

MEETING DATE: 31 October 2006

**PROPOSED CHANGES TO KINROSS SHOPPING CENTRE,
RETROSPECTIVE APPLICATION FOR MINOR WORKS AND
PROPOSED OFF-SITE PARKING PROPOSAL ON ADJOINING CROWN
LAND - KINROSS NEIGHBOURHOOD SHOPPING CENTRE - LOT 2278
(3) & LOT 2277 (15) SELKIRK DRIVE, KINROSS
62554**

WARD: North Ward

RESPONSIBLE Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To request Council's determination for three separate applications for planning approval at Kinross Neighbourhood Shopping Centre (KNSC) and adjoining crown land (proposed community use site). This includes an application for a change of use of eleven non-retail tenancies to shop with a shortfall of car bays, retrospective approval for amendments to the existing loading dock and inclusion of trolley bays with a shortfall of car bays and an application for the construction of 25 car bays on adjoining Crown land.

EXECUTIVE SUMMARY

The KNSC, located on the northeast corner of Connolly Drive and Selkirk Drive (Lot 2278), was approved by Council at its meeting dated 11 October 2005 (CJ217 – 10/05). The maximum retail net lettable area (NLA) approved as part of the development was 3,000m². The subject development is currently under construction and is projected for completion in early November 2006.

The vacant land (Lot 2277), adjoining the KNSC to the west, is owned by the Crown and is proposed to be set aside for community use purposes. All development on lots 2278 and 2277 comes under the direction of the Kinross Neighbourhood Centre Structure Plan.

A recent amendment to DPS2 has increased the maximum allowable NLA for the shopping centre site from 3,000m² to 4,000m².

The applicant has submitted amended plans proposing a change of use of eleven non-retail tenancies to a "shop" use, thus increasing the total retail NLA for the shopping centre to 4,000m². The applicant has not constructed the loading dock to the supermarket in accordance the original approved plans. Subsequently, the applicant has requested retrospective approval for the loading dock, which includes the loss of two car bays. The amended plans received also illustrate four trolley bays, which will result in the loss of four car bays.

The increase in retail NLA, retrospective approval for the loading dock and the inclusion of trolley bays will result in a total shortfall of 42 car bays over the site. However, the inclusion of car bay No 183 and the use of two verge bays will reduce the total shortfall to 39 car bays. Council is requested to exercise its discretion for this shortfall of car bays.

The applicant is proposing to construct 25 car bays on the adjoining site (Lot 2277), which has been established for development as a future community use site. Additional car parking concessions have been claimed through differing peak periods for the proposed shop uses and the provision of 25 bicycle racks.

The Kinross Neighbourhood Centre Structure Plan allows for an agreement to be entered into for reciprocal rights of access between lot 2278 and lot 2277. It is considered that the use of a community purpose site to cater for a shortfall of commercial parking on an adjoining site is not acceptable. The reciprocal rights of access to each of the parking areas is based on the objective that each lot has sufficient parking to cater for its own needs, but still allows for co-usage of parking.

Application 1

To preserve the amenity of the relevant locality and avoid issues such as parking overspill into adjoining properties and road verges, it is recommended that the application for a change of use of 11 non-retail tenancies to shop be refused.

Application 2

It is recommended that the application for retrospective approval for minor works to the loading dock and trolley bays is acceptable, subject to a cash in lieu payment for a shortfall of two car bays, as per the previous approval dated 11 October 2005 (CJ217 – 10/05).

Application 3

A decision for the application of commercial parking on the adjoining community use site cannot be issued, as the MRS Form 1, application form has not been signed by the owner of the land (Department for Land Information – DLI). However, it is considered that any future application for commercial parking on the adjoining proposed community use site could not be supported. Legal advice indicates that the use of a community use site for the purposes of commercial parking would not be consistent with the intent and purpose of the proposed reserve and therefore, it would not be appropriate for the City to enter into such an agreement.

BACKGROUND

Suburb/Location:	Lot 2278 (3) Selkirk Drive, Kinross Lot 2277 (15) Selkirk Drive, Kinross
Applicant:	J. Prestipino Building Designs Pty Ltd
Owner:	Adriatic United Pty Ltd (lot 2278) Crown Land – Department for Land Information (lot 2277)
Zoning:	DPS: Centre
	MRS: Urban
Structure Plan:	Kinross Neighbourhood Centre Structure Plan
Site Area:	1.3876ha (Lot 2278) 0.5000ha (Lot 2277)

The subject sites are zoned "Centre" under the City's District Planning Scheme No 2, which is regulated by the criteria set out in the Kinross Neighbourhood Centre Structure Plan. The Kinross Neighbourhood Centre Structure Plan is made up of three major areas. The western most component is for "Commercial" use (Lot 2278), which is the subject of the development

application. A vacant site, which is owned by the Crown and earmarked for community and civic purposes (Lot 2277), is located to the east of the subject site. The third area is a "Residential" area with a density coding of R40. This area is located to the east of Balliol Elbow, which is largely built and/or under construction.

To the north of the subject site is an adjoining public open space area (McNaughton Park) with existing playing fields, clubrooms and skate-park. Established residential land is located to the south of Selkirk Drive.

The Council is made aware that there have been recent discussions with the applicant for a reallocation of the retail NLA. This entails a change of use of the approved liquor store to a non-retail use (eg. Office), with a change of use for tenancies 3, 14, 15 & 16 from non-retail to shop. The approved NLA would still be a maximum of 3000m², which complies with the existing approval. There would be no additional parking implications as a result.

DETAILS

The applicant has submitted three separate applications for planning approval on Lots 2278 and 2277 Selkirk Drive, Kinross. The total number of car bays provided as part of this application is 243 car bays (inclusive of car bay no. 183 – see report below).

Application 1

The applicant is proposing a change of use of eleven non-retail tenancies to a shop use at Kinross Neighbourhood Shopping Centre. This would entail an increase in the NLA from 3,000m² to 4,000m² for the shopping centre. The change of use would result in an increase in parking demand over the site, requiring a total of 284 car bays (previous demand 247 car bays).

TABLE 1 – ON-SITE PARKING FIGURES

Land Use	Area (m ²)	Parking Ratio	Total No Car bays Required
Retail Floorspace	4,000	7 bays per 100m ²	280
Non-Retail Floorspace	116	1 bay per 30m ²	3.86
Total Required			284

The total number of parking bays provided as part of the original planning approval, approved by Council at it's meeting dated 11 October 2005 (CJ217 – 10/05), was 241 car bays.

Application 2

An application has been received for retrospective approval for the loading dock, which is currently under construction. This change will result in the loss of two car bays between the loading dock and transformer compound.

The applicant has stated that the changes made to the loading dock have been necessary in order to comply with the recommendations made through the original traffic study, carried out by Sinclair-Knight Mertz, and advice from specialist trades. The applicant has stated that it has been necessary to make the following changes:

1. Move the loading dock downwards to meet the recommendations of the traffic report;
2. Re-locate the bin store next to the loading dock (to meet electrical requirements);
3. Move the transformer compound next to the main building (to meet electrical requirements).

Furthermore, retrospective approval is sought for the loss of four car bays due to the provision of four trolley bays.

The above changes to the loading dock and trolley bays would result in the total loss of six car bays over the site.

Application 3

The applicant is proposing to provide 25 additional car bays (inclusive of one bay straddling both lots) on the adjoining Crown land to the east of the KNSC (Lot 2277). These bays are proposed to be constructed with access onto Balliol Elbow.

The applicant states that the provision of the car bays on the community use site will be of community benefit as they will be available for use by the general public, aside from those just using the shopping centre. The parking will be available for community use by those using the adjacent public open space and clubroom as well as those ratepayers who utilise the park to walk the dog. The applicant affirms that the provision of these parking bays is a justifiable community use.

(It is noted that the owner of the land (Department for Land Information) has not signed the MRS Form 1 application form, as it was originally assumed by the applicant that the land had been vested with the City. Subsequently the application is not valid. However for the purposes of this report it will be assessed on the basis of a valid planning application).

Overall Parking Justification

To cater for the change of use application to increase the total NLA of the shopping centre to 4000 m², the loss of six car bays due to the retrospective amendments to the loading dock and inclusion of four trolley bays (applications 1 and 2), the applicant has provided a combination of justification. This includes the peak usage times of the proposed shops, the provision of 25 bicycle racks, addition of car bay No 183, use of two verge bays and the construction of 25 car bays (application 3) on the adjoining Crown land (Lot 2277).

The applicant has stated that the proposed shops facing Selkirk Drive (tenancies 8-13 and 17) are proposed to include after hours trading, with the majority being food shops. The set up is proposed as follows:

TABLE 2 – SHOP USES (SELKIRK FRONTAGE)

Tenancy	Shop Use	Floor Area
No 8 (approved)	Coffee Shop	135.22m ²
No 9	Bakery (& take away)	87.83m ²
No 10 (approved)	Fish & Chips	90.27m ²
No 11 (approved)	Japanese take away	53.62m ²
No 12	Chicken take away	83.22m ²
No 13	Indian (dine in & take away)	155.85m ²
No 17 (approved)	Health Club	126.12m ²
	Total	732.13 m²

The floor area for these shops (732.13m²) represents 51.25 car bays, of which the applicant has requested a 25% concession for the after hours peak time usage of the subject shops. This concession represents 13 car bays.

Additionally the applicant is also requesting a concession of six car bays due to the differing peak demand periods for the proposed liquor store (approved) and pharmacy, siting that these uses are relatively quiet during the day.

Car bay No 183 was deleted as part of the original approval for the KNSC as it was deemed to affect the turning movements of heavy vehicles within the site. Written confirmation has been provided from a traffic consultant (Sinclair Knight Mertz) to indicate that car bay No 183 will not affect the movement of heavy vehicles and can be included in the total number of on-site car bays.

The applicant has provided details from Transperth, which indicate that they are not willing to relocate their existing bus stop along Selkirk Drive as per as condition (o) of Council's decision dated, 11 October 2005. The original planning approval required the applicant to liaise with Transperth to have a bus bay relocated to the existing southeast verge bays adjacent to the Selkirk frontage shops. The applicant has therefore requested a concession of two car bays for these verge bays, as a result of this decision by Transperth.

As per the traffic study provided as part of the original application, bicycle usage in the area was noted and the request for bicycle racks were incorporated as condition (n) of Council's decision dated, 11 October 2005. Through the provision of these bicycle racks, the applicant has requested a concession of six car bays.

The applicant is proposing to provide 25 additional car bays (inclusive of one bay straddling both lots) on the adjoining Crown land to the east of the KNSC (lot 2277). The lot is intended for future community use purposes. The applicant is intending to construct these bays at their own cost. A concession of 25 car bays has been requested as a result of this provision, siting the community benefit that these car bays will provide.

The table below illustrates the proposed concessions requested.

TABLE 3 – PARKING CONCESSIONS

PARKING CONCESSION	TOTAL CONCESSION REQUESTED (CAR BAYS)
Differing Shop Peak Periods	19
Bus Bay (verge bays)	2
Bicycle Racks	6
Community Use Parking	25
Inclusion of car bay no. 183	1
Total Concession Requested	53 Car Bays

The total of all concessions claimed above is 53 car bays. If all concessions are granted, this will provide a surplus of 12 car bays over the site.

In requesting the above, the applicant has advised that if it determined at a later stage that there is a parking deficiency, the owner is willing to provide the additional bays as required. This could be done through the use of deck parking. However, the applicant suggests that by the time the City determines the ultimate use for the community purpose site, the owners will

engage an engineering consultant to determine the car parking usage and identify if there is a parking problem.

The owners have also indicated that they are prepared to enter into a legal agreement with the City, at their cost, with a caveat reinforcing the above arrangements, which will give the City the authority to require the establishment of the shortfall of bays.

If Council concludes that the parking could not be located on the community use site, the applicant has suggested that an alternative way of treating this requirement would be to accept the shortfall in parking. This would be on the basis that, subject to a legal agreement, the owner undertakes an assessment of the parking needs should there be a perceived problem. Any such agreement could be introduced giving Council the authority to require assessment and/or placement of these bays.

As per the above, the applicant is requesting Council's discretion for a shortfall of parking over the site, retrospective approval for the amendments to the loading dock/trolley bays and the construction of 25 parking bays within the adjoining proposed Community purpose site.

Issues and options considered:

The applicant is seeking Council's discretion for a change of use of eleven non-retail tenancies to shop and retrospective approval for the changes to the loading dock and trolley bays, which will include the following:

- (i) a shortfall of 42 car bays over the site.

The applicant is seeking Council approval for the construction of the following works on the adjoining Crown land site (Lot 2277) site:

- (a) an access-way and parking area on the northern portion of the site, linking Balliol Elbow and the shopping centre site.

If Council cannot approve these works on the adjoining Crown land, then there will be implications for the shopping centre development. The recommendation within the report is not to support the works identified in (a) above for the reasons explained in the report.

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective 3.2	To provide and maintain sustainable economic development.
Strategy 3.2.1	Assist in the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

The DPS2 and Kinross Neighbourhood Centre Structure Plan

When considering an application for Planning Approval, the following clauses of DPS2 are specifically relevant to this application:

4.5 *Variations to site and development standards and requirements*

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

4.11 *Car Parking – Cash in Lieu or Staging*

- 4.11.1 *The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.*
- 4.11.2 *Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.*
- 4.11.3 *The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.*
- 4.11.4 *Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by Council.*

6.8 *Matters to be considered by Council*

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
 - (b) *any relevant submissions by the applicant;*
 - (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
 - (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*

- (e) any other matter which under the provisions of the Scheme, the Council is required to have due regard;
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;
- (i) the comments or wishes of any objectors to or supporters of the application;
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and
- (k) any other matter which in the opinion of the Council is relevant.

6.12 Approval of Existing Developments

6.12.1 The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

6.12.2 An application to the Council for planning approval under subclause 6.12.1 shall be made on such form as the Council provides from time to time.

6.12.3 A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this subclause it is permissible.

6.12.4 The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

No consultation was conducted. The increase in floor area (1000m²) was advertised as part of a recent Scheme amendment process (Amendment No 34). Additionally, the retrospective works to the loading dock is not expected to adversely affect the adjoining landowners.

COMMENT

The approved shopping centre, which is currently under construction and projected for completion in early November 2006, is approved for a one supermarket/shop (2,518m²), one restaurant/shop (café/deli), one liquor store, two take-away food outlets, eleven non-retail tenancies and two Automatic Teller Machines (ATM). The current approval consists of up to 3000m² of NLA.

As per Scheme Amendment No 34 of DPS2, Schedule 3 has been modified to allow a maximum floor area of 4000m² for the KNSC (Lot 2278).

Through this application the applicant is requesting the following:

- (i) Increase the NLA from 3000m² to 4000m² through a change of use application for 11 non-retail tenancies to shop (application 1);
- (ii) Retrospective approval for amendments to the original plans, which include changes to the loading dock area and the inclusion of four trolley bays, resulting in the loss of six car bays (application 2);
- (iii) Construction of 25 car bays on the adjoining Crown land, future community use site (application 3).

The concept of an increase in NLA from 3000m² to 4000m² at KNSC is considered to be acceptable. This site has been approved to allow this increase in NLA as per a recent Scheme Amendment No 34.

The proposed retrospective approval for amendments to the approved plans, which includes changes to the loading dock area are also considered to be acceptable and will not have any detrimental impacts on adjoining landowners. The changes have been made to comply with condition (i) of Council's approval (CJ217- 10/05) dated 11 October 2005 and to also meet relevant electrical requirements. These changes have resulted in the loss of two car bays.

The provision of four trolley bays is not expected to have any detrimental impacts on adjoining landowners and is considered to be acceptable.

Parking

The main issue for this proposal is the direct impact the additional NLA, retrospective approval for the loading dock and inclusion of four trolley bays has on the overall parking requirements

for the site. The original Council approval (CJ217- 10/05), dated 11 October 2005, required a minimum of 247 car bays. Of this, the applicant provided a total of 241 car bays. At its meeting, Council accepted the provision of four verge bays and a cash in lieu payment for two car bays to meet the shortfall of six car bays. The proposed changes, as part of this application, will result in a direct shortfall of 42 car bays over the subject site (Lot 2278).

The applicant is requesting a concession of up to 53 car bays to the requirement for parking as has been illustrated in Table 3 of this report.

As part of this concession the applicant is requesting the provision of 25 car bays (with one bay straddling the boundary) on the adjoining Crown land (Lot 2277) site. This land has been earmarked as a future community use site as has been designated within the Kinross Neighbourhood Centre Structure Plan.

Clause 6.1.2 of the Kinross Neighbourhood Centre Structure Plan requires that parking circulation be linked with the adjoining community use site (Lot 2277). Currently the City of Joondalup does not have the care and control of this site (Note: The City has written to Department for Land Information, on 11 October 2006, to request a Management Order for "Community Purposes" for Lot 2277 Selkirk Drive, Kinross). The actual development use of the site is not known at this stage.

The applicant has suggested that the provision of these bays on the proposed community use site could be a temporary measure. When the community use site is developed, Council could exercise further parking concessions or request the owners to provide the additional bays at a later stage.

It is considered that where the City has the care and control of a site, the use of the site must be consistent with the purposes for which the land is reserved. In this instance, the land is proposed to be reserved for community use purposes. The provision of parking for commercial purposes (ie shopping centre) on the proposed community use site would be not consistent with the purpose of the proposed reserve.

The Kinross Neighbourhood Centre Structure Plan allows for a reciprocal rights of access agreement to be entered into between Lots 2278 and 2277. However, the concept of reciprocal rights of access is based on the aspect that each use on the site caters for its own parking needs. The use of the adjoining site to credit a 25 car bay shortfall is not considered acceptable and it is recommended that this part of the proposal is not supported.

The applicant has suggested that the differing peak usage times for the proposed shops would reduce the parking demands over the site. The applicant has requested a 13 car bay concession to be approved as a result of the differing peak periods for the proposed shops, being the shops which are proposed along the Selkirk frontage. The shops that front Selkirk Drive are proposed to be food tenancies.

The applicant also suggests that a six car bay concession could be given due to the peak periods of the proposed liquor store (tenancy 2) and pharmacy (tenancy 4). The applicant believes that the use of these two shops will be minimal during the day period.

The applicant indicates that the major peak times for the above uses would be after the supermarket and internal shops are closed (with the exception of late night trading on Thursday). Therefore the applicant is requesting a total of 19 car bays as a concession for differing peak periods of the proposed shops.

It is agreed that there can be merit in the concept of parking concessions for co-usage and peak period demands for shopping centres. However, it is difficult to know what the parking demand of a shopping centre will be when it has not opened for trading. The concept of peak periods for shop usage in relation to parking demand is difficult to clarify until a study of existing traffic movements can be completed (once the shopping centre has been operating for a reasonable period of time).

Additionally, if use approval is given for a shop, there is no guarantee that the shop use will always have after hours, peak periods. Planning approval is not required for a change of business within a tenancy, if the use is still classified as a shop (eg. Pharmacy to Clothing store). Therefore it is recommended that the parking concession of 19 car bays is not acceptable at this stage. If future parking studies reveal the parking over the site is under-utilised, then some parking concessions may be suitable.

The applicant has also requested that Council consider a parking concession of six car bays for the provision of 25 bicycle racks. The traffic study provided as part of the original application recommended that the applicant provide bicycle racks as part of the development. This was incorporated as condition (n) of Council's decision dated, 11 October 2005.

The provision of bicycle racks should not constitute a concession on vehicular parking. Development such as shopping centres should always provide for alternate means of transport. The provision of bicycle racks is considered to be of benefit to the shopping centre. If future parking studies reveal the bicycle bays are of benefit to the parking demands, then concessions may be suitable at a later stage.

Condition (o) of Council's original approval (CJ217- 10/05) requested that a bus bay be provided within the road verge along Selkirk Drive. This is consistent with clause 6.1.2 (xx) of the Kinross Neighbourhood Centre Structure Plan. However, the City has received advice from Transperth that they are not willing to relocate their existing bus bay to this position. The existing bus bay is currently located about 100 metres to the east of the site, along Selkirk Drive. The information received from Transperth states that if this existing bus bay were moved to KNSC, it would require that other bus bays on the route would need to be relocated to meet the relevant distance requirements between bus bays. Additionally, Transperth has advised that the bus bay and verge area outside the shopping centre is not sufficient in size to satisfy their requirements.

Under clause 6.1.2 (xix) Kinross Neighbourhood Centre Structure Plan on-street parking along Selkirk Drive may be credited towards the commercial centre's parking requirement. Subsequently the applicant has requested a concession of two car bays for the intended bus bay. These bays exist and are similar to those approved as a parking concession for the original approval (four bays). It is considered that this request is acceptable.

The applicant has provided information from a traffic consultant to illustrate that car bay no. 183, deleted as part of the original approval, will not restrict the turning circle movements of loading trucks. Therefore it is considered that car bay No 183 is acceptable and can be counted toward the overall car bay provision.

The new total for parking provision over the site, inclusive of two verge bays and the provision of car bay No 183, is illustrated in the table below.

TABLE 4 – PARKING REQUIREMENT/ SHORTFALL (PROPOSED)

USE	PARKING RATIO	TOTAL BAYS REQUIRED
Shop (4000m ²)	7 bays per 100sq/m	280

Non Retail (116m ²)	1 bay per 30sq/m	3.86
	TOTAL REQUIRED	284
	TOTAL PROVIDED	245
	SHORTFALL	-39 BAYS

To cater for the shortfall in parking, a cash-in-lieu payment could be requested in accordance with clause 4.11 of DPS2. Alternatively, clause 4.5 allows the parking requirements to be varied after considering matters pursuant to clause 6.8 of DPS2 and that the Council is satisfied that the non compliance would have minimal adverse affect in terms of the amenity of the occupiers, inhabitants and users of the area.

Additionally Council must be satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.

Conclusion

It is considered that cash in lieu payment for 39 car bays in a neighbourhood shopping centre is excessive. To preserve the amenity of the relevant locality and avoid issues such as parking overspill into adjoining properties and road verges it is recommended that Council:

- Application 1 - Refuse the application for a change of use of eleven non-retail tenancies to shop. The application will result in a significant shortfall of parking bays, which has the potential to negatively affect the amenity of the locality by reason of traffic and parking congestion.
- Application 2 - Approve the application for retrospective approval for changes to the loading dock and inclusion of four trolley bays. This includes the loss of six car bays. Through this approval it is recommended that car bay no. 183 be approved as well as a concession for the two verge bays (previously a bus bay). This would result in a total shortfall of two car bays over the site, being 245 car bays in lieu of 247 car bays. It is noted that under Council's original approval (CJ217-10/05) a cash in lieu payment for two car bays was deemed to be acceptable.
- Application 3 - Council cannot make a valid determination on the application for the construction of 25 car bays (for the benefit of commercial parking) on the adjoining community use site (Lot 2277). This is due to the MRS Form 1 application form, having not been signed by the owner of the land (DLI).

Further, it is believed that the construction of 25 car bays (for the benefit of commercial parking) on the proposed community use site (Lot 2277) would not be consistent with the proposed purpose of the reserve and therefore, approval could not be granted to such a proposal. Legal advice has confirmed this position.

ATTACHMENTS

Attachment 1 Location Plan

Attachment 2	Site plans, floor plans and elevations
Attachment 3	Kinross Neighbourhood Centre Structure Plan – Plan 3 (development Plan) and Plan 4 (illustrative plan)

VOTING REQUIREMENTS

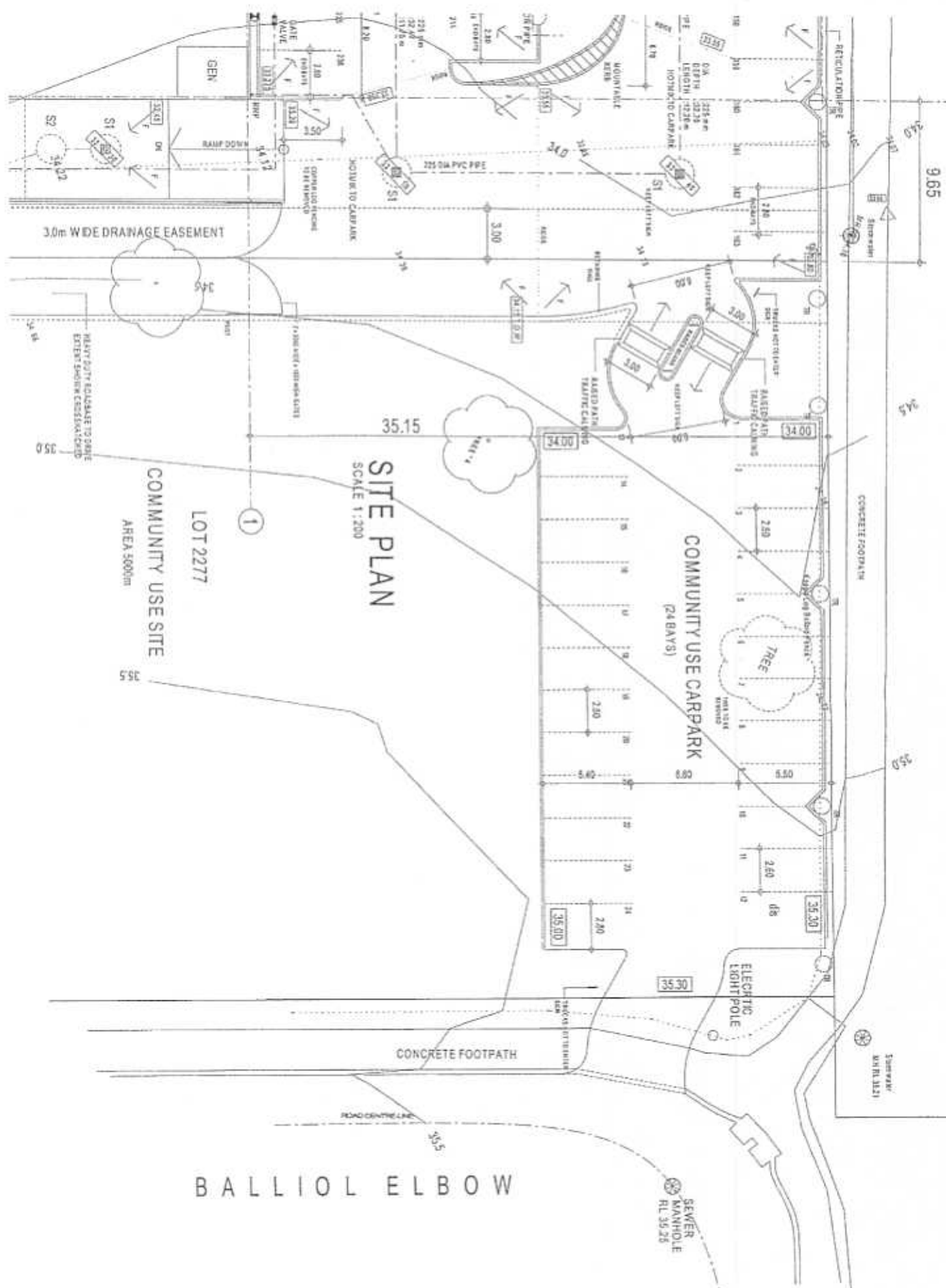
Simple Majority

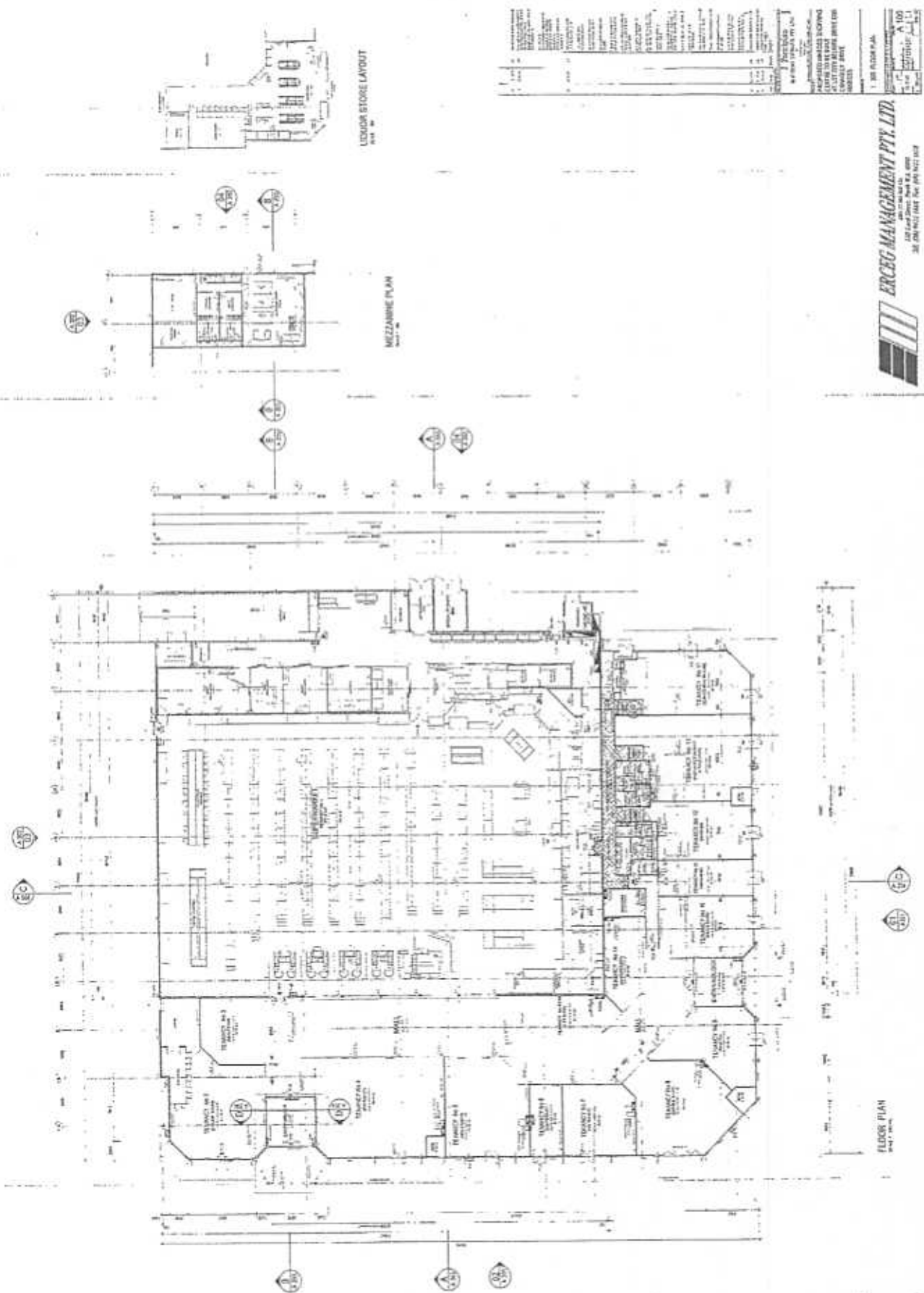
RECOMMENDATION

That Council:

- 1 REFUSES the application for planning approval, dated 8 August 2006, submitted by J Prestipino Building Designs Pty Ltd on behalf of the owners, Adriatic United Pty Ltd, for a change of use of eleven non-retail tenancies to shop use, on Lot 2278 (3) Selkirk Drive, Kinross as the proposal will result in a significant shortfall of parking bays, which has the potential to negatively affect the amenity of the locality by reason of traffic and parking congestion.
- 2
 - (a) EXERCISES discretion under Clause 6.12 of the City's District Planning Scheme No 2 and determines that the changes to the loading dock and inclusion of four trolley bays is acceptable.
 - (b) APPROVES the application for retrospective approval dated 12 October 2006, submitted by J Prestipino Building Designs Pty Ltd on behalf of the owners, Adriatic United Pty Ltd for changes to the loading dock and inclusion of four trolley bays on Lot 2278 (3) Selkirk Drive, Kinross subject to the provision of a total of 247 car bays, of which, Council is prepared to accept:
 - (i) 2 verge car bays, as marked in RED on the approved plans, to satisfy the car parking requirement for this development.
 - (ii) The colours and materials of the loading dock are to match that of the existing structure to the satisfaction of the Manager Approvals, Planning & Environmental Services.
- 3 ADVISES the applicant that a determination on the application for planning approval, dated 17 August 2006, for the construction of 25 car bays on the adjoining Crown land (Lot 2277), cannot be made as the MRS Form 1 application form has not been signed by the owner of the land (DLI). In any event, such a proposal could not be approved as it would be inconsistent with the purpose of the proposed Management Order for the site.

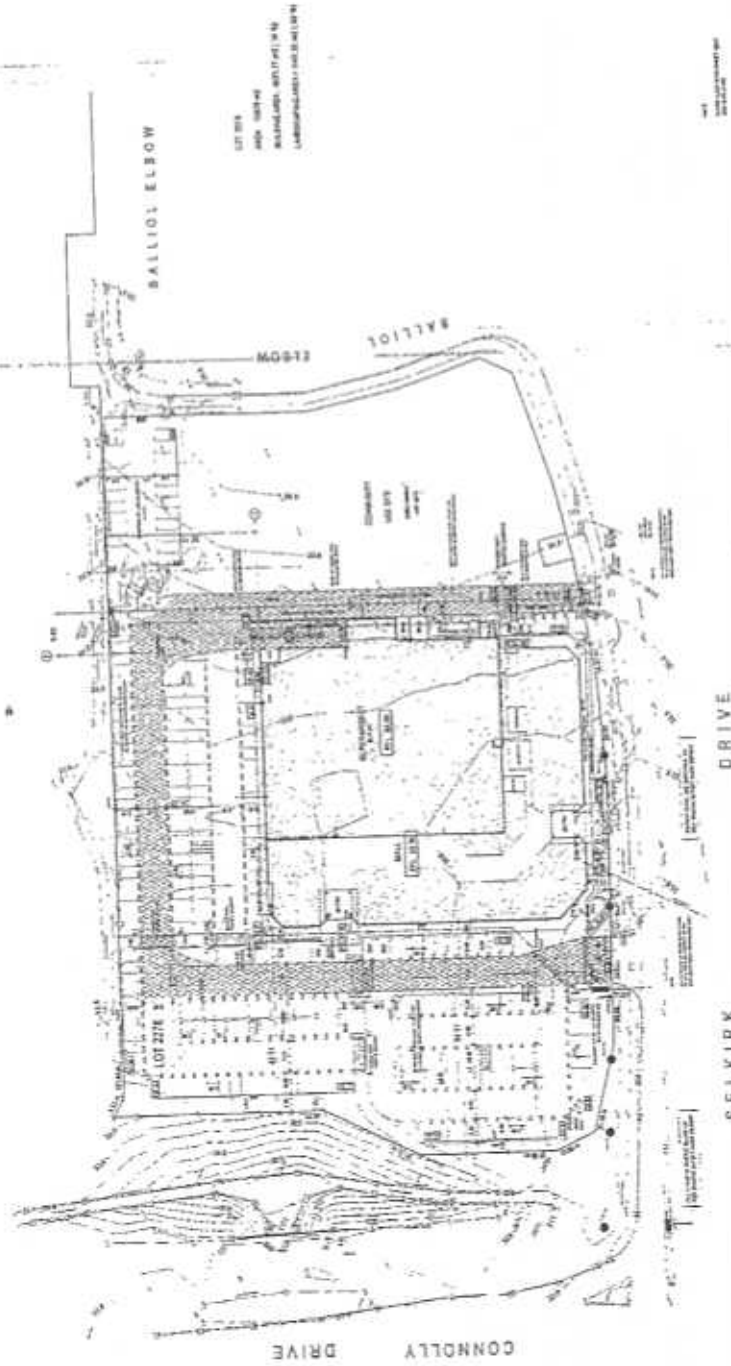
CHRIS TERELINCK	CLAYTON HIGHAM
Manager	Director
Approvals, Planning & Environmental Services	Planning & Community Development





ERCEG MANAGEMENT PTY. LTD.
 100 East Street, Perth W.A. 6000
 08 9442 1000 Fax 08 9442 1001

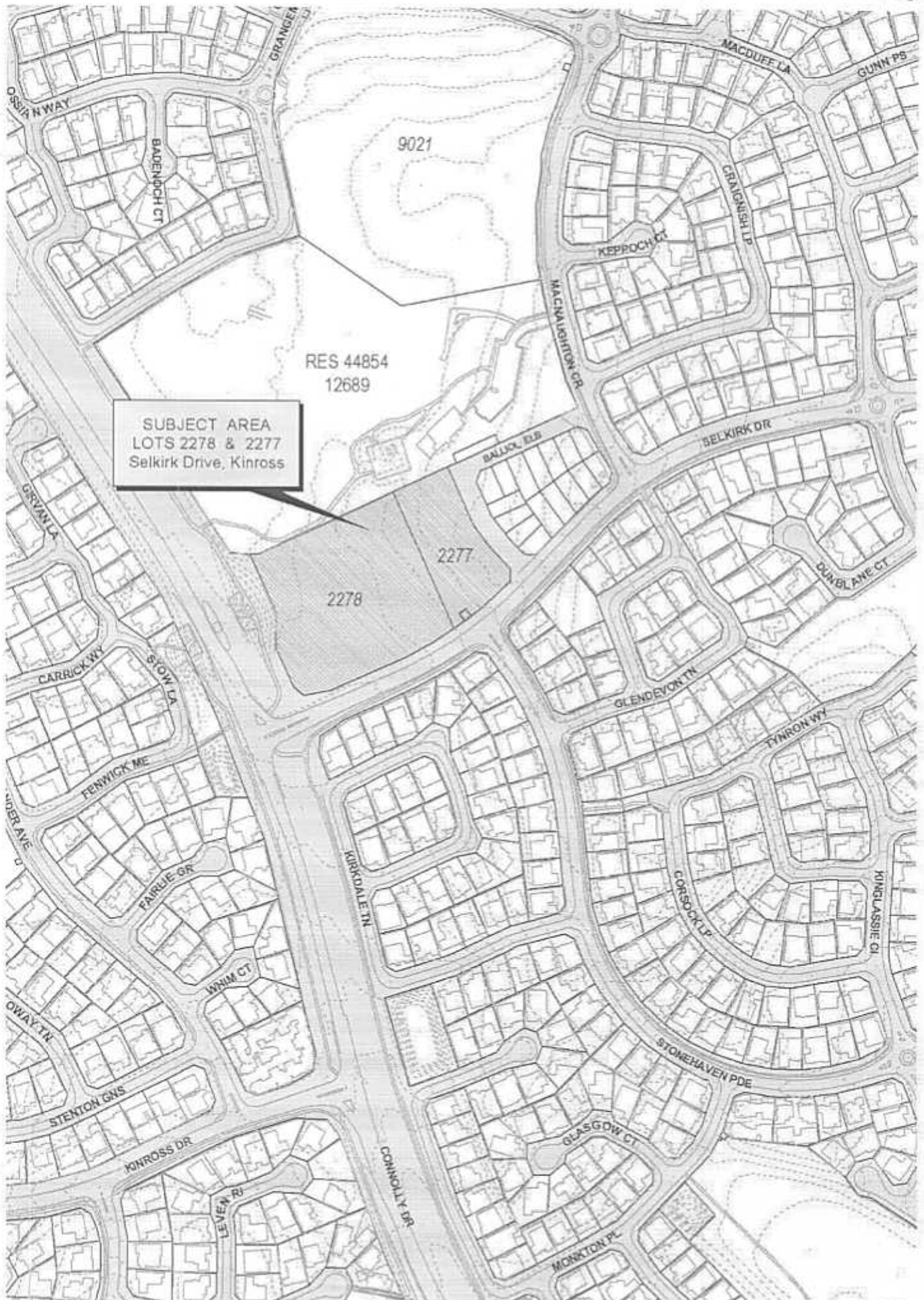
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SITE LAYOUT
SHEET 1 OF 1

NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED
1	PRELIMINARY LAYOUT	10/11/18	J. SMITH	M. JONES	A. BROWN
2	REVISIONS	11/11/18	J. SMITH	M. JONES	A. BROWN
3	FINAL LAYOUT	12/11/18	J. SMITH	M. JONES	A. BROWN

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Digital Photography : DLJ December 2005
Prepared by City of Joondakup : 131006 - djf

20 0 20 40 60 Meters

