

11.1.1.6 Proposed Use Not Listed - Mixed Use Development at Lot 101 and 176 McKay Street, Port Hedland (File No.: 118520G)

Officer Michael Pound
Planning Officer

Date of Report 3 March 2011

Disclosure of Interest by Officer Nil

Summary

Council have received an application from Willcox and Associates Architects on behalf of the current land owner Kirk and Rosemary Coffin, to construct a Mixed Use Development at Lot 101 & 176 McKay Street Port Hedland (subject site),

The proposal is to develop a mixed use development consisting of Multiple Dwellings, Holiday Accommodation Units and Offices.

This item is referred to Council for determination as it is a 'Use not listed' within the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

The application is supported by the Planning unit.

Background

Property Location (ATTACHMENT 1)

The subject site is a corner lot and has a total area of approximately 1,290m². It is wholly contained within the 'Town Centre' zone under the provisions of TPS5. Lot 101 McKay Street is currently vacant and Lot 176 McKay Street contains an existing building, namely 'Charlie Bayman's House'.

The Proposal

The proposal is to develop sixteen (16) Multiple Dwellings, five (5) Holiday Accommodation Units and two (2) Office's (Charlie Bayman's House). The Multiple Dwellings are proposed to range from 44.6m² to 48.6m². The subject site has frontage onto both McKay and Richardson Street. Access to the proposed development is via Richardson Street.

The zoning permits the proposed land uses in the following manner:

Office	: "P" (the development is permitted by the scheme)
Holiday Accommodation	: "AA" (the development is not permitted unless the Council has granted planning approval.)
Multiple Dwellings	: "SA" (the development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3)

The Residential Design Codes allow for mixed use developments where dwellings can be combined with non-residential uses, provided that such development is compatible with "Multiple Dwelling" standards. Therefore, the proposed development complies with the definition of a "Mixed Use Development" as defined by the Residential Design Codes of Western Australia.

TPS5 does not make provision for "Mixed Use Developments", so the development needs to be considered as a "Use Not Listed".

The application has been assessed in accordance with both the Residential Design Codes and TPS5, and the assessment is further discussed under the officer's comments.

Consultation

The application has been circulated to the internal departments and advertised externally in accordance with section 4.3.1 of TPS5.

An objection was received after the advertising period had closed, (ATTACHEMENT 3); please note Council has no statutory obligation to consider the objections as it was submitted after the advertisement period. The main points have been summarised below:

Parking and Access

- Shortfall in carparking bays and the application relies on offsite carparking;
- Suitability and functionality of motorbike parking bays;
- Facilities for parking and maintaining boats;
- Access to the subject site appears problematic;
- Vehicle sight lines;
- Request for traffic and transport study; and
- The application does not address disabled access.

Landscaping and Open Space

- Insufficient landscaping detail provided;
- Request for landscaping plan;
- Little open space provided; and
- Development located in road reserve.

Setback and Site Coverage

- Application does not comply with setback requirements; and
- Development may exceed Plot Ratio

Heritage

- The proposed development pays scant regard to the heritage cottage involved;
- Request for a scale model of the proposal to better determine the effect on Charlie Bayman's House

Multi-Unit Code

- Little variation in dwelling type, resulting in an obvious breach of the Multi-Unit Code;
- It is clear that the proposed development is aimed at providing short term accommodation;
- Developer assumption regarding shortage on one bedroom rental facilities in Port Hedland;
- Variety of room type is required and development should reflect a balance that is demanded by real market demand

Planning Unit Response*Parking and Access*

- All residential parking is provided on-site. The proposal is consistent with the cash-in-lieu provisions and Councils draft parking policy.
- Motorbike parking bays have not been included in the car parking calculation and have been provided as a courtesy for the occupants of the building.
- The nature of the proposed land uses does not warrant the requirement for the parking and maintenance of boats.
- The application has been circulated to Council's internal departments. Engineering Services have not raised concern with vehicle sight lines or traffic management on the subject site.
- Disabled access is not a planning related matter and was therefore not considered in the application for planning approval.

Landscaping and Open Space

- Engineering Services have requested a Landscaping plan including location, species and planting to the satisfaction of the Town.
- Justification provided by the applicant in regards to the open space satisfies the performance criteria of the R- Codes. There is limited open space due to the nature of the development and its location within the Town Centre. Given one bedroom apartment are proposed, limited landscaping and its associated maintenance, is desirable and preferred. Public open space is nearby, with a park opposite the proposed development in addition to the coastline over the road.
- The applicant has proposed a cantilevered awning which extends along the commercial space on the corner of McKay and Richardson Street frontages. Whilst the concept is supported the applicant will have to, prior to the construction of the awnings, provide Council with detailed drawings, which would then be further assessed and conditioned.

Setback and Site Coverage

- Commercial land uses are proposed on the ground floor of the development. There is a no setback requirement for commercial land uses.
- The maximum plot ratio for the residential component of the development is 0.6. Maximum residential plot ratio for the subject site is 774m^2 . The proposed development has a total residential area of $765.6\text{m}^2/1290\text{m}^2 = 0.59$.
- The proposed development does not exceed the Plot Ratio and therefore warrants approval.

Heritage

- The existing "Charlie Bayman's House" is to be retained and conserved. The application was forwarded to the Heritage Council of Western Australia and suggestions offered were considered within a planning context.
- The applicant has provided scale drawings detailing a site plan, floor plan and elevations of the proposed development. A scale model was not required to determine the effect on Charlie Bayman's House.

Multi-Unit Code

- Holiday and single bedroom accommodation within the Town Centre is seen as preferable in the Port Hedland Land Use Master Plan. Where family type accommodation is discouraged, smaller apartment and higher density developments will add to the vibrancy of the Town Centre.

Statutory Implications

The development of the land must be done in accordance with TPS5.

Policy Implications

Nil

*Strategic Planning Implications***KEY RESULT AREA 4: ECONOMIC DEVELOPMENT**

Goal 1: Tourism

Strategy 4:

Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary). Implement key propriety projects.

Budget Implications

An application fee of \$13,350.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

The application is considered a catalyst for further development within the Town Centre which would assist in the realisation of the Town Centre as envisaged in the Land Use Master Plan.

Whilst the proposed development would have a distinct benefit to the Town Centre, due consideration must be given to the following:

- Building Height
- Streetscape
- Walls on the Boundary
- Carparking
- Reciprocal Carparking Arrangement
- Awning on the Road Reserve

Building Height

State Planning Policy 2.6 Coastal Planning Policy (SPP) limits building heights to a maximum of five (5) storey's or not exceeding twenty one (21) metres. The proposed development is thirteen (13) metres at its tallest and thus complies with this policy.

Streetscape

The applicant has, through the design of the building, achieved an acceptable streetscape to both McKay Street and Richardson Street. The design allows for a commercial interface on the ground floor which is conducive to a town centre environment. Whilst the residential and holiday accommodation units also provide passive surveillance of McKay and Richardson Street.

Walls on boundaries

Through the design the applicant has limited the overlooking onto the adjacent lot to the walkways. The walkways are not considered habitable spaces and therefore from a planning perspective would not have detrimental effect on the adjoining lot or any possible future development thereof.

Car parking requirements

In accordance with Appendix 7 of TPS5 the landowner is required to provide a minimum of 33 car parking bays. The applicant has provided 26 carparking bays within the development and requested an additional 3 bays within the road reserve on McKay Street.

Reciprocal Car Parking Arrangement

In accordance with the draft parking policy, 100% reciprocal car parking uses can be supported for the five (5) visitor bays and one (1) bay for the staff member of the Holiday Accommodation. This would require the applicant to provide a minimum of 29 parking bays.

Utilising McKay Street Road Reserve

The applicant has indicated the need to use the existing parking bays within McKay Street to provide the shortfall of parking (3 parking bays) required for the development. Council's Engineering staff have indicated no objection to the proposed use of the bays within the McKay Street road reserve.

In light of the above it is recommended Council support the use of the road reserve for parking subject to a cash in lieu payment being received.

Cash-in-lieu and Council's draft parking policy

Clause 6.13.3 of the Scheme allows for cash-in-lieu to compensate for reducing the number of bays to be provided on-site. Clause 6.13.5 however requires that the provision of cash-in-lieu does not reduce the safety standards of the locality.

Notwithstanding the provisions of the Scheme, Council's draft parking policy provides further clarity and additional requirements for developers wishing to make cash-in-lieu contributions to compensate any parking shortfalls. In accordance with that policy, cash-in-lieu contributions can only be made considered:

- For employee and visitor car parking only (i.e cash in lieu of car parking will not be considered for any residential parking requirements whether related to permanent or temporary/tourism accommodation)

In light of the above, the cash-in-lieu requirements for this development are required only for three (3) visitors car parking bays, all residential parking is provided on site.

- Where public car parking is available within 250m of the development site.

Public parking bays are available within McKay Street, directly adjacent to the subject site.

Given that the proposal is consistent with the provisions of the draft policy, it is considered that the requested parking arrangement can be supported subject to a cash-in-lieu payment for the required 3 bays shortfall provided.

Awning in the Road Reserve

The applicant has proposed a cantilevered awning which extends along the commercial space on the corner of McKay and Richardson Street frontages. Whilst the concept is supported the applicant will have to, prior to the construction of the awnings, provide Council with detailed drawings, which would then be further assessed and conditioned.

Options

The Council has the following options in response to the application:

1. Support the application as submitted with reciprocal car parking and the payment of Cash-in-lieu for the shortfall of 3 parking bays.

The approval of the application would result in revitalisation of the Port Hedland Town Centre by increasing the proposed mixed uses. It will also allow the existing Municipal Heritage listed building to be refurbished thereby creating an improved streetscape.

2. Refuse the proposal

The refusal would likely lead to a substandard development on the subject site resulting in a detrimental impact on the streetscape.

It is recommended that council supports the proposed development subject to conditions.

Attachments

1. Locality Map
2. Site Plan, Floor Plan and Elevations

201011/273 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council approves the application submitted by Willcox and Associates Architects on behalf of the current land owner Kirk and Rosemary Coffin, to construct a Mixed Use Development at 176 (2) McKay Street Port Hedland, subject to the following conditions:

1. This approval relates to a MIXED USE DEVELOPMENT incorporating sixteen (16) Multiple Dwellings, five (5) Holiday Accommodation Units and two (2) Offices as shown on the approved plans. It does not relate to any other development on this lot.
2. The development must only be used for purposes which are related to the operation of an "Office", "Holiday Accommodation" and "Multiple Dwellings" as indicated on the approved plans. Under TPS5, the above approved uses are defined as follows:

"Office:

A building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking"

“Holiday Accommodation:

Any land and/or buildings used predominantly be travellers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding hotel and motel and Bed/Breakfast facilities”

“Multiple Dwelling:

A dwelling in a group of more than one where any part of a dwelling is vertically above part of any other”

3. This approval to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
4. Prior to commencing works, the land owner is to prepare a notification pursuant to section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:

In terms of the Town of Port Hedland Municipal Inventory of Heritage Places, the existing building known as “Charlie Bayman’s House” is significant for associations with Thomas Traine, a Port Hedland pioneer, various aviation identities and WA Airlines. It is a singular example of a mud brick dwelling in Port Hedland, and contributes to the character and streetscape of the Town.

The existing building “Charlie Bayman’s House” is to be retained and conserved.

5. Prior to commencing works, the land owner is to prepare a notification pursuant to section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:

- a. **The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts,**
 - b. **Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts.**
Should additional information be required in regard part 'a' or 'b', the prospective landowners should contact the Western Australian Department of Health
6. Amended plans being submitted to the Planning Department.
7. Prior to the submission of a building licence application the applicant is required to submit a renovation plan for the existing "Charlie Bayman's House" to the satisfaction of Councils Manager Planning.
8. Prior to the submission of a Building Licence, amended plans being submitted to and approved by the Town incorporating the following amendments:
 - a. **Detailed plans indicating design of the proposed verge parking in McKay Street, to the specifications of Councils Manager Infrastructure Development and to the satisfaction of Councils Manager Planning.**
 - b. **Indicating awnings along the entire length of the building adjoining Richardson Street and McKay Street to the satisfaction of Councils Manager of Planning**
9. Prior to the submission of a Building Licence applicant is to have formalized a cash in lieu contribution for the 3 car parking spaces that cannot be provided on-site to the satisfaction of Councils Manager Planning.
10. A minimum of twenty six (26) car parking spaces are to be provided on-site.
11. The parking areas and / or associated access ways shall not be used for storage (temporary or permanent) without the prior approval of the Town.
12. The parking applicable to the permanent residential units and the holiday accommodation units shall be reserved as such.

13. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s)
14. Within 30 days of this approval, a detailed landscaping and reticulation plan including the Richardson and McKay Street verges, must be submitted for consideration by Councils Manager Planning. The plan is to take into consideration the existing landscaping along Richardson and McKay Street
15. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of Councils Manager Planning
16. Within 60 days of the date of this approval the applicant/landowner is required to amalgamate Lot 101 and 176 McKay Street, Port Hedland.
17. Clothes drying facilities shall be provided within each individual unit. No clothes drying facilities shall be permitted elsewhere on the lot.
18. All storage / service areas shall be suitably screened and access doors / gates closed other than when in use, to the satisfaction of Councils Manager Planning.
19. Prior to the commencement of works appropriate arrangements with the appropriate authorities being made for the awnings which protrude into the road reserve all to the satisfaction of Councils Manager Planning.
20. Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and / or screened so as not to be visible from beyond the boundaries of the development site, to the satisfaction of Councils Manager Planning.
21. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Councils Manager Planning..
22. The proposed development shall be connected to reticulated mains sewer.
23. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Councils Manager Planning.

24. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
25. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
26. All dust and sand to be contained on site with the use of suitable dust suppression techniques to specification of Councils Manager Environmental Health Services and to the satisfaction of Councils Manager Planning.
27. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
 - a. **The delivery of material and equipment to the site;**
 - b. **The storage of material and equipment on the site;**
 - c. **The parking arrangements for the contractors and subcontractors;**
 - d. **Impact on traffic movement;**
 - e. **Operation times including delivery of materials;**
 - f. **Other matters likely to impact on the surrounding uses;**
 - g. **Building waste management control;**
 - h. **Point of contact of personnel for control of enquiries and any complaints; and****All to the satisfaction of Councils Manager Planning.**

FOOTNOTES:

1. You are reminded that this is a Planning Approval only, and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. With regards to Condition 8, negotiations in regard to the cash in lieu contribution and/or in kind works are at the discretion of the Director Planning and Development having regard to Section 6.13 Vehicle and vehicle areas, of Town Planning Scheme No.5. The cash in lieu payment is based on the cost of construction and the acquisition of land required for the construction of each bay (at \$/m²). In order to satisfy this condition, the value of land required will need to be assessed by a qualified Land valuer

3. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) meter level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and / or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
4. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.6

LOCALITY PLAN

ATTACHMENT 1



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.6

