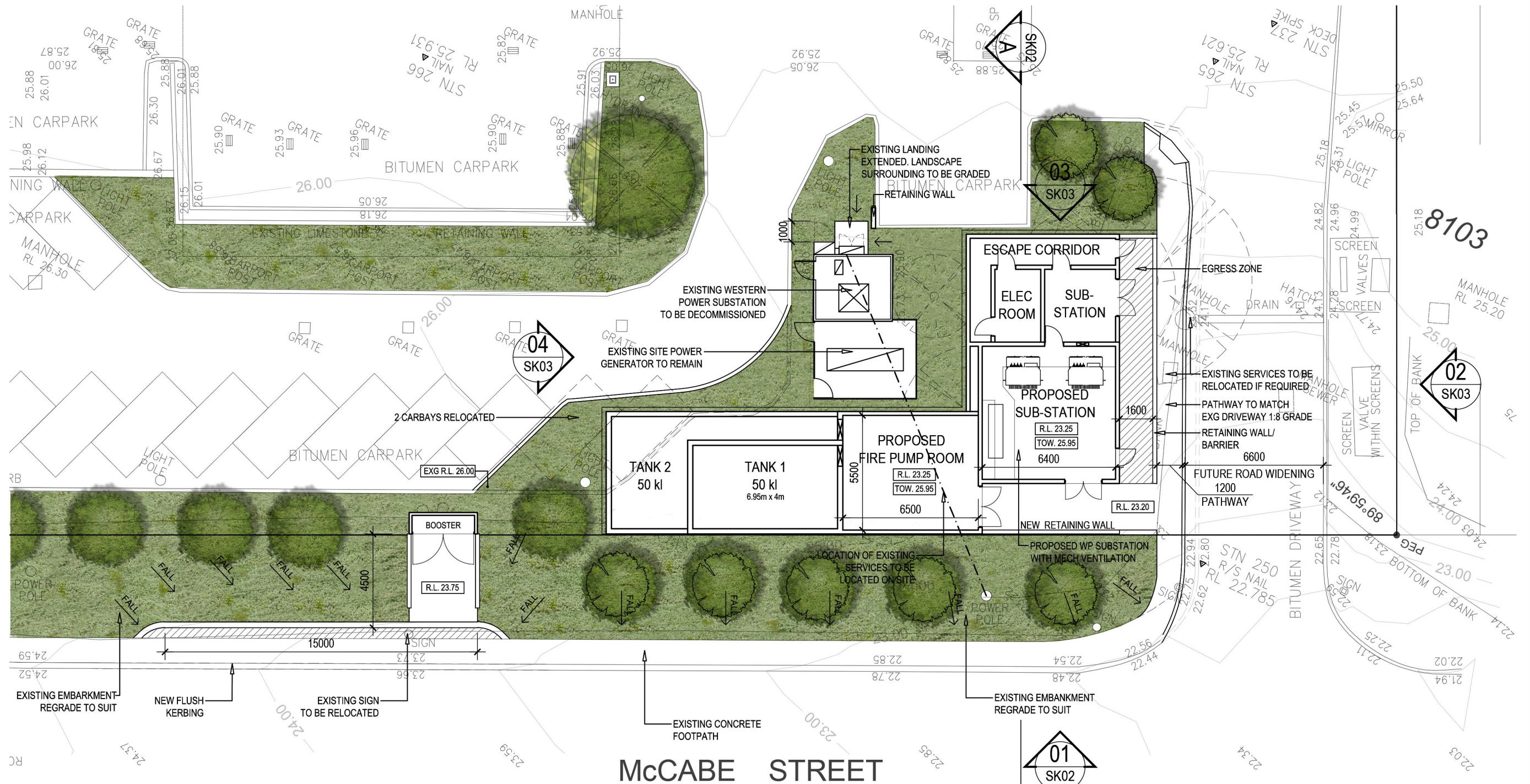
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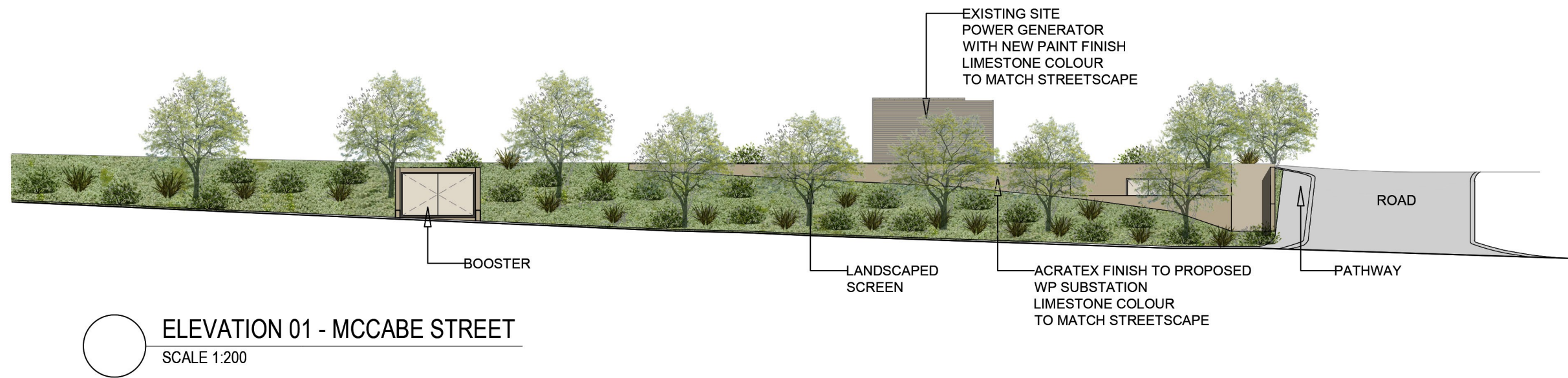
ROCKY BAY HUB
PROPOSED WP SUBSTATION/ FIRE PUMP ROOM

FEB. 2019 SCALE 1 : 200 @ A3 JOB NO. BDG 1345



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Master Planning
Interior Design
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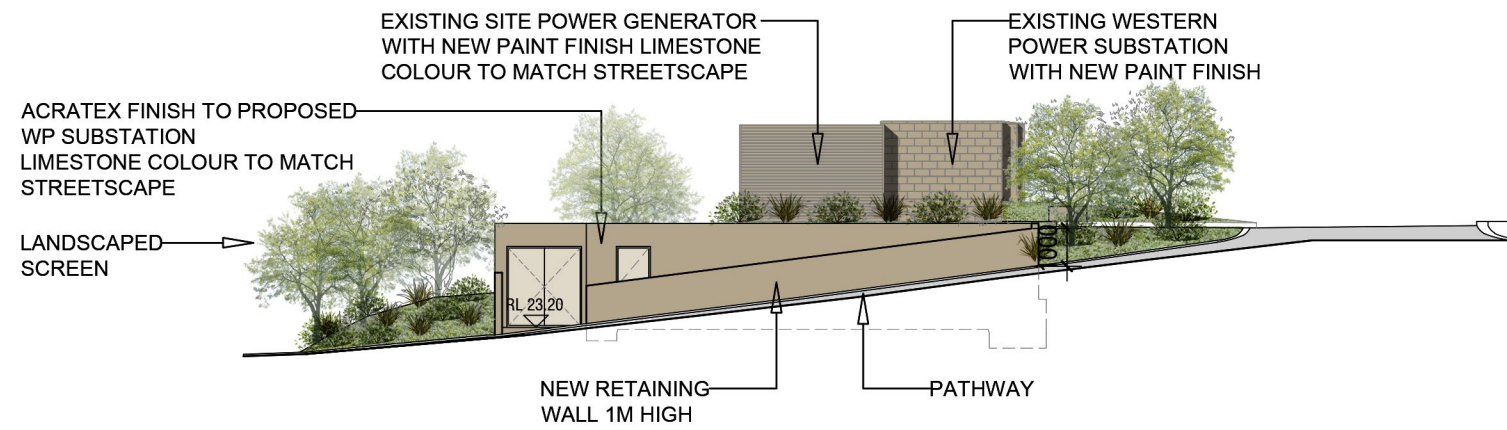




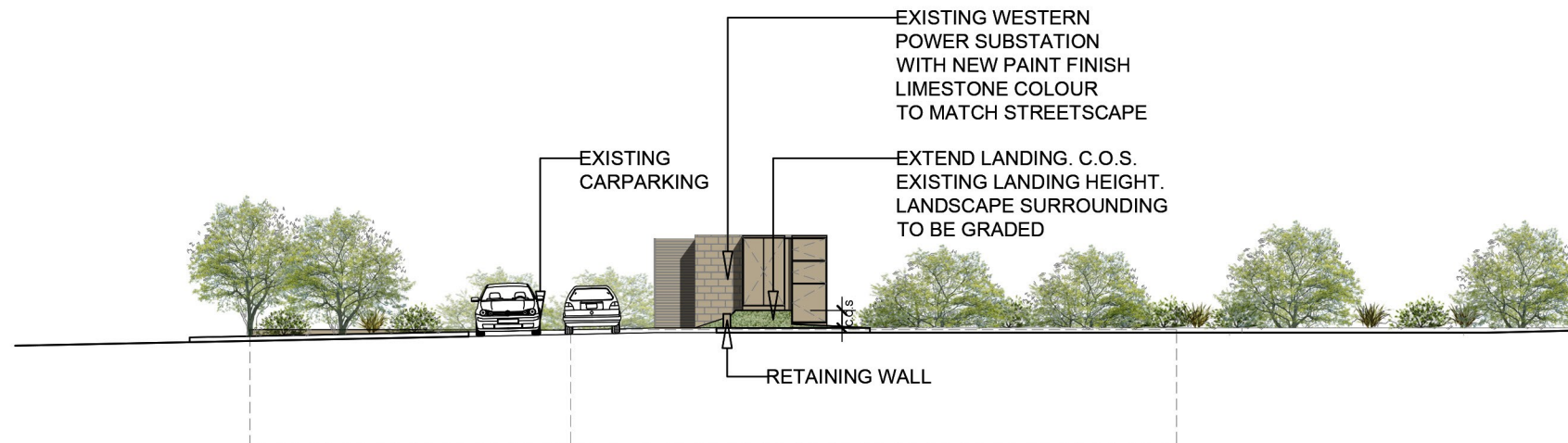
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ROCKY BAY HUB PROPOSED WP SUBSTATION / FIRE PUMP ROOM - ELEVATION AND SECTION

FEB. 2019 SCALE AS NOTED @ A3 JOB NO. BDG 1345



ELEVATION 02
SCALE 1:200



ELEVATION 03
SCALE 1:200



ELEVATION 04
SCALE 1:200

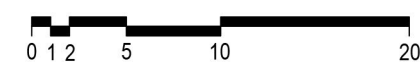


M C C A B E S T R E E T

SK04

ROCKY BAY HUB PROPOSED WP SUBSTATION / FIRE PUMP ROOM - STREETSCAPE

FEB. 2019 JOB NO. BDG 1345



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TOWN OF MOSMAN PARK

DEVELOPMENT ASSESSMENT PANEL MEETING

ATTACHMENT 5

**Response from Rocky Bay regarding
Minister's Statement**



From: Trevis Lawton <Trevis.Lawton@rockybay.org.au>

Sent: Friday, 13 September 2019 2:37 PM

To: CEO Mosman Park <ceo@mosmanpark.wa.gov.au>

Subject: Rocky Bay Site Usage Request

Dear Carissa,

I write in reference to your Wednesday request regarding our projections for the number of people that will be onsite at 60 McCabe St following the planned redevelopment. We understand and support your desire to make the best decisions on behalf of the Town.

The current application for the extension of the DA is required purely due to delays in design and capital raising. The application is not seeking any changes to the plans and information previously submitted and approved. We do not believe any other aspect of the original application is therefore relevant to this submission.

As you will be aware the disability sector has been undergoing fundamental change through the new National Disability Insurance Scheme over the past three years, which has resulted in major and constant modifications on a month by month basis to the operating model of businesses such as Rocky Bay. As such, any projections made in the Lotterywest submission cannot be used as an indication of the validity of the original JDAP submission or decision. However, I do not believe Rocky Bay provided any information to Lotterywest in that submission regarding anticipated point-in-time numbers of people onsite. We are therefore unable to supply any further, relevant information at this time.

Additionally, we cannot support a condition that seeks to limit the site to 475 clients per annum, as it has no relevance to the intensity of use on the site, given any one client may visit once per day or once per month. However, we recognise Council concerns and would be willing to entertain a condition that seeks to manage the number of people on-site at any given point in time, in line with the proposed car parking. This would provide a level of comfort to Council that the intensity of use, and in particular traffic movements, will remain within acceptable limits. We can provide such a condition for your consideration if desired.

If you would like to discuss this matter further please do not hesitate to contact Mr Michael Tait (CEO) or myself.

Kind regards,

Trevis Lawton
Director Strategy

A 60 McCabe Street, MOSMAN PARK



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From: Carissa Bywater <CBywater@mosmanpark.wa.gov.au>
Sent: Monday, 16 September 2019 1:38 PM
To: 'Trevis.Lawton@rockybay.org.au' <Trevis.Lawton@rockybay.org.au>
Cc: eo-ceo <eo-ceo@mosmanpark.wa.gov.au>
Subject: FW: Rocky Bay Site Usage Request

Hi Trevis,

Thanks for your email.

Given one of our concerns relates to the Ministers comments, are you able to provide analysis that reconciles the difference between the original application numbers and the Ministers statement?

Further to this, and as per your offer are you able to provide an estimate of the current daily site movements (staff and patients)?

If you have any queries, please call me.

Kind regards,

Carissa

From: Trevis Lawton <Trevis.Lawton@rockybay.org.au>

Sent: Tuesday, 17 September 2019 8:39 AM

To: CEO Mosman Park <ceo@mosmanpark.wa.gov.au>

Subject: Rocky Bay site planning

Dear Carissa,

Concerning the Minister's comments, I would reiterate my earlier remarks that the environment within which we are working is extremely volatile at present due to the NDIS model being imposed upon us. The figures included in the Lotterywest submission were calculated in late 2016. The JDAP application was not undertaken until mid-2017. It is not unusual for this timeframe gap to affect site statistics and planning. Rocky Bay has opened five new hubs around Perth in the past 24 months and needs to rebalance after each one as the business adapts.

We are regularly making business decisions that enable best use of our resources and government funding for all Western Australians. As such, we will move entire services as required from time to time, which will affect traffic movement analysis. For example, we are currently planning to move our day services program off the Mosman Park site to Cockburn in order to meet Southern region service needs. This should account for a decrease at Mosman Park of over 50 fleet vehicles and the corresponding 117 staff, in addition to approximately 120 customers (which are currently included in the DA traffic study). As you can imagine this will provide a significant reduction in traffic movements and parking requirements at Mosman Park to those anticipated at the time of the JDAP application. We expect this will be warmly welcomed by the Town with its difficult task to meet the needs of both businesses and residents.

I hope that this serves to highlight the constantly changing nature of our business and certainly any anomalies that may have therefore been perceived between the two data sets. Rocky Bay has been a part of the Mosman Park community for over 40 yrs and is firmly committed to finding an appropriate outcome. Please do not hesitate to contact myself or Michael if you have any further queries.

Kind regards,
Trevis



Trevis Lawton
Director Strategy

A 60 McCabe Street, MOSMAN PARK

P [08 9383 6196](tel:0893836196)



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TOWN OF MOSMAN PARK

DEVELOPMENT ASSESSMENT PANEL MEETING

ATTACHMENT 6

**Response from Applicant regarding
Minister's Statement**

Our Ref: J000072
LG Ref: 3115.5/IPA118284/P2130
DAP Ref: DAP/17/01282

27 September 2019

Mrs Gabriela Poezyn
Executive Manager Planning and Regulatory Services
Town of Mosman Park
PO Box 3
Mosman Park WA 6912

PO Box 538, Inglewood
Western Australia 6932

0411 445 031
peter@ptsplanning.com.au

www.ptsplanning.com.au

ABN - 32 603 168 850

Dear Gabriela

LOT 591 (NO.60) McCABE STREET, MOSMAN PARK – DAP FORM 2

We refer to the electronic mail received from Mr Marius Le Grange on Friday 20 September 2019 and the Town of Mosman Park letter dated 2 August 2019.

DAP Form 2 Application

As you are aware, the Form 2 Application seeks approval for the extension of the JDAP approval of 8 January 2018. The consideration of an extension to an approval is based on three considerations, which were included in our submission and which the Town also referenced in its letter dated 2 August 2019.

In considering the DAP Form 2 application, the Town advised in its letter dated 2 August 2019 that it had reviewed the application submission and considered that there has been no substantial change to the planning framework and that the applicant has actively and relatively conscientiously pursued the implementation of the development approval. In considering whether the planning framework had substantially changed, the Town identified that even though the café car parking requirement had increased, as a result of Condition 1 of the approval, the car parking requirement for the function areas has decreased by 100 bays.

With respect to the second consideration, being whether the development would be approved now, the Town raised the Statement from the Minister, which indicated an increase in the number of clients, and considered that the occupancy, car parking and traffic needed to be reviewed.

As advised in our letter dated 5 August 2019, there are no changes to the occupancy proposed as part of this Form 2 application. In terms of the Town's comments, it is appropriate to consider the proposed car parking.

The original RAR identified the following car parking requirement.

Use	Area (m²)	Car Parking Requirement
Cafe	346	35 bays
Administration Building	4561	114 bays
Function Rooms	478	120 bays
Workshop	200	4 bays
Existing/Retained uses	Admin/ILU/Respite	83 bays
Total		356 bays

Under LPS3 and condition (i), the cafe car parking increases, however, the function and training car parking reduces. This has been confirmed by the Town in its letter dated 2 August 2019. As a result the following would apply.

Use	Area (m2)	Car Parking Requirement
Cafe	346	62 bays
Administration Building	4561 plus 806 = 5367	134 bays
Workshop	200	4 bays
Car Park	nil	nil
Retained uses	Admin/ILU/Respite	83 bays
Total		283 bays

The total number of approved bays is 288 and therefore the car parking would now appear to meet the Town's requirements. It is noted that the 288 bays include 35 fleet bays, which provides car parking for staff and clients, and therefore needs to be included in the total.

Therefore, in consideration of the extension request we would suggest that the changes to the planning framework would bring the car parking into compliance with the provisions. Based on the above, the car parking meets the provisions and therefore the occupancy is not a consideration relevant to the DAP Form 2.

It should also be noted that Transcore prepared a Technical Note dated 29 November 2017 in consultation with the City's Traffic Consultant that included a Sensitivity Traffic Analysis that considered a traffic growth rate of 88% based on the increased floor area. The conclusion was that even with an 88% increase, the traffic impact would be low. Therefore in terms of occupancy any increase in traffic movements has already been considered.

Submissions

With respect to submissions received relating to: building height, bulk and scale; traffic considerations; hazard concern from building construction; and noise these matters have already been considered by the applicant, the Town and the JDAP previously in approving the application. We are not proposing to provide a further response to these matters as they were addressed as part of the original application, including the applicant's response. We are happy to provide a copy, if required, of the applicant's previous response to the submissions.

With respect to the littering submission, this is not a planning consideration and cannot be substantiated and whether Rocky Bay pays rates is not a valid planning consideration.

In terms of the site occupancy, we understand that the submissions have been based on the Statement from the Minister, however, this needs to be clarified and context provided:

1. The DAP Form 2 application to extend the approval is based on the current approval and no changes are proposed;
2. As indicated above, the Condition preventing the function centre operation reduces the car parking to a level that is consistent with the provisions and therefore the occupancy is not relevant. It is also noted that the required car parking is consistent with the parking demand established by the applicant as part of the original application;
3. The relevance of the occupation of the site does not relate to the numbers of clients but the occupation of the car parking and as indicated in the JDAP application, the use of the car park is largely by staff rather than clients;

4. The environment within which Rocky Bay operates is constantly changing and evolving. This includes Rocky Bay operational reviews. For example, as referenced in the JDAP application Rocky Bay has opened five new hubs around Perth in the past 24 months, which were not included in the original funding submission;
5. Rocky Bay is also regularly making operational decisions that enable the best use of its resources and funding. For example, Rocky Bay is currently considering moving its day services program from Mosman Park to Cockburn in order to meet Southern region service needs. This would significantly reduce the car parking demand at Mosman Park.

Therefore, there is no change to the application before the JDAP and in reviewing the car parking, the changes required to the function areas, brings the car parking into alignment with the provisions and also the expected car parking demand.

Building Height under LPP14

As indicated in the Town's letter, the height provisions have not changed from TPS2 to LPS3. The original application lodged, as well as the additional information submitted as part of the application process, provided justification for the height under LPP14. We are happy to provide a copy, if required, of the applicant's previous responses, however, the reconsideration of height does not need to be undertaken as the height requirement has not changed.

Bicycle Parking

As part of the original application, the applicant identified a need for 62 bays and additional visitor bays. As part of the justification provided in the report, we identified that the community purpose/cafe bicycle parking is not considered to be required as the employees of the community facility are off site for much of the day visiting schools etc and therefore are required to transport by vehicle. The nature of Rocky Bay's clients suggests that any bicycle facilities would not be utilised.

Notwithstanding, the proposed development provides a new bicycle store and end of trip facilities located within the workshop to cater for the staff/office demand.

Car Park Landscaping

The original application identified the requirement for one tree for every 4 bays. We understand the reference in LPP15 requires 1 tree for every 4 bays. The proposed development includes 1 tree for every 4 bays in the new car park.

Conclusion

With respect to the matters raised:

- The Regulations provide the ability to consider the extension;
- The planning framework has not changed substantially since the original approval, which has been confirmed by the Town;
- A review of the car parking indicates that the change to the function area (as a result of the condition) means the car parking provided is consistent with the requirements;
- The application does not propose a change to the occupancy, however even if there was a change, the car parking meets the requirements and an increase in traffic was considered under the original approval;

LOT 591 (NO.60) McCABE STREET, MOSMAN PARK – DAP FORM 2

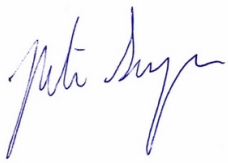
- The height provisions have not changed;
- The submissions received were previously considered by the applicant, the Town and the JDAP;
- The proposed development would likely receive approval now; and
- The applicant has been actively pursuing the development approval.

Therefore it is considered appropriate to grant an extension to the approval.

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

Yours sincerely

PTS Town Planning Pty Ltd



Peter Simpson
Director



TOWN OF MOSMAN PARK

DEVELOPMENT ASSESSMENT PANEL MEETING

ATTACHMENT 7

Submissions from Consultation

Thank you for bringing this matter to our attention and your continued interest in it for the ratepayers of the Town.

While no one disagrees with the Rocky Bay facility in the Town it is important that Rocky Bay be and continue to be a good neighbour. As with any development in the Town it should not adversely impact other residents to the quiet enjoyment of the area within which they live.

To that end we have the following concerns which we would like answered in relation to the proposed extension of time for the development:

1. At the public meeting held at the Council offices to discuss the development proposal concerns were expressed regarding traffic movements on McCabe Street. At the time Rocky Bay management advised that incremental vehicle movements would be minimal. This situation surely cannot be the case now with the significantly larger number of staff to be employed. Has a revised traffic management study been completed? Will such a study be requested to support any extension of time for the development as this is a changed condition?
2. Parking will now become a major issue for the proposed development. What impact will this have on current users of the oval car park. Has any study been undertaken or is it planned to be done as part of any extension of time?
3. If Rocky Bay staff are to use the oval car park who is responsible for maintenance of the increased usage? Does Council intend to charge Rocky Bay for parking as occurs in other local government areas? Given the increased permanent parking will security be required - who pays?
4. According to your email there were two significant issues in relation to the development proposal which were not presented to the DAP hearing - building height and significantly higher staff levels. For the purpose of completeness will these omissions be brought to the attention of DAP to ensure it has all the facts?
5. All users of the Town's facilities pay for these through the rate system. It is not reasonable that any one rate payer is exempted and subsidised by other rate payers. Is there any intention to request Rocky Bay to pay some amount for use of the Town's facilities even if it is not rated as other residents are. With increased traffic movements and parking facilities it would seem reasonable for Rocky Bay to make a contribution.

I trust the above is of assistance in formalising the Council's response.

With Best Regards

[REDACTED]

To whom it may concern

By way of introduction my [REDACTED] I would like to object the developments plans for rocky bay for the following reasons:

1. The height of the plans, would impose on the privacy of tuttlebee terrace.
2. The car impacts on surrounding streets
3. The rate rises this could occur as a result
4. The litter and staff smoking leaving cigarette butts in garden beds that is already occurring as a result.

[REDACTED]

Kind regards

[REDACTED]

[REDACTED]

We reside at [REDACTED]. The above building permit relates to the special area at 60 McCabe St. (Lot 591) [REDACTED]

We request that the above application be rejected.

The building permit relates to a non-residential development in a residential area. It will have an adverse impact on the amenity of the area particularly so for adjacent residences. Circumstances may have changed since the permit was granted. If Rocky Bay is so inclined, it can make a fresh application based on its current substantiated needs and projections and the community will be afforded the opportunity to consider whether they justify the loss of amenity and the cost to ratepayers in prevailing circumstances.

We thank you for your assistance.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: [REDACTED]

To: Gabriela Poezyn <GPoezyn@mosmanpark.wa.gov.au>; [REDACTED]

Subject: IEML120004 - Re: ROCKY BAY REQUEST FOR PLANNING EXTENSION

Hello,

We wish to object to the proposal for the following reasons:

1 - the proposal is too tall. There is no buildings in the area even remotely the same size. The building will not match the local area at all. The local area is 100% residential and a large commercial building will not fit into the local landscape.

2 - Traffic. McCabe st is already very busy as the only access to the southern part of Mosman park. Increased traffic of 3000 car trips per day is completely unsustainable for a residential area. With the many local schools there are lots of children pedestrians there is too much risk.

We call on the application to be rejected.

[REDACTED]

[REDACTED]

11 September 2019

Senior Planning Officer
Town of Mosman Park
PO Box 3
MOSMAN PARK WA 6912
admin@mosmanpark.wa.gov.au

Dear Planning Officer,

**RE: LOT 591(No. 60) McCABE STREET, MOSMAN PARK – ROCKY BAY
PROPOSED PARTIAL DEMOLITION AND CONSTRUCTION OF A FOUR
STOREY MIXED USE DEVELOPMENT, CAFÉ, WORKSHOP AND CAR PARKING.**

As the property owners of [REDACTED] we wish to put forward a submission of objection to the proposed partial demolition and construction of a four storey mixed use development, café, workshop and car parking at lot 591 (No. 60) McCabe Street, Mosman Park.

Our objection is based on a number of concerns. Firstly, the proposed height of the building ranging between 16.9 m and 17.9 m high, is unacceptable to us. We purchased our property in Minim Cove due to the natural streetscape and leafy vegetation of the precinct. We do not wish to have an imposing four-storey office block at the [REDACTED] and feel it will impact negatively on the suburban feel that it now has. Capping the maximum building height to two storeys, would be more acceptable to us.

Secondly, we are concerned that there will be an increase in traffic along McCabe Street, which will impact negatively on the local neighborhood, by a slowed transit time to make it on to Stirling Highway and also with noise.

Finally the construction of a new workshop with 'workshop, storerooms, a bike store, end of trip facilities and a service area' along with a 'manual arts area' is [REDACTED] due to the increased volume of noise that will be emitted.

Given there is a huge amount of empty commercial office space in both the Perth CBD and surrounding suburbs, we query the need to build a four storey mixed use development where two storeys have been allocated solely to 'corporate, staff amenity and training/function rooms'.

With the above concerns in mind we ask that the proposed partial demolition and construction of a four storey mixed use development, café, workshop and car parking at lot 591 (No. 60) McCabe Street, Mosman Park, be reconsidered and revised. We strongly feel that limiting the development to two storeys is more appropriate given Rocky Bay adjoins the residential precinct of Minim Cove.

[redacted]
To: [Admin Mosman Park](#)
Subject: IEML119964 - Re Rocky Bay extension
[redacted]

[redacted]
I object once again to the Rocky Bay development being granted at all and to an extension of time allocated.
For this build.

It will very much impact the residents surrounding the development and since I live in [redacted] It will
very much impact me.

I shall be overlooked. And the extra traffic and cars tuning out of Rocky Bay night and day. Is an added great
annoyance .

Regards [redacted] .
[redacted]

From: [Reece Woo](#)
To: [Anjaly Vijayakrishnan](#)
Subject: IEML119362 - RE: (No. 60) MCCABE STREET P2130-LOT 591 , MOSMAN PARK – ROCKY BAY- TO WAPC.pdf
Date: Thursday, 22 August 2019 9:25:42 AM
Attachments: [image002.png](#)
[image003.png](#)

Hi Anjaly,

The Land Use Planning branch of the Department of Planning, Lands and Heritage has no comment to make on the proposal.

Kind regards,
Reece

Reece Woo | Senior Planning Officer | Land Use Planning
140 William Street, Perth WA 6000
6551 9256 |
www.dplh.wa.gov.au



The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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From: Anjaly Vijayakrishnan [mailto:AVijayakrishnan@mosmanpark.wa.gov.au]
Sent: Wednesday, 21 August 2019 12:23 PM
To: DPI Referrals <Referrals@dplh.wa.gov.au>
Subject: (No. 60) MCCABE STREET P2130-LOT 591 , MOSMAN PARK – ROCKY BAY- TO WAPC.pdf

Sir,

Please find attached the consult letter for the above planning application to extend period of Validity.

Kind Regards

Anjaly Vijayakrishnan
Planning and Building Assistant Officer

Town of Mosman Park
"Between River and Sea"

Memorial Park, Mosman Park
Western Australia 6012 (PO Box 3)
p: (08) 9383 6600
w: www.mosmanpark.wa.gov.au



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[REDACTED]
To: [Admin Mosman Park](#)
Subject: IEML119966 - Rocky Bay Planning Extension
Date: Wednesday, 11 September 2019 11:16:48 AM

Good Morning,

I would like to object to the proposed building at Rocky Bay.

[REDACTED] I object to the four storey building being too high and outside council regulations. I also object to the increase in cars coming into the area. [REDACTED] the vehicles coming and going are very noisy as are the rubbish trucks.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: IEML119877 - ROCKY BAY REQUEST FOR PLANNING EXTENSION

I am writing regarding the above planning extension request and raise the following concerns I have as they have not been addressed previously:

- The number of car bays being provided being significantly less than required (short 95 (25%)) – the impost on the surrounding public facilities i.e. Tom Perrott Oval and no real support of the facility in public transport.
- The facility does not pay any rates hence loss of amenities to local residents and the maintenance cost imposts to the council for those amenities and the increased traffic that this proposal indicates, suggests it will significantly impost the ratepayers of Mosman Park (i.e. increased rates)
- The height of the facility is also a major concern with building of 4 floors (and viewing platforms/balconies) impacting on the privacy on nearby residential properties.
- The misinformation relating to the increase in clients (and staffing required to support them) was not made clear and not supported in the previous proposal/discussion

Increased traffic on McCabe Street, we now have St Hildas Junior school, plus the combined councils using McCabe Street.....

Sincerely

[REDACTED]

Dear Sir/Madam

We found out recently regarding Rocky Bay plan and proposal for the above [REDACTED]

[REDACTED]

As a [REDACTED] we are quite concern with the proposed infrastructure if they're granted the approval. We were not aware of this sort of potential development when we purchase this property being in a 2 storey residential area. We feel that it would give indirect impact towards the value of our property and neighbourhood which is located just beside Rocky Bay. At the moment we already dealing with their building overlooking directly into our compound and living room. We had to invest in screen blind to allow us to have some sort of privacy to our indoor and outdoor space and personal activity. Having a 4 storey building next door is definitely not something we would be happy about. If we ever decide to sell or rent our property in future this definitely will limit our potential buyer/tenant prospect.

As Rocky Bay are not amongst the tax payers most maintenance issues that would occur in future would be passed on to our shoulder as well as the community that is sharing common road and using the infrastructure. There is still many other issues that is concerning for us as the next door neighbor to this development. To have a facility that's expanding and catering for more staff, clients, maintenance people that goes in and out of their vicinity means we are open to the potential of crime/littering/loitering/noises disruption of peace and environmental pollution during and after construction just to name a few.

We hope the council and DAP take our concern and objection towards this seriously and kindly. Most of us build not just a home but a dream on our property. We believe living in Mosman neighbourhood would provide us a decent happy living the security and peaceful mind.

[REDACTED]

Regards

[REDACTED]

To: [Admin Mosman Park](#)
Subject: IEML119967 - Objection for Rocky Bay

Hi

As the owner of [REDACTED] I object to
the proposed redevelopment of Rocky Bay.

Kind Regards

[REDACTED]

To: [Admin Mosman Park](#); [Gabriela Poezyn](#)
Subject: IEM119902 - FW: ROCKY BAY REQUEST FOR PLANNING EXTENSION
Date: Tuesday, 10 September 2019 8:41:42 AM
Attachments: [image001.jpg](#)

fyi

Sent: Monday, 9 September 2019 4:09 PM

Subject: Re: ROCKY BAY REQUEST FOR PLANNING EXTENSION

Attention
Mosman Park Council

Re: Rocky Bay Redevelopment

I am writing to express my reservations regarding the proposed additions to the Rocky Bay facility in McCabe St. Mosman Park
Contrary to R.B's assurance on their website that the development will not significantly increase traffic on McCabe St it must be an absolute certainty that any facility that expects future growth in the order of 200% is going to further burden the flow of traffic on McCabe St.

The height of the building is another issue that must be scrutinised. Once again the R.B website states that the new development will (with mechanical plant) be 43.8m high which is 7.7m (25.2 feet) higher than their existing structure. By way of comparison only, residential properties in the adjoining area can only have a maximum height of 8.5m

Rocky Bay management as an organisation that enjoys a rates free status appears unwilling to acknowledge this favoured position by admitting that the development will negatively impact the amenity of the area or accept the constraints of its planning rules.

Town of Mosman Park
'Memorial Park'
Cnr Bay View Terrace and Memorial Drive
Mosman Park WA 6012

Dear Sir

RE: 60 (LOT 591) McCABE STREET, MOSMAN PARK DEVELOPMENT APPLICATION

I have only just been made aware of the application to extend the development plan for the "Rocky Bay" area.

I think we all agree that Rocky Bay Inc does an excellent job and provides a good service however I still wish to object to the proposed plan. The proposed building is not in keeping with the leafy, relaxed nature of the area and will impose a large commercial building into a residential area (Figure 1). The FACT that nothing has been done in the last four years suggests this is not an urgent or even required development.

Listed below are some sound reasons to reject this application. Also when I was the local residents made it quite clear they did not want a 4 storey building that blatantly ignored the height restrictions of the area. Should you need further evidence of this view I will organise a petition and present it to council.

As presented in the past I have drawn up some alternative plans that restrict the building to 3 storeys and still has the same space for facilities which I notice includes a café which is not permitted on the site under the current usage regulations.

The last time this proposal was presented it was not supported by council but managed to be approved by DAP through some sneaky, opaque legal tactics which made a mockery of the whole process.

Blatant Breach of Height restrictions

More importantly the building proposal breached height restrictions of the Town when it was submitted. Allowing an exception here will set an unwanted precedent. The plan is not just slightly over the limit it is significantly higher and has two storeys more than allowed in the surrounding area. This shows a total disregard for the Council and residents of Mosman Park. Unfortunately my research indicates that under the recently introduced LPS3 the site has no height restriction in place because of a loophole which has not been rectified. I have included some Artist's impressions of the building imposing itself into the treescapes of Hayes Tce, Harley Tce and Solomon Street but these

are not the only places that will be affected by the four storey building. The building could easily be lowered and still retain the facilities and open space ratio.

Unsuitable site

A significant factor to note is that the CEO of Rocky Bay Inc mentioned a number of times that the Mosman Park site is unsuitable for the ongoing needs of the community and a more central site is required for clients. The site will be outgrown in 15 years. I suggest the site has already been outgrown and perhaps the proposed building would be better suited at a more central location so it is not left as a burden and eyesore in the near future.

The top storey is not required. Again, the CEO stated he does not have a specific use but it “may” be used by the general population for meetings – there are already plenty of meeting places eg Men’s Shed. How can an area of hundreds of square feet be set aside without having a known use. I believe the whole top storey is an ambit claim and can be dispensed with because no known use is assigned to it. This will lower the building height by about 4m.

Contaminated and Toxic soil

Another reason for objection is that the building may expose residents to toxic dust and heavy metals. The Minim Cove area including the Rocky Bay campus was heavily contaminated by previous heavy industry. Toxic materials such as arsenic, mercury, lead and other heavy metals were present in the soil and soft, porous limestone of the adjacent developed area but no clean up has been done of the Rocky Bay site. The DA states there is no contamination of the site and does not mention how much excavation will take place. The architect told me at the public information evening that any toxins would have “been absorbed by the limestone” or “washed into the river”. Neither of these is a satisfactory solution or outcome.

Traffic

Traffic may increase as a result of this project which is unfortunate and inconvenient to anyone who wants to get on to Stirling Highway.

Alternatives

I would like to make some suggestions.

Loss of open space seems to be the main reason the architect has chosen to build a 4 storey building in a residential neighbourhood.

I suggest the building could be lowered and the footprint expanded without loss of open space. The building can be kept to two storeys and contain all the facilities of the proposed building by increasing the footprint by 50% (an increase from 2% to 3% of the total area of Lot 591) – the 3rd floor or current top storey can be dispensed with as discussed above. The open space ratio can be retained by moving the car park to the basement level of the building. The increased area of the low level building would provide sufficient spaces to replace the existing car park. This frees up the southeast corner of the site which can be used for the new workshop and the café. Doing this allows the main building to expand outwards, it moves the workshop to an area where the only neighbour is a football oval and moves the café to an area overlooking parkland and possibly the river. The

open space could expand into the area currently designated for the workshop and some now superfluous car parking areas.

These ideas are sketched on the attached site plan for your consideration Figure 2. I realise this may cost more but increased costs of compliance are a burden on us all.

Yours sincerely



Figure 1: Artists impression of proposed building as seen from

[REDACTED]
To: [Admin Mosman Park](#)
Subject: IEM120058 - Rocky Bay proposed new development
Date: Friday, 13 September 2019 10:05:53 AM

To Whom it may Concern

I wish to advise that I am against any development that is going to be four storeys high so close to our street, [REDACTED]. It will be detrimental to our properties and seems totally unnecessary in a suburban area.

Extending the period by 2 years is only a stop gap measure, however I would approve this delay if that is all that can be done.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15 September 2019

PLANNING OFFICER
TOWN OF MOSMAN PARK
MEMORIAL PARK, BAY VIEW TERRACE
MOSMAN PARK WA

Dear Sir/Madam,

SUDMISSION FOR LOT 591 (No. 60) MCCABE STREET, MOSMAN PARK – ROCKY BAY
PROPOSED PARTIAL DEMOLITION AND CONSTRUCTION OF A FOUR STOREY MIXED USE
DEVELOPMENT, CAFÉ, WORKSHOP AND CAR PARKING.

Thank you for the letter sent out in regards to the proposed development above.

I have reviewed the proposed plans through the Town's website and would love to raise attention to the height of the administration building. I understand that the height suggested is 17.78m high. Unfortunately, I found this building too near to the area that I'm currently living and it has raised concerns in regards to noise level, privacy of my house area and also de-valuation of my land in regards to the proposed plan. Furthermore, with increase of car parks and visitors to this area, it will increase traffic congestion to the current one lane entry and exit of this housing area on McCabe Street.

I sincerely hope that you would reconsider in this proposed building plan.

Thank you.

Kind regards,

19 September, 2019

Town of Mosman Park
PO Box 3
MOSMAN PARK, WA, 6912

By email: admin@mosmanpark.wa.gov.au

Dear Sir/Madam,

**LOT 591 (No. 60) MCCABE STREET, MOSMAN PARK – ROCKY BAY
PROPOSED PARTIAL DEMOLITION AND CONSTRUCTION OF A FOUR STOREY MIXED USE
DEVELOPMENT, CAFÉ, WORKSHOP AND CAR PARKING**

We refer to your letter dated 11 September, 2019,
in relation to the above proposed development and the
extension of time for comments to 18 September, 2019.

**We REJECT the proposed development and therefore the application to extend the approval
period by a further 2 years.**

The basis of our request to REJECT is as follows:

1. which is adjacent to the proposed development site.
2. We do not believe all issues were considered when making the original DAP approval.
3. The proposed height of 17.78m is over twice the required height of 8.5m per Local Planning Policy 14.
4. The proposed height of the development is detrimental to the amenity and value of the adjacent residential properties either existing or yet to be built due to the significant reduction in the privacy to many adjacent residences and adverse visual outlook.
5. The extent of the concern about the proposed development is evidenced by the number of the adjacent properties that have been listed for sale since the approval of the development.

6. The CEO of Rocky Bay has been quoted as stating there will be a significant increase in their number of clients in the future. This will result in a considerably increase in traffic on McCabe Street and parking in and around the Rocky Bay site for increased staff and visitors. The 95 shortfall of on site car bays to that required by Local Planning Scheme 3 is unacceptable.
7. Rocky Bay do not pay rates to the Town of Mosman Park. The increased costs to the Town as a result of the increased activity as a result of the proposed development will therefore be borne by the other ratepayers. Most of the residents in [REDACTED] are already very upset and annoyed at the amount of rates we are currently paying.

Please take into consideration our above comments when making your recommendation to DAP.

Yours faithfully,

To: [Admin Mosman Park](#)
Subject: IEM119600 - Your letter 21st August 2019 Lot 591 McCabe Street Mosman Park - Rocky Bay -OBJECTION to proposed extension for building
Date: Thursday, 29 August 2019 10:03:36 AM
Importance: High

Good Morning,

We take this opportunity of lodging our comment on the above issue which is before the Council at this time.

As the proposed building is so far over height (in fact twice the height limit), it should consider the residents surrounding the area and the size of the building and it would therefore indicate that clearly Rocky Bay have outgrown the size of their organisation at the current address. There are very very few Mosman Park clients at this organisation and it therefore creates an enormous amount of traffic on McCabe Street which at times, is quite dangerous in view of the fact that there is a school in the nearby vicinity. People bought their properties as "their homes" albeit that Rocky Bay was there – but it was there as an unobtrusive building for some needy clients which was acceptable. One would think that a building of the proposed size and height would be an incredible safety hazard for the clients in case of fire or some other disaster. As the housing has an 8.5 m height restriction, it would only be pertinent that Rocky Bay should adhere also.

The issue of the large shortfall of parking spaces would indicate that with the size of the proposed building, it is clearly inadequate for their needs.

We notice daily that the parking area in front of the Tuttlebee Terrace residents, is being filled with Rocky Bay staff or patrons and this must be quite unacceptable. Tuttlebee has very little other parking available for family or friends and they are the ones paying the rates to Mosman Park. Staff and patrons are also parking by large numbers in the adjoining oval car park during working hours. This also must be unacceptable as no one is paying for this liberty except Mosman Park residents by way of rates. It would seem common sense that the Council should have a user pay parking system which would give income to the Council (similar to hospital car parking as someone has to pay for the upkeep and it should not be the residents of any Council). It disturbs us that there is such a large discrepancy for the shortfall in parking to be so large. If it were a commercial building situation, it would not be tolerated and although Rocky Bay is servicing some very disadvantaged people (albeit an obviously large administration number of staff) unbalanced decisions seem grossly unfair. If an organisation outgrows its accommodation the decision is usually "move".

We object to the extension of period of validity strenuously and would hope that you, as our Council, would also consider the residents of the surrounding area.

Regards

To: [Admin Mosman Park](#)
Cc: [Gabriela Poezyn](#)
Subject: IEML120424 - Objection to extension of time for proposed demolition and construction at Lot 591 (No. 60) McCabe street.
Date: Tuesday, 24 September 2019 1:55:51 PM
Importance: High

Good afternoon,

I wish to register my objection to the extension of time request for the proposed demolition and construction at Lot 591 (No. 60) McCabe street.

I purchased land at [redacted] and built our family home here. At the time of purchasing my lot, I was not made aware of any intention to redevelop the Rocky Bay site to become a high rise development outside of the Local Planning Policy requirements.

There are a number of reasons I do not wish this development to proceed. Whilst I am supportive of the work undertaken by Rocky Bay I believe the proposed increased size of the development will lead to a detrimental flow on affect. Specifically, some of my concerns include:

- Decrease in property value
- Obstruction to view of clear blue sky from my house
- Noise concerns from workshop and operations
- Privacy – unknown persons looking out high windows onto my street and property
- Noise concerns for construction works
- Increase in traffic during construction works
- Dust and potentially hazardous contamination from construction works
- Increase in traffic due to change in volume and nature of work undertaken at Rocky Bay
- McCabe street is already unsafe for my children to ride/scoot along to get to the park. Would not want any further increases in traffic or construction vehicles using this road
- Insufficient parking space allocated for staff, clients and visitors at rocky bay
- Cost to rate payers to improve infrastructure as a fall out from construction and ongoing, increasing requirements of rocky bay
- Rocky Bay execs have not been forthcoming or truthful with information provided to the public at an open session held a few years ago, this makes me wary that the proposal can be amended and accepted at a late stage once construction has begun.
- Increase in staff at rocky bay = increase in pollution to our street. We witness cigarette butts being dropped by staff all the time on our street as they are obviously not allowed to smoke on their own grounds
- Increase in waste services from the cafeteria will result in increase in smell, vermin and cockroaches to our street. Do Rocky Bay pay for rubbish collection? If not this will be a further increased fee past onto rate payers.
- Not sure what the workshop is intended for and how this will impact on nearby houses.
- Public and affected residents not properly consulted and given chance to object as noted in my email to council dated 11 September 2019.

Kind regards

[redacted]



TOWN OF MOSMAN PARK

DEVELOPMENT ASSESSMENT PANEL MEETING

ATTACHMENT 8

**Title and restrictions imposed from Transfer
of land - Instrument L084827**

INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet Form B1 should be used with appropriate headings. The boxed sections should only contain the words "See Annexure".
2. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialed by the person signing this document and their witnesses.
3. Where issued, the Duplicate Certificate of Title is required to be produced or if held by another party then arrangements must be made for its production. Duplicates are not issued for Crown Land Titles.
4. For transfer of leases (including Crown Leases) use form LAA-1056B (T3).

NOTES

1. DESCRIPTION OF LAND

Lot and Diagram/Plan number or Location name and number to be stated. Extent - Whole, part or balance of the land comprised in the Certificate of Title/Crown Land Title to be stated. The Certificate of Title/Crown Land Title Volume and Folio number to be stated.

2. ESTATE AND INTEREST

State whether Fee Simple, or as the case may be in the land being transferred. If share only, specify.

3. LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS

In this panel show (subject to the next paragraph) those limitations, interests, encumbrances and notifications affecting the land being transferred that are recorded on the certificate of title/crown land title:

- a) in the second schedule;
- b) if no second schedule, that are encumbrances. (Unless to be removed by action or document before registration hereof) *

Do not show any:

- (a) Easement Benefits or Restrictive/Covenant Benefits; or
- (b) Subsidiary interests or changes affecting a limitation, etc, that is to be entered in the panel (eg, if a lease is shown, do not show any sub-lease or any document affecting either).

The documents shown are to be identified by nature and number. The plan/diagram encumbrances shown are to be identified by nature and relevant plan/diagram. Strata/survey-strata plan encumbrances are to be described as "Interests on strata/survey-strata plan".

If none show "nil".

4. TRANSFEROR

State the full name of the Transferor(s) (Registered Proprietor) as shown on the Certificate of Title/Crown Land Title.

5. CONSIDERATION

If a sum of money only, to be expressed in figures and in every other case to be concisely stated in words.

6. TRANSFEREE

State the full name of the Transferee/Transferees (Purchaser) and the address/addresses to which future notices can be sent. If a minor state date of birth.

If two or more state tenancy, eg.:

* Joint Tenants, (on the death of a joint tenant, the survivor(s) become(s) the registered proprietor(s) of the deceased's interest by applying to the Registrar of Titles).

* Tenants in Common, (on the death of a tenant in common, their share is dealt with according to their will).

If Tenants in Common specify shares.

7. EXECUTION

A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The full name, address and occupation of the witness must be stated.

EXAMINED

NE-153

20/9/09

L 84827 T

24 Sep 2009 15:06:48 Midland



REG \$ 110.00

TRANSFER OF LAND (T)

LODGED BY State Land Services

ADDRESS DPI - Metro - Box 98C

PHONE No.

FAX No.

REFERENCE No. Ruth de Ridder 02109-1979-02ro ph
9347 5058 fax 9347 5002

ISSUING BOX No.

PREPARED BY State Land Services

ADDRESS DPI - Metro - Box 98C

PHONE No.

FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO
OTHER THAN LODGING PARTY

Allens Arthur Robinson

issuing box 298 T
see Sunday L 75821 of issue of edition 2. L84827

2726-221
issued
via

edition 2

TITLES, LEASES, DECLARATIONS ETC LODGED
HEREWITH

1. _____ Received Items
2. _____ Nos.
3. _____
4. _____ Receiving Clerk
5. _____
6. _____

072721-011



Registered pursuant to the provisions of the TRANSFER OF
LAND ACT 1893, as amended on the day and time shown
above and particulars entered in the Register.


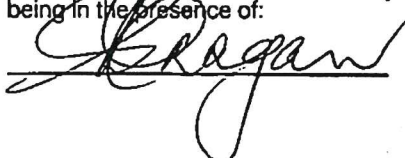



on
LTL

ATTESTATION SHEET

Dated this 4th day of August in the year 2009

TRANSFEROR/S SIGN HERE (NOTE 7)

Signed		Signed	
In the presence of		In the presence of	
<p>The COMMON SEAL of the MINISTER FOR LANDS was hereunto affixed by the HON BRENDON JOHN GRYLLES MLA the Minister for Lands for the time being in the presence of:</p> 			

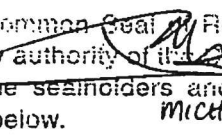
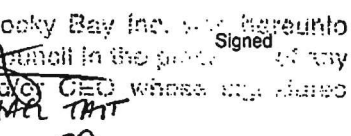


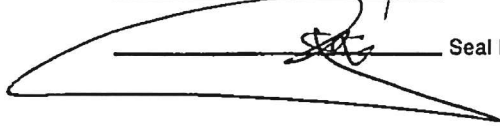
REQUEST FOR ISSUE/NON ISSUE (INSTRUCTION 3)

BY SIGNING THIS PANEL, I/WE THE TRANSFEREE REQUEST THE ISSUE/NON ISSUE (DELETE AS REQUIRED) OF A DUPLICATE CERTIFICATE(S) OF TITLE FOR THE LAND ABOVE DESCRIBED.

Signed		Signed	
--------	--	--------	--

TRANSFEREE/S SIGN HERE (NOTE 7)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORISED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.

Signed		Signed	
In the presence of		In the presence of	
<p>The Common Seal of Rocky Bay Inc. was hereunto affixed by authority of the Council in the presence of any two of the shareholders and/or CEO whose names appear below.</p> <p><u>MICHAEL TAIT</u></p> 			
		<p>Seal Holder/CEO</p>	

THE TRANSFEROR for the consideration herein expressed HEREBY TRANSFERS TO THE TRANSFeree the estate and interest herein specified in the land above described, subject to the encumbrances as shown hereon. (Instruction 2)

1. The Transferee acknowledges that the fee simple in the land described on the front page of this transfer (**Land**) is transferred to the Transferee under section 75 of the Land Administration Act 1997 (**LAA**); and in exercising the powers under Section 75 of the LAA, the Minister for Lands (**Minister**) has agreed to transfer the Land to the Transferee for the consideration of **One dollar (\$1.00)** and the Transferee agrees to take a transfer of the fee simple in the Land subject to:
 - (a) the provisions of section 75 of the LAA;
 - (b) the condition that the due performance of the conditions contained in this Transfer and the other conditions imposed under section 75 of the LAA are to be secured by a charge on the Land registered under section 16 of the LAA; and
 - (c) the provisions of section 16 of the LAA, and for that purpose the 'other conditions' are those set out in clause 2 below.
2. In accordance with section 75 of the LAA, the Land is transferred to the Transferee subject to the conditions that the Transferee and the registered proprietors from time to time of the Land:
 - (a) will not use, or permit or suffer the Land or any part of it to be used for any purpose other than for "Disability Housing, Day Care and Ancillary Purposes Beneficial to Rocky Bay"; and
 - (b) without limiting the generality of paragraph (a), will not use, or permit or suffer the Land or any part of it to be used for any illegal, improper or commercial purpose; and
 - (c) will observe and perform the other conditions contained in section 75 of the LAA.
3. The Minister and the Transferee covenant and agree that, for the purposes of section 75 of the LAA, the unimproved value of the Land, as at the date of the transfer, is **Twenty Four Million Dollars (\$24,000,000.00) (GST Inclusive)**.
4. The Transferee agrees that the conditions contained in clause 2 will be subject to such amendments, variations, additions or deletions as are required by the Registrar of Titles in order that the conditions may be accepted for registration as part of the transfer of the Land. The Transferee agrees to accept the conditions subject to such amendments, variations, additions and deletions, and to do all things necessary to cause such conditions (as may be amended, varied, added to or deleted) to be accepted for registration as part of the transfer of the Land.
5. If, in the opinion of the Minister, there has been a breach of any condition or covenant contained in this Transfer, the Minister may, in addition to any other rights, powers or remedies which the Minister may exercise, commence proceedings under section 35 of the LAA to cause the Land to be forfeited.

FORM LAA-1056A

EXEMPT from W.A. Duty

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997
TRANSFER OF LAND ACT 1893 as amended

TRANSACTION DATED 4-8-09

DUTIABLE VALUE 1.10

VG VALUED ☐

TRANSFER OF LAND (T)

DESCRIPTION OF LAND (NOTE 1)

Lot 500 on Deposited Plan 63968

VOL. 2726

FOL. 221

EXTENT

Whole

VOLUME

0000

3157

FOLIO

000

801

ABN 66 012 878 629

WESTERN AUSTRALIA DUTY

TSF 18/08/09 15:05 002952779-002 VG N

DUTIABLE VALUE \$ *****

DUTY \$ *****.00

EXEMPT 100 %

ESTATE AND INTEREST (NOTE 2)

Fee Simple

LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS (NOTE 3)

NIL

TRANSFEROR (NOTE 4)

The State of Western Australia acting through the Minister for Lands, a body corporate under the Land Administration Act 1997, care of Department for Planning and Infrastructure, 1 Midland Square, Midland WA 6056.

CONSIDERATION (NOTE 5)

One Dollar and Ten Cents (\$1.10) incl. GST

TRANSFeree (NOTE 6)

Rocky Bay Inc of 60 McCabe Street, Mosman Park

THE TRANSFEROR for the consideration herein expressed HEREBY TRANSFERS TO THE TRANSFeree the estate and interest herein specified in the land above described, subject to the encumbrances as shown hereon

WESTERN



AUSTRALIA

RECORD OF CERTIFICATE
OF
CROWN LAND TITLE

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

REGISTER NUMBER	
500/DP63968	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
N/A	N/A

VOLUME LR3157 FOLIO 801

NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

B. Roberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 500 ON DEPOSITED PLAN 63968

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: UNALLOCATED CROWN LAND

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP63968 [SHEET 1].
PREVIOUS TITLE: 1556-991, LR3157-130, LR3032-21.
PROPERTY STREET ADDRESS: LOT 500 MCCABE ST, MOSMAN PARK.
LOCAL GOVERNMENT AREA: TOWN OF MOSMAN PARK.

NOTE 1: L084825 CORRESPONDENCE FILE 02109-1979-02RO