

11.1.5 NO.15 JOHNSON PARADE, MOSMAN PARK – DEMOLITION AND CONSTRUCTION OF A TWO STOREY FACILITY CONSISTING OF DOME CAFÉ/RESTAURANT, FUNCTION CENTRE WITH WINE BAR, TWO STOREY BUILDING CONSISTING OF 18 SHORT STAY ACCOMMODATION UNITS, REPLACEMENT OF EXISTING JETTIES WITH A FLOATING SYSTEM, ADDITION OF NEW PUBLICLY ACCESSIBLE JETTY FOR DINGHY/PICNIC BOAT HIRE AND TIDAL SWIMMING POOL.

File No: 3148.1

Responsible Executive/ Manager: GABRIELA POEZYN
EXECUTIVE MANAGER PLANNING AND REGULATORY SERVICES

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Property Address: LOT 300 DP 47450 (RESERVE 48325), LOT 672 DP 219932 (RESERVE 1634) AND UNALLOCATED CROWN LAND (UCL) LAND GATE PARCEL ID NO. (PIN) 3084360

Owner's Name: CROWN LAND WITH LAND PORTION VESTED IN THE TOWN OF MOSMAN PARK

Applicant's Name: HONEY REAL ESTATE

Author Disclosure of Interest: NIL

Attachments:

1. LOCALITY PLAN AND GIS AERIAL.
2. DEVELOPMENT PROPOSAL AND PLANS.
3. FURTHER INFORMATION REQUEST FROM THE TOWN TO THE APPLICANT DATED 15 AUGUST 2017.
4. APPLICANT'S RESPONSE TO FURTHER INFORMATION REQUEST RECEIVED BY THE TOWN ON 30 AUGUST 2017.
5. APPLICANT'S FURTHER INFORMATION DATED 12 OCTOBER 2017.
6. THE APPLICANT'S TRAFFIC IMPACT STATEMENT REPORT PREPARED BY DVC DATED JULY 2017.
7. PEER REVIEW OF DVC REPORT FROM CARDNO.

8. LETTERS CONFIRMING MONETARY CONTRIBUTION ARRANGEMENT BETWEEN PREVIOUS OWNER AND THE TOWN FOR THE USE OF THE TOWN'S CAR PARKING.
 9. SUMMARY OF SUBMISSIONS.
 10. SUBMISSIONS (*CONFIDENTIAL*)
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EXECUTIVE SUMMARY

An application for development approval that was lodged with the Department of Biodiversity, Conservation and Attractions under Part 5 of the *Swan and Canning River Management Act 2006* has been referred to the Town for comment.

The proposal is for demolition of all existing structures associated with Mosman's Restaurant and re-development of the water lease area. The proposed development consists of:

- A Dome Café/Restaurant with an increased alfresco dining area in the space currently used by the restaurant/function centre;
- An upper floor addition with alfresco dining to accommodate a Function Centre that doubles as a Wine Bar when not used as a Function Centre;
- A new 2 storey building to the north of the existing building to accommodate an 18 bedroom hotel;
- The existing jetty being replaced with a floating jetty;
- A new jetty to the south of the existing building;
- A tidal swimming pool;
- A Dinghy/ Picnic Boat hire facility.

As the majority of the development is in the current lease area of the Mosman's Restaurant in the water, the Department of Biodiversity, Conservation and Attractions is the determining authority for this application and the Town's role is to provide advice.

The proposal was advertised for public comment from 20 September 2017 to 9 October 2017 – a total of 19 days. The public consultation period included an information evening on 5 October 2017, which was attended by approximately 100 persons. One hundred and four (104) submissions to the proposal were received, of which 66 oppose the proposal and 38 are in support of the proposal.

It is recommended that the application is supported in part subject to conditions, although additional conditions have been provided should the DBCA be of a mind to approve the proposal in its entirety.

BACKGROUND

The subject site in Mosman Bay has historically been used for commercial purposes since 1904, first as 'Smith's Boatshed', as Change Rooms and Tearooms and since 1987 as Mosman's Restaurant.

The building burnt down in 1986 but was rebuilt with its design replicating the previous Tearooms.

Mosmans Restaurant is identified in the Town's Municipal Inventory (MI) for Heritage Places as a Category 3, however, as most of the development is not located within the Town's municipal boundaries it is technically not correct that the development is listed in the Town's MI. Notwithstanding, this area is considered to contribute to the heritage of the locality and it is important that an archival record of the current development is created prior to demolition.

Current Use

The current facility covers approximately 50% of the current lease area and has been approved for the following uses:

Restaurant

Mosmans Restaurant is a fine dining restaurant licensed for 120 persons. The building is single storey with an area of 560m² and can accommodate up to 250 persons. Its operating hours are from Wednesday to Sunday for lunch and dinner.

Function Centre

The Restaurant operates as a function centre for up to 150 persons. For a function of 80 or more people the restaurant is closed, however, for smaller functions the restaurant is segregated off. According to the application, 60% of the revenue from the restaurant is derived from functions, specifically wedding functions.

Short Stay Accommodation

The 'Boathouse' is a 3 bedroom facility that can accommodate six people, and is commonly booked in conjunction with a function.

Boat Moorings

There are currently seven (7) private berth pens within the lease area.

Car Parking

Mosmans Restaurant is solely reliant on the existing 72 car parking bays at the Jabe Dodd Car Park.

In accordance with the Town Planning Scheme No. 2, the parking requirement for this use is 63 bays, of which 56 are required for the restaurant/function centre, 4 for the moorings and 3 for the existing accommodation.

As part of the application, the applicant provided a Traffic Impact Statement report from DVC (refer **Attachment 6**), which in the Town's opinion has shortcomings. This has triggered the Town to request further information from the applicant and required the Town to undertake a peer review of the report (refer **Attachment 7**).

Historically the Town reached an agreement with the then owner of the restaurant in 2001 that provides for a \$10,000.00 annual contribution to the Town by the owner for the use of the Jabe Dodd Car Park (refer **Attachment 8**).

Sewerage Disposal

Sewerage disposal for the existing development is via a privately owned pumping station that is located on Lot 672 and is in need of replacement.

The Canoe Club is connected to the public system.

DETAIL

Application Details:

Landowner:	Crown land
Applicant:	Honey Real Estate
Date of Application:	26 July 2017

Application Process and Timeframes

As the development affects area that is located in the Development Control Area of the Swan River, the application for Development Approval has been made under Part 5 of the *Swan and Canning Rivers Management Act 2006* to the Department of Biodiversity, Conservation and Attractions (DBCA), who are the determining agency in this matter.

The DBCA forwarded the application to the Town on 26 July 2017 for comment.

Ordinarily the statutory timeframe for comment is 42 days, but given the scope of this proposal the Town requested an extension to the statutory timeframes.

The Town's role is to provide comment, and once the Town's response is forwarded to the DBCA they will prepare a report with recommendation to the Minister for Environment; Disability Services for determination.

The matter is referred to Council to determine the Town's position as the scale of the proposal is beyond the Officer Delegation.

Application Documentation

The initial application received on 26 July 2017 was supported by information provided in **Attachment 2**.

Following a request for further information (**Attachment 3**) additional documentation as shown in **Attachment 4** was provided.

The additional information provided in regard to parking, identified that other carparks are within 5 minute walking distance in the area.

The peer review of the DVC report confirmed that the peak demand for the existing facility is more than double the numbers predicted in the DVC report taking summer demand into account.

The peer review also recommends that the parking requirements as outlined in TPS2 should apply. With this advice, the parking demand for the existing development of 63 bays can be confidently used as a baseline for assessment of the current proposal.

The applicant also provided more information as shown in **Attachment 6** on 12 October 2017.

Principal Statutory Provisions

The proposal affects the following land:

Lot No.	Responsible Authority	Allocation
Lot 300 DP 47450 (Water Lease area)	Crown Land Department of Biodiversity, Conservation and Attractions.	Reserve 48325
Lot 672 DP 219932	Town of Mosman Park Management Order	MRS – Parks and Recreation / Reserve 1634
Parcel ID No. 3084360	Crown land within the municipal area of the Town of Mosman Park	Unallocated Crown land

Zoning:	
Lot 300 DP 47450 (Water Lease area)	N/A – no planning Scheme applied to this area.
Lot 672 DP 219932	Metropolitan Region Scheme: Parks and Recreation Reserve Town Planning Scheme No. 2 (TPS2): MRS Parks and Recreation Reserve

Parcel ID No. 3084360	Draft Town Planning Scheme No. 3 (TPS3): MRS Parks and Recreation Reserve Metropolitan Region Scheme: Parks and Recreation Reserve Town Planning Scheme No. 2 (TPS2): MRS Parks and Recreation Reserve Draft Town Planning Scheme No. 3 (TPS3): MRS Parks and Recreation Reserve
Existing Land Use: Lot 300 DP 47450 (Water Lease area) Lot 672 DP 219932 Parcel ID No. 3084360	 Restaurant, Function Centre, 3 Bed Accommodation and Boat Moorings. Storage for Restaurant and Function Room and Accommodation Storage for Restaurant and Function Room and the 3 Bed Accommodation is over unclaimed land
Use Class: Lot 300 DP 47450 (Water Lease area) Lot 672 DP 219932 Parcel ID No. 3084360	 N/A – no planning Scheme applied to this area and the permitted use is determined as part of the lease agreement. MRS - Parks and Recreation MRS - Parks and Recreation
Lot Area: Lot 300 DP 47450 (Water Lease area) Lot 672 DP 219932 Parcel ID No. 3084360	 Shown on the lease but the Town does not have access to the lease documents 6723.0m ² 450.706m ²

Proposal Detail

The proposed development consists of the following uses:

Café/Restaurant

A Dome Café/Restaurant is proposed on the ground floor that can accommodate up to 250 persons. The café proposes a casual dining café, operating 7 days a week 6am till 9pm with a total area of 779.87m² (including alfresco, and all utility areas).

Function Centre/Wine Bar

The Function Centre is located on the upper floor and estimated to accommodate 250 persons. An access bridge is proposed from Johnson Parade, or alternatively accessed via staircase or lift. The proposal indicates that the Function Centre is expected to be used mostly in the evening.

A wine bar is proposed within the Function Centre and is intended to operate separately when there is no function or the function is smaller and does not require all the available space.

Short Stay Accommodation

A 2 storey building is proposed to the north of the café and function centre and will consist of 18 accommodation units that have the capacity to accommodate 36 persons.

Jetty and Boat Moorings

The existing fixed jetty is proposed to be replaced with a floating jetty and an additional publicly accessible jetty is proposed to the south. It is anticipated that the additional jetty will facilitate a boat hire component and will accommodate 10 dinghy's or picnic boats. One additional boat mooring is also proposed to the north of the existing boat moorings.

Tidal Swimming Pool

A Tidal Swimming Pool approximately 12.5m x 5m in size is proposed to be located between the Dome Café and the private boat berths.

Alteration of Lease Area

The additional jetty and boat mooring requires the current lease area to be extended and there is a portion of the lease area in its south western corner that will no longer form part of the lease area. This is a matter that the DBCA will resolve.

Parking

The DVC report identifies that the proposal will require a total of 154 bays in accordance with TPS2 , (refer **Page 13 Attachment 6**), but argues that significantly lesser amounts are required due to reciprocal parking demand between the uses and because the uses are unlikely to have a 100% occupancy. On this basis, the report concludes that the 72 bays provided in Jabe Dodd should be adequate to cater for the needs for the proposed development.

While there may be some merit in the reciprocal parking and occupancy argument the peer review (**Attachment 7**) identified that the assumptions for reciprocal parking and occupancy rates in the DVC report are too generous and, using a more robust approach of applying industry standards, predicts that the development will require a total of 129 bays as follows:

Use	Number of bays
Café (Total 779m ² of which 460m ² is set aside for seating)	46
Function Centre/Wine bar (560 m ²)	56
Moorings (8 bays)	4
Accommodation	18
Dinghy/Picnic Boat Hire (10 vessels)	5

Determination Options

The Town can support all or part of the development with or without conditions, or not support the proposal.

STRATEGIC PLAN ALIGNMENT

Supporting this proposal would meet the strategic objectives for 'Enhancing our Town' in the Town's Strategic community Plan 2016-2023 to *"Create a multi-faceted Town to cater for wide community interests; maintain and develop Town infrastructure for the benefit of our community;"* and *"Supporting businesses and commercial ventures, including schools, in a proactive way;"* although any support must be done in a manner to *"Promote, protect and enhance the Town's natural environment;"* and *"Encourage a built environment which is consistent with the amenity of the area."*

LEGAL/ POLICY IMPLICATIONS

- *Swan and Canning River Management Act 2006;*
- *Planning and Development Regulations 2009 (Schedule 2);*
- *Town Planning Scheme No. 2;*
- *Draft Planning Scheme No. 3;*
- *LPP01 – Consultation Procedures;*
- *Town of Mosman Park Draft LPP Policy 15 – Development Standards for Multiple Dwelling, Mixed Use Developments and Non-residential Development.*

While the DBCA are required to have regard of the Town's comments, its final decision does not have to align with the Town's comments.

FINANCIAL IMPLICATIONS

All costs associated with processing this proposal are paid from the operating budget.

As this development proposal is located on the Swan River, it is determined under the *Swan and Canning River Management Act 2006* and does not require the applicant to pay the usual application fees for development applications payable for proposals that are determined under the *Planning and Development Act 2005*. The Town has therefore not received any payment for the processing of this application.

The Town has incurred the following costs in relation to this proposal:

- Review the Traffic and Parking report submitted by the applicant, entitled “*Traffic Impact Statement Report*” dated July 2017;
- 50% share of the newspaper advertising;
- Officer time and printing.

In accordance with Clause 49 of the Planning and Development Regulations 2009, the costs are not recoverable.

COMMUNITY ENGAGEMENT

Consultation Period:	20 September 2017 to 9 October 2017
Comments Received:	A total of 104 comments were received of which 66 (63.5%) oppose the proposal and 38 (36.5%) support the proposal.

The public information process included:

- 125 letters were sent to owners and occupiers located within the area that the Town considered would be affected by the proposal;
- 2 full page advertisements in the Post newspaper;
- A public meeting held on 5 October 2017 attended by approximately 100 persons.

Many of the submissions were substantial and demonstrate a thorough understanding of the area, how it has evolved and its sensitivities.

SUMMARY OF SUBMISSIONS

The table below is a summary of the comments received support of the development.

	Summary Of Submissions	Officer's Comment
1.	Design: <ul style="list-style-type: none"> • Like the design; • Architecturally creative; • Fits into its surrounds; • Fits within landscape; • Not too high; • Impressed with the plans for development and how tastefully the design is; • Mosman Park deserves a world class facility; • Would like to see the original boats for hire sign incorporated on a blank section for the southern wall and the main entry to promote the history and water feel; 	Noted

	<ul style="list-style-type: none"> Access bridge should go across the road and connect with Jabe Dodd Park. 	
2.	<p>Landscaping:</p> <ul style="list-style-type: none"> Removal of existing public toilet facility is welcome as it provides space to reinstate screen planting/landscaping; Planting should not be non-native trees. 	Noted
3.	<p>Builds community:</p> <ul style="list-style-type: none"> Encourages more people to walk along the bay and enjoy the foreshore; An operator that is low-key, affordable and friendly and welcomes all ages would be great; Brings vibrancy; Brings communities together. 	Noted
4.	<p>Short Stay Accommodation:</p> <ul style="list-style-type: none"> Support short stay accommodation. Verandahs as per the original boatsheds may be beneficial to the northern facing rooms. 	
5.	<p>Other:</p> <ul style="list-style-type: none"> TOMP to allay all other concerns; Site currently poorly utilized; Opens the door to more than the elite; In keeping with the suburb; Great addition to Mosman Park; Any opportunity to share our special environment with others; Glad to see Mosman Park catching up; Look forward to having a coffee at the café overlooking our Swan River; An enhanced offering at this iconic riverside location; Providing the public with enhanced access is an important and a positive dimension of the proposal; The proposal responds to the historic use that has been associated with the place for over one hundred years; Well thought out and will add a lot of value to the Town. 	Noted

The table below is a summary of the issues raised in the submissions opposing the proposal.

	Summary Of Submissions	Officer's Comment
1.	<p>Intensification of site:</p> <ul style="list-style-type: none"> • The applicant's assertions that there is no intensification is clearly false; • Estimated patron increase is by two or three times; • Some land Uses are the same but the extent of the commercial space is in excess of what the key riverside location can justify; • The Function Centre is oversized with a lot of spare space; • Some of the land Uses are the same but the extent of the commercial space is in excess of what the key riverside location can justify; • Should only allow a café in the day time and functions at night but with restricted hours as it is within a residential area. 	Noted.
2.	<p>Noise concerns and suggestions to address concerns:</p> <ul style="list-style-type: none"> • Noise is generated from - <ul style="list-style-type: none"> - car park; - functions and wine bar; - delivery trucks; - music; - voices; - emptying of recycling bins containing bottles; - loud speeches from Function Centre; - diesel bus picking up patrons from Function Centre; - increase in rubbish collection; - increased boat clientele; - Continuation of functions to the accommodation units when function facility closes. • Noise is amplified as the location acts as a natural bowl reflecting off the Cliffside and water with the prevailing southerly winds assisting to transmit noise. 	<p>Should the proposal be supported in part or in its entirety it is recommended that conditions are imposed that require the following measures to mitigate noise concerns:</p> <ul style="list-style-type: none"> • Limit operating hours and maximum occupancy numbers (where applicable); • Require the proponent to: <ul style="list-style-type: none"> - obtain an acoustics report and incorporate its recommendations in the development; - provide management plans to minimize noise generated by the facility and its patrons;

	Summary Of Submissions	Officer's Comment
	<ul style="list-style-type: none"> • Signage could be put in place for late leavers of the facility. Effective at Camelot outdoor movies. • Applicant to provide acoustic study in consultation with the Town to ensure design and construction minimizes noise generation. • The applicant verbally committed to form a permanent committee with residents and council to discuss and resolve operational concerns. • The applicant advised no change to the operational capacity of the current facility with the exception of the short stay. A condition shall be applied that the facility will not operate at a capacity above those that are currently imposed on the licensed by the premises by the Dept. of Racing Gaming and Liquor (RGL). • Current proposal will exacerbate current issues with noise, and anti-social behavior. 	<ul style="list-style-type: none"> - provide a waste management plan and operate in accordance with the plan; and - create a working group that operates for the life of the development that includes members of the community as a monitoring and feedback forum. <p>When considering an application for a Liquor licence, the Department of Racing, Gaming and Liquor, seeks the Town's comments.</p> <p>Given concerns with amenity considerations of the current Use, it is recommended that conditions are imposed on any new proposal to manage anti-social behavior.</p>
3.	<p>Degradation of the area's character:</p> <ul style="list-style-type: none"> • Development should be restricted to single storey; • Café or Function Centre – not both; • The beauty of the bay is as a result of its lack of development; • The character of the area will be diminished with the proposal; • The proposal reduces the natural character of beach and water of Mosman Bay; • Height will impact the visual appreciation of the bay; • The size of the proposal is more suited to Elizabeth Quay; • Commercial development in a residential area; 	<p>Noted.</p> <p>The DCBA has a number of policies that aim to protect, preserve and enhance the character of the Swan River and will have to take these policies into account in considering this development.</p> <p>All submissions received by the Town will be forwarded to the DBCA for their consideration in making a</p>

	Summary Of Submissions	Officer's Comment
	<ul style="list-style-type: none"> Will cause substantial and irreversible impacts on the amenity of the area. 	<p>final determination. The Town will request the DBCA to ensure that any development proposal it supports does not have a negative impact on the natural environment of Mosman Bay.</p>
4.	<p>Traffic study inaccuracies:</p> <ul style="list-style-type: none"> DVC report only accounts for winter months; Does not account for other users of the car parking facility; Intended future uses of Jabe Dodd Car Park; Traffic study underestimates the amount of pressure anticipated; Motorcycle and cyclists parking not addressed. 	<p>The Town is aware that the DVC report has short comings and in response commissioned a peer review which the Town has relied on to inform its decision making process.</p> <p>A condition is recommended to be imposed requiring cyclists parking to be provided.</p>
5.	<p>Traffic congestion and volumes:</p> <ul style="list-style-type: none"> Increase in late night traffic; Speeding through Johnson Parade already prevalent, this is likely to increase; The road is dangerous in areas with deep run offs on kerb sides; An increase in traffic will come with an increased safety risk for my children who often play on the street or on the verge; Cars increase speed to get up hill and skateboarders, cyclists zoom down the hill, which makes this area dangerous. 	<p>Although it can be expected that the proposal will attract more traffic, both vehicles, cyclists and pedestrians as well as from the water, the additional traffic movement is not expected to be of concern for the following reasons:</p> <ul style="list-style-type: none"> Located in an area that is not serviced by public transport, most additional vehicle traffic is expected to be private cars. While this will make Johnson Parade busier, the road's design capacity is adequate to deal with the additional traffic flow. The Town can also take measures to control

	Summary Of Submissions	Officer's Comment
		<p>traffic and ensure safety if necessary.</p> <ul style="list-style-type: none"> • Similarly, as the area is serviced by a good network of dual use paths, it is expected that the proposed increase in pedestrian and cycling volumes can be accommodated without issue; and • The proposed improved jetty system will ensure that access to the site from the water can be adequately provided.
6.	<p>Parking:</p> <ul style="list-style-type: none"> • Glyde street is currently the first choice for parking because of steep incline from Jabe Dodd; • Loss of parklands to extend car parking area; • Section 5.4 of Policy Statement No. 46 outlines how to calculate car parking requirements – one space per 4 patrons, one space per 2 staff; • Street parking along the side streets adjoining Johnson Parade are full in the weekends and holiday periods; • Increase side street parking will result in additional damage to the verge and reticulation; • The steepness to get to and from the indicative additional parking areas would discourage people to park in these areas and instead would park in nearby side streets closer to residential properties; • Could the facility provide a pick up and drop off service within Mosman Park to lower traffic generation. Allows senior citizens to gain access which initiates pro-active measures to lower traffic generation parking. 	<p>See the 'Detailed Assessment and Comments' section of the report for more information in this regard.</p> <p>The Town can implement measures to manage on-street parking.</p> <p>This suggestion would be an initiative that the proponent will have to take on board and is not something the Town can enforce.</p>

	Summary Of Submissions	Officer's Comment
7.	<p>Payment for parking:</p> <ul style="list-style-type: none"> • Development should not come at a cost to current or future ratepayers; • The car parks were built by Council using ratepayers money, not to support commercial ventures; • A condition should be imposed requiring that developer pay an hourly rate for parking; • The Town should receive a flat rate per guest, per hour or per day. The Town can then benefit tangibly from the development; • Proponent should pay cash in lieu for shortfall in parking at a rate of between \$20,000 – 25,000 per car bay. 	<p>Noted.</p> <p>The Town does not have a policy to direct the payment of cash in lieu of car parking.</p>
8.	<p>Further encroachment into the river bed:</p> <ul style="list-style-type: none"> • The proposed jetty on the south east is hard on the proposed riverbed lease boundary thus, vessels on the east side of the jetty will be outside of the lease; • New jetty to accommodate the Dinghy/Picnic Boat Hire impedes access to the existing jetty located between the Canoe Club and the Restaurant, particularly during south easterly breezes; • New jetty and swimming pool will detract from the use of the existing jetty that is currently a popular fishing spot; • Swimming pool unnecessarily pushes lease area to be extended. Dinghy hire could go here instead. Pool should be removed; • New Jetty poses a safety hazard to users of it and the existing public jetty if not properly supervised. 	<p>The Town agrees that the lease area has to be increased in certain parts to accommodate the proposal. This is a matter for the DBCA to determine.</p> <p>Noted.</p> <p>A condition has been recommended for the jetties to be closed to the public by 10pm every day.</p>
9.	<p>Construction:</p> <ul style="list-style-type: none"> • Damage to the environment during construction; • Major disruptions that will result from major development in this area; • Limited area for a site construction office and material lay down area; 	<p>Any proposal would require a condition that includes a construction management plan, and any environmental concerns relating to the water during construction is a matter for the DBCA.</p>

	Summary Of Submissions	Officer's Comment
	<ul style="list-style-type: none"> • Likely to be major restrictions on access to the river and Canoe Club during construction; • Significant problems created by delivery of construction material to the site as well as the noise, dust and nuisance etc; • Impacts of construction likely to last for a considerable time. 	
10.	<p>Does not meet criteria in DBCA Policies:</p> <ul style="list-style-type: none"> • It does not increase public access as there is already an existing jetty 100m away; • The floating jetty extends towards the existing public jetty impeding its use; • No commercial precinct or river management plan in this area re. Section 5.11; • Short stay not congruent with s5.11 of the policy; • Proposal if approved in contravention of why the Swan River Trust was established; • In accordance with Policy 46, the <i>retention of community amenity</i> cannot be satisfied due to increased traffic and car parking, increased noise, bulk and scale, odour and effluent issues and the likely impact on the Swan River estuarine environment. 	This is a matter for the DBCA to determine.
11.	<p>Environmental concerns:</p> <ul style="list-style-type: none"> • Currently the facility causes rubbish to accumulate in the back water near the foreshore, this is likely to increase; • Dolphins current within 5m of the foreshore; • Crabs and prawns fished in this area will be lost; • Polluting and poisoning the river should be taken into account; • Conserve marine life in the reserve for future generations; • Conservation and enhancement of foreshore bush landscape and green corridor rather than exotic plants that do not provide wildlife value; • Development can alter the physiology of the foreshore; • Trees and shrubs natural solution to reduce noise and built view; • An agreement with the Town for the current and future care of the surrounding parklands; 	The Town agrees with these concerns raised by people that know the area well and use it frequently, and will urge the DBCA to take these matters into consideration in its deliberations so that the development proposal it supports does not have a negative impact on the natural environment of Mosman Bay.

	Summary Of Submissions	Officer's Comment
	<ul style="list-style-type: none"> • Ducks and swans seek shelter in the area where the accommodation is proposed. These birds will be displaced; • Existing flora and fauna is at risk; • Powerboats are undesirable as they create swirling action on the water; • The proposal has potential to exacerbate erosion issues; • The bay is listed as a nature reserve and the proposal contravenes this status; • Increase in pollutants mobilized by surface drainage into the river (through washing down of deck areas etc.) and the general rubbish which will find its way into the water when it is either thrown or blown off the hotel balcony; • Wildlife ingest plastic and rubbish that enters the water. 	
12.	<p>Sewerage System:</p> <ul style="list-style-type: none"> • Previous failure of the site's effluent system will be put under additional pressure which increases the risk to the estuarine environment. 	A condition is recommended to ensure that the privately owned sewage pump station that services the existing development is replaced in a more suitable position as part of the process to ensure that the sewerage system will be adequate for the proposed development.
13.	<p>Profitability Argument:</p> <ul style="list-style-type: none"> • The applicant has outlined that in order for the development to work they must have the boutique hotel. Do the residents have to be disadvantaged in favour of the profitability of this venture? This is unacceptable. 	Noted
14.	<p>Consultation:</p> <ul style="list-style-type: none"> • Aboriginal persons generally not keen on additional piling due to consideration of the Wagyl spirit being affected. Required to be consulted. • Wider community consultation required where development proposals are impacting recreational spaces. 	<p>According to the DBCA the proposal has been forwarded to the relevant agency for comment.</p> <p>Noted.</p>

	Summary Of Submissions	Officer's Comment
	<ul style="list-style-type: none"> • More than one meeting should have been held, disappointed in TOMP. More time to comment. • Unacceptable for Council to be making such important decisions before the new Council is sworn in. • More time required for residents to consider the application. 	The Town is not the determining authority for this development and it subject to the process imposed by the DCBA who can determine the proposal without receiving a comment from the Town.
15.	<p>Size, scale and scope of the proposed building:</p> <ul style="list-style-type: none"> • Doubles in size; • 2.8m higher than the gables of the current structure; • Not in sympathy with the parkland and residential area; • Blocks southerly view of river, background hillside and boat jetty. 	Noted
16.	<p>Similar services in close proximity:</p> <ul style="list-style-type: none"> • A wine bar service is provided at the Bowling Club; • Freshwater Bay Yacht Club has a large Function Centre offering similar amenities; • Do we need another coffee shop with the Freshwater Café at Keanes Point Reserve being only metres away; • The Dome will struggle with Freshwaters providing easy at grade access for pedestrians and motorists; • There are already enough Dome facilities on the water, including one at East Fremantle, which is more suitable as it is not in a residential area. 	Noted
17.	<p>Rates:</p> <ul style="list-style-type: none"> • No rates received from this. 	The Town receives rates from the current development because a portion of the lease area is

	Summary Of Submissions	Officer's Comment
		within the Town's municipal area.
18.	<p>Accommodation Component:</p> <ul style="list-style-type: none"> • Current 3 bed accommodation was developed to accommodate the manager of the facility; • The proposal will operate as a hotel, a Use which is not considered to be suitable for this area. 	Noted
19.	<p>Waste Management</p> <ul style="list-style-type: none"> • Where will the location of increased bin storage be located; • Do not want the public open space area to be further encroached into; • The smell from bins is currently foul especially in the summer months. 	<p>Any new development on this site will require approval of a Waste Management Plan and to operate in accordance with this plan.</p> <p>The Town can take action where waste removal is undertaken in an unsatisfactory manner.</p>
20.	<p>Visually Intrusive:</p> <ul style="list-style-type: none"> • If aged trees die along the river, which others have, it will be in full view from the entire bay; • Inappropriate siting and management leads to compromising qualities of the Swan Canning Rivers system; • Visuals vastly underestimated; • Building currently low visual impact. The proposal will block views to the river, Point Walter, Chine Hill and bush reserve. 	Noted
21.	<p>Instability of the River Wall:</p> <ul style="list-style-type: none"> • This part of the foreshore has ongoing issues with the stability of the river wall. • Increases in boating traffic and additional development will further degrade the wall and beach. 	A condition is recommended that the wall within the lease area and adjacent to the lease area is to be reconstructed and maintained by the proponent for the life span of the activity.
22.	<p>Design:</p> <ul style="list-style-type: none"> • Nice design, wrong location; • The building form is complex and has no "features" that relate to the history of the original boatshed; 	Noted

	Summary Of Submissions	Officer's Comment
	<ul style="list-style-type: none"> • Should adopt a similar skillion roof angle to the original boat sheet; • Would like to see a building that is a lot more sympathetic to the landscape that really does reflect elements of the original architecture as promoted; • By placing the two storey accommodation component between the public domain of the foreshore and beach the design is inwardly focused. This lack of connectivity is contrary to the application's purported position that the proposal is to serve the community. The hotel Use emphasizes that this proposal is not a community focused proposal. 	
23.	<p>Existing Public Toilet Facility:</p> <ul style="list-style-type: none"> • Not happy with proposal to remove existing public toilets as they were gifted to the Town by a prominent resident; • If 24 hour access to public toilets cannot be made available at the Dome, then perhaps the public toilets could be painted to blend better with its surrounds; • Alternatively, they could be replaced with one similar to the one at the Mosman Park Tennis Club. 	Noted
24.	<p>Concern of viability of proposed development and future use:</p> <ul style="list-style-type: none"> • What will happen if the development proves to be non-viable? <ul style="list-style-type: none"> - Would the facility slowly degrade and become an eyesore? - What would the new use be if the development fails? Shops, offices, conversion to apartments? • It may be that if it fails, the solution will be to expand the number of rooms and the building size as it needs scale to be profitable; • The viability of a hotel in this area is a concern, it will have no natural market and many hotels in other locations have failed; 	Noted

	Summary Of Submissions	Officer's Comment
	<ul style="list-style-type: none"> Incremental development after approval as has proven on this site historically; This site was only ever intended for a tearooms and light refreshments during daylight hours; All buildings and their uses have an economic life, it is a concern that the Town and its ratepayers will be footing the bill to maintain the building or have it demolished when it is no longer a viable business. 	The facility is and will be privately owned and it would therefore not be the Town's responsibility to maintain or demolish the building.
25.	<p>Other comments:</p> <ul style="list-style-type: none"> Future re-zoning along Stirling Highway can cater for wider community development without destroying this area; Re-development not the answer to turning current business around; Additional pen currently being used illegally, setting bad precedent; Swimming pool and dinghy hire is a gimmic. The swimming pool is to attract interest in the development and the dinghy hire a means to achieve additional boat moorings; Obstruction of views which will result in decreases in residential property values; Will result in future costly pressures on Council resources. A cost not offset by any benefit to the ratepayers; An attempt to increase profit for the developer at the expense of the area and those who live in it; The concept of floating platoons is simply acquisition by stealth; Site located on a dangerous bend; Proponent's strategy is to let current building deteriorate so that the only option is demolition; Where is the requirement in the lease to maintain the building? Rapid increase in crime to the area which is likely to intensify; 	<p>Noted</p> <p>This is a compliance matter for the DBCA.</p> <p>There is no proven correlation that a</p>

	Summary Of Submissions	Officer's Comment
	<ul style="list-style-type: none"> No supervision or operating hours for swimming pool; Clause 67 of the <i>Planning and Development Act 2005</i> should be used as a guide for assessment of this application. 	<p>redevelopment on this site will increase crime.</p> <p>The tidal pool must operate in accordance with state legislation.</p> <p>All matters listed in Clause 67 have been raised through the comments received following the Town's consultation process.</p>

Ordinarily, the Town would provide the applicant with a summary of the submissions received in order to provide the opportunity for the applicant to respond. However, due to the stringent timeframes allocated to the Town for a response, this is not possible, and has not been done.

Alternatively, recommendations have been made in the form of conditions to mitigate impacts identified by the assessing Officer, other internal departments of the Town, external experts and comments received through consultation.

Additionally, all submissions will be forwarded to the DBCA for consideration in their decision making process.

ASSESSMENT

Detailed Assessment and Comments

Proposed Uses

While the area in the river is not subject to any planning scheme, the land portions are subject to the Town of Mosman Park's Town Planning Scheme No 2 (TPS2) and the Metropolitan Regions Scheme (MRS). Under both Schemes the land component of the development is reserved for Parks and Recreation. Any use that can be categorised as being recreation can be considered as it contributes to the purpose for which the land has been reserved.

As the proposed Uses are of a recreational nature, they are considered to be acceptable in this location.

However, neither Scheme provides guidelines according to which the proposal can be assessed.

Although the proposed development virtually fills up the full extent of the lease area, the proposed built form is considered to be acceptable from a planning perspective as there is extensive area of open space around the development.

Intensification of Use

Contrary to the supporting information provided with the application the proposal is considered to be an intensification of the current use for the following reasons:

- Increased capacity - by doubling the floor area capacity for the Restaurant and Function Centre, increasing the accommodation capacity from 3 bedrooms to 18, and adding two new uses (Dinghy/Picnic Boat Hire and Tidal Pool);
- More building – by increasing the footprint of the total development, adding more alfresco dining areas and covering all of the lease area and beyond;
- Increased operating hours from lunch and dinner trade Wednesday to Sundays only to trading 7 days per week from 6am to late;
- Increasing the height of the development from single storey to double storey;
- New jetty to the south with capacity for 10 additional moorings;
- 1 additional mooring to the north of the jetty.

The additional information provided by the applicant on 12 October 2017 (**Attachment 5**) is interesting in that it helps tell the story of its previous use which brings out that the proposed development is the highest intensity Use that the site has ever been put to.

Parking

Based on the recommendations from the Cardno report to use the parking provisions of TPS2 to assess parking demand for the proposed development, the difference between the parking demand of the existing facility (64 bays) and the proposed development (129 bay) is 65 bays.

While the yardstick used to reach this conclusion may be debated, it quantifies that the increase in activity as a result of the proposed development compared to the existing development is likely to at least double.

In regard to the parking demand for the existing development, it is recommended that the demand is accepted as a given, but that a condition is imposed so that an agreement is reached for an annual contribution to the Town of \$10 000 for the use of the Jabe Dodd carpark. A similar arrangement was applied in 2001 to cover maintenance costs.

Given that the existing development has operated comfortably alongside the other uses in the area that rely on the 72 Jabe Dodd car parking area, the consideration for this development is essentially the additional 65 bays.

While the DVC report submitted by the applicant indicates that there is adequate parking at Jabe Dodd to accommodate the new development, the peer review reaches a different conclusion

Given that there is doubt in regard to the adequacy of the existing car parking at Jabe Dodd there are two options:

- To reduce the scope of the development proposal; or
- To plan for additional car parking elsewhere in the locality to accommodate the development as proposed ; or

Both options have merit.

In regards to the option to reduce the scope of the development a new option on the following basis would be (Option 1):

- The additional demand appears to be as a result of the Function Centre operating in its own right, the residential component and dinghy hire.
- Reciprocal parking could apply when the Function Centre and Cafe operate at different hours of the day. With the demand for the Café decreasing in the evening the Function Centre and Wine Bar would operate in the evening only; and
- The residential component and the dinghy/picnic boat hire component is deleted.

Alternatively, the proposal as recommended could be considered on the basis to plan for additional car parking facilities elsewhere in the locality (Option 2) on the following basis:

- The Town accepts that there are additional parking stations within a 5 minute walking distance in the area and that there is potential to expand the parking area at Jabe Dodd.
- As the existing parking stations are located up the hill from the venue, additional infrastructure (such as walkways and lighting) may be required to improve pedestrian accessibility to the development, which has cost implications. Expanding the Jabe Dodd parking area would also have cost implications.
- Given that the parking demand of the development in this scenario is double its current demand, it is also considered appropriate that the proponent contributes a further \$10,000.00 to the Town annually to assist with maintenance of the car parking areas.

For both options it is appropriate that a condition is imposed that requires that the cost of any additional infrastructure relating to carparking is borne by the proponent when required by the Town to ensure that the Town is not burdened with these costs in the future. For Option

1 this is to cater for any pressure on car parking for the hours that the Café and Function Centre/Wine Bar overlap.

It is expected that the cost associated with this condition would be significantly more for Option 2.

Amenity Impacts

Located in a purely residential area, the most likely negative impact on the surrounding residential properties from this development would be noise and anti-social behaviour.

For a reduced proposal (Option 1) to mitigate these issues it is recommended that a number of conditions are imposed to:

- Restrict the capacity and hours of operation of the Function Centre/Wine Bar;
- Control the opening and closing processes for the Café;
- Limit deliveries to the site and waste removal to be between 7am and 6pm only;
- Require that the development includes measures recommended by an acoustics report;
- Requires a public management plan to be approved by the Town to manage anti-social behaviour of patrons of the Café/Function Centre/Wine Bar prior to submission of a Building Permit; and
- Limits access to the floating jetties to be between 7am – 10pm daily;

Should the accommodation and the Dinghy/Picnic Boat Hire component also be supported (Option 2) additional conditions would need to be imposed that require:

- The applicant provides and obtains approval from the Town for a Short term Accommodation management plan that enforces a code of conduct on future guests at the facility, requires the developer to consider additional measures to address anti-social behavior and ensures that a complaint's management plan is in place that can be made publically available; and
- That the Dinghy/Picnic Boat Hire component is limited to no more than 10 boats, does not allow for other motorized vessels other than the picnic boats and requires management plans to address anti-social behavior and the disposal of rubbish from this use.

Works on Land

While the current approval process will suffice for the development on the water, it is recommended that separate approvals from the Town are obtained for any works on land. Accordingly, it is recommended that a condition is imposed that requires that further approvals are obtained from the Town of Mosman Park for all works associated with this development that are required on public land and that the works shall be completed in accordance with the approved plans to the satisfaction of the Town of Mosman Park.

In its current form, the following works are required on the land that abuts the water lease area:

- Two new access points to the ground floor of the new development;
- Dealing with the existing access points;
- The access bridge to upper floor;
- Possible works for the sewer pump station;
- Landscaping.

Currently, the details provided in the application in relation to these works is inadequate.

In regard to the new access points, it appears that the removal of existing vegetation will be required, while the proposal does not address how the current access points, that, if retained, will lead into blank walls on the new proposal. Accordingly, it is necessary that conditions are imposed in this regard particularly as there is scope to realign the new access ways to minimize loss.

The Town does not support the upper floor access bridge in its current form because it does not provide the minimum head height requirement of 3.5m allowing for a 10 tonne truck to gain access to the reserve and the Swan Canoe Club and because it appears out of context. It is therefore recommended that a condition is imposed that requires that the elevated access way is removed unless it can be demonstrated in its design that it can meet certain criteria, which includes minimum clearance heights, that the access way blends into the area, no mature landscaping is removed, the access way has adequate lighting and meets minimum requirements for disability access.

Another area of concern is the adequacy and location of the existing private sewer pump station that services the current development. The pump station is inappropriately located and its service box is at the end of its life. It is therefore recommended that a condition is imposed that the pump station is replaced in a location approved by the Town in accordance with the recommendations of the *Foreshore Management Plan for the Swan River Estuary in the Western Suburbs of Perth* dated 25 May 2016 and that the Town has granted approval before any above ground works commence.

Extensive landscaping will be required between Johnson Parade and the proposed development to blend the development into the area. This area is managed and maintained by the Town. In order to ensure that any new landscaping is of a high quality, it is recommended that the proponent submits to the Town a detailed landscaping plan for its approval before any work is commenced, that no landscaping is removed without first obtaining consent from the Town and that all proposed landscaping is installed in accordance with the approved plans to the satisfaction of the Town.

River Wall

The Foreshore *Management Plan for the Swan River Estuary in the Western Suburbs of Perth* dated 25 May 2016 identifies that there are significant issues with the River wall alongside the existing structure, which the application does not address. It is therefore necessary that a condition is imposed that requires that the river wall alongside the proposed development shall be maintained to the satisfaction of the Town at the full responsibility of the proponent.

Conclusion

The Town is supportive of a development that gives the buildings at Mosman's Restaurant a new lease on life and considers that the proposed built form is largely acceptable in its context.

The Town also welcomes the extent to which the proposal intends to incorporate the interpretation of the history of the area.

However the proposal represents a doubling of activity on the site compared to the existing development. This also represents a doubling in its impact on the locality at all levels.

A reduction in the scope of the proposal to only include the Café, Function Room/Wine Bar limited to evening use only and the mooring component (Option 1) would enable the proposal to operate largely within the parameters of the existing development with similar impacts to that of the current development.

Taking the community's concerns and their in depth understanding of the area into account including their concern for the environmental impacts of this proposal, it is recommended that the Town supports the reduced development proposal that excludes the accommodation and the dinghy/picnic hire component flagged as Option 1 above. Subject to conditions discussed in the report above and other appropriate conditions given that this is a new development.

However, given its location and disregarding community sentiment, there is scope to accommodate the development proposal in its entirety as proposed by the applicant (Options). However such a proposal would need to be carefully monitored and controlled due to the area's sensitivities, including environmental concerns, and therefore be subject to more onerous conditions than those recommended for the reduced scope option.

However, conditions are also recommended for the whole proposal should the DBCA be mindful of approving the proposal in its entirety.

VOTING REQUIREMENTS

Simple.

OFFICER RECOMMENDATION

That Council:

- 1) In accordance with the provisions of the Town of Mosman Park Town Planning Scheme No. 2 and the Metropolitan Region Scheme, SUPPORTS the portions of the application that limits the proposal to the Café, Function Centre/Wine Bar (limited to evening use only) and the mooring berths (Option 1) and tidal pool, but excluding the Residential, and Dinghy/picnic boat hire component, as shown on plans date stamped 13 September 2016 as per **Attachment 2**, subject to the following conditions:

Café

- 1) The Café opening hours shall only be open to the public between the hours of 6am to 9pm;
- 2) Staff shall not arrive on site more than 30 minutes before opening time.

Function Centre/Wine Bar

- 3) The Function Centre/Wine Bar shall be limited to a maximum of 200 persons at any time;
- 4) The Function Centre shall only be open to the public from 4pm to 11pm on weekdays and Sundays, and 4pm to 1am on Fridays and Saturdays;
- 5) The Wine Bar shall only be open to the public from 6pm to 11pm on weekdays and Sundays, and 6pm and 1am on Fridays and Saturdays.

Public Management Plan

- 6) Prior to the application for a Building Permit the applicant obtains approval from the Town of Mosman Park for a Public Management Plan to manage antisocial behavior of patrons from the Café and Function Centre/Wine Bar Centre in the area surrounding the development and the carparking area that addresses:
 - a) Noise control of patrons leaving the premises and in the carpark;
 - b) Patron and anti-social behavior in the area beyond the Function Centre/Wine Bar;
 - c) Collection and disposal of rubbish including litter associated with the development in the area adjoining the development;
- 7) The development being managed in accordance with the Public Management Plan to the satisfaction of the Town.

Car parking

- 8) Prior to occupancy the proponent enters into a legal agreement with the Town of Mosman Park that obliges the proponent to:
 - a) Pay an annual contribution of \$10,000 (plus GST) indexed annually in accordance with a CPI rate determined by the Town of Mosman Park to the Town for the maintenance of the Council provided carparking;
 - b) Pay for new infrastructure such as signage, lighting, footpaths, carparking, etc that may be required if in the opinion of the Town, additional car parking, or access to additional car parking areas in the Town, is required as a result of increased activity at the development site;
 - c) All costs associated with the agreement shall be borne by the applicant.

Noise

- 9) Prior to the application of the Building Permit an acoustics report shall be prepared and submitted to the Town;
- 10) The recommended measures of the acoustics report shall be implemented to the satisfaction of the Town of Mosman Park.

Deliveries

- 11) No deliveries to the site or waste removal shall occur before 7am and after 6pm.

Works on land

- 12) All works associated with this development that are required to be done on public land vested to the Town requires further approvals from the Town of Mosman Park and shall be completed in accordance with the approved plans to the satisfaction of the Town of Mosman Park.

Landscaping

- 13) A landscape plan shall be submitted and approved by the Town prior to application for building permit for the area located between the eastern boundary of Lot 672 and the Town's boundary and shall show the following:
 - a) Levels and proposed retaining;
 - b) Proposed use of existing concrete path that currently provides access to existing building and any changes to the existing concrete pathway;
 - c) Species and sizes of proposed new plants at time of planting;
 - d) All proposed lighting;
 - e) The proposed irrigation system;
 - f) Materials, colours and textures of all proposed hard landscaping;
 - g) Location and quality of outdoor furniture if proposed;

- 14) No landscaping shall be removed on Lot 672 or the area located between the eastern boundary of Lot 672 and the Town's boundary without the express permission from the Town of Mosman Park;
- 15) All new landscaping shall be installed in accordance with the approved plan at the cost of the proponent.

Access

- 16) The proposed elevated access ramp to the proposed Function Centre being removed unless it is demonstrated to the satisfaction of the Town that:
 - a) The minimum clearance between the pathway that runs north/south below the access ramp and the bottom level of the access ramp shall have a minimum clearance of 3.5m;
 - b) The access ramp shall use colours and materials so that it blends into the area to the satisfaction of the Town;
 - c) No mature landscaping is being removed to accommodate the access ramp;
 - d) The access ramp has appropriate lighting to ensure safe passage of pedestrians at night;
 - e) The access ramp meets the minimum requirements for disability access;
- 17) The proposed most southern entry point to the proposed development shall be relocated so that there is no need to remove any existing mature trees or bushes.
- 18) Control mechanisms shall be installed to ensure that entry access to the publically accessible jetties is limited to be between 7am – 10pm daily;

Waste Management

- 19) The proponent shall provide evidence to the satisfaction of the Town that the existing private sewer system is adequate to deal with the additional demand from the proposed development prior to making an application for Building Permit;
- 20) The proponent shall construct a new pump station and control box in a new location to the satisfaction of the Town;
- 21) A Waste Management Plan shall be submitted to and approved by the Town to address all waste generation, storage and disposal processes prior to making an application for Building Permit.

Construction Management Plan

- 22) 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. Construction and management of all construction shall hereafter comply with the approved Construction Management Plan.

Public Liability

- 23) The proponent shall hold a current Public Liability Insurance Cover for not less than \$20million and shall indemnify the Town against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence which may arise in, or out of its construction, maintenance or use for any private works on, over, or under public places.

Bicycle facility

- 24) A minimum of 18 bicycle parking spaces shall be provided within the lease area to the satisfaction of the Town of Mosman Park, of which eight (8) shall be set aside for staff use and ten (10) for visitors.

Riverwall

- 25) The riverwall within the lease area and adjacent to the western boundary of the lease area shall:
- a) Be the responsibility of the proponent at all times;
 - b) Shall be reconstructed to design specifications provided by a suitability qualified engineer for a 50 year design life as guided by the *Foreshore Management Plan for the Swan River Estuary in the Western Suburbs of Perth* dated 25 May 2016 to the satisfaction of the Town of Mosman Park;
 - c) Shall be maintained at all times to a satisfactory level in the opinion of the Town of Mosman Park.

Food Premises

- 26) 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.

Public Building

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

Tidal Pool

- 28) The facility must comply with the *Aquatic Facilities Regulations 2007* and the *Code of Practice for the design, operation, management and maintenance of aquatic facilities*.

Roof Surface

- 29) If the glare from the roof surface adversely affects the amenity of the adjoining or nearby neighbours following completion of works, the proponent shall treat the roof surface to reduce glare to the satisfaction of the Town.

Ongoing Consultation

- 30) The applicant undertakes to formulate a working group prior to that submission of a Building Permit that includes members of the community and continues to operate for the life of the development to create a monitoring and feedback forum.

Signage

- 31) This approval does not include any signage and separate approval must be obtained prior to erecting any signage associated with this development.

Heritage

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

2. ADVISES the DBCA that the following further conditions apply in addition to conditions 1-32 above should the development in its entirety be supported:

Car Parking

- 33) In addition to Condition 7 above the proponent pays a further annual contribution of \$10,000 (plus GST) indexed annually in accordance with a CPI rate determined by the Town of Mosman Park to the Town for the maintenance of the Jabe Dodd and surrounding carparks.

Short Term Accommodation Management Plan

- 34) Prior to submission of an application for Building Permit the applicant provides the Town of Mosman Park with a Management Plan that details:
- a) The process for enforcing a code of conduct that outlines expected behavior of guests;
 - b) Any other measures to control anti-social behavior within the hotel development;

- c) A Complaints Management Plan that includes contact details of persons responsible for the orderly operation of the hotel.

Bicycle facility

- 35) An additional 18 bicycle spaces shall be provided within the lease area for the exclusive use of the hotel patrons.

Dinghy/Picnic Boat Hire

- 36) The Boat Hire component is restricted to a maximum of 10 vessels;
 - 37) No motorized water vessels that has the capacity of more than 8 knots shall be made available for hire from the boat hire facility;
 - 38) Prior to commencement of the boat hire component a Management Plan shall be submitted to and approved by the Town of Mosman Park that addresses:
 - a) Noise control of patrons using the boats while on the water and on land;
 - b) Anti-social behavior of boat users and measures to control such behaviour;
 - c) Collection and disposal of rubbish generated by boat users while on the water.
3. ADVISES the DBCA that the statutory comment period is unrealistically short for a development of the proposed size, scale and importance to the Town and that the community is aggrieved with the limited scope of the statutory advertising process undertaken by the Department and the lack of additional time to contribute following the Town's advertising process.
4. REQUIRES Administration to forward all the submissions received by the Town to the DBCA.
5. REQUESTS the DBCA to consider the submissions from the Town's advertising process in its deliberations on the proposal.