

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the Administration's response to each comment.

Comments Received in Support:	Administration Response:
<ul style="list-style-type: none">• The viewing platform provides the ability for potential buyers with a better understanding of the location.• The proposal assists with facilitating a high-quality redevelopment of the site. This should be supported given it means more residents supporting local businesses and invigorating the area, which benefits everyone.• We are in a housing crisis and developers should be encouraged to build more housing. This proposal assists with this mission.• We should be making it easier for developers to sell apartments, not make them jump through more hoops.	<p>Comments of support are noted by Administration.</p>
Comments Received in Objection:	Administration Response:
<p><u>Building Height</u></p> <ul style="list-style-type: none">• The structure is too tall and well over the permitted height of 14.3m.• The additional 6.5m/41% in height renders the tower even more visually intrusive.• The structure is imposing and dominates the sky view from surrounding backyards.• The viewing tower is an eye sore to the local area and degrades the character and identity of the neighbourhood.• The height and form of the structure is not consistent with and does not respond to the desired future scale and character of the street and local area.• The viewing tower has no compatibility with the surrounding streetscape.• There has been no landscaping incorporated to enhance the amenity of the public domain.	<ul style="list-style-type: none">• The height is acceptable due to location of the temporary Viewing Platform, its intended purpose, and the scale of the structure relevant to the approved mixed-use development at the subject site.• The height of the approved mixed-use development in the location of the temporary Viewing Platform is six storeys with a height of 23.3 metres. The overall maximum height approved for the site is nine storeys at 32 metres. The height of the temporary Viewing Platform sits well below these approved maximum heights, at 20.2 metres. For these reasons, the height of the structure responds to the future scale of the subject site, street and town centre area.• The development is temporary and would not provide long-term impacts to the streetscapes and surrounding locality. The development would assist with the sale of apartments to facilitate the construction of a mixed-use development approved on the subject site. This would provide a new building that is compatible with the general Fitzgerald Street streetscape in the long-term.• The provision of landscaping is not necessarily due to the temporary nature of the proposal.

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Comments Received in Objection:	Administration Response:
<p><u>Land Use</u></p> <ul style="list-style-type: none"> The viewing tower land use which is located next to residential areas does not meet the needs of the community. The proposal does not meet the objectives of the Commercial Zone. The operating hours are excessive. They mean that residents do not have any period of time during the week where they could be free from visitors and staff intrusions upon their amenity. Hours of operation should be reduced and should be restricted to only a few hours on the weekend. Concerns more than 3 people would use the viewing tower at any one time. 	<ul style="list-style-type: none"> The Viewing Platform has been located and designed to ensure no detrimental impacts are provided to surrounding properties, particularly achieved through large setbacks to surrounding residential properties. The use would be appropriately managed to reduce amenity impacts through day-time operating hours, appointments held by staff members, a maximum of three people using the structure at any one time, and the provision of sufficient on-site parking. The proposal is consistent with the objectives of the Commercial zone under LPS2, as detailed within the Officer Report. The development supports the redevelopment of the site to an approved mixed-use development. Redevelopment would provide a range of retail, office and social land uses in the future, supporting economic growth in the North Perth town centre. The development is temporary and would not provide long-term impacts to the streetscapes and surrounding locality. The proposed operating hours are acceptable as they are typical for the Commercial Zone and are consistent with operating hours of surrounding shops, restaurants, offices and other commercial uses within the Town Centre area. The application proposes a maximum of three people on the structure at any one time. A condition of approval has been recommended securing this.
<p><u>Fence</u></p> <ul style="list-style-type: none"> The fencing is too high and should not exceed 1.2 metres solid. The perimeter fencing is unsightly. Reducing the solid portion of fencing would allow greater surveillance and reduce opportunities for crime. The high fencing allows people to get into the site and be hidden from the street, with a risk that crime and/or antisocial behaviour occurring due to this. The fence height does not support the City's policy position which specifically seeks to "eliminate opportunities for concealment". The fence should be changed to be visually permeable. The fencing is not compatible with the general streetscape. The fencing blocks sightlines to view traffic at the Raglan Road and Fitzgerald Street intersection, making it more dangerous as it is obstructing visibility. 	<ul style="list-style-type: none"> The fencing has been provided to a height and solid materiality to ensure the site is appropriately secured from public access. The area behind fencing is completed secured. A pedestrian entry gate is provided to the northern portion of the fence, which would be closed and locked at all times, reducing public access. Windows from No. 369 Fitzgerald provide surveillance to reduce antisocial behaviour occurring behind fencing. While the sheet metal fencing is not a built form outcome the City would typically accept, it is appropriate for its intended purpose as providing non-climbable perimeter fencing to secure Viewing Platform from being accessed from the public. The fencing is of a temporary nature, is not uncharacteristic to the area in terms of its materiality or height, and not provide long term visual impacts to the streetscape and locality. The fencing provides a 2.0 metre by 2.0 metre truncation at the corner of Raglan Road and Fitzgerald Street, providing sufficient sightlines for turning vehicles.

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<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> The viewing tower overlooks surrounding residential properties and compromises their privacy. Direct overlooking to backyards and windows of adjoining properties. There is no screening provided to reduce overlooking into surrounding properties. Screening should be provided to reduce views downwards into surrounding residential properties. It is an invasion of privacy to allow people to be able to look directly downwards into peoples backyards. 	<ul style="list-style-type: none"> The Viewing Platform is appropriately separated from surrounding residential properties to reduce undue impacts from overlooking and subsequent loss of privacy. The Viewing Platform is setback a minimum of 46.7 metres from the closest residential property boundary. These setbacks increase to windows and outdoor areas of residential properties. The location of the structure, the capacity limit of the structure at any one time, and the likeliness that the structure would be used for short periods of time, would reduce overlooking and loss of privacy.
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> There are already plenty of parking bays across the property, do not support them providing more. The proposal requires the use of on-street parking, limiting options for local residents. Visitors parking on the street has been detrimental to surrounding residential properties. 	<ul style="list-style-type: none"> The application does not seek to provide additional parking spaces and would utilise three parking bays located to the rear of No. 369 Fitzgerald Street, North Perth. Sufficient parking is accommodated on-site to meet the needs of the use and would not rely on on-street parking. A condition of approval has been recommended requiring three parking bays to be accommodated at No. 369 Fitzgerald Street.
<p><u>Street Trees</u></p> <p>The construction of the viewing tower resulted in damage to the street trees.</p>	<p>Administration have undertaken a review of existing street trees which remain in a healthy state. An advice note has been recommended for street trees to be protected during the dismantling and removal of the Viewing Platform and associated structures once the approval ceases.</p>
<p><u>Antisocial Behaviour & Safety</u></p> <ul style="list-style-type: none"> The viewing tower has already experienced antisocial behaviour including graffiti and trespassing. Concerns relating to public safety risk from people trespassing on the site. Concerns there are no barriers in place to reduce trespassers from climbing up the tower unauthorised. The proposal presents an unacceptable hazard to the community. The graffiti on the signage encourages more antisocial behaviour in the area. Dumping of garbage has increased over the fence. Concerns regarding the need for people to climb up the number of steps proposed. 	<ul style="list-style-type: none"> The Applicant has confirmed that all fencing and signage has an anti-graffiti coating allowing for easy removal. The proposed operating hours would provide activation and use of the site, providing actual and perceived surveillance. The site is located on a busy street and is surrounded by several active uses which would provide additional actual and perceived surveillance to the tower when it is not in use. The proposal does include a barrier to reduce trespassers. This is through the provision of solid fencing and a lockable gate to a 2.1 metre – 2.6 metre height around the perimeter of the structure. Access to the site is only permitted by appointment and with an authorised representative, which form recommended conditions of approval. The applicant has advised there has been no dumping of garbage over the fence since the Viewing Platform has been in use.

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<p data-bbox="125 212 226 236"><u>General</u></p> <ul data-bbox="125 276 1037 762" style="list-style-type: none"><li data-bbox="125 276 1037 331">• Do not support the viewing tower because it is facilitating the future redevelopment of the site which is not supported.<li data-bbox="125 339 1037 427">• If this application is approved, it sends a clear message to the community that developers are given much greater leeway in breaching guidelines than local residents are afforded.<li data-bbox="125 435 1037 523">• The viewing tower should have been lodged before the tower was constructed and sets an undesirable precedent for future similar situations.<li data-bbox="125 531 1037 619">• 3 months was a sufficient time for the viewing tower to be in-place and additional time provides adverse amenity impacts to the surrounding area.<li data-bbox="125 627 1037 651">• The approval should not exceed more than 6 months.<li data-bbox="125 659 1037 715">• Adequate time has already been provided to showcase views to potential buyers.<li data-bbox="125 722 1037 762">• Concerns relating to the structural integrity of the structure, including impacts from wind.	<ul data-bbox="1070 276 2110 762" style="list-style-type: none"><li data-bbox="1070 276 2110 395">• The proposal is required to be assessed on its merits against the relevant planning framework. It would not be relevant nor orderly and proper planning to refuse the subject development application on the basis that the separate mixed-use development approved on the site is not supported.<li data-bbox="1070 403 2110 491">• The proponents of this application have not breached any relevant planning or building framework in the construction of the Viewing Platform and associated fencing.<li data-bbox="1070 499 2110 619">• The Viewing Platform did not require planning approval to be constructed or used for a three-month period. This is in accordance with the City's Planning Exemptions Policy which permits temporary viewing platforms to be constructed and operate for a period of three months following the issue of a building permit for the structure.<li data-bbox="1070 627 2110 683">• It is open for the applicant to seek development approval under the planning framework for the Viewing Platform to remain on-site for a greater period.<li data-bbox="1070 691 2110 762">• The Viewing Platform has been constructed in accordance with relevant National Construction Code requirements and in accordance with the approved Building Permit.

Note: Submissions are considered and assessed by issue rather than by individual submitter.