



Metro North-West Joint Development Assessment Panel Agenda

Meeting Date and Time: 29 February 2016; 10:00am
Meeting Number: MNWJDAP/118
Meeting Venue: Conference Room 1, City of Joondalup Civic Centre
Boas Avenue
Joondalup

Attendance

DAP Members

Ms Karen Hyde (Presiding Member)
Mr Paul Drechsler (Deputy Presiding Member)
Mr Fred Zuideveld (Specialist Member)
Cr John Chester (Local Government Member, City of Joondalup)
Cr Philippa Taylor (Local Government Member, City of Joondalup)

Officers in attendance

Ms Lydia Dwyer (City of Joondalup)

Local Government Minute Secretary

Mr John Byrne (City of Joondalup)

Applicants and Submitters

Mr Jeremy Hofland (Rowe Group)

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

Note the Minutes of meeting no.116 held on the 8 February 2016.



The Minutes of meeting no.117 held on 15 February 2016 were not available at time of Agenda preparation.

5. Declarations of Due Consideration

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

6. Disclosure of Interests

Nil

7. Deputations and Presentations

Nil

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1	Property Location:	Lot 9 (937) Whitfords Avenue, Woodvale
	Application Details:	Three Storey Medical Centre
	Applicant:	Rowe Group
	Owner:	Citypride Holdings Pty Ltd
	Responsible authority:	City of Joondalup
	DoP File No:	DAP/15/00832

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

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Closure



Minutes of the Metro North-West Joint Development Assessment Panel

Meeting Date and Time: 8 February 2016; 11:30am
Meeting Number: MNWJDAP/116
Meeting Venue: City of Wanneroo,
Lechenaultia Meeting Room
23 Dundobar Road, Wanneroo

Attendance

DAP Members

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

Officers in attendance

Mr Jeremy Thompson (City of Wanneroo)
Ms Coralie Anderson (City of Wanneroo)
Mr Jay Naidoo (City of Wanneroo)
Mr Pas Bracone (City of Wanneroo)
Mr Phil Thompson (City of Wanneroo)
Ms Bonnie Butler (City of Wanneroo)
Ms Lucia Dunstan (Department of Planning)
Ms Kym Petani (Department of Planning)

Local Government Minute Secretary

Miss Grace Babudri (City of Wanneroo)

Applicants and Submitters

Mr Sean Morrison (Urbis Pty Ltd)
Mr Peter Burke (Handle Property Group)
Mr Malcolm McKay
Mr Peter Fitzgerald (Urbis Pty Ltd)
Mr John Alchin (Lakelands Country Club President)
Mr Andrew Tucker (Pritchard Francis)
Ms Kristen Watts (Coterra)
Rohan Carboon (Bushfire Safety)
Mr Ray Haeren (Urbis Pty Ltd)
Mr Chris Swiderski (Flyt)
Mr Felipe Soto (Hillam Architects)
Mr Stuart Hawley (PEET)
Mr Daniel Jenkins (Cardno Pty Ltd)

Members of the Public

There were 19 members of the public present at the meeting.



1. Declaration of Opening

The Presiding Member, Ms Karen Hyde, declared the meeting open at 11:30am on 8 February 2016 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro North-West JDAP meeting No. 114 held on 21 January 2016 were noted by DAP members.

Minutes of the Metro North-West JDAP meeting no. 115 held on 28 January were not available for noting at the time of meeting.

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of interests

Panel member, Ms Karen Hyde, declared an impartiality interest in relation to Item 8.2. (Consultancy with Taylor Burrell Barnett)

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Deputy Presiding Member, Mr Paul Drechsler, determined that the member listed above, who had disclosed an impartiality interest had no conflict and was permitted to participate in discussion and voting on the items.

In accordance with Section 2.4.6 of the Code of Conduct 2011, DAP members participated in a site visit for the application at Item 8.1a and 8.1b prior to the DAP Meeting.



7. Deputations and presentations

- 7.1** Mr Peter Burke (Handle Property Group), Mr Malcolm McKay, Mr Peter Fitzgerald (Urbis Pty Ltd) and Mr John Alchin (Lakelands Country Club President) addressed the DAP for the application at Item 8.1a and 8.1b.

The presentation at Item 7.1 was heard prior to the application at Item 8.1a and 8.1b.

- 7.2** Mr Felipe Soto (Hillam Architects) and Mr Stuart Hawley (PEET) addressed the DAP for the application at Item 8.2.

- 7.2** Mr Daniel Jenkins (Cardno Pty Ltd) addressed the DAP for the application at Item 8.2.

The presentations at Item 7.2 and 7.3 were heard prior to the application at Item 8.2.



8. Form 1 - Responsible Authority Reports – DAP Applications

8.1a Property Location:	Lots 5, 6, & 7 (120) Clubhouse Lane, Gnangara
Application Details:	Retirement Village
Applicant:	Urbis Pty Ltd
Owner:	Lakelands Country Club Inc.
Responsible authority:	City of Wanneroo
DoP File No:	DAP/15/00934

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Ms Karen Hyde

Seconded by: Mr Paul Drechsler

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

Refuse DAP Application reference DAP/15/00934 and accompanying plans Overall Site Plan (Oct 2015 – Rev A), Site Matrix and Typologies (Oct 2015 – Rev A) 42 Unit Floor Plans & Elevations (All Oct 2015 – Rev A), Apartments – Ground Plan & Storey 2 Plan (Oct 2015 – Rev A), Apartment Elevations (Oct 2015 – Rev A), Central Community Centre Plan (Oct 2015 – Rev A), Community Centre Elevations (Oct 2015 – Rev A), Northern Community Centre – Plan (Oct 2015 – Rev A) & Northern Community Centre – Elevations (Oct 2015 – Rev A) under the City of Wanneroo District Planning Scheme No. 2, for the following reasons as follows:

1. The proposal is considered urban in nature and therefore is inconsistent with the objectives and intent of the rural zoning of the land under the Metropolitan Region Scheme;
2. The proposal is inconsistent with regional policy/framework for development within the East Wanneroo area and inconsistent with draft North West Sub-regional Planning Framework;
3. The proposal is premature as the area is shown as having potential for urban development in the East Wanneroo Structure Plan however further investigations are required to determine the suitability of the area for urbanisation;
4. The proposal is contrary to the density requirements of the 1995 Government Sewerage Policy which requires developments without reticulated sewerage to be of a density no greater than R12.5;
5. The proposal is contrary to Local Planning Policy 5.3: East Wanneroo as it is premature and pre-empts the outcome of comprehensive structure planning that has not yet occurred which is to be undertaken for the area to ensure orderly and proper planning; and
6. The proposal is contrary to Clause 67 of the City of Wanneroo District Planning Scheme No 2 Deemed Provisions for matters to be considered by Local Government in determining a development application.

The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.



8.1b Property Location: Lakelands Country Club
Lots 5, 6, & 7 (120) Clubhouse Lane, Gnangara
Application Details: Proposed Retirement Village
Applicant: Urbis Pty Ltd
Owner: Lakelands Country Club Inc.
Responsible authority: WAPC
DoP File No: DAP/15/00934

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Ms Karen Hyde

Seconded by: Mr Paul Drechsler

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference DAP/15/00934 and accompanying plans (006-009, 007-010, 027, 080, 099, 119, 120, 168, 169, 190, 213, 217, 218, 219, 220, A0_Apartments_A, A0_Overall Site Plan_A, A1_Central Community Centre_A, A1_Matrix_A, A1_North Community Centre_A, A1_Subdivision_A, A3_9m Laneway Lots_A, A3_10.5m Laneway Lots_A, A3_11.0m Standard Lots_A, dated the 6th, 9th and 10th November 2015, in accordance with Clause 30 (1) of the Metropolitan Region Scheme for the following reasons as follows:

Reasons

1. The proposed development is considered urban in nature and is therefore inconsistent with the objectives and intent of the rural zoning of the land under the Metropolitan Region Scheme.
2. The proposed development is premature in that rezoning of the land and comprehensive pre-planning is required for the area to ascertain the whether the land is suitable for urban development and to ensure there is a co-ordinated approach to planning which may include, inter alia, environmental matters, water management, bushfire protection, provision and staging of infrastructure and other community requirements, prior to the intensification of land uses.
3. The proposed development is contrary to the orderly and proper planning of the area by reason that the location of such a proposal in an area that is still largely used for rural purposes may lead to potential for land use conflicts.
4. The proposed development would set an undesirable precedent for other more intensive non-rural developments in the Rural zone.
5. The proposal fails to demonstrate the acceptability of the proposed on site effluent system and how any off-site impacts can be satisfactorily mitigated.

The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.



8.2 Property Location: Lot 2 (No.1) Zodiac Drive, Alkimos
Application Details: 68 Multiple Dwellings
Applicant: Hillam Architects
Owner: Shorehaven Village Pty Ltd
Responsible authority: City of Wanneroo
DoP File No: DAP/15/00919

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Frank Cvitan

Seconded by: Cr Russell Driver

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

APPROVE DAP Application reference DAP/15/00919 and accompanying plans (Attachments 3a – 3i) in accordance with Metropolitan Regional Scheme and the City of Wanneroo District 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. Prior to the construction of the development, vehicle access to the site shall be provided.
3. The granting of an easement in gross, in favour of the public at large prior to the development first being occupied over the area identified as pedestrian path on the approved plan. All costs associated with the preparation of the easement shall be met by the landowner.
4. Detailed landscaping and reticulation plans for the site and adjacent verges shall be submitted for approval by the City prior to an application for a building permit. Planting and installation shall be in accordance with the approved plans and shall be completed prior to occupation of the development and thereafter maintained to the City's satisfaction.
5. Seventeen (17) visitor bays shall be provided on site and shall be clearly signed and available to all visitors to the site.
6. A construction management plan being submitted detailing how the construction of the development will be managed in order to limit the impact on the users of the surrounding area. The plan will need to ensure that:
 - adequate space is provided within the subject site for the parking of construction vehicles and for the storage of building materials so as to minimise the need to utilise the surrounding road network;
 - adequate provision is made for the parking of workers vehicles;
 - pedestrian and vehicular access around the site is maintained;
 - bus stops/shelters or other infrastructure on public land is temporarily relocated as may be necessary;



- the delivery of goods and materials does not adversely impact on the amenity of the surrounding properties; and
- the hours of construction are limited to ensure that there is no adverse impact on the amenity of the surrounding properties.

The construction management plan will need to be submitted and approved by the City prior to the commencement of any development

7. An on-site stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) shall be provided.
8. Parking areas and driveways shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS2890), and shall be drained, sealed and marked and thereafter maintained to the satisfaction of the City.
9. The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site.
10. All refuse shall be stored within the designated bin enclosure/s and shall be collected from the site by a private contractor at the cost of the applicant/owner.
11. 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 approval of the City.

Advice Notes

1. In regards to condition 2 relating to a vehicle access to the site, this condition could be satisfied by Hansteen Loop being constructed and gazetted in accordance with subdivision approval WAPC 149416.
2. In relation to condition 4, Detailed Landscaping and Reticulation Plans shall also include a Detailed Plan of the Pedestrian Path.
3. In relation to condition 7, the stormwater drainage system shall be in accordance with the Permeability Assessment prepared by Douglas Partners and submitted to the City on 19 January 2016.
4. In relation to condition 9, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'



AMENDING MOTION

Moved by: Ms Karen Hyde

Seconded by: Mr Paul Drechsler

That Condition 2 be amended to insert the words 'by the landowner' to read as follows:

2. Prior to the construction of the development, vehicle access to the site shall be provided by the landowner.

REASON: To provide clarity to the applicant in order to satisfy the Condition.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Ms Karen Hyde

Seconded by: Mr Paul Drechsler

That Condition 5 be amended to delete the words 'and shall be clearly signed' to read as follows:

5. Seventeen (17) visitor bays shall be provided on site and available to all visitors to the site.

REASON: To provide clarity to the applicant in order to satisfy the Condition and provide clarity regarding the provision of visitor parking bays.

The Amending Motion was put and CARRIED UNANIMOUSLY.



PRIMARY MOTION (AS AMENDED)

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

APPROVE DAP Application reference DAP/15/00919 and accompanying plans (Attachments 3a – 3i) in accordance with Metropolitan Regional Scheme and the City of Wanneroo District 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. Prior to the construction of the development, vehicle access to the site shall be provided by the landowner.
3. The granting of an easement in gross, in favour of the public at large prior to the development first being occupied over the area identified as pedestrian path on the approved plan. All costs associated with the preparation of the easement shall be met by the landowner.
4. Detailed landscaping and reticulation plans for the site and adjacent verges shall be submitted for approval by the City prior to an application for a building permit. Planting and installation shall be in accordance with the approved plans and shall be completed prior to occupation of the development and thereafter maintained to the City's satisfaction.
5. Seventeen (17) visitor bays shall be provided on site and available to all visitors to the site.
6. A construction management plan being submitted detailing how the construction of the development will be managed in order to limit the impact on the users of the surrounding area. The plan will need to ensure that:
 - adequate space is provided within the subject site for the parking of construction vehicles and for the storage of building materials so as to minimise the need to utilise the surrounding road network;
 - adequate provision is made for the parking of workers vehicles;
 - pedestrian and vehicular access around the site is maintained;
 - bus stops/shelters or other infrastructure on public land is temporarily relocated as may be necessary;
 - the delivery of goods and materials does not adversely impact on the amenity of the surrounding properties; and
 - the hours of construction are limited to ensure that there is no adverse impact on the amenity of the surrounding properties.

The construction management plan will need to be submitted and approved by the City prior to the commencement of any development

7. An on-site stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) shall be provided.



8. Parking areas and driveways shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS2890), and shall be drained, sealed and marked and thereafter maintained to the satisfaction of the City.
9. The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site.
10. All refuse shall be stored within the designated bin enclosure/s and shall be collected from the site by a private contractor at the cost of the applicant/owner.
11. 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 approval of the City.

Advice Notes

1. In regards to condition 2 relating to a vehicle access to the site, this condition could be satisfied by Hansteen Loop being constructed and gazetted in accordance with subdivision approval WAPC 149416.
2. In relation to condition 4, Detailed Landscaping and Reticulation Plans shall also include a Detailed Plan of the Pedestrian Path.
3. In relation to condition 7, the stormwater drainage system shall be in accordance with the Permeability Assessment prepared by Douglas Partners and submitted to the City on 19 January 2016.
4. In relation to condition 9, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'

The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY



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

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member reminded the meeting that in accordance with Standing Order 7.3 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 12:55pm.



Form 1 - Responsible Authority Report

(Regulation 12)

Property Location:	Lot 9 (937) Whitfords Avenue, Woodvale
Application Details:	Proposed three storey mixed use development
DAP Name:	Metro North-West JDAP
Applicant:	Rowe Group
Owner:	Citypride Holdings Pty Ltd
LG Reference:	DA15/0664
Responsible Authority:	City of Joondalup
Authorising Officer:	Dale Page Director Planning and Community Development
Department of Planning File No:	DAP/15/00832
Report Date:	23 February 2016
Application Receipt Date:	19 June 2015
Application Process Days:	154 days
Attachment(s):	<ol style="list-style-type: none">1. Location plan2. Development plans3. Building perspectives4. Traffic and transport report5. City of Joondalup Environmentally Sustainable Design checklist6. Examples of similar developments7. 1991 and 1992 deeds

Officer Recommendation:

That the Metro North-West JDAP resolves to:

Refuse DAP Application reference (DAP/15/00832) and accompanying plans (Job 818 pages 1-8 of Rev Di) in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, for the following reasons:

Reasons:

1. Having due regard to the matters set out in of clauses 67 (m), (s) and (za) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the obligations under the 1991 and 1992 deeds applicable to the site, the proposed development is not considered to appropriately accommodate the required access arrangements for the Woodvale district centre as the proposal will remove reciprocal rights of access from Whitfords Avenue to Lot 66.
2. The proposed development does not meet the obligations of the 1991 and 1992 deeds applicable to the site as the application proposes to vary the approved car parking layout without first obtaining the written consent of all parties subject to these deeds and will restrict access to the basement car park outside trading hours.

3. The proposed development does not meet the requirements of the *City of Joondalup District Planning Scheme No. 2* in relation to the amount of on-site car parking required, being 50 bays in lieu of 94 bays. There is considered insufficient car parking on-site to accommodate the demand of the development.
4. Having due regard to the matters set out in of clauses 67 (m), (s), (y) and (za) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal is not considered to provide adequate access or egress to the development as the design of the basement access does provide for adequate vehicle sightlines, and the northern pedestrian entrance is not integrated with the surrounding access network.

Advice note

1. Further to 3. the applicant has not provided adequate justification to demonstrate that the number of on-site car parking bays is sufficient to cater for the demand of the proposed development. Further to this, the development is not suitably integrated with the adjoining site to the north in terms of functionality and accessibility to warrant its reliance on a 50% cross-trade with the development.

Background:

Property Address:	Lot 9 (937) Whitfords Avenue, Woodvale
Zoning	MRS: Urban
	TPS: Commercial
Use Class:	Medical Centre – permitted (“P”) use Office – permitted (“P”) use Shop – permitted (“P”) use Restaurant – permitted (“P”) use
Strategy Policy:	N/A
Development Scheme:	<i>City of Joondalup District Planning Scheme No. 2 (DPS2)</i>
Lot Size:	2,200m ²
Existing Land Use:	‘Medical Centre’ and ‘Take Away Food Outlet’
Value of Development:	\$5 million

The subject site is located immediately north of Whitfords Avenue and forms part of the Woodvale Commercial Centre. It is bound by a service station and car wash to the east, a drive through food outlet to the west and Woodvale Boulevard Shopping Centre to the north. Low density, privately owned residential lots are located to the east and south of the commercial centre, and a retirement village is located to the west (Attachment 1 refers).

The site is zoned ‘Urban’ under the *Metropolitan Region Scheme* (MRS) and ‘Commercial’ under the City’s *District Planning Scheme No. 2 (DPS2)*.

Approval for the Woodvale Commercial Centre was granted in April 1991. A non-retail commercial development to the south-west of the site was approved in July 1991 and was subject to conditions which included the requirement for reciprocal rights of access and car parking to be provided between individual landholdings within the commercial centre. A deed made between the owners of the shopping

centre and the City of Wanneroo came into effect in July 1991, granting reciprocal access and parking rights across the commercial centre (Attachment 7 refers).

Since this date, the centre has been subdivided several times to create additional lots, including the creation of the subject lot in 1992. Upon sale of the subject lot, the owner of the shopping centre and the new owner entered into a deed which requires the subject lot to be bound by the conditions and covenants contained in the July 1991 deed (Attachment 7 refers).

Currently Lot 9 (937) Whitfords Avenue contains a single storey building over the eastern half of the site, which consists of a medical centre and take away food outlet, with associated car parking over the western side of the lot. The development was approved by the City in July 2003 with 41 car parking bays approved in lieu of the 49 car bays required under DPS2. This represented an eight car bay shortfall (16.3%).

Amendment No. 65

Scheme Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by updating and modernising standards; correcting minor deficiencies and anomalies; and introducing provisions which will provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for 'Office' and 'Shop' is proposed to be modified.

As the amendment has been adopted by Council at its meeting held on 25 June 2013 and forwarded to the Department of Planning, it has been given due regard during the assessment of this application as a 'seriously entertained planning proposal'.

Local Housing Strategy

The site is located within Housing Opportunity Area 6 of the City's Local Housing Strategy (LHS). The LHS contains ten recommendations, with eight of these being implemented via Scheme Amendment No. 73, which also recoded the subject site from R20 to R80. Scheme Amendment No. 73 was gazetted on 12 February 2016.

The two outstanding recommendations of the LHS which were not captured in Scheme Amendment No. 73 have been implemented via two local planning policies, being the *Residential Development Local Planning Policy* and the *Height of Non-Residential Buildings Local Planning Policy*. At its meeting held on 15 December 2015 Council resolved to adopt these two policies. As such, this application has been assessed with regard to the requirements of the City's *Height of Non-Residential Buildings Local Planning Policy*.

Joondalup Design Reference Panel

This application was referred to the Joondalup Design Reference Panel (JDRP) on 1 September 2015.

The purpose of the JDRP is to provide advice on the design of development with a particular focus on the impact of buildings on the streetscape and the environmentally sustainable design features. Council at its meeting held on 24 June 2014 adopted amendments to the Terms of Reference for the JDRP which extended the requirement for applications determined by the JDAP to be referred to the JDRP

where they relate to new commercial development or major additions to existing development that impact on the streetscape.

The advice received from the JDRP is discussed further in the planning assessment section of this report.

Subject Application History

The Metro North-West Joint Development Assessment (JDAP) previously considered the application for this development at its meeting held on 26 November 2015 and resolved to defer the application to enable the applicant to:

1. *Give further consideration to the building setbacks and building bulk;*
2. *To provide perspective drawings to show all facades of the proposal for each stage of the development;*
3. *To provide further information in relation to how the parking requirements of the City can be met at each stage of the development.*

The modified plans incorporate the following changes to the plans originally presented to the JDAP:

Original plans	Modified plans
A three storey building with a consistent, rectangular built form.	A three storey building with an L shaped built form due to the removal of part of the basement and office floor space from the original plans.
Three stages of development.	One stage of development.
Office space located on the ground, first and second floor, resulting in a total overall office NLA of 1,877.4m ² .	Office space located on the ground and second floor only, with no office space on the first floor, resulting in a total overall office NLA of 824.4m ²
Construction of a basement car park over the majority of the site, resulting in a total of 63 car bays being provided within the basement.	Construction of a basement car park over the western and northern part of the site, providing a total of 29 car bays.
Removal of 14 at grade car bays to make way for the third stage of development, retaining the accessible bay. These bays were initially constructed following the demolition of the existing medical centre building.	Construction of 15 at grade car bays, including an accessible bay, following the demolition of the existing medical centre building, and retention of these bays as the third stage of development is no longer proposed to go ahead in this location.
Two shops located on the ground floor, consisting of a pharmacy and general retail, with a total NLA of 222m ² .	One shop located on the ground floor to be used as a pharmacy, with a total NLA of 157m ² .
No additional pedestrian paths.	A pedestrian path provided between the at-grade car park and the eastern façade to provide pedestrian access through the development from the Whitfords Avenue frontage to the eastern edge of the adjoining shopping centre site.
No vehicle sightlines provided at the entry to the basement car park.	Modifications to the basement car park entry to incorporate truncations for

	vehicle sightlines, and a roller door to prevent afterhours access to the basement.
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Details: outline of development application

The application has gone through several amendments and, as an outcome of the JDAP's reasons for deferral, revised plans have been submitted seeking approval for one stage of development only, with several modifications made to the design of the development. The development plans are provided as Attachment 2, and building perspectives showing all facades of the proposal in order to address one of the reasons for deferral are provided as Attachment 3.

The revised development now includes:

- Demolition of the existing takeaway food outlet prior to the commencement of development.
- Construction of a basement with 29 car bays, accessible from the Woodvale Boulevard Shopping Centre car park.
- An internal bin store located within a basement.
- A three storey building consisting of:
 - Various health centre uses located on the ground and first floor, including a general practice, dental, physiotherapy, radiology and pathology and other medical specialist, with a total NLA of 1,138.5m².
 - One restaurant located on the ground floor with an internal NLA of 74.6m² and outdoor dining area of 24.6m².
 - One shop located on the ground floor to be used as a pharmacy, with a total NLA of 157m².
 - Office space located on the ground and second floor, with a total NLA of 824.4m².
- Demolition of the existing medical centre building after the completion of the new building.
- Construction of 15 at grade car bays over the existing medical centre location, including one accessible bay.
- Construction of six at grade car bays to the south-west of the site.

The applicant has supplied a new Traffic and Parking Report, which provides an assessment of the impacts associated with parking and traffic generation from the modified development (Attachment 4 refers).

Legislation & policy:

Legislation

- *Planning and Development Act 2005;*
- *Metropolitan Region Scheme;*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations);*
- *City of Joondalup District Planning Scheme No. 2.*

State Government Policies

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

Under SPP4.2, the Woodvale Commercial Centre is designated a district centre.

Local Policies

City Policy – Height of Non-Residential Buildings Local Planning Policy

This policy applies to all non-residential buildings, except those on land included on a reserve under the MRS or subject to an approved structure plan. The purpose of the policy is to set provisions for the height of non-residential buildings in the City of Joondalup.

Council Policy - Environmentally Sustainable Design

This policy applies to the construction of major residential, commercial and mixed use buildings. The purpose of the policy is to encourage development to incorporate environmentally sustainable principles into the building design. The policy also requires applicants to complete the City's Environmentally Sustainable Design Checklist.

The checklist for the proposed development is provided as Attachment 4.

Consultation:

Public Consultation

The development application was advertised for a period of 14 days from 19 October 2015 to 2 November 2015. Consultation was undertaken by way of letters (outlining the nature of the development application) sent to all landowners within the Commercial Centre and a notice published on the City's website.

A total of five submissions were received during the consultation period, being five objections.

The submissions received raised the following key issues on the proposal:

- The design and operation of the basement car parking bays may not fulfil the sharing of parking bay requirements contained in the Deed dated 8 July 1991 between Jayshore Pty Ltd and the City of Wanneroo at clauses 2.1 and 2.2.
- The number of parking bays required by the proposal does not meet the City of Joondalup DPS2 requirements, resulting in a significant shortfall that will have major implications on the surrounding shopping centre car park.
- The proposal relies on the car parking provided by others on their land to meet the development requirements. The proposal therefore transfers additional financial return to the owners of 937 Whitfords Avenue at the expense of the adjoining land owners and should not be permitted.
- The proposed height is significantly greater than the predominant single storey development surrounding the existing medical centre.
- Building bulk results in a loss of visibility from Whitfords Avenue to the Shopping Centre.

- As there are no easements or agreements for car parking across the various sites, car parking should be contained wholly within the subject site.
- The additional dental business will lead to unhealthy competition, given that there are already two dental businesses operating from the commercial centre.

The modified proposal which is the subject of this report was not readvertised as the changes were not considered to have greater impact on nearby landowners and occupiers than the previous proposal did. The concerns raised in the submissions are discussed in the planning assessment section below.

Consultation with other Agencies or Consultants

The application was referred to the Department of Planning's Infrastructure and Land Use Coordination section as the overall development site abuts Whitfords Avenue, which is reserved as an 'Other Regional Road' under the MRS.

The Department responded stating that they have no objection to the proposal on regional transport planning grounds, subject to reciprocal rights of access agreements being formalised to ensure continued vehicular and pedestrian access from the subject site through adjoining lots.

Planning assessment:

The application has been assessed in accordance with the provisions of DPS2, with particular regard given to the 'Commercial' zone. The objectives of the 'Commercial' zone are to:

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

Further to the above, clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by the decision maker when determining an application for development approval.

Land Use

The land uses 'Medical Centre', 'Office', 'Retail', 'Shop' and 'Restaurant' are all permitted land uses within the 'Commercial' zone.

Restrictive Covenant

The subject site has a restrictive covenant held on its Certificate of Title that limits the development to a gross leasable retail floor space area of 180m². The development originally proposed a gross retail floor space area of 222m², which exceeds the requirements of the restrictive covenant by 42m². However, the modified plans have reduced the retail floor space to 157m², to be used as a pharmacy.

District Planning Scheme No. 2

The proposed development is subject to the general development provisions as contained within Part 4 of DPS2.

The table below identifies the variations originally proposed that have since been removed with the revised plans.

Variations to DPS2 previously proposed	Proposed modifications which remove these variations.
A minimum of 5.87% of the area of the site designed, developed and maintained as landscaping. DPS2 requires 8%.	A minimum of 9.1% of the area of the site designed, developed and maintained as landscaping.
Building setback of 4.55 metres from the basement extract fan stack to the street boundary. DPS2 requires a minimum of nine metres.	No basement extract fan stack within the Whitfords Avenue setback, with ventilation provided through an integrated grille within the northern elevation at ground level. A building setback of 15.3 metres is provided to the front of the building.

The following table outlines those aspects of the development that do not comply with the provisions of DPS2 and *Height of Non-Residential Buildings Local Planning Policy* following the final stage of construction:

Criteria	Proposed
Minimum building setback from side boundary of three metres.	Building setback of nil from the basement to the side boundaries.
Minimum building setback from rear boundary of six metres.	Building setback of nil from the basement to the rear boundary.
A three metre wide landscaping strip between the car parking area and the street.	A nil landscaping strip width between part of the car parking area and the street boundary.
Maximum external wall height of 13 metres.	A portion of the development at the centre of the site has a maximum height of 14.2 metres.

In response to the JDAP's reason for deferral to further consider the building setbacks and bulk, the applicant has modified the appearance of the development to provide greater articulation and design treatments to architecturally moderate the visual impact of the building. The removal of the third stage of development has enabled the development to provide varying setbacks to the street and eastern boundaries, reducing the bulk of the development as viewed from the south and south-east of the site.

The elevations now incorporate a greater variation in colour and larger aluminium composite panelling to provide a stronger horizontal emphasis to the facades. Glazing has been increased to the eastern and western upper floor facades, with shade structures incorporated to provide further interest to these elevations. Greater articulation has also been provided to the western façade in the form of contrasting coloured panels, adding greater interest to the appearance of the development as viewed from the west. The applicant has provided examples of similar developments to demonstrate the building finishes (Attachment 6 refers).

The amount of landscaping has also been increased, softening the appearance of the development as viewed from the rest of the commercial centre and Whitfords Avenue.

It is considered that these alterations serve to reduce the bulk of the development and provide for an attractive, visually interesting building. In this context, the reduced setbacks and landscaping strip width are considered to be appropriate.

However, there remains a concern regarding the integration of the northern elevation of the building with the adjoining shopping centre site. The building's key northern entrance with a nil setback to the shopping centre boundary forces pedestrians to walk over a grassed verge area for access and egress. Further to this, access to this entry will be hampered if vehicles are parked in all the bays on either side of this adjoining verge area, with pedestrians either forced to squeeze between vehicles to gain entry or to access the site from north of the verge area. This issue is discussed further below, given the development's reliance on shopping centre car bays to the north of the site to service the development.

The applicant has stated that improved integration with the adjoining site could be addressed through one of the following options:

- (a) Amendment to the ground floor adjacent to the northern boundary to accommodate a ramp and/or pathway; or*
- (b) Obtaining agreement from the owners of Lot 66 for the inclusion of a pathway within the landscaping area of the Shopping Centre carpark, located immediately north of the site.*

The applicant has stated that either of these options could be addressed via a condition of approval and will not materially alter the intent of the development.

However, the City has received no evidence that the first option can be achieved without substantial modifications to the design, including potentially setting the building back which could modify the basement car park and Net Lettable Area (NLA) of the development. Further to this, any works on the adjoining property site would require the adjoining owner to be a party to this application. Alternatively, this would not be considered a valid condition to impose as it relies on approval from a third party and there is no reason to suppose that this party would support the works.

Traffic, Access and Car Parking

The application was also previously deferred to enable the applicant to provide further information on how the parking requirements can be met at each stage of the development. In response to this, the application no longer includes the final stage of development and the car parking layout has been redesigned to address safety and access concerns.

The initial phase of construction entails the construction of a 29 car bay basement car park and a new building over the area of the existing car park to the west of the existing building. The existing medical centre, which requires 40 car bays to be provided under DPS2, will continue to operate during this time with no car bays available on the site.

The existing medical centre building will then be demolished, with 15 parking spaces, including one accessible bay, constructed where this building was previously located. Six at grade bays will also be reinstated at the south of the site.

The car parking standard for a 'Medical Centre' under DPS2 is five bays per practitioner. However, the applicant has requested that the car parking standard for a 'Health Centre', which is one bay per 30m² NLA, be applied as the applicant is unable to predict the number of practitioners that will eventually operate from the site.

Utilising this standard, the table below shows the car parking calculations for the site against the requirements of DPS2 and Amendment No. 65 following final construction:

Land Use (NLA)	DPS2	Car Bays required	Amendment No. 65	Car Bays required
Health Centre (1,138.5m ²)	1 per 30m ² NLA	37.95	1 per 30m ² NLA	37.95
Office (824.4m ²)	1 per 30m ² NLA	27.48	1 per 50m ²	16.4
Shop (157m ²)	7 per 100m ² NLA	10.99	5 per 100m ²	7.85
Restaurant (86m ²)	1 bay per 5m ² dining area	17.2	1 bay per 5m ² dining area	17.2
Bays Required		93.62 (94)		79.4 (80)
Bays provided		50		50
Shortfall		44 (46.8%)		30 (37.5%)

Having regard to Amendment No. 65, the final car parking requirement for the development falls to 80 bays, resulting in an on-site shortfall of 30 bays (37.5%).

A revised Traffic and Parking Report was submitted by the applicant to address the parking demand and supply of the modified proposal. This report attempts to justify the above shortfall by stating that there will be a post development on-site parking demand of 50 car bays. This is based on a cross trade of 50% with the adjoining shopping centre site and cross-trade and multi-purpose trips between the proposed uses.

To provide further support on the above justification, an additional survey of car parking usage in relation to the existing medical centre was undertaken by the applicant. This survey revealed that 32% of the medical centre patrons undertook cross trade with the surrounding shops. In consideration of the survey results, the applicant has outlined that an increase in cross trade from 32% to 50% is justifiable for the proposed development as:

- *The surveyed existing pedestrian movements included Medical Centre staff and visitors. A higher percentage of cross trade with the Shopping Centre would take place if staff are excluded.*
- *The Medical Centre Complex is currently under-utilised. It is anticipated that the proposed office and café land uses, and the upgraded and improved Medical facilities would attract more cross trade to the complex.*

These assumptions have been reviewed by the City and there remain concerns regarding the methodology adopted to derive the parking demand for the site. The use of cross trade percentage, the assumed length of stay(s) and future staff numbers for each proposed land use as a means of deriving parking demand requires further justification. Further to this, the City considers that medical centre patrons are likely to park close to, if not within, the medical centre premises. The majority of the future increase in cross trade is expected to be generated from the medical centre to the shopping centre, rather than the reverse situation, as medical reasons would get priority over general shopping ventures. Therefore, it is considered that the traffic and parking report requires further explanation justifying the appropriateness of the adopted methodology.

Further to the above, this reliance on a 50% cross-trade with the adjoining shopping centre site is not supported by the design of the development which, as outlined above, offers poor integration with this site in terms of functionality and accessibility.

The accessibility to the basement car park in regards to ramping details and impact on existing car parking bays to the northern side of the development and connecting aisles is also unclear. Given the steepness of this ramp, the City still has concerns that the position of car bays on the shopping centre site adjacent to the basement entry creates sight line issues. Cars using these bays will need to use the ramp to reverse out and may impede sight lines for cars coming up the ramp.

Further to the above, the width of one of the at-grade car bays to the south of the development is less than the minimum width required under Australian Standard AS2890.1. It is noted that this aspect of the development could be addressed through a condition of approval.

Reciprocal Rights of Access and Parking

The proposal initially sought approval for an additional stage of development that would result in the extension of the basement car park over the south-eastern portion of the site. This design would have resulted in the temporary closure of access to the adjoining sites to both the east and the west. With the removal of this third stage from the application, only the access to the western adjoining site will be temporarily closed during the construction of the development. The applicant has provided justification outlining that this is acceptable given that the western adjoining building is designed such that the main customer and vehicle entry points are taken internally from the adjoining shopping centre site. The main vehicular access to the development is still required to be gained from the adjoining shopping centre site.

Since this application was last considered by the JDAP, the City has located the original 1991 deed and the subsequent 1992 deed applicable to this site (Attachment 7 refers). These deeds grant the parties subject to the 1991 deed the irrevocable right or licence:

- (a) *To use and occupy the bays for car parking purposes;*
- (b) *To use the driveways for the purpose of obtaining access to and egress from the bays; and*
- (c) *To use the accessways as access ways in common with others entitled to use the same for the purpose of access to and egress from the bays and the Land or facilities from time to time erected thereon.*

Clause 2.2 (g) also states that the applicant would need:

(g) To obtain the written consent of the Covenantor and all the other Parties (which consent will not be unreasonably withheld) to vary the car parking layout as approved by the Covenantor.

The applicant has stated that, as the above clause specifies that written consent is to be obtained to an approved plan, the terms of the deed require approval to be obtained from the City prior to progressing such an agreement.

However, the City considers that the approved plan refers to the original plan approved in 1991 and, therefore, written consent of all parties is required to vary the existing car parking layout. Further to this, in accordance with the 1991 deed, the accessways must remain free to be used by all parties. The subject development, in removing access from Whitfords Avenue to Lot 66 (the shopping centre site), is not in keeping with this.

It is not reasonable to grant approval subject to a condition requiring an agreement to be reached between landowners concerning parking and access issues as this requires action to be taken by another party not involved in the development application process. Additionally, there are no reasons to suppose the adjoining landowners would be willing and able to take the necessary action.

Without agreement being achieved between adjoining landowners, there would need to be substantial modifications to the development such that it would not be consistent with any approval issued.

In regard to the matters required to be considered when determining an application for development approval, the Regulations require the adequacy of the proposed means of access to and egress from the site and arrangements for the loading, unloading, maneuvering and parking of vehicles to be considered. However, it is clear that these matters have not been adequately addressed by the proposal.

Joondalup Design Reference Panel (JDRP):

The JDRP met on 1 September 2015 to discuss the original proposal. Overall the JDRP was concerned regarding the design of the building and the impacts of the development on the adjoining lots in terms of vehicle access.

The key points raised by the panel are provided below:

- The Panel expressed concern with the car parking shortfall of 34 bays and stated that there are never enough parking bays available at medical centres.

In response to this, the applicant has removed the final stage of development, decreasing the shortfall to 30 car bays under Amendment No. 65. A revised Traffic and Parking Report has been submitted to justify why the provision of 50 car bays on-site is sufficient to accommodate the intended development. However, as outlined above, the City has concerns regarding the methodology used in this report to obtain this result.

- The Panel expressed concern with the basement exit ramp and noted that there is a lack of space before entering the neighbouring lot. The Panel noted that it may be a car safety issue.

With the set of revised plans provided, truncations have been provided to the ramp to address sightline concerns. However, as outlined above, the City still has concerns regarding the safety of this entry point and its impact on the existing car bays to the north of the site.

- The Panel questioned how members of the public with mobility issues access the meeting room and staff room located on the first floor as it is noted that there is only stair access.

Revised plans have been provided indicating that a lift service will provide access to all floors. The City is now satisfied with this aspect of the development.

- The Panel noted that the ventilation stack for the car park is not shown on the elevation plans. The Panel suggested that the stack should be built into the core.

The applicant provided revised plans removing the ventilation stack from the design, with ventilation to be provided through an integrated grille within the northern elevation at ground level. The City is now satisfied with this aspect of the development.

- The Panel queried the fire separation along the side boundary and whether the brick wall will be rendered.

The applicant has provided the following response in regard to this:

The development proposes glazing to the eastern and western boundaries, whilst maintaining a 1.5m setback for levels above the ground floor. This is capable of complying with the relevant fire separation requirements under the BCA, subject to the glazing incorporating an external sprinkler system and being fixed or incorporating an automatic closing device in the event of a fire.

Notwithstanding the above, the development has been submitted for determination under the City's District Planning Scheme No.2 by the Metro North-West Joint Development Assessment Panel. Matters relating to compliance with the Building Code of Australia should not form the basis for determination of the current application. These matters would be suitably addressed within an Application for Building Permit, to be prepared accordingly following the determination by the JDAP.

The City is satisfied that the relevant fire separation requirements under the Building Codes of Australia can be achieved without substantially modifying the development.

- The Panel suggested that the northern elevation requires sun shading and noted that the elevation is bland in design.

The applicant provided revised plans of the northern elevation with the windows recessed into the building and louvres provided to restrict sunlight. The City considers that these design treatments add much needed articulation to the northern façade and assist in providing protection from the summer sun for the development.

- It was noted that during the construction of the basement car park, it may be difficult to access the neighbouring site (BP).

This stage of development has now been removed from the application ensuring that the construction of the building will have no impact on access to the neighbouring site to the east from Whitfords Avenue. It is noted, however, that access will still be temporarily removed from Whitfords Avenue to the neighbouring site to the west.

- The Panel reiterated its concerns with the overall design and suggested that the City defers the assessment of this development application until the various issues have been addressed.

Revised plans have been received which reduce the bulk and scale of the development via additional articulation and variance in materials and setbacks. It is considered that the revised plans provided show a marked improvement in the design of the development. However, the City remains concerned with some of the functional aspects of the development, including integration with adjoining properties and impact on traffic and parking.

Public Consultation

Public consultation was undertaken as part of the assessment process (refer to the Consultation section earlier in this report). The majority of the concerns raised related to issues of parking, access and building height, which have been addressed.

In regard to the concern relating to unhealthy competition, commercial competition or loss of trade, this is not a valid planning consideration.

Conclusion:

Following a review of the issues raised by the JDAP, amended plans were submitted which, through the removal of the final stage of construction, have increased the articulation and modulation of the built form. The applicant has now addressed issues of bulk and it is considered that the overall development provides for a high quality built form.

However, the development will result in substantial changes to the existing accessways and car parking layout of the site. In accordance with the 1991 and 1992 deeds applicable to this site, consent is required from the adjoining landowners for such changes. However, the City has received no evidence that the applicant has, or is able to, obtain the necessary consent from these landowners. As such, the obligations of the deeds have not been met. Further to this, it is not appropriate to impose a deferred commencement condition to this effect in the absence of evidence that the required agreement of these third parties can be obtained.

Additionally, in using the 'Health Centre' car parking standard under DPS2, as requested by the applicant, the development will require the provision of 94 bays under DPS2 and 80 bays under Amendment No. 65, resulting in a shortfall of 44 bays and 30 bays respectively. In justifying these shortfalls, a revised Traffic and Parking report was provided calculating a post development parking demand of 50 car bays. However, given the adopted parking methodology used to derive this

figure, it is considered that the report is lacking justification to sufficiently demonstrate that the development parking supply is appropriate.

Further to the above, in accordance with clause 67 of Schedule 2 of the Regulations, due regard is required to be given to the compatibility of the development with its setting. However, there are a range of issues with the development that results in it being at odds with its setting. The development fails to consider how the construction of the basement car park will impact the existing car bays on the shopping centre site. The development also proposes a car parking shortfall that relies on car parking bays on adjoining sites in order to address peak demand, however there is inadequate integration with the adjoining site in terms of accessibility and functionality to justify this reliance.

Therefore, on the above basis, it is recommended that the application be refused.

Options/Alternatives

This application is recommended for refusal on the basis that the development does not adequately address issues of access, car parking, integration with adjoining sites and safety. However, should the JDAP consider that the application satisfies all relevant requirements, an alternative recommendation for approval, subject to conditions, is set out below.

That the Metro North-West JDAP resolves to:

Approve DAP application (DAP/15/00832) and accompanying plans (Job 818 pages 1-8 of Rev Di) in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, subject to the following conditions:

- (a) The preparation and implementation of a Construction Management Plan to the satisfaction of the City 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;**

Works shall be undertaken in accordance with the approved plan.

- (b) All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.**
- (c) The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City.**

- (d) Unobstructed sight lines shall be provided at the basement car park entry to ensure safety and visibility for vehicles accessing and exiting the basement and for vehicles parked to the north of the basement entry ramp, to the satisfaction of the City. Plans shall be submitted to and approved by the City prior to the commencement of development, and the development shall be completed in accordance with the approved plans.
- (e) The development shall provide greater pedestrian integration between the northern entrance of the building and the adjoining shopping centre car parks and pedestrian network, to the satisfaction of the City. Details shall be submitted to and approved by the City prior to the commencement of development. Works shall be undertaken in accordance with the approved details.
- (f) Detailed landscaping plans shall be submitted to the satisfaction of the City, 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:

 - (a) Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - (b) Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - (c) Show spot levels and/or contours of the site;
 - (d) Be based on water sensitive urban design principles to the satisfaction of the City;
 - (e) Be based on Designing out Crime principles to the satisfaction of the City; and
 - (f) Show all irrigation design details.
- (g) 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.
- (h) 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 to and approved by the City prior to the commencement of development. Works shall be undertaken in accordance with the approved plan prior to the occupation of the development.
- (i) Lighting shall be installed along all car parking areas, communal open space areas, pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted for approval by City prior to the commencement of development. Works shall be undertaken in accordance with the approved plans prior to the occupation of the development.
- (j) A full schedule of colours and materials for all exterior parts to the building shall be submitted to and approved by the City prior to the

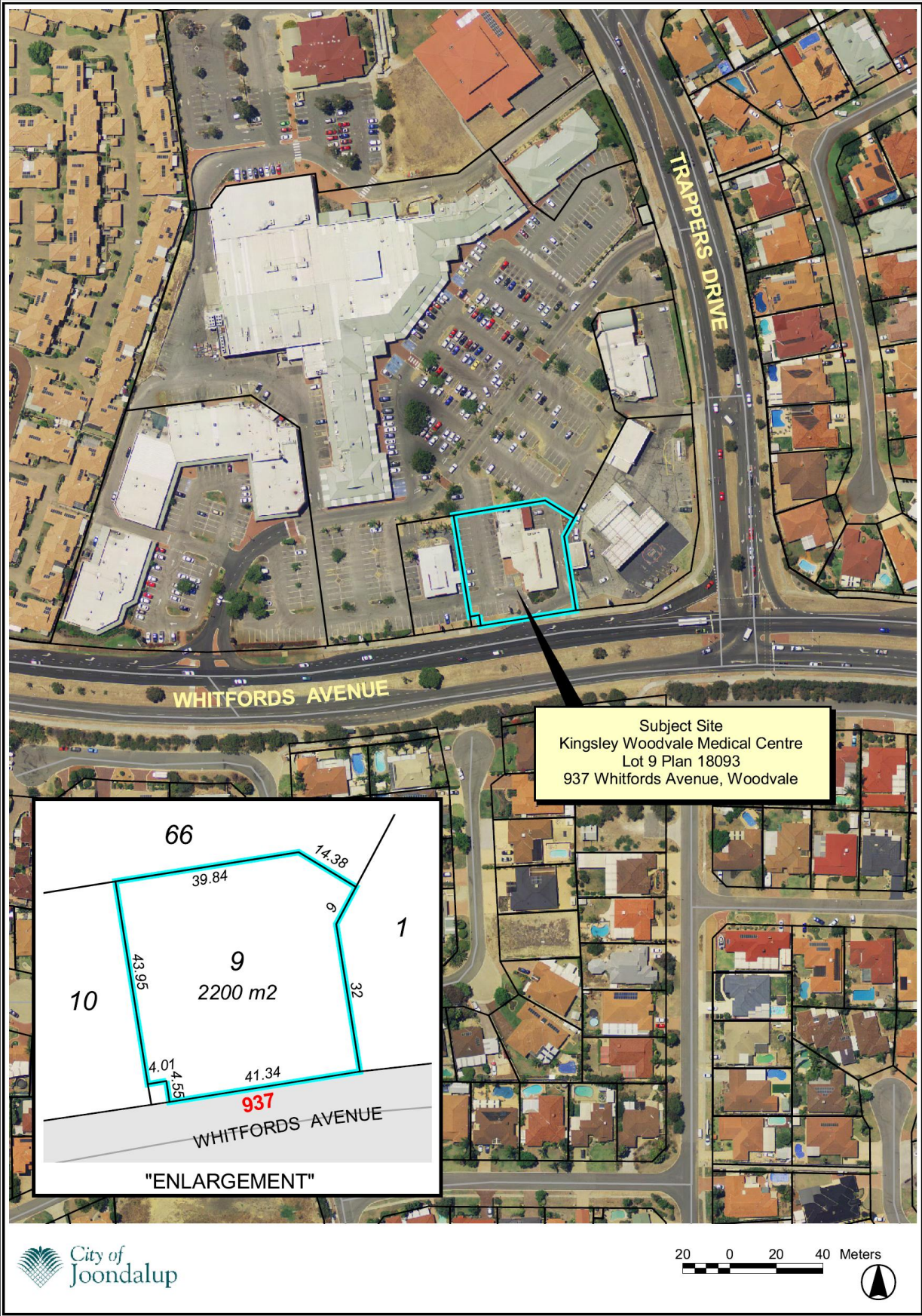
commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.

- (k) A refuse management plan indicating the method of rubbish collection is to be submitted to the City prior to the commencement of development, and approved by the City prior to the development first being occupied. The refuse management shall then be undertaken in accordance with the approved plan.
- (l) 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.
- (m) All development shall be contained within the property boundaries.
- (n) Basement car parking spaces 28 and 29 shall be marked and clearly signposted as dedicated for staff use only, to the satisfaction of the City.
- (o) The applicant/landowner shall obtain written consent from the Parties of the 1991 deed applicable to the subject site for the proposed changes to the existing accessways and car parking layout, to the satisfaction of the City, prior to the commencement of development.

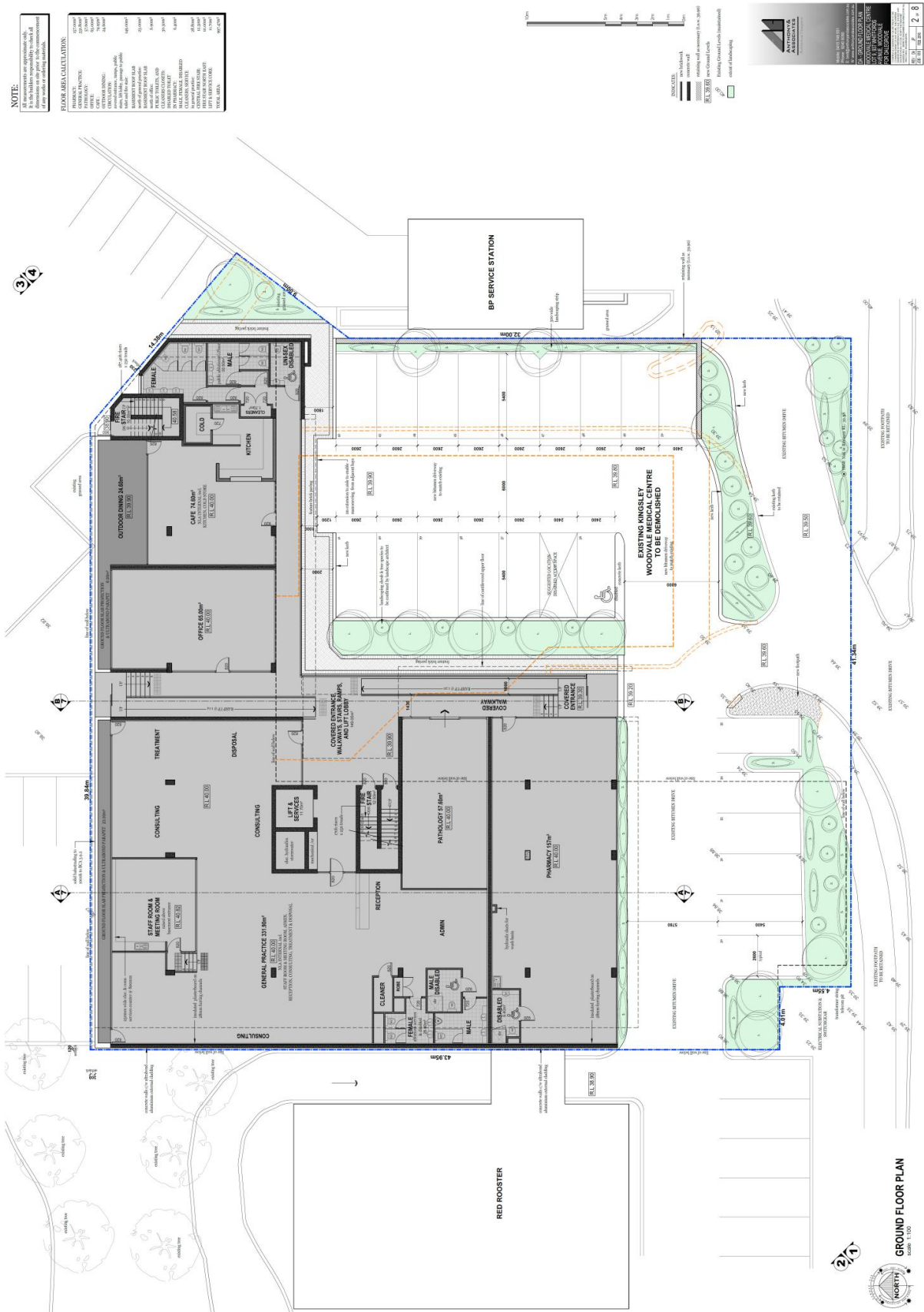
Advice notes:

- (a) Further to condition (c) above, the at-grade car bays to the south of the development shall meet the minimum width required under Australian Standard AS2890.1.
- (b) Car park ventilation to comply with the B.C.A. and Australian Standards 1668.2.
- (c) This approval relates to the proposed three storey mixed use development only, as indicated on the approved plans. It does not relate to any other development on the lot.
- (d) The development is approved as a 'Medical Centre' as defined by the City of Joondalup District Planning Scheme No. 2.
- (e) The City of Joondalup District Planning Scheme No. 2 defines 'Medical Centre' as "means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling)".
- (f) The development is approved as an 'Office as defined by the City of Joondalup District Planning Scheme No. 2.

- (g) The City of Joondalup District Planning Scheme No. 2 defines 'Office' as "means 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".
- (h) The development is approved as a 'Shop' as defined by the City of Joondalup District Planning Scheme No. 2.
- (i) The City of Joondalup District Planning Scheme No. 2 defines 'Shop' as "means 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".
- (j) The development is approved as a 'Restaurant' as defined by the City of Joondalup District Planning Scheme No. 2.
- (k) The City of Joondalup District Planning Scheme No. 2 defines 'Restaurant' as "means any premises where the predominant use is the preparation of food for sale and consumption within the building or portion thereof. The expression may include the sale of food for consumption off the premises, where local government is of the opinion that it is incidental to the business. The term may include an outdoor eating area which shall be treated as being within the building of the Restaurant. The expression excludes Drive Through Food Outlets".
- (l) Any signage shall be the subject of a separate development application.
- (m) Food business premises to comply with the requirements of the *Food Act 2008*.

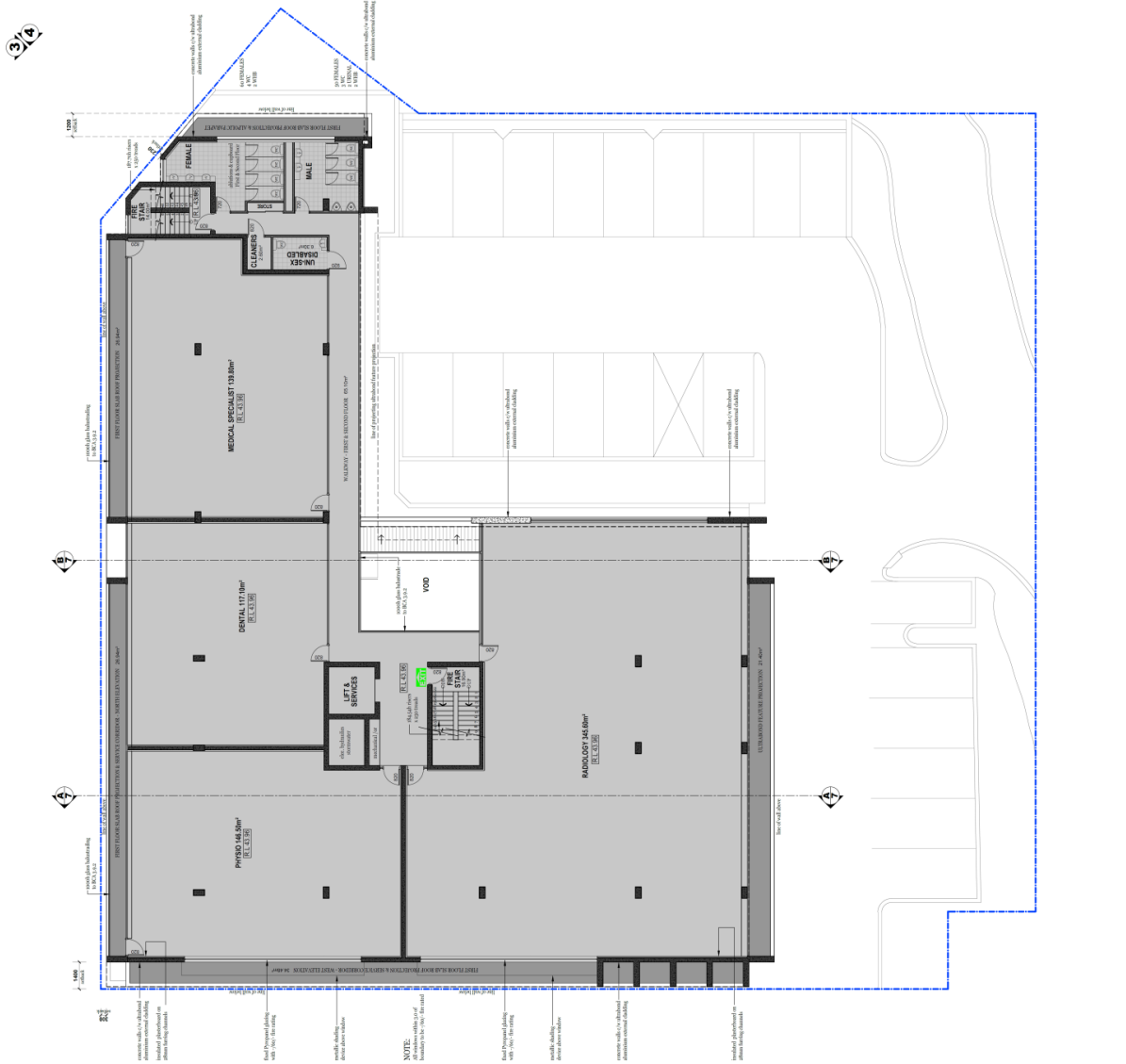




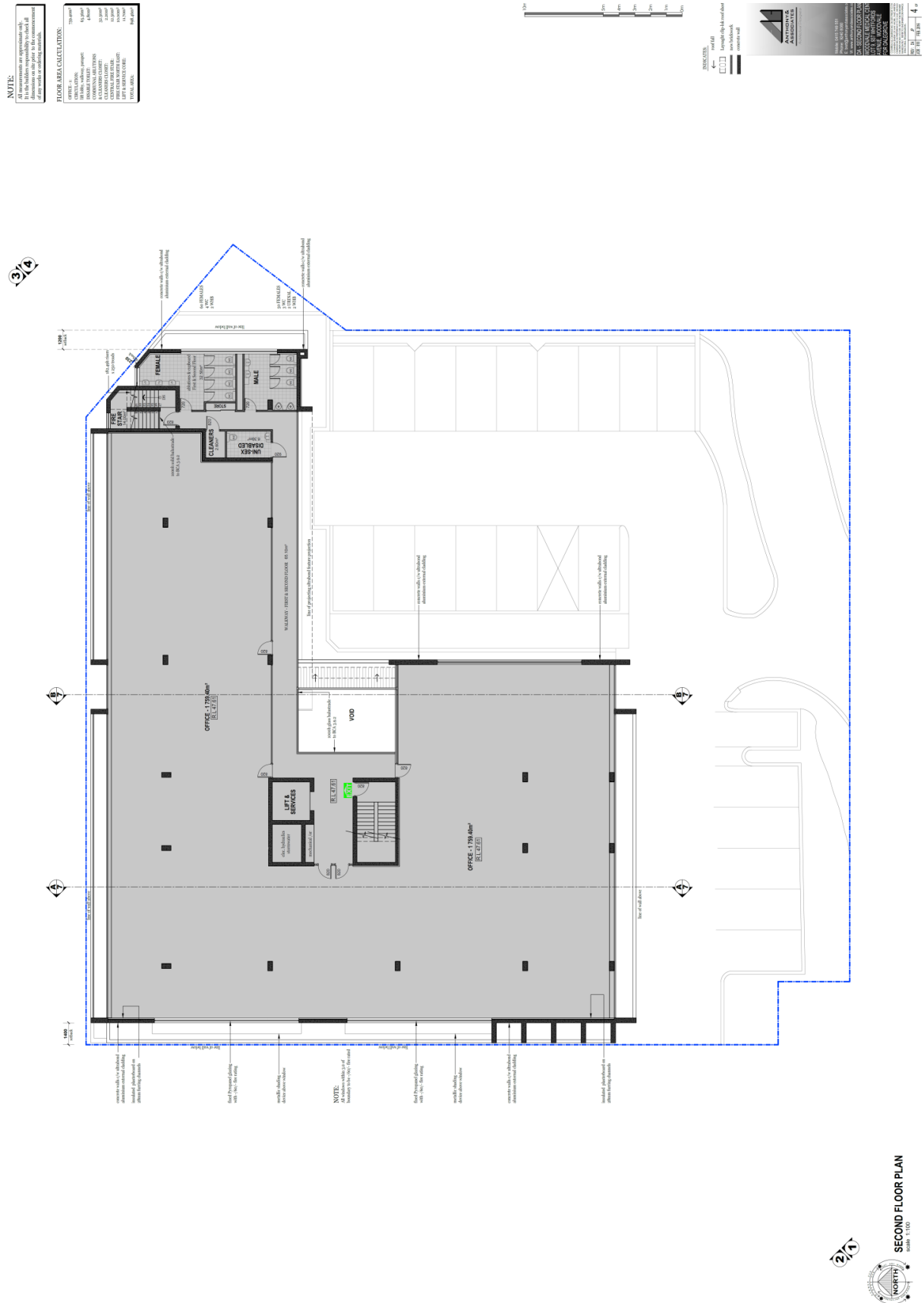


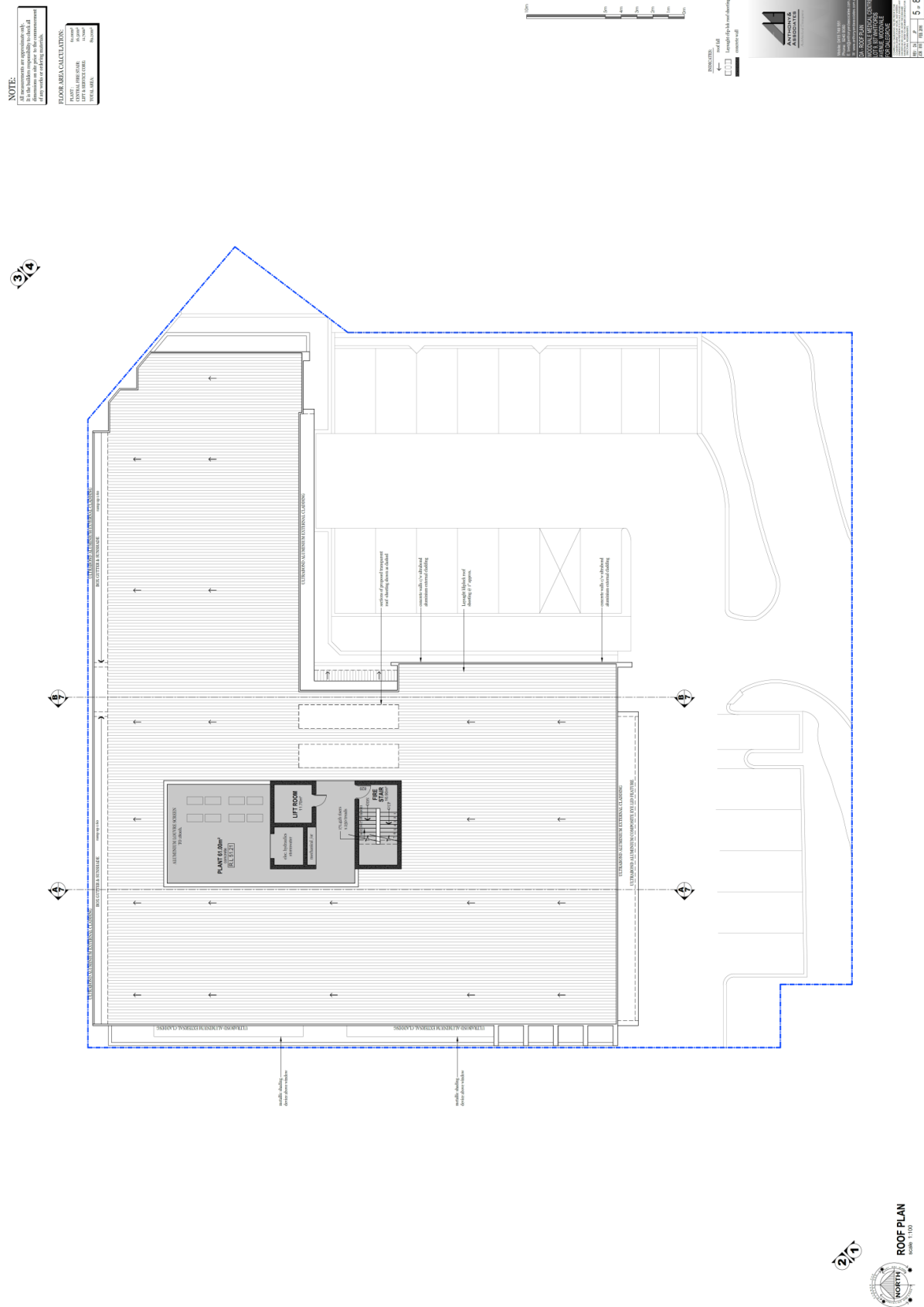
NOTE:
All measurements are approximate only.
Dimensions are shown to the centerline
of any wall or building structure.

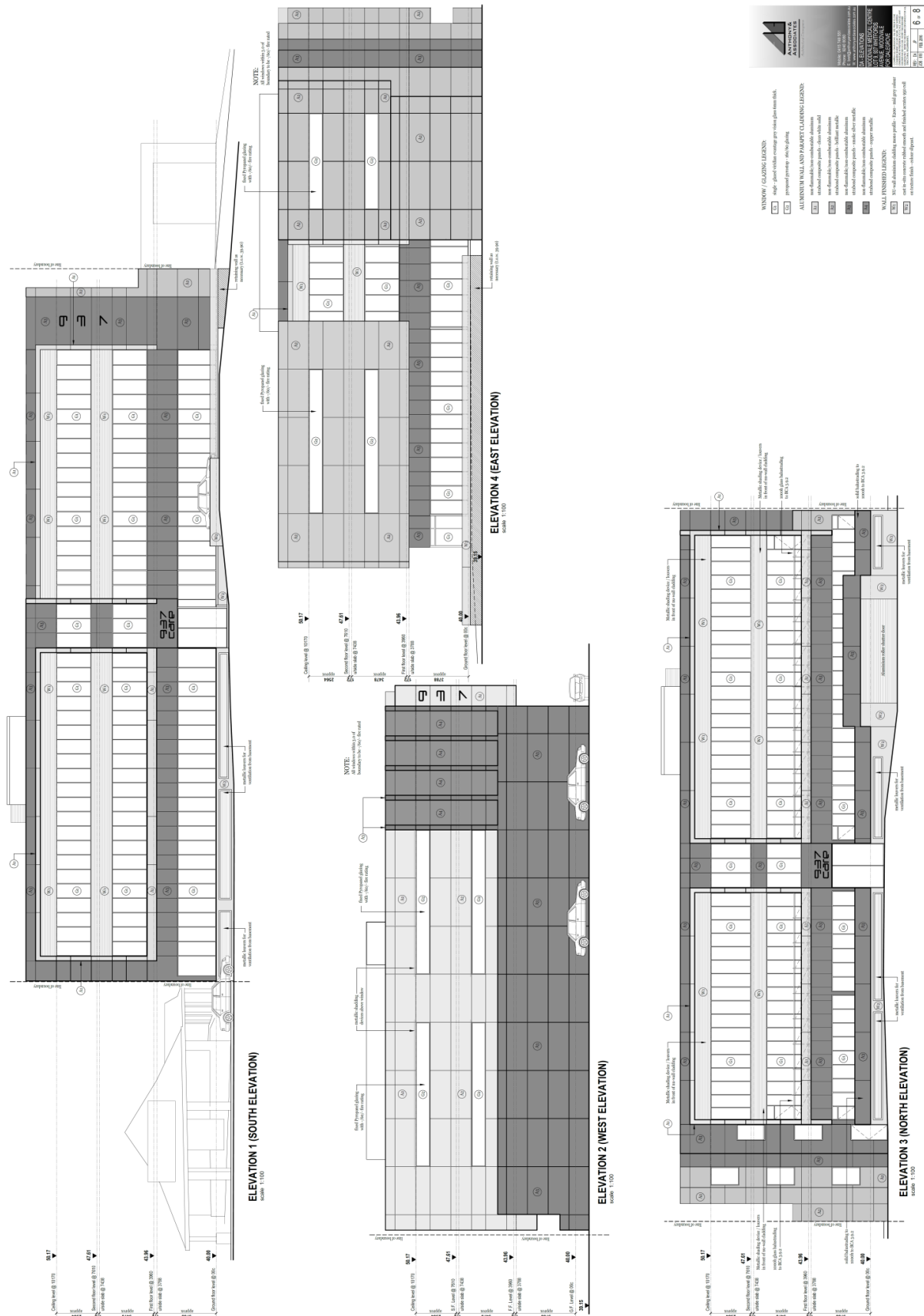
FLOOR AREA CALCULATION	
BASEMENT	145,000 sq ft
FIRST FLOOR	145,000 sq ft
SECOND FLOOR	145,000 sq ft
THIRD FLOOR	145,000 sq ft
FOURTH FLOOR	145,000 sq ft
FIFTH FLOOR	145,000 sq ft
SIXTH FLOOR	145,000 sq ft
SEVENTH FLOOR	145,000 sq ft
EIGHTH FLOOR	145,000 sq ft
NINTH FLOOR	145,000 sq ft
TENTH FLOOR	145,000 sq ft
ELEVENTH FLOOR	145,000 sq ft
TWELFTH FLOOR	145,000 sq ft
THIRTEENTH FLOOR	145,000 sq ft
FOURTEENTH FLOOR	145,000 sq ft
FIFTEENTH FLOOR	145,000 sq ft
SIXTEENTH FLOOR	145,000 sq ft
SEVENTEENTH FLOOR	145,000 sq ft
EIGHTEENTH FLOOR	145,000 sq ft
NINETEENTH FLOOR	145,000 sq ft
TWENTIETH FLOOR	145,000 sq ft
TOTAL AREA	2,880,000 sq ft

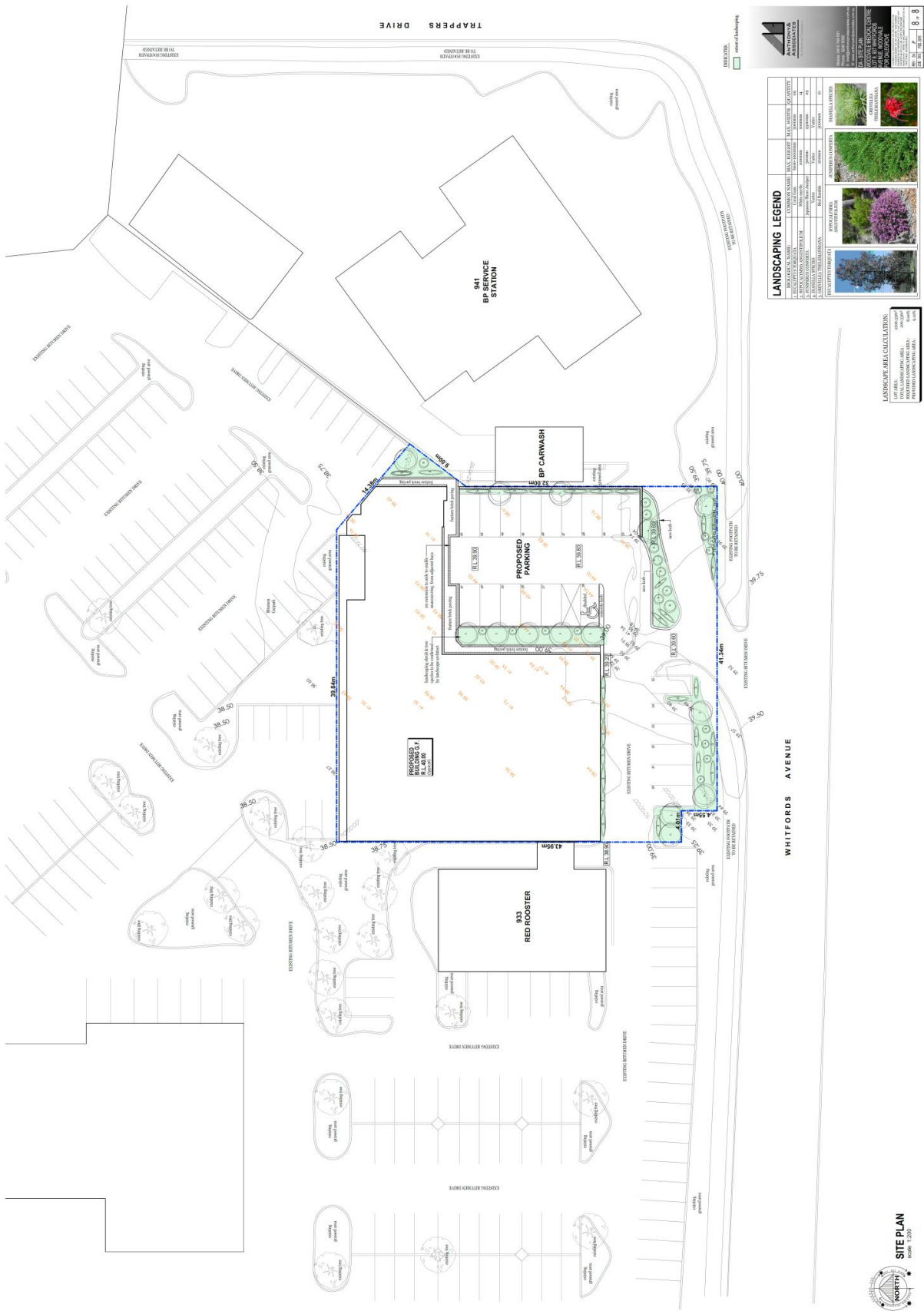


2/1
NORTH
FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"













ANTHONY &
ASSOCIATES
Architectural Designers







Proposed Medical and Commercial Development

**Lot 9 (No.937) Whitfords Avenue,
Woodvale**

Traffic and Parking Report

**PREPARED FOR:
Rowe Group**

February 2016

Document history and status

Author	Revision	Approved by	Date approved	Revision type
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TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
2.0	PROPOSED DEVELOPMENT	3
3.0	PARKING ANALYSIS.....	5
3.1	PARKING SURVEY AREA.....	5
3.2	PARKING SURVEY METHODOLOGY	6
3.3	EXISTING PARKING SUPPLY	6
3.4	EXISTING PARKING DEMAND.....	7
3.5	POST DEVELOPMENT PARKING DEMAND AND SUPPLY.....	9
3.5.1	CITY OF JOONDALUP PARKING REQUIREMENTS.....	9
3.5.2	ESTIMATED ACTUAL DEMAND FOR PARKING.....	9
3.5.3	POST DEVELOPMENT PARKING SUPPLY AND DEMAND ANALYSIS.....	10
3.5.4	PARKING SUPPLY DURING CONSTRUCTION PERIOD.....	12
4.0	PROVISION FOR SERVICE VEHICLES	13
5.0	HOURS OF OPERATION.....	14
6.0	DAILY TRAFFIC VOLUMES AND VEHICLE TYPES	15
7.0	TRAFFIC MANAGEMENT ON THE FRONTAGE STREETS.....	18
8.0	PUBLIC TRANSPORT ACCESS.....	19
9.0	PEDESTRIAN ACCESS.....	20
10.0	CYCLE ACCESS	21
11.0	SITE SPECIFIC ISSUES	22
12.0	SAFETY ISSUES.....	23
13.0	CONCLUSIONS.....	24

APPENDIX A: PROPOSED DEVELOPMENT PLANS

REPORT FIGURES

Figure 1: Location of the subject site	2
Figure 2: Subject site	2
Figure 3: Parking survey zones	5
Figure 4: Vehicular access/egress intersections	17
Figure 5: Public transport services (Transperth Maps)	19
Figure 6: Extract from Perth Bicycle Network (Department of Transport)	21

REPORT TABLES

Table 1: Surveyed existing parking supply	6
Table 2: Surveyed parking utilisation – Thursday 30 th April 2015	7
Table 3: Surveyed parking utilisation – Saturday 2 nd May 2015	8
Table 4: CoJ applicable car parking requirements	9
Table 5: Estimated actual parking demand	10
Table 6: Post development parking demand and supply analysis (City parking rates)	11
Table 7: Post development parking demand and supply analysis (Based on anticipated actual demand)	11
Table 8: Peak hour trips for the proposed development	16

1.0 Introduction

Transcore has been engaged by Rowe Group to prepare this Traffic and Parking report with regard to the proposed Medical and Commercial Centre, to be located at Lot 9 (No. 937) Whitfords Avenue in Woodvale, as shown in Figure 1.

The subject site forms part of the Woodvale Boulevard Shopping Centre and is bound by parking to the north, Red Rooster to the west, BP service station to the east and Whitfords Avenue to the south. The site is surrounded by a range of land uses including retail, food outlets, offices and residential.

The site currently accommodates the Kingsley Woodvale Medical Centre (shown in Figure 2) and a noodle bar with an approximate building area of 610m². Approximately 37 car parking bays (including one ACROD bay) are provided on-site with the parking aisles integrating with the Woodvale Boulevard Shopping Centre. There is an informal reciprocal parking arrangement between the various parking areas in the Shopping Centre and the existing parking provided in the subject site.

Access to the site is via the existing Shopping Centre intersections on Whitfords Avenue and Trappers Drive.

Key issues that will be addressed in this report include the traffic generation and distribution of the proposed development, access and egress movement pattern and parking demand and supply.



Figure 1: Location of the subject site



Figure 2: Subject site¹

¹ Source: Google Streetview Image Date: July 2014

2.0 Proposed Development

The proposal for the subject site is for redevelopment of the existing medical centre into a mixed-use medical and professional centre comprising:

Basement Level

- ✚ Secured basement level car parking provided 29 bays including 2 ACROD bays;
- ✚ Bin Store; and,
- ✚ Bicycle parking and end of trip facilities including showers and change room.

Ground Level

- ✚ Medical – General Practice 331.9m² NLA;
- ✚ Pathology 57.6m² NLA;
- ✚ Pharmacy 157m² NLA;
- ✚ Office tenancy 65m² NLA;
- ✚ Café and outdoor dining area – 99.2m² (approx. 86m² dining room); and,
- ✚ Car parking provided 21 bays including 1 ACROD bay.

Level 1

- ✚ Medical uses physio, dental, specialist, medical suites and radiology. Total area 749m².

Level 2

- ✚ Office tenancies total area 759.4m².

The proposed development provides a total floor area of approximately 1,919m² on ground level and levels 1 & 2.

The redevelopment of the site entails demolition of the existing noodle bar restaurant at the rear of the existing medical centre, construction of the basement car park (29 basement level car bays), construction of a new building structure on the existing site parking west of the existing medical centre building then demolition of the existing medical centre building and provision of a total of 21 parking spaces on the ground floor.

Access to the surrounding road network is proposed to be accommodated via the existing shopping centre intersections on Whitfords Avenue and Trappers Drive as per the existing situation.

Access to the proposed basement level car park is via the existing parking aisle connecting to the north-west corner of the subject site.

Rubbish bins will be wheeled out from the bin store facility for waste collection from the north-west parking aisle. The bin store is located in the north-west corner of the basement level car park.

Pedestrians will access the development from the external footpath network abutting the site on Whitfords Avenue and Trappers Drive. Pedestrian crossings are currently facilitated at the signalised intersection of Whitfords Avenue and Trappers Drive.

Detailed development plans are included for reference in Appendix A.

3.0 Parking Analysis

To ascertain the existing parking supply and demand at the subject site and within the Woodvale Shopping Centre as a whole, a parking survey was undertaken by Transcore in April/May 2015.

3.1 Parking Survey Area

The parking survey area included existing parking provided within the Woodvale Boulevard Shopping Centre site. The survey area was divided into eleven zones labelled A to K in Figure 3. Parking in Zone G included the existing medical centre parking within the subject site.



Figure 3: Parking survey zones

3.2 *Parking Survey Methodology*

A site visit was undertaken on Thursday 23rd April 2015 during which a detailed parking inventory was established of the car parking within the shopping centre and subject site.

A parking utilisation survey of the parking zones was then undertaken during a typical weekday and weekend combined peak parking demand period as following:

- ✚ Thursday 30th April 2015: between the hours of 4pm and 7pm.
- ✚ Saturday 2nd May 2015: between the hours of 11am and 1pm.

The survey days and times were selected on the basis that the combined peak parking demand for the proposed medical/professional centre and the existing Woodvale Shopping Centre will coincide on weekday afternoons and Saturday midday.

Parking utilisation was surveyed in 30 minute intervals.

3.3 *Existing Parking Supply*

The parking inventory recorded a total combined parking supply of 639 spaces for the existing shopping centre and subject site. As detailed in Table 1, approximately 40 parking spaces were provided in zone G which includes 34 of the parking bays which are located within the subject site.

Table 1: Surveyed existing parking supply

Parking Zone	Parking Supply
A	64
B	105
C	47
D	23
E	88
F	12
G	40
H	87
I	48
J	75
K	50
Total	639

3.4 Existing Parking Demand

A parking occupancy or utilisation survey of the parking zones within the survey area was undertaken as detailed in the survey methodology. The parking utilisation for the site over the survey periods is detailed in Tables 2 & 3 below.

Table 2: Surveyed parking utilisation – Thursday 30th April 2015

Parking Zone	Parking Supply	Thursday 30 April 2015					
		4.00-4.30	4.30-5.00	5.00-5.30	5.30-6.00	6.00-6.30	6.30-7.00
A	64	38	50	38	32	21	24
B	105	80	83	69	46	41	39
C	47	45	39	43	30	35	25
D	23	13	7	10	10	8	7
E	88	30	38	44	28	21	21
F	12	6	9	3	2	3	3
G	40	15	16	11	3	6	2
H	87	23	21	14	9	13	6
I	48	19	20	13	15	11	8
J	75	40	44	47	40	45	43
K	50	19	18	19	16	14	14
Total	639	328	345	311	231	218	192
		51%	54%	49%	36%	34%	30%

Table 3: Surveyed parking utilisation – Saturday 2nd May 2015

Parking Zone	Parking Supply	Saturday 2 May 2015			
		11.00-11.30	11.30-12.00	12.00-12.30	12.30-1.00
A	64	40	30	34	28
B	105	97	89	92	95
C	47	40	42	40	43
D	23	13	9	9	7
E	88	50	32	36	38
F	12	4	5	1	3
G	40	5	7	3	8
H	87	4	6	15	13
I	48	14	11	8	11
J	75	41	33	33	37
K	50	21	23	17	22
Total	639	329	287	288	305
		51%	45%	45%	48%

The combined peak parking demand period for the shopping centre and subject site was recorded on Thursday 4:30pm to 5:00pm, with 54% utilisation. After this time parking demand gradually decreased to 30% utilisation by 7:00pm.

Parking utilisation was recorded to be fairly consistent on Saturday, ranging between 51% and 45% total utilisation between 11:00am and 1:00pm. Peak utilisation on Saturday was recorded at 11:00am.

There was a minimum of 294 parking bays available throughout the shopping Centre at any time during the survey period.

A maximum parking demand of 16 bays was recorded in zone G which includes the existing medical centre parking within the subject site. This is equivalent to 40% utilisation of this zone.

As the existing medical centre and noodle bar building is approximately 610m² in area, the estimated existing peak parking demand of the site during the combined medical centre / shopping centre peak is equivalent to 1 bay per 38m² of building floor area.

3.5 Post Development Parking Demand and Supply

3.5.1 City of Joondalup Parking Requirements

The subject site is situated within the City of Joondalup (CoJ) and as such the CoJ *District Planning Scheme No.2 (DPS2)* is applicable to the proposed medical centre redevelopment.

The relevant parking requirements as set out in the policy are detailed in Tables 4 & . It should be noted that DPS2 specifies a parking requirement of 5 bays per practitioner for medical centres. As the number of practitioners in the post development situation is not known, the 'Health Centre' parking rate of 1 per 30m² has been applied.

As detailed in Section 3.4, the existing medical centre and noodle bar parking demand was surveyed to be 1 bay per 38m² during the combined shopping centre and medical centre peak demand periods on Thursday afternoon and midday Saturday. Therefore the adopted rate of 1 bay per 30m² is considered to be conservative and applicable for calculating the post development parking requirement for the medical land uses.

Table 4: CoJ applicable car parking requirements

Use	Parking Standard	Bays Required
Medical Centre (General Practice) 331.90m ² NLA	1 car bay per 30m ²	11.06
Pathology 57.60m ² NLA	1 car bay per 30m ²	1.92
Office tenancy 65m ² NLA	1 car bay per 30m ²	2.17
Pharmacy 157m ² NLA	7 per 100m ² NLA (1 bay per 14.28m ² NLA)	10.99
Cafe Seating Area 86m ²	1 per 5m ² dining area	17.2
Medical Centre (Physio/Dental/Medical Specialist/Radiology) 748.9m ² NLA	1 car bay per 30m ²	24.97
Office 759.4m ² NLA	1 car bay per 30m ²	25.31
Total Requirement		93.62 (94)

3.5.2 Estimated Actual Demand for Parking

The proposed development provides a mix of complementary land uses including medical centre, office, café, pharmacy and retail. There will be some cross trade and

multi-purpose trips associated with these complementary land uses. For example some office employees may utilise the medical, café and pharmacy facilities. There will also be some cross trade associated with other land uses at the existing shopping centre. Therefore the actual demand for parking is anticipated to be lower than the total calculated parking demand based on application of individual City parking rates.

The actual demand for parking was therefore estimated based on the anticipated trip generation of the major components of the proposed development (medical centre and office) and the nature of the other ancillary uses (pharmacy and restaurant).

As detailed in Table 5, the actual peak parking demand is estimated to be in the order of 61 car bays but it is anticipated that about half of the customers (i.e. 11 cars) would already be parked at the shopping centre as there would be a considerable amount of multi-purpose trips at this activity centre Table 5.

Table 5: Estimated actual parking demand

Land Use	Staff parking	Customer parking	Total cars
Medical Centre	Assume 20 bays for staff	Peak traffic = 46 in / 45 out, 27 minute average duration of stay (RTA NSW Guide), 46 trips x 27/60min = 21 cars	41 cars
Office	Peak traffic = 14 in / 3 out, so 14 bays for staff	Allow for 1 visitor car	15 cars
Restaurant	Assume 2 staff as car drivers	Customers during the day are mainly staff / clients of offices / med centre / shopping centre, so all walk in.	2 cars
Retail (pharmacy)	Assume 3 staff as car drivers	Customers during the day are mainly clients of med centre or shopping centre customers, so all walk in.	3 cars
Total (unadjusted)	39 cars	22 cars	61 cars
Adjustment for multi-purpose trips and parking preferences		Half of customers will already be parked at the shopping centre	
Total parking on-site	39 cars	11 cars	50 cars

3.5.3 Post Development Parking Supply and Demand Analysis

The proposed on-site parking provision for the medical centre redevelopment is detailed as follows:

- 29 bays in the basement car park, 21 bays on the ground level (total 50 bays). This is equal to the anticipated actual peak on-site parking demand of the development and a shortfall of 44 bays from the City parking requirements.

Basement parking will be available to the public during trading hours.

Based on the parking utilisation survey results, there are at least 294 available parking spaces in the combined site and shopping centre car park during the combined peak parking demand period on a typical Thursday afternoon or Saturday midday.

The parking survey results indicate that sufficient parking is available in the closest parking Zones H & E to accommodate the proposed development parking. 116 bays were available in these two zones alone during the surveyed peak parking period, which greatly exceeds the calculated parking shortfall of 44 bays based on the City parking requirement rates.

The existing and post development parking demand and supply analysis for the combined shopping centre and proposed development is presented in Tables 6 & 7.

The parking demand and supply analysis indicates that the combined parking surplus at the shopping centre and subject site will remain considerably high at over 200 bays in the post development scenario during the typical weekday and weekend combined peak periods.

**Table 6: Post development parking demand and supply analysis
(City parking rates)**

Scenario	Peak Parking Demand	Total Parking Supply	Parking Surplus (+)
Existing	345	639	294
Post development	$345-16+94 = 423$	$639-37+50 = 652$	229

**Table 7: Post development parking demand and supply analysis
(Based on anticipated actual demand)**

Scenario	Peak Parking Demand	Total Parking Supply	Parking Surplus (+)
Existing	345	639	294
Post development	$345-16+61 = 390$	$639-37+50 = 652$	262

The parking analysis presented in Table 6 is considered to be too conservative for the following reasons:

- The calculated parking demand of the proposed medical/commercial development is the combined peak parking demand of all the individual uses and assumes that the peak parking demand of the proposed medical, retail, office and café uses coincides.

- ✚ The parking analysis presented in Table 6 assumes that the peak parking demand for the proposed medical/commercial development coincides with the peak parking demand of the shopping centre.
- ✚ The parking analysis presented in Table 6 does not account for multi-purpose trips, and assumes the full parking demand is generated for each proposed land use individually. As the proposed medical/commercial centre integrates with the existing shopping centre, multi-purpose trips are expected to occur due to cross trade between the existing shopping centre and the proposed medical and commercial uses. Some level of cross trade is expected to also occur within the site for example between the medical uses and proposed pharmacy, or between the café and proposed offices. Multi-purpose trips will reduce the combined parking demand of the proposed medical/commercial development.

It is considered that the parking analysis detailed in Table 7 presents a more realistic scenario. However, the parking analysis presented in both Tables 6 & 7 both demonstrate that more than sufficient parking will be available to service the subject site and shopping centre as a whole.

3.5.4 Parking Supply during Construction Period

During the construction period the existing noodle bar restaurant will be demolished but it is understood that the existing medical centre will continue to operate. During this period the existing 37 bays on this site will be within the construction site and unavailable for car parking.

The actual demand associated with the existing medical centre will be significantly less than this total of 37 bays. The parking survey only recorded a maximum of 16 cars parked in Zone G which includes these bays. The noodle bar restaurant will be demolished, further reducing the parking demand at this site.

As demonstrated in the preceding section of this report, the parking survey results indicate that sufficient parking is available in the closest parking Zones H & E to accommodate the displaced parking demand during this construction period. 116 bays were available in these two zones alone during the surveyed peak parking period, which greatly exceeds the number of bays that are unavailable during construction and the substantially lower demand that will actually exist for those unavailable bays.

Access to the existing Red Rooster restaurant west of this site will be slightly impacted during the construction period but good access will remain available via alternative routes through the overall shopping centre access driveways from Whitfords Avenue and Trappers Drive.

4.0 Provision for Service Vehicles

Rubbish bins will be wheeled out from the bin store for off-street waste collection from the existing parking aisle.

It is anticipated that the proposed development will generate a small volume of service vehicle traffic, primarily associated with deliveries for the commercial tenancies and medical centre. It is recommended that smaller vehicles such as vans be used for deliveries. Delivery vehicles may park in the publicly available parking on the ground level in front of the proposed development.

5.0 Hours of Operation

The proposed development will be mainly medical and office in nature and will generate heaviest traffic movements during weekday morning and afternoon peaks. As the subject site forms part of the existing Woodvale shopping centre, the combined peak period of site traffic and road network traffic will be during the weekday PM peak hour typically between 4pm and 5pm.

6.0 Daily Traffic Volumes and Vehicle Types

The traffic volumes likely to be generated by the proposed medical centre and commercial development have been estimated in accordance with the RTA NSW “*Guide to Traffic Generating Developments*” document, which provides daily and peak hour trip rates for relevant land uses.

Estimated existing traffic generation

The site currently accommodates a medical centre and noodle bar. The RTA trip generation rates which are best suited to estimate the existing traffic generation of the site are for “Extended hours medical centres” and “restaurant”.

The existing building area was estimated from online aerial imagery. It is estimated that the site currently generates around 430 daily vehicle trips, with approximately 43 trips during AM and PM peak hour periods respectively.

Post-development trip generation

In consideration of the proposed development land uses, the RTA trip generation rates which are best suited to estimate the traffic generation of the proposed development are detailed as following:

Extended hours medical centre

- ✚ Peak hour trips: range of trip rates supplied, adopted average 8 trips per 100m².
- ✚ Daily trips: Assumed peak hour is 10% of daily trips.

Office

- ✚ Peak hour trips: 2 trips per 100m².
- ✚ Daily trips: 10 trips per 100m².

Retail

- ✚ Peak hour trips: 28 trips per 1000m² (assume AM and PM trip generation).
- ✚ Daily trips: 278 trips per 1000m².

Restaurant

- ✚ Peak hour trips: 5 trips per 100m² (GFA).
- ✚ Daily trips: 60 trips per 100m² (GFA).

It is estimated that the proposed medical centre and commercial development would generate 1,140 daily vehicle trips, with approximately 122 trips during the

AM and PM peak hour periods. These trips include both inbound and outbound vehicle movements. It is anticipated that most of the vehicle types would be passenger cars and to a lesser extent 4WDs.

As the proposed development is located adjacent to an existing shopping centre, and some of the proposed development land uses are complementary, it is expected that a high incidence of cross trade between the shopping centre and proposed development, and internally between the proposed development land uses would occur.

A reduction of 10% for cross trade was applied to the trip generation of the proposed development. This is considered to be conservative. It should be noted that no reduction for passing trade was applied, which is also conservative.

The net change in site traffic resulting from the proposed development (accounting for existing traffic generation and 10% cross trade) is **+597vpd** and **+67vph** in the AM and PM peak hour periods.

Table 8 is based on the following directional split assumptions:

- ✚ AM peak split estimated at 50%/50% inbound/outbound for medical/commercial and 80%/20% inbound/outbound for office.
- ✚ PM peak split estimated at 50%/50% inbound/outbound for medical/commercial and 20%/80% inbound/outbound for office.

Table 8: Peak hour trips for the proposed development

Time period	Direction	Total Peak Hour Trips	
		Split	Total
AM Peak	Inbound	67	122
	Outbound	55	
PM Peak	Inbound	55	122
	Outbound	67	

The traffic generated by the proposed development will access and egress the site via the existing access intersections on Whitfords Avenue and Trappers Drive, as detailed in Figure 4.

Traffic is expected to be distributed to and from the east and west on Whitfords Avenue and to and from the north on Trappers Drive and will be spread over the multiple existing crossovers serving the site.

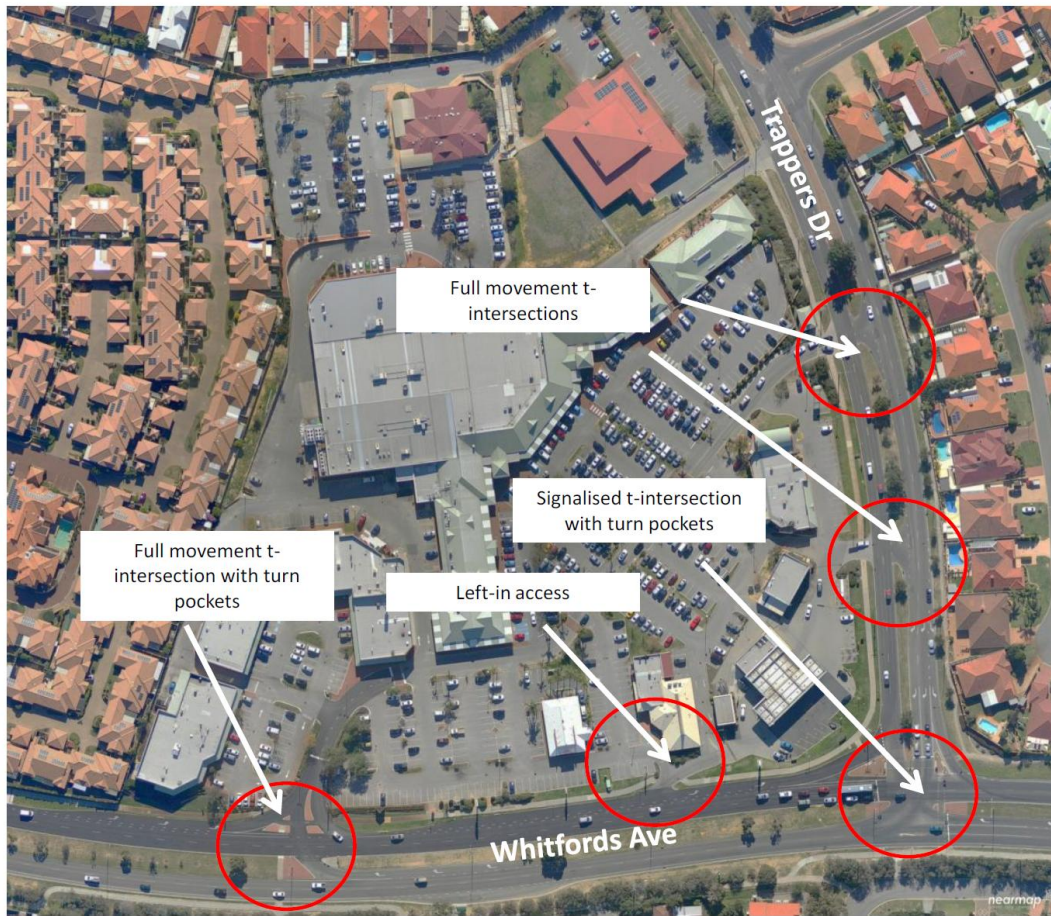


Figure 4: Vehicular access/egress intersections

The WAPC *Transport Assessment Guidelines for Developments* (2006) provides guidance on the assessment of traffic impacts:

“As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any particular section of road, but increases over 10 percent may. All sections of road with an increase greater than 10 percent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 percent of capacity. Therefore any section of road where the development traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis.”

As the site is well served by multiple access intersections on two road frontages, the proposed development will not increase traffic flows on any traffic lanes adjacent to the site in excess of the quoted WAPC threshold to warrant further analysis. The daily increase in traffic on the surrounding road network will be less than 5% of the existing traffic volumes on Whitfords Avenue and Trappers Drive, therefore the impact on the surrounding road network is considered to be minor.

7.0 Traffic Management on the Frontage Streets

Whitfords Avenue in the vicinity of the subject site is a 23m wide, four-lane divided road with a 9m wide central median and a sign posted speed limit of 70km/h adjacent to the site. Pedestrian footpaths are provided on both sides of the road.

Pedestrian crossing facilities are currently in place at the signalised intersection of Whitfords Avenue and Trappers Drive and at the shopping centre access intersection on Whitfords Avenue adjacent to the subject site.

Whitfords Avenue is classified as a *Distributor A* road in the Main Roads WA *Metropolitan Functional Road Hierarchy*. Traffic count data obtained from Main Roads WA indicates that Whitfords Avenue carried average weekday traffic flows of up to 38,000 vehicles per day (vpd) east of Kingsley Drive in February 2015.

Trappers Drive in the vicinity of the subject site is a 21m wide, four lane divided road with 6.5m wide median. Trappers Drive has a default built up area speed limit of 50km/h.

Pedestrian crossing facilities including drop kerbs and median refuges are currently provided adjacent to the shopping centre and at the signalised intersection with Whitfords Avenue. Paved pedestrian footpaths run along both sides of the road.

Trappers Drive is classified as a *Local Distributor* road in the Main Roads WA *Metropolitan Functional Road Hierarchy*. Recent traffic count data provided by Main Roads WA indicates that Trappers Drive carried average weekday traffic flows of 7,557 vehicles per day (vpd) in March 2015.

Nearby public transport services are shown in Figure 5.



9.0 Pedestrian Access

Pedestrian access to the proposed development is via the existing external footpath network comprising paved footpaths on Whitfords Avenue and Trappers Drive

A number of crossing facilities with median refuge are provided on both Whitfords Avenue and Trappers Drive adjacent to the shopping centre.

10.0 Cycle Access

The Perth Bicycle Network Map (see Figure 6) indicates good cyclist connectivity to the subject site. On-street cycle lanes are provided on both sides of Whitfords Avenue and shared pedestrian/cycle paths are provided along Whitfords Avenue and Trappers Drive adjacent to the shopping centre and subject site.

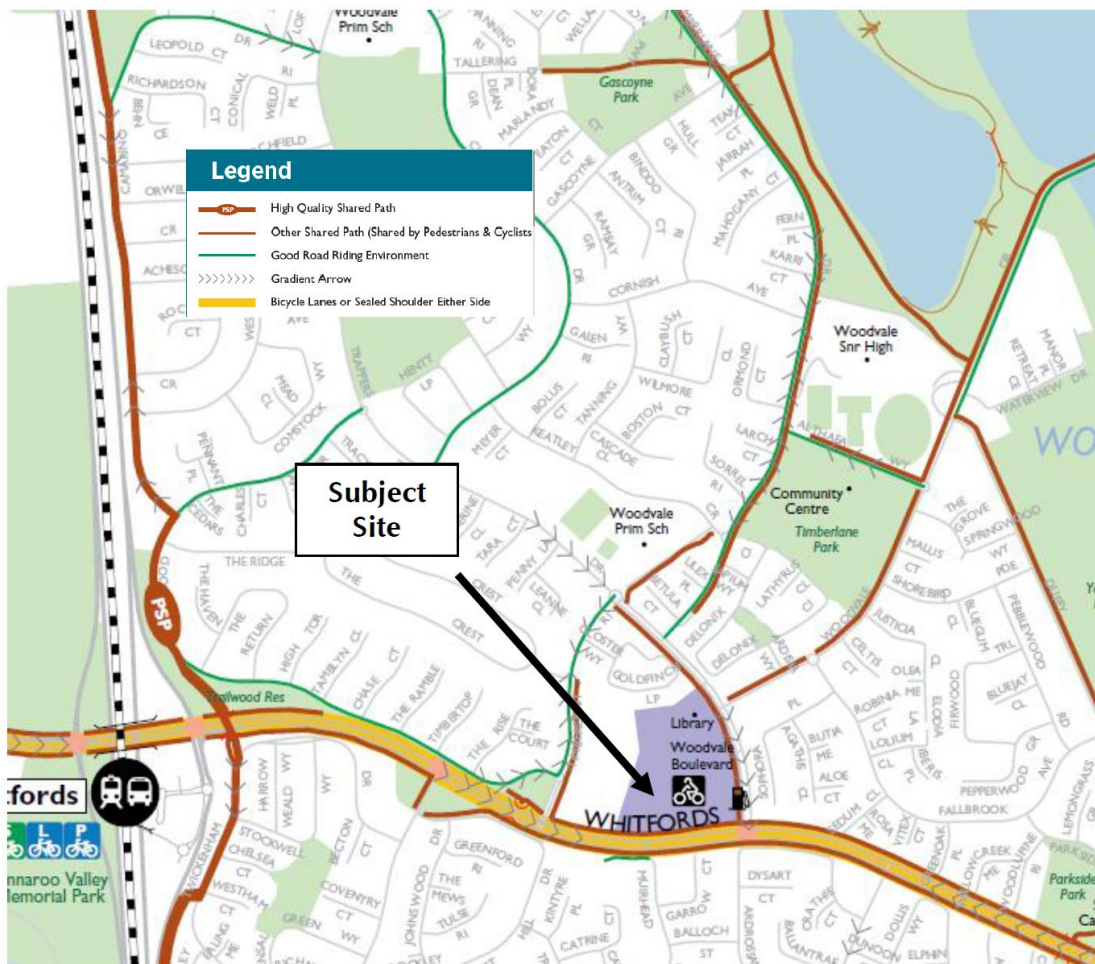


Figure 6: Extract from Perth Bicycle Network (Department of Transport)

End of trip facilities including wall mounted bicycle racks, showers and change rooms are provided in the basement of the proposed development to encourage alternate forms of transport.

11.0 Site Specific Issues

No site specific issues were identified within the scope of this assessment.

12.0 Safety Issues

No safety issues were identified within the scope of this assessment.

13.0 Conclusions

This Traffic and Parking report was prepared with regard to the proposed Medical and Commercial Centre, to be located at Lot 9 (No. 937) Whitfords Avenue in Woodvale.

The site features good connectivity with the existing road and pedestrian network and public transport coverage through bus services.

The traffic analysis undertaken in this report shows that the traffic generation of the proposed development is within the capacity of the existing road network and access intersections to accommodate and as such would have minor impact on the surrounding road network. The daily traffic generation of the proposed development is less than 5% of the existing traffic volumes on the adjacent road network.

Vehicle access to and from the surrounding road network is proposed to be accommodated via the existing shopping centre intersections on Whitfords Avenue and Trappers Drive as per the existing situation.

Access to the proposed basement level car park is via the existing parking aisle connecting to the north-west corner of the subject site.

Pedestrians will access the development from the external footpath network abutting the site on Whitfords Avenue and Trappers Drive. Pedestrian crossings are currently facilitated at the signalised intersection of Whitfords Avenue and Trappers Drive.

The parking analysis presented in this report indicates that the actual peak on-site parking demand for the proposed development is anticipated to be in the order of 50 cars. It is proposed to supply 50 car bays within the site. It is expected that reciprocal parking and cross trade will continue to occur between the existing shopping centre and this site.

The results of a parking survey undertaken in April/May 2015 indicate that there is more than sufficient parking available within the shopping centre to accommodate any potential parking shortfall associated with the development during peak parking demand periods.



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, and *Energy Smart Homes* at: 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 (none existing)
- ☒ natural landforms and topography

Does your development include:

- ☒ northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west *Southwly orientation, minimal windows east + west*
- ☒ passive shading of glass
- ☒ sufficient thermal mass in building materials for storing heat
- ☒ insulation and draught sealing
- ☒ floor plan zoning based on water and heating needs and the supply of hot water; and/or
- ☒ advanced glazing solutions

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
- ☒ low energy technologies (e.g. energy efficient lighting, energy efficient heating and cooling, etc); and/or
- ☒ natural and/or fan forced ventilation

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
- ☒ rainwater tank(s)

Do you intend to incorporate into your development:

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

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)
- ☒ rapidly renewable materials (e.g. bamboo, cork, linoleum, etc); and/or
- ☒ recyclable materials (e.g. timber, glass, cork, etc)
- ☒ natural/living materials such as roof gardens and "green" or planted walls

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)

'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:

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

Environmentally sustainable design
checklist

Page 3 of 3

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:

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

Will be given more detailed consideration as part of the building permit process

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: Jeremy Hofland Contact Number: 9221 1991

Applicant's Signature: _____ Date Submitted: 19/6/15

Accepting Officer's Signature: _____









EXEMPT from W.A. Stamp Duty

Adick
-for Commissioner of State Taxation

THIS DEED is made

8 July

1991

BETWEEN

JAYSHORE PTY LTD of Suite 6, 62 Ord Street West Perth Western Australia ("Covenantor")

AND

CITY OF WANNEROO of Boas Avenue Joondalup Western Australia ("Covenantee")

RECITALS

- A. The Covenantor has applied to the Covenantee for approval to develop the Land.
- B. The Land is situated within the municipal district of the Covenantee.
- C. The Covenantee has approved the Covenantor's application to commence development on the Land pursuant to the City of Wanneroo Town Planning Scheme Number 1 but subject, inter alia, to the Covenantor entering into a deed with the Covenantee to facilitate reciprocal vehicular access and car parking between lots to be created on the Land.
- D. The Covenantor has agreed to enter into this Deed in compliance with the Covenantor's obligation referred to in Recital C.

1. INTERPRETATION

- 1.1 In this Deed unless inconsistent with the context or subject matter:

"Accessways" means such parts of each Lot as are approved from time to time by the Covenantee and are used or intended to gain access to the Bays and the Land;

"Approval" means the approval to commence development issued by the Covenantee pursuant to the City of Wanneroo Town Planning Scheme Number 1 and dated 11 April 1991;

"Bays" means the car parking bays as approved by the Covenantee from time to time made available on each of the Lots;

"Building" any building from time to time constructed upon any of the Lots;

"Car Parking Areas" means those areas of each of the Lots set aside by the owner of each of the Lots for the purpose of parking motor vehicles;

"Design Plan" means the design plan a copy of which is annexed to this Agreement and marked "A2" respectively;

"Development" means the works to be carried out on or about the Land pursuant to the Approval;

"Driveways" means such parts of each Lot as are from time to time approved by the Covenantor and are used or intended to be used for the purpose of obtaining access to and egress from the Bays (and includes the Accessways);

"Land" the land described in the Schedule; and

"Lots" means the respective lots the subject of the Land;

"Parties" means the registered proprietors for the time being of any or all of the Lots other than the Covenantor;

"Plan" means the plan annexed to this Agreement and marked "A";

"Practical Completion" means the date of issue of a Certificate of Practical Completion in respect of the Shopping Centre Development to be constructed on part of the Land; and

"Schedule" means the Schedule to this Deed.

- 1.2 "Covenantor" and "Covenantee" shall mean and include the personal representatives and successors in title respectively.
- 1.3 Where two or more persons are party to this Deed the covenants and agreements on their part shall bind and be observed and performed by them jointly and each of them severally.
- 1.4 References to a statute include all amendments for the time being in force and any other statute enacted in substitution for and the regulations by-Laws requisitions or other orders made under that statute.
- 1.5 Except in the Schedule headings shall not affect the interpretation of this Deed.
- 1.6 The singular shall include the plural and vice versa and a reference to any one gender shall include any other gender. A reference to a person shall include a natural person and a corporation.

- (h) To maintain the landscape areas of the Car Parking Areas to a standard satisfactory to the Covenantee;
- (i) To obtain the written consent of the Covenantee (which consent will not be unreasonably withheld) before erecting any boundary fence or obstruction;
- (j) To comply with all Acts and Statutes (State or Federal) for the time being enacted or modifying any Acts and all Regulations By-Laws Requisitions or Orders made under any Act from time to time by any statutory public or other competent authority in connection with the use of the Bays for the purpose of parking private motor vehicles and the rights granted in compliance with this Deed;
- (k) Not to assign transfer or otherwise subrogate the rights to be granted in compliance with this Deed without the prior written consent of the other Parties (subject to each of the Parties covenanting that it shall not unreasonably withhold such consent) AND to the extent that the same may be applicable Sections 80 and 82 of the Property Law Act 1969 are to be expressly excluded;
- (l) To ensure adequate public risk insurance is effected to cover public risk to third parties resulting from the use or abuse of the Bays the Driveways or the Car Parking Areas;
- (m) That each of the other of the Parties observing and performing the covenants conditions and agreements contained or implied in or to be granted in compliance with this Deed may peaceably enjoy the rights to be granted pursuant to this Deed without any interruption or disturbance from or by any person;
- (n) That notwithstanding any other right or remedy available at law or in equity to any of the Parties in the event of any of the Parties remaining in breach of the obligations to be assumed as contemplated by this Deed for a period of TWENTY EIGHT (28) days after the receipt of a written notice from the Covenantee or any of the Parties requiring any or all of the Parties to remedy the breach specified in the notice, and in addition to any other remedy the Covenantee or any of the Parties may have, the Covenantee or any of the Parties shall be at liberty to remedy or rectify the breach and such Party or Parties and their respective agents are to be entitled to enter upon the Parties' land.
- (o) That the Covenantor or any of the Parties shall not sell transfer, assign, mortgage or otherwise dispose of any of the Lots or any part thereof and without first obtaining from the purchaser, transferee, assignee, mortgagee or disponent as the case may be covenants in the form of a deed with the Covenantee, Covenantor and the parties whereby the purchaser, transferee, assignee, mortgagee and disponent agree to be bound by the conditions and covenants contained in this Deed.

4.
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ccCOVENANTOR'S FURTHER COVENANTS

The Covenantor COVENANTS AND AGREES with the Covenantee:

- 2.1 To GRANT to the Covenantee and to the Parties together with their respective tenants invitees licensees customers and all persons from time to time authorised by each of them in common with all of the Parties together with all their respective tenants invitees licensees customers and all persons from time to time authorised by all of the Parties in respect of any Lot of which from time to time the Covenantor is the registered proprietor the irrevocable right or licence;
- (a) To use and occupy the Bays for car parking purposes;
 - (b) To use the Driveways for the purpose of obtaining access to and egress from the Bays; and
 - (c) To use the Accessways as access ways in common with others entitled to use the same for the purpose of access to and egress from the Bays and the Land or facilities from time to time erected thereon.
- 2.2 To obtain from each of the Parties in favour of the Covenantor and in favour of all others comprising the Parties and as a separate covenant with the Covenantee in relation to each Party's respective Lot at that Party's cost covenants:
- (a) In the form set out in Clause 2.1;
 - (b) That it shall use its best endeavours and do all things reasonably required to ensure that the Bays are only used for the purpose of parking private motor vehicles;
 - (c) That it shall use its best endeavours and do all things reasonably required to ensure that all vehicles parking in the Bays are parked within the defined area of each of the Bays;
 - (d) That any rubbish and debris accumulating upon the Bays is periodically removed therefrom;
 - (e) To maintain the Car Parking Areas in a state of repair and cleanliness satisfactory to the Covenantee and to resurface the Car Parking Areas as and when it is necessary to do so and to comply with all statutes and regulations relating thereto;
 - (f) To mark out such Bays for disabled parking as the Covenantee shall from time to time consider appropriate;
 - (g) To obtain the written consent of the Covenantee and all of the other Parties (which consent will not be unreasonably withheld) to vary the car parking layout as approved by the Covenantee;

- (p) That each of the Parties in relation to the Lot in which it has an interest shall release the Covenantee from all claims for compensation or otherwise in respect of all or any approvals given by the Covenantee to that Party in relation to the Lot owned by that Party or any part or parts thereof.
- (q) That each of the Parties in relation to the Lot in which it has an interest shall covenant with the Covenantee that it shall indemnify the Covenantee and hold it indemnified against all claims to or against the Covenantee by any other person in respect of compensation or otherwise arising from any approval given by the Covenantee to that Party in the relation to the Lot owned by that Party or any part or parts thereof and shall pay upon demand to the Covenantee compensation which shall have been agreed by the Covenantee with the consent of the Party and all other claims or compensation which the Covenantee shall be called upon to pay by reason of any judgment or order of any Court or other tribunal having jurisdiction in that behalf in respect of such approval.
- (r) To reimburse the Covenantee on demand for any costs or expenses incurred by the Covenantee in remedying that Party's breach pursuant to Clause 2(n) — 2.2
- 2.3 To itself carry out, perform and observe the covenants contained in Clauses 2.2(b) to 2.2(r) inclusive.

3. CAVEAT

The Covenantee may register a subject to claim caveat (but not an absolute caveat) over the Land to protect its interest in the Land as set out in this Deed.

4. GRANT OF REGISTRABLE EASEMENTS - ACCESSWAYS

- 4.1 Not later than NINETY ONE (91) days after Practical Completion the Covenantor shall instruct its solicitors to prepare and forward to the Parties easements whereby each of the Parties (in this clause the "Grantor") grants to each of the other Parties the right for each of the other Parties to use so much of the Accessways and the Car Parking Areas as is on the Grantor's Lot and within the said period of NINETY ONE (91) days mentioned in this Clause 4.1 to ensure that such easements are registered at the Office of Titles Perth. Such easement shall be in substantial conformity with the Design Plan and shall be to the satisfaction of the Covenantee.
- 4.2 The Covenantor shall promptly execute and shall require each of the Parties promptly to execute the easements contemplated in the preceding paragraph as soon as reasonably practicable after receipt and to comply with all reasonable directions received from the Covenantor's solicitors and to take all steps reasonably necessary to procure that the easements are fully executed and stamped and registered at the Office of Titles, Perth within ONE (1) calendar month after receipt thereof (including without limitation arranging for its mortgagees to consent to the easements and for the duplicate Certificate of Title for its Lot to be produced at the Office of Titles, Perth to enable registration of the easements).

5. COVENANTOR'S ACKNOWLEDGEMENT

The Covenantor ACKNOWLEDGES AND AGREES that all rights to be granted pursuant to this Deed shall apply on a TWENTY FOUR (24) hour basis on all days of the year PROVIDED THAT for the purpose only of preventing any dedication of a public right-of-way each party shall be entitled to restrict all access to each of the Lots *for* from a period of not more than ONE (1) hour between 3:00am and 6:00am on Good Friday in each year.

6. FURTHER ASSURANCE

The Covenantor and the Covenantee mutually COVENANT AND AGREE promptly at the request of the other to do and execute all such acts things deeds and documents as may be necessary to give effect to the terms of the Deed.

7. TIME AND DEFAULT

Time shall be of the essence of this Deed in all respects but neither the Covenantor nor the Covenantee shall be entitled to enforce any rights or remedies under this Deed or at law or in equity arising out of the default of the other in performing and observing any of the terms conditions and covenants on this Deed until the party not in default has given to the other party a written notice specifying the default and stating its intention to enforce its rights and remedies unless the default is made good within the period of FOURTEEN (14) days of the service of the notice and the defaulting party fails within that period to remedy the default PROVIDED ALWAYS THAT if either party is prevented from carrying out its obligations hereunder because of the matters or circumstances referred to in Clause 7 then the time for carrying out such obligations shall be extended by a period equal to the period of delay in performance caused by such matters or circumstances.

8. COSTS AND STAMP DUTY

The Covenantor shall pay its own and the Covenantee's costs (including solicitors' costs) of and incidental to the instructions for and the drawing engrossing and execution of this Deed and the perusal of the easements referred to in Clause 4.1 and all stamp duty payable on this Deed and any executed copies.

9. MODIFICATION OR AMENDMENT

No amendment or variation to this Deed shall be effective or binding on the parties hereto unless in writing and executed by the parties. Unless the context otherwise requires, a reference to this Deed shall include a reference to this Deed as amended or varied from time to time.

10. WAIVER

The waiver by either party of a breach of any provision of this Deed shall not operate or be construed as a waiver of any other or subsequent breach thereof by the breaching party.

11. NOTICES

11.1 Any demand, consent, notice or other communication ("Notice") authorized or required to be made hereunder shall be in writing and may be given by facsimile, telex, telegram, cable, post or hand to a party at its address mentioned above.

11.2 A Notice:

- (i) Given by facsimile, telex, telegram or cable shall (in each case) be deemed to be a notice in writing given on the business day following the day of despatch;
- (ii) Sent by prepaid registered or certified post (airmail, if appropriate) shall be deemed to have been given (where posted to an address in the same country) on the fifth business day following the day on which it was posted or (where posted to an address in another country) on the seventh business day following the day on which it was posted;
- (iii) Delivered by hand during normal business hours on a business day shall be deemed to have been given on that day, or in any other case of hand delivery shall be deemed to have been given on the business day following the day of delivery.

12. PROPER LAW

This Deed shall be governed by the Laws and statutes of Western Australia and (where applicable) of the Commonwealth of Australia and the parties hereto hereby submit themselves irrevocably to the jurisdiction of the courts of competent jurisdiction of Western Australia.

13. SEVERABILITY

In the event of any part of this Deed being or becoming void or unenforceable then that part shall be severed from this Deed to the intent that all parts which shall not be or become void or unenforceable shall remain in full force and effect and be unaffected by any severance.

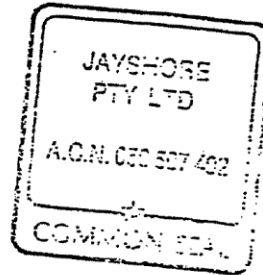
SCHEDULE

REMISES

Location 1879 being part of Lot 931 on Plan 17375 and being that part of the land comprised in Certificate of Title Volume 1895 Folio 548 is coloured green for identification on the attached plan.

EXECUTED BY THE PARTIES AS A DEED.

THE COMMON SEAL of
JAYSHORE PTY LTD
was affixed by authority of the
Directors in the presence of:



.....
DIRECTOR

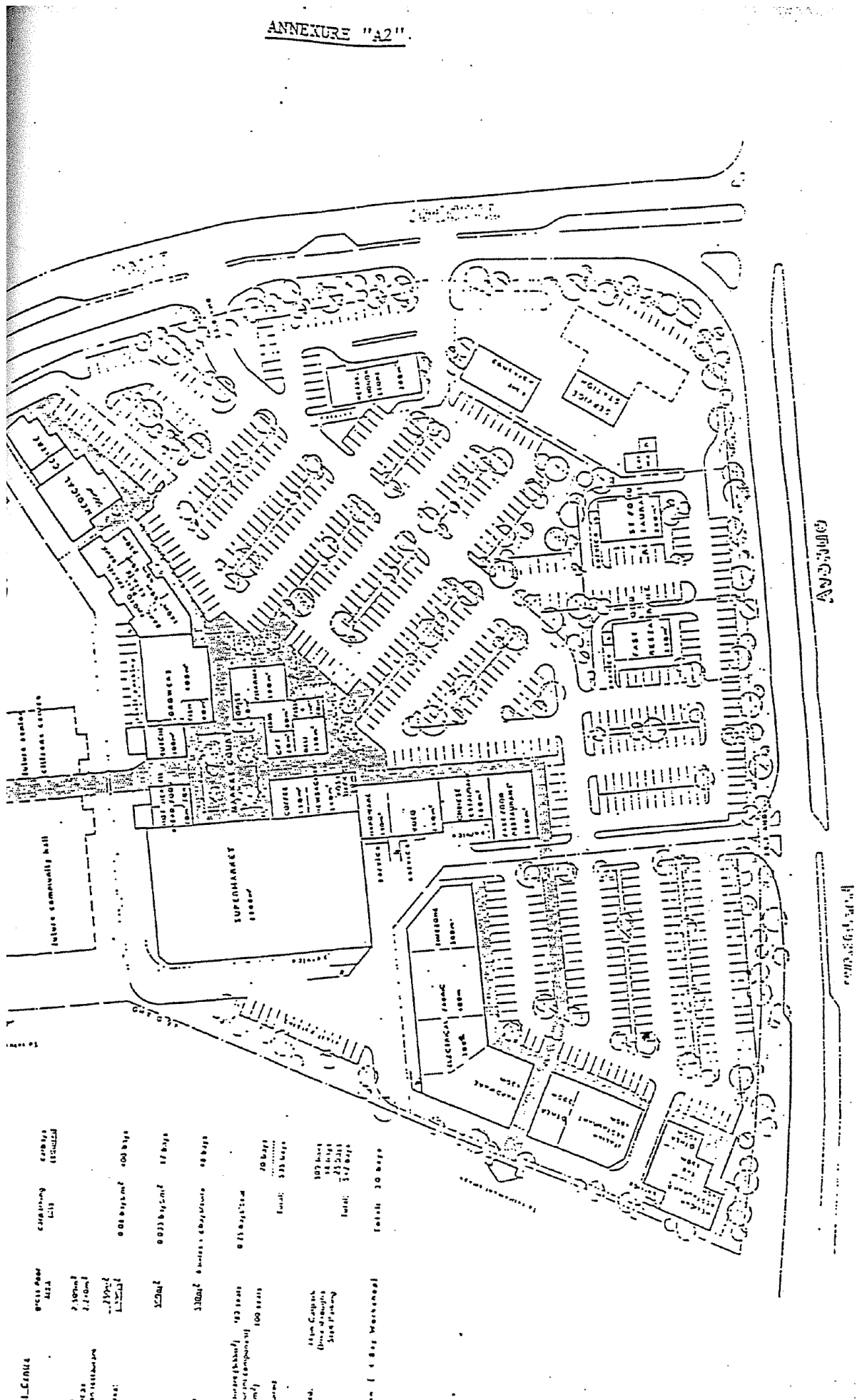
.....
DIRECTOR/SECRETARY

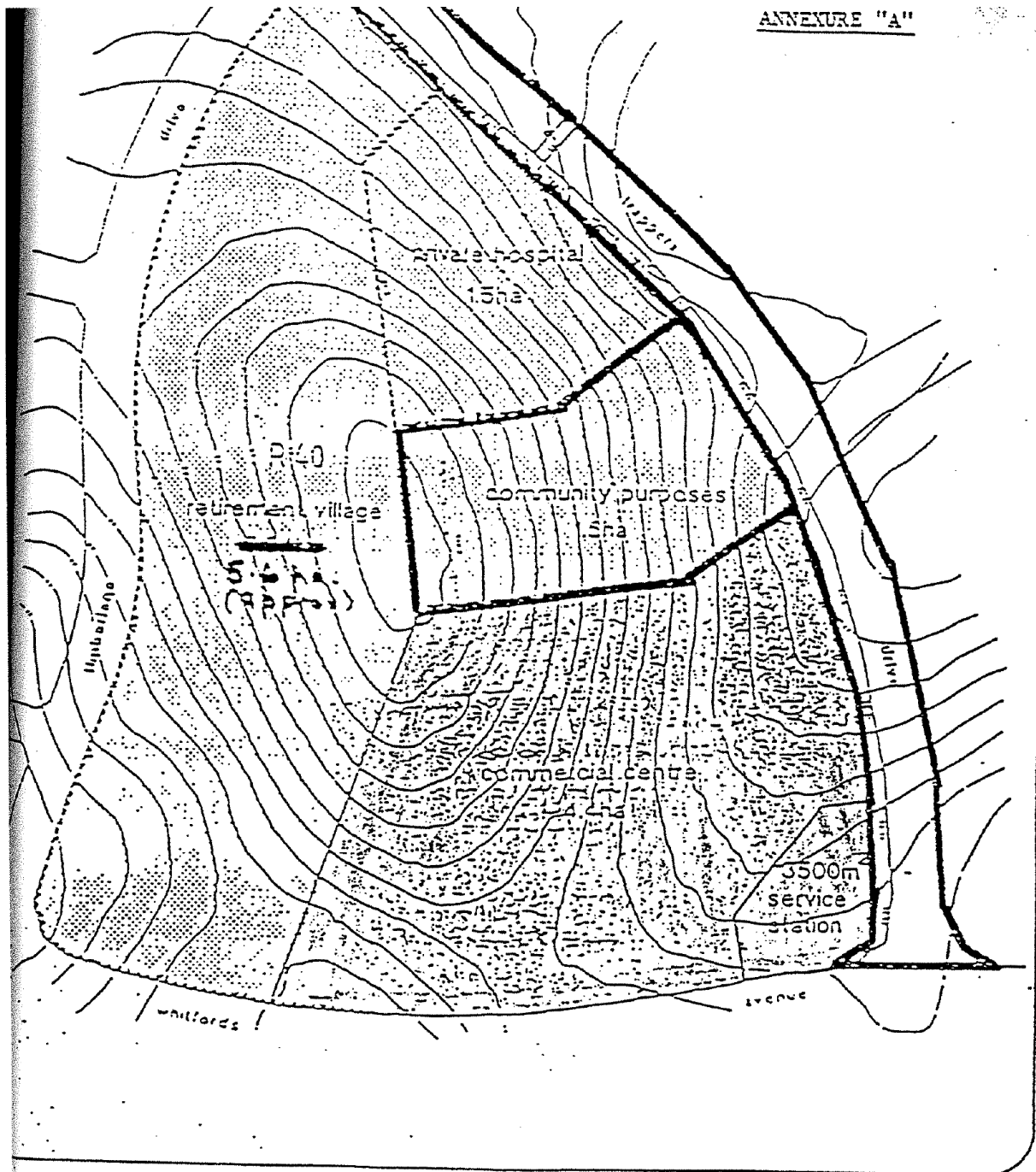
THE COMMON SEAL of
CITY OF WANNEROO was
affixed pursuant to an authority
of a resolution of Council
in the presence of:

.....
MAYOR

.....
TOWN CLERK

549PALD/1rb
PAL:THS:WES9139734
12/06/1991





vision & zone plan

LEGEND



Residential Development



Residential Development R40



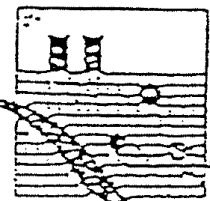
Commercial



Service Station



north



figure

2

A384. #12
Lot 9 Assignment
of Recept Park
& Access.

B E T W E E N

JAYSHORE PTY LTD
A.C.N. 050 507 492

"Jayshore"

- and -

CITY OF WANNEROO

"City"

- and -

CITYPRIDE HOLDINGS PTY LTD
A.C.N. 053 812 463

"Citypride"

DEED

KOTT GUNNING
BARRISTERS & SOLICITORS
LEVEL 11
66 ST GEORGE'S TERRACE
PERTH WA 6000
TEL: 321 3755

THIS DEED is made the 11 day of August 1992

BETWEEN: JAYSHORE PTY LTD A.C.N. 050 507 492 of Suite 6, 62 Ord Street, West Perth, Western Australia ("Jayshore")
 17/08/92 8782906 DUP *****2.00
 8782806 D/S \$ 5.00



CITY OF WANNEROO of Boas Avenue, Joondalup, Western Australia ("City")

CITYPRIDE HOLDINGS PTY LTD A.C.N. 053 812 463
 C/- Levy Fowler & Co Pty Ltd, 49 Hampden Road, Nedlands Western Australia ("Citypride")

RECITALS:

- A. Pursuant to the Agreement Jayshore (inter alia) agreed to facilitate reciprocal vehicular access and car parking between lots to be created on the Land.
- B. Clause 2.2 of the Agreement provides, inter alia, that Jayshore shall not sell any part of the Land without first obtaining from the purchaser thereof covenants in the form of a deed with the City and Jayshore whereby the purchaser agrees to be bound by the conditions and covenants contained in the Agreement.
- C. Jayshore has sold the Lot to Citypride.
- D. Citypride and Jayshore have agreed to enter into this deed in order to comply with clause 2.2 of the Agreement.

1.1 INTERPRETATION

The following words have these meanings in this deed unless the contrary intention appears.

"The Agreement" means the deed dated the 8th July 1991 made between Jayshore and the City a copy of which is annexed to this deed. *c.e. #4*

"the Lot" means Lot 9 on Diagram 18093 and being the whole of the land comprised in Certificate of Title Volume 1906 Folio 705.

"the Land" means "the Land" as defined in Clause 1.1 of the Agreement which has now been subdivided into further lots of which the Lot forms part of.

1.2 In this deed unless the contrary intention appears:

- (a) a reference to this deed or another instrument includes any variation or replacement of the same;

- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under, and consolidations, amendments, re-enactments or replacements of the same;
- (c) the singular includes the plural and vice versa;
- (d) the word "person" includes a firm, a body corporate, an unincorporated association or an authority;
- (e) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and assigns;
- (f) an agreement, representation or warranty on the part of or in favour of two or more persons binds or is for the benefit of them jointly and severally;
- (g) a reference to any thing (including, but not limited to, any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to any one or more of them;
- (h) the headings shall not affect the interpretation of this deed.

2. COVENANT

- (a) Citypride HEREBY AGREES to be bound by the conditions and covenants contained in the Agreement and on the part of Jayshore to be performed observed or otherwise complied with as if Citypride was named in and had executed the Agreement instead of or as co-covenantor with Jayshore.
- (b) Citypride acknowledges that it is one of "the Parties" as defined in Clause 1.1 of the Agreement and hereby covenants to be bound by the conditions and covenants contained in the Agreement and on the part of "the Parties" to be performed observed or otherwise complied with so far as the same relate to the Lot as if Citypride was named in the Agreement as being one of "the Parties" and had executed the Agreement.

3. ASSIGNMENT

Citypride agrees to not sell transfer assign mortgage or otherwise dispose of the Lot or any part

thereof without first obtaining from the purchaser, transferee, assignee, mortgagee or disponent as the case may be covenants in the form of a duly executed deed with the City and Citypride whereby the purchaser, transferee assignee, mortgagee or disponent agrees to be bound by the conditions and covenants contained in the Agreement and this deed.

4. CAVEAT

- (a) Citypride hereby charges all its interest in the Lot with the due and punctual performance of its obligations pursuant to this deed and the Agreement.
- (b) Citypride affirms with the City that the City may register a subject to claim caveat over the Lot pursuant to Clause 3 of the Agreement and this deed.

5. REMEDIES CUMULATIVE

The rights, powers and remedies provided in this deed and the Agreement are cumulative with and not exclusive of the rights, powers or remedies provided by law independently of those deeds.

6. FURTHER ASSURANCES

The parties mutually covenant and agree to do and execute such acts, things, deeds and documents as may be necessary to give effect to the terms of this deed and the Agreement.

7. SEVERABILITY

In the event of any part of this deed or the Agreement being or becoming void or unenforceable then that part shall be severed from this deed to the intent that all parts which shall not be or become void or unenforceable shall remain in full force and be unaffected by any severance.

8. WAIVER

The waiver by either party of the breach of any provision of this deed or the Agreement shall not operate or be construed as a waiver of any other or subsequent breach thereof by the breaching parties.

9. MODIFICATION OR AMENDMENT

No amendment or variation to this deed or the Agreement shall be affective or binding on the parties hereto unless in writing and executed by the parties. Unless the context otherwise requires a reference to this deed or the Agreement shall include a reference to this deed or the Agreement as amended or varied from time to time.


10. COSTS

Citypride agrees to pay its costs and the City's costs (including its solicitor's costs) of and incidental to the instructions for and the drawing, engrossing and execution of this deed and any caveat lodged pursuant hereto, all stamp duty payable on this deed and all executed copies thereof and any registration fees payable in relation to the registering, withdrawal or re-registering of any caveat lodged pursuant to this deed and the Agreement.

EXECUTED as an agreement.

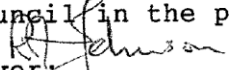
THE COMMON SEAL of)
JAYSHORE PTY LTD)
was hereunto affixed by)
authority of a)
resolution of the)
Directors in the)
presence of:)

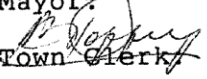
Director: 

Secretary: 




THE COMMON SEAL of)
CITY OF WANNEROO)
was hereunto affixed by)
authority of a)
resolution of the)
Council in the presence of:)

Mayor: 

Town Clerk: 

THE COMMON SEAL of)
CITYPRIDE HOLDINGS PTY LTD)
was hereunto affixed by)
authority of a)
resolution of the)
Directors in the)
presence of:)

Director: 

Secretary: 

NS: lmm: 0405h

