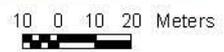




Subject Area
Lot 4 & Lot 1
Cnr Sheppard Way & Whiley Road, Marmion



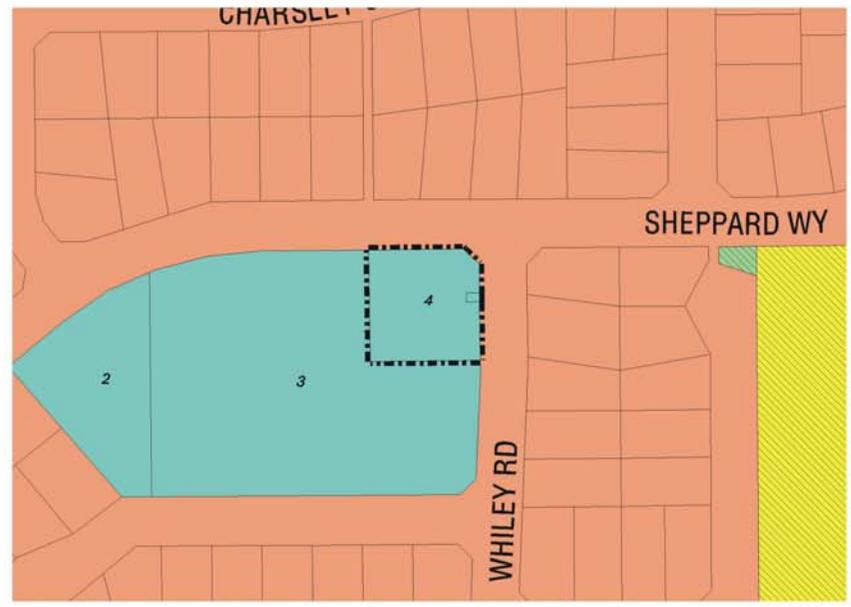
District Planning Scheme No.2 Amendment No. 33

LEGEND
 BOUNDARY OF AMENDMENT ZONE AREA

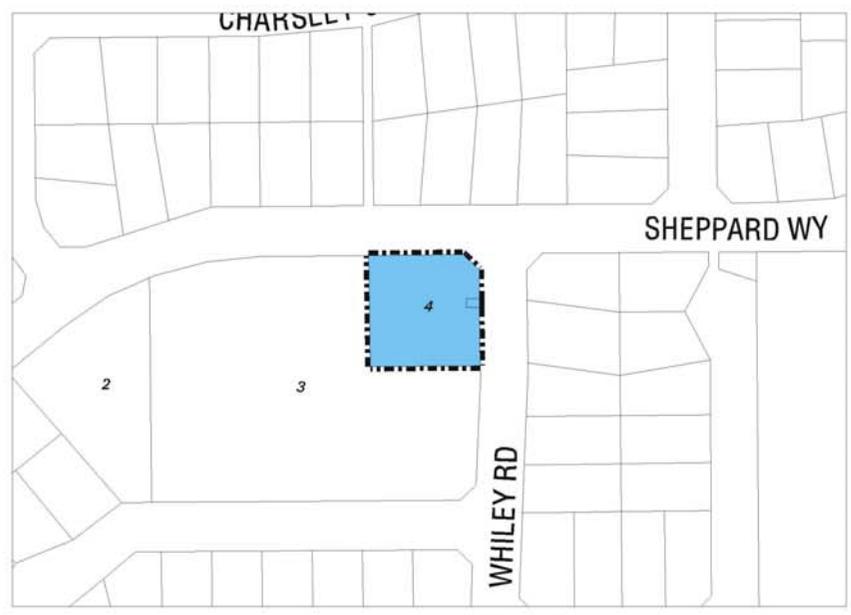
LOCAL RESERVES
 PARKS AND RECREATION
 PUBLIC USE

ZONES
 RESIDENTIAL
 COMMERCIAL
 MIXED USE

SCALE 1: 2000



EXISTING ZONING



SCHEME AMENDMENT



Residential Density Codes District Planning Scheme No.2 Amendment No. 33

LEGEND
 BOUNDARY OF AMENDMENT ZONE AREA

RCODES
 R20
 R50

SCALE 1: 2000



EXISTING RESIDENTIAL DENSITY CODE



SCHEME AMENDMENT



SHEPPARD WAY STRUCTURE PLAN

STATUTORY PART 1

NOTE

***PART 2 - EXPLANATORY REPORT
HAS NOT BEEN INCLUDED IN THIS ATTACHMENT.
COPIES CAN BE OBTAINED UPON REQUEST FROM
APPROVALS, PLANNING & ENVIRONMENTAL SERVICES***

1 SHEPPARD WAY STRUCTURE PLAN - PART 1

1.1 APPLICATION OF SCHEME

As provided for under the provisions of Clause 9.8.3, and Part 9 of the Scheme, this part of the Structure Plan has the same force and effect as a provision, standard or requirement of the Scheme.

Part 1 of this Structure Plan has been endorsed by the Western Australian Planning Commission (WAPC) as a general guide to future subdivision, zoning and development of the land included in the Sheppard Way Structure Plan area.

If a variation to the Structure Plan criteria is sought, planning approval must be sought by way of a development application to the City of Joondalup.

1.2 Subject Area

The Sheppard Way Structure Plan area comprises the sum of Lot 4 (25) and Lot 1, Sheppard Way and Whiley Road, Marmion, being approximately 2,025 square metres. The Certificate of Title is contained in *Annex A*.

1.3 DEFINITIONS

The terms used in this Structure Plan shall have the interpretations set out hereunder:

“BUILDING HEIGHT” means the vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding minor projections above that point. Minor projections include finials, chimneys, vent pipes, aerials or other appurtenance of like scale.

“GROUND FLOOR LEVEL” means the floor level of a building at or nearest to the ground level of the kerb height the dwelling site.

“GROUND LEVEL” means the finished level of the lot relative to the finished Australian Height Datum (AHD) level of the road that it fronts (existing or as established at subdivision stage) and immediately adjacent to the lot. The finished level of the lot shall be +/- 0.5 metres from the AHD level of the midpoint of the road and measured from the midpoint of the frontage of each lot frontage.

“STOREY” shall mean the vertical space extending from one habitable floor of a building to the floor above and for residential properties shall be deemed to be no more than 3.5 metres. The term shall not include any space within a roof, whether used for habitation or not.

“THE SCHEME” shall mean the City of Joondalup District Planning Scheme No 2 (as amended) gazetted 28 November 2000 or such amendments or modifications thereto that may be current.

1.4 RESIDENTIAL DESIGN CODES

Unless otherwise provided for by the specific requirements of this Structure Plan, all buildings/dwellings are required to comply with the Acceptable Development Provisions (ADP's) of the Residential Design Codes of Western Australia (the Codes). Any proposed development that deviates from the ADP's will be required to address the Performance Criteria of the Codes by way of an application for development approval to the City of Joondalup.

Pursuant to Clause 4.2.5 of the Scheme, Figure 1 - Indicative building footprint plan - identifies the location of the R50 Residential Coding that applies to the site.

1.5 SHEPPARD WAY STRUCTURE PLAN

1.5.1 Objectives

Objectives intended for the Structure Plan include:

- a. Encourage a diversity of dwelling types at a maximum density of R50;
- b. To encourage a high standard of building design and landscape.
- c. To provide for efficient vehicular and pedestrian access and onsite carparking.
- d. Encourage a strong sense of architectural identity at the corner site on the junction of Sheppard Way and Whiley Road,
- e. Ensure that development on the site has regard for the amenity of adjacent lots and surrounding areas; and,
- f. Ensure proposed mixed use residential and commercial on Lot 7 and 8 integrates with and addresses the existing shopping centre (refer Figure 1).

1.5.2 Criteria

Criteria to be satisfied at Sheppard Way are:

- i. Notwithstanding the provisions of the Residential Design Codes, buildings should achieve a minimum setback from boundaries as follows:

Front: building – 3.0 metres;

Side: nil setbacks to both boundaries are permitted provided Clause (iv) below is satisfied;

Rear: nil setback is permitted subject to fulfilling outdoor living area requirements;
- ii. Notwithstanding the provisions of the Residential Design Codes, garages to the front boundary shall achieve a minimum setback of 3.0 metres;
- iii. A one metre setback shall be permitted to the Whiley Road frontage of the corner site on the junction of Sheppard Way and Whiley Road;
- iv. Zero lot line development to a maximum height of two storeys will be permitted as set out in Clause (i) above, provided that any overshadowing of adjoining lots does not exceed 60% of any adjoining lot.
- v. Buildings to be located adjacent the shopping centre shall have a minimum setback for the second storey of 1.5 metres and shall contain major openings (and preferably balconies) to ensure passive surveillance of the shopping centre;
- vi. Each dwelling shall provide two on site car parking bays of which at least one must be covered;
- vii. Residential parking standards apply to Mixed Use residential commercial buildings and reciprocal parking is permitted on site;
- viii. Notwithstanding the provisions of the Residential Design Codes and the Building Codes of Australia, retaining walls of up to 2 metres in height are permitted and are not required to be setback from any proposed lot boundaries as required under the R-Codes;
- ix. Dwelling sites fronting Sheppard Way may have a slope gradient of greater than 1 in 10;
- x. The buildings on the junction of Sheppard Way and Whiley Road shall address each street frontage and the corner with equal importance;
- xi. Buildings shall be designed to have active frontages with minimal blank facades fronting the street and the shopping centre, particularly at the two storey level;

- xii. Advertising, signage or hoardings will be countenanced on the mixed use residential commercial buildings (proposed Lot 7 and 8) with the required development approval in conformity with the provisions and approvals required in the City of Joondalup District Planning Scheme and Signs Local Law for a residential area;
- xiii. Canopies or awnings to the exterior ground floor level of the mixed use residential commercial buildings (proposed Lot 7 and 8) shall be permitted to within one metre of the boundary;
- xiv. Pitched roofs shall be no less than 22 degrees and no greater than 35 degrees in gradient. Minor projections such as verandahs and canopies may have shallower pitches. Curved roofs and flat roofs concealed by parapets shall also be permitted;
- xv. The maximum Building Height, as measured from existing curb level, shall be:
Wall height – 7 metres; *Roof ridge* – 9.5 metres;
- xvi. The provisions of the City of Joondalup Policy 3.1.9 “Height and Scale of Buildings within a Residential Area”, shall not apply;
- xvii. Tower elements must contribute to the landmark quality of the building and can take the form of towers, lookouts, and lofts. The tower element can only be located on corner lot at the junction of Sheppard Way and Whiley Road and shall have a maximum building height of: *Roof ridge* – 11 metres and plan dimensions no greater than 4 metres by 4 metres;
- xviii. Electronically lit basement structures are permitted in response to the sloping gradient of the site;
- xix. Notwithstanding the provisions of the Residential Design Codes, open space shall not be less than 40% of each individual lot;
- xx. Utility areas such as bin and service areas and any air conditioning units shall be screened from view from streets and the adjoining shopping centre;
- xxi. Fencing to front boundaries shall be no more than one metre in height and constructed of the same materials as the dwelling and be visually permeable;
- xxii. The landowner shall construct a new dual use path along frontage of Sheppard Way and Whiley Road to the specification and satisfaction of the City of Joondalup. The path will be required as a condition of subdivision and/or strata approval for the proposed development, however a bond may be considered in lieu of construction until such time as dwelling construction upon the land is completed so as to not damage the new dual use path; and

- xxiii. The maximum retail Net Leasable Area (NLA) for the two proposed mixed use residential commercial buildings (proposed Lot 7 and 8) shall be 100m² NLA each; this can not be varied by Clause 4.5.1 of the District Scheme.
- xxiv. The landuses permitted in this development are as follows:
- Bank;
 - Chemist;
 - Drycleaning Premises;
 - Hairdresser;
 - Home Occupation Classes 1, 2 and 3.
 - Medical Centre;
 - Newsagent;
 - Office; and

not those listed in the Mixed Use Zone of the Planning Scheme. Excluded uses comprise restaurants, cafes and take-away food outlets and food preparation establishments; these are not permitted.

1.6 Indicative Building Footprint Plan

An indicative building footprint plan – Figure 1 - is overleaf and demonstrates the area within which buildings may be constructed, in accordance with the design criteria.



**PROPOSED AMENDMENT NO 33 AND STRUCTURE PLAN NO 7
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 17 MAY 2006)**

NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	RECOMMENDATION
1	Western Power	N/A	Neutral submission.	Noted.
2	Alinta	N/A	No gas lines affected.	Noted.
3	Water Corporation	N/A	Neutral submission.	Noted.
4	K McKnight & M McKnight	16 Whiley Road Marmion WA 6020	Objection. Does not support amendment due to: 1. Increased traffic and noise on Whiley Road. 2. Approximately 18 months ago we objected to a similar amendment and were advised by the Council that such rezoning and development would not take place.	Noted. 1. The proposal is expected to generate negligible vehicular traffic and resultant noise increases, particularly compared to the redevelopment of the site for purely commercial purposes that could occur under the existing commercial zoning. The surrounding road network is designed to accommodate minor traffic increases. 2. No previous rezoning applications have been considered for this lot nor the adjoining shopping centre.
5	S Young	22A Whiley Road Marmion WA 6020	Objection to Mixed Use zone. 1. Supports redevelopment of the area but concerned about impact on existing shopping centre which has had a long term vacancy. 2. Mixed use dwellings with residential above retail changes the demographics of the area.	Noted. 1. The site is currently zoned commercial. The proposal is not expected to reduce the viability of the existing centre, however prospective residents of the development are likely to increase patronage of the centre. 2. It is not clear in what context this comment is made.

**PROPOSED AMENDMENT NO 33 AND STRUCTURE PLAN NO 7
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			3. Believes luxury town houses are more suited to the area.	3. The site is expected to be developed to a high standard and could be developed with town houses.
6	EW & NV Pearse	18 Sheppard Way Marmion WA 6020	No comment provided.	That the submission be noted.
7	S Kobelke	1 Hawkins Avenue Sorrento WA 6020	<p>Objection</p> <ol style="list-style-type: none"> 1. Oppose the rezoning of the property from Commercial R20 to Mixed use with R50 coding. This is the only commercial zone area in Marmion. In the longer term the commercial zoning over this land should be maintained. 2. This is the wrong location for residential. I support the redevelopment in its commercial zoning with shops. 3. The proposed lot sizes of 170m²-210m² are not big enough. 4. Do not support zero setbacks at the rear. 5. This is not a landmark site and the 11m building height on the corner property is not appropriate. 6. A dry cleaner land use should be prohibited. 7. Opposed to staged development of the 	<p>Noted.</p> <ol style="list-style-type: none"> 1. It is considered that the size and commercial zoning over the existing shopping centre and adjacent Marmion Professional Centre is adequate to meet the current and future needs of the residents of the surrounding area. 2. Refer point 1 above. The existing commercial zoning allows for the site to be developed for residential purposes. 3. Concern relating to lot sizes is noted. Recommend restricting number of dwellings in the structure plan. Refer to additional comments in report. 4. In response to this submission, it is recommended that the structure plan be modified to require commercial buildings be setback from the shopping centre to provide for pedestrian access between the car park and the commercial tenancy and for buildings to face onto/address the shopping centre. 5. It is recommended that the clause of the structure plan relating to a tower element be deleted. 6. This comment is supported. Refer comments in submission 11 below. 7. The structure plan or amendment can't prohibit

**PROPOSED AMENDMENT NO 33 AND STRUCTURE PLAN NO 7
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			site.	staged development as this is ultimately at the landowner's discretion.
8	M Sparta	Marmion Village Cellars Marmion Village Shopping Centre Sheppard Way Marmion WA 6020	<p>Objection</p> <ol style="list-style-type: none"> 1. The 2 storey nature of the proposed development will diminish or totally reduce visibility from Sheppard Way. This will result in loss of business of passing customers. The maximum height of 9.5 metres, would totally obscure a large part of the shopping centre. 2. The noise and traffic flow to the shopping centre, especially on weekends may generate complaints from residents. The liquor store is open until 9pm from Monday to Saturday. 3. Concerned about potential impact of existing lights on the future residential properties. 4. Believes that this development is not appropriate given proximity to the shopping centre. The surrounding dwellings have the roads as a buffer. 5. Believes the site should not be rezoned from current commercial zone, which will avoid potential conflict between uses. 	<p>Noted.</p> <ol style="list-style-type: none"> 1. The existing commercial zoning would permit the development of buildings of a similar size and scale to that already prevailing. However, It is recommended that the structure plan be modified to restrict development height to two storeys, which is commensurate with the scale of development in the locality. 2. At the time of strata titling the property, Council could request a notification be placed on title advising of the potential amenity impacts of the commercial centre given its operating hours. 3. Obtrusive effects of exterior lighting are guided by Australian Standards. Light overspill into adjoining property could potentially affect amenity. Refer comments in point 2 above. 4. Concern about potential for landuse conflict is noted. Refer point 2 above and 5 below. 5. Areas such as Joondalup City Centre, Subiaco, Northbridge, Fremantle etc have been successfully developed with a mix of uses, many of which cause far greater impact on residential amenity (eg Hotels/Nightclubs) than this proposal.
9	D & M Byrne	26 Sheppard Way Marmion WA 6020	<p>Objection to structure plan provision.</p> <ol style="list-style-type: none"> 1. Do not object to rezoning 2. Object to permissibility of a tower element at the intersection of Whiley Road and Sheppard Way. Such a 	<p>Noted.</p> <ol style="list-style-type: none"> 1. Noted. 2. Refer submission 7, point 5 above. It is recommended that the clause permitting a tower element be deleted from the structure

**PROPOSED AMENDMENT NO 33 AND STRUCTURE PLAN NO 7
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			<p>tower is too large in dimension and height.</p> <p>3. Concerned about tower being used for signage.</p>	<p>plan.</p> <p>3. Signage for the commercial uses is limited to those rear strata lots proposed to contain commercial uses only (refer clause 1.5.2 xii of the Structure Plan). Refer submission 7, point 5 above.</p>
10	R & M Went	7 Leach Street Marmion WA 6020	<p>Do not support the rezoning.</p> <p>1. Concerned that if the recoding to R50 is approved, it will set a precedent for further rezoning of shopping centre site, eventually resulting in the lose of the shopping centre.</p> <p>2. Approval would set a precedent within Marmion for medium to high density across the suburb.</p> <p>3. The R Coding should be retained at R20.</p> <p>4. This is "Network City" by stealth. This initiative was rejected by residents at a Special Electors Meeting of 11 January 2005.</p>	<p>Noted.</p> <p>1. Requests for rezoning any other shopping centre site would be assessed on individual merit, giving due consideration to the need to retain local shops to service the needs of local residents of the area. Recommend including provision in structure plan limiting the maximum number of dwellings to eight (equivalent to R40 density).</p> <p>2. Requests for any other rezoning in the area would be assessed on the merits of the specific case.</p> <p>3. Concern noted. Recommend limiting number of dwellings in structure plan to a maximum of eight, which results in a density equivalent to R40.</p> <p>4. Network City is a State Government initiative. This amendment application has been made by the landowner. Resolution 4 from the Council meeting of 22/02/05 regarding the Special Electors meeting of 11 January 2005 relating to Network City acknowledged that landowners make a variety of residential living choices for a variety of reasons and that Council was committed to continue considering the aspirations of existing residents as well as the likely future expectations of the community when evaluating town planning</p>

**PROPOSED AMENDMENT NO 33 AND STRUCTURE PLAN NO 7
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				applications/initiatives.
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**PROPOSED AMENDMENT NO 33 AND STRUCTURE PLAN NO 7
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10	C'td		5. R50 coding is incompatible with what exists in Marmion and does not belong here.	5. The R50 density code is higher than what exists elsewhere in Marmion, however the scale of development contemplated under the structure plan does not significantly depart from the built form existing in the surrounding area. Refer comments in point 3 of this submission.
LATE SUBMISSION (received 29 May 2006)				
11	Department of Health	Not applicable	No objection subject to connection to sewer and availability of buffer to any conflicting land uses to the distance as recommended under the Environmental Protection Authority Guidelines.	Sewer is available to this property. The Environmental Protection Authority Guidelines recommend a separation distance of 100m between dry cleaning premises and residential development. Therefore, it is recommended that the structure plan be modified to exclude a dry cleaners premise from the list of permissible uses.

Scheme Amendment Process

