



## **Metro North-West Joint Development Assessment Panel Agenda**

**Meeting Date and Time:** Tuesday 13 May 2014; 1pm  
**Meeting Number:** MNWJDAP/54  
**Meeting Venue:** City of Wanneroo  
23 Dundobar Rd, Wanneroo

### **Attendance**

#### **DAP Members**

Ms Karen Hyde (Presiding Member)  
Mr Paul Drechsler (Deputy Presiding Member)  
Mr Fred Zuideveld (Specialist Member)  
Cr Mike Norman (Local Government Member, City of Joondalup)  
Cr John Chester (Local Government Member, City of Joondalup)  
Cr Frank Cvitan (Local Government Member, City of Wanneroo)  
Cr Russell Driver (Local Government Member, City of Wanneroo)

#### **Officers in attendance**

Ms Ivin Lim (Department of Planning)  
Mr Patrick Leach (Department of Planning)  
Mr Richard Reeve (Department of Planning)  
Ms Melinda France (City of Joondalup)  
Mr Pas Bracone (City of Wanneroo)  
Ms Cathrine Temple (City of Wanneroo)

#### **Local Government Minute Secretary**

Ms Grace Babudri (City of Wanneroo)

#### **Applicants and Submitters**

Mr David Caddy (TPG)  
Mr Chris Harman (TPG)  
Ms Kim Munro (Coles)

#### **Members of the Public**

Nil

#### **1. Declaration of Opening**

The Presiding Member declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

#### **2. Apologies**

Nil



**3. Members on Leave of Absence**

Nil

**4. Noting of Minutes**

The Minutes of the Metro North-West JDAP Meeting No.53 held on 6 May 2014 were not available at time of Agenda preparation.

**5. Disclosure of Interests**

Nil

**6. Declarations of Due Consideration**

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

**7. Deputations and Presentations**

Nil

**8. Form 1 - Responsible Authority Reports – DAP Application**

<b>8.1</b>	Property Location:	Lot 702 (34) Marri Road, Duncraig
	Application Details:	Proposed three storey mixed use development with undercroft car park
	Applicant:	Piran Group Pty Ltd
	Owner:	JHF Holdings Pty Ltd
	Responsible authority:	City of Joondalup
	Report date:	30 April 2014
	DoP File No:	DP/14/00199

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

<b>9.1</b>	Property Location:	Lot 3801 (1001) Joondalup Drive, Banksia Grove
	Application Details:	Amendment to Banksia Grove Town Centre (Stage 1) – tenancy layout and use (condition b) and modification to condition d.
	Applicant:	TPG Town Planning, Urban Design & Heritage
	Owner:	Coles Group Property Dev Ltd
	Responsible authority:	City of Wanneroo
	Report date:	5 May 2014
	DoP File No:	DP/13/00180

**10. Appeals to the State Administrative Tribunal**

As invited by the State Administrative Tribunal under Section 31 of the *State Administrative Act 2004*, the Metro North-West JDAP reconsidered a Mixed Use Commercial and Residential Development at Lot 604 (114) Cedric Street, Stirling on the 6 May 2014.

**11. Meeting Closure**



**Form 1 - Responsible Authority Report**  
(Regulation 12)

<b>Property Location:</b>	Lot 702 (34) Marri Road, Duncraig
<b>Application Details:</b>	Proposed three storey mixed use development with under croft car park
<b>DAP Name:</b>	Metro North West JDAP
<b>Applicant:</b>	Piran Group Pty Ltd
<b>Owner:</b>	JHF Holdings Pty Ltd
<b>LG Reference:</b>	DA14/0157
<b>Responsible Authority:</b>	City of Joondalup
<b>Authorising Officer:</b>	Dale Page Director Planning and Community Development
<b>Department of Planning File No:</b>	DP/14/00199
<b>Report Date:</b>	30 April 2014
<b>Application Receipt Date:</b>	10 February 2014
<b>Application Process Days:</b>	90 days
<b>Attachment(s):</b>	1. Location plan 2. Development plans 3. Building perspective 4. City of Joondalup Environmentally Sustainable Design checklist 5. Map of submitters

**Recommendation:**

That the Metro North-West JDAP resolves to:

**Approve** DAP Application reference DP/14/00199 for 'Shop', 'Office' and 'Multiple Dwellings' and accompanying plans (refer to Attachment 2) in accordance with Clause 6.9 of the City of Joondalup Planning Scheme No. 2, subject to the following conditions:

**Conditions**

- 1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.**
- 2. A Construction Management Plan being submitted to and approved by the City of Joondalup prior to the commencement of development. The management plan shall detail how it is proposed to manage:**
  - (a) all forward works for the site;**
  - (b) the delivery of materials and equipment to the site;**
  - (c) the storage of materials and equipment on the site;**
  - (d) the parking arrangements for the contractors and subcontractors;**
  - (e) the management of sand and dust during the construction process;**
  - (f) the management of noise during the construction process; and**
  - (g) other matters likely to impact on the surrounding properties.**

3. Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development.
4. An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval, prior to the commencement of development.
5. The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
6. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to the City for approval prior to the commencement of development.
7. All external walls of the proposed buildings, including retaining walls shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
8. All development shall be contained within the property boundaries.
9. Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
  - Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - Provide all details relating to paving, treatment of verges and tree planting in the car park;
  - Show spot levels and/or contours of the site;
  - Be based on water sensitive urban design principles to the satisfaction of the City;
  - Be based on Designing out Crime principles to the satisfaction of the City; and
  - Show all irrigation design details.
10. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade

practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.

11. A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard to the satisfaction of the City.
12. A refuse management plan indicating the method of rubbish collection is to be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied.
13. Refuse management for the development shall be undertaken in accordance with the approved Refuse Management Plan, to the satisfaction of the City.
14. The storage areas indicated on plans for Unit 13, 15 and 16 shall be enclosed and lockable. This storage area shall be provided prior to the occupation of the development, and to the satisfaction of the City.

#### Advice Notes

1. Further to condition 1 above, where an approval has lapsed, no development shall be carried out without further approval having first being sought and obtained.
2. The tenancies indicated as 'Office' on the approved plans are approved as an 'Office' as defined by the City of Joondalup District Planning Scheme No. 2.
3. The City of Joondalup District Planning Scheme No. 2 defines 'Office' as *"any premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on site, and does not include consulting rooms or medical centres."*
4. The tenancies indicated as 'Shop' on the approved plans are approved as a 'Shop' as defined by the City of Joondalup District Planning Scheme No. 2.
5. The City of Joondalup District Planning Scheme No. 2 defines 'Shop' as *"premises where goods are kept exposed or offered for sale by retail or hire, but the term does not include a Showroom, Drive Through Food Outlet or a Restricted Premises."*
6. The units on the first and second floor of the development are approved as 'Multiple Dwellings' as defined by the Residential Design Codes of WA.
7. The Residential Design Codes of WA defines a 'Multiple Dwelling' as *"a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but:*

- *does not include a grouped dwelling; and*
  - *includes any dwellings above the ground floor in a mixed use development.”*
8. All plant and equipment must be designed and installed to meet the provisions of the *Environmental Protection (Noise) Regulations 1997*.
  9. Bin store areas are to be provided with a hose cock and have a concrete floor graded to an industrial floor waste connected to sewer.
  10. The applicant is required to provide written confirmation prior to the issue of a building permit that the decommissioning of the existing tanks and the remediation of the site has been completed to the satisfaction of the Department of Environmental Regulation and the site has subsequently been deemed suitable for use as residential and commercial premises.
  11. Mechanical ventilation for the development (including undercroft parking area) to comply with *Australian Standard 1668.2, Australian Standard 3666* and the *Health (Air Handling and Water Systems) Regulations 1994*.
  12. The applicant is advised that all residential units should be provided with condensation dryers within the laundries. Conventional dryers are key contributors to the growth of indoor mould.
  13. Should any of the proposed commercial units be used for the preparation and sale of food, then they are required to comply with the *Food Act 2008* and the *Australia New Zealand Food Standards Code*. Prior to submitting a Certified Building Permit Application for the fit out of any food business, the applicant is encouraged to send a copy of their plans to the City's Health & Environmental Services for comment. Please call 9400 4933 for further details.

#### **Background:**

Property Address:	Lot 702 (34) Marri Road, Duncraig
Zoning	MRS: Urban
	DPS2: Commercial
Use Class:	Office Shop Multiple Dwellings
Strategy Policy:	State Planning Policy 3.1 – Residential Design Codes of WA
Development Scheme:	City of Joondalup District Planning Scheme No. 2 (DPS2)
Lot Size:	1,583m <sup>2</sup>
Existing Land Use:	Vacant lot (previously petrol station)
Value of Development:	\$6.5 million

The subject site is located on the south-eastern corner of the intersection of Marri Road and Cassinia Road, Duncraig. The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and 'Commercial' under the *City of Joondalup District Planning Scheme No. 2* (DPS2). The site to the south and east of the subject site is also zoned 'Commercial' under DPS2 and contains existing commercial

developments, including the Duncraig Shopping Centre. A location plan is included as Attachment 1.

The subject site is currently vacant and was previously developed with a petrol station which was demolished in 2006. There is no existing native vegetation on the site. Since the demolition of the petrol station two developments have been approved by Council, subject to conditions. These include a child care centre in 2008 and a three storey mixed use development in 2009. Neither development was ever constructed. On 2 September 2011 a scheme amendment to DPS2 (Amendment No. 52) to re-code the site from R20 to R60 was finalised. In 2012 a three story mixed use development was proposed on the site however a determination was never made on this application as it was withdrawn by the applicant.

In addition to the general development provisions of DPS2 and the *Residential Design Code of WA* (R-codes), due regard is also required to be given to Amendment 65 to DPS2 which was adopted by Council at its meeting held on 25 June 2013 and is currently with the West Australian Planning Commission (WAPC) for consideration. Amendment 65 proposes to change some of the existing car parking standards, including the standards for 'Office' and 'Shop'.

#### **Details: outline of development application**

The proposed development includes:

- Five (5) commercial tenancies on the ground floor, including two shop tenancies and three office tenancies;
- 20 'Multiple Dwellings', including 12 one (1) bedroom apartments and eight (8) two (2) bedroom apartments, on the first and second floors;
- A total of 33 car bays provided on site, including 20 car bays located within an under croft car park. Nine (9) under cover bicycle parking facilities are also provided.
- Soft landscaping to all areas other than those paved for vehicle or pedestrian movement outside the building foot print. It is noted that there is no existing native vegetation on site worthy of retention.
- A combination of contrast render brick work, stone rendered cladding feature walls and glazing to the exterior of the development.

The development plans are provided in Attachment 2 and building perspectives are provided as Attachment 3.

Legislation & policy:

#### Legislation

- *Planning and Development Act 2005*
- *Metropolitan Region Scheme (MRS); and*
- *City of Joondalup District Planning Scheme No. 2*

#### State Government Policies

- *Residential Design Codes of Western Australia (State Planning Policy 3.1) (R-Codes).*

#### **Local Policies**

- *Environmentally Sustainable Buildings within the City of Joondalup*

Encouraging the integration of environmentally sustainable design principles rather than mandating them, the policy requires applicants to complete the City's Environmentally Sustainable Checklist demonstrating that the development has been designed and assessed against a national recognised rating tool. A copy of the applicant's checklist is provided as Attachment 4.

- *Height and Scale of Buildings within Residential Areas*

It is noted that the City of Joondalup *Height and Scale of Buildings within Residential Areas Policy* is not applicable to this application as the site is zoned 'Commercial' and the policy only applies to development within the Residential zone.

### **Consultation:**

#### Public Consultation

Consultation on the proposed development was undertaken for 21 days ending on 11 April 2014. The details of the proposal were placed on the City's website and owners and occupiers of 28 adjoining and nearby properties, including the Duncraig Shopping Centre site, were advised in writing. In addition to the above, a sign notifying passers-by of the proposed development was also placed on site during the advertising period.

A total of 7 responses were received during or just after the consultation period, all of the submissions received were objections. The submissions received during the public consultation period raised the following key concerns with the proposal:

- Scale and density of the development is not in keeping with the character of the area;
- Concerns regarding increase in traffic and safety issues; and
- Concerns regarding increase in noise.

#### Consultation with other Agencies

The application was not required to be referred to any other agency.

### **Planning assessment:**

The application has been assessed in accordance with the provisions of DPS2 and in accordance with Part 6 of the R-codes, which relates to multiple dwellings in areas coded R30 or higher.

#### DPS2 Assessment

The subject site is zoned 'Commercial' under DPS2. Within the 'Commercial' zone the land uses 'office' and 'shop' are permitted ("P") uses and the land use 'multiple dwellings' is a discretionary ("D") land use. As 'multiple dwellings' are a discretionary ("D") land use it is necessary to determine whether the proposed land use is appropriate within this location.

*The objectives of the 'Commercial' Zone are to:*



- a) *make provision for existing or proposed retail and commercial areas that are not covered by an Agreed Structure Plan;*
- b) *provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

It is considered that development of the site for the purposes of multiple dwellings is in keeping with the objectives of the 'Commercial' zone as the overall development provides for a wide range of uses as well as a diverse range of housing. Further to this, the proposed land use 'multiple dwellings' is considered not to be in conflict with the surrounding land uses, which are also residential in nature.

The following table provides a summary of the requirements of DPS2 which the proposed development does not comply with.

<b>DPS2 Requirement</b>	<b>Proposed</b>
<p><b>Building setbacks</b></p> <p>4.7.1 Buildings shall be setback as follows:</p> <p>9.0 metres from a street boundary</p> <p>6.0 metres from a rear boundary</p> <p>3.0 metres from a side boundary.</p> <p>4.7.2 Where a lot has a boundary with more than one street, Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety or the amenity of the area.</p>	<p><b>Ground floor setbacks only</b></p> <p><b>3 metres</b> Street Boundary - Marri Road</p> <p><b>5.245 metres to ground floor</b> <b>Nil to retaining wall</b> South (rear) Boundary:</p> <p><b>2.00 metres</b> <b>Nil to retaining wall</b> Western (Cassinia Road) Boundary</p>
<p><b>Car parking</b></p> <p>'Office' 1 bay per 30m<sup>2</sup> NLA 170m<sup>2</sup> NLA = 5.66 car bays</p> <p>'Shop' 7 bay per 100m<sup>2</sup> NLA 109m<sup>2</sup> NLA = 7.63 car bays</p> <p>'Multiple Dwellings' As per R-codes 1 per unit plus 0.25 visitor bays per dwelling 20 units = 20 bays plus 5 visitor bays.</p>	

DPS2 Requirement	Proposed
Total bays required = 38.29 (39) bays, including, <ul style="list-style-type: none"> <li>19 public access car bays</li> <li>20 resident car bays</li> </ul>	<b>33 car bays</b> provided on site, including: <ul style="list-style-type: none"> <li>13 public access car bays</li> <li>20 bays for residents in undercroft car park</li> </ul> <b>6 bay shortfall</b>

Further assessment of these provisions is provided in the comment section of this report below.

### **Residential Design Codes of WA**

Overall the development complies with the deemed-to-comply criteria of *Part 6 – Design elements for multiple dwellings in areas coded R30 or greater, within mixed use development and activity centres* of the R-codes, other than those areas of discretion noted in the following table.

Deemed-To-Comply Requirement	Proposed
<b>Clause 6.1.3 – Street setbacks</b> <b><u>First Floor</u></b> <b>North (Marri Road) boundary</b> Balcony Unit 2 and Unit 3 4 metre setback from a Primary Street	<b>3 metre setback</b>
<b><u>Second floor</u></b> <b>North (Marri Road) boundary</b> Balcony Unit 12 and Unit 13 4 metre setback from a Primary Street	<b>3 metre setback</b>
<b>Clause 6.1.4 – Lot boundary setbacks</b>  <b><u>First Floor</u></b> <b>Eastern boundary</b> Balcony Unit 5 3.5 metre setback from a lot boundary	<b>2 metre setback</b>
Balcony Unit 6 3 metre setback from a lot boundary	<b>2 metre setback</b>
<b>Southern (rear) boundary</b> <b>Balconies Unit 7 and 8</b> 4.9 metre setback from a lot boundary	<b>2.112 metre setback</b>
<b><u>Second floor</u></b> <b>Eastern boundary</b> Balcony Unit 15 4.8 metre setback from a lot boundary	<b>2 metre setback</b>
Balcony Unit 16	

<b>Deemed-To-Comply Requirement</b>	<b>Proposed</b>
4.8 metre setback from a lot boundary	<b>2 metre setback</b>
<b>Southern (rear) boundary</b> Balconies Unit 17 and 18 6.6 metre setback from a lot boundary	<b>2.112 metre setback</b>
<b>Clause 6.3.3 – Parking</b>  Refer to assessment of car parking in previous table above.	<b>Refer to assessment of car parking in previous table above.</b>
<b>6.3.5 – Vehicular Access</b>  C5.2 Access to on-site car parking spaces to be provided: <ul style="list-style-type: none"> <li>• from a secondary street where a right-of-way does not exist, or</li> <li>• from the primary street frontage where no secondary street or right-of-way exists.</li> </ul>	<b>Vehicle access proposed from both the primary street (Marri Road) and secondary street (Cassinia Road).</b>
<b>6.3.6 – Site works</b>  C6.1 Excavation or filling between the street and building, or within 3 metres of the street alignment, whichever is the lesser, shall not exceed 0.5 metres.  C6.2 Excavation or filling within a site and behind a street setback line limited by compliance with building setback requirements.	<b>Fill to a maximum height of 1.092 metres above currently approved ground level with a nil setback to western (Cassinia Road) boundary.</b>  <b>Fill to a maximum height of 1.092 metres above currently approved ground level with a nil setback to the southern (rear) and eastern boundary.</b>
<b>6.3.7 – Retaining walls</b>  C7 Where a retaining wall less than 0.5 metre high is required on a lot boundary, it may be located up to the lot boundary subject to the building setback requirements.	<b>Retaining wall with a maximum height of 1.092 metres above currently approved ground level with a nil setback to the southern (rear) and eastern boundary.</b>
<b>6.4.3 – Dwelling size</b>  C3.1 Developments that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows: <ul style="list-style-type: none"> <li>• minimum 20 per cent one (1) bedroom dwellings, up to a maximum of 50 per cent of the development; and</li> <li>• minimum of 40 percent 2 bedroom dwellings;</li> </ul>	Development contains 20 units: <ul style="list-style-type: none"> <li>• <b>12 units are one (1) bedroom (60 per cent of the development);</b> and</li> <li>• 8 units (40 per cent) are two bedroom units.</li> </ul>

Deemed-To-Comply Requirement	Proposed
<b>6.4.6 – Utilities and facilities</b>  C6.1 An enclosed, lockable storage area,  with a minimum internal area of at least 4m <sup>2</sup> shall be provided for each multiple dwelling.	<b>Store rooms allocated to Unit 13, 15 and 16 do not appear to be enclosed on the plans.</b>  <b>Each unit provided with a store room in under croft garage. Store rooms allocated to Unit 1, 2, 4, 5, 8, 9, 10, 11, 14, 17, 18, 19 and 20 with an internal area of less than 4m<sup>2</sup>.</b>

Further assessment of these provisions is provided in the comment section of this report below.

### **Comments**

#### ***Building Setbacks***

The ground floor of the development has been assessed against the setback requirements of DPS2 as it contains the commercial component of the development. The upper floors, however, have been assessed against the requirements of the R-codes.

The ground floor of the development does not comply with the setbacks prescribed by requirements DPS2 to the primary street (Marri Road), secondary street (Cassinia Road) and southern (rear) boundary.

#### **Ground floor primary street setbacks**

The portion of the development with the reduced setback to the primary street (Marri Road) on the ground floor comprises the supporting structures for the balconies on the upper floors with the remainder of the development setback at 4.5m. The building setback set out under DPS2 in this circumstance is 9m. The front façade of the development is articulated through the use of varying building setbacks and areas for landscaping as well as design features, including a large glass curved window to an office tenancy, and varying building materials. As a result, the reduced setback to the primary street creates an attractive and activated frontage and is therefore considered appropriate.

#### **Ground floor secondary street setbacks**

With regards to the setback of the development to the western (Cassinia Road) boundary the majority of the development meets the 3m setback specified by DPS2, with the exception of the side of the ablution block and staircase which are setback at 2 metres. As only a small portion of the development is setback at 2m and the remainder of the façade of the building is articulated through glazing, varying building setbacks and materials, the proposed setback is considered appropriate.

#### **Ground floor boundary setbacks**

The setback to the southern (rear) boundary of the building does not meet the setbacks stipulated under DPS2. The site to the south and east of the subject site contains several commercial developments, including the Duncraig Shopping Centre.

The proposed development is directly adjacent to the shopping centre's associated car park which is already at a lower level than the subject site. It is therefore considered that the proposed development will not have an adverse impact upon the adjoining property and that the proposed setbacks are acceptable.

#### Retaining wall setbacks

Retaining walls are proposed to be located on top of existing retaining walls which run along the western (Cassinia Road), southern (rear) and eastern property boundaries. The combined height of the existing and proposed retaining walls will be between 2.652 metres and 2.412 metres along the southern property boundary. The height of the retaining walls along the western (Cassinia Road) and eastern boundary decrease in height until they are less than 500mm above natural ground level at the northern (Marri Road) boundary. As the proposed retaining walls are to be located on top of existing retaining walls and are adjacent to the shopping centre's associated car park it is considered that they will not have an adverse impact upon the adjoining property and are appropriate.

#### First and second floor primary street setbacks

The proposed setbacks of the first and second floor of the proposed building to the primary street (Marri Road) do not satisfy the deemed-to-comply criteria of clause 6.1.3 – Street setbacks of the R-codes and therefore require assessment against the relevant design principles, given below:

##### *6.1.3 Street setback*

*P3 Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:*

- contribute to the desired streetscape;*
- provide articulation of the building on the primary and secondary streets;*
- allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;*
- are appropriate to its location, respecting the adjoining development and existing streetscape; and*
- facilitate the provision of weather protection where appropriate.*

The portion of the development with the non-compliant setbacks relates solely to the balconies to units on the first and second floor. These balconies serve to articulate the front façade of the development by minimising the amount of blank and featureless walls visible along the facade. Further to this, as the proposed development is adjacent to a car park of the adjoining commercial property, with the nearest building 50 metres away, it is considered that the building setbacks are appropriate to the location. Considering the above, as well as the fact that the balconies are open structures and the remainder of the development is setback in accordance with the deemed-to-comply criteria of this clause, the proposed setbacks are considered to meet the design principles of clause 6.1.3 of the R-Codes and are appropriate.

#### First and second floor lot boundary setbacks

The proposed setbacks of the development to the southern (rear) and eastern property boundaries also do not meet the deemed-to-comply criteria of clause 6.1.4 – Lot boundary setbacks of the R-codes and therefore require assessment against the relevant design principles, given below:

#### 6.1.4 Lot boundary setbacks

##### *P4.1 Buildings set back from boundaries or adjacent buildings so as to:*

- *ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;*
- *moderate the visual impact of building bulk on a neighbouring property;*
- *ensure access to daylight and direct sun for adjoining properties; and*
- *assist with the protection of privacy between adjoining properties.*

##### *P4.2 In mixed use development, in addition to the above:*

- *side boundary setbacks to retail/commercial component of the development is in accordance with the existing street context, subject to relevant scheme provisions.*
- *retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.*

As the proposed development is adjacent to the car park of the adjoining commercial development it is deemed that the proposed development will not have an adverse impact in terms of restricting daylight, direct sunlight or ventilation to the adjoining property. In relation to the impact of the development in terms of building bulk it is noted that the setbacks of the development which do not comply with the deemed-to-comply requirements of the R-codes relate only to balconies. The balconies are relatively open, minimising the impact of the development in terms of building bulk. Further to this, it is noted that the development complies with the height requirements stipulated under the deemed-to-comply criteria of clause 6.1.2 – Building height, of the R-codes. In addition, the façades of the building are articulated through the use of varied building materials, including contrast render and stone rendered cladding and various design features, including the glazed stairwell to the eastern elevation.

Privacy is not impacted as a result of the proposed setbacks as the R-codes refer to overlooking of any other residential property. In this instance, the overlooking falls over the car parking of the commercial development on the adjoining property and as such is considered to meet the relevant design principles. It is noted that future development of the adjoining property may contain a residential component similar to the subject development. It is also considered that the proposed development will not hinder the privacy of any future development of the site as design elements may be incorporated to minimise any overlooking.

#### **Car parking**

Car parking for the site has been calculated in accordance with clause 4.8 of DPS2 and the R-codes. Based on these standards a total of 39 car bays are required, with 33 proposed by this application, being a 6 bay (15%) shortfall.

Whilst the above car parking shortfall fails to meet the car parking requirements of DPS2, due regard must be given to Amendment 65 to DPS2 adopted by Council at its meeting held on 25 June 2013. Amendment 65 proposes several modifications to the City's DPS2, including changes to several car parking standards. These modifications include the car parking standard for the use class 'office' being modified to be one car bay per 50m<sup>2</sup> of NLA as well as the car parking standard for the use class 'shop' being modified to five car bays per 100m<sup>2</sup> of NLA. Upon applying the car parking provisions proposed within Amendment 65, the following results:

	<b>Parking Required</b>	<b>Proposed</b>
--	-------------------------	-----------------

	Parking Required	Proposed
<b>DPS2</b>	<p>'Office' 1 bay per 30m<sup>2</sup> NLA 170m<sup>2</sup> NLA = 5.66 car bays</p> <p>'Shop' 7 bays per 100m<sup>2</sup> NLA 109m<sup>2</sup> NLA = 7.63 car bays</p> <p>'Multiple Dwellings' As per R-codes 1 per unit plus 0.25 visitor bays per dwelling. 20 units = 20 bays plus 5 visitors bays</p> <p>Total bays required = 38.29 (39), including:</p> <ul style="list-style-type: none"> <li>• 19 public access bays; and</li> <li>• 20 resident bays.</li> </ul>	<p><b>33 car bays</b>, including:</p> <ul style="list-style-type: none"> <li>• 13 public access bays; and</li> <li>• 20 bays for residents in the undercroft car park.</li> </ul> <p><b>6 bay shortfall</b></p>
<b>Amendment 65</b>	<p>'Office' 1 bay per 50 m<sup>2</sup> NLA 'Shop' 170m<sup>2</sup> NLA = 3.4 car bays</p> <p>5 bays per 100m<sup>2</sup> NLA 109m<sup>2</sup> NLA = 5.45 car bays</p> <p>'Multiple Dwellings' As per R-codes 1 per unit plus 0.25 visitor bays per dwelling 20 units = 20 bays plus 5 visitors bays</p> <p>Total bays required = 33.85 (34), including:</p> <ul style="list-style-type: none"> <li>• 14 public access bays; and</li> <li>• 20 resident bays.</li> </ul>	<p>33 car bays, including:</p> <ul style="list-style-type: none"> <li>• 13 public access bays; and</li> <li>• 20 bays for residents in the undercroft car park.</li> </ul> <p><b>1 bay shortfall</b></p>

When the standards proposed under Amendment 65 are applied to the development there is a car parking shortfall of one car bay. The peak periods of demand for car parking varies for the different land uses, with standard business hours for the office and shop component of the development and evenings and weekends for the residential component of the development. As such it is considered that the sharing of car parking across the various uses mean that adequate car parking will be provided on site.

### ***Bicycle Parking***

In addition to the above the development also includes nine under cover bicycle parking facilities. Further details regarding these facilities are required to ensure they comply with Australian Standards and it is recommended that any approval include a condition requiring detailed plans demonstrating compliance with the Australian Standards (see recommended condition 6).

### ***Vehicular Access***

The development proposes vehicle access from both the primary street (Marri Road) and secondary street (Cassinia Road) and as such the development requires assessment against the relevant design principles, given below:

*P5 Vehicular access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.*

The number of crossovers complies with the deemed-to-comply criteria of this clause which permits one (1) vehicle access per 20 metres of street frontage. The crossovers locations are deemed to be safe in use and comply with the Australian Standards AS2890.1 (as amended). As each crossover is to a separate street it is considered that they will not have an adverse impact in terms of the streetscape of each street.

### ***Site works and Retaining walls***

The development proposes fill and associated retaining walls to a maximum height of 1.092 metres, above previously approved ground level, with a nil setback to the western (Cassina Road), southern (rear) and eastern boundaries. As such the development requires assessment against the relevant design principles, given below:

*P6.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*

*P6.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.*

*P7 Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1.*

There is an existing retaining wall which runs along the entire length of the southern (rear) boundary and a portion of the western (Cassina Road) and eastern boundaries. The applicant proposes to increase the height of these retaining walls by an additional 1.092 metres resulting in a total height of 2.652 metres along the southern (rear) boundary. The retaining walls along the western (Cassinia Road) and eastern boundary decrease in height as they move towards the front property boundary until they are less than 500mm above natural ground level. It is considered that these works are in keeping with the natural topography of the site as they raise the site to be level with the verge height along Marri Road. Adjacent to the retaining walls along the southern (rear) and eastern boundary is the car park associated with the Duncraig Shopping Centre and as such it is the adjoining property will not be adversely impacted.



### ***Dwelling diversity***

The development proposed a total of 20 units, and comprises 12 one (1) bedroom units, 60 per cent of the overall development, and 8 two (2) bedroom units, 40 per cent of the overall development. As more than 50 per cent of the dwellings are one bedroom, the development requires assessment against the relevant design principles, given below:

*P3 Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.*

It is considered that the proposed dwelling diversity and sizes are sufficient to cater for the needs of residents as all units comply with the minimum plot ratio area of 40m<sup>2</sup> as stipulated under the deemed-to-comply criteria of this clause. This style of housing is not readily available within the area and the provision of a variety of one and two bedroom apartments in an area largely dominated by residential housing with multiple bedrooms ensures a greater range of housing types and sizes is provided in the area.

### ***Storage areas***

The development proposes 20 residential units each with its own storage area within the undercroft car park. Units 1, 2, 4, 5, 8, 9, 10, 11, 14, 17, 18, 19 and 20 are provided storage areas less than the required 4m<sup>2</sup>. The smallest of the storage areas is proposed to be 3.61m<sup>2</sup>. As these storage areas are less than the required size set out in the deemed-to-comply requirements of the R-Codes they are required to be assessed against the relevant design principles, given below:

*P6 External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are:*

- *convenient for residents;*
- *rubbish collection areas which can be accessed by service vehicles;*
- *screened from view; and*
- *able to be secured and managed.*

The majority of the storage areas are located adjacent to the allocated car parking space for the residential unit and as such it is deemed that their location is appropriate. Those storage areas not adjacent to the corresponding car space are adjacent to pedestrian pathways within the undercroft car park to allow for ease of access. Due to the small size of the units, and therefore the limited number of occupants within each unit, the size of the storage areas are deemed adequate for the needs of the residents.

In addition, the store rooms allocated to Unit 13, 15 and 16 do not appear to be enclosed on the plans. It is recommended that a condition be imposed on any approval requiring that these store rooms be enclosed (see recommended condition 14).

### ***Landscaping***

The site plan of the development indicates soft landscaping to all areas other than those paved for vehicle or pedestrian movement outside the building footprint. It has been recommended that a condition be included on any approval that further details regarding the type of landscaping, including plant species and reticulation plans, be provided within a landscape management plan prior to the commencement of

development (see recommended condition 9). It is noted that there is no existing native vegetation on site worthy of retention.

### ***External colours and materials***

The exterior of the development is proposed to include a combination of contrast render brick work; stone rendered cladding feature walls; and glazing. The external colours of the development are yet to be decided by the applicant and therefore it is recommended that any approval include a condition requiring a schedule of colours to be provided by the applicant prior to the commencement of development (see recommended condition 11).

### **Issues Raised Through Public Consultation**

Public consultation was undertaken as part of the assessment process (refer to the Consultation section earlier in this report). The following concerns were raised by the objectors which have not been addressed in the above R-Codes assessment:

#### ***Scale and density is not in keeping with the character of the area***

The subject site is zoned 'Commercial' and coded 'R60' under DPS2. The proposed development complies with the plot ratio requirements the R-codes and therefore discretion is not required to be exercised in this regard. In terms of the built form of the development it is noted that the development complies with the deemed-to-comply requirements of the R-codes in terms of building height. While the setbacks of the development require some discretion to be exercised they are deemed to meet the relevant design principles of the R-codes.

#### ***Increase in traffic and safety issues***

The traffic generated by this development is considered to be well within the capacity of the surrounding road network. The previous use of the site was for a petrol station and it is considered that the traffic generated by this proposal will be significantly less than that generated by this previous use. No traffic safety or management issues have been identified as a part of the City's traffic and engineering assessment of the proposed development.

#### ***Increase in noise***

Whilst noise is controlled by the *Environmental Protection (Noise) Regulations 1997* the proposed uses are considered to be in line with the 'Commercial' zoning of the site. In addition, it is not considered that the proposed development would have any greater impact in terms of noise generated than the petrol station previously located on the site. Further to this, the applicant has been advised that all plant and equipment on the site must be designed and installed to meet the provisions of the *Environmental Protection (Noise) Regulations 1997*. The use of the site more generally is also required to meet the requirements of this legislation.

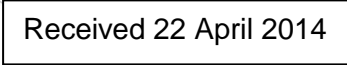
### **Conclusion:**

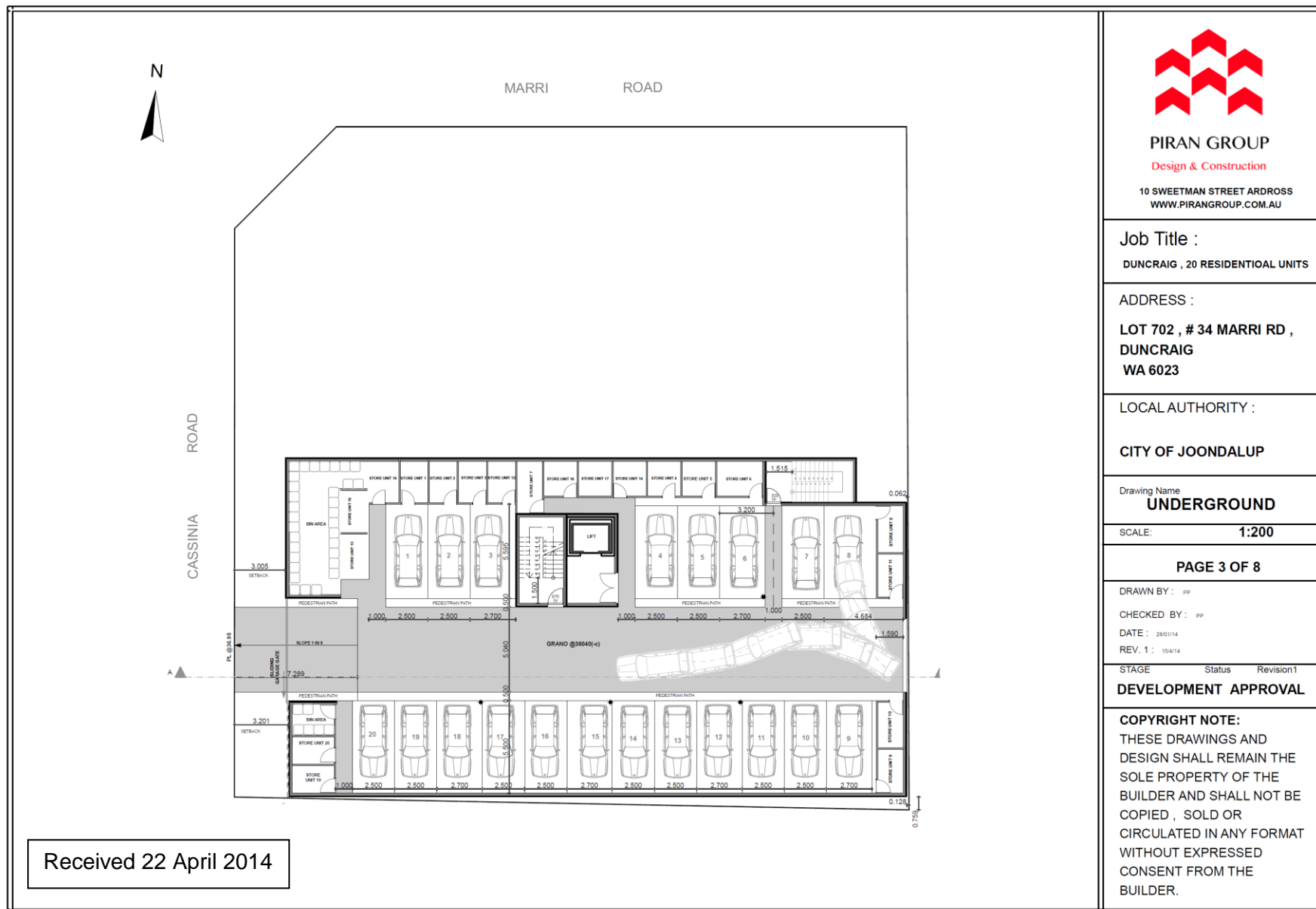
As outlined above, the development proposes a number of variations to the development provisions contained within DPS2 and seeks discretion to several of the deemed-to-comply provisions of the R-codes. However, the development demonstrates that those elements are appropriate when taken into context.

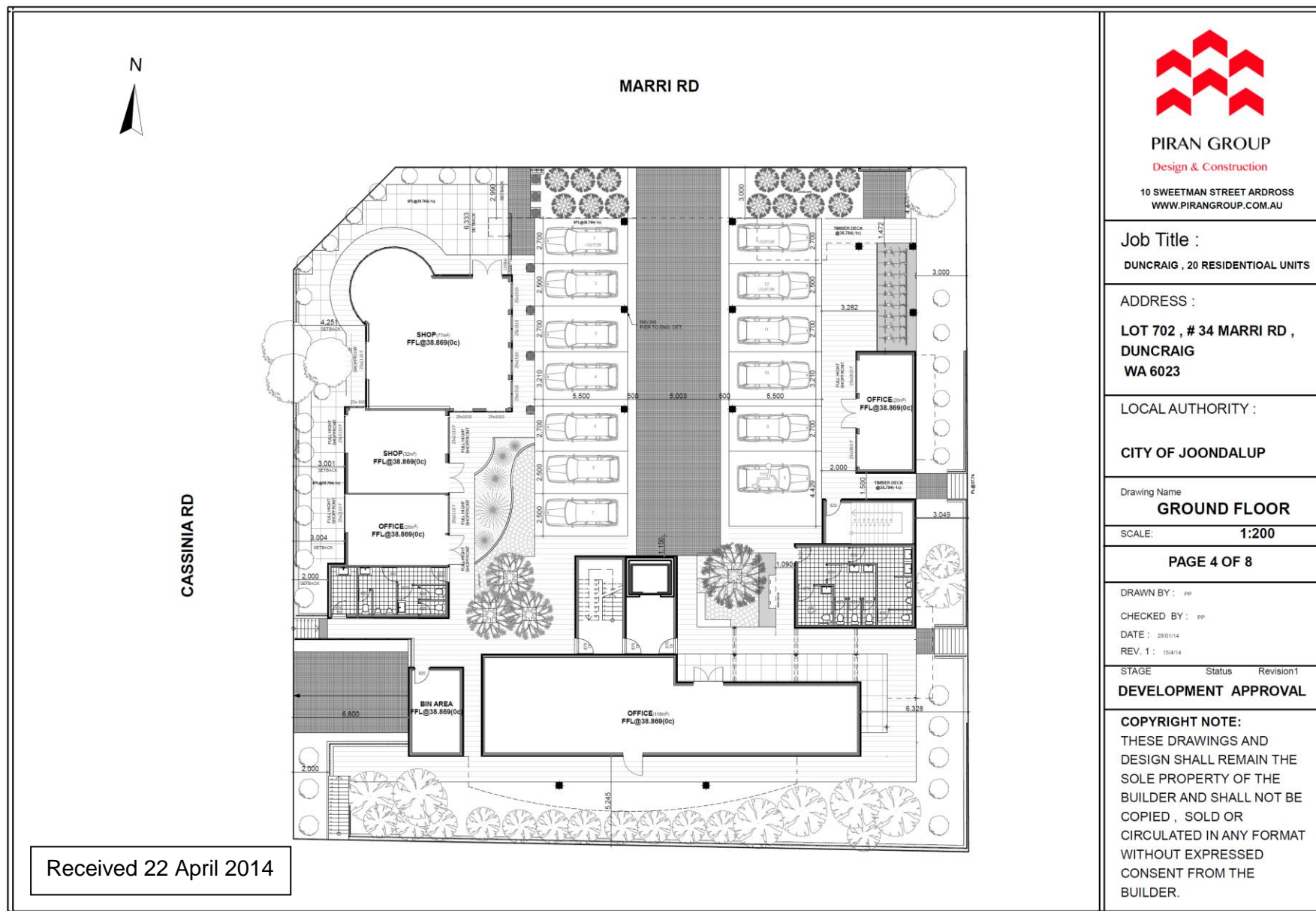
It is recommended that the application be approved subject to conditions.











**PIRAN GROUP**

Design & Construction

10 SWEETMAN STREET ADRROSS  
WWW.PIRANGROUP.COM.AU

**Job Title :**

DUNCRAIG , 20 RESIDENTIAL UNITS

**ADDRESS :**

LOT 702 , # 34 MARRI RD ,  
DUNCRAIG  
WA 6023

**LOCAL AUTHORITY :**

CITY OF JOONDALUP

**Drawing Name**

**GROUND FLOOR**

**SCALE: 1:200**

**PAGE 4 OF 8**

**DRAWN BY :** pp

**CHECKED BY :** pp

**DATE :** 28/01/14

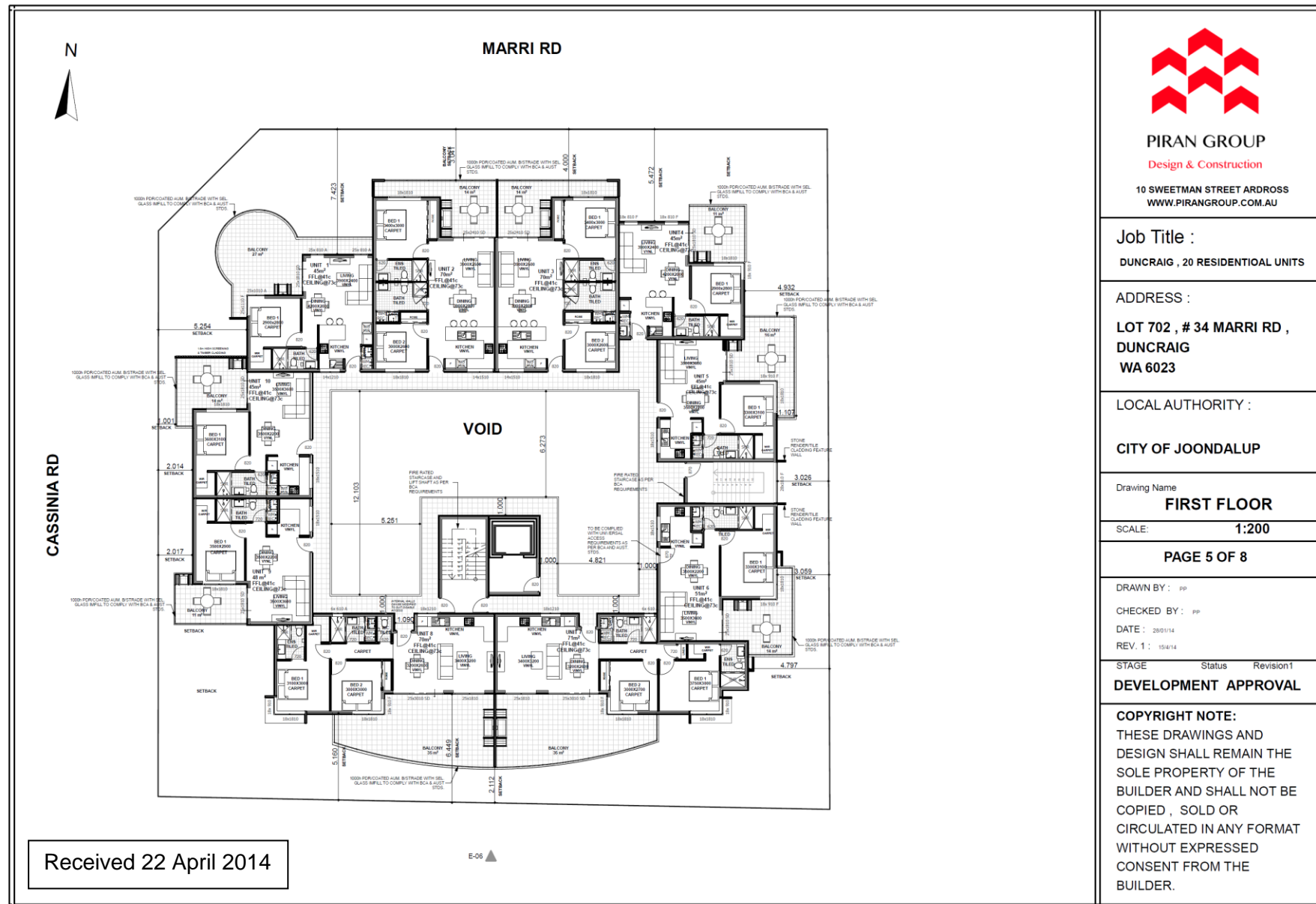
**REV. 1 :** 15/4/14

**STAGE** **Status** **Revision1**

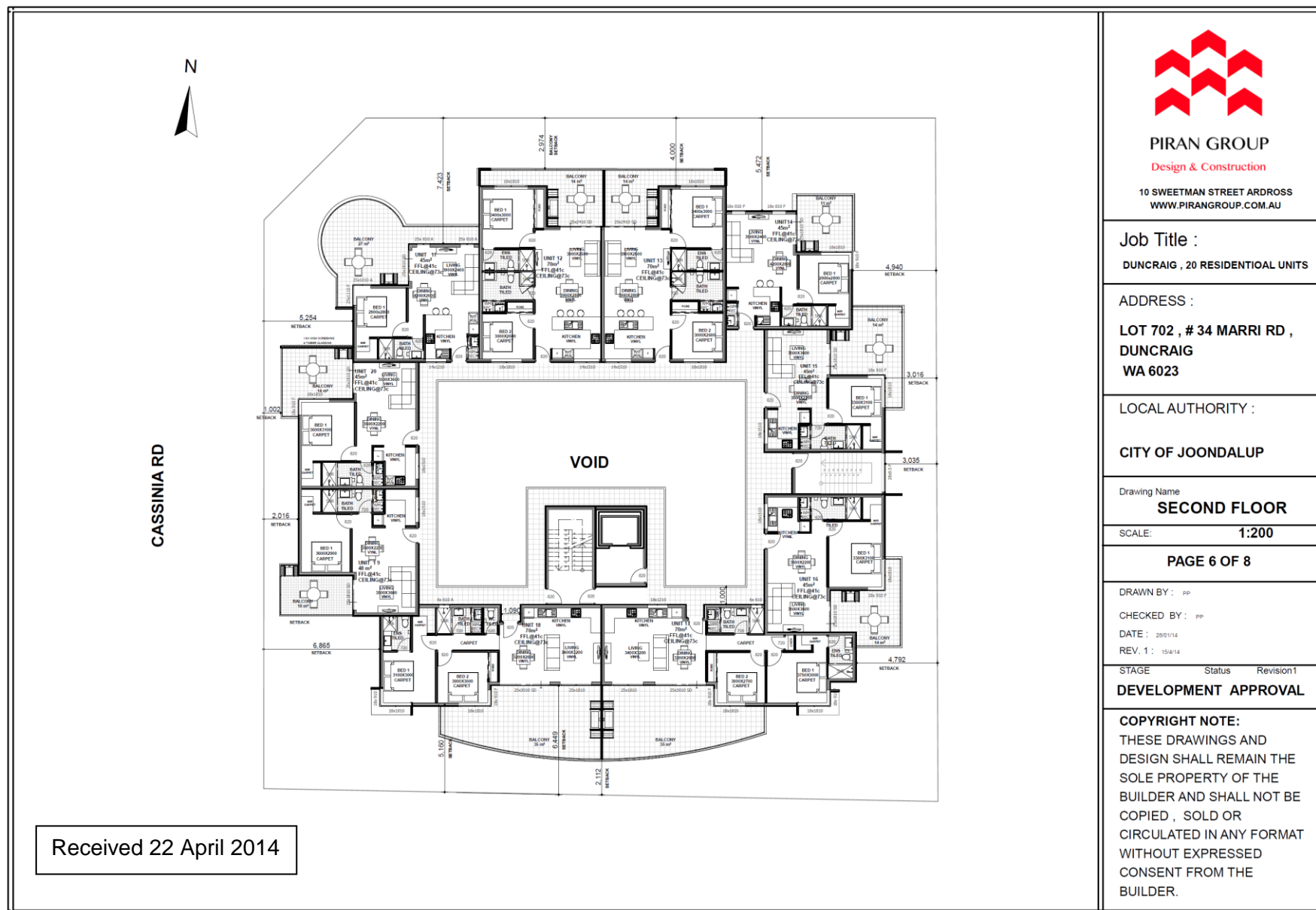
**DEVELOPMENT APPROVAL**

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DUNCRAIG  
WA 6023

**LOCAL AUTHORITY :**

CITY OF JOONDALUP

Drawing Name **NORTH AND EAST ELEVATIONS**

SCALE: **1:200**

**PAGE 7 OF 8**

DRAWN BY: pp

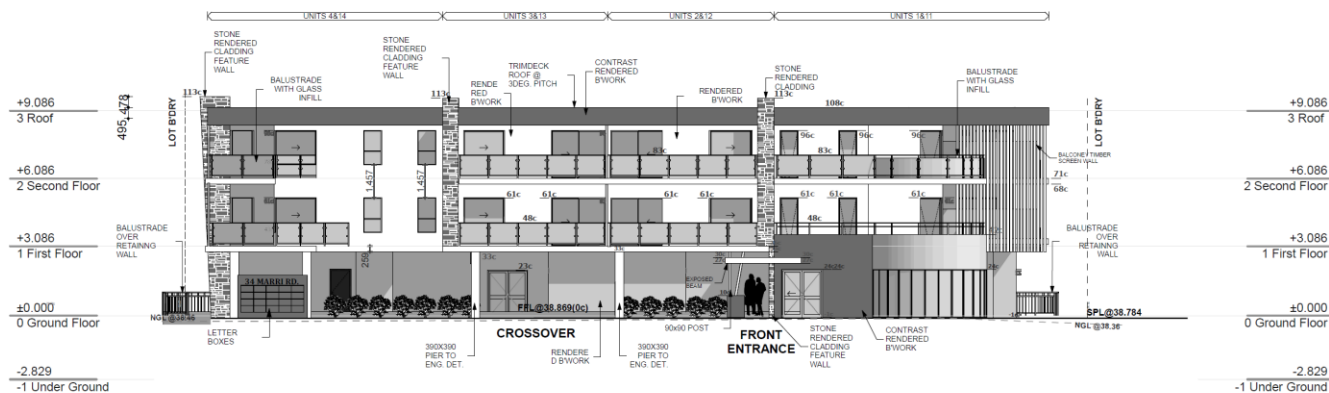
CHECKED BY: pp

DATE: 28/01/14

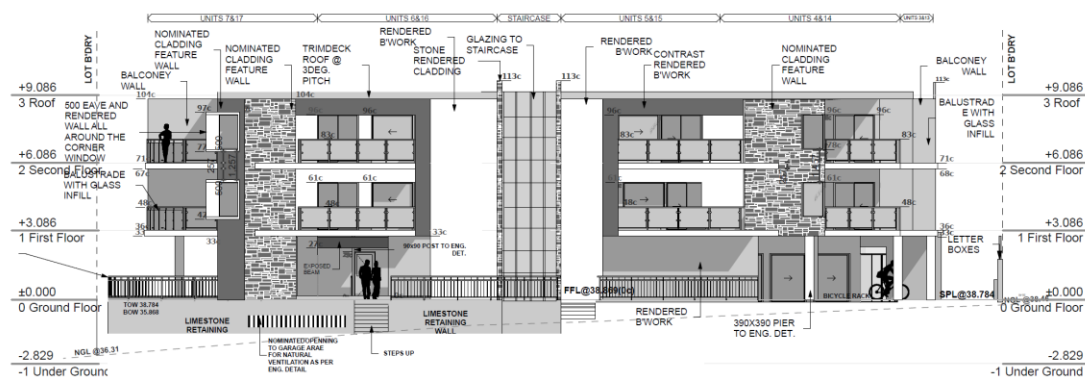
REV. 1: 15/4/14

STAGE Status Revision1  
**DEVELOPMENT APPROVAL**

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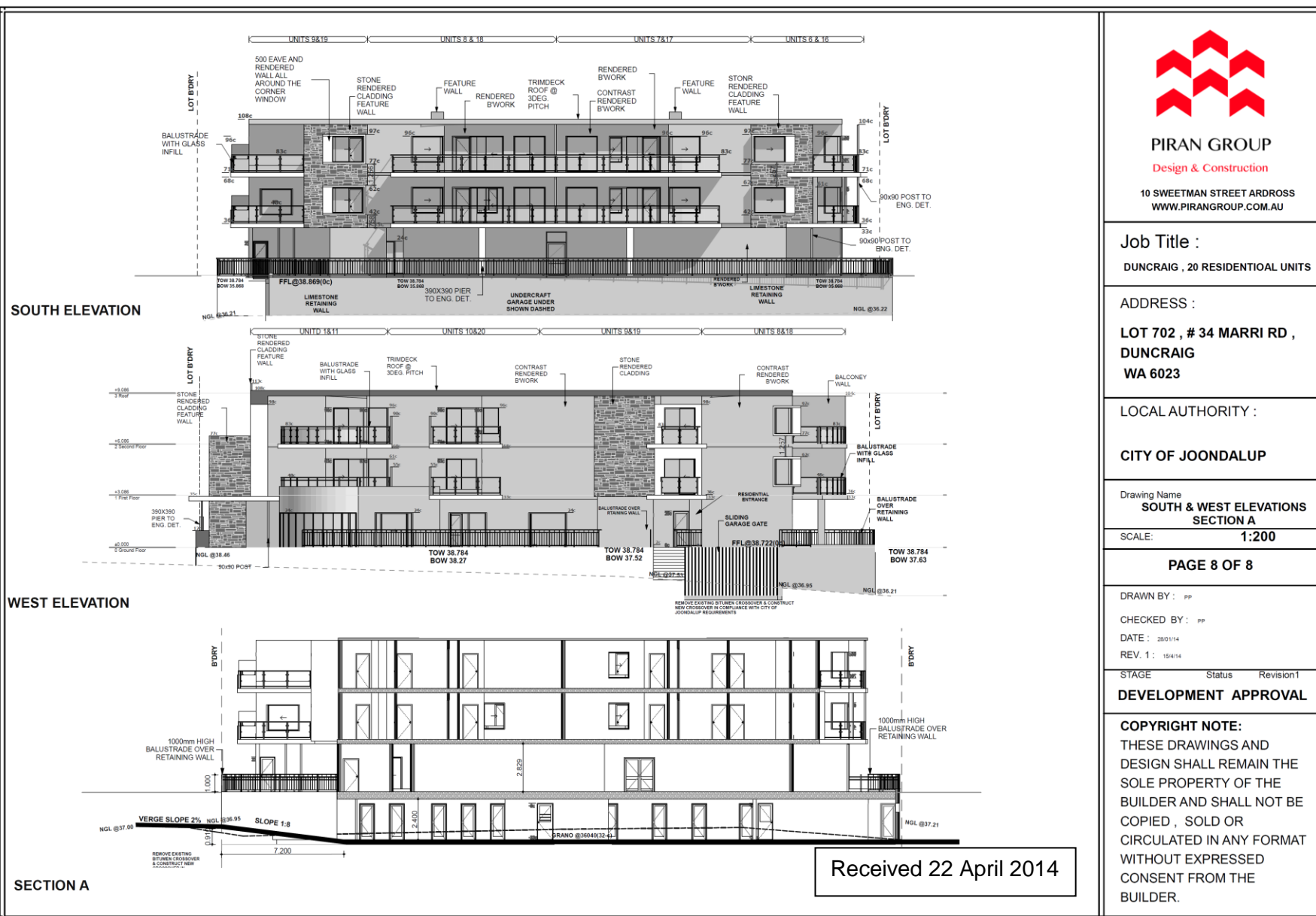


**NORTH ELEVATION**



**EAST ELEVATION**

Received 22 April 2014



**PIRAN GROUP**

Design & Construction

10 SWEETMAN STREET ADRROSS  
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**Job Title :**

DUNCRAIG , 20 RESIDENTIAL UNITS

**ADDRESS :**

**LOT 702 , # 34 MARRI RD ,  
DUNCRAIG  
WA 6023**

**LOCAL AUTHORITY :**

**CITY OF JOONDALUP**

Drawing Name  
**SOUTH & WEST ELEVATIONS  
SECTION A**

SCALE: **1:200**

**PAGE 8 OF 8**

DRAWN BY : pp

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REV. 1 : 15/4/14

STAGE Status Revision1

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DUNCRAIG , 20 RESIDENTIAL UNITS

**ADDRESS :**

LOT 702 , # 34 MARRI RD ,  
DUNCRAIG  
WA 6023

**LOCAL AUTHORITY :**

CITY OF JOONDALUP

**Drawing Name**

PRELIMINARY 3D MODEL

**SCALE:**

NO SCALE

**DRAWN BY :** pp

**CHECKED BY :** pp

**DATE :** 25/01/14

**REV. 1 :** 05/01/14

**STAGE**

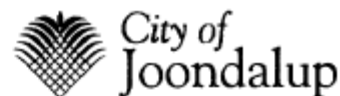
Status

Revision1

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## Environmentally Sustainable Design – Checklist

Under the City's planning policy, *Environmentally Sustainable Design in the City of Joondalup*, the City encourages the integration of environmentally sustainable design principles into the construction of all new residential, commercial and mixed-use buildings and redevelopments (excluding single and grouped dwellings, internal fit outs and minor extensions) in the City of Joondalup.

Environmentally sustainable design is an approach that considers each building project from a 'whole-of-life' perspective, from the initial planning to eventual decommissioning. There are five fundamental principles of environmentally sustainable design, including: siting and structure design efficiency; energy efficiency; water efficiency; materials efficiency; and indoor air quality enhancement.

For detailed information on each of the items below, please refer to the *Your Home Technical Manual* at: [www.yourhome.gov.au](http://www.yourhome.gov.au), and *Energy Smart Homes* at: [www.clean.energy.wa.gov.au](http://www.clean.energy.wa.gov.au).

This checklist must be submitted with the planning application for all new residential, commercial and mixed-use buildings and redevelopments (excluding single and grouped dwellings, internal fit outs and minor extensions) in the City of Joondalup.

The City will seek to prioritise the assessment of your planning application and the associated building application if you can demonstrate that the development has been designed and assessed against a national recognised rating tool.

Please tick the boxes below that are applicable to your development.

### Siting and structure design efficiency

Environmentally sustainable design seeks to affect siting and structure design efficiency through site selection, and passive solar design.

Does your development retain:

- ✓ existing vegetation; and/or **NO**
- ✓ natural landforms and topography **YES**.

Does your development include:

- ✓ northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west **4 SIDES**.
- ✓ passive shading of glass **NO**
- ✓ sufficient thermal mass in building materials for storing heat **YES**.
- ✓ insulation and draught sealing **YES**
- ✓ floor plan zoning based on water and heating needs and the supply of hot water; and/or **YES**  
advanced glazing solutions **NO**.

## Energy efficiency

Environmentally sustainable design aims to reduce energy use through energy efficiency measures that can include the use of renewable energy and low energy technologies.

Do you intend to incorporate into your development:

- ☒ renewable energy technologies (e.g. photo-voltaic cells, wind generator system, etc); and/or *NO*
- ☒ low energy technologies (e.g. energy efficient lighting, energy efficient heating and cooling, etc); and/or *YES*
- ☒ natural and/or fan forced ventilation *YES*

## Water efficiency

Environmentally sustainable design aims to reduce water use through effective water conservation measures and water recycling. This can include stormwater management, water reuse, rainwater tanks, and water efficient technologies.

Does your development include:

- ☒ water reuse system(s) (e.g. greywater reuse system); and/or *NO*
- ☒ rainwater tank(s) *NO*

Do you intend to incorporate into your development:

- ☒ water efficient technologies (e.g. dual-flush toilets, water efficient showerheads, etc) *YES*

## Materials efficiency

Environmentally sustainable design aims to use materials efficiently in the construction of a building. Consideration is given to the lifecycle of materials and the processes adopted to extract, process and transport them to the site. Wherever possible, materials should be locally sourced and reused on-site.

Does your development make use of:

- ☒ recycled materials (e.g. recycled timber, recycled metal, etc) *NO*
- ☒ rapidly renewable materials (e.g. bamboo, cork, linoleum, etc); and/or *NO*
- ☒ recyclable materials (e.g. timber, glass, cork, etc) *NO*
- ☒ natural/living materials such as roof gardens and "green" or planted walls *YES*

## Indoor air quality enhancement

Environmentally sustainable design aims to enhance the quality of air in buildings, by reducing volatile organic compounds (VOCs) and other air impurities such as microbial contaminants.

Do you intend to incorporate into your development:

- ☒ low-VOC products (e.g. paints, adhesives, carpet, etc) *NO*

## 'Green' Rating

Has your proposed development been designed and assessed against a nationally recognised "green" rating tool?

- ☐ Yes
- ☒ No

If yes, please indicate which tool was used and what rating your building will achieve:

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If yes, please attach appropriate documentation to demonstrate this assessment.

If you have not incorporated or do not intend to incorporate any of the principles of environmentally sustainable design into your development, can you tell us why:

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Is there anything else you wish to tell us about how you will be incorporating the principles of environmentally sustainable design into your development:

PLEASE SEE ATTACHED COVERING LETTER

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When you have checked off your checklist, sign below to verify you have included all the information necessary to determine your application.

Thank you for completing this checklist to ensure your application is processed as quickly as possible.

Applicant's Full Name: PIRAN GROUP. Contact Number: 9364 3520

Applicant's Signature:  Date Submitted: 10.2.14.

Accepting Officer's Signature: \_\_\_\_\_

Checklist Issued: March 2011





● = Objection received.



## Form 2 - Responsible Authority Report

(Regulation 17)

<b>Property Location:</b>	Lot 3801 (1001) Joondalup Drive, BANKSIA GROVE
<b>Application Details:</b>	Amendment to Banksia Grove Town Centre (Stage 1) – tenancy layout and use (condition b) and modification to condition d.
<b>DAP Name:</b>	Metro North-West
<b>Applicant:</b>	TPG Town Planning, Urban Design & Heritage
<b>Owner:</b>	Coles Group Property Dev Ltd
<b>LG Reference:</b>	DA2014/275
<b>Responsible Authority:</b>	City of Wanneroo
<b>Authorising Officer:</b>	Len Kosova Director, Planning and Sustainability
<b>Department of Planning File No:</b>	DP/13/00180
<b>Report Date:</b>	2 May 2014
<b>Application Receipt Date:</b>	5 March 2014
<b>Application Process Days:</b>	58 days
<b>Attachment(s):</b>	<u>Attachment 1</u> 1a. Current approval letter 1b. Approved Site Plan DA03 1c. Approved Floor Plan DA06  <u>Attachment 2</u> 2a. proposed Floor Plan A9.01 2b. proposed Elevations

### Recommendation:

That the Metro North-West Joint Development Assessment Panel resolves to:

1. Accept that the DAP Application reference DP/13/00180 as detailed on the DAP Form 2 dated 5 March 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference DP/13/00180 as detailed on the DAP Form 2 dated 5 March 2014 and accompanying plans (Plan A9.01 dated 17/3/2014, Elevations dated 12/02/2014) in accordance with the provisions of the Metropolitan Region Scheme and the City of Wanneroo District Planning Scheme No. 2, for the proposed minor amendment to the approved Banksia Grove Town Centre (Stage 1) at Lot 3801 (1001) Joondalup Drive, BANKSIA GROVE, subject to:

### Amended Conditions

- b) Tenancies within the proposed development shall accord with the following land uses and their corresponding definitions under the City of Wanneroo District Planning Scheme No. 2:



#### Plan A9.01

- T01, T04-T06, T12 and T17 – 'Shop';
- T02 – 'Liquor Store';
- T03 – 'Bank';
- T07-T11 – 'Take-Away Food Outlet' and 'Restaurant';
- T16 – 'Medical Centre'; and
- M28 and M29 – 'Take-Away Food Outlet'.

#### Plan DA03:

- T01 and T02: 'Take-Away Food Outlet'; and
- Fuel Station: 'Convenience Store'.

- d) Satisfactory arrangements being made with the City of Wanneroo prior to any occupancy of the development, to ensure that the proposed accesses at Pinjar Road and Joondalup Drive are redesigned and reconstructed as left-in, left-out accesses only at the proponent's cost, once alternative access to the subject site is available from the future eastward extension of Golf Links Drive between Pinjar Road and Joondalup Drive through the adjoining lot to the north.

#### Advice Notes

All other conditions and requirements detailed on the previous approval dated 30 May 2013 (LG ref DA2013/223) shall remain unless altered by this application.

#### Background:

Insert Property Address:	Lot 3801 (1001) Joondalup Drive, Banksia Grove
Insert Zoning	MRS: Urban
	TPS: Urban Development
	ASP 65: Commercial
Insert Use Class:	'Shop', 'Restaurant', 'Take-Away Food Outlet', 'Medical Centre', 'Liquor Store', 'Bank', 'Convenience Store'
Insert Lot Size:	5.63 hectares
Insert Existing Land Use:	Vacant land (under construction)
Value of Development:	\$12,000,000

On 30 May 2013, the Metro North-West Joint Development Assessment Panel (JDAP) conditionally approved an application for the Banksia Grove Town Centre (Stage 1). The centre incorporated a supermarket and several speciality retail and commercial tenancies.

The DA2013/223 approval letter, along with the approved site plan, floor plan and elevations are provided as **Attachment 1**.

#### Details: outline of development application

The proposed amendment to the Banksia Grove Town Centre (Stage 1) seeks to modify the existing approval by:

- Reducing the number of speciality retail and commercial tenancies within the main shopping centre building to 17 (previously 20 tenancies were approved);
- Reconfiguring the layout and size of tenancies;
- Changing the use permissibility in a number of the tenancies;
- Providing an 'external seating zone' adjacent to the pedestrian main street; and
- Modifying condition d) of the previous approval to allow the legal agreement to be secured by a bank guarantee.

A floor plan and elevations of the amended proposal are provided as **Attachment 2**.

The proposal will deliver a total floorspace provision of 5134m<sup>2</sup> net lettable area (NLA), of which 4864m<sup>2</sup> is considered to be shop retail NLA that will contribute towards the 7500m<sup>2</sup> NLA shop retail limit for the site prescribed by the Banksia Grove District Centre Agreed Structure Plan No. 65 (ASP 65).

### **Legislation & policy:**

#### Legislation

Metropolitan Region Scheme (MRS)

City of Wanneroo District Planning Scheme No. 2 (DPS 2)

Banksia Grove District Centre Local Structure Plan No. 65 (ASP 65)

### **Consultation:**

#### Public Consultation

The City previously advertised the Banksia Grove Town Centre (Stage 1) proposal for public comment during its consideration of DA2013/223. The proposed modifications to the tenancy layout and land uses remain entirely consistent with the use of the site for a shopping centre and therefore Administration does not consider public consultation was necessary. The proposed modification to condition d) which relates to the security of the legal agreement is an administrative matter which does not require public consultation.

### **Planning assessment:**

An assessment of the proposed modifications has been carried out against the provisions of DPS 2 and ASP 65. The modifications comply with the provisions of these documents. The change of use modifications to tenancies T06, T09, T10, T15 and T16 propose land uses which are all permitted within the 'Retail Core' of the ASP 65 area.

#### Proposed Layout

The proponent proposes to modify the layout and number of tenancies to respond to market demand, which, in turn, requires the land use of some tenancies to be changed. In addition, the modified layout has enabled provision of an external seating zone for use by the food and beverage tenancies. The proposed land use distribution for the amended application is outlined below:

- T01, T04-T06, T12-T15 and T17 'Shop';
- T02 'Liquor Store';
- T03 'Bank';
- T07-T11 'Take-Away Food Outlet' and 'Restaurant';
- T16 'Medical Centre'; and
- M28 and M29 'Take-Away Food Outlet'.

All proposed uses are 'P' uses within the Retail Core of the Banksia Grove Town Centre under ASP 65. Administration considers the external seating zone will provide a more desirable design outcome and will allow greater activation between the pedestrian main street and the development.

Administration is proposing that condition b) of the existing approval be modified to reflect the land use distribution as outlined above. There are no changes to the land uses approved for tenancies depicted on Plan DA03 (**Attachment 1b**) under the JDAP's previous approval.

#### Condition d) of existing approval

Condition d) of the existing approval (**Attachment 1a**) requires the proponent to enter into a legal agreement with the City secured by a Caveat on the title of the subject lot. Once in place, this arrangement would require the City's agreement for every dealing on the title (such as registration of a lease or a restrictive covenant), which would be cumbersome for the City and the proponent. Therefore, the proponent has requested condition d) be modified to also allow security through a bank guarantee.

The City agrees that compliance with the current wording of the condition would result in an unnecessary administrative burden and is therefore supportive of the condition being modified to some degree. If the works required by condition d) were entirely within the road reserve, a bank guarantee would be considered appropriate, however, some of the works will be required on the subject lot and this could be problematic in the circumstance that the City was required to carry out any works.

The purpose of condition d) is to ensure that the required works are carried out to the City's satisfaction. Therefore, as long as satisfactory arrangements can be agreed between the City and the proponent, the intent of the condition will still be met. Accordingly, it is recommended that condition d) be modified to require satisfactory arrangements to be made without specifying the details in the condition. This will allow the City and proponent to negotiate these arrangements at the development stage. The proponent has indicated they are supportive of this approach.

#### **Conclusion:**

The proposed modifications to the approved Banksia Grove Town Centre (Stage 1) have been assessed against the provisions of the City's DPS 2 and ASP 65. The proposal generally complies with the development standards and is considered satisfactory. It is therefore recommended that the amended proposal be approved subject to conditions.



LG Ref: DA2013/223  
DoP Ref: DP/13/00180  
Enquiries: Development Assessment Panels  
Telephone: (08) 6551 9919

Mr Chris Harman  
TPG Town Planning, Urban Design and Heritage  
P O Box 7375  
Cloisters Square WA 6850

Dear Mr Harman

**Metro North-West JDAP – City of Wanneroo – DAP Application DA2013/223**  
**Lot 3801 (1001) Joondalup Drive, Banksia Grove**  
**Banksia Grove Town Centre (Stage 1)**

Thank you for your application and plans submitted to the City of Wanneroo on 27 February 2013 for the above development at the above mentioned site.

This application was considered by the Metro North-West JDAP at its meeting held on Thursday 30 May 2013, where in accordance with the provisions of the City of Wanneroo Town Planning Scheme No.6, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with Regulation 17 of the Development Assessment Panel Regulations 2011.

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

Should you have any enquiries in respect to the conditions of approval please contact Mr Ben Hesketh at the City of Wanneroo on 9405 5073.

Yours sincerely

**DAP Secretariat**

10/6/2013

Encl. DAP Determination Notice  
Approved plans

Cc: **Mr Ben Hesketh**  
City of Wanneroo  
Locked Bag 1  
Wanneroo WA 6946





***Planning and Development Act 2005***

**City of Wanneroo Town Planning Scheme No.6**

**Metro North-West JDAP**

**Determination on Development Assessment Panel  
Application for Planning Approval**

**Location:** Lot 3801 (1001) Joondalup Drive, Banksia Grove

**Description of proposed Development:** Banksia Grove Town Centre (Stage 1)

In accordance with Regulation 8 of the *Development Assessment Panels Regulations 2011*, the above application for planning approval was **granted** on Thursday, 30 May 2013, subject to the following resolution and conditions:

That the Metro North-West Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DA2013/223 and accompanying plans DA03a (Feb 2013); DA06a (dated February 2013); DA07a (dated February 2013); and DA11a (dated May 2013) and the revised Intersection Layout FIG. 3 provided, in accordance with the provisions of the Metropolitan Region Scheme and City of Wanneroo District Planning Scheme No. 2, subject to compliance with the following conditions to the satisfaction of the Manager, Planning Implementation:

- a) Revised plans of the development shall be lodged with, and to the satisfaction of, the City for its approval prior to the commencement of development, which address the following matters:
  - i) The proposed full access driveway at Joondalup Drive being redesigned to delete the right-turn out movement;
  - ii) The proposed 'take-away food outlet' indicated as T02 on approved site plan (DA03a) being redesigned so as to locate the proposed loading bay away from the pedestrian walkway;
  - iii) The southern elevation of the main shopping centre being provided with additional glazing, materials, cladding, colours or other design treatments to improve its presentation to the public realm; and
  - iv) The 'feature entry canopies' on the eastern elevation of the main shopping centre building being redesigned so as to increase their scale and prominence within the development.
- b) Tenancies within the proposed development shall accord with the following land uses and their corresponding definitions under the City of Wanneroo District Planning Scheme No.2:

Plan DA03:

- T01 and T02: 'take-away food outlet'; and



- Fuel Station: 'convenience store'.

Plan DA06:

- T01, T04, T05 and T11-19: 'shop';
- T02: 'liquor store';
- T03: 'bank';
- T06: 'office';
- T07, T08, K1 and K2: 'take-away food outlet';
- T09 and T10: 'consulting room'; and
- T20: 'restaurant'.

A change in use from that outlined above will require the approval of the City.

- c) Detailed engineering drawings of the proposed access treatments and driveways at Pinjar Road and Joondalup Drive, including any modifications required to those roads to accommodate those treatments, shall be lodged with the City for its approval prior to the commencement of development. The access treatments and driveways shall be thereafter constructed in accordance with the approved drawings at the absolute cost of the proponent.
- d) The proponent entering into a legal agreement with the City of Wanneroo prior to the commencement of operation of any uses on the subject lot, to ensure that the proposed accesses at Pinjar Road and Joondalup Drive are redesigned and constructed as left-in, left-out accesses only at the proponent's cost, once alternative access to the subject site is available from the future eastward extension of Golf Links Drive between Pinjar Road and Joondalup Drive through the adjoining lot to the north. The legal agreement is to be prepared at the proponent's cost to the satisfaction and specification of the City of Wanneroo and is to be secured by way of a caveat in the City's favour on the title of the subject lot.
- e) The proposed access treatments to Pinjar Road and Joondalup Drive shall be redesigned and constructed as left-in, left-out accesses only once alternative vehicular access to the site is available from the future eastward extension of Golf Links Drive between Pinjar Road and Joondalup Drive through the adjoining lot to the north. Detailed drawings of this connection and accompanying vehicle swept path movements shall be lodged with the City for its approval prior to the works commencing and the works shall thereafter be carried out in accordance with those drawings and maintained to the City's satisfaction and specification.
- f) Any verge infrastructure that is damaged or requires modification as a result of the proposed development shall be reinstated or rectified to the satisfaction of the City of Wanneroo and at the absolute cost of the proponent.
- g) The existing bus embayment and associated infrastructure on Joondalup Drive shall be relocated to a suitable location in consultation with the Public Transport Authority and the City of Wanneroo, at the absolute cost of the proponent.
- h) Parking areas, driveways, and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Off-street Car Parking (AS 2890) and shall be drained, sealed and marked.



- i) The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time, without the prior written approval of the City.
- j) Provision of at least one shopping trolley collection area for each two rows of car bays in a mid block location. The shopping trolley collection areas shall be designed sufficient to contain the trolleys, protect them from damage by vehicles and be sign posted for easy identification by shoppers.
- k) Disabled parking bays shall be provided in accordance with the National Construction Code and designed in accordance with AS 2890.6 – 2009.
- l) Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied.
- m) The design levels of the proposed development shall be coordinated with those of the future extension of Golf Links Drive.
- n) The landowner shall enter into an easement in gross in favour of the public at large pursuant to Section 196 of the Land Administration Act. The easement shall cover areas generally identified as car parking, vehicle accessways and pedestrian paths. The easement shall be registered on the title of the subject land prior to the development first being occupied. All costs associated with the preparation of the easement shall be met by the proponent.
- o) All pedestrian pathways are to be connected into an existing or proposed path network and shall be constructed prior to the development first being occupied and where in private property, thereafter maintained to the satisfaction of the City.
- p) Detailed landscaping, reticulation and street furniture plans, for the subject site and adjacent road verges, shall be lodged for approval by the City prior to the commencement of development. Planting and installation shall be in accordance with the approved landscaping and reticulation plans, and thereafter maintained by the landowner to the City's satisfaction.
- q) A schedule of material colours and finishes of all external faces of the development shall be submitted prior to construction commencing. Unless otherwise approved by the City, the building shall be in accordance with that schedule.
- r) An Urban Water Management Plan (UWMP) shall be submitted to the City for its approval prior to the commencement of development. The UWMP shall, amongst other matters, demonstrate how the development will maximise the efficient use of wastewater and harvested water and minimise pollutant inputs through structural and non-structural source controls.
- s) A waste management plan shall be submitted to the City for its approval prior to the commencement of development, depicting collection areas and demonstrating how collection vehicles will manoeuvre on the internal access ways of the development. Collection vehicle movements shall thereafter accord with the approved management plan.



- t) An energy efficiency plan, demonstrating initiatives to reduce energy requirements and emissions, shall be provided to the City for its approval prior to the commencement of development.
- u) An acoustic consultant's report is to be provided for the City's approval, prior to the commencement of the development. This report is to indicate the anticipated sound level measurements for all types of noise associated with the development indicating plant and equipment noise as well as noise associated with operational activities. The report must also indicate any specific requirements that are needed to ensure noise emissions comply with the Environmental Protection (Noise) Regulation 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations, shall be made to the City's satisfaction.
- v) A on site stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed shall be submitted for approval when application is made for a building licence and the system shall be installed during the construction of the development.
- w) All piped and wired services, mechanical plant, equipment and service and storage areas are to be screened from public view to the City's satisfaction. Relative to this condition, details of such screening shall be submitted to the City for approval prior to the commencement of development.
- x) This approval does not relate to any signage being erected on site. A signage strategy for the development shall be submitted to the City for its approval prior to the erection of any signage on site. Signage erected on site shall thereafter comply with the approved signage strategy.
- y) Where the angle of natural repose of the land cannot be maintained, retaining walls must be provided in accordance with plans that have been certified by a practising structural engineer. Relative to this condition, details of any retaining walls proposed within the development shall be lodged with the City for its approval prior to the commencement of development.
- z) A non-sacrificial anti-graffiti coating shall be applied to external shopping centre walls or other measures taken to the satisfaction of the City. In the event of any graffiti being applied to the development, steps are to be taken to remove it as soon as is reasonably possible to the City's satisfaction.
- aa) The proponent and its contractors shall implement appropriate dust and sand drift control measures on site in accordance with Department of Environmental Protection Guidelines. Disturbed areas shall be stabilised on completion of development and thereafter maintained.
- bb) This approval is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

#### **Advice Notes**

- a) This is a planning approval only and is issued under the City of Wanneroo's District Planning Scheme No. 2 and the Metropolitan Region Scheme. It is the proponent's responsibility to comply with all other applicable legislation and





obtain all required approvals, licences and permits prior to commencement of this development.

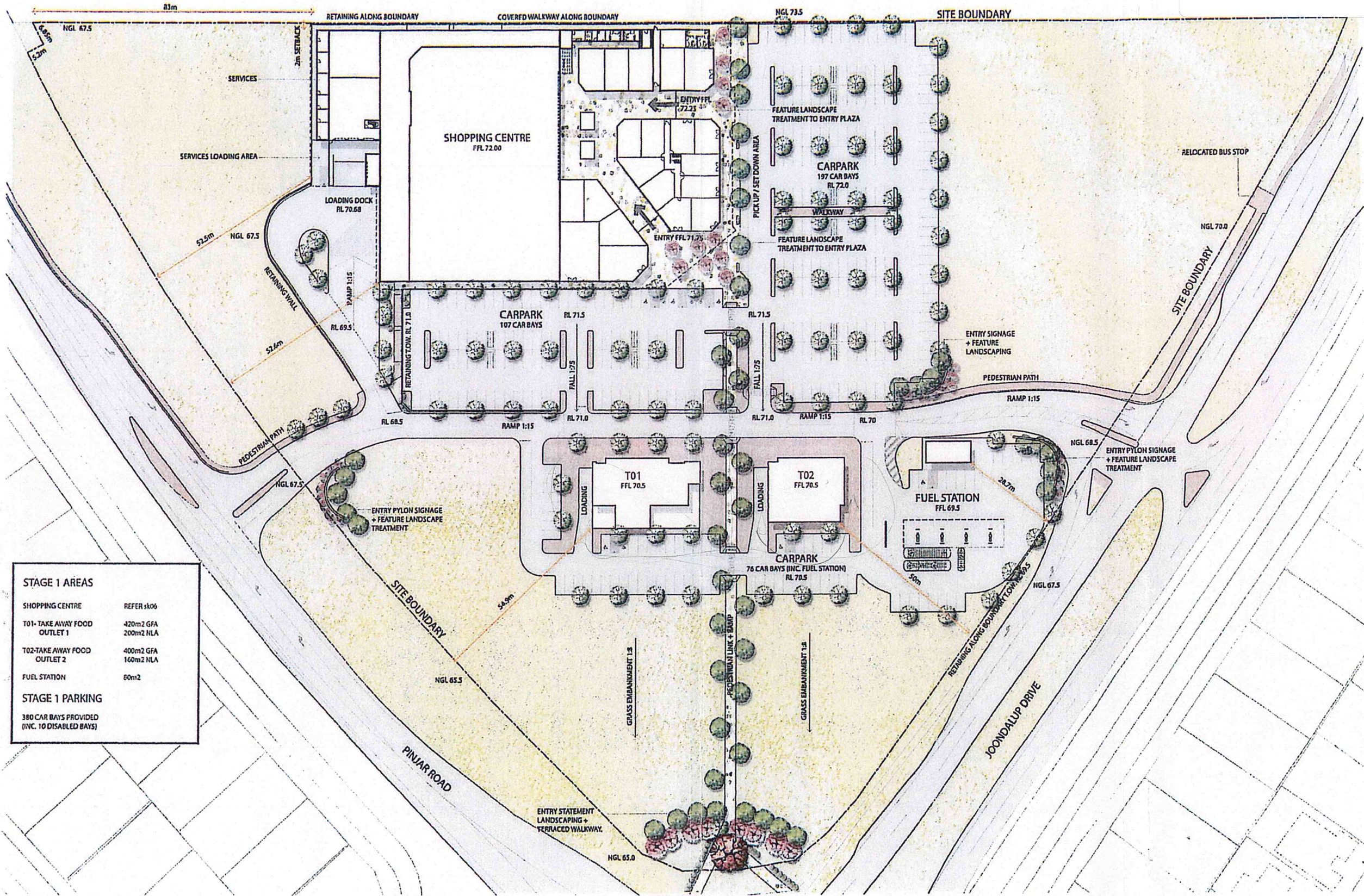
- b) This planning approval does not take into account any restrictive covenants. It is the proponent's responsibility to ensure that the development will not result in a conflict of contractual obligations.
- c) Application must be made for, and a licence to erect a sign obtained, from the City prior to any sign being erected.
- d) Car bay grades are generally not to exceed 6% and disabled bays are to have a maximum grade of 2.5%.

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

DEVELOPMENT ASSESSMENT  
PANELS  
30 MAY 2013  
APPROVED

FIG.  
3





STAGE 1 AREAS	
SHOPPING CENTRE	REFER s106
T01- TAKE AWAY FOOD OUTLET 1	420m <sup>2</sup> GFA 200m <sup>2</sup> HLA
T02- TAKE AWAY FOOD OUTLET 2	400m <sup>2</sup> GFA 160m <sup>2</sup> HLA
FUEL STATION	60m <sup>2</sup>
STAGE 1 PARKING	
380 CAR BAYS PROVIDED (INC. 10 DISABLED BAYS)	

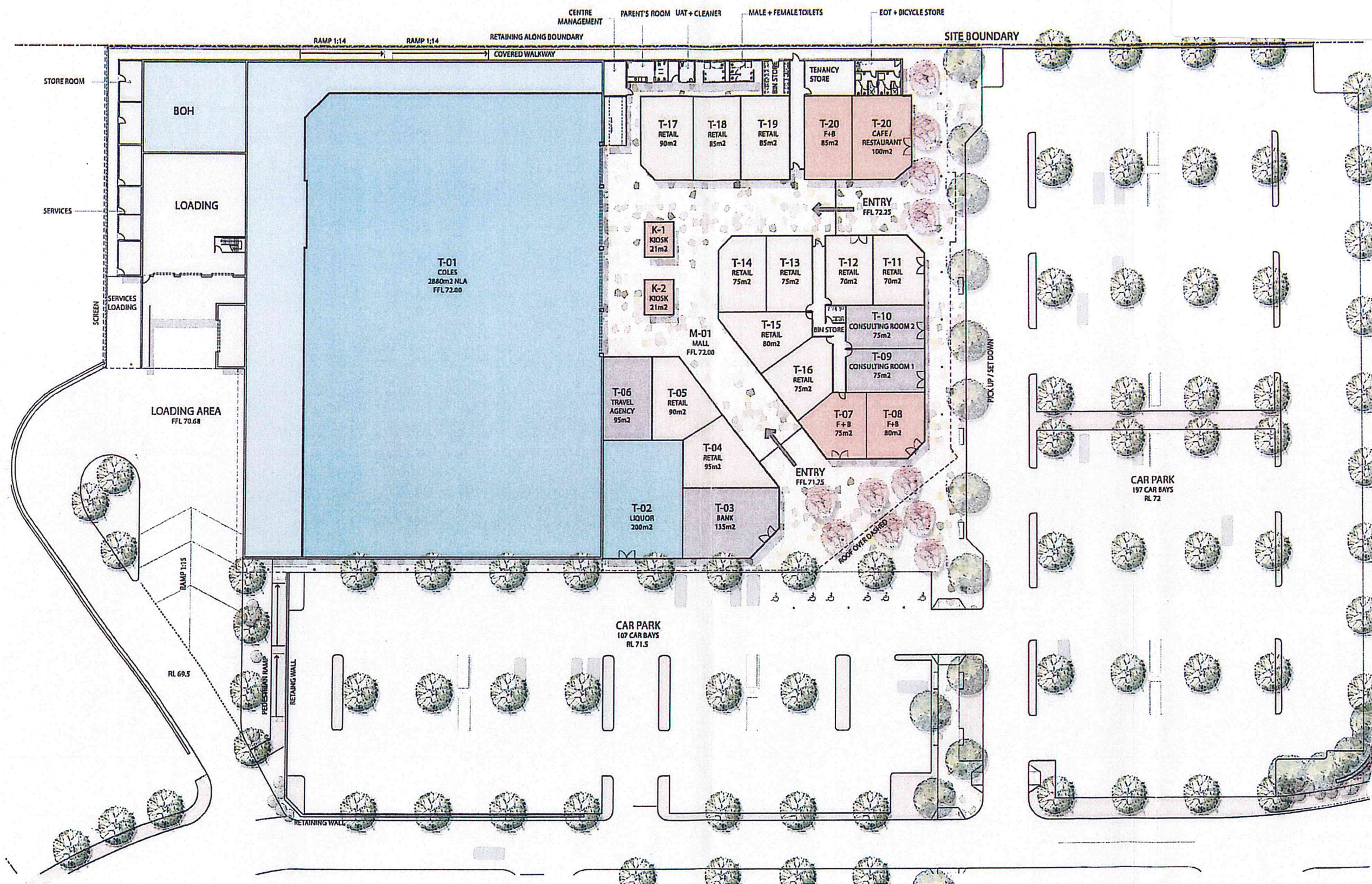
**SITE PLAN**  
**BANKSIA GROVE VILLAGE**  
Development Application

**TAYLOR ROBINSON**

1259

**DA03**  
DEVELOPMENT ASSESSMENT  
PANELS  
30 MAY 2013  
**APPROVED**





**FLOOR PLAN**  
**BANKSIA GROVE VILLAGE**  
 Cnr Joondalup Dr + Pinjar Rd  
 Development Application

**TAYLOR ROBINSON**  
 www.taylorrobinson.com.au

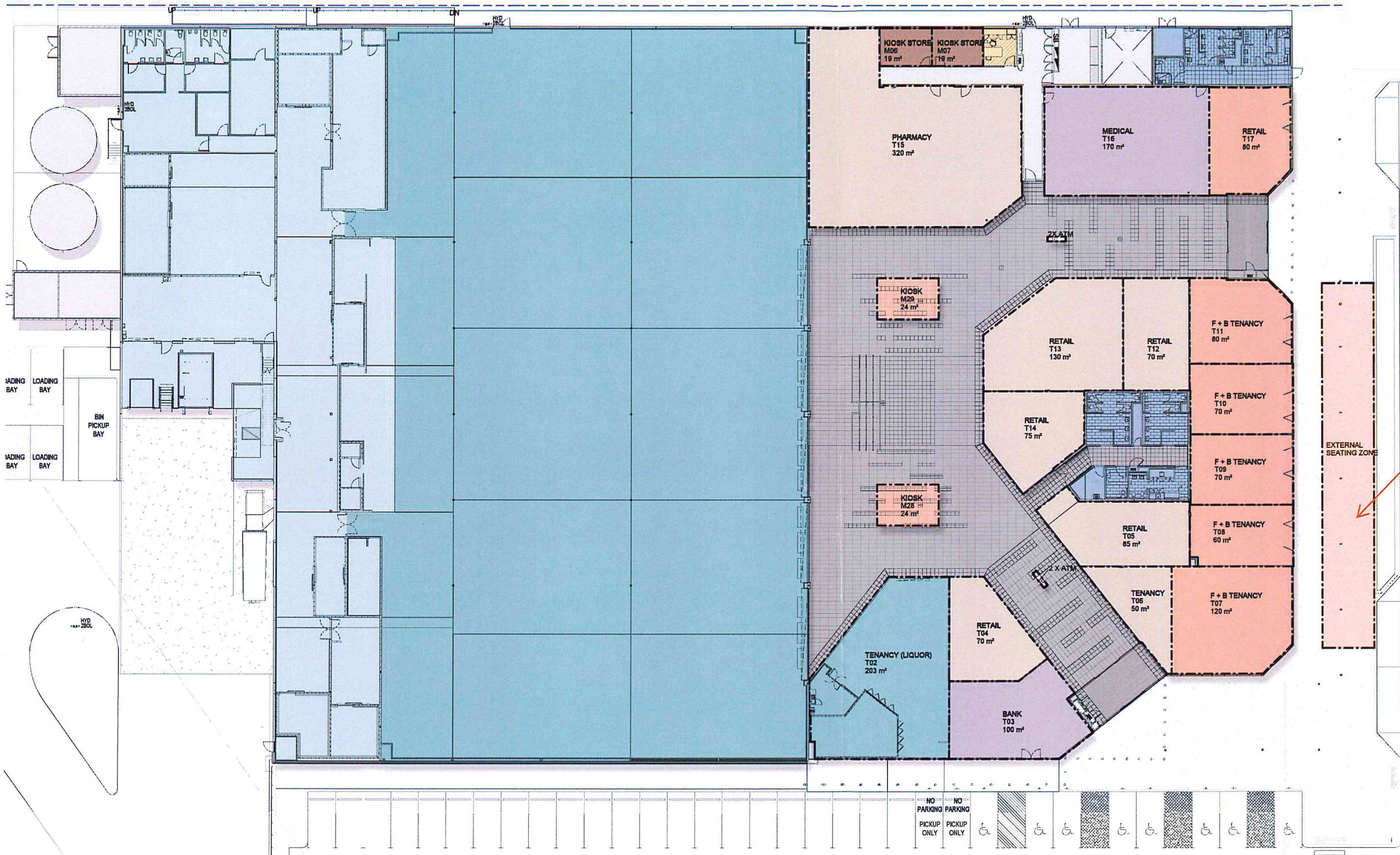
2.5M railway pds.  
 west Leederville  
 T: 08 9398 6111  
 F: 08 9398 6117

1:500 wA3 - 1:250 wA1  
**1259**  
 feb 2013  
 II

**DA06**

DEVELOPMENT ASSESSMENT  
 PANELS  
 30 MAY 2013  
**APPROVED**





GENERAL NOTES:  
FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED. DO NOT SCALE REDUCED SIZE DRAWINGS. VERIFY DIMENSIONS PRIOR TO COMMENCING ANY ON-SITE OR OFF-SITE WORKS OR FABRICATION. IF IN DOUBT - ASK.  
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REVISION			
DATE	DESCRIPTION	BY	REV

#### AREA - 180 sq.m

##### INDICATIVE TENANCY PLAN

FOR PLANNING DEVELOPMENT  
COLES COMMERCIAL PROPERTY

THIS TENANCY PLAN IS ILLUSTRATIVE ONLY AND IS SUBJECT TO CHANGE. THIS PLAN DOES NOT CONSTITUTE ANY OFFER, WARRANTY OR REPRESENTATION AS TO THE PROPOSED DESIGN, MIX, PROFITABILITY, STYLE, LAYOUT OR APPEARANCE OF THE SHOPPING CENTRE OR THE SURROUNDING ROADS. THIS PLAN OF THE SHOPPING CENTRE OR SURROUNDING ROADS MAY CHANGE AT ANY TIME, SUBJECT TO NECESSARY APPROVALS.

THIS INFORMATION CONTAINED IN THIS DRAWING IS PROVIDED IN GOOD FAITH AND IS BELIEVED TO BE CORRECT AS AT DATE OF ISSUE. THE INFORMATION HOWEVER CANNOT BE RELIED UPON AS A STATEMENT OF FACT AND YOU MUST THEREFORE SATISFY YOURSELF AS TO THE CORRECTNESS OF EACH PARTICULAR.

POTENTIAL LESSEES SHOULD ALSO BE AWARE THAT ALL LEASES INCLUDING THOSE OF THE MAJOR STORES CONTAIN CLAUSES ALLOWING TENANTS TO ASSIGN THEIR LEASE AND SUCH EVENTS MAY OCCUR WITHOUT INSTIGATION BY THE LESSOR.

GENERAL NOTE - SERVICES  
SERVICES LOCATION SUBJECT TO CLIENT APPROVAL OF CO-ORDINATED SERVICES LAYOUT

## ISSUE FOR CHANGE OF USE DA

234 RAILWAY PARADE, WEST LEEDERVILLE, WA 6007  
P: 08 9418 8111 F: 08 9418 8177  
E: reception@tr.com.au  
W: www.taylorrobinson.com.au

TAYLORROBINSON

PROJECT

**coles**  
**Banksia Grove Village**

DRAWING  
LEASE CONTROL PLAN

PLOT DATE 17.03.2014	JOB NUMBER 12059
DRAWN TR	DRAWING NO. A9.01
SCALE As indicated @A1	REVISION
CHECKED AE	© Copyright 2013

1 CONTROL LEASE PLAN  
SCALE: 1:200

- |                     |                       |                   |
|---------------------|-----------------------|-------------------|
| Coles trading Floor | Retail / Kiosks Store | Services          |
| Coles Back of House | Kiosks                | Centre Management |
| Specialty Retail    | Commercial            | Amenities         |

Plan issued 17.03.14

Total alfresco area = 180 sq.m



