Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Friday, 23 February 2024; 9:30am
Meeting Number: MOJDAP/298
Meeting Venue: Electronic Means

To connect to the meeting via your computer -
https://us06web.zoom.us/j/84062470034

To connect to the meeting via teleconference dial the following phone number - +61 8 7150 1149
Insert Meeting ID followed by the hash (#) key when prompted - 840 6247 0034

This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

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Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Karen Hyde (Deputy Presiding Member)
Neema Premji (A/Third Specialist Member)
Cr Adrian Hill (Local Government Member, City of Joondalup)
Cr Nige Jones (Local Government Member, City of Joondalup)

Officers in attendance

Tim Thornton (City of Joondalup)
Cathrine Temple (City of Joondalup)

Minute Secretary

Claire Ortlepp (DAP Secretariat)

Applicants and Submitters

Jeremy Hofland (Rowe Group)
Greg Rowe (Rowe Group)
Ryan Tsen (Ryan Tsen Architects)
Donald Veal (DVC Consulting)
Steve Yapp (DVC Consulting)
Michael Hotchkin (Hotchkin Consulting)
Raju Batavia (Woodvale Boulevard Chemist & Newsagent)
Brian McCubbing (BMC Properties)
Mark Clohessy (Starbury Pty Ltd)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

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

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

2. Apologies

Jason Hick (Third Specialist Member)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the DAP website.

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

7.1 Raju Batavia (Woodvale Boulevard Chemist & Newsagent) presenting against the recommendation for the application at Item 9.1. The presentation will address objection to the proposed development due to the congestion this will cause in the area which will impact the business negatively.

7.2 Brian McCubbing (BMC Properties) presenting against the recommendation for the application at Item 9.1. The presentation will address a huge parking shortfall which has implications for parking on neighbouring lots, given there is no reciprocal parking and access agreement registered or in place.

7.3 Mark Clohessy (Starbury Pty Ltd) presenting in support of the recommendation for the application at Item 9.1. The presentation will address legal and planning issues as to why the proposed development should be rejected outright.

7.4 Michael Hotchkin (Hotchkin Consulting) presenting against the recommendation for the application at Item 9.1. The presentation will address provision of further advice which demonstrates that reciprocal parking and access arrangements exist within the Woodvale Shopping Centre.

7.5 Jeremy Hofland (Rowe Group) presenting against the recommendation for the application at Item 9.1. The presentation will address support of the alternate recommendation for approval.

The City of Joondalup may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

9.1 Lot 9 (937) Whitfords Avenue, Woodvale

Development Description:	3 Storey Medical Centre w/ Office, Restaurant and Shop
Proposed Amendments:	• Modifications to the basement car park. • Reduction in number of on-site parking bays (42 in lieu of 50 previously approved). • Relocation of waste collection to the north-eastern side of the building. • Increased building setbacks to the side and rear boundaries. • Removal of a building entry adjacent to the at-grade carpark on the building's eastern elevation. • Modified pedestrian entry from the Whitfords Avenue frontage. • Reconfiguration of floor areas. • Minor modifications to the building facades. Extension of time of two years.
Applicant:	Jeremy Hofland (Rowe Group)
Owner:	Citypride Holdings Pty Ltd
Responsible Authority:	City of Joondalup
DAP File No:	DAP/15/00832

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	**LG Name**	**Property Location**	**Application Description**	**Date Lodged**
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR175/2023 DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	575 (Lot 218) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023

Current Supreme Court Appeals				
File No.	**LG Name**	**Property Location**	**Application Description**	**Date Lodged**
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

Government of **Western Australia**
Development Assessment Panels

Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2020 cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Raju Batavia for Vincent Scanlan
Company (if applicable)	Woodvale Boulevard Chemist / Newsagent
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

M	MOJDAP/298
Meeting Date	23/02/2023
DAP Application Number	DAP/298
Property Location	Lot 9 /937 Whitfords Ave, Woodvale
Agenda Item Number	9.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☐ **AGAINST** ☒
Is the presentation in support of or against the proposed development?	**SUPPORT** ☐ **AGAINST** ☒
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**

Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	*The presentation will address:* Click or tap here to enter text. **Objection to the proposed development due to the congestion this will cause in the area which will impact our business negatively**

In accordance with Clause 3.5.2 of the *DAP Standing Orders,* your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

I refer to the mentioned deed for “sharing” of the car park. My business partner has been an owner of one of the units and has never been a signatory or seen or been a party to this deed which would allow the potential development to share the centre car park.

It is grossly unfair for this development to use this car park for their customers / staff as it will negatively impact our business (and in turn our staff)and units as our customers will not be able to find a car park and be forced to go elsewhere.

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Presenter Details

Name	Brian McCubbing
Company (if applicable)	Representing Owners Strata Plans 23594 & 25138
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Application for Approval to Commence Development Modifications to Previous Approval – 937 Whitfords Ave
Meeting Date	9.30AM Friday, 23 February 2024
DAP Application Number	DA150664.01/DAP15/0832
Property Location	923 Whitfords Ave & 1 Trappers Drv, Woodvale Park
Agenda Item Number	Item 9

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☐ **AGAINST** ☒
Is the presentation in support of or against the proposed development?	**SUPPORT** ☐ **AGAINST** ☒
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**

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Development Assessment Panels

Presentation Content*

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Brief sentence summary for inclusion on the Agenda	*The presentation will address:* Huge parking shortfall has implications for parking on neighbouring lots and there is no reciprocal parking and access agreement registered or in place.

In accordance with Clause 3.5.2 of the *DAP Standing Orders,* your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide

The sender is the principal of BMC Realty which is the strata company manager for the Owners of Woodvale Park Commercial Centre (Strata Plan 23594) which comprises an 18 lot commercial strata development at 923 Whitfords Avenue, Woodvale and for the Owners of Woodvale Park Business Centre (Strata Plan 25138) which consists of a 3 lot commercial strata development at 1 Trappers Drive, Woodvale. We are also the Chairman of the Council of Owners for each of the two strata schemes.

Based on correspondence received from the City of Joondalup the Metro Outer JDAP issued approval for a new three storey mixed use development on 937 Whitfords Avenue, comprising a Health Centre, Restaurant, Shop and Office, on 27 July 2016 which was approved with a 28 bay car parking shortfall.

We were concerned about the 2016 application for redevelopment of 937 Whitfords Avenue and how it would impact on the overall complex in general and more particularly the immediately adjoining sites.

A three level complex that will envelop most of the subject site and not provide its share of at grade easily accessible parking is in itself out of context with the balance of the overall complex.

The parking implications resulting from the scale of the proposed development, including the now proposed modifications, imposes an unreasonable burden on the adjoining sites to the immediate east and west. The most actively used section of the overall car parking facilities and internal access driveways would comprise the land along the Whitfords Avenue frontage of the overall complex between the southern extremity of the Woodvale Boulevard Shopping Centre, to the north, and the Red Rooster restaurant to the south, at the western end and the BP service station and McDonalds restaurant at the eastern end.

Subsequent to the 2016 JDAP approval for the redevelopment of 937 Whitfords Avenue, the City or a JDAP has approved the addition of a McDonalds restaurant to the corner lot. This approval also relied on a heavy use of alleged reciprocal parking arrangements because the corner lot does not provide anywhere near sufficient parking in its own right.

In addition, we have recently been informed that it is proposed to establish a Nando's restaurant in the tenancy at the southern extremity of the Woodvale Boulevard Shopping Centre which has previously been utilised as a Challenge Bank/Westpac branch premises and other uses that did not generate heavy patronage at any one time. From our own experience in looking after over 35 commercial properties we would expect the establishment of the Nando's restaurant to result in the car park to the immediate west of the Red Rooster site being more heavily patronised, especially of an evening and at weekends, than has been the case in the past.

No sensible property owner or consultant would object to a reasonable level of reciprocity being applied, either from a purely technical perspective or an actual use perspective, but a shortfall of 102 car bays against a total requirement for 145 car bays is not reasonable.

However, to impute any level of reciprocity in determining whether to approve the application, there must be either a compulsory reciprocal parking and access arrangement across the relevant lots or a voluntary agreement or arrangement between the adjoining owners. Unless the City of Joondalup is able to provide you with conclusive evidence to the contrary, we are not aware of the existence or operation of any form of reciprocal parking and/or access agreement in place over the seven adjoining lots that comprise the overall "Woodvale Park" commercial node. There would appear to be no encumbrance on the common areas of either strata plan with regard to reciprocal access and parking and it is the common areas where driveways and carparking bays are located.

Failing concrete-proof to the contrary, there is no reciprocal parking or access arrangement and the proponents touted right of reciprocity is bankrupt as to credibility.

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Development Assessment Panels

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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Mark Clohessy
Company (if applicable)	Starbury Pty Ltd
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	MOJDAP
Meeting Date	23.2.24
DAP Application Number	DAP/MOJADAP/298
Property Location	Lot 9(937) Whitfords Ave Woodvale
Agenda Item Number	7

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☒ **AGAINST** ☐
Is the presentation in support of or against the proposed development?	**SUPPORT** ☐ **AGAINST** ☒
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**

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Development Assessment Panels

Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	*The presentation will address:* Legal and Planning Issues as to why the proposed development should be rejected outright.

In accordance with Clause 3.5.2 of the *DAP Standing Orders,* your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

I will refer to the 2 submissions made on behalf of Starbury Pty Ltd to the City of Joondalup on the 30th of November 2023 in relation to the proposed Development Application 937 Whitfords Ave Woodvale.

Copies attached.

Regards Mark Clohessy

STARBURY PTY LTD

(ACN 635 806 601)

Ground Floor, 10 Ord Street
WEST PERTH WA 6005

30 November 2023

Chief Executive Officer
City of Joondalup
PO Box 21
JOONDALUP WA 6919

emailed to: info@joondalup.wa.gov.au

Dear Sir/Madam,

SUBMISSION ON DEVELOPMENT APPLICATION – MIXED USE DEVELOPMENT AT 937 WHITFORDS AVENUE, WOODVALE

Starbury Pty Ltd welcomes the opportunity to make a submission on the abovementioned Development Application, which has been released for public comment.

The Development Application has been reviewed in the context of our adjoining landholdings at Lot 66 (No. 931) Whitfords Avenue, Woodvale, commonly known as the Woodvale Boulevard Shopping Centre.

We have reviewed the development application and wish to advise the City of Joondalup that we **do not support** the proposal. The development fails to meet the requirements of the current prevailing planning framework, will create parking issues and result in a poor resolution of the site that will act to diminish the overall access and inclusion to the wider community. For reasons detailed below, **we respectfully request the City recommend the application to be refused by the Joint Development Assessment Panel (JDAP)**.

The key items we wish to raise include:

- The previous approval was granted under an entirely different planning framework, and is not appropriate to grant an extension of time.
- The impact of the proposed development extends beyond the sites boundary, proposing access and car parking within land privately held by Starbury Pty Ltd.
- The development grossly underprovides car parking over the site based on the uses and intensity proposed.

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Telephone: (08) 9488 5000
Email: mark.clohessy@securitycapital.com.au

- The undersupply of car parking by the development is increased by the significant changes that are proposed to the development, further exacerbating the previous parking short fall.
- The development, if approved, would significantly limit the capacity for the planned growth of the Woodvale Boulevard Shopping Centre and result in an inability to meet the needs of the community, as desired by the prevailing planning framework.

BACKGROUND

The subject site is zoned 'Commercial' under the City's Local Planning Scheme No.3 and has a frontage to Whitfords Avenue to the south. The site adjoins a recently refurbished 'BP' services station and 'McDonalds' restaurant to the east, a 'Red Rooster' restaurant to the west and the Woodvale Boulevard Shopping Centre to the north.

A general timeline of the key relevant events relating to the site is as follows:

- November 2000: City of Joondalup Local Planning Scheme No. 2 takes effect
- June 2015: The initial application for development approval was lodged
- July 2016: The initial application was approved by the Metro North-West Joint Development Assessment Panel (**JDAP**)
- November 2017: City of Joondalup's Local Planning Strategy adopted by the Western Australian Planning Commission
- September 2018: a 2-year time extension was granted with no changes proposed to the plans or conditions
- October 2018: City of Joondalup Local Planning Scheme No. 3 gazetted, and Local Planning Scheme No. 2 rescinded
- April 2020: Clause 78H Notice of Exemption takes effect and extends the currency period of the application by an additional two years
- September 2022: Initial 2016 approval (including subsequent extensions) lapses
- August 2023: A new application with increased impacts lodged to 'amend' the now lapsed approval and 'bring it back to life' by providing a new validity period.

EXTENSION OF TIME CONSIDERATIONS

A critical principle that must be applied when considering extensions of time applications is whether the planning framework has changed substantially since the development approval was granted. To put it simply, the planning framework could not have changed more, as it was approved under the now rescinded Local Planning Scheme No. 2 (**LPS2**).

The application, originally lodged in June 2015 and approved over a year later in July 2016, was conceived and approved under the now defunct planning framework. The application has been extended once via formal application and was granted only two years after the original approval and at a time when LPS2 was still in force. Since this time, the 'COVID-19' provisions automatically applied a further two-year extension (not requiring any assessment or consideration) which has now also lapsed, and the approval has expired over a year ago and is of no current effect.

Zoning

While the zoning of the site adopted the same nomenclature of 'Commercial' under LPS 2 as it does under Local Planning Scheme 3 (**LPS3**), the objectives have changed substantially.

The objectives of the Commercial Zone are to:	
LPS2	LPS3
(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.	• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape. • **To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.** [Emphasis added]

It is critical to assess the application holistically to ***ensure*** that the development is not detrimental to the amenity of adjoining owners. This was a consideration that was not required of the decision maker under LPS2 but must be under the planning framework now (and ever since its adoption in October 2018). It is impossible to assess this as an extension of time, and the only proper way to ensure this is carefully considered is to refuse the extension of time and require the lodgement of a 'fresh' application.

Land Use

An unusual quirk of LPS2 was the inclusion of both 'Health Centre' and 'Medical Centre' land uses. These were defined as follows:

medical centre: *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).*

health centre: *shall have the same meaning as Medical Centre.*

So, whilst they are effectively defined as one-in-the-same, the uses had different car parking rates that applied:

medical centre: *5 bay per practitioner*

health centre: *1 bay per 30m2 NLA*

Strangely again, only 'medical centre' was included in Table 1 (The Zoning Table), with 'health centre' being omitted. The assessment was therefore made on the basis of it being a 'medical centre', however, the lower car parking rate for a 'health centre' was applied.

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An important change to the planning scheme that was brought in upon the introduction of LPS3 was the removal of the 'health centre' use class. Therefore, this has eliminated any uncertainty about the correct car parking standard to apply. The new planning framework that applies under the force and effect of LPS3 is:

medical centre: *5 bay per practitioner*

Therefore, it has been confirmed that the higher car parking standard applies, and the previous approval was granted on the basis of a (lower) rate that no longer applies and should not be given any consideration.

Finally, the application has erroneously suggested that a 'shopping centre' rate should apply to the medical centre. The proposal seeks only to apply for a single 217 sqm 'shop' being the pharmacy – less than 10% of the overall NLA of the development, whereas the medical and office uses contribute nearly 90% of the overall NLA of the development. There is no guide in the planning framework as to what contributes to a 'shopping centre'; however, it is clearly evident that a medical/office building with a single shop use is not a 'shopping centre'.

LAND USE (NLA)	LPP CAR PARKING STANDARD	CAR BAYS REQUIRED
Medical Centre (1458m2)	5 bays per practitioner	110
Office (504m2)	1 per 50m2 NLA	10.08
Shop (217m2)	1 per 20m2 NLA	10.85
Restaurant (82m2)	1 per 4 people accommodated	13.5
TOTAL		144.43 (144)

Therefore, the application has incorrectly calculated the car parking requirements, and as a result, has dramatically undercounted the actual parking requirements. The 43 bays provided onsite fall short by 101 bays, providing less than one third of the bays required.

Future Development Potential

Starbury Pty Ltd recently acquired the Woodvale Boulevard Shopping Centre, and has comprehensive plans to redevelop and improve the centre to better accommodate the needs of the community it supports.

The Local Planning Strategy, endorsed by the Western Australian Planning Commission 10 November 2017, is the precursor for the LPS3 and discusses the future of the Woodvale Boulevard Shopping Centre. It confirms the status of the Woodvale Boulevard Shopping Centre as a 'District Centre', and states the following:

> *District Centres: Being those centres, whose prime function is to provide for the daily and weekly shopping and service needs of the district community. Currambine, Woodvale and Greenwood Centres are the three District Centres within the City.*

The Local Planning Strategy reflects the recommendations of the City's Local Commercial Strategy, which notes that the current (2010) retail floor space of 7,460 sqm and a requirement in 2026 of 12,000 sqm in order to serve the community's needs.

As it currently stands, the Woodvale Boulevard Shopping Centre currently only has enough car parking bays to support the requirements of its tenants on the site (including existing Woolworth lease requirements), and as part of any redevelopment, a revised parking strategy and lease negotiations would need to occur.

Therefore, it is fundamentally unacceptable for the expansion of the medical centre that generates a 101 car bay shortfall to rely upon a car parking that exists on the Woodvale Boulevard Shopping Centre site. All existing car parking is required to support the current tenant requirements and possible redevelopment and expansion of the centre to a level anticipated by the planning framework and expected by the community.

It goes without saying that Starbury Pty Ltd should not be responsible for providing parking for other development proposals that seek to undersupply the centre with regard to parking. It is completely unacceptable to simply expect that Starbury Pty Ltd will provide the necessary parking for the significant shortfall created by the proposed development. The proposed parking solution will lead to the Woodvale Boulevard Shopping Centre being unable to fulfil its role and functions as a district centre, and accommodate its own growth.

Design and Reciprocity

The proposal is not responsive to the changing context that has occurred since the original 2016 approval, as is evidenced by the inclusion of the car wash over the adjoining site on the site plan that has now been replaced with an entirely different built form and site resolution. It is critical that any proposed for the site is responsive to the current planning framework and physically site context, and presented to the City's Design Review Panel for consideration.

There is an existing deed that applies to both the proposed medical centre as well as the Woodvale Boulevard Shopping Centre. This is even acknowledged in the ordinal JDAP approval that is being sought to be brought back to life under this application by way of an advice note:

> *Advice note 10: "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."*

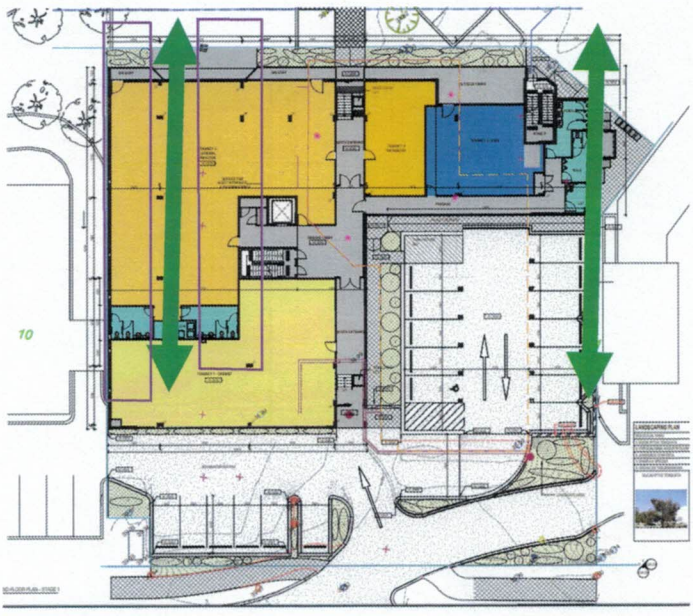
Whilst we have provided legal advice regarding the application of the effect of the deed in a separate letter, what we can confirm and reiterate here is that no such consent will be provided.

Additionally, the proposal seeks to eliminate two critical vehicle access paths through the site (green arrows in figure 1) and 27 car bays (purple boxes in figure 1) that result in an inability for the customers of the Woodvale Boulevard Shopping Centre to circulate through and utilise.

Figure 1 – Existing Access and Parking Arrangements

As can be seen clearly seen on the proposed plan (Figure 2), there is no longer any capacity for the wider curation to work successfully or for parking to be reciprocal. It is noted that the medical centre has been designed to efficiently allow for its customers to park within the Woodvale Boulevard Shopping Centre car park and enter the site – it makes it impossible for the reverse to occur.

Figure 2 – Proposed Ground Floor Plan



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Email: mark.clohessy@securitycapital.com.au

Conclusion

Starbury Pty Ltd has recently acquired the Woodvale Boulevard Shopping Centre, and the acquisition has been based on short term and long-term investment plans that will provide significant amenity and employment growth through these developments. These investments will better service the community, increase the range and quality of land uses, and utilise the unmet development potential of the site as envisaged by the City of Joondalup's overarching planning framework.

We are highly supportive of the ongoing development of the locality and support the growth of the locality and the wider region in a manner that represents orderly and proper planning – however this must be done via an equitable application of planning framework processes and requirements.

This application must not be allowed to be granted an extension of time due to the significant changes that have been made to the planning frameworks since the time of the original approval. Even in the event that a 'fresh application' was to be made, this application is manifestly inappropriate and does not allow for the logical and planned expansion of the Woodvale Boulevard Shopping Centre and does not meet the requirements of the planning framework – and, therefore must be refused.

Thank you for the opportunity to provide comments in relation to this proposed development.

Yours sincerely

MARK CLOHESSY
DIRECTOR

Postal Address: PO Box 1773, West Perth WA 6872
Telephone: (08) 9488 5000
Email: mark.clohessy@securitycapital.com.au

STEPHEN JOSLAND

BARRISTER AND SOLICITOR
Liability limited by a scheme under Professional Standards Legislation

30 November 2023

Our Ref: SJ:jb.223.084.30.1nov (1)

The Directors
Starbury Pty Ltd
C/- Security Capital Australia
10 Ord Street
WEST PERTH WA 6005

Attention: Mr MG Clohessy **By email: Mark@spfinance.com.au**

Dear Mark

WOODVALE BOULEVARD SHOPPING CENTRE

You have asked me to consider and advise on the legal effect of unregistered Deeds insofar as they may compel you to consent to reciprocal accessways and car parking in relation to the redevelopment of the proposed medical centre adjacent to the Property being the Woodvale Boulevard Shopping Centre.

The Deed dated 8 July 1991 ("1991 Deed") was made between Jayshore Pty Ltd and City of Wanneroo.

The Deed dated 11 August 1992 ("1992 Deed") was made between Jayshore Pty Ltd, City of Wanneroo and Citypride Holdings Pty Ltd ("Citypride"). Pursuant to 1992 Deed, Citypride covenanted to be bound by and be described as one of the Parties to the 1991 Deed.

The 1991 Deed required Jayshore Pty Ltd to obtain covenants and enter into easements as set out in the 1991 Deed with all of the entities described in the 1991 Deed as Parties (being the registered proprietors for the time being of any or all of the lots other than Jayshore Pty Ltd). Presumably the only Party which entered into such arrangement was Citypride pursuant to the 1992 Deed.

I am advised that no such covenants or easements were entered into by any other Party and, in any event, no easements were registered against the Certificate of Title to the Property.

Clearly Starbury Pty Ltd is not a party to the 1991 Deed nor the 1992 Deed.

(ABN 86 083 407 510)
Unit 2, 276 Barker Road, Subiaco 6008
PO Box 295, Subiaco, 6904
Telephone: (08) 9388 1881 Email: stephen@josland.com.au

Citypride Pty Ltd is not a party to the 1991 Deed although it did adopt a role as a Party by entering into the 1992 Deed.

I do not consider that s11 of the Property Law Act would apply to enable the covenants contained in the 1991 Deed be enforced against Starbury Pty Ltd by either the City of Wanneroo or by Citypride.

Essentially a covenant (which must be restrictive) or an easement will only bind entities who are contractual parties to the original document and have privity of contract and will not be binding upon subsequent successors in title unless such covenants or easements are registered against the title as encumbrances and satisfy the requirements necessary to "run with the land".

Another possibility in Western Australia is the existence of an easement by prescription which I will deal with below.

Starting with s68(1A) of the Transfer of Land Act, the estate of a registered proprietor of land is subject to, amongst other things, "any public rights of way and to any easements acquired by enjoyment or user or subsisting over or upon or affecting such land….".

It must be considered as to whether it is possible that an easement by prescription has arisen. Easements may be acquired by prescription under the doctrine of lost modern grant or the Prescription Act of the United Kingdom which was adopted in Western Australia in 1836. Under the doctrine of lost modern grant, where there has been 20 years enjoyment of an easement as of right, the courts will presume that an easement was granted but the ground was subsequently lost.

A fairly recent judgment of the Supreme Court of Western Australia on 29 May 2015 in Maio v City of Stirling [No 2] [2015] WASC 189 ("Maio") dealt with very similar issues to those arising in your present circumstances.

The facts and circumstances of Maio are extremely similar to the facts and circumstances of your current position.

In an extensive review of the law on these matters the court (Le Miere J) held amongst other things that:

1. a deed made between the local authority and the original owner/ developer of the land which contained reciprocal access and parking rights was not enforceable by the plaintiffs because neither they nor the defendants were parties to that document; and

2. an easement by prescription did not arise as, although the use of the land satisfied the 4 characteristics required for a valid easement to exist, to establish an easement by prescription required the person claiming the easement to prove that the easement had been used continuously for 20 years "as of right".

   Use is "as of right" if it is without force, without secrecy and without licence or permission. It has been judicially held that implied permission can defeat a claim to use being "as of right".

In addition to the requirement of the 1991 Deed that Jayshore Pty Ltd would enter into deeds with each Party binding them to the 1991 Deed (in an identical manner to the 1992 Deed with Citypride) which it did not do, I consider that even if the 1991 Deed did apply:

(a) the provisions of clause 2.2(g) of the 1991 Deed would not apply so as to compel the consent of Starbury Pty Ltd to the variation of the car parking layout as may be approved by City of Wanneroo as I consider it would be reasonable for Starbury Pty Ltd to withhold its consent as the variation of the car parking layout has not necessarily been approved by City of Wanneroo and neither of the other Parties as the variation has a detrimental effect on the entire centre; and

(b) the 1991 Deed would not bind Starbury Pty Ltd as clause 2.2(o) requires all successors in title to enter into a new deed binding any purchaser to the provisions of the 1991 Deed which again has not been done by any of Starbury Pty Ltd's predecessors in title.

In conclusion, I consider that:

(i) the 1991 Deed is not binding on Starbury Pty Ltd and, of course, the 1992 Deed only applies to those parties who entered into it with respect to the 1991 Deed;

(ii) the 1991 Deed does not run with the land so as to bind successors in title as easements were never entered into by the proprietors of the various lots (including the Property) nor was there any registration on the title to the Property so as to give notice of the existence of any such easement; and

(iii) a court would not find the existence of an easement by prescription for the same reasons as were exhaustively set out in Maio.

Please let me know if you require anything further.

Yours sincerely

S. J. Josland

Government of **Western Australia**
Development Assessment Panels

Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2020 cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Michael Hotchkin
Company (if applicable)	Hotchkin Consulting
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer
Meeting Date	23rd February 2024
DAP Application Number	DAP/15/00832
Property Location	Lot 9 (937) Whitfords Avenue, Woodvale
Agenda Item Number	9.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☐ **AGAINST** ☒
Is the presentation in support of or against the proposed development?	**SUPPORT** ☒ **AGAINST** ☐
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**

Government of **Western Australia**
Development Assessment Panels

Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	*The presentation will address:* Provision of further advice which demonstrates that reciprocal parking and access arrangements exist within the Woodvale Shopping Centre, thereby enabling the JDAP to grant approval to the development.

In accordance with Clause 3.5.2 of the *DAP Standing Orders,* your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Written submission is attached, which is summarised as follows:

During the advertising process for the subject application, the owner of Lot 66 containing the Woodvale Shopping Centre has made a submission indicating it is not bound by any arrangements for reciprocal rights of access and parking within the shopping centre area as it is not a party to the 1991 Deed of Agreement and it is not registered as an easement on title. This conclusion is mistaken and there are numerous cases which demonstrate this.

The 1991 Deed did not confine the benefit of the covenants set out in the deed only to the City to enforce, but rather expressly granted such rights to all future registered proprietors of lots subdivided from the Land defined in the Deed, by its definition of “Covenantee”, in clause 2.1 of the Deed. On this basis, the owner of No.937 has power under s 11 of the Property Law Act to enforce the benefit of its reciprocal rights of access and parking against the owner of the shopping centre.

The non-registration of the Deed, or a subsequent Deed which ought to have been executed and registered on the title, but was not done, in breach of the 1991 Deed, and contrary to the planning conditions, is not fatal to its enforcement. Section 68(1A) of the TLA and S 47(1) of the Property Law Act are both applicable in this instance, demonstrating that the Deed is enforceable on subsequent owners of the shopping centre.

It is not appropriate for the JDAP to defer determination of an application for planning approval on its merits to await a determination of a disputed legal issue between the owner of the shopping centre and our client, if it is acceptable on its planning merits on the basis that the 1991 Deed was intended to confer on all subsequent purchasers the rights and obligations necessary to enforce reciprocal rights of access and parking for the site as a whole.

The terms of the Deed constitute a relevant planning consideration for the exercise of discretion by the JDAP. It is not appropriate to act inconsistently with the principle set out in the First Maio Case. As the Court in that case refused to stop the JDAP from performing its statutory duty, it follows that JDAP should not defer performance of its duty simply because of a legal dispute over proprietorial rights in this matter. That recommendation by the City should be rejected.

The Forrest Centre
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MICHAEL HOTCHKIN CONSULTING

OUR REF: MCH:MHC0014: JT

YOUR REF:

16 February 2024

Mr Jeremy Hofland
Citypride Holdings Pty Ltd
C/O Rowe Group

BY EMAIL: Jeremy.Hofland@rowegroup.com.au
Cc: Greg.rowe@rowegroup.com.au

Dear Jeremy

JOINT DEVELOPMENT ASSESSMENT PANEL MEETING:
23 FEBRUARY 2024

I refer to the Agenda for the above meeting, and note in particular the recommendation by the City Officers to defer consideration of the application by our client in order for the owner of the shopping centre and our client to "engage" on the disputed legal issue: namely, that the owner of the shopping centre does not regard itself as bound by the 1991 Deed by which reciprocal access and parking rights across the entire site apply and are enforceable. The City's view is that the application should be refused if the 1991 Deed is not enforceable as between our client and the owner of the shopping centre or, for that matter, not enforceable under the Planning and Development Act, and the application should be deferred to allow the parties an opportunity to resolve the disputed issue.

I am instructed that the only reason given for the disputed issue by the owner of the shopping centre is that because the 1991 Deed is not registered on the Title, or otherwise noted in any way on the Title for the shopping centre, it is not a party to the 1991 Deed and therefore it is not bound to observe reciprocal rights under that Deed, even to enforce them to the benefit of the shopping centre.

In my view, the conclusion reached by the owner of the shopping centre in that respect is mistaken, for reasons which I explain below. Before doing so, it is appropriate to address the merit of the recommendation by the City Officers to defer consideration of the application pending resolution of that legal dispute between the owner of the shopping centre and our client.

<u>The First Maio Case</u>

A similar factual circumstance (with very important differences, which I will address below) arose in a Supreme Court case called *Maio v City of Stirling* [2014] WASC 37. In that case, the Supreme Court dismissed an application by owners and tenants of strata titles in a shopping centre for an injunction prevent a Joint Development Assessment Panel from determining an application for

planning approval by owners of land next to the shopping centre, which formed part of the original development. None of the parties involved were the original developer or owners of the titles. They were all subsequent purchasers of titles.

However, the owners and tenants of the strata titles in the shopping centre asserted that, historically and by reason of a deed granting certain reciprocal rights of access and parking for the purpose of the original development, the owners of the proposed development had no legal right to undertake a development which infringed the reciprocal rights it asserted, and that therefore the JDAP should not determine a planning application as it was futile because it could not be implemented.

The Supreme Court found that, although it was arguable that the plaintiffs in that case had reciprocal rights, no injunction should be issued preventing the JDAP from exercising its statutory duty to hear and determine the application (see at para [14]). The original deed must be taken into account, as a relevant planning consideration but its existence should not prevent approval if it was a justifiable development on its merits [at 15].

Therefore, whether or not there is legal dispute about the enforceability of reciprocal rights in this matter should not be taken into account as a basis for deferring the determination of our client's application for development approval. If it transpires over time that a condition of planning approval in this matter requires the reciprocal access and parking rights set out under the 1991 Deed, it falls to the disputing parties to have that determined in an appropriate form at some other point in time. It should not prevent the JDAP from granting approval subject to any such condition, if it considers it is appropriate to do so on its planning merits.

<u>The Second Maio Case</u>

After that application for an interlocutory injunction was dismissed, the Plaintiffs in that case continued with their application for a permanent final injunction, and their claim was ultimately determined by the Supreme Court in the next case, called *Maio v City of Stirling* [No 2] [2015] WASC 189. You may observe that I appeared on behalf of the applicants for planning approval (Defendant's in the Supreme Court) in each of those two cases. I am therefore familiar with the facts of that case, and the reasoning of the Supreme Court (upheld on appeal by the Court of Appeal), to explain why the facts in that case were importantly different from the facts in this case.

In that case, the first argument by the Plaintiffs was that they were entitled to enforce reciprocal rights of access and parking under the Deed under s 11(1) of the Property Law Act, which provides (summarising) that a person may take the benefit of a condition or agreement relating to land although is not named as party to the conveyance or other instrument that relates to the land. Section 11(2) of the Act provides, in summary, that where a contract expressly in its terms purports to confer a benefit directly on a person who is not named as a party to the contract, the contract is enforceable by that person in his own name.

The Court explained that subsection 11(1) applies where a contract purports to be made with someone, and the deed in that case did not do so (at [36] – [37]). It made no promises to subsequent purchasers, and did not purport to do so. In relation to subsection 11(2), the deed could not be enforced by the Plaintiffs because none of the covenants purported to confer a benefit directly on any other person except the City, in its capacity as a planning authority (at [41] – [43]).

The 1991 Deed in this matter, however, did not confine the benefit of the covenants set out in the Deed regarding reciprocal rights of access and parking only to the City to enforce, as a responsible

planning authority, but rather expressly granted such rights to all future registered proprietors of lots subdivided from the Land defined in the Deed, by its definition of "Covenantee", in clause 2.1 of the Deed.

Therefore, our client has power under s 11 of the Property Law Act to enforce the benefit of its reciprocal rights of access and parking against the owner of the shopping centre. The only issue which then arises is whether the non-registration of the Deed, or a subsequent Deed which ought to have been executed and registered on the title, but was not done, in breach of the 1991 Deed, and contrary to the planning conditions, is fatal to its enforcement by the operation of indefeasibility established by s 68 of the Transfer of Land Act (**the TLA**). In my view, it does not.

Section 68(1A) of the TLA provides for exceptions to the indefeasibility of title established under s 68(1) of the TLA. It is a deeming provision in respect of any "reservations, exceptions, conditions and powers (if any) contained in the grant thereof" and "to any easement acquired by enjoyment or user or subsisting over or upon or affecting such land". Reciprocal rights of access and parking constitute easements affecting the respective lots.

S 47(1) of the Property Law Act provides that any "covenant relating to any land of the covenantee shall be deemed to be made with the covenantee and his successors in title" which is deemed in subsection (2) to "include the owners and occupiers for the time being of the land of the covenantee intended to be benefited".

Any doubt about whether the provisions of the Property Law Act apply to the Torrens registration system was resolved by the Supreme Court in *Sandgate Corp Pty Ltd (in liquidation) v Ionnou Nominees Pty Ltd* [2000] WAR 172, to the effect that the Property Law Act applied except where inconsistent with the provisions of the TLA. In light of the exception in s 68(1A) of the TLA, there is no relevant inconsistency, because the grant of title by the way of subdivision in 1991 in this case included the grant of an easement or condition for reciprocal rights of access and parking. It is an exception to the indefeasibility Title by registration.

That legal position reflects the intended planning purpose of the transaction in the first place. It is clear from the nature of the original subdivision enabling development of the shopping centre that it was going to be the first stage, but that subsequent stages should be treated as if the site was developed as a whole, even though further subdivision and sale of lots may take place. Development could take place at different stages in different ways, but their development would need to recognise that reciprocal rights of access and parking were relevant considerations in the proper exercise of discretion in determining any application for development approval.

A refusal to observe such reciprocal rights of access and parking by the subsequent owner may even enliven the right of the WAPC to enforce such a condition (that is, performance of a deed entered into pursuant to such a condition) under s 216 of the PD Act. The fact that the condition was imposed as part of a subdivision approval, in order to preserve the essential nature of the development across the site, once broken into various lots, may found a statutory right of the WAPC to enforce the obligations against the owner of the shopping centre.

<u>Summary</u>

The terms of the 1991 Deed and the statutory framework which governs the enforceability of rights under such a Deed makes reciprocal rights of access and parking under the 1991 Deed enforceable

by our client (and by the City as a party to the 1991 Deed) against the current owner of the shopping centre.

Further, and in any event, it is not appropriate for the JDAP to defer determination of an application for planning approval on its merits to await a determination of a disputed legal issue between the owner of the shopping centre and our client, if it is acceptable on its planning merits on the basis that the 1991 Deed was intended to confer on all subsequent purchasers the rights and obligations necessary to enforce reciprocal rights of access and parking for the site as a whole.

The terms of the Deed constitute a relevant planning consideration for the exercise of discretion by the JDAP. It is not appropriate to act inconsistently with the principle set out in the First Maio Case. As the Court in that case refused to stop the JDAP from performing its statutory duty, it follows that JDAP should not defer performance of its duty simply because of a legal dispute over proprietorial rights in this matter. That recommendation by the City should be rejected.

Yours sincerely
MICHAEL HOTCHKIN CONSULTING

Michael Hotchkin
Director

Government of **Western Australia**
Development Assessment Panels

Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2020 cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Jeremy Hofland
Company (if applicable)	Rowe Group
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer
Meeting Date	23rd February 2024
DAP Application Number	DAP/15/00832
Property Location	Lot 9 (937) Whitfords Avenue, Woodvale
Agenda Item Number	9.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☐ **AGAINST** ☒
Is the presentation in support of or against the proposed development?	**SUPPORT** ☒ **AGAINST** ☐
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**

Government of **Western Australia**
Development Assessment Panels

Presentation Content*

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Brief sentence summary for inclusion on the Agenda	*The presentation will address:* Support the recommendation for approval.

In accordance with Clause 3.5.2 of the *DAP Standing Orders,* your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Our office progressed the initial application in 2015-16 and also the current application.

We have liaised extensively with the City during its assessment process. From our review of the RAR, it would appear that the City is satisfied with the relevant planning and engineering matters, with the only remaining item being the legal issue associated with the status of the reciprocal parking and access arrangements for the Shopping Centre.

The proponent does not support the City's recommendation to defer the determination of the application for a 90 day period to enable discussion on the reciprocal parking and access matters. The proponent's legal representative will present separately on this matter however we wish to note that:

- The intention to subdivide the components of the overall shopping centre site was contemplated prior to the issuing of the Development Approval by the former City of Wanneroo in 1991, with the subsequent subdivision approval by the then Department of Planning & Urban Development in 1991 incorporating Condition No.2 which required arrangements to be made for the reciprocal use of parking and access on an ongoing basis;

- The status of the agreements on the various lots was known in 2016 at the time of the initial approval by the JDAP to the development at No.937. At this meeting the refusal recommendation by the City on this basis was lost, with the JDAP resolving to approve the proposal subject to various conditions including an advice note that this matter be addressed with the parties subject to the 1991 Deed.

In view of the above, we request that the JDAP not proceed with the City's recommendation and determine the application in accordance with the alternate recommendation included at pages 18 and 19 of the agenda.

On behalf of the proponent, the following project team members are also available to answer any questions which the members may have:

Ryan Tsen – Ryan Tsen Architects

Donald Veal and Steve Yapp – DVC Consulting (Traffic Engineers)

LOT 9 (937) WHITFORDS AVENUE, WOODVALE – EXTENSION OF TIME AND MODIFICATIONS TO MIXED USE DEVELOPMENT

Form 2 – Responsible Authority Report
(Regulation 17)

DAP Name:	Metro-Outer JDAP
Local Government Area:	City of Joondalup
Proposed Amendments:	Amendment of development approval issued on 27 July 2016 as follows: • Modifications to the basement car park. • Reduction in number of on-site parking bays (42 in lieu of 50 previously approved). • Relocation of waste collection to the north-eastern side of the building. • Increased building setbacks to the side and rear boundaries. • Removal of a building entry adjacent to the at-grade carpark on the building's eastern elevation. • Modified pedestrian entry from the Whitfords Avenue frontage. • Reconfiguration of floor areas. • Minor modifications to the building facades. • Extension of time of two years.
Applicant:	Rowe Group
Owner:	City Pride Holdings Pty Ltd
Value of Amendment:	$8 million
Responsible Authority:	City of Joondalup
Authorising Officer:	Chris Leigh Director of Planning and Community Development
LG Reference:	DA15/0664.01
DAP File No:	DAP/15/00832
Date of Original DAP decision:	27 July 2016
Application Received Date:	24 October 2023
Application Statutory Process Timeframe:	90 days with an additional 29 days agreed.
Attachment(s):	1. Location plan 2. Development plans, elevations and landscaping plan 3. Previous determination notice (July 2016) 4. Previous determination notice (September 2018) 5. Applicant's planning report 6. Schedule of submissions (including applicant comment)

	7. Schedule of submissions (including City comment) 8. Assessment summary 9. Applicant's estimation of net lettable area for Woodvale Park District Centre 10. Traffic and parking technical note 11. Waste management plan 12. Applicant's statement addressing State Planning Policy 7.0	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☐ Yes ☒ N/A	Complete Responsible Authority Recommendation section
	☐ No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/15/00832 as detailed on the DAP Form 2 dated 24 October 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

2. **Defer** DAP Application reference DAP/15/00832 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, for the proposed amendments to the approved Mixed Use Development at Lot 9 (937) Whitfords Avenue, for a period of 90 days to enable the applicant/landowner to engage with the owners of the Woodvale Shopping Centre in relation to the reciprocal parking and access arrangements between the subject land and the shopping centre.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Urban
Local Planning Scheme	City of Joondalup Local Planning Scheme No. 3
Local Planning Scheme Zone/Reserve	Commercial
Structure Plan/Precinct Plan	Not applicable
Use Class (proposed) and permissibility:	Medical Centre – Permitted 'P' Shop – Permitted 'P' Office – Permitted 'P' Restaurant/Cafe – Permitted 'P'
Lot Size:	2,200.09m^2
Net Lettable Area (NLA):	2,288m^2
Number of Dwellings:	N/A

Existing Land Use:	Medical Centre
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

In 2016, the (then) Metro North-West Joint Development Assessment Panel approved a three-storey mixed use development which included 1,138.5m^2 of 'Medical Centre, 77m^2 of 'Restaurant', 820m^2 of 'Office' and 157m^2 of 'Shop'. The approved development proposed a total of 50 on-site parking bays, resulting in, under the planning framework in place at the time, a shortfall of 28 bays.

The applicant is now seeking a two-year time extension to the above approval, in addition to a number of modifications to the above development including:

- Reduction in number of on-site parking bays (42 in lieu of 50 previously approved)
- Relocation of waste collection to the north-eastern side of the building
- Proposed 22 practitioners for the Medical Centre (no limit on practitioner numbers previously)
- Increased building setbacks to the side and rear boundaries
- Modifications to the basement car park
- Removal of a building entry adjacent to the at-grade carpark on the building's eastern elevation
- Modified pedestrian entry from the Whitfords Avenue frontage
- Reconfiguration of floor areas
- Minor modifications to the building facades

As a result of changes in the City's planning framework since the original approval, the on-site parking shortfall has increased from 28 bays to 110 bays under the amended proposal.

The proposed development plans including a landscaping plan are included as Attachment 2.

As with the previous approval, the proposal includes two stages of construction which are intended to allow the existing medical centre to continue operation during development as outlined below:

1. Stage 1 - Demolition to part of the existing building to cater for the proposed development footprint and allow the existing medical centre to continue operation during construction, which would include the basement level car park and the three

storey mixed use building. During this stage of the development, two car parking bays would be available on-site.
2. Stage 2 - Upon completion of the new building, the operator of the existing medical centre will relocate to the new mixed use building, allowing the existing medical centre to be demolished. Upon demolition of the old medical centre building, the construction of the proposed at-grade parking could take place.

Background:

The subject site

Lot 9 (937) Whitfords Avenue (the subject site) is located immediately north of Whitfords Avenue and forms part of the Woodvale Park District Centre. The development site is bound by Whitfords Avenue to the south, the Woodvale Boulevard Shopping Centre to the north, a fast-food outlet and Woodvale Commercial Park to the west and a service station and fast-food outlet to the east.

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Commercial' under the City's Local Planning Scheme No. 3 (LPS3).
The site contains a single storey building over the eastern half of the site, which includes a medical centre and a tenancy previously occupied by a take-away food outlet, with associated car parking over the western side of the lot. The existing development was approved by the City in July 2003 with 41 car parking bays in lieu of 49 car bays (eight bay shortfall).

Agreements with adjoining lots

Historically, lots within the Woodvale Park District Centre were held on a single title, with a single landowner, Jayshore Pty Ltd (Jayshore). Subdivision of the former single site occurred to create multiple lots, including the subject site.

In 1991, the City of Wanneroo (as the land was previously within the City of Wanneroo boundaries) entered into a deed of agreement with Jayshore (as the former owners of the land) to facilitate reciprocal parking and access between the lots created on the land.

In 1992, Jayshore sold the subject site to City Pride Holdings (City Pride), who entered into a deed of agreement with the City of Wanneroo and Jayshore, in which it agreed to be bound by the conditions and covenants contained in the 1991 agreement between the City and Jayshore.

The 1991 deed of agreement included a requirement that the covenantor (Jayshore) or any of the parties would not sell, transfer, assign, mortgage or otherwise dispose of any of the lots or part therefore, without first obtaining agreement through a deed from the new party that they agreed to be bound by the conditions and covenants contained in the 1991 deed.

The site which contains the Woodvale Boulevard Shopping Centre (Lot 66 (931) Whitfords Avenue, Woodvale) has changed ownership multiple times since the 1991 deed was entered into by the City of Wanneroo and Jayshore, with the current owner being Starbury Pty Ltd (Starbury).

There is no caveat, covenant or easement to this effect registered on the certificate of title of Lot 66 (931) Whitfords Avenue, Woodvale), and it is understood that the current

owner of the shopping centre did not enter into any such agreement upon purchasing the land.

Previous applications

Original approval - 2016

On 27 July 2016, the Metro North-West Joint Development Assessment Panel (JDAP) approved a three storey Mixed Use Development comprising a Medical Centre, Restaurant, Shop and Office.

Extension of time approval - 2018

In September 2018 the City approved an extension of time extending the validity of the approval to 4 September 2020. This validity period was further extended by the Planning Minister's planning exemptions announced as part of the State Government's State of Emergency declaration, in response to the COVID-19 pandemic, which extended the approval period of any approvals valid in April 2020 by an additional two years. In combination with the extension of time granted in 2018, the adjusted validity period for the approval was September 2022.

The applicant previously sought to further extend the approval period through an application lodged in July 2022, however, subsequently withdrew that application due to construction-related issues with the development plans forming part of the original approval. The original approval therefore lapsed in September 2022.

The previous determination notices mentioned above are included as Attachments 3 and 4 to this report.

Local Commercial Strategy

The City's Local Commercial Strategy (LCS) identifies shop retail floorspace thresholds for commercial areas. These thresholds are not caps, rather they establish a level that if sought to develop beyond, first requires Retail Sustainability Assessment to be undertaken to ensure the extent of development is acceptable in the retail hierarchy of the City.

The LCS identifies the subject site as part of 'Woodvale Park' which is categorised as a District Centre with a recommended threshold of 15,000m^2 retail floorspace by 2026. As indicated in the applicant's planning report lodged with the application (Attachment 5 refers) the proposed development is likely to increase the retail floorspace in the Woodvale Park District Centre to 14,988m^2 which remains within the recommended threshold outlined in the LCS.

The subject application has been assessed having regard to the City's LCS.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005.*
- *Metropolitan Region Scheme* (MRS).

- *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
- *City of Joondalup Local Planning Scheme No. 3* (LPS3).

State Government Policies

- *State Planning Policy 4.2: Activity Centres (SPP4.2).*
- *State Planning Policy 7.0: Design of the Built Environment.*

Structure Plans/Activity Centre Plans

- *Not applicable.*

Local Policies

- *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy (Commercial LPP).*
- *Planning Consultation Local Planning Policy.*

Consultation:

Public Consultation

The proposal was advertised for a period of 14 days, commencing on 17 November 2023 and concluding on 1 December 2023, to landowners within the shopping centre and commercial centre precinct (17 letters to affected properties).

A total of three (3) submissions were received during the public consultation period, each objecting to the proposal.

A summary of the issues raised along with the applicant's response is included in Attachment 6 and with officer's comments in Attachment 7.

The key issues identified through consultation include:

- Impact on capacity for Woodvale Park District Centre to expand
- The existence and implications of the existing Deed of agreement for reciprocal access and parking over Woodvale Park District Centre
- Adequacy of the proposed vehicular access and parking
- Nature and scale of the 'Medical Centre' component of the proposal
- Appropriateness of issuing further approvals given the changes that have occurred to the applicable planning framework since the original approval was granted in 2016

Referrals/consultation with Government/Service Agencies

As part of the original approval the development was referred to the Department of Planning, Lands and Heritage (DPLH) as the development site abuts Whitfords Avenue, which is reserved as an 'Other Regional Road' under the Metropolitan Region Scheme (MRS). DPLH has advised that it has 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.

Design Review Panel Advice

As part of the original approval, the development was presented to the City's Joondalup Design Reference Panel for review on 1 September 2015. Advice and recommendations from the panel were incorporated into the design approved by the JDAP on 27 July 2016.

As the proposed development constitutes minor amendments to the previous approval, the application was not re-presented to the City's design review panel.

Planning Assessment:

Based on matters considered through the State Administrative Tribunal (ALH Group Property Holdings Pty Ltd and Metro Central JDAP [2018] WASAT 63) the following is to be considered when determining if a modification to a previous approval, including the extension of an approval period, is appropriate:

- Whether the planning framework has changed substantially since the development approval was granted.
- Whether the development would likely receive approval now.
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.
- Whether the time originally limited was adequate in all of the circumstances.
- Was the developer seeking to "warehouse" the approval.

The City has considered the application against the above criteria, highlighting the key areas where the development does not achieve the development standards of LPS3 and the City's Commercial LPP, with the City's full assessment included as Attachment 8.

Whether the planning framework has changed substantially since the development approval was granted

As outlined above, the planning framework under which the original approval was issued has substantially changed as outlined below:

- Gazettal of LPS3 on 23 October 2018 and revocation of District Planning Scheme No. 2 (DPS2):
    - The 2016 approval considered the 'Medical Centre' against the 'Health Centre' parking standards contained in DPS2 as the 'Medical Centre' parking standard relies on practitioner numbers which were unknown at the time
    - The 'Health Centre' use was omitted from LPS3 as it did not align with the model land use definitions contained within the model provisions for local planning schemes. The medical component of the application has now been assessed according to the 'Medical Centre' parking standard
    - Parking requirements previously contained within DPS2 were relocated to the Commercial LPP
- Adoption of the City's Commercial LPP which introduces different parking requirements:
    - Parking standard for a Medical Centre is five bays per practitioner

    - Parking standard for a 'Restaurant/café' changing from one bay per 5m^2 net lettable area to one bay per four patrons
- Implementation of State Planning Policy 7.0: Design of the Built Environment (SPP7.0)

In considering the subject application the City has assessed the merits of the proposal against the relevant changes to the planning framework.

As a result of the new parking standard for a medical centre being subject to practitioner numbers, the applicant has proposed that a maximum of 22 practitioners will operate from the site at any one time. There was no limit on practitioner numbers for the previous approval as the parking calculation was based on floor area).

The changes in the planning framework have resulted in the on-site carparking shortfall increasing from 28 bays to 110 bays.

The subject site is zoned 'Commercial' under LPS2. The objectives for the 'Commercial' zone have changed from DPS2 to LPS3.

The objectives of the Commercial zone under DPS2 were:

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

The objectives of the Commercial zone in LPS3 are:

- *To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.*
- *To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*

It is not considered the change in the objectives between DPS2 and LPS3 have any impact on this application.

Whether the development would likely receive approval now

The development has been assessed against the provisions of LPS3 and the City's Commercial LPP. A summary of the assessment is provided in Attachment 8, with elements where discretion is being sought discussed in further detail below.

<u>Car Parking</u>

The proposed modifications to the development result in a reduction in on-site parking from that previously approved from 50 bays to 42 bays.

In addition to the reduction of the number of on-site parking bays the way in which the City's planning framework calculates the bay to land use ratio has increased the number on-site parking bays for the development.

This change to the City's planning framework, coupled with the eight bay on-site reduction, results in an on-site parking shortfall increase from 28 bays to 110 bays.

A comparison of the original car parking assessment under the previous planning framework and the proposed changes under the new planning framework is shown in the below table:

Land Use	Previous ratio	Previous No. required	Current ratio	Current No. required
Health/Medical Centre	1 bay per 30m^2 NLA	37.95	5 bays per practitioner (22 practitioners)	110
Restaurant	1 bay per 5m^2 NLA	15.4	1 bay per 4 patrons	20.25
Shop	1 bay per 20m^2 NLA	7.85	1 bay per 20m^2 NLA	10.85
Office	1 bay per 50m^2 NLA	16.4	1 bay per 50m^2 NLA	10.08
Bays required		77.6 (78)		151.18 (152)
Bays provided		50		42
Shortfall		28		110

Submitters raised concerns that there will be insufficient car parking on the site to support the development and consider that the applicant is relying on a reciprocal parking arrangement with the Woodvale Shopping Centre to compensate for the shortfall.

The applicant's justification for the parking shortfall has been summarised below:

- Car parking for the site should be calculated using the 'shopping centre' parking standard of the City's LPP instead of calculating parking requirements based on individual land uses. This would reduce the parking shortfall to 73 bays, instead of 110 bays as contended by the City
- There is a reciprocal parking agreement in place across the entire shopping centre
- Patrons of the proposed development and the adjoining shopping centre and commercial park are likely to undertake shared trips
- Across the overall site that is subject to the reciprocal parking agreement, there would be an overall car parking surplus of 96 bays (using the 'shopping centre' parking standard)

The City is of the view it is more appropriate to apply the individual land use parking ratio under the Commercial LPP rather than the 'shopping centre' ratio in this instance as the development is located on a separate lot to the Woodvale Boulevard Shopping Centre and predominantly incorporates non-retail land uses. In addition, the Commercial Policy specifies a required number of 'on-site' parking bays for a range of land uses. It is also noted that an on-site parking shortfall results under both scenarios.

Whilst there is a likelihood that patrons of the proposed development will undertake shared trips with the adjoining shopping centre and commercial park, there is uncertainty of the status of reciprocal parking and access rights across the lots within the Woodvale Park District Centre.

The submission on behalf of the adjoining shopping centre owner states they have not entered into any legal agreement and therefore are not a party to it, and that only a covenant or easement would be binding on successive parties.

The City notes that subdivision approval was issued in 1991 for Part Lot 931 (which comprises the current Woodvale Park District Centre lots), on the corner of Whitfords Avenue and Trappers Drive, Woodvale. Condition 2 of the subdivision approval stated as follows:

2. *A legal agreement, at the applicant's expense (including legal expenses incurred by the Wanneroo City Council) and to the satisfaction of the City, to facilitate reciprocal vehicular access and car parking between lots and lots in which Council interests are protected or another arrangement satisfactory to the City to ensure clear vehicle access between adjoining lots*.

The development approval issued in 1991 for the Woodvale Boulevard Shopping Centre (developed on what is now Lot 66 (931) Whitfords Avenue, Woodvale and currently owned by Starbury) does not include a condition requiring reciprocal parking and access rights.

Whilst it is clear the original intent at the time of subdivision of the land was for reciprocal parking and access rights to be provided across all lots, and the physical construction of development, parking and accessways throughout the district centre facilitate this, no easements to this effect were registered on the title for the shopping centre. The shopping centre has two easements registered on its title, neither of which relate to reciprocal parking and access arrangements with the subject land. Therefore, it would appear that there is nothing currently binding the shopping centre to this arrangement through its certificate of title.

The City also sought advice on whether the 1991 agreement would be binding to the current shopping centre owner (Starbury), however at the time of writing this report it was not possible to state with any confidence as to whether Starbury may or may not be bound by the agreement.

In the absence of any certainty as to whether there is any binding reciprocal parking arrangement between the shopping centre lot and the subject lot, the City would need to consider whether the parking shortfall could be adequately accommodated entirely on the subject site, which it does not believe to the case.

It is however noted, and as stated by the applicant in its justification to support the application, that in the event reciprocal parking and access arrangements between the subject lot and the shopping centre do exist, there is adequate parking available to accommodate the shortfall and still remain in surplus.

The need for reciprocal parking and access arrangements between the subject site and the shopping centre site goes beyond the need to support a parking shortfall. The proposed development relies upon access through the shopping centre site for waste servicing, access to its basement carpark and for pedestrian movement. In the absence a legal right to access the shopping centre lot the proposed development, as currently designed, will not be able to access its waste collection point or its basement where the majority of parking is provided.

The issue of legal rights to accessways and parking across lots throughout the district centre was raised in the original Responsible Authority Report considered by the (then) Metro North-West JDAP. The JDAP responded to this in the original application, following a State Administrative Tribunal application, by including an advice note on the original approval (Attachment 4 refers) which states:

"The applicant/landowner shall obtain written consent form the Parties of the 1991 deed applicable to the subject site for the proposed changes to the existing accessways and car parking layout."

In view of the above, the question of whether legal rights to accessways and parking throughout the district centre is not a new issue or one that has been caused as a result of the specific modifications or extension of time sought under this current proposal.

The issue has however been raised during consultation on the current proposal by the potentially effected adjoining landowner (Starbury) who contend that there is not currently the ability to rely on Lot 66 (931) Whitfords Avenue, Woodvale for the purpose of access or parking and such question the appropriateness of the proposal.

The applicant has provided its view on the matter in its response to submissions received during consultation (Attachment 6 refers) and contend that the 1991 deed does apply to all subsequent landowners from when it was established (including Starbury) and therefore there is the ability to rely on Lot 66 (931) Whitfords Avenue, Woodvale for the purpose of access or parking.

As outlined above, whilst not a new issue, given new information presented as part of this application the City has been required to investigate and consider the matter in further detail.

The history of the issue and the nature of the issue itself makes the matter complex and at the time of preparing this report the City and its advisors have not been able to reach a conclusive position noting arguments presented by each party.

The City therefore considers it to be prudent for JDAP to defer its decision on the proposal to allow the effected landowners to resolve this outstanding matter, or, if JDAP are of a mind to approve the application, it should give consideration to how this matter could be resolved ahead of development commencing on the subject lot.

<u>Traffic and access</u>

Provision	**Requirement**	**Proposal**	**Assessment**
Commercial LPP 5.6.2 Car park location and design	6 metre aisle width	5.8 metre aisle width within the basement car park	The design of the basement level parking module is acceptable.

Aisle width

The City's assessment of the basement parking identified some concerns regarding turning movements into basement level bays 1, 11 and 20. After discussion with the

applicant's traffic consultant, it has been agreed that these issues can be addressed through adjusting the pillar location and/or additional linemarking/signage stating the bays are for reverse/small vehicle parking only for bays 1 and 20, and some adjustments to the carpark to facilitate a better turning movement into parking bay 11. Should the application be approved, it is recommended a condition be included to require submission and approval of amended plans prior to lodging a building permit.

Traffic and access

During consultation submissions were received raising concerns regarding the removal of existing vehicle access points either side of the proposed development, which currently provide a link between the entry from Whitfords Avenue and the shopping centre car park to the north.

As part of the original development approved in 2016, a Transport Impact Assessment (TIA) was undertaken by Donald Veal Consultants. The application includes an updated technical report from Donald Veal Consultants which provides the following justification in response to the submissions received during consultation:

- The vehicle access links either side of the building was surveyed during peak periods in the original TIA undertaken for the site. The findings of the report were that these links are little used (maximum of 14 vehicles per hour) and that closure of the access points will have no noticeable impact on the movement of traffic in and around the site. The majority of vehicles entering the shopping centre parking areas do so via the main access points off Whitfords Avenue and Trappers Drive rather than the access point from Whitfords Avenue directly adjacent to the subject site.
- Whilst the closure of access points on-site will redirect some traffic to other access points on surrounding sites, there remains adequate capacity within the internal road network to accommodate traffic redirected as result of the closure of the access points either side of the building.

Whilst the closure of the access links either side of the development are unlikely to have a material impact on the functionality of the overall road network internal to Woodvale Park District Centre, the City has safety concerns with the internal access point to the subject site from Whitfords Avenue, and functionality of the adjoining parking modules:

- Building to the western boundary will impact vehicular sightlines for vehicles exiting the drive-through of the adjoining Fast-Food Outlet (Red Rooster)
- There is lack of line-marking and signage to provide clarity and reduce confusion for drivers utilising the site's access point from the slipway from Whitfords Avenue
- There is the potential for drivers to perform a U-turn and exit directly onto Whitfords Avenue or exit onto the adjoining site to the east, conflicting with traffic entering from Whitfords Avenue
- The southern parking module could better connect with the internal path network and reduce need for users to walk through the carpark entry/exit

The City met with the applicant and Donald Veal Consulting to discuss the above issues. It was agreed that the issues could be addressed through further modifications to the plans including additional line marking, signage and kerbing/footpath alterations,

however further detail would be needed in the form of amended plans to adequately resolve the above.

Therefore should the application be approved it is recommended that a condition of approval be included requiring amended plans to address the above issues to the satisfaction of the City. On this basis the City is supportive of the access proposed and is satisfied that the impact on the internal/external road network will be acceptable.

The City notes that the 2016 JDAP approval included an advice note requiring the applicant/landowner to obtain written consent from the parties of the 1991 deed for proposed changes to the existing accessways and car parking layout. It is noted that should further discussions between relevant parties conclude that the shopping centre owner is bound by the terms of the 1991 deed, the applicant/landowner will be required to obtain its written consent to the changes to the existing accessways and car parking layout as is required by the deed.

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. Tenancy 1 is proposed to be a pharmacy, totalling 217m² of floor area. Notwithstanding the overall floor space, the applicant has confirmed that the 'retail floor space' will not exceed 180m^2. However, gross leasable retail floor space by definition includes all areas that are set aside for leasing, not just the portion attributed to retail sales.

Should the application be approved, it is recommended that a condition be imposed on any approval limiting the gross retail floorspace to 180m^2 to ensure the development is consistent with the restrictive covenant.

Building height

Provision	Requirement	Proposal	Assessment
Commercial LPP 5.2 Building height	13 metre maximum height	13.7 – 14.8 metres.	The building height exceeds the maximum height limit of the LPP.

Since the original approval was granted the maximum building height requirements have not changed from DPS2 with a maximum 13 metre building height permitted under the Commercial LPP.

While the previous application was approved with a maximum building height of 14.2 metres, the tallest part of the development relates to the top of the lift shaft which does not substantially alter the height from that previously approved.

The building height is therefore supported.

Building entrances

Provision	Requirement	Proposal	Assessment
Commercial LPP	Building entries must be clearly	Entrance on the northern	It has not been demonstrated how the

5.4 Built form and design	defined and easily identifiable from the street and public realm Building entrances must directly front the street, ca park and key pedestrian routes	elevation extends to landscaping area of the adjoining shopping centre site. Details of how this would integrate with the adjoining site are unclear	pedestrian entry to the building's northern side will integrate with the adjoining lot to the north as it currently terminates at a landscape area on the adjoining lot.

The relevant objectives of the Commercial LPP are:

- *To provide development standards for commercial buildings that assist in facilitating appropriate built form and functional commercial centres.*
- *To encourage high quality, pedestrian friendly, street-oriented development that integrates with surrounding areas.*

The location of the two pedestrian entrances in the revised proposal are generally consistent with the previously approved plans, with one on the building's southern side facing towards the carpark adjacent to Whitfords Avenue and another on the northern side facing the shopping centre. The southern entry will connect to an existing pedestrian path in the verge via a 'zebra crossing' on the building's southern side and is considered appropriate.

The pedestrian entrance on the building's northern elevation is proposed to be accessed via a pedestrian path outside of the subject lot (that does not yet exist) that is within an existing landscaped area within the shopping centre lot. The applicant has advised the City it intends to commence discussions with the adjoining shopping centre owner regarding pedestrian integration following determination of this application.

The lack of pedestrian integration to the development was a concern raised by JDAP in its February 2016 refusal of the application, with reason 4 relating to the lack of integration of the northern pedestrian access with the surrounding access network. This issue was addressed through the applicant strengthening the north-eastern access to the development and providing a new entrance on the eastern elevation. However, the eastern entrance has not been incorporated in the revised plans, resulting in the need for pedestrians using this north-eastern pathway to walk around the pathway abutting the eastern at-grade car park to access the southern entrance. This does not provide a good pedestrian experience and would likely be particularly challenging for persons with a disability or in a wheelchair. Given the nature of the use is predominantly medical services, a clear and straightforward pedestrian access experience is considered essential.

Whilst it would have been preferable for the applicant to have had discussions with the shopping centre owner regarding pedestrian accessibility prior to this application being determined, the City considers a suitable arrangement can be achieved through some minor modifications to the submitted plans that would not impact on the operation of the development or its appearance from the public realm. This may include reinstating the eastern entrance. On this basis, it is recommended that a condition is included on any approval that requires amended plans to be submitted and approved by the City

which demonstrate improved pedestrian access from the shopping centre lot to the north and north-east into the proposed development.

Landscaping

Provision	Requirement	Proposal	Assessment
Commercial LPP 5.7 Landscaping	Total of 8% of the site as landscaping Landscape areas minimum width of 1 metre	7.65% landscaping (previously 7.2%) • 0.5m width in front of building on southern side. • 0.25m along eastern boundary. • 0.9m along street boundary	The marginal increase in landscape area is attributed to the introduction of a landscape strip along the lot's northern boundary, and modifications to at-grade car parking. The width of garden beds, while not meeting the required width of 1 metre are consistent with the previous approval and are supported by the City.

Landscaping associated with the amended proposal is generally consistent with the originally approved proposal, with some additional landscaping being provided along the northern frontage of the building (facing the shopping centre), as a result of the increased setback to this boundary. Some further minor landscaping changes were made within the small parking area to the south of the chemist tenancy, to improve pedestrian connectivity and access arrangements.

The City has reviewed the species and landscaping widths proposed on the landscaping plan (Attachment 2 refers) and is generally supportive of the garden beds and landscaping strips proposed, subject to minor modifications to species composition adjacent to the car park and pedestrian path in the verge.

Should the application be approved condition 4 of the original approval would allow these details to be adequately resolved to the City's satisfaction.

Waste Management

Provision	Requirement	Proposal	Assessment
Commercial LPP 5.9 Servicing	Waste is directly accessible for pick up and does not adversely affect car parking and vehicle or pedestrian access	When a waste vehicle is parked for collection, between 2-3 parking bays on the adjoining lot would be unusable.	The timing and duration of waste collection proposed will limit disruption to the aforementioned bays. Signage within the vicinity of the waste collection area will

			further ensure that waste collection does not adversely affect car parking on the adjoining lot. Impacted by reciprocal parking and access arrangements.

The applicant has provided a Waste Management Plan included as Attachment 11 to support the proposal.

The previous approval included waste collection from the basement car park, however due to insufficient vehicle clearance within the basement, it is proposed to relocate the waste collection point to the north-eastern corner of the lot, where collection would occur via the adjoining lot to the north. The proposed waste arrangements for the site are as follows:

- Bin storage within the basement level with a service lift for transportation of bins to ground level.
- A building setback of 1.3 metres to the north-eastern lot boundary allowing bin access from the service lift to the bin collection point.
- Bin placement on-site, with collection to be undertaken via a ten metre long waste truck accessing this area from the adjoining lot to which there is a reciprocal right of access. Proposed location for waste collection is shown in figure 3 of Attachment 11.

In relation to use of the adjoining site to enable the proposed waste collection, the applicant has provided the following justification:

- Twice weekly collection will be completed prior to 8am on collection days and is anticipated to be for a period of no longer than 30 minutes. A designated staff member will provide access to the bin enclosure for the private waste contractor's personnel.
- Turning movements within the waste management plan demonstrating that a waste vehicle is able to safely access the car park on the adjoining site for collection, noting that there is an agreement in place for reciprocal access and parking.
- During the waste collection process, it would not be possible to access the parking bays immediately to the rear and side of the waste collection vehicle. The proponent intends to engage with the Shopping Centre owner to include signage/marking to advise motorists of this, with the view to minimising any potential inconvenience.

The Commercial LPP requires that waste collection not adversely impact upon car parking, vehicle access or pedestrian access. The amended waste collection point to the north-eastern side of the lot has the potential to impact on manoeuvring of two to three existing car parking bays on the adjoining lot. However, given the uncertainty over the status of the reciprocal parking and access agreement between the subject lot and the shopping centre, the City is unable to provide support to this collection arrangement at this time.

In the event reciprocal parking and access arrangements are clear between the sites, the City considers the proposed waste collection arrangement can be supported subject to installation of signage and/or linemarking to notify patrons that the bays are required to be used for waste collection prior to 8am. The applicant/landowner will also need to liaise with the shopping centre owner/manager in relation to this signage.

State Planning Policy 7.0 – Design of the Built Environment

The applicant has provided a statement addressing the 10 design principles of SPP7.0 which is included as Attachment 12.

While the City considers that the proposal generally meets the design principles of SPP7.0 the information provided in Attachment 7 regarding Legibility refers to "a meticulously designed footpath, seamlessly integrated with existing pathways and guiding individuals to building entrances, is a tangible manifestation of successful architectural legibility". As discussed further above, the integration of the proposed footpath between the northern building entry and the adjoining shopping centre site to the north has not yet been adequately detailed, however could be addressed through an additional condition of approval.

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval

Since the time of the previous approval being granted by the JDAP the City received two further applications requesting a time extension, one in 2018 and another in 2022. The applicant has stated that following the 2018 approval documentation for a building permit submission was prepared but never presented to the City as the arrangements with relevant contractors were put on hold as a result of the onset of the COVID-19 pandemic.

The second extension of time application lodged with the City in 2022 was subsequently withdrawn, to allow the applicant time to make modifications to the development, in response to issues identified during preparation of building permit documentation.

In light of the above, it is considered that during the time between the previous approval being granted and the current application being lodged, the holder of the development approval has actively sought implementation of the development approval.

Whether the time originally limited was adequate in all of the circumstances

Prior to COVID-19 development approvals were generally subject to a two year approval period. In response to the COVID-19 pandemic the State government granted a 'blanket' two year extension for any approvals that remained valid in April 2020. This was in response to problems commonly experienced by the development industry at the time, including financial pressures and issues associated with acquiring materials/trades.

The previous approval granted in 2016 was subject to an approved extension of time which extended the approval period to 4 September 2020 and therefore this approval was subject to the blanket two year extension afforded by the State government. The approval therefore lapsed on 4 September 2022, at which time the applicant had an

active development application lodged with the City to further extend this approval period.

It is considered that the time originally limited in each of the approvals mentioned above was adequate noting that the applicant benefited from an additional two years of validity as a result of measures responding to COVID-19.

Was the developer seeking to "warehouse" the approval

Warehousing has been interpreted as obtaining permits with no intention of acting on these approvals.

As outlined above the applicant has actively sought to implement the development approval, with the current application including modifications in response to building requirements.

It is therefore considered that the developer has not sought to warehouse the approval.

Conclusion:

The City has considered this extension of time and proposed amendments to the previous approval against its planning framework and considers that the proposed uses and built form, coupled with relevant conditions, are appropriate in this context.

However, there is uncertainty as to the binding nature of prior reciprocal parking and access arrangements between the subject lot and the shopping centre. As a result of changes to the parking standards since the 2016 approval, the shortfall proposed by this application increases from 28 bays to 110 bays. In the absence of certainty over whether there is a binding reciprocal parking and access arrangement with the shopping centre in place, the City does not consider that the parking demand for the subject proposal can be accommodated within the 42 bays proposed on-site.

Whilst the certainty of the binding nature of the reciprocal parking and access arrangements between the subject lot and the shopping centre is not a new issue, the City has had cause to investigate the matter further as part of this application given information submitted through the assessment.

The history and nature of the reciprocal parking and access arrangements between the subject lot and the shopping centre is complex and at the time of writing this report the City has been unable to reach a conclusive position.

Given the proposed development relies on the ability to make use of parking and access on the adjoining lot to support an on-site parking shortfall as well as to access its basement carpark and waste servicing, it is recommended that the JDAP defer determination of the application to enable the applicant to engage with the adjoining landowner to resolve issues relating to reciprocal parking and access.

<u>Alternatives</u>

In accordance with clause 17(4) of the Regulations, the JDAP may determine an application by either approving the application (with or without conditions) or refusing the application.

Approval

2. **Approve** DAP Application reference DAP/15/00832 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, for the proposed amendments to the approved Mixed Use Development at Lot 9 (937) Whitfords Avenue, Woodvale subject to the following conditions:

Deleted Conditions

12. Basement car parking spaces 28 and 29 shall be marked and clearly signposted as dedicated for staff use only prior to occupation of the development, to the satisfaction of the City.

(and renumber all subsequent conditions accordingly)

Amended conditions

9. A refuse management plan indicating the method of rubbish collection, including signage and/or line marking to advise of collection times from the adjoining car park, 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.

14. The Café is approved for the purposes of a 'Restaurant/café' as defined under the City of Joondalup Local Planning Scheme.

New Conditions

16. The gross leasable retail floorspace associated with the development shall not exceed 180m^2.

17. Amended plans shall be submitted to and approved by the City prior to commencement of construction to address the following:

    a. Improved pedestrian access into the development from the shopping centre to the north and north-east;
    b. Improved pedestrian access in the vicinity of the slip road access from Whitfords Avenue;
    c. Improved vehicle sightlines for vehicles exiting the adjacent fast food outlet on Lot 10;
    d. Modifications to existing and additional linemarking, kerbing and signage to improve vehicle access and manoeuvrability in the vicinity of the slip road access to the site from Whitfords Avenue and entrance to the eastern most parking bays associated with the proposed development; and
    e. Accessibility for bays 1 and 20 within the basement carpark.

Construction shall be undertaken in accordance with the approved plans:

New Advice Notes

11. The applicant/landowner is strongly encouraged to proactively liaise with the shopping centre landowner/manager in relation to installation of signage.

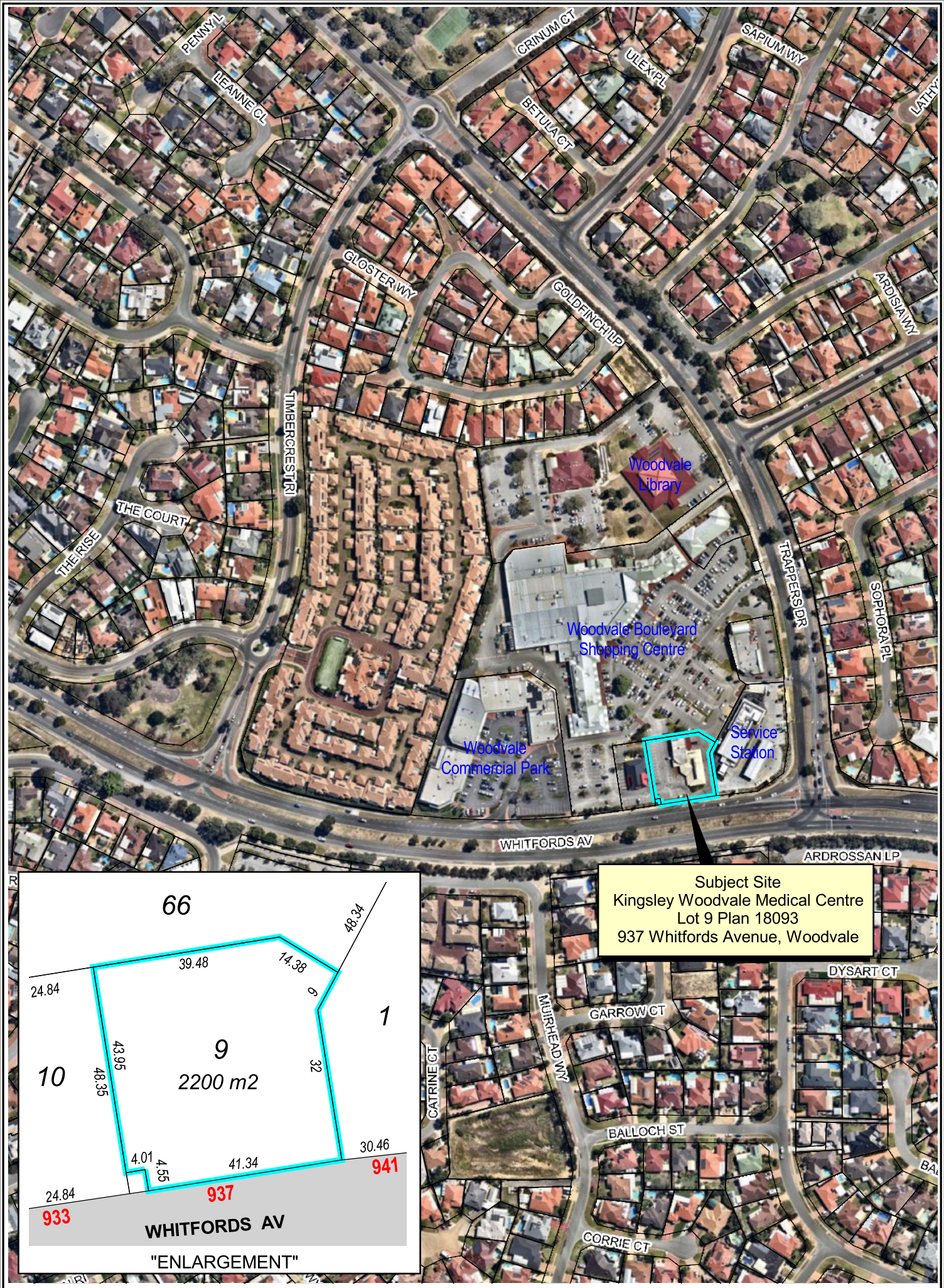
12. Further to condition 17, it is noted the submitted plans did not include the eastern pedestrian entrance which formed part of the 2016 approved plans. This pedestrian entrance was considered to address the previous reason for refusal relating to pedestrian linkages. In addition, the applicant/landowner is strongly encouraged to proactively liaise with the shopping centre landowner/manager in order to provide a coordinated, logical and safe pedestrian experience to the subject development from the shopping centre lot.

All other conditions and requirements detailed on the previous approval dated 27 July 2016 shall remain unless altered by this application.

Refusal

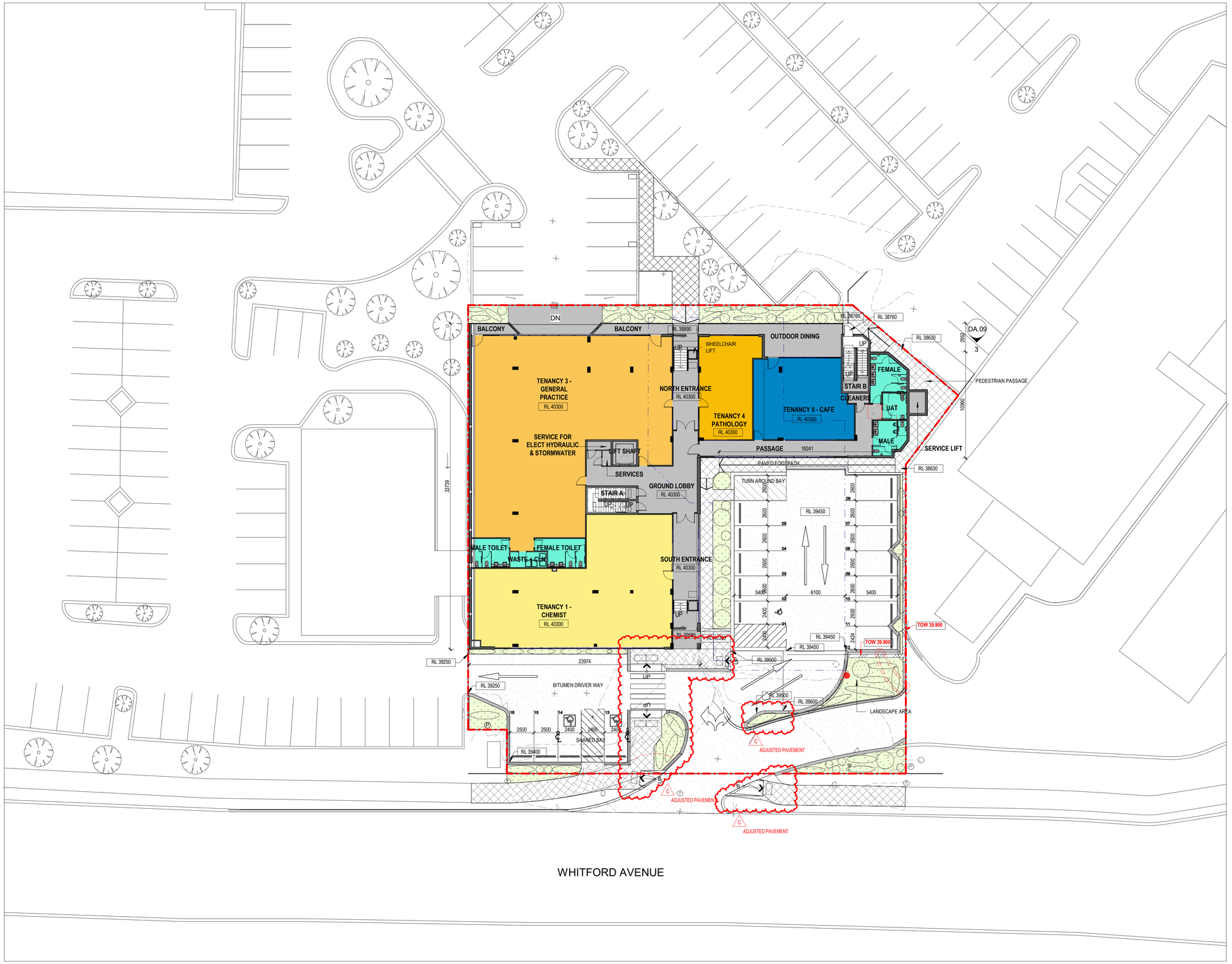
2. **Refuse** DAP Application reference DAP/15/00832 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, for the proposed amendments to the approved Mixed Use Development at Lot 9 (937) Whitfords Avenue, Woodvale for the following reasons:

    1. Having regard to clauses 67 (m) and (s) of the Planning and Development (Local Planning Schemes) Regulations 2015, there is inadequate on-site parking to accommodate the demands of the proposed development, which will likely result in an increased demand for parking on adjoining land that is likely to be detrimental to adjoining existing development.



City of Joondalup

lot9-937_whitfords-191220023



1 A.010 SITE PLAN - GROUND FLOOR - STAGE 1

1 : 200

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
A	ISSUE FOR INFORMATION	07.12.2023
B	ISSUE FOR INFORMATION	13.12.2023
C	ISSUE FOR INFORMATION	16.01.2024

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

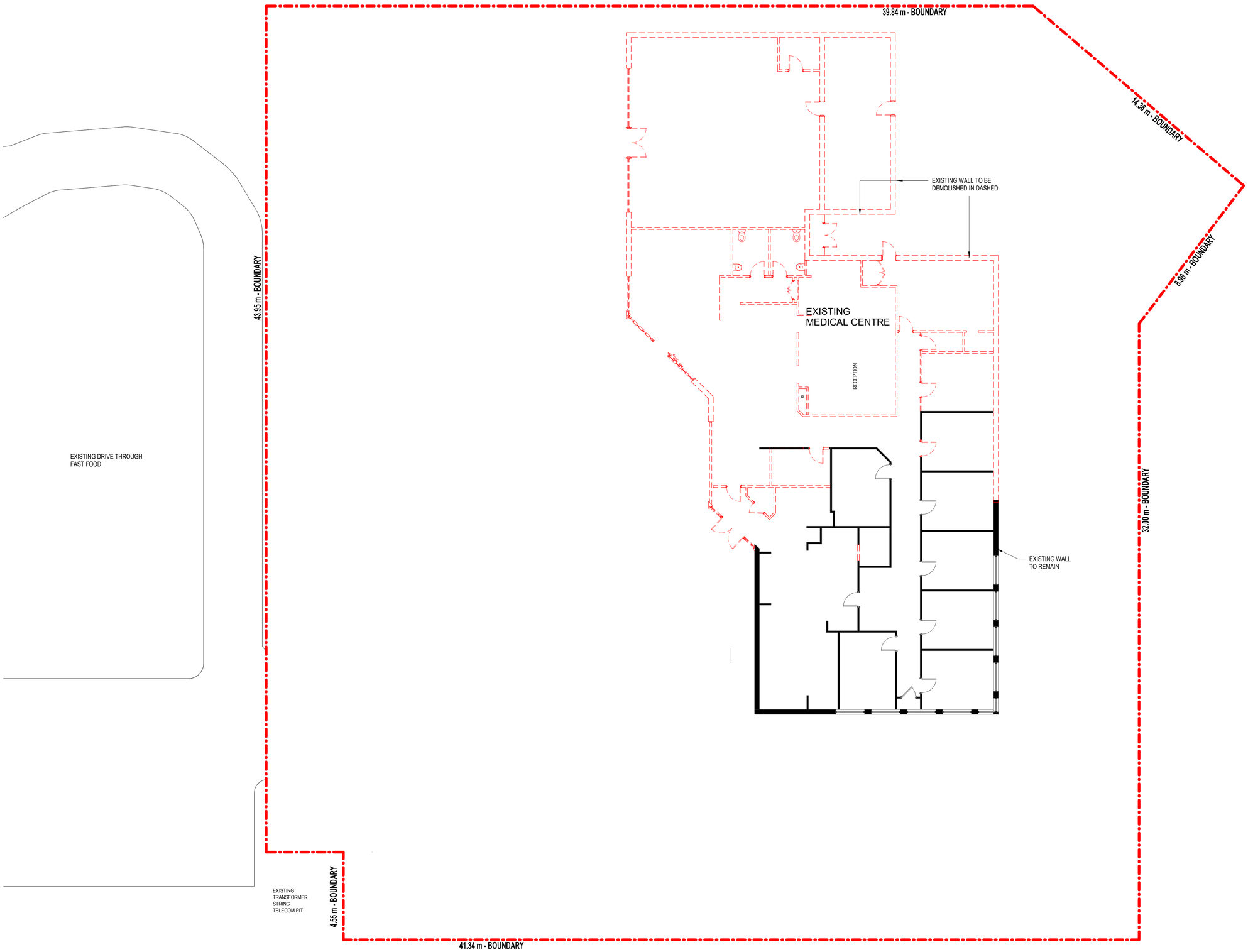
PROPOSED MEDICAL CENTRE

SITE PLAN - GROUND FLOOR - STAGE 1

PROJECT NO.	23-09
DATE	29.06.2023
DRAWN BY	Author
CHECKED BY	Checker

DA.04A Rev. C

SCALE 1 : 200@ A1 SIZE



1 A.010 SITE PLAN - DEMOLITION

1 : 100

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
A	ISSUE FOR INFORMATION	29.06.2023
B	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

DEMOLITION - SITE PLAN

PROJECT NO.	23-09
DATE	29.06.2023
DRAWN BY	RT
CHECKED BY	RT

DA.01

Rev. B

SCALE 1 : 100@ A1 SIZE

1 A.010 SITE PLAN - EXISTING MEDICAL CENTRE
1 : 100

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
A	ISSUE FOR INFORMATION	29.06.2023
B	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

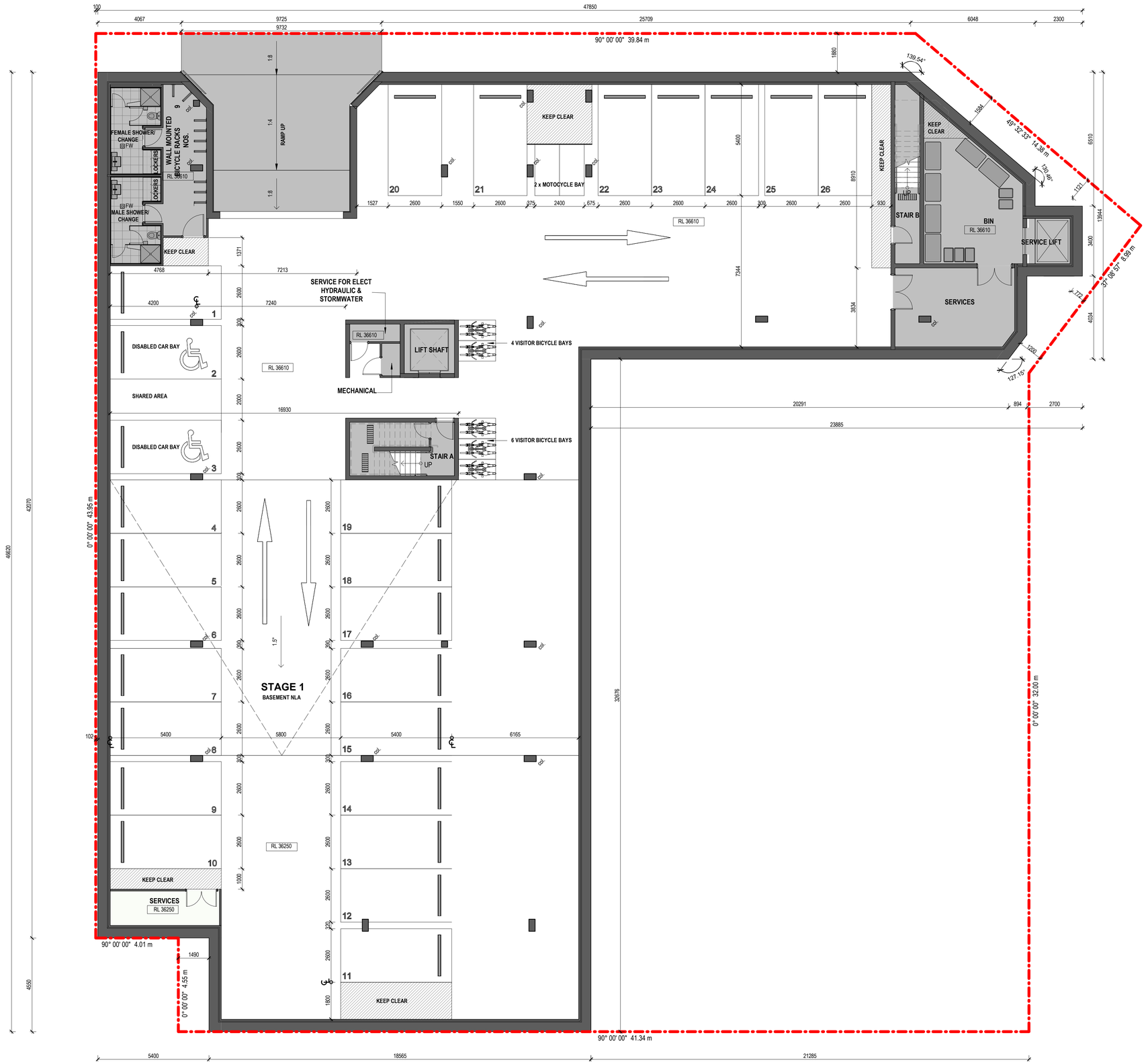
PROPOSED MEDICAL CENTRE

EX. MEDICAL CENTRE MODIFICATION

PROJECT NO.	23-09
DATE	29.06.2023
DRAWN BY	RT
CHECKED BY	RT

DA.02 Rev. B

SCALE 1 : 100@ A1 SIZE



STAGE 1

NOTE:

All measurements are approximate only.
It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

DA.09
3

BASEMENT - AREA SCHEDULE

BASEMENT FLOOR - 1

PERIMETER BUILDING AREA INCLUDING THE LIFT & SERVICE CORE, WASTER AREA, RAMP, CYCLE STORE & ABLUTIONS,AND THE EXTERNAL ENTENT OF THE COMPILE RETAINING WALL	1291 m²

as
A.010
BASEMENT FLOOR PLAN - STAGE 1
1 : 100

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
H	ISSUE FOR INFORMATION	29.06.2023
I	ISSUE FOR INFORMATION	12.07.2023
J	ISSUE FOR INFORMATION	07.12.2023
K	ISSUE FOR INFORMATION	13.12.2023
L	ISSUE FOR INFORMATION	18.12.2023

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

BASEMENT FLOOR PLAN - STAGE 1

PROJECT NO.	23-09
DATE	29.06.2023
DRAWN BY	Author
CHECKED BY	Checker

DA.03
Rev. L
SCALE 1 : 100@ A1 SIZE

4 GROUND FLOOR PLAN - STAGE 1
A.010 1 : 100

STAGE 1

NOTE:

All measurements are approximate only.
It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

GROUND FLOOR - AREA SCHEDULE	
OUTDOOR DINING	27 m²
TENANCY 1 - CHEMIST	217 m²
TENANCY 3 - GENERAL PRACTICE	352 m²
TENANCY 4 - PATHOLOGY	61 m²
TENANCY 5 - CAFE	82 m²
	739 m²
CIRCULATION	
COVERED ENTRANCE , RAMPS, PUBLIC STAIRS, LIFT LOBBY, PASSAGE TO PUBLIC TOILET AND FIRE STAIR	149 m²
	149 m²
BASEMENT ROOF SLAB	
NORTH OF GENERAL PRACTICE	5 m²
NORTH OF GENERAL PRACTICE	8 m²
NORTH OF PATHOLOGY	7 m²
	20 m²
PUBLIC TOIELTS, AND CLEANERS CLOSETS	
CLEANERS CLOSET	2 m²
PUBLIC TOILETS	34 m²
	36 m²
MALE, FEMALE, DISABLED, CLEANERS, SERVICES	
CENTRAL FIRE STAIR	13 m²
FIRE STAIR NORTH EAST	15 m²
LIFT & SERVICE CORE	10 m²
	38 m²
TOTAL FLOOR AREA	981 m²

INDICATES:

- NEW BRICKWORK
- CONCRETE WALL
- RETAINING WALL AS NECESSARY (T.O.W. 39.90)
- R.L 39.60 — NEW GROUND LEVELS
- 40.00 — EXISTING GROUND LEVELS (MAINTAINED)
- EXTENT OF LANDSCAPING
- AREA TO BE BITUMEN
- PAVED FOOTPATH

LANDSCAPING PLAN

BIOLOGICAL NAME:	COMMON NAME:	MAX. HEIGHT	MAX. WIDTH	QUANTITY
1. EUCALYPTUS TORQUATA	Coral Gum	6000-10000mm	3000mm	9
2. HYPOCALYMMA ANGUSTIFOLIUM	White myrtle	1000mm	1000mm	22
3. JUNIPERUS CONFERTA	japanese Shore Juniper	300mm	2500mm	17
4. DIANELLA SPECIES	Varies	Varies	Varies	
5. GREVILLEA THELEMANNIANA	Red Ramble	200mm	3000mm	21

EUCALYPTUS TORQUATA

HYPOCALYMMA ANGUSTIFOLIUM

JUNIPERUS CONFERTA

DIANELLA SPECIES

GREVILLEA THELEMANNIANA

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
I	ISSUE FOR INFORMATION	12.07.2023
J	ISSUE FOR REVISED DA	14.07.2023
K	ISSUE FOR INFORMATION	07.12.2023
L	ISSUE FOR INFORMATION	13.12.2023
M	ISSUE FOR INFORMATION	16.01.2024

Sub-contractors to verify all dimension on site

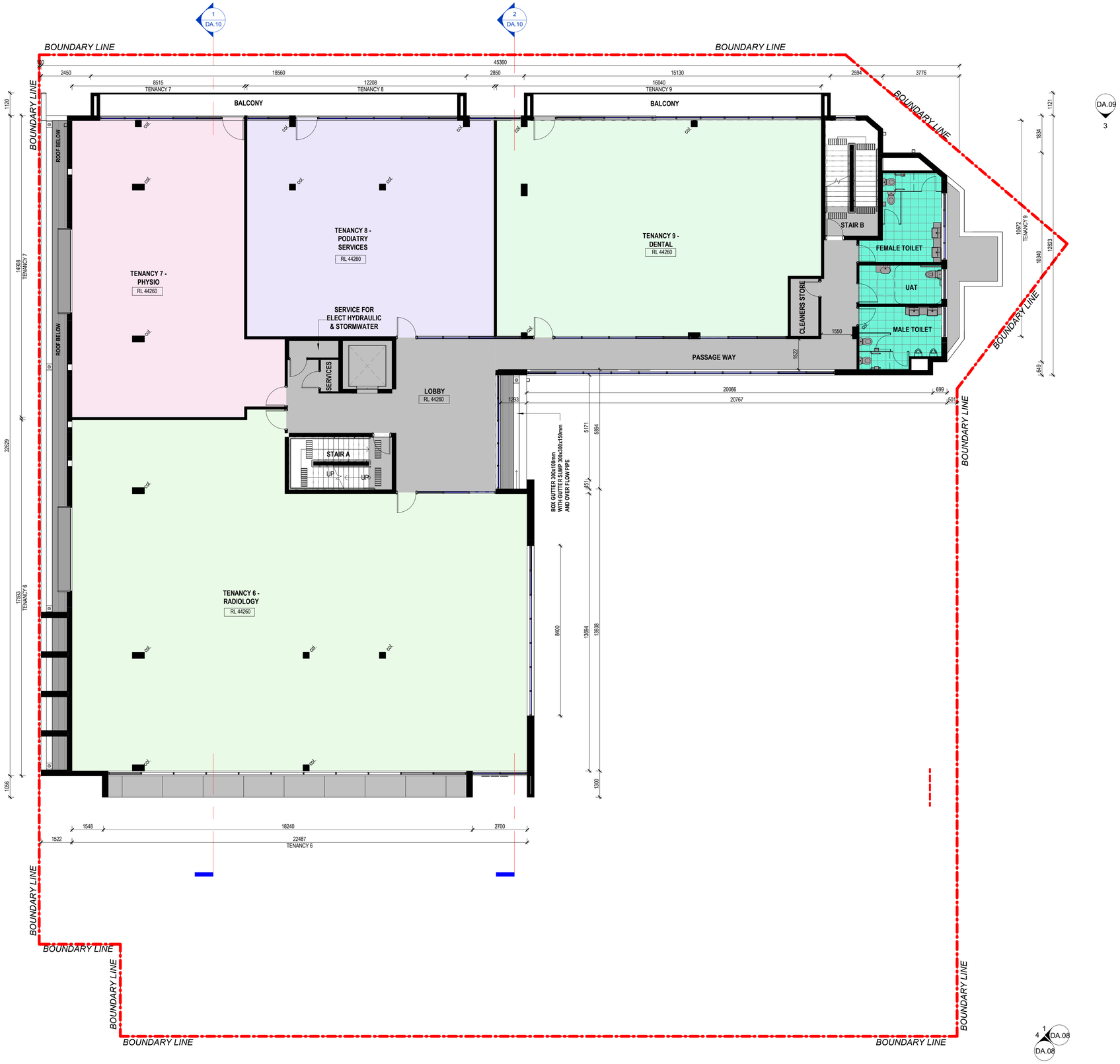
CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

GROUND FLOOR PLAN - STAGE 1

PROJECT NO.	23-09	DA.04	Rev. M
DATE	29.06.2023		
DRAWN BY	TT		
CHECKED BY	RT	SCALE	As indicated@ A1 SIZE



STAGE 1

NOTE:

All measurements are approximate only.
It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

1ST FLOOR - AREA SCHEDULE	
TENANCY 6 - RADIOLOGY	347 m²
TENANCY 7 - PHYSIO	131 m²
TENANCY 8 - PODIATRY SERVICES	130 m²
TENANCY 9 - DENTAL	166 m²
	774 m²
1ST FLOOR - CIRCULATION	
LIFT LOBBY, PASSAGE WAY ,PARAPET	86 m²
	86 m²
MALE, FEMALE, DISABLED, CLEANERS, SERVICES	
CLEANERS CLOSET	4 m²
COMMUNAL ABLUTIONS	36 m²
	39 m²
STAIRS	
CENTRAL FIRE STAIR	13 m²
FIRE STAIR NORTH EAST	15 m²
LIFT & SERVICE CORE	6 m²
	34 m²
TOTAL FLOOR AREA	933 m²

1 A.010 STAGE 1 - 1ST FLOOR PLAN
1 : 100

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
E	ISSUE FOR INFORMATION	18.06.2023
F	ISSUE FOR INFORMATION	29.06.2023
G	ISSUE FOR INFORMATION	12.07.2023
H	ISSUE FOR REVISED DA	14.07.2023
I	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

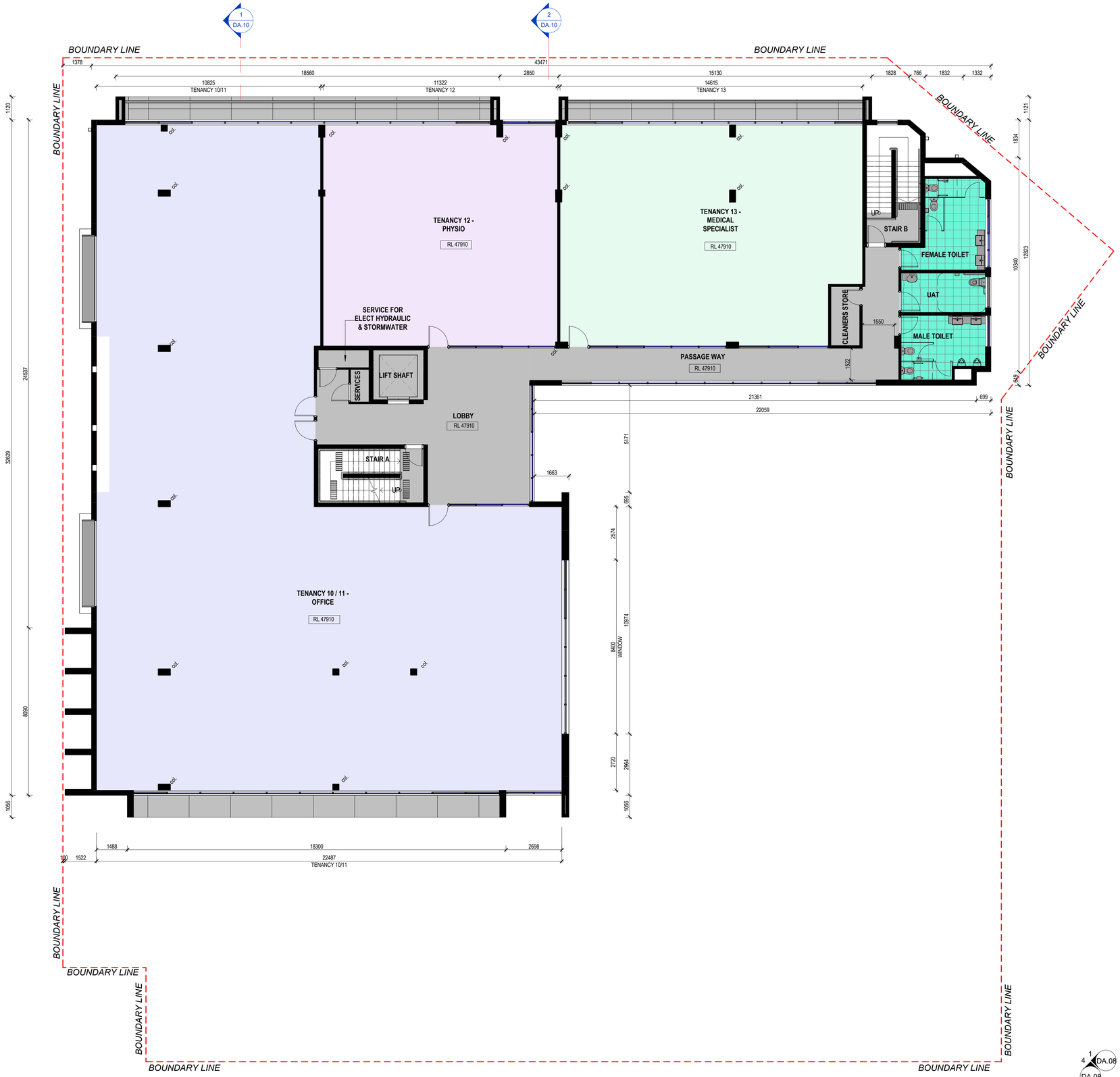
CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

1ST FLOOR PLAN - STAGE 1

PROJECT NO.	23-09	DA.05	Rev. I
DATE	29.06.2023		
DRAWN BY	Author		
CHECKED BY	Checker	SCALE	1 : 100@ A1 SIZE



STAGE 1

NOTE:

All measurements are approximate only.
It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

2ND FLOOR - AREA SCHEDULE	
TENANCY 10/11 - OFFICE	504 m²
TENANCY 12 - PHYSIO	121 m²
TENANCY 13 - MEDICAL SPECIALIST	150 m²
	775 m²
2ND FLOOR - CIRCULATION	
LIFT LOBBY, PASSAGE WAY, PARAPET	87 m²
	87 m²
MALE, FEMALE, DISABLED, CLEANERS, SERVICES	
CLEANERS CLOSET	4 m²
COMMUNAL ABLUTIONS	35 m²
	39 m²
STAIRS	
CENTRAL FIRE STAIR	13 m²
FIRE STAIR NORTH EAST	15 m²
LIFT & SERVICE CORE	6 m²
	34 m²
TOTAL FLOOR AREA	934 m²

1 A.010 STAGE 1 - 2ND FLOOR PLAN
1 : 100

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
E	ISSUE FOR INFORMATION	18.06.2023
F	ISSUE FOR INFORMATION	29.06.2023
G	ISSUE FOR INFORMATION	12.07.2023
H	ISSUE FOR REVISED DA	14.07.2023
I	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

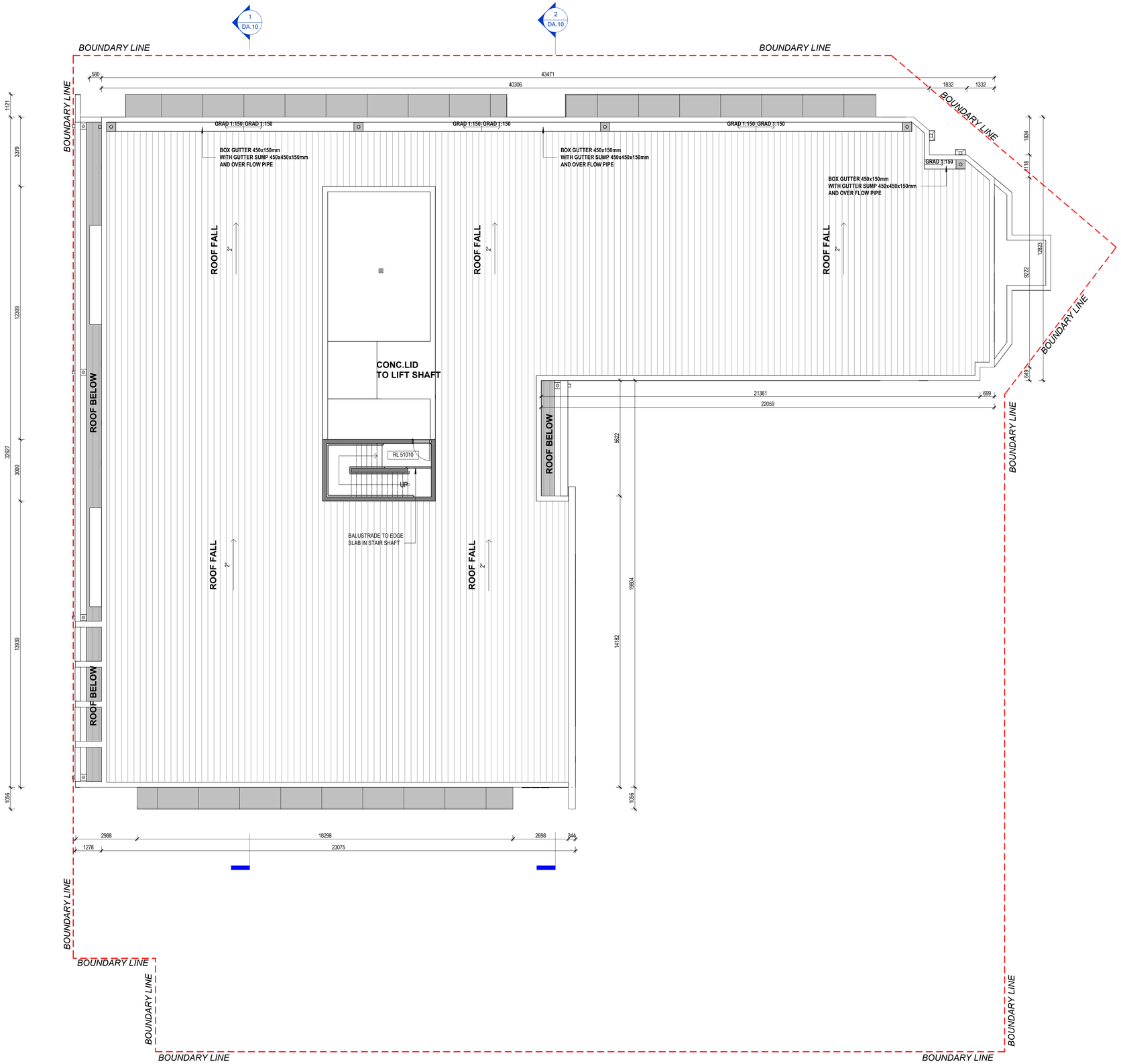
CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

2ND FLOOR PLAN - STAGE 1

PROJECT NO.	23-09	DA.06	Rev. I
DATE	29.06.2023		
DRAWN BY	Author		
CHECKED BY	Checker	SCALE	1 : 100@ A1 SIZE



STAGE 1

NOTE:

All measurements are approximate only.
It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

ROOF LEVEL - AREA SCHEDULE	
CENTRAL FIRE STAIR	13 m²
LIFT & SERVICE CORE	6 m²
PLANT	53 m²
	72 m²
TOTAL FLOOR AREA	72 m²

INDICATES:

ROOF FALL

LYSAUGHT KLIPLOCK ROOF SHEETING

1 / A.010 STAGE 1 - ROOF PLAN
1 : 100

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
C	ISSUE FOR INFORMATION	06.06.2023
D	ISSUE FOR INFORMATION	08.06.2023
E	ISSUE FOR INFORMATION	16.06.2023
F	ISSUE FOR INFORMATION	29.06.2023
G	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

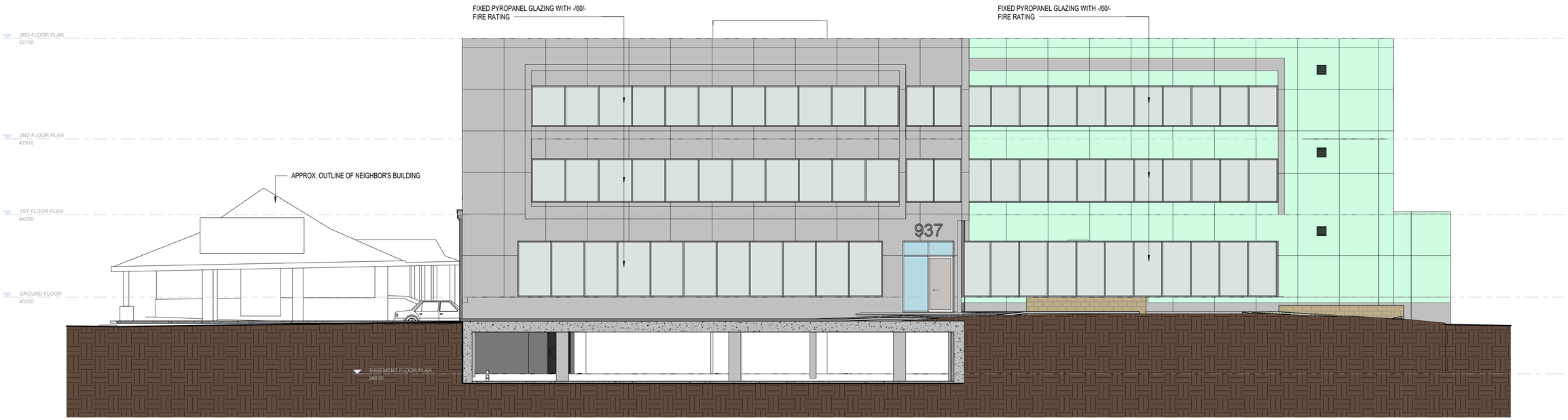
ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

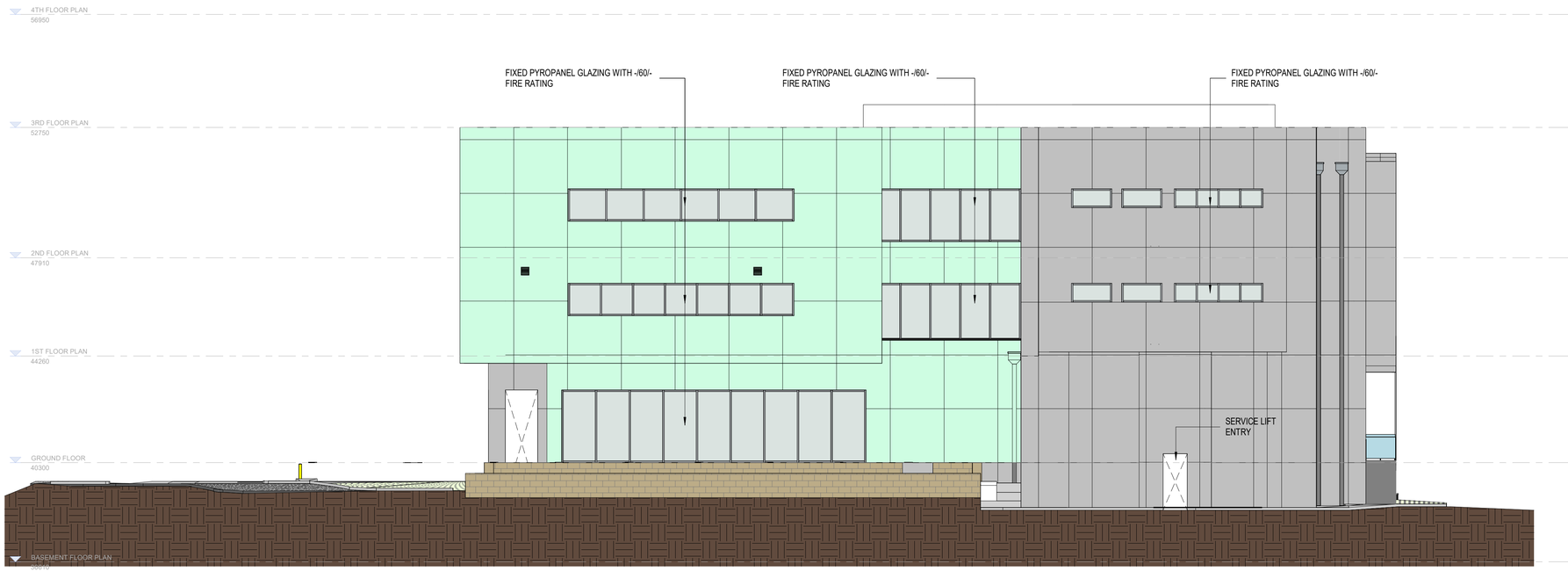
ROOF PLAN - STAGE 1

PROJECT NO.	23-09	DA.07	Rev. G
DATE	29.06.2023		
DRAWN BY	Author		
CHECKED BY	Checker	SCALE	As indicated@ A1 SIZE

STAGE 1
ELEVATIONS



1 DA.05 ELEVATION 1 - STAGE 1
1 : 100



4 DA.04 ELEVATION 4 - STAGE 1
1 : 100

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
D	ISSUE FOR INFORMATION	06.06.2023
E	ISSUE FOR INFORMATION	08.06.2023
F	ISSUE FOR INFORMATION	18.06.2023
G	ISSUE FOR INFORMATION	29.06.2023
H	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

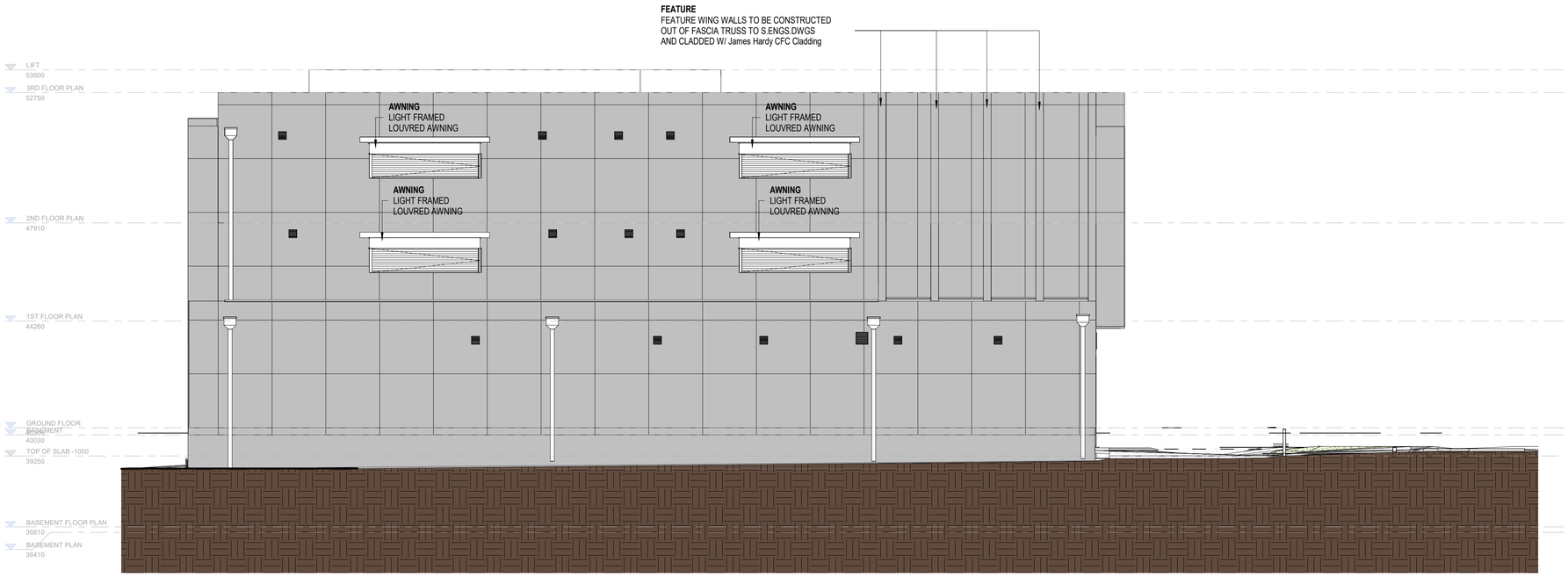
ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

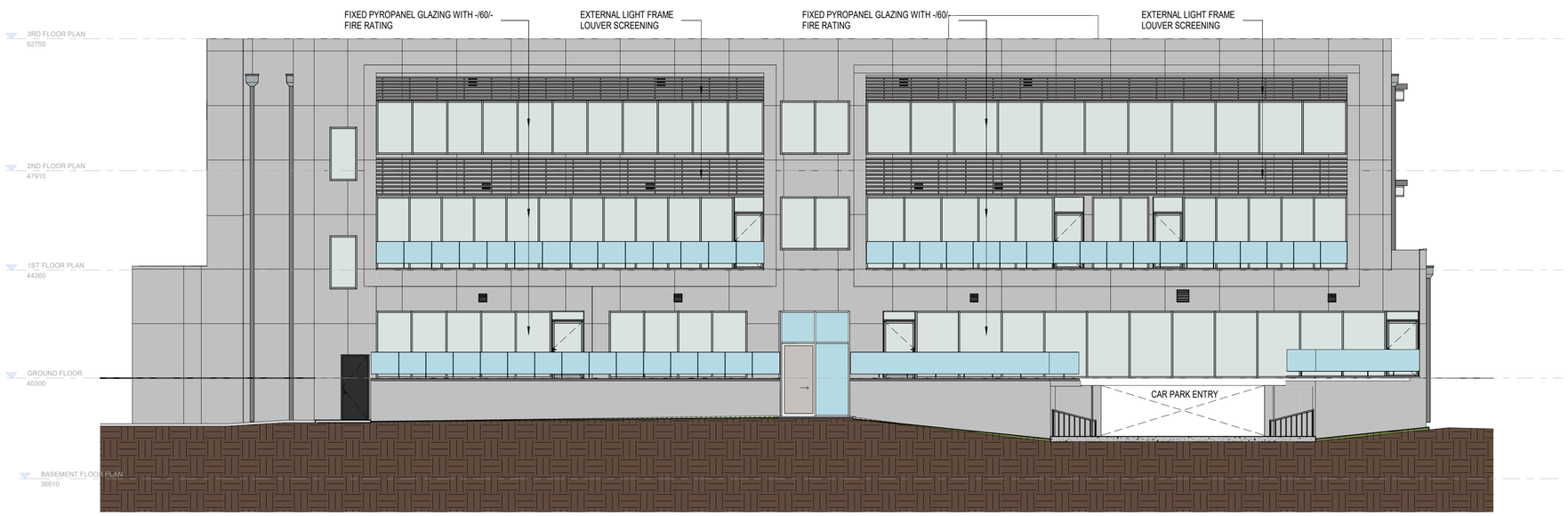
ELEVATION 1 & 4 - STAGE 1

PROJECT NO.	23-09	DA.08	Rev. H
DATE	29.06.2023		
DRAWN BY	TT		
CHECKED BY	RT	SCALE	1 : 100@ A1 SIZE

STAGE 1
ELEVATIONS



1 SK003 ELEVATION 2 - STAGE 1
1 : 100



3 DA.03 ELEVATION 3 - STAGE 1
1 : 100

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
C	ISSUE FOR INFORMATION	06.06.2023
D	ISSUE FOR INFORMATION	08.06.2023
E	ISSUE FOR INFORMATION	18.06.2023
F	ISSUE FOR INFORMATION	29.06.2023
G	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

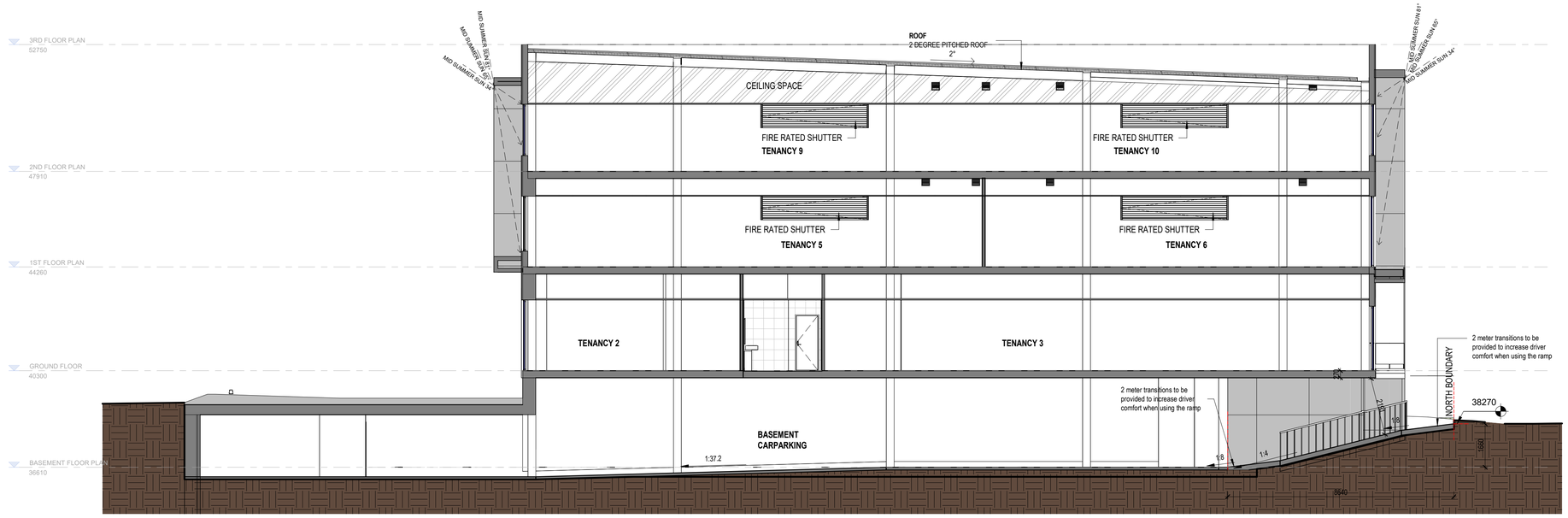
ELEVATION 2 & 3 - STAGE 1

PROJECT NO.	23-09
DATE	29.06.2023
DRAWN BY	TT
CHECKED BY	RT

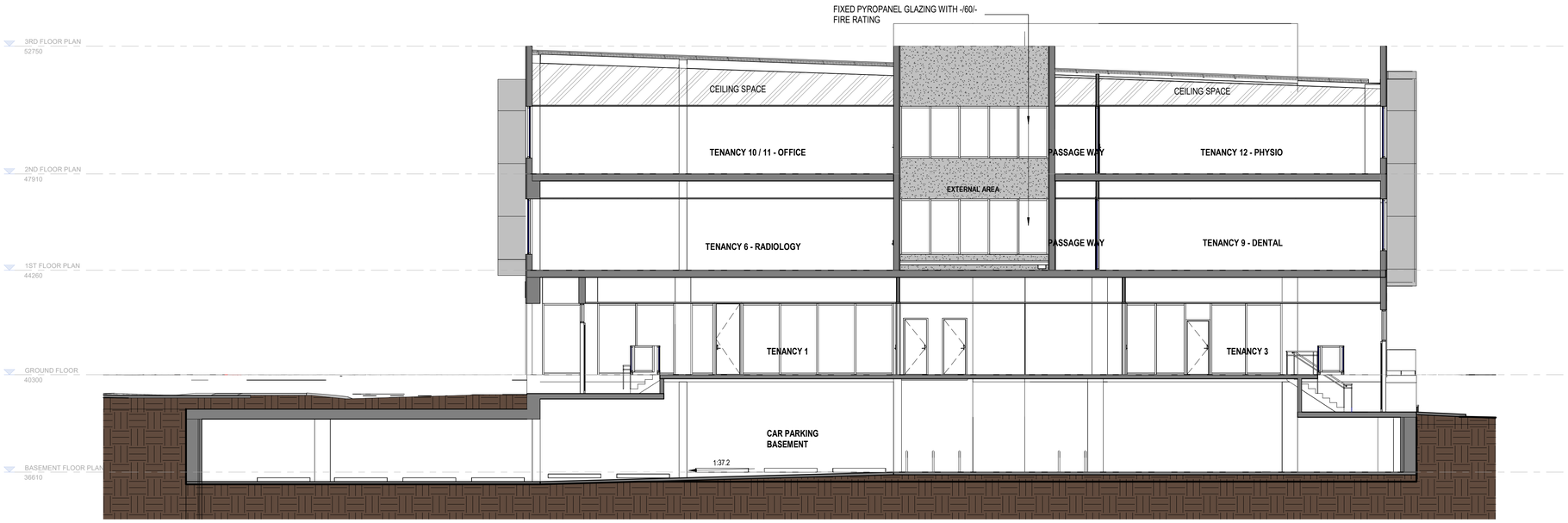
DA.09 Rev. G

SCALE 1 : 100@ A1 SIZE

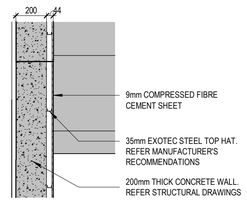
STAGE 1
SECTIONS



1 DA.05 SECTION A - STAGE 1
1 : 100



2 DA.05 SECTION B - STAGE 1
1 : 100



3 DETAIL 1
1 : 20

NOTE:
USE BEFENTHRIN CHEMICAL FOR TERMITE TREATMENT

ROOF CONSTRUCTION AS SPECIFIED AND IN ACCORDANCE WITH AS1684-2006

PRELIMINARY ISSUE

ryan tsen architects.

REV	DESCRIPTION	DATE
C	ISSUE FOR INFORMATION	06.06.2023
D	ISSUE FOR INFORMATION	08.06.2023
E	ISSUE FOR INFORMATION	18.06.2023
F	ISSUE FOR INFORMATION	29.06.2023
G	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

SECTION - STAGE 1

PROJECT NO.	23-09
DATE	29.06.2023
DRAWN BY	Author
CHECKED BY	Checker

DA.10 Rev. G

SCALE As indicated@ A1 SIZE

Government of **Western Australia**
Development Assessment Panels

LG Ref: DA14/0664
DoP Ref: DAP/15/00832
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919

State Administrative Tribunal
contact@sat.justice.wa.gov.au

Dear Sir/Madam,

State Administrative Tribunal Review Outcome – DR 86 of 2016
Lot 9 (937) Whitfords Avenue, Woodvale
Three Storey Medical Centre

Please be advised that the Metro North West Joint Development Assessment Panel reconsidered the abovementioned development application pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 27 July 2016.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

29/07/2016

Enc: Amended DAP Determination Notice

cc: Citypride Holdings Pty Ltd

State Solicitor's Office
GPO Box F317
PERTH WA 6001

Ms Renae Mather
City of Joondalup

Government of **Western Australia**
Development Assessment Panels

Planning and Development Act 2005

City of Joondalup Town Planning Scheme No. 2

Metro North West Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Location: Lot 9 (937) Whitfords Avenue, Woodvale
Description of proposed Development: Three Storey Medical Centre

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro North West Joint Development Assessment Panel, at its meeting on 27 July 2016, has reconsidered its decision dated 29 February 2016 with respect to the above application, SAT Ref. DR of 2016 and has resolved to:

Set aside the decision dated 29 February 2016 and **approve** DAP Application reference DAP/15/00832 and accompanying plans Job 818 pages 1-7 of Rev Di in accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

1. A Construction Management Plan shall be submitted to and approved by 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.

2. All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.

3. 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.

4. Detailed landscaping plans shall be submitted to and approved by 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. All development shall be contained within the property boundaries.

12. Basement car parking spaces 28 and 29 shall be marked and clearly signposted as dedicated for staff use only prior to occupation of the development, to the satisfaction of the City.

13. The General Practice, Medical Specialist, Dental, Radiology and Physio are approved for the purposes of a 'Medical Centre' as defined under the City of Joondalup Local Planning Scheme.

14. The Café is approved for the purposes of a 'Restaurant' as defined under the City of Joondalup Local Planning Scheme.

15. The Pharmacy is approved for the purposes of a 'Shop' as defined under the City of Joondalup Local Planning Scheme.

16. A signage strategy shall be submitted to and approved by the City prior to occupation of the development.

Advice notes:

1. Further to condition 3, the at-grade car bays to the south of the development shall meet the minimum width required under Australian Standard AS2890.1.

2. Car park ventilation to comply with the B.C.A. and Australian Standards 1668.2.

3. 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.

4. The City of Joondalup District Planning Scheme No. 2 defines 'Medical Centre' as meaning a "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)".

5. The City of Joondalup District Planning Scheme No. 2 defines 'Office' as meaning a "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".

6. The City of Joondalup District Planning Scheme No. 2 defines 'Shop' as meaning a "premises other than a bulky good showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services".

7. The City of Joondalup District Planning Scheme No. 2 defines 'Restaurant' as meaning "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".

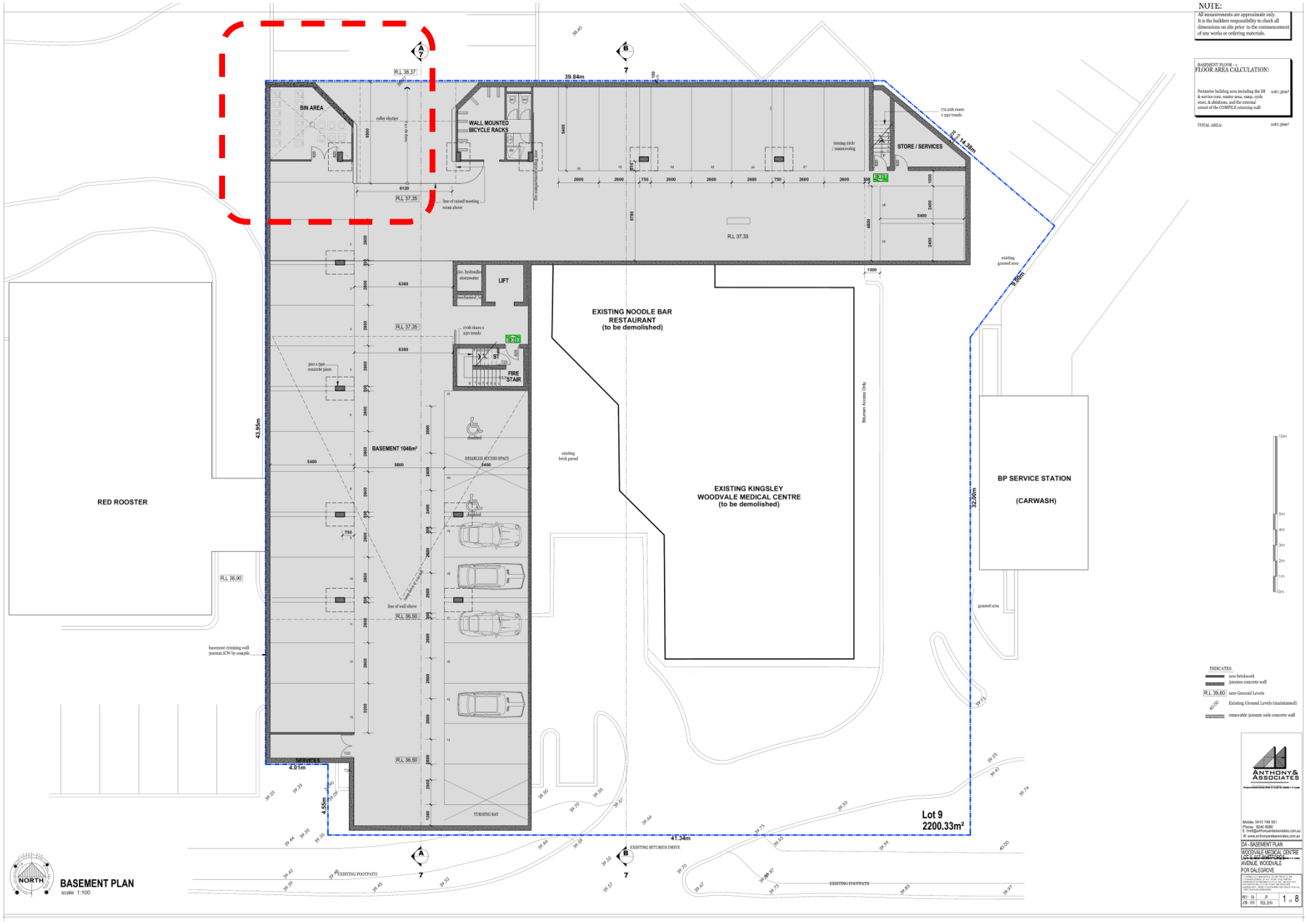
8. Any signage shall be the subject of a separate development application.

9. Food business premises to comply with the requirements of the *Food Act 2008.*

10. 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.

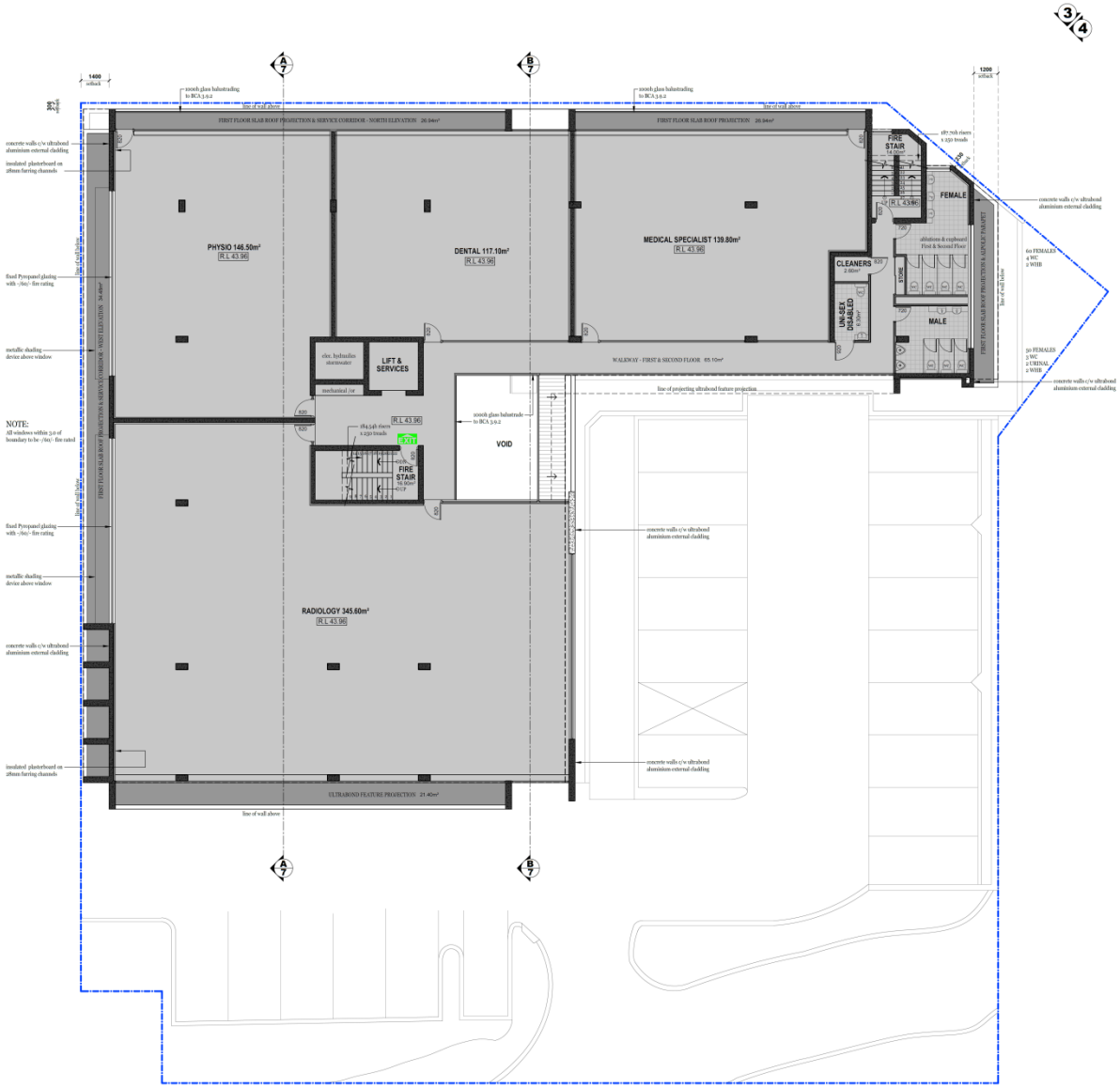
Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development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

DEVELOPMENT ASSESSMENT PANEL - APPROVED - 27 JULY 2016



DEVELOPMENT ASSESSMENT PANEL - APPROVED - 27 JULY 2016

DEVELOPMENT ASSESSMENT PANEL - APPROVED - 27 JULY 2016



NOTE:

All measurements are approximate only. It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

FLOOR AREA CALCULATION:

RADIOLOGY:	345.60m²
PHYSIO:	146.60m²
DENTAL:	117.20m²
MEDICAL SPECIALIST:	140.57m²
CIRCULATION	
1st lobby, walkway, parapet:	65.56m²
DISABLE TOILET:	4.80m²
COMMUNAL ABLUTIONS & CLEANERS CLOSET:	32.20m²
CLEANERS CLOSET:	2.20m²
SLAB ROOF PROJECTION east of toilets:	9.24m²
SLAB ROOF PROJECTION west of physio & radiology:	34.48m²
SLAB ROOF PROJECTION north of physio, dental & medical specialist:	26.94m²
ALPOLIC FEATURE PROJECTION south of radiology:	21.40m²
CENTRAL FIRE STAIR:	12.30m²
FIRE STAIR NORTH EAST:	10.00m²
LIFT & SERVICE CORE:	11.70m²
TOTAL AREA:	981.29m²

10m
5m
4m
3m
2m
1m
0m

INDICATES:

roof fall

Lysaght clip-lok roof sheeting

new brickwork

concrete wall

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Phone: 9240 5085
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DA - FIRST FLOOR PLAN

WOODVALE MEDICAL CENTRE
LOT 6, 807 WARTORIGS AVENUE, WOODVALE
FOR DALGROVE

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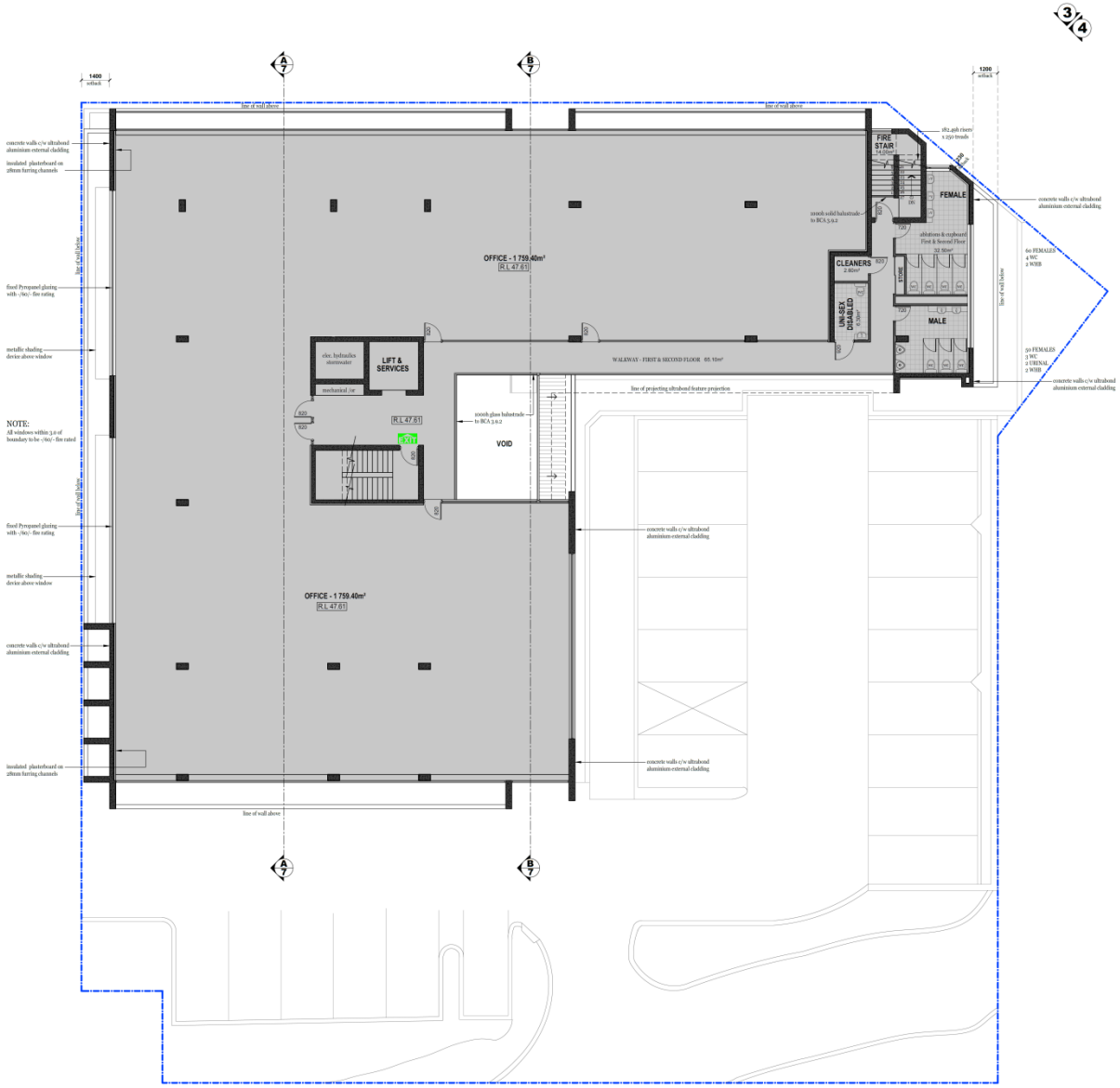
REV: 3A
JOB NO: 2
REG DATE: 3 of 8

NORTH

FIRST FLOOR PLAN
scale 1:100

DEVELOPMENT ASSESSMENT PANEL - APPROVED - 27 JULY 2016



NOTE:

All measurements are approximate only. It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

FLOOR AREA CALCULATION:

OFFICE - 1:	759.40m²
CIRCULATION:	
lift lobby, walkway, parapet:	65.36m²
DISABLE TOILET:	4.80m²
COMMUNAL ABLUTIONS	
& CLEANERS CLOSET:	32.50m²
CLEANERS CLOSET:	2.20m²
CENTRAL FIRE STAIR:	12.50m²
FIRE STAIR NORTH EAST:	10.00m²
LIFT & SERVICE CORE:	11.70m²
TOTAL AREA:	898.46m²

1Gr
2m
4m
3m
2m
1m
0m

INDICATES:

roof fall

Lysaght clip-lok roof sheet

new brickwork

concrete wall

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W: www.anthonyandassociates.c

DA - SECOND FLOOR PLAN
WOODVALE MEDICAL CEN
LOT 5 & 57 WHITFORDS
AVENUE, WOODVALE
FOR DALEGROVE

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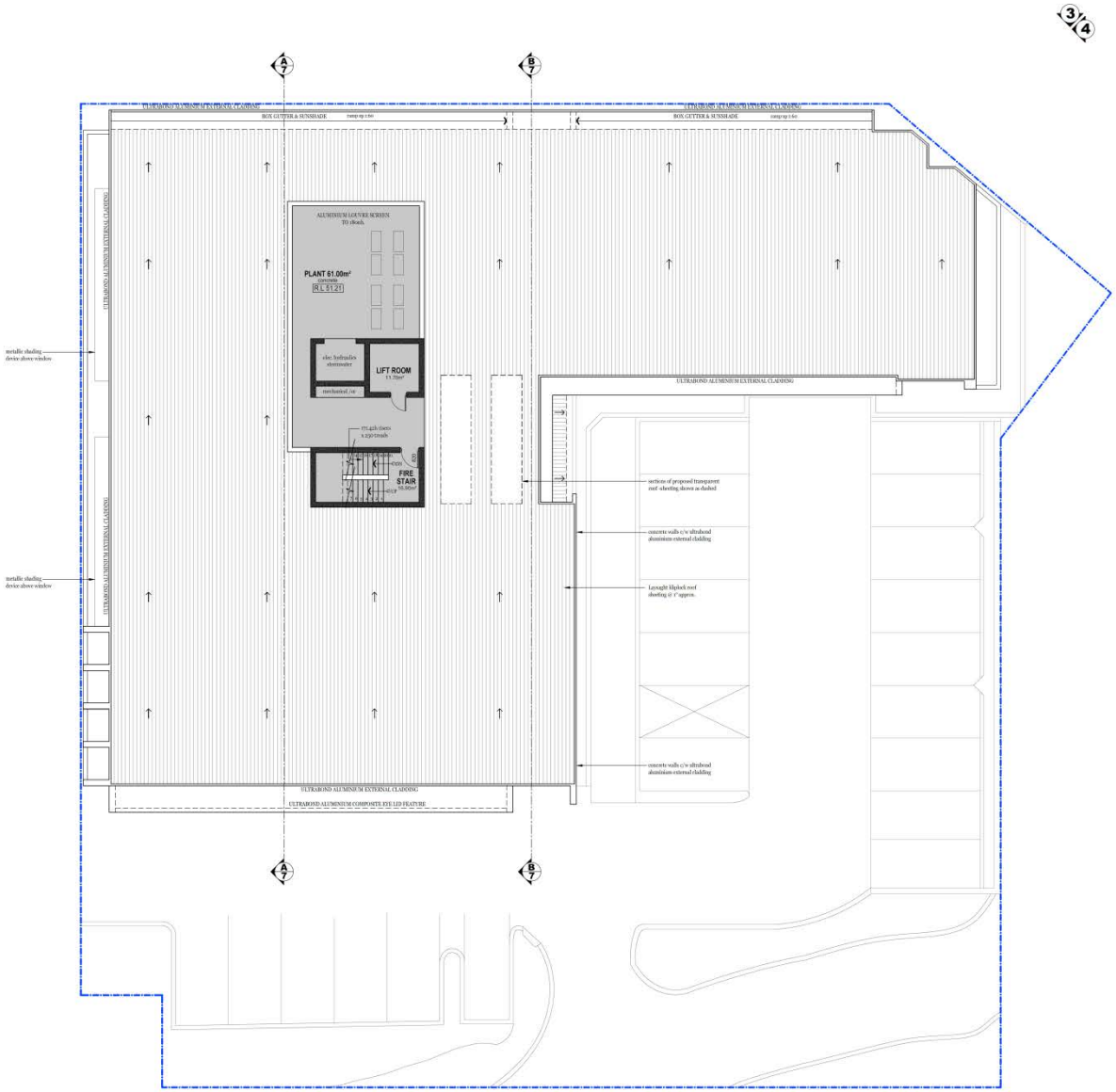
REV: | CH: | JF
JOB: 819 | FEB 2016 | 4 OF

2/1

NORTH

SECOND FLOOR PLAN
scale 1:100

DEVELOPMENT ASSESSMENT PANEL - APPROVED - 27 JULY 2016



NOTE:

All measurements are approximate only. It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

FLOOR AREA CALCULATION:

PLANT :	61.00m²
CENTRAL FIRE STAIR:	16.20m²
LIFT & SERVICE CORE:	14.70m²
TOTAL AREA:	89.20m²

INDICATES:

- roof fall
- Layaught clip-lok roof sheeting
- concrete wall

ANTHONY & ASSOCIATES

DA - ROOF PLAN

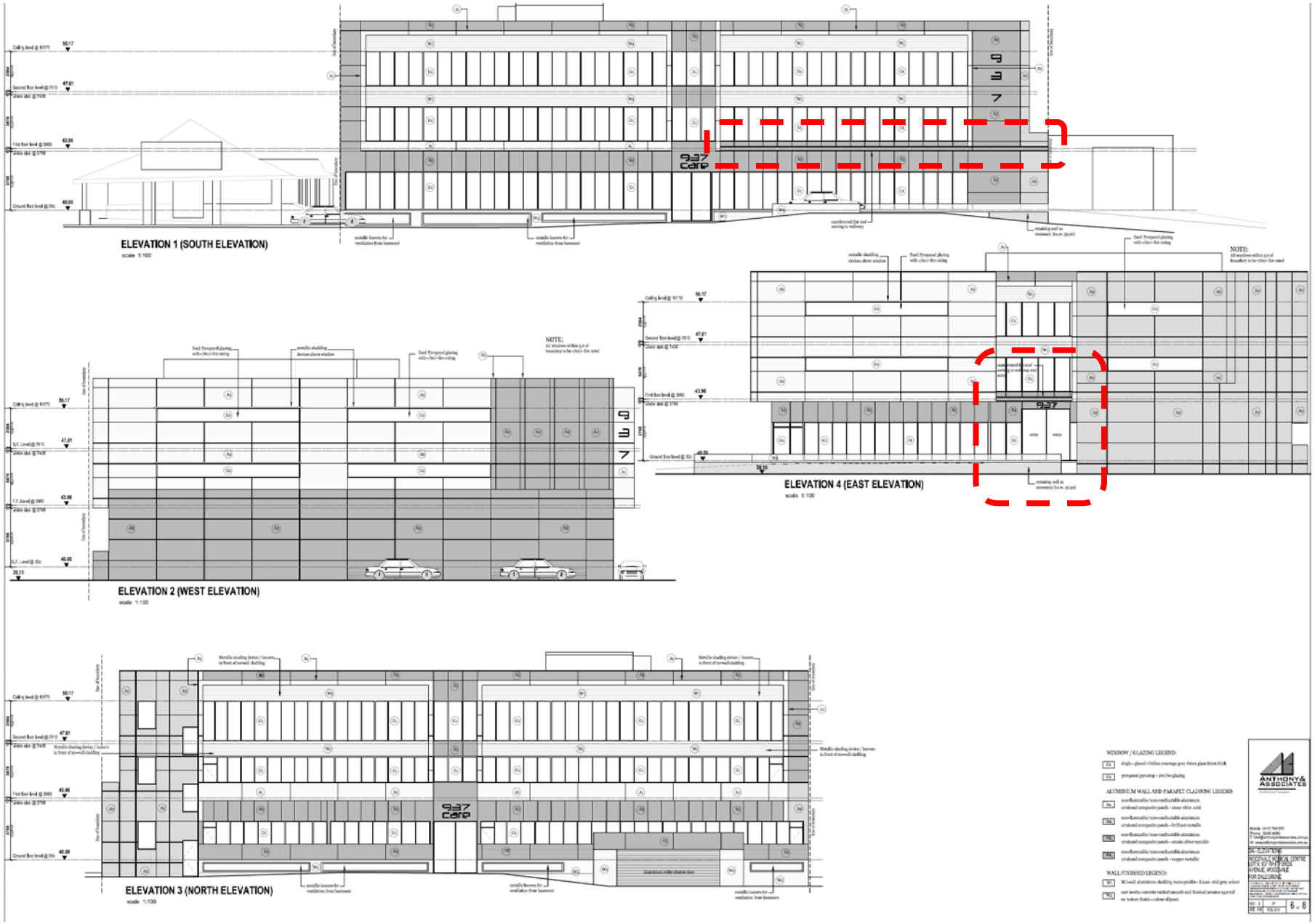
WOODVALE MEDICAL CENTRE
LOT 6, 807 WHITFORDS AVENUE, WOODVALE
FOR DALEGROVE

REV	DA	JF	5 of 8
DR	RB	FEB 2016	

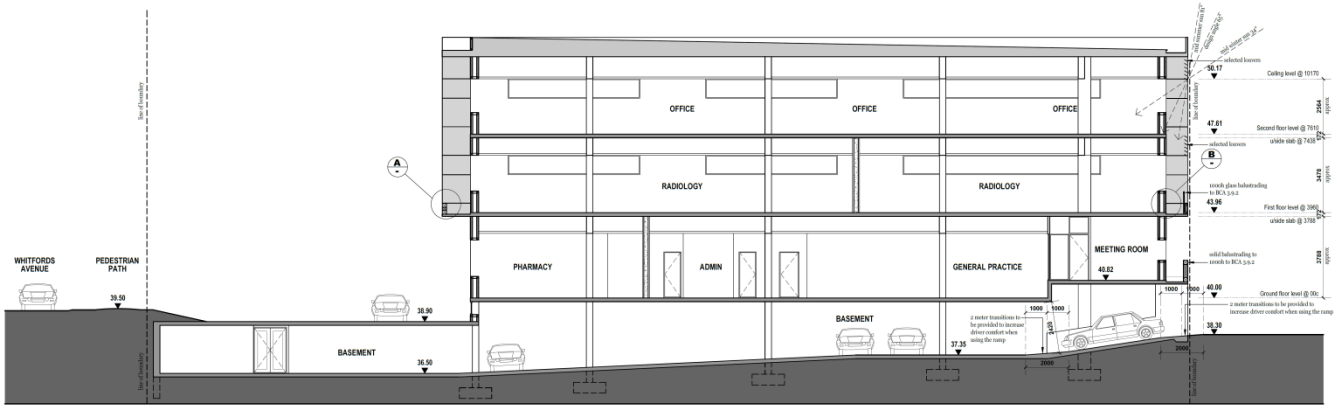
NORTH

ROOF PLAN
scale 1:100

DEVELOPMENT ASSESSMENT PANEL - APPROVED - 27 JULY 2016



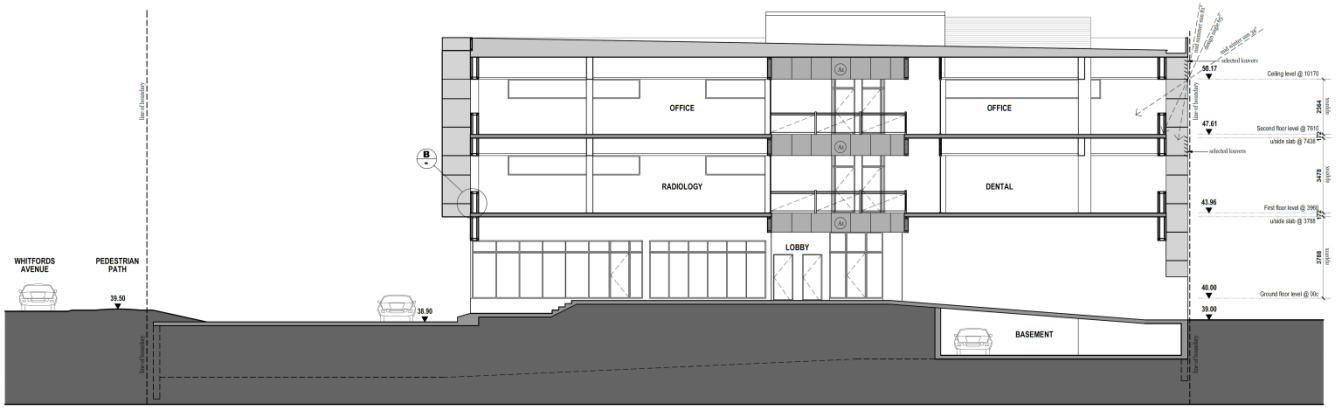
DEVELOPMENT ASSESSMENT PANEL - APPROVED - 27 JULY 2016



SECTION A-A
scale 1:100

NOTE:
use bifenthrin chemical for termite treatment.

NOTE:
roof construction as specified and in accordance with AS1684-2006



SECTION B-B
scale 1:100

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DA - SECTIONS
WOODVALE MEDICAL CENTRE
LOT 9, 937 WHITFORDS AVENUE, WOODVALE
FOR DALEGROVE

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REV: 0A
AB - RB
FEB.2016
7 OF 8

City of Joondalup

A Global City: Bold | Creative | Prosperous

Date:	4 September 2018	Your Ref:	
Enquiries:	Tom Geddes 9400 4963	Our Ref:	DA18/0735 05718

City Pride Holdings Pty Ltd
PO Box 48
WEST PERTH WA 6872

Dear Sir/Madam,

DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Application Number:	DA18/0735
Development Description:	MEDICAL CENTRE (extension of time)
Property Details:	Kingsley Woodvale Medical Centre 937 Whitfords Avenue WOODVALE WA 6026
Owner(s) Details:	City Pride Holdings Pty Ltd

I refer to your application for development approval, received by the City of Joondalup on 12 July 2018.

You are advised that development approval has been granted under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Metropolitan Region Scheme.*

Please find attached your notice of determination.

This is a development approval only. You may be required to obtain a permit from the City in accordance with the requirements of the *Building Act 2011*.

Further information on Building Permit requirements and process is available under the Building Applications section of the City's website, **joondalup.wa.gov.au**.

This approval does not remove the need for approvals, licences and/or permits that may be required under other legislation. The property may also be affected by caveats, covenants or other private restrictions. It is recommended that you make your own enquiries in this regard.

Should you have any queries relating to your application, please contact Planning Services on 9400 4100 during normal business hours and quote the above application number.

Yours sincerely

PLANNING SERVICES
City of Joondalup

City of Joondalup | Boas Avenue Joondalup WA 6027 | PO Box 21 Joondalup WA 6919 | T: 9400 4000 | F: 9300 1383
National Relay Service | TTY/voice calls: 13 36 77 | Speak and Listen: 1300 555 727 | Translating and Interpreting Service: 13 14 50
joondalup.wa.gov.au

4 September 2018

Planning and Development Act 2005

City of Joondalup

Notice of determination on application for development approval

Location:	Kingsley Woodvale Medical Centre 937 Whitfords Avenue WOODVALE WA 6026		
Legal Description:	Lot 9 P 18093 Vol 1906 Fol 705		
Application Date:	12 July 2018	Received On:	12 July 2018

Description of proposed development:	MEDICAL CENTRE (extension of time)

The application for development approval is:

☒ Approved subject to the following conditions

☐ Refused for the following reasons

Conditions:

1. **This approval relates only to the extension of the approval period of DAP/15/00832, which remains a valid approval. All conditions and advice notes of DAP/15/00832 dated 27 July 2016 remain applicable.**

Advice Notes:

1. **In regard to condition 1, the applicant is advised that several conditions of DAP/15/00832 require the submission of information to the City prior to the commencement of development.**

Date of determination: 4 September 2018

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the date of determination.

Signed: Dated:

4/09/2018

PLANNING SERVICES
City of Joondalup

for and on behalf of the City of Joondalup.

City of Joondalup | Boas Avenue Joondalup WA 6027 | PO Box 21 Joondalup WA 6919 | T: 9400 4000 | F: 9300 1383
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joondalup.wa.gov.au

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Job Ref: 7809
16 October 2023

City of Joondalup
90 Boas Avenue
JOONDALUP WA 6027

Attention: Chris Leigh – Director Development Services

Dear Sir

Application under Regulation 17 - (Minor) Amendments Requested to Approval Lot 9 (No. 937) Whitfords Avenue, Woodvale

We refer to the abovementioned application (DAP/15/00832) which was previously considered by the Metro North West Joint Development Assessment Panel ('JDAP'). The Metro Inner-North JDAP resolved to grant conditional approval at its meeting held on 27 July 2016.

Rowe Group acts on behalf of Citypride Holdings Pty Ltd ('Client'), the owners of Lot 9 (No. 937), Whitfords Avenue, Woodvale (the 'subject site'). As instructed by our Client, our office has prepared a request to amend the timeframe for substantial commencement of the development in accordance with Regulation 17(1) (a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

With respect to this request, please find attached the following documents:

- Completed and signed MRS Form 1, DAP Form 2 and City of Joondalup Application for Development Approval; and
- A copy of the current Certificate of Title.

LOCATION AND SITE DESCRIPTION

The subject site is located in the Municipality of the City of Joondalup, approximately 23 kilometres north of the Perth Central Area and 10 kilometres south-south east of the Joondalup City Centre.

The subject site is situated in Woodvale and bound by Whitfords Avenue to the south, a BP Service Station which was recently subject to redevelopment to incorporate a McDonalds fast food outlet, a Red Rooster fast food outlet to the west and the Woodvale Boulevard Shopping Centre to the north.

The subject site comprises one land parcel, being:

- Lot 9 held on Plan 18093, Certificate of Title Volume 1906, Folio 705.

The subject site has a total land area of 2,200 square metres, with a frontage of 41.34 metres to Whitfords Avenue.

Refer **Attachment 1 – Certificate of Title and Survey Plan.**

A search of the relevant Certificate of Title reveals there are currently a number of caveats and a restrictive covenant over the subject site. These aspects received extensive consideration as part of the JDAP approval process and have not been subject to alteration since this time.

BACKGROUND

The initial application for development approval was lodged in June 2015 and proposed the construction of a three-storey commercial development with basement parking, consisting of Health Centre uses together with Office, Retail; Pharmacy and Café activities. The commercial development was proposed to be constructed in two stages, in the following format:

<u>Stage 1</u>

a) Partial demolition of the existing Noodle Bar tenancy and reconfiguration of the remaining Medical Centre premises to accommodate the proposed Stage 1 building footprint;
b) Construction of the Stage 1 development, at which point the Kingsley Woodvale Medical Centre as tenant of the existing Medical Centre would relocate into the new development;
c) Upon relocation of the tenant, the remaining Medical Centre premises would be demolished to accommodate car parking and landscaping associated with Stage 1.

<u>Stage 2</u>

a) Construction of a basement extension and three levels for Office purposes, in a form integrated with the Stage 1 development.

CURRENT APPROVAL

The submitted application sought approval to both Stages 1 and 2. Following assessment by the City and pursuant to a Section 31 reconsideration associated with an Application for Review made to the State Administrative Tribunal, on 27 July 2016 the Metro North-West Joint Development Assessment Panel (**JDAP**) issued development approval (*JDAP ref. DAP/15/00832*) (**2016 approval**) to Stage 1 of the development.

On 4 September 2018, the City issued development approval (*City's ref. DA18/0735*) (**2018 approval**) for a 2-year time extension (i.e. until 4 September 2020) with no changes proposed to the plans or conditions. The

proponent subsequently engaged relevant consultants to prepare documentation associated with a Building Permit which was completed in 2019. However, the onset of the COVID-19 pandemic in early 2020 put these arrangements and the construction process on hold.

In response to the COVID-19 pandemic, the 'Clause 78H Notice of Exemption' applied an 'automatic' (additional) 2-year time extension; thereby extending the validity of approval until 4 September 2022. This was confirmed via correspondence with the City on 17 February 2022. An application to extend the approval timeframe was lodged with the City for its determination in July 2022.

Following the lodgement of the R.17 request, during the re-engagement with the consultant team it was identified that modifications to the approved development plans would be required to address the following:

a) Satisfying approval conditions,
b) Incorporating subsequent amendments to relevant provisions from the National Construction Code; and
c) Addressing anomalies identified during a review of the draft Building Permit documentation.

In response to the above and following discussion with the City's Director Planning and Community Development and Manager Planning Services at a meeting held in February 2023, it was agreed that the proponent would prepare amended plans identifying minor modifications to the development plans and also provide further information with respect to car parking. This updated material was lodged with the City in August 2023 however following discussion on the ability for the City to issue an approval under delegated authority, the applicant elected to proceed with an updated application for determination by the Metro Outer JDAP.

PLANNING & DEVELOPMENT (DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2011

The ability to amend an approval granted by a JDAP is outlined in Regulation 17 of the Regulations. This Regulation allows a proponent to make an application to extend the approval timeframe in which the development must be substantially commenced, to amend approval conditions; to amend an aspect of the development approval, make minor amendments to the development proposed, or to cancel the approval.

Regulation 17 states the following (underlining for emphasis):

> *An owner of land in respect of which development approval has been granted by the JDAP may make an application to the local government requesting the local government to do any or all of the following:*
>
> *a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
> *b) to amend or delete any condition to which the approval is subject;*
> *c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
> *d) to cancel the approval.*

Under the provisions of Regulation 19 (4) of the Regulations, the JDAP may determine an Application made under Regulation 17 (1) by either approving the Application, with or without conditions, or refusing the Application.

Following an amendment to the Regulations gazetted on 16 December 2016, Regulations 17A was inserted into the Regulations which allows the Responsible Authority to amend or cancel the development approval. Notwithstanding the powers granted to the Responsible Authority under Regulation 17A, the request to amend aspects of the development is submitted for determination by the Metro Outer Development Assessment Panel and not the City of Joondalup as the Responsible Authority.

Regulation 17(1)(c) – amendments to approved plans

Within this R.17 request, it is requested that a set of plans which were previously approved by the JDAP be substituted with the corresponding plans. The amended development plans are included at Attachment 2.

The amendments sought within this application are as follows:

1) Increased setbacks to the northern and north-eastern (rear) boundaries to achieve the minimum 3m separation under the National Construction Code;
2) Relocation of the proposed bin store, bicycle/end of trip facilities and mechanical services, to better facilitate the storage of bins and access by waste collection vehicles;
3) Minor internal modifications to accommodate compliant travel distances, gradients and doorway/corridor widths to achieve compliance with the requirements of AS 1428.1.
4) Review of the ground floor level to ensure minimum height clearance for vehicles accessing the ramp, whilst maintaining a functional ground floor space.
5) Enlargement of the basement floor area within Stage 1; adjustment to the portion of the existing Medical Centre building to be retained following partial demolition; and a reduced width for vehicle access aisles.
6) Minor alterations to elevations;
7) Minor adjustment to floorspace allocations for approved uses.

In addition to the above, further information is provided with respect to car parking.

Refer **Attachment 2 – Amended Development Plans.**

Revision #1 – Increased setbacks to the northern and north-eastern (rear) boundaries

Within the development plans approved by the JDAP, the proposal incorporated setbacks of between nil and 1.2m. Whilst this was capable of approval under the former LPS2 and current LPS3, the glazing to these facades required fire protection or a performance solution to achieve compliance with the provisions relating to fire compartments, separation, and fire hazards under the National Construction Code.

In order to simplify the Building Permit process, the proposal now incorporates a minimum 3m setback to the northern and north-eastern (rear) boundaries which satisfies the requirements noted above. To achieve this, the overall development has been repositioned 3m to the south, with landscaping, access and manoeuvring requirements being maintained.

Revision #2 – Relocation of the proposed bin store, bicycle/end of trip facilities and mechanical services, to better facilitate the storage of bins and access by waste collection vehicles.

The plans approved by JDAP identified a bin storage area in the north-western corner of the basement adjacent to the vehicle entry/exit ramp, with Condition 9 of the approval requiring the preparation of a Waste Management Plan for approval by the City of Joondalup. Following the engagement of a consultant to prepare the Refuse Management Plan, the following concerns were identified:

- The bin store identified within the approved plan was not of sufficient size to accommodate the required number of bins.
- The basement head clearance of 2.2m would not accommodate a waste collection vehicle; and
- The gradient of the basement ramp would be too steep to enable staff to roll bins out for collection.

To address the above, the bin store has been relocated to the north-eastern corner of the basement and incorporates a service lift, which will enable bins to be raised to ground level for servicing by a waste collection vehicle within the carpark. A Waste Management Plan has been prepared in accordance with the above and is included at Attachment 3.

As part of the redistribution of services within the basement, the following changes are also proposed:

- The bicycle storage and end of trip facilities have been relocated to the former location of the bin store, which will maintain a high level of access adjacent to the entry/exit ramp;
- The floor area has been enlarged to incorporate an additional north-south aisle for vehicle movement, which will better accommodate parking arrangements within Stage 2 (subject to a separate application);
- The water storage tank and pumps associated with fire suppression have been removed, as they will not be required in association with the Stage 1 development.

Refer **Attachment 3 – Waste Management Plan.**

Revision #3 – Minor internal modifications to accommodate compliant travel distances, gradients, and doorway/corridor widths to achieve compliance with the requirements of AS 1428.1.

The internal alterations consist of the following:

a) Reconfiguration/repositioning of tenancies within the floor plates for each level, to suit the needs of prospective tenants; and

b) Minor adjustments to accommodate compliant travel distances, gradients and doorway/corridor widths to achieve compliance with the requirements of AS 1428.1.

With respect to item a) above, we note that aspects relating to car parking will be addressed elsewhere in this correspondence.

Clause 61 of Schedule 2 of the Deemed Provisions states that development approval is not required where the works are specified in Column 1 and the conditions in Column 2 are satisfied. Within the Table, item 5 is relevant and states that internal building work that does not materially affect the external appearance of the building is exempt from the requirement for development approval, provided that:

- neither the building nor any part of it is located in a heritage protected place; or
- the building is in a heritage protected place but the interior is specified as not being of heritage significance.

With respect to the internal alterations, these are considered to be minor in nature and conform to item 5 of Clause 61 of the Deemed Provisions. These changes are exempt from the requirement for development approval however they are shown within the submitted plans in order to provide a complete and accurate depiction of the development to be constructed.

Revision #4 - Review of the ground floor level to ensure minimum height clearance for vehicles accessing the ramp, whilst maintaining a functional ground floor space

The 2016 JDAP approval identified that a portion of the ground floor above the entry/exit ramp was to be raised by 300mm, in order to achieve the minimum overhead clearance for vehicles as prescribed within the NCC. As the ceiling level in this location was not raised a corresponding amount, this significantly limited the functionality of the tenancy in this location and did not achieve the minimum height clearance for leasable floorspace under the NCC. In order to address this, the ground floor level is proposed to be raised from 40.00 to 40.300, with a resulting increase to the overall building height from 14.2m (as approved) to 14.5m.

The proposed overall height requires discretion with respect to the City's adopted *Local Planning Policy - Commercial, Mixed Use and Service Commercial Zone* (**LPP** or **Policy**). The policy specifies a deemed-to-comply standard with respect to building height of 13m. We request that discretion be granted for the following reasons:

- The proposed height represents an increase of only 300mm greater than the approved height and, which will be indiscernible once the development is completed; and
- The proponent has explored options to reduce building height such as reducing the floor level of the basement, however this would create other issues such as the need to extend the vehicle access ramp which would encroach outside the property boundary.

Revision #5 - Adjustment to the basement floor area within the approval as follows:

a) **Expansion of the basement floor area within Stage 1 to better facilitate construction of the Stage 2 development;**
b) **Adjustment to the portion of the existing Medical Centre development to be partially demolished to facilitate continued operation by this tenant during the Stage 1 construction process; and**
c) **Obtain approval to the reduced vehicle aisle width from 5.8m to 5.650m;**

With respect to item a) above, advice obtained from the Architect and Structural Engineer during the Building Permit documentation phase indicated that to achieve efficiencies in the ultimate basement construction, the Stage 1 basement area should be extended further east to a more central location within the lot. This would not increase the leasable area of stage 1, with this additional space to remain as a void until it is required within the Stage 2 development.

As a result of modification to the basement area, the extent of partial demolition of the existing Medical Centre development is increased, which is illustrated within the submitted plans. It must be noted that the portion to be retained is only to be for the duration of the Stage 1 construction process, at which point it is to be demolished completely.

In relation to item c), preliminary advice from the Structural Engineer at the time of the JDAP approval indicated that the method of retaining to the eastern and western boundaries would accommodate the intended car parking and associated manoeuvring within this space. In this regard, the proposed parking bays and associated vehicle aisle widths would satisfy relevant standards under the NCC.

As part of the preparation of documentation associated with a Building Permit for the project, the proposed retaining was examined in greater detail and it was determined that more substantial structures would be required. With the positioning of the required retaining to the eastern and western boundaries, this will reduce the internal width of the basement by 450mm and as a result, the proposed aisle widths for the three vehicle manoeuvring aisles is to be reduced by 150mm.

Advice from the Traffic Engineer involved with the project indicates that suitable manoeuvring can be achieved within the basement at the proposed reduced with and we therefore seek the City's discretion in this regard.

Revision #6 – Minor alterations to elevations

As a result of adjustments to the configuration of the basement and the repositioning of the building, there are several minor modifications to the building elevations. As these relate to the external appearance of the building they require an amended approval to be obtained. However, the modifications are minor in nature and will not alter items such as glazing, patron entry points or other aspects which would impact upon the appearance of the development from the streetscape.

The relocation of the bin store and associated service lift has introduced a service door to the north-eastern elevation to enable the servicing of bins. This entry faces the internal carpark for the shopping centre and would not be visible from Whitfords Avenue, nor would it directly face the shopping centre itself.

CAR PARKING

2016 Approval

In relation to the initial approval granted by the JDAP in July 2016, the Responsible Authority Report prepared by the City for consideration by the JDAP at its meeting of 27th July 2016 supported a reduced parking provision in accordance with the following table:

LAND USE (NLA)	DPS2 CAR PARKING STANDARD	CAR BAYS REQUIRED
Health Centre (Medical Centre) (1138.5m^2)	1 per 30m^2 NLA	37.95
Office (824.4m^2)	1 per 50m^2 NLA	16.4
Shop (157m^2)	5 per 100m^2 NLA	7.85
Restaurant (77m^2)	1 bay per 5m^2 NLA	15.4
Bays required		77.6 (78)
Bays Provided		50
Shortfall		28 (35.9%)

It is worthy of note that at the time, the City had the ability to determine the medical uses in accordance with either of the following:

- With respect to land use: grant approval to this component under the use class of 'Medical Centre' or 'Health Centre';
- In relation to car parking: apply the car parking standard of 1 bay per 30m^2 NLA or 5 bays per consultant for each respective use.

Ultimately, it recommended that the Medical Centre use class be applied (as reflected in Condition 14 of the approval) together with the car parking standard of 1 bay per 30m^2 NLA. This car parking standard represented the base line, with further discretion exercised in recognition of the likelihood of multi-purpose trips within the facility and also with surrounding shops. Indeed, the northern entrance point of the proposed Medical Centre was subject to design improvements to strengthen pedestrian access and improve integration with the adjoining shopping centre site.

Parking standards within Local Planning Policy

In comparison to the 2016 approved plans, the floor areas for the overall development and specific land uses has changed as follows:

a) The approved 'Office' floorspace of 824m^2 is reduced by 320m^2 to 504m^2
b) The approved 'Medical Centre' floorspace of 1138m^2 is increased by 320m^2 to 1458m^2
c) The approved 'Shop' (Pharmacy) floorspace of 157m^2 is increased by 60m^2 to 217m^2

In conjunction with the above , the net leasable floor area for the development is increased from 2,196m^2 to 2,261m^2 which has occurred as a result of the following revisions:

- Change to the stair / lift core to increase internal leasable area to all levels;
- Corridor/circulation space change to increase leasable area to all levels;
- Deletion of toilet facilities to the pharmacy on the ground floor; and
- Adjustment of toilet layout to northeastern corner of the building to all levels.

In addition to the above, since the granting of the approval by the JDAP the planning framework applicable to the site has changed through the gazettal of Local Planning Scheme No.3 in 2018 and the adoption of the City's "Commercial, Mixed Use and Service Commercial Zone Local Planning Policy" (**'LPP'**). Within the updated framework, the parking standards are now included within the LPP at Section 5.6.1 - Car Parking Standards.

With respect to the above:

a. The use of 'Health Centre' is longer included within LPS No.3;
b. The car parking standard applicable to the Medical Centre use is maintained at 5 bays per consultant; and
c. Notwithstanding the specific parking provisions for individual land uses, the LPP states as follows: '*The shopping centre parking standard applies to all non-residential land uses located within a shopping centre, regardless of the specific land use*.'

With respect to item c) above, the Shopping Centre parking standard applicable in this instance would be 1 per 20m^2 NLA, given that the overall Shopping Centre floor area is less than 30,000m^2 NLA.

Accordingly, an updated parking assessment based upon Section 5.6.1 from the City's LPP is detailed below:

LAND USE (NLA)	LPP CAR PARKING STANDARD	CAR BAYS REQUIRED
Medical Centre (1458m^2)	1 bay per 20m^2 NLA	74.7 (75)
Office (504m^2)	1 bay per 20m^2 NLA	25.25 (26)
Shop (217m^2)	1 bay per 20m^2 NLA	10.9 (11)
Restaurant (82m^2)	1 bay per 20m^2 NLA	4.1 (5)

LAND USE (NLA)	LPP CAR PARKING STANDARD	CAR BAYS REQUIRED
Overall (2261m2)	1 bay per 20m^2 NLA	113.05 (**113**)
Bays Provided		**43**
Shortfall		**74**

Notwithstanding the above, it is important to note that all lots within the Shopping Centre are subject to deeds of agreement dated 1991 and 1992 for reciprocal rights of access and car parking, with the City being a party to these deeds. Further information on this aspect is detailed in the next section.

Reciprocal Car Parking & Access Agreement

The subject Lot 9 is within the overall area identified as the Woodvale Shopping Centre which is subject to a reciprocal car parking and access agreement. This was referenced in the City's report to the 27 July 2016 JDAP meeting as follows:

> *"Approval for the Woodvale Commercial Centre was granted in April 1991. A nonretail 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 4 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 in which the City of Joondalup is a party and requires the subject lot to be bound by the conditions and covenants contained in the July 1991 deed (Attachment 4 refers)."*

A copy of the July 1991 deed relating to reciprocal access and parking within the Woodvale Shopping Centre is included at Attachment 4.

In relation to the deeds, the proponent has sought legal advice which indicates that the deeds establish a unity of obligation, which enshrines the notion of reciprocal parking for all future developments on the site bounding the area of the original development. Therefore, the 'site' for the purpose of calculating parking sufficiency requires an assessment of the whole site rather than Lot 9 in isolation.

In accordance with the above, an updated parking assessment based upon the parking standard from the LPP section 5.6.1, Car Parking Standards for the proposed development in relation to the overall Shopping Centre is detailed below:

FLOOR AREA	LPP CAR PARKING STANDARD	CAR BAYS REQUIRED
Gross Leasable Area = 14,961m^2 This represents the overall floor area for all tenancies within the Shopping Centre including the proposed development, based upon aerial photography and limited online information (refer Attachment 5) Net Lettable Area (NLA) = 11,220.75m^2 NLA The calculation of 'Net Floor Area' assumes a reduction of 25% to Gross Floor Area, representing the exclusion of floorspace associated with malls, pathways and back of house functions	1 bay per 20m^2 NLA	561 bays
Bays Provided		**660**
Surplus		**99**

As noted above, the overall parking demand for the existing Shopping Centre and proposed development represents a total of 561 bays, with the associated parking provision representing a surplus of 99 bays.

Refer **Attachment 4 –Copies of the 1991 and 1992 Deeds relating to reciprocal access within the Woodvale Shopping Centre.**

Refer **Attachment 5 – Aerial Photo identifying existing and proposed floorspace areas within the Woodvale Shopping Centre.**

<u>Parking Demand Analysis</u>

Within the Responsible Authority Report to the JDAP, it noted and accepted the following justifications regarding multi use trips:

- Medical centre patrons attending the pharmacy;
- The medical centre being comprised of general practitioners, specialists and paramedical professionals. This colocation allowing for patients to visit a general practitioner and obtain a referral for specialist medical diagnosis and / or treatment at the centre;
- 'Restaurant' (café) patrons attending following a medical appointment;
- The peak car parking demand for the medical centre was assessed at a reduced number in light of the above, with the assessment allowing the 'shop' and 'restaurant' uses to function with 43% of the parking ordinarily required, given the amount of multi-purpose trips that would occur;
- Cross-trade with the surrounding shops was also considered to reduce the parking demand as 32% of patrons of the medical centre undertook multi-purpose trips where they attended the surrounding shops as well.

As a result of the above, the JDAP granted approval to the development based upon a provision of 50 bays in lieu of 78 bays, representing a 36% reduction.

Donald Veal Consulting as the Traffic Engineer which undertook the 2016 parking assessment in support of the application has reviewed the amended plans in the context of the following:

a. The reduced parking aisle width within the basement from 5.800m to 5.650m;
b. Car parking provision and demand;
c. Right of shared use to Parking Facilities within the Shopping Centre; and
d. Overall Shopping Centre parking provision.

The review is summarised in the Technical Note which is included at Attachment 6. The summary from the Technical Note is reproduced below:

- *The amendments to the previously approved development plans, and the constraints on the site, have resulted in a need to provide basement parking aisles 150mm less than the prescribed width. This is regarded as a minor variation, and should not significantly affect accessibility or manoeuvring within the basement parking area.*
- *The changes to both the development plans, and to the planning policies and scheme applied by the City of Joondalup, have resulted in a recalculation of the parking provision within the development and the provision requirements of the City. The new calculations show a technical shortfall of 70 bays, but demand is expected to be reduced significantly by shared trips and reciprocal parking both within the development site and the overall shopping centre.*
- *It is understood that all landowners within the overall shopping centre development, as well as the City of Joondalup, are parties to a legal agreement, by which all patrons of the shopping centre may use any parking bays within the centre. This over-arching reciprocal agreement results in a shopping centre-wide oversupply of 99 parking bays, including the amended development on Lot 9. Thus, no parking supply issues are envisaged as a result of the development.*

Refer **Attachment 6 – Technical Note from Donald Veal Consulting.**

CONCLUSION

As outlined in this submission, we consider it is appropriate to approve the request for an extension of time and endorsement to the amended plans in relation to the JDAP approval for a medical centre at Lot 9 (No. 937) Whitfords Avenue, Woodvale in the following areas:

1) Increased setbacks to the northern and north-eastern (rear) boundaries to achieve a compliant fire rating under the National Construction Code (NCC);
2) Relocation of the proposed bin store, bicycle/end of trip facilities and mechanical services within the basement, to better facilitate the storage of bins and access by waste collection vehicles;
3) Minor internal modifications to accommodate compliant travel distances, gradients and doorway/corridor widths to achieve compliance with the requirements of AS 1428.1;
4) Review of the ground floor level to ensure minimum height clearance for vehicles accessing the ramp, whilst maintaining a functional ground floor space;
5) Adjustment to the basement floor area to better facilitate construction of the Stage 2 development, adjustment to the portion of the existing Medical Centre development to be partially demolished; and reduction to vehicle aisle width from 5.8m to 5.650m;
6) Minor alterations to elevations arising from the above.

In addition to the above, further information in relation to the parking arrangements associated with the overall Shopping Centre development demonstrates that the development is capable of approval under the current planning framework. The parking shortfall which arose following the gazettal of DPS3 and the associated LPP is more than capable of being accommodated within the overall development.

Should you require any further information or clarification in relation to this matter, please Greg Rowe or the writer on 9221 1991.

Yours faithfully,

Jeremy Hofland
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Job Ref: 7809
18 December 2023

City of Joondalup
90 Boas Avenue
JOONDALUP WA 6027

Attention: Chris Leigh – Director Development Services

Dear Sir

Response to Stop the Clock Request
Lot 9 (No. 937) Whitfords Avenue, Woodvale

We refer to the abovementioned application made on 16th October 2023 to modify the approval issued by the Metro North-West JDAP at its meeting held on 27th July 2016 and to the City's e-mail dated 5th December 2023 which outlined its assessment of the application.

We note that the City's e-mail outlined the following components with respect to its assessment:

1. Review of the application by the City's internal departments; and
2. Summary of submissions received during the consultation process with property owners within the Shopping Centre.

The above items are addressed within Tables 1 and 2 respectively as detailed below:

Table 1: City of Joondalup – Summary of Submissions

SUMMARY OF SUBMISSIONS	APPLICANT RESPONSE
1. Impact on capacity for District Centre to expand	
• If approved the development would significantly limit the capacity for the planned growth of Woodvale Shopping Centre given the scale of parking shortfall proposed. • The Local Planning Strategy was endorsed by WAPC in 2017, and endorses the recommendations of the City's Local Commercial Strategy (2010) which noted existing floorspace of 7,460m^2 in 2010 and a threshold of 15,000m^2 for Woodvale District Centre. • Approval would significantly limit the potential to further develop on adjoining lots given the parking shortfall proposed.	Not supported for the following reasons: • The parking assessment within the subject application demonstrates a surplus provision of 99 parking bays should the development be approved as submitted; • Any application for further expansion to the Shopping Centre would be subject to separate consideration, based upon the merits of the development proposed; • The reference to 15,000m^2 floorspace for the centre as specified within Table 23 of the City's Local Commercial Strategy relates to Shop Retail Floorspace. In this regard, the proposal incorporates minimal retail floorspace,

	consisting of a Pharmacy with a floor area of 218m^2.
Summary of submissions	**Applicant response**
2. Deed of agreement	
• Advice note 10 of the original approval applied by JDAP: ○ *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.* • Legal advice obtained that if the 1991 Deed of Agreement has not been entered into by an adjoining landowner, then that landowner is not a party to that agreement. • Only a covenant or easement would be binding on successive parties purchasing land, as these run with the land. • Question the proponent's reliance on a reciprocal agreement as it is not registered as an easement on title and has not been consented to by the current owners.	The proponent has obtained legal advice on this matter. In this regard, we note the following: 1. Both the 1991 Development Approval and 1991 Subdivision Approval associated with the Shopping Centre incorporate relevant approval conditions which specify the requirement for a legal agreement for reciprocal rights of access and car parking to be entered into with the local government; 2. We understand the 1991 Deed of Agreement was prepared in response to the above approval conditions; 3. As the 1991 Deed covenants with both future registered proprietors of lots to be created, as well as the City, for rights of access and parking across the site as a whole, they are "covenantees" under section 47 of the Property Law Act. Applying that section, with section 68(1A) of the Transfer of Land Act, and section 11 of the Property Law Act, the rights do not require registration in order to be enforceable. They are deemed to run with the land and certificates of title are deemed to include the grant of such rights; 4. Whilst it appears that the local government has not entered into agreements with subsequent owners, the ongoing nature of the development approval conditions provides the mechanism for this to be rectified by the City; 5. Should landowners refuse to enter into such arrangements, the City has powers of enforcement under S.218(c) of the Planning & Development Act to ensure the continued operation of the development complies with any conditions imposed; 6. The 1991 Deed releases the City (and the JDAP standing in its shoes) and indemnifies it, from any claims any registered proprietor may bring in relation to any subsequent planning approval. The JDAP should therefore determine the application on its planning merits on the basis that there is a reciprocal right of access and parking for all registered proprietors and their customers etc across the site.

3. Vehicle access & parking	
• The proposal seeks to eliminate 2 critical vehicle access paths through the site (either side of the development). • The removal of these access points means there is no longer any capacity for wider circulation to work successfully or for parking to be reciprocal. The development has been designed to efficiently allow for its customers to park within the Woodvale Boulevard Shopping Centre Car Park and enter the site, it makes it impossible for the reverse to occur. • The development grossly undersupplies parking, and even in the event of reciprocal parking being applicable, the design of the building is such that there is no reciprocity suggested or possible. • Any redevelopment of the site must maintain the existing slip lane from Whitfords Avenue and preferably improve this arrangement. • The majority of the site is occupied by the 3 storey build and does not provide its share of at-grade parking within the context of the overall site having reciprocal parking & access between lots. • In addition to the above, there is a proposal to establish a Nandos restaurant at the southern end of the Woodvale Boulevard Shopping Centre which will introduce further concentration of parking in this location. • A shortfall of 102 car bays against a total requirement for 145 car bays is not reasonable. The only evening use proposed for the redevelopment is a restaurant which includes less than 60 seats which means that any internal reciprocity of use within 937 Whitfords Avenue itself would only be of limited scope or potential. • Since 2016 the JDAP approved the McDonalds/BP development which also relied on the reciprocal access and parking agreement to justify a parking shortfall. • The bottom line conclusion is that the 2016 approval was already excessive in nature and any further expansion of the proposal, such as what is proposed in the current 'modifications', would only exacerbate the problem.	These items are considered within the updated advice from Donald Veal Consulting (DVC) which is included at Attachment 4. In summary, the proponent does not support the comments made for the following reasons: 1. The proposal would permanently remove an existing access adjacent to the eastern boundary of Lot 9, however the existing slip lane entry from Whitfords Avenue would be closed only temporarily during the construction of the basement parking area. All other existing access arrangements would be maintained. Advice on this aspect from DVC is reproduced below (numbering added): a) *The only links within the internal road network that will be severed were surveyed during peak periods to determine the effect of the proposals. As can be seen within the original TIA report, these links are little used, and alternative options are readily available.* b) *The vast majority of vehicles entering the shopping Centre parking areas do so via the main accesses off Whitfords Avenue and Trappers Drive.* c) *The secondary access off Whitfords Avenue, located within the left turn lane at the Trappers Drive intersection, will remain open, and continue to provide access to both the service station and Red Rooster fast food outlet etc.* d) *A full discussion of the survey results and an explanation of the effects can be found in the TIA, and this clearly determines that the overall impact of removing these internal links will be negligible.* 2. The parking bays within the basement will be subject to reciprocal use with the overall Shopping Centre area, with operational components including signage informing patrons of this arrangement. It is worthy of note that the basement would provide the only covered parking within the entire centre, providing protection from the elements for patrons. Advice on this aspect from DVC is reproduced below: *"The principal of Reciprocal Parking is primarily associated with the sharing of parking bays between different businesses that create demand during different times of the day or week. In this instance, there is a reciprocal parking agreement across the entire shopping centre, whereby no*

	individual agreements are necessary. The overall total parking provision of the centre does not therefore need to equal the sum of the theoretical individual requirements. The same parking bays that are only required by one business during the daytime can be used in the evening by a different demand generator. The extent of this reciprocity is dependent upon the mix of businesses within the overall site. However, the ultimate need for reciprocity cannot be ascertained without also considering the effect and prevalence of shared trips. It is quite possible that patrons intending to combine their trips may park in the medical centre, whilst also visiting the other businesses within the wider centre, and vice versa." 3. The relevance of the Nandos restaurant is unclear, given that we understand it represents a new tenant within an existing restaurant tenancy. 4. The submitter's calculation of car parking is incorrect. An assessment of the proposal against Section 5.6.1 of the City's adopted *Local Planning Policy - Commercial, Mixed Use and Service Commercial Zone* represents a requirement of 113 bays and a shortfall of 74 bays. *5.* Comments regarding the McDonalds/BP development being reliant on reciprocal parking are not correct. A review of the RAR presented to the MOJDAP 122 meeting on 9 September 2021 states *"…there is considered adequate parking provided on-site for the proposed uses."* 6. The provision of medical, office and retail floorspace within the current application represents a marginal change to the 2016 approval, however the gazettal of LPS3 in 2018 imposed a significantly more onerous parking standard with no justification given for this. It is important to note that in 2016, the City had the option of imposing the parking standard of 5 bays per consultant but did not proceed on this basis.
4. Land use	
• What is unknown is the precise nature of the proposed use of the medical centre which is an essential detail for a meaningful analysis of the proposed modifications because a number of the medical centres of this type are now trading 7 days a week over extended hours which would then extrapolate any issues into evenings and weekends.	This contention is not supported, as the development plans clearly illustrate the anticipated use of the Medical Centre floorspace: • The General Practice on the ground floor is to accommodate the existing Kingsley Woodvale Medical Centre currently operating from the site, with the existing operating hours not proposed to change within this application.

	• The remaining floorspace is to cater to a range of Medical Specialists including physiotherapy, dental, podiatry and radiology.
5. Change to planning framework	
• The previous approval was granted under a different planning framework and it is not appropriate to grant an EOT. • The objectives of the commercial zone have substantially changed between DPS2 and LPS3, which now include "to ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality". • Consideration of impact to amenity was introduced in 2018 as part of the change to LPS3. The EOT should be refused, and the applicant made to lodge a fresh application.	Not supported for the following reasons: • R.17 of the DAP Regulations relates to the amendment or cancellation of development approval by a DAP and does not preclude the modification of an application on this basis; • Within LPS3 the zoning and use class permissibility for the approved uses is maintained; • The objectives of the Commercial zone are largely the same, subject to LPS3 incorporating an additional objective relating to amenity. This inclusion is not significant as within DPS2 at the time of the original determination, the requirement for consideration of potential amenity impacts was included within Part 4 - General Development Requirements and Part 4 – Development and Use of Land.

Table 2: City of Joondalup – Summary of Assessment

	Comments	Applicant Response
1.	**Commercial, Mixed Use and Service Industrial Local Planning Policy**	
a)	Clause 5.4 Built form and Design • The pedestrian entry on the building's northern side links to a landscaping area on the adjoining lot, and includes a footpath shown extending into this area. Have any discussions been had with the adjoining landowner as to how an arrangement for suitable access from the car park to the building would be provided/achieved?	The proponent has not discussed this with the adjoining landowner at this stage. It is anticipated that this would occur following the determination of the application.
b)	Clause 5.6.1 Car parking • Request confirmation that the 'Restaurant café' can be assessed based on a capacity for 54 patrons as per the information provided by Rowe Group on 10 August	This is not supported. As detailed within the application lodged with the City on 16th October 2023, Section 5.6.1 of the City's adopted *Local Planning Policy - Commercial, Mixed Use and Service Commercial Zone* states as follows: '*The shopping centre parking standard applies to all non-residential land uses located within a shopping centre, regardless of the specific land use*.' On this basis, the Shopping Centre parking standard applicable in this

		instance would be 1 per 20m^2 NLA and when applied to the proposal, represents a requirement of 113 bays and a shortfall of 74 bays.
c)	Clause 5.6.2 Car park location and design • No footpath provided adjacent to the building's southern entrance. No connection to the public footpath.	Items c) – f) are all addressed within updated plans included at Attachment 1.
d)	Clause 5.6.3 Scooter and Motorbike Parking Standards • Can any motorcycle/scooter parking be accommodated in the basement carpark or above? A total of two would be required for this development.	
e)	Clause 5.6.4 Bicycle parking • A total of 9 employee bike spaces and 9 visitor spaces are required for this development. The employee bicycle parking co-located with the end of trip facilities are noted, however is there any space available for visitor bicycle parking? (preferably closer to the southern building entry)	
f)	Clause 5.6.5 End of trip facilities • A locker is required per employee bicycle bay provided. Is there any capacity to include lockers within the end of trip facilities? • The proposed shower block for the end of trip facilities includes a combined change room. Could this be split to provide two shower/change rooms?	
g)	Clause 5.7 Landscaping • Aside from the overall percentage of landscaping, the City is generally happy with the landscaping plan proposed, however would like to see some shade trees adjacent to the parking module on the southern boundary.	Advice from the project Landscape Architect indicates that it would not be possible to include shade trees in this location, due to the proximity of the basement car parking area.
h)	Clause 5.9 Servicing • There is an existing car bay on the adjoining lot, that when occupied would restrict the ability to access/collect waste from the adjoining car parking area. Noting that a car could be parked in this space at any time/overnight this presents a key issue for the City in being able to support the proposed waste arrangements. • Is any screening of the service/bins area proposed?	This is addressed within updated plans included at Attachment 1 and also within the updated Waste Management Plan included at Attachment 2.
2.	**General planning queries**	
a)	• Through the proposed application, are any changes proposed to how the staging of development would work to that previously considered? i.e. stage 1 and stage 2 outlined on page 2 of the application letter.	The staging as described at Page 2 of the covering letter represents the intended construction process for the development.
b)	• What is the purpose of the area on the eastern side of the basement level car park? There is mention of an additional parking aisle for vehicle movement in the application letter, however future use of this area for vehicles appears to be restricted by the location of columns.	As noted in the material lodged with the City, advice obtained from the Architect and Structural Engineer during the Building Permit documentation phase indicated that to achieve efficiencies in the ultimate basement construction, the Stage 1 basement area should be extended further east to a more central location within the lot. This additional space to the east of Bay Nos. 11-19 is to remain as a void until it is required within the Stage 2 development.

c)	• At the time of considering DA15/0664, State Planning Policy 7.0 was not in effect, however is required to be considered through this application as part of the current planning framework. A statement addressing SPP 7.0 is therefore requested for assessment.	An assessment of the proposal against SPP 7.0 is included at Attachment 3
d)	• The plans lodged with the application don't include a 'proposed' site plan. Assessment to date has been based off the ground floor plan DA.04. Is there a proposed site plan available?	This is addressed within updated plans included at Attachment 1
3.	**Waste**	
	• Need to have a path of travel from the storage area to the collection vehicle indicated. • Require turning circles for a waste collection vehicle through the car park to the proposed collection point. • As per clause 5.9 Servicing above, when occupied, the car bay/s on the adjoining property will restrict the ability to access the site for waste collection.	This is addressed within updated plans included at Attachment 1 and also within the updated Waste Management Plan included at Attachment 2.
4.	**Engineering**	
	• Additional line marking (arrow) needed near the western boundary to direct traffic flow onto the adjoining site. • A sectional drawing indicating the grade into the basement level car park is requested. • What's the purpose of the "keep clear" area on the northern side of the basement car park? • Turning templates demonstrating maneuverability in the basement car park are requested. • Recommend reconfiguration of the six bays located along the southern boundary by removing the centre island between the 2.6m wide bay and the remaining bays. The space made could go towards an increase in bay widths or landscaping. • Some evidence that vehicular access on the northern side of the building won't impact existing car bays on the adjoining lot.	This is addressed within updated plans included at Attachment 1 and also within the updated report by Donald Veal Consulting included at Attachment 4.

Conclusion

As outlined above, the matters outlined in the consultation process and the City's assessment are suitably addressed either within the submitted application or the amended material. On this basis we request the City finalise its assessment and Responsible Authority Report for prompt determination by the Metro Outer Joint Development Assessment Panel.

Should you require any further information or clarification in relation to this matter, please Greg Rowe or the writer on 9221 1991.

Yours faithfully,

Jeremy Hofland
Rowe Group

Summary of submissions	City's response
Impact on capacity for District Centre to expand	
• If approved the development would significantly limit the capacity for the planned growth of Woodvale Shopping Centre given the scale of parking shortfall proposed. • The Local Planning Strategy was endorsed by WAPC in 2017, and endorses the recommendations of the City's Local Commercial Strategy (2010) which noted existing floorspace of 7,460m^2 in 2010 and a threshold of 15,000m^2 for Woodvale District Centre. • Approval would significantly limit the potential to further develop on adjoining lots given the parking shortfall proposed.	It is unclear whether the 1991 obligations relating to reciprocal parking and access across the sites within the Woodvale District Centre binds the shopping centre owner to this arrangement. In the absence of certainty that a reciprocal parking and access arrangement exists, the City is unable to support the proposed parking shortfall. The City has recommended that the JDAP defer making a determination on the proposal to allow the relevant parties to enter discussions on this issue. The proposed floor space does not exceed the recommended floor space within the City of Joondalup's Local Commercial Strategy for Woodvale Commercial Centre. The Local Commercial Strategy (LCS) and floorspace thresholds outlined for each of the City's Local Centres are currently under review as part of the City's Draft Local Planning Strategy scheduled to be presented to Council later in 2024.
Deed of agreement	
• Advice note 10 of the original approval applied by JDAP: ○ *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.* • Legal advice obtained that if the 1991 Deed of Agreement has not been entered into by an adjoining landowner, then that landowner is not a party to that agreement. • Only a covenant or easement would be binding on successive parties purchasing land, as these run with the land. • Question the proponent's reliance on a reciprocal agreement as it is not registered as an easement on title and has not been consented to by the current owners.	Please see above response.
Vehicle access & parking	

• The proposal seeks to eliminate 2 critical vehicle access paths through the site (either side of the development). • The removal of these access points means there is no longer any capacity for wider circulation to work successfully or for parking to be reciprocal. The development has been designed to efficiently allow for its customers to park within the Woodvale Boulevard Shopping Centre Car Park and enter the site, it makes it impossible for the reverse to occur. • Any redevelopment of the site must maintain the existing slip lane from Whitfords Avenue and preferably improve this arrangement. • The development grossly undersupplies parking, and even in the event of reciprocal parking being applicable, the design of the building is such that there is no reciprocity suggested or possible. • A shortfall of 102 car bays against a total requirement for 145 car bays is not reasonable. The only evening use proposed for the redevelopment is a restaurant which includes less than 60 seats which means that any internal reciprocity of use within 937 Whitfords Avenue itself would only be of limited scope or potential. • The majority of the site is occupied by the 3 storey build and does not provide its share of at-grade parking within the context of the overall site having reciprocal parking & access between lots. • The bottom line conclusion is that the 2016 approval was already excessive in nature and any further expansion of the proposal, such as what is proposed in the current 'modifications', would only exacerbate the problem. • Since 2016 the JDAP approved the McDonalds/BP development which also relied on the reciprocal access and parking agreement to justify a parking shortfall. • In addition to the above, there is a proposal to establish a Nandos restaurant at the southern end of the Woodvale Boulevard Shopping Centre which will introduce further concentration of parking in this location.	The Technical Note provided by the applicant (Attachment 10 refers) demonstrates that closing the existing accesses either side of the building will have minimal impact on the internal road network regarding traffic flows. The majority of traffic using the centre enters via the main entrance points from Whitfords Avenue and Trappers Drive, with only a small amount of traffic travelling through the subject lot to other lots within the District Centre. It is noted that access to the basement carpark for the subject development is from the shopping centre carpark which will enable reciprocal parking to occur. However, it is unclear whether the reciprocal parking and access arrangements are binding on the shopping centre owner. Consequently, the City is recommending that the JDAP defer determination of the application to enable the applicant and shopping centre owner to engage on this issue. This is discussed in further detail in the report. The City confirms it has received a fit out application for a Nandos restaurant. Nandos' would be expected to achieve higher peak periods towards evening hours, when the proposed Medical Centre would either be closing or ceased operation for the day. The BP/McDonalds development was approved on the basis that the Service Station component of the development included a car parking shortfall, however this shortfall largely resulted from refuelling bays not being counted towards the provision of car parking. The parking shortfall at the site was approved on that basis.
Land use	

• What is unknown is the precise nature of the proposed use of the medical centre which is an essential detail for a meaningful analysis of the proposed modifications because a number of the medical centres of this type are now trading 7 days a week over extended hours which would then extrapolate any issues into evenings and weekends.	The applicant's development plans includes information detailing a break-down of the precise nature of the 'Medical Centre' component of the application, being: • General practice • Pathology • Radiology • Physiotherapy • Podiatry • Dentist
Change to planning framework	
• The previous approval was granted under a different planning framework and it is not appropriate to grant an EOT. • The objectives of the commercial zone have substantially changed between DPS2 and LPS3, which now include "to ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality". • Consideration of impact to amenity was introduced in 2018 as part of the change to LPS3. The EOT should be refused, and the applicant made to lodge a fresh application.	The application has been assessed against the current planning framework including Local Planning Scheme No. 3. The State Administrative Tribunal (SAT) has set out the assessment criteria when considering whether it is appropriate to grant an extension of time on an approval or not. The City has used the criteria set out by the SAT in determining whether to grant an extension of time. The City's assessment of the application against the requirements of LPS3 is included in the main body of the report.

Assessment summary

Commercial, Mixed Use and Service Industrial Local Planning Policy

Item	Required	Proposed	Comment
5.1 Building setbacks	3m to side/rear	• Nil to west boundary • 2 metres to northern boundary • 1.3 metres to north-eastern boundary • 1.3 metres to south-eastern boundary	The setbacks do not meet the minimum standards of the LPP. Since the original approval was granted the setback requirements applicable to side boundaries have not changed, while the setback requirement to rear boundaries has reduced from 6 metres under DPS2 to 3 metres under the Commercial LPP. The increase to some of the lot boundary setbacks is considered to better align with the development standards of the Commercia LPP and are therefore supported.
5.2 Building height	13 metres	13.7 metres – 14.8 metres	The building height exceeds the maximum height limit of the LPP. The proposed building height does not substantially differ from the previously approved development and is supported as outlined in the body of the report.
5.4 Built form and design	High quality materials	Materials and design features considered appropriate.	The extent of glazing, the width of the pedestrian awning and location of the pedestrian pathway on the northern side of the building do not meet the development standards of the LPP. The proposed glazing, northern pedestrian entry and awning width are generally consistent with the original development approval. These aspects of the development were reviewed by the Joondalup Design Reference Panel as part of the original approval and the glazing and awnings in the context of the overall development are still considered appropriate. Regarding the pedestrian access to the northern side of the building, the City's preference is to see
5.4 (a) Materials	Concrete walls visible from adjoining properties must be painted must be painted and provided with an articulated or detailed finish.	Western boundary wall is cladded to provide some articulation.	
5.4 (b) Articulation	Varied colours, textures, finishes and materials	Minimal articulation to western boundary wall	
5.4 (c) Windows and glazing	50% clear glazing to ground floor	• North: 43% • South: 45% • East: 20.79 (21%) service side	

	Ground floor commercial frontage windows to have a maximum sill height of 0.7 metres above finished floor level.	• West: Boundary wall = 0% Ground floor windows are proposed at finished floor level	details of how this will integrate with the adjoining lot to the north. This is discussed in the body of the report.
5.4 (d) Commercial frontage	Ground floor external tenancies to have an entrance onto the commercial frontage and be outward facing to facilitate activation of that frontage.	Both a northern and southern entrance to the building are proposed at-grade.	
5.4 (e) Building entrances	Clearly defined building entrance Building entries directly fronting street, carpark and pedestrian routes	Both a northern and southern entrance to the building are proposed at-grade. Pedestrian pathway providing access to the building's northern entry extends into a landscaping area of the adjoining shopping centre site.	
5.4 (f) Pedestrian shelter	Pedestrian shelter depth of 1.5 metres Pedestrian shelter minimum height of 3 metres	1.1m awning (from upper floor overhang) along building's northern and southern entries. Height of 3.7 metres proposed	
5.5 Retaining walls	Retaining walls visible from the street greater than 1 metre must be tiered so no tier is greater than 1 metre in height with a 1 metre wide landscaping area between tiers.	At grade parking area (eastern side) TOW: 39.45 NGL: 38.99 Height: 0.46 metres At grade parking area (street side) TOW: 39.4 NGL: 39.35 Height: 0.05 metres	The proposed retaining walls do are within the maximum heights permitted through the LPP.

5.6.1 Car parking	152 bays	42 bays	The proposed car parking does not meet the car parking requirements of the LPP, proposing a 110 bay shortfall. This is discussed in the main body of the report.
5.6.2 Car park location and design	6 metre aisle width Minimal crossovers A footpath must be provided from the carpark and street to the building entrance along all street frontages The location of crossovers should minimise traffic or pedestrian hazards Where car parking and access is approved on neighbouring properties that relies on the reciprocal movement of vehicles and pedestrians across those properties, the necessary reciprocal access and parking shall be allowed at all times to the local government's satisfaction.	5.8 metre aisle width 1 crossover proposed (retains existing onto Whitfords Avenue) Footpath connection and zebra crossing on the building's southern side Insufficient room to accommodate a safe pram ramp adjacent to bay 13 on the southern boundary A reciprocal access and car parking agreement in place over the site	The car parking circulation width (aisle width) within the basement car park does not meet the Australian Standards. This is discussed in the main body of the report.
5.6.3 Scooter and Motorbike Parking	The 30th car bay shall be replaced with two scooter/motorcycle parking bays	43 car bays provided. 2 scooter/motorcycle bays are therefore required. 2 are provided.	The required provision of scooter/motorcycle parking required under the LPP has been achieved.
5.6.4 Bicycle parking standards	8 employee bicycle bays 8 visitor bicycle bays	9 employee bicycle bays 10 visitor bicycle bays	The required provision of bicycle parking required under the LPP has been achieved.

5.6.5 End of trip facilities	For developments requiring between 6 to 19 bicycle bays: • 1 female and 1 male shower, or 2 separate unisex showers A locker per employee bicycle bay (9 proposed) The end-of-trip facilities located near bicycle parking	1 male and 1 female shower/ change room provided. 6 lockers provided End of trip facilities co-located with bicycle bays.	The location and provision of shower facilities is appropriate however, the number of lockers proposed is short of the requirement by 3 lockers.
5.7 Landscaping	8% landscaping Landscape areas minimum width of 1 metre	7.65% landscaping Reduced landscaping bed widths: • 0.5m width in front of building on southern side. • 0.25m along eastern boundary. • 0.9m along street boundary	The development proposes less than the required landscape percentage across the site and does not achieve the minimum garden bed widths in some areas. This is discussed in the main body of the report.
5.8 Fencing	Front fence to be visually permeable above 0.75m from natural ground level and be a maximum height of 2.0 metres from natural ground level	No fencing proposed	Not applicable
5.9 Servicing	Service access provided to all commercial buildings Directly accessible for waste pick up and not adversely affect car parking and vehicle or pedestrian access Service yards screened from view	Service access is proposed via the shopping centre car park to the north. An accessway of 1.3 metres is provided along the north-eastern boundary to allow access for bins. When a waste vehicle is parked for collection, between 2-3 parking bays on	The proposed waste collection arrangement has the potential to obstruct access to car parking on the adjoining site. This is discussed in the main body of the report.

	External fixtures screened from view from street	the adjoining lot would be obstructed The bin store is located within the basement with a service lift allowing presentation of bins for collection. External fixtures included within services platform on rooftop.	

ESTIMATED AREAS

1	900m²
2	2373m²
3	7291m²
4	594m²
5	608m²
6	625m²
7*	2288m² (*PROPOSED DEVELOPMENT)
8	309m²

TOTAL GROSS FLOOR AREA: 14,988m²

PARKING

TOTAL ESTIMATED PARKING BAYS IS: 660 BAYS

NOTE

ALL AREAS ARE INDICATIVE ONLY AND ARE SUBJECT TO SURVEY

ESTIMATED FLOOR AREAS - WOODVALE SHOPPING CENTRE

VARIOUS LOTS - WHITFORDS AVENUE

WOODVALE

N

0 25 m

SCALE @ A3: 1:1000

7809-FIG-09-C

DRAWN: WC
DATE CREATED: 2024.01.29
PROJECTION: MGA50 GDA94
CADASTRE: LANDGATE
AERIAL: NEARMAP 2023

This document may not be reproduced without the written consent of Rowe Group. All areas and dimensions are subject to survey.

ROWE GROUP

CITY PRIDE HOLDINGS PTY LTD

POST LODGEMENT TRAFFIC ADVICE AND REVIEW FOR WOODVALE MEDICAL CENTRE

TECHNICAL NOTE 1 Revision 2
7.02.2024

City Pride Holdings has commissioned Donald Veal Consultants (DVC) to provide responses to the relevant highlighted items raised in the two tables provided, i.e. ***Table 1: City of Joondalup – Summary of Submissions*** and ***Table 2: City of Joondalup – Summary of Assessment***.

This Technical Note also provides DVC's review of the revised layout plans produced by Ryan Tsen Architects and confirms whether the revisions address the relevant issues. Revision 1 addresses initial feedback comments from the City of Joondalup as received on 29th December 2023, whilst Revision 2 addresses feedback comments confirmed by the City on 5th February 2024.

1. RESPONSE TO ISSUES RAISED

1.1 General

The issues raised for DVC's response have been summarised in the following tables, with Table 1 representing submissions received by the City, while Table 2 presents issues raised by the City themselves, as part of the assessment process. This includes responses to initial issues raised by the City in an email from Tim Thornton, Senior Urban Planner, dated 29th December 2023 and those requiring additional information as confirmed by email by Tim Thornton on 5th February 2024.

1.2 Issues raised in Submissions to the City

Responses to the traffic and safety related issues identified in Submissions to the City have been appended to the table below.

Table 1: City of Joondalup – Summary of Submissions

Summary of submissions	Responsibility	Applicant response
Vehicle access & parking		
• The proposal seeks to eliminate 2 critical vehicle access paths through the site (either side of the development).	**DVC**	The only links within the internal road network that will be severed were surveyed during peak periods to determine the effect of the proposals. As can be seen within the original TIA report, these links are little used, and alternative options are readily available.
• The removal of these access points means there is no longer any capacity for wider circulation to work successfully or for parking to be reciprocal. The development has been designed to efficiently allow for its customers to park within the Woodvale Boulevard Shopping Centre Car Park and enter the site, it makes it impossible for the reverse to occur.	**DVC**	The vast majority of vehicles entering the shopping Centre parking areas do so via the main accesses off Whitfords Avenue and Trappers Drive. The secondary access off Whitfords Avenue, located within the left turn lane at the Trappers Drive intersection, will remain open, and continue to provide access to both the service station and Red Rooster fast food outlet etc. A full discussion of the survey results and an explanation of the effects can be found in the TIA, and this clearly determines that the overall impact of removing these internal links will be negligible.
• The development grossly undersupplies parking, and even in the event of reciprocal parking being applicable, the design of the building is such that there is no reciprocity suggested or possible.	**DVC/Rowe Group**	The principal of Reciprocal Parking is primarily associated with the sharing of parking bays between different businesses that create demand during different times of the day or week. In this instance, there is a reciprocal parking agreement across the entire shopping centre, whereby no individual agreements are necessary. The overall total parking provision of the centre does not therefore need to equal the sum of the theoretical individual requirements. The same parking bays that are only required by one business during the daytime can be used in

		the evening by a different demand generator. The extent of this reciprocity is dependent upon the mix of businesses within the overall site. However, the ultimate need for reciprocity cannot be ascertained without also considering the effect and prevalence of shared trips. It is quite possible that patrons intending to combine their trips may park in the medical centre, whilst also visiting the other businesses within the wider centre, and vice versa.
• Any redevelopment of the site must maintain the existing slip lane from Whitfords Avenue and preferably improve this arrangement.	**DVC**	The slip lane access will be retained.
• The majority of the site is occupied by the 3 storey build and does not provide its share of at-grade parking within the context of the overall site having reciprocal parking & access between lots.	**DVC**	See previous responses above re. reciprocal parking.
• In addition to the above, there is a proposal to establish a Nandos restaurant at the southern end of the Woodvale Boulevard Shopping Centre which will introduce further concentration of parking in this location.	**Clarification from LG indicates this is an existing approved restaurant, fitted out for Nandos**	No further comments.
• A shortfall of 102 car bays against a total requirement for 145 car bays is not reasonable. The only evening use proposed for the redevelopment is a restaurant which includes less than 60 seats which means that any internal reciprocity of use within 937 Whitfords Avenue itself would only be of limited scope or potential.	**Rowe Group**	Total theoretical requirement would be 113 bays. Technical shortfall is therefore 70 bays not 102. However, this makes no allowance for shared trips, either internally to the Lot or to the wider shopping centre, which would be expected to reduce the actual demand significantly.
• Since 2016 the JDAP approved the McDonalds/BP development which also relied on the reciprocal access and parking agreement to justify a parking shortfall.	**DVC/Rowe Group**	It is understood that the approval process determined that sufficient parking was provided, and that the development did not rely on the use of reciprocal parking arrangements.
• The bottom line conclusion is that the 2016 approval was already excessive in nature and any further expansion of the proposal, such as what is proposed in the current 'modifications', would only exacerbate the problem.	**DVC/Rowe Group**	We are not aware of any existing parking issues. The overall parking supply exceeds the calculated requirement.

1.3 Issues raised by the City

Table 2: City of Joondalup – Summary of Assessment

Comments	Applicant Response
Commercial, Mixed Use and Service Industrial Local Planning Policy	
Clause 5.6.2 Car park location and design • No footpath provided adjacent to the building's southern entrance. No connection to the public footpath.	Done. Connection provided.
Engineering	
• Additional line marking (arrow) needed near the western boundary to direct traffic flow onto the adjoining site.	Done. Arrow added.
• A sectional drawing indicating the grade into the basement level car park is requested.	Overhead Clearance section provided in Appendix A.
• What's the purpose of the "keep clear" area on the northern side of the basement car park?	Done. This marked area has been deleted.
• Turning templates demonstrating maneuverability in the basement car park are requested.	Done. Swept path analyses provided in Appendix A.
• Recommend reconfiguration of the six bays located along the southern boundary by removing the centre island between the 2.6m wide bay and the remaining bays. The space made could go towards an increase in bay widths or landscaping.	Done. Design amended.
• Some evidence that vehicular access on the northern side of the building won't impact existing car bays on the adjoining lot.	For the at grade bays to the north of the basement access, the gap to the ramp will perform as per the standard 1.0m extension provided to facilitate turning movements at the end of a blind aisle. Vehicles passing to and from the ramp will do so as per a normal parking aisle.
Planning	
• What is the latest revised development cost estimate for the development? Previous figure from 2016 was $5 million – its likely this would have changed.	The revised development cost estimate is $8 million.

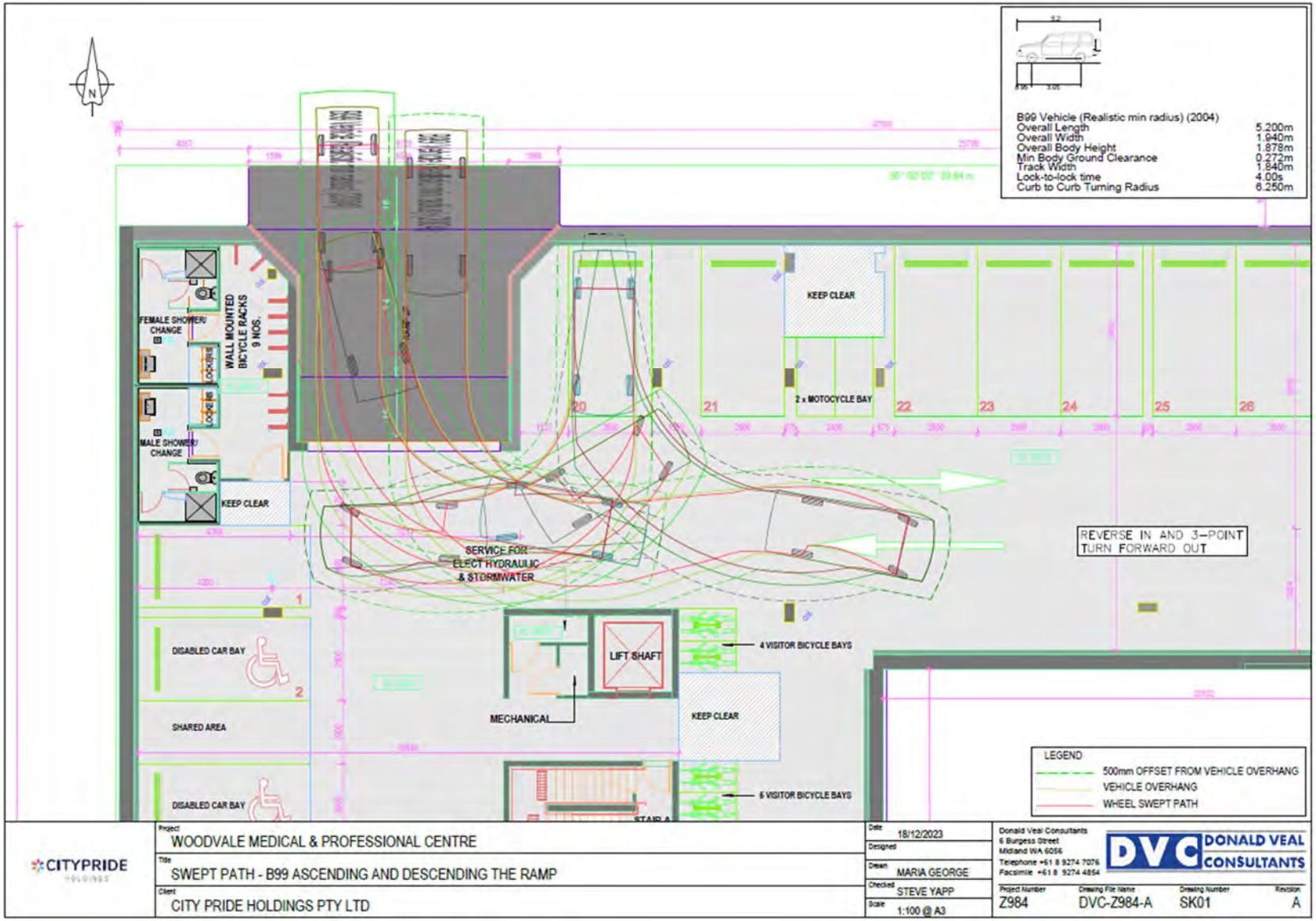
• It appears the information to date regarding floor area for the Tenancy 5 Café (82m^2) and the overall development hasn't included the outdoor dining area. Can you please confirm a breakdown of the tenancy 5 internal area as well as the outdoor area, and accordingly confirm what the total floor area is for the development? Figure provided to date is 2,261m^2.	a) Within the table at Plan DA.04 it identifies the outdoor dining area as 27m^2; b) The overall (internal) area of Tenancy 5 is 82m^2. The dining area would be 55m^2, on the basis that counter/store/prep and other back of house functions are excluded and typically occupy approximately one third of the overall floor area; c) The floor area of 2261m^2 stated within the application did not include the outdoor dining area associated with Tenancy 5. When included, the floor area is 2288m^2.
• The City is still unclear on what the proposed staging for the development entails. Having reviewed the previous RAR and information provided with the application our understanding of the staged development is as follows: 1. Demolition to part of the existing building to allow for the proposed development footprint and allow the existing medical centre to continue operation during construction, which would include the basement level car park and the three storey mixed use building. 2. Upon completion of the new building, the operator of the existing medical centre will relocate to the new mixed use building, allowing the existing medical centre to be demolished. Upon demolition of the old medical centre building, the construction of the proposed at-grade parking could take place.	The description is correct.
• In Rowe Group's response to the City's RFI it is stated "the Stage 1 basement area should be extended further east to a more central location within the lot. This additional space to the east of Bay Nos. 11-19 is to remain as a void until it is required within the Stage 2 development." Several questions arise from the above: 1. How many bays will remain in place for use of the existing medical centre while the mixed use building and basement level car park are under construction?	2 bays as shown on drawing DA.02
2. The response provided by Rowe Group mentions that the void will be required within the stage 2 development. What will it be required for?	This is to avoid excavation under stage 1 ground floor and it is more efficient structurally to extend the base to the same footprint as ground floor.
3. Are the existing access points to the adjoining sites to the east (McDonalds/BP) and west (Red Rooster) proposed to remain open during each stage of construction?	Access point to the east (McDonalds / BP) will remain open. Access point to west (Red Rooster) will be closed during construction stage.

4. Can you please confirm that the City's understanding of the staging of development (above) is correct?	Confirmed. See comment above.
• In justifying the reciprocal nature of car parking at the site (i.e. different parking demand at different times), it would be helpful to know what the intended operating hours/days of the medical centre (and other uses) are likely to be. Is it known if its intended to be a Mon-Fri operation, are the hours likely to be 9am-5pm or are later opening hours likely?	Current trading hours set out below, which are not proposed to change as part of this application: Monday 8 am–6 pm Tuesday 8 am–5 pm Wednesday 8 am–6 pm Thursday 8 am–5 pm Friday 8 am–5 pm Saturday 8 am–1 pm Sunday Closed Hence, the medical centre will be closed at the peak trading periods for the McDonalds restaurant, which are typically after 5pm weekdays and afternoons at weekends.
• The amendments made to the southern at-grade parking module have been reviewed by the City's Engineers, and while the introduction of the zebra crossing connection and absorption of the centre island into the parking bays are commended, the modifications: 1. Leave insufficient space for a pram ramp to be adequately included on the western side of the Whitfords Avenue slip lane; and, 2. Whilst acknowledging the wheel stops in place, vehicles parking in bay 13 will likely overhang into the adjoining footpath and exacerbate issue a) above.	Both the Architect and Traffic Engineer have reviewed the above and it would appear the only method to achieve a compliant space for the pedestrian ramp would be to delete Bay 13. This modification will be made.
• The traffic and parking technical information provided by Donald Veal Consultants, including the traffic and parking surveys pre-date the McDonalds development at 941 Whitfords Avenue that has since taken place. The technical note provided with the application doesn't touch on this, however should it be raised at JDAP has the traffic consultant reviewed whether the surveys and figures being relied upon have materially changed from those undertaken in the initial TIA?	DVC has considered the effect of the McDonald's development in these terms. Fundamentally, there is no issue with the parking numbers, as the development approval for the McDonalds concluded that there was sufficient parking within the BP site to cater for the changes, as the vehicles queuing at the bowsers had not previously been identified as parking bays. Thus, there is no effect external to the BP area, and DVC's calculations are unaffected. In terms of the survey data, as the surveys were carried out prior to the McDonalds being opened, the figures do not reflect any additional patrons currently using the accesses to be closed. However, as can be seen in Appendix B, the numbers are not expected to be at all significant, as it is and will remain much easier to approach the McDonalds via other routes, including via the BP forecourt, which will remain available.
•	

	The red route will no longer be available, but the green alternative is just as easy. The orange routes are likely to be more popular and will remain accessible.
• Regarding the restrictive covenant for retail floor space at the site, is Rowe Group able to confirm whether the pharmacy (shop) will exceed 180m^2 of retail floorspace?	Retail area will remain 157m^2 while the balance area will be dispensing, office, staff amenities and storage.
• Regarding the additional information included within the Waste Management Plan, the proposed arrangements have a private waste contractor take each bin from the basement level bin store, up the service lift and then back again once collection is done. 1. It means the truck is likely to remain in that location for some time while this occurs. How long is the truck likely to remain parked in the proposed location during collection? 2. The waste management plan doesn't demonstrate how manoeuvrability in the adjoining parking lot (circulation and manoeuvring in/out of bays) would function while the waste vehicle is parked. Can this be provided?	We understand Stantec is preparing an updated Waste Management Plan to address these questions.
Since the previous approval was issued, the corner site (941 Whitfords Avenue) has been redeveloped and in turn, has intensified traffic at the key entry/exit points to the overall commercial centre. The technical note should justify that closure of the access points either side of the development remains appropriate within this context.	See **Appendix C**
i. Movement by exiting vehicles from the Medical Centre;	See **Appendix D**
ii. Impact of the proposed close of the vehicle accesses within Lot 9 to the west and east of the existing Medical Centre.	See **Appendix C**

Appendix A –

Vehicle Swept Path Analysis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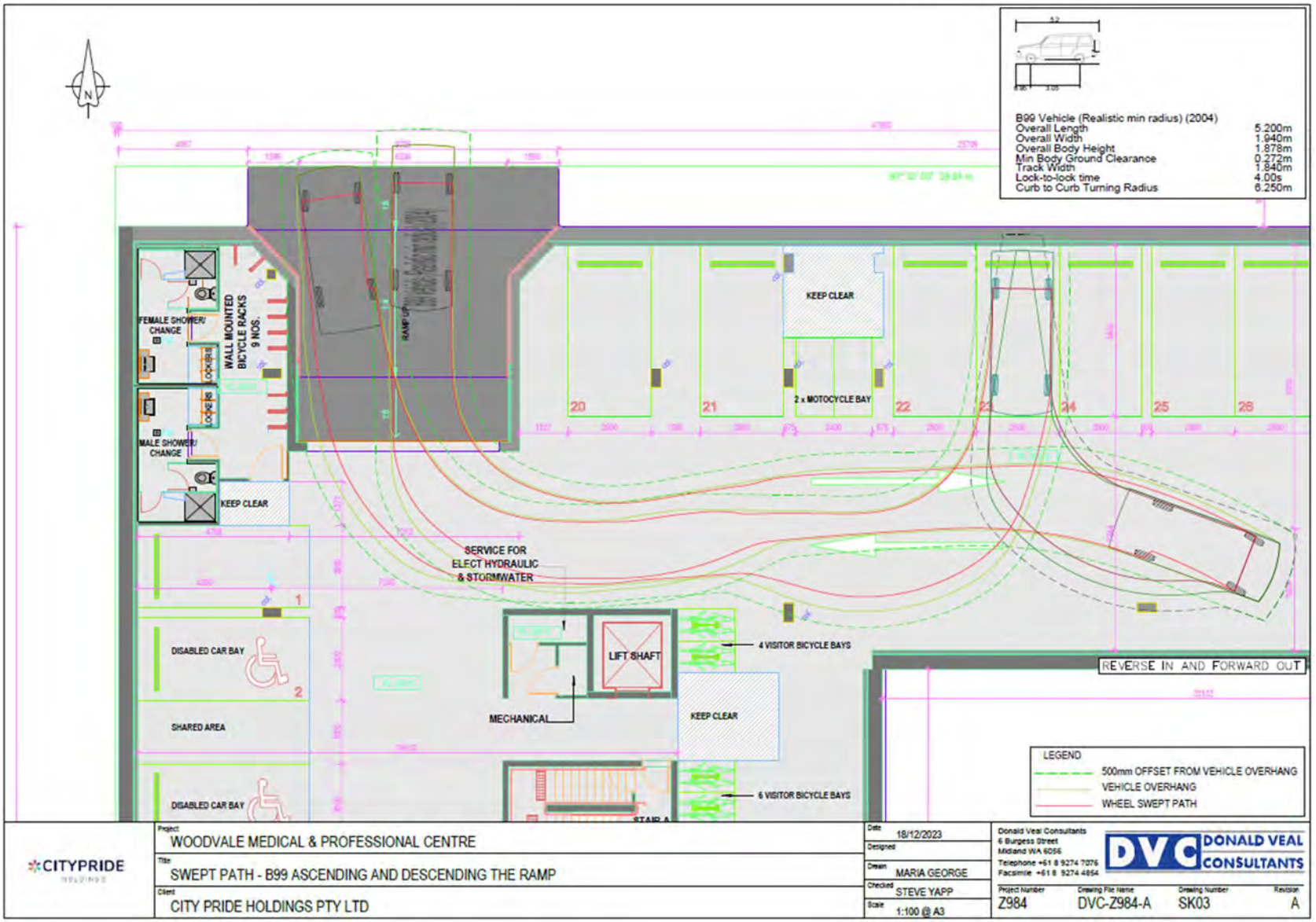
Overall Width 1.940m
Overall Body Height 1.878m
Min Body Ground Clearance 0.272m
Track Width 1.840m
Lock-to-lock time 4.00s
Curb to Curb Turning Radius 6.250m
FEMALE SHOWER/ CHANGE
WALL MOUNTED BICYCLE RACKS 9 NOS.
MALE SHOWER/ CHANGE
KEEP CLEAR
KEEP CLEAR
2 x MOTOCYCLE BAY
20
21
22
23
24
25
26
SERVICE FOR ELECT HYDRAULIC & STORMWATER
REVERSE IN AND 3-POINT TURN FORWARD OUT
DISABLED CAR BAY
SHARED AREA
DISABLED CAR BAY
LIFT SHAFT
MECHANICAL
4 VISITOR BICYCLE BAYS
KEEP CLEAR
6 VISITOR BICYCLE BAYS
LEGEND
500mm OFFSET FROM VEHICLE OVERHANG
VEHICLE OVERHANG
WHEEL SWEPT PATH
CITYPRIDE
Project WOODVALE MEDICAL & PROFESSIONAL CENTRE
Title SWEPT PATH - B99 ASCENDING AND DESCENDING THE RAMP
Client CITY PRIDE HOLDINGS PTY LTD
Date 18/12/2023
Designed
Drawn MARIA GEORGE
Checked STEVE YAPP
Scale 1:100 @ A3
Donald Veal Consultants
6 Burgess Street
Midland WA 6056
Telephone +61 8 9274 7076
Facsimile +61 8 9274 4854
DONALD VEAL CONSULTANTS
Project Number Z984
Drawing File Name DVC-Z984-A
Drawing Number SK01
Revision A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Curb to Curb Turning Radius 6.250m
FEMALE SHOWER/ CHANGE
WALL MOUNTED BICYCLE RACKS 9 NOS.
MALE SHOWER/ CHANGE
KEEP CLEAR
RAMP UP
KEEP CLEAR
2 x MOTOCYCLE BAY
20
21
22
23
24
25
26
SERVICE FOR ELECT HYDRAULIC & STORMWATER
DISABLED CAR BAY
SHARED AREA
DISABLED CAR BAY
LIFT SHAFT
MECHANICAL
4 VISITOR BICYCLE BAYS
KEEP CLEAR
6 VISITOR BICYCLE BAYS
REVERSE IN AND FORWARD OUT
LEGEND
500mm OFFSET FROM VEHICLE OVERHANG
VEHICLE OVERHANG
WHEEL SWEPT PATH
CITYPRIDE
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Title
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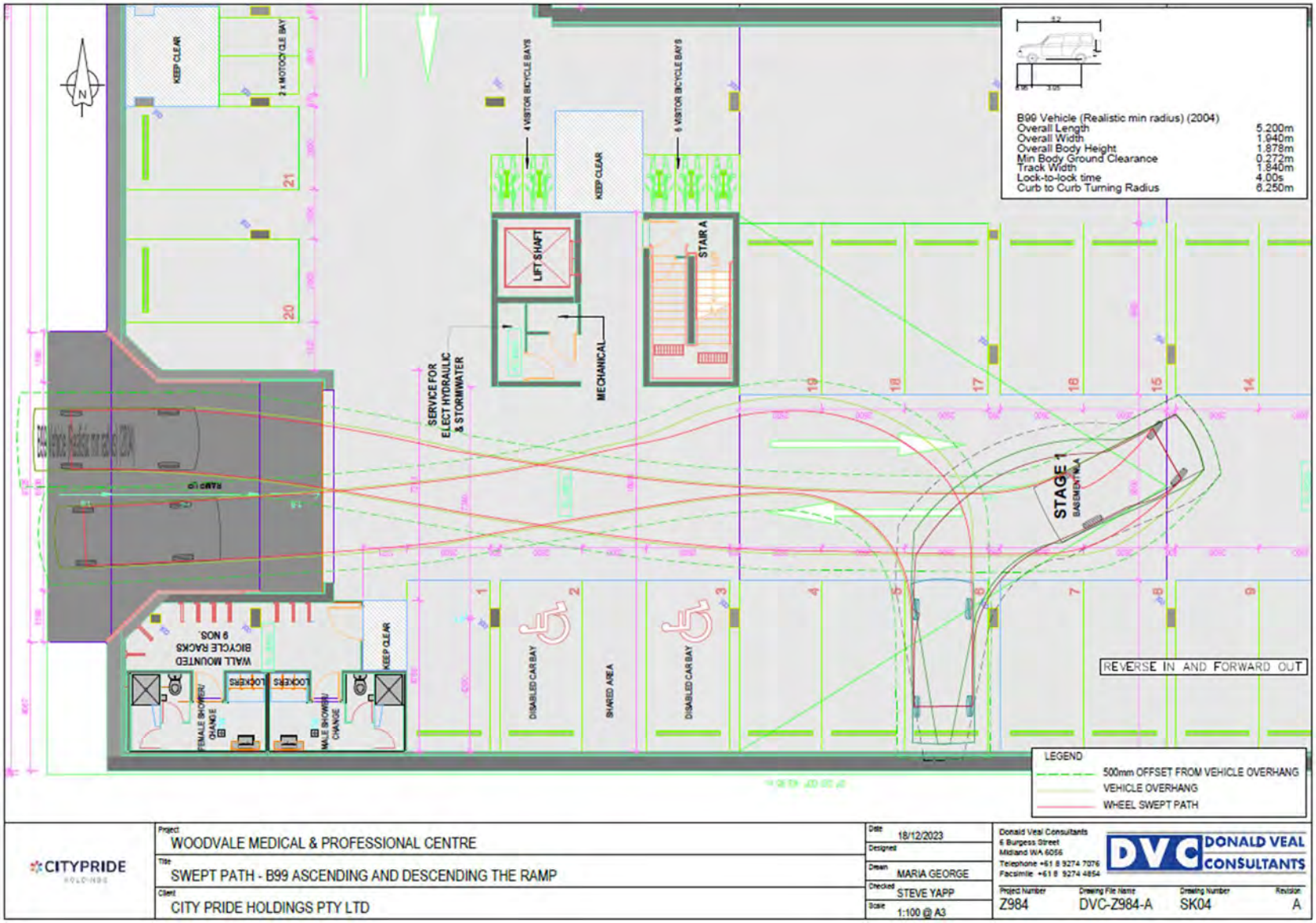
DONALD VEAL CONSULTANTS
Project Number Z984
Drawing File Name DVC-Z984-A
Drawing Number SK03
Revision A


KEEP CLEAR
2 x MOTORCYCLE BAY
4 VISITOR BICYCLE BAYS
6 VISITOR BICYCLE BAYS
KEEP CLEAR
LIFT SHAFT
STAIR A
MECHANICAL
SERVICE FOR ELECT HYDRAULIC & STORMWATER
B99 Vehicle (Realistic min radius) (2004)
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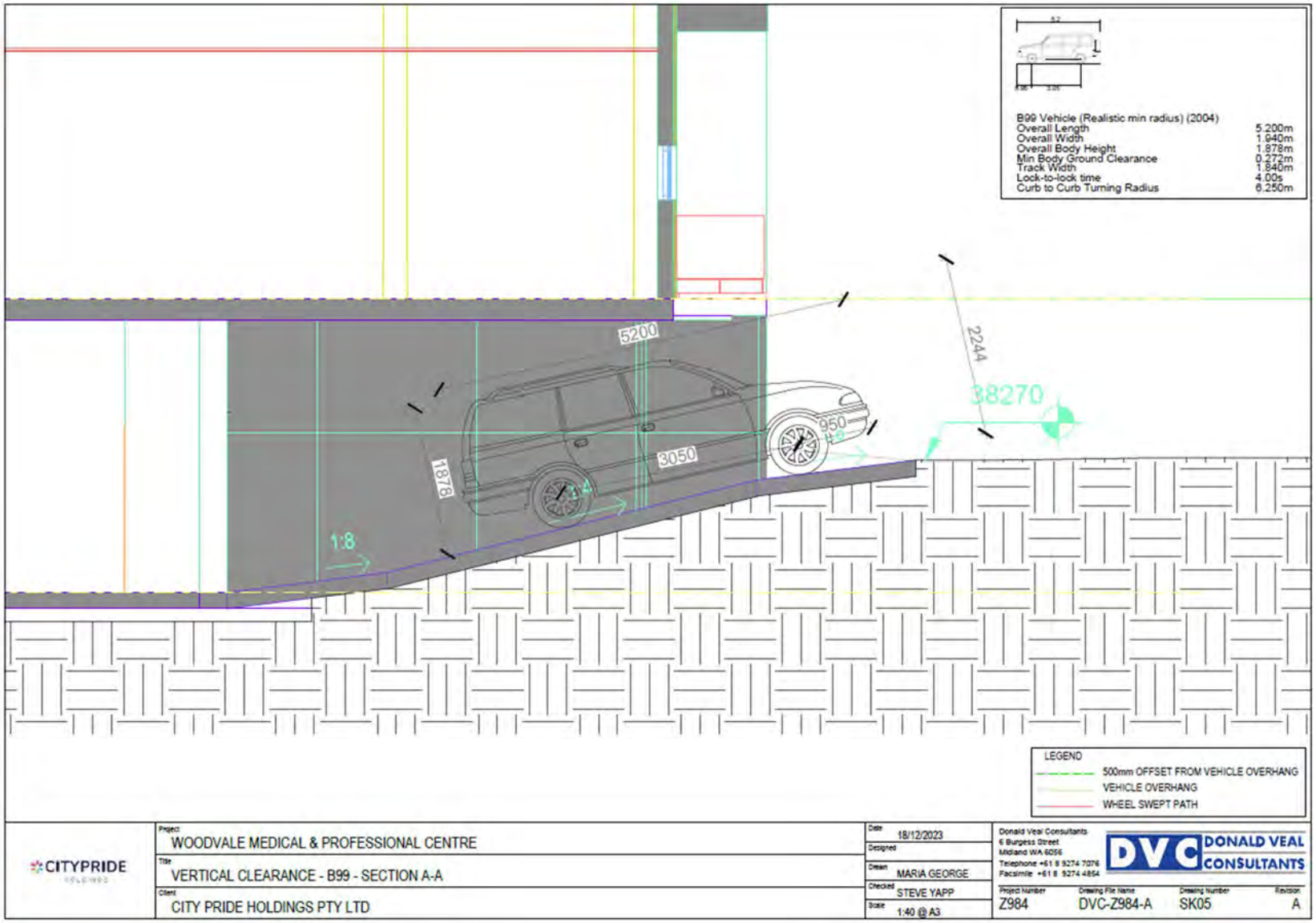
Overall Width 1.940m
Overall Body Height 1.878m
Min Body Ground Clearance 0.272m
Track Width 1.840m
Lock-to-lock time 4.00s
Curb to Curb Turning Radius 6.250m
STAGE 1
BASEMENT AREA
REVERSE IN AND FORWARD OUT
DISABLED CAR BAY
SHARED AREA
DISABLED CAR BAY
WALL MOUNTED BICYCLE RACKS 9 NOS.
LOCKERS
LOCKERS
FEMALE SHOWER/ CHANGE
MALE SHOWER/ CHANGE
KEEP CLEAR
LEGEND
500mm OFFSET FROM VEHICLE OVERHANG
VEHICLE OVERHANG
WHEEL SWEPT PATH
CITYPRIDE
Project
WOODVALE MEDICAL & PROFESSIONAL CENTRE
Title
SWEPT PATH - B99 ASCENDING AND DESCENDING THE RAMP
Client
CITY PRIDE HOLDINGS PTY LTD
Date 18/12/2023
Designed
Drawn MARIA GEORGE
Checked STEVE YAPP
Scale 1:100 @ A3
Donald Veal Consultants
6 Burgess Street
Midland WA 6056
Telephone +61 8 9274 7076
Facsimile +61 8 9274 4854
DONALD VEAL CONSULTANTS
Project Number Z984
Drawing File Name DVC-Z984-A
Drawing Number SK04
Revision A


B99 Vehicle (Realistic min radius) (2004)
Overall Length 5.200m
Overall Width 1.940m
Overall Body Height 1.878m
Min Body Ground Clearance 0.272m
Track Width 1.840m
Lock-to-lock time 4.00s
Curb to Curb Turning Radius 6.250m
5200
2244
38270
950
3050
1878
1:8
A
LEGEND
500mm OFFSET FROM VEHICLE OVERHANG
VEHICLE OVERHANG
WHEEL SWEPT PATH
CITYPRIDE
Project
WOODVALE MEDICAL & PROFESSIONAL CENTRE
Title
VERTICAL CLEARANCE - B99 - SECTION A-A
Client
CITY PRIDE HOLDINGS PTY LTD
Date 18/12/2023
Designed
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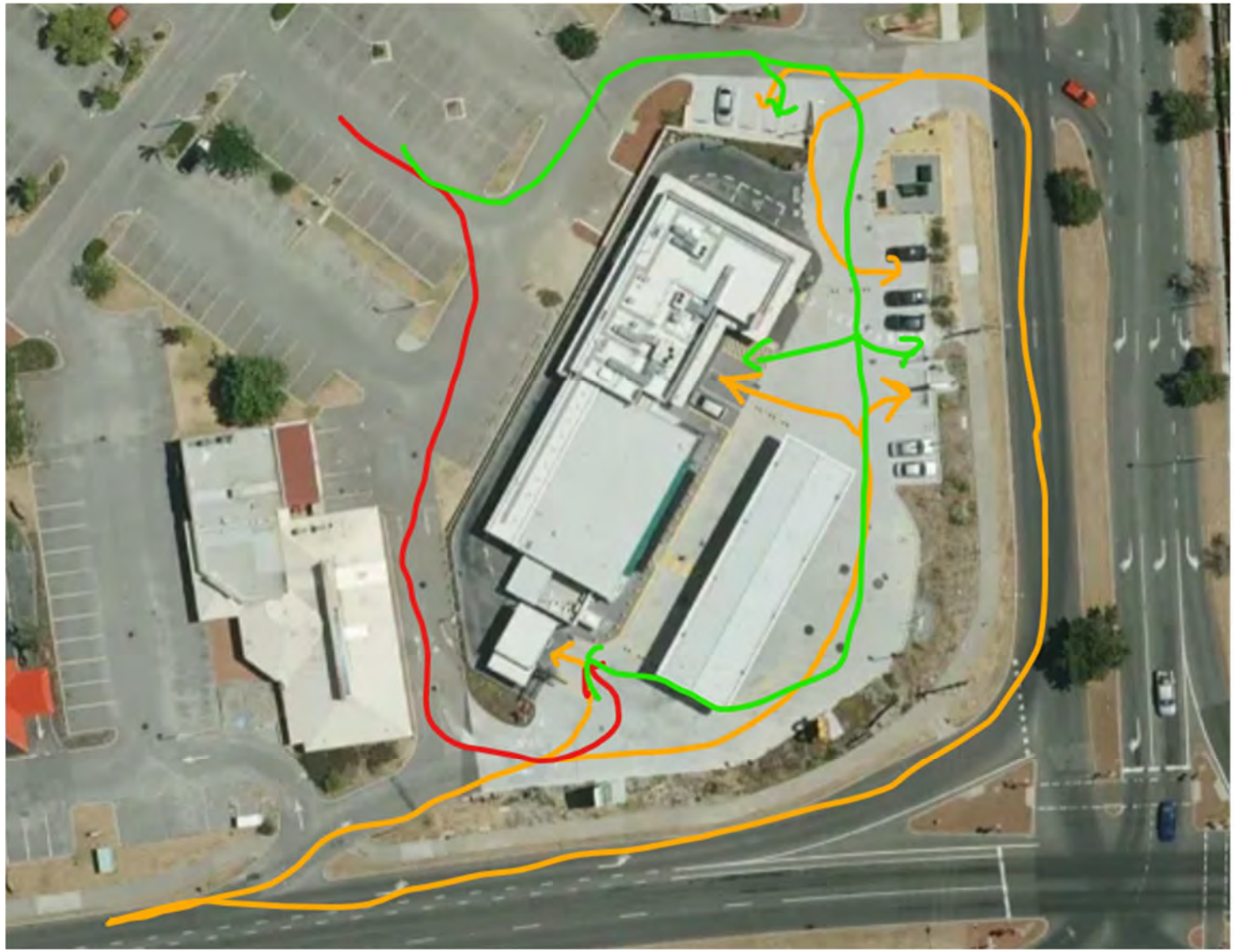
DONALD VEAL CONSULTANTS
Project Number Z984
Drawing File Name DVC-Z984-A
Drawing Number SK05
Revision A

Appendix B –

Access Routes to McDonalds



Appendix C –

Impact of Internal Link Closures

The Supplementary report (June 2016 Rev 1) to the TIA report included the following task in its scope, namely "*to demonstrate that the closure of the existing 'left in' entry from Whitfords Avenue into Lot 9 which continues east into Lot 1 (BP Service Station), north through Lot 9 into the neighbouring Lot 66 (Shopping Centre) and west into Lot 10 (Red Rooster) would not result in safety concerns for vehicles on Whitfords Avenue and that sufficient manoeuvring would be available within the site*".

A survey was conducted at the time that identified demand for the two connections during peak times on a Thursday and Saturday. The peak usage of the connection to the east was 7 trips and to the west was 12 trips. Combined, in any one hour the maximum was 14 trips. The survey results as per the Supplementary report are reproduced in **Figure C1** and **Table C1**.

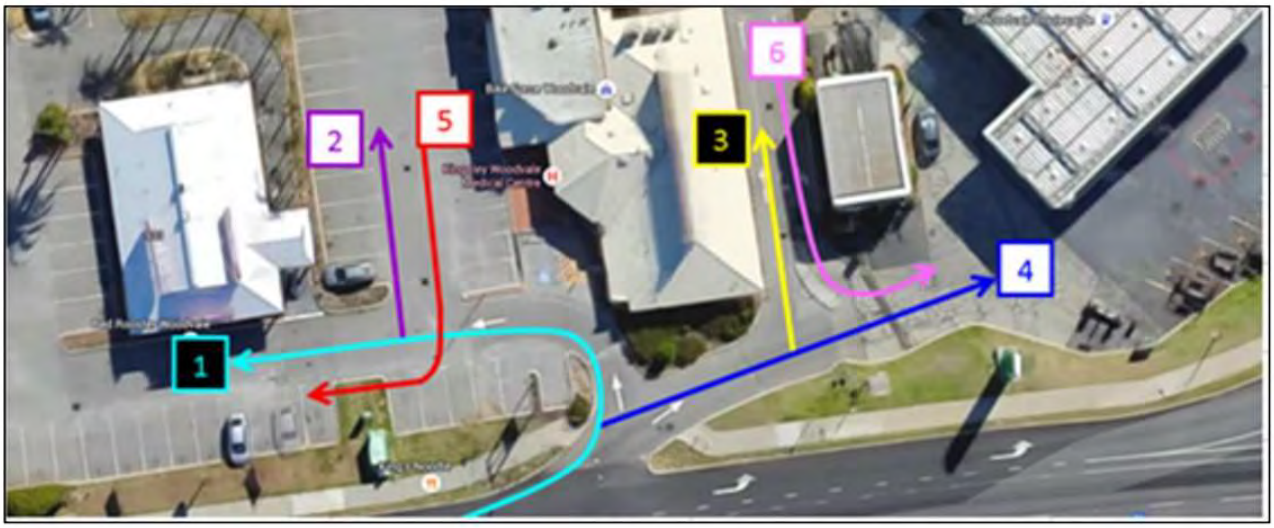


Figure C1: Surveyed Traffic Movements

Table C1: Surveyed Peak Hour Movements

Movement	1	2	3	4	5	6
Thursday 4 - 5 pm	4	5	3	15	2	4
Thursday 5 – 6 pm	2	5	0	26	7	1
Saturday 11.30 – 12.30	11	8	1	20	2	1

The upgrades to the BP Service Station site are unlikely to have generated much additional demand on these four movements apart from some potential increase in the internal movements to the east of the medical centre site.

Figure C2 shows the four impacted movements that will be removed as a result of the proposal. Three of these, shown in red relate to internal movements whereas those in yellow are inbound movements.

The implications of closing these two internal links are shown on two drawings (**Figures C3 and C4**) for clarity. **Figure C3** shows the revised routes for the main two internal movements and **Figure C4** shows the revised routes for the inbound movements and the minor internal movement.

The number of trips involved are minor (14 per hour in total) and will have no noticeable impact on circulating traffic capacity and no adverse impact on the increased activity to and from the BP Service Station site due to its upgrade.

Figure C2: Impacted Internal and Inbound Movements

Figure C3: Revised Internal Movements

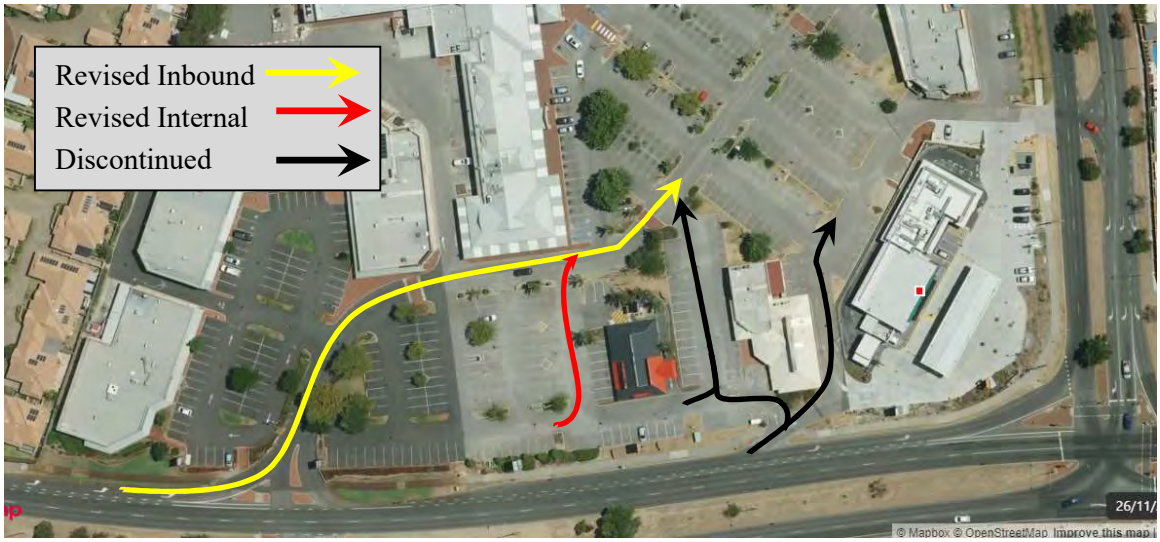


Figure C4: Revised Inbound and minor Internal Movements

Appendix D –

Medical Centre Exit Routes

The Medical Centre vehicle exit routes are shown in **Figure D1**. This shows the route options from both the basement car park (29 bays) and at grade car park (21 bays). Three key exits are expected to be utilised depending on the driver's destination. For those heading north on Trappers Drive, the obvious route to use is labelled 'A'. The majority of exit movements, those heading east or west on Whitfords Avenue, will select route 'B', whereas a few drivers, those heading east on Whitfords Avenue and preferring to avoid the right turn movement onto Trappers Drive, will use 'C'. The latter route may become more attractive during peak periods if there are delays in turning right at 'B'.

It should be noted that the Medical Centre is already in use on the site and has been for many years, pre-dating the upgrade works undertaken on the BP Service Station site. Hence, the exit movements already occur and are unlikely to change in any material way.

If driveway 'B' is experiencing a significant increase in demand since the BP Service Station upgrade then the City may wish to consider improvements at driveway 'A', possibly a right turn in pocket in the median to attract southbound drivers on Trappers Drive to use it instead of 'B'. This would reduce the overall demand for turning movements at 'B' and reduce the delays for right turn out movements. In addition to easing delays, the reduction in overall demand may also reduce the frequency of crashes at this location.

Figure D1: Medical Centre Exit Route Options

Proposed Mixed Use Development – Lot 9 (#937) Whitfords Avenue, Woodvale, Joondalup

Waste Management Plan

Rev C

Prepared for: Dalegrove Holdings Pty Ltd

Date: 12 January 2024

Ref: CW1200371/304900731

Stantec

Revision

Revision	Date	Comment	Prepared By	Approved By
A	12 July 2023	For Issue	JD	DH/RJC
B	14 December 2023	Final	JD	DH
C	12 January 2024	Final	JD	DH

Stantec Australia Pty Ltd

Ground Floor, 226 Adelaide Terrace, Perth WA 6000

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WASTE MANAGEMENT PLAN FOR

Proposed Mixed Use Development – Lot 9 (#937) Whitfords Avenue, Woodvale, Joondalup

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Appendix A. Site Plans
Appendix B. Waste Calculations

1.0 Introduction

1.1 Background

Stantec has been commissioned by Dalegrove Holdings Pty Ltd ("the Client") to prepare a Waste Management Plan (WMP) for the proposed medical centre development (the Development) located at Lot 9 (No. 937) Whitfords Avenue, Woodvale, within the City of Joondalup (the Site).

The scope of this WMP is limited to the estimation of general, recycling and FOGO waste generated by the proposed Development and includes recommendations for the appropriate collection, storage, handling and transportation of waste and recycling, in accordance with the requirements outlined by the City and the WALGA's Commercial and Industrial Waste Management Plan Guidelines.

Estimations of generated volumes of liquid (such as cooking oil) and bulk rubbish are not provided. Specialist contractors will need to be commissioned by the Development operators for the collection and disposal of liquid waste and bulk rubbish, as necessary.

1.2 Site location

The Development is to be located at Lot 9 (#937) Whitfords Avenue, Woodvale, within the City of Joondalup, as illustrated in **Figure 1-1**.

Figure 1-1 Aerial Image of Site

Source: MetroMap (2023)

Plans for the development outline a three-storey building intended for commercial use. The ground floor is designated for tenancies such as chemist, café and general practice consulting office with ancillary facilities, while Level 1 and Level 2 are dedicated for office and various medical practitioner tenancies.

The anticipated development yield for the Development is tabulated in **Table 1-1**. Architectural plans outlining the usage of floor space are provided in **Appendix A**.

The Development is to front onto Whitfords Avenue and is surrounded by commercial and residential developments. The bin enclosure for the Development is proposed to be located on the basement floor and anticipated to be accessible through the service lift provided on the ground floor.

Table 1-1 Floor Area

Premises	Floor Area (sqm)
Medical Centre (Chemist, General Practice, Pathology, Dental, Medical Specialist, Physio and Radiology)	1,675
Café	82
Office (Stage 1)	504
General Office (Stage 2)	1,097

1.3 General, Recycling and FOGO Waste Collection Services

The Development will use the waste collection services provided by a private waste contractor. It is proposed that the frequency of collection for general, recycling and FOGO bins are as indicated in **Table 2-3**.

Waste collections are proposed to be undertaken on-site near to the service lift as shown in **Figure 2-2.** The waste collection will be completed prior to 8am on collection days and is anticipated to be for a period of no longer than 30 minutes.

1.4 Bin Enclosure

The Mobile Garbage Bin (MGB) storage for the Development will be in a bin enclosure located on the basement floor.

1.4.1 Construction Considerations

The bin enclosure for the Development will be designed with the following considerations:

- Bin enclosures shall have 100mm concrete floors (in accordance with AS2870) grading to an industrial floor waste (including a charged 'water-trap' connected to sewer or an approved septic system), with a hose cock to enable bins and/or the bin store to be washed out.
- Access doors will be self-closing to prevent access to vermin.
- Adequate aisle width will be provided for easy manoeuvring of bins.
- No double stacking of rows of bins.
- All wall joins will be sealed to a height of 150 mm for ease of washing.
- Walls are to be painted with washable paint.
- Drainage of wastewater from washing facilities will drain to main sewers.
- All electrical outlets will be installed at a height of 1.6 m for ease of use and safety.
- Light switches for the bin enclosures must be installed at a height of 1.6 m to prevent obstruction by bins.
- Sufficient lighting of the bin enclosures should be provided by motion detected automatic artificial lighting in order to facilitate access to the bin enclosures.
- Adequate ventilation will be provided to the bin enclosures to ensure sufficient turnover of the air mass to prevent odour nuisance.
- Appropriate signage to be provided.
- To be designed to not permit stormwater to enter into the drain.
- Bins are not to be visible from the property boundary or areas trafficable by the public.
- Any external bin enclosure greater than 20m is to be roofed as per Water Corporation requirement; and
- Bins are to be reasonably secured from theft and vandalism.

2. Waste Generation and Management

In order to ensure that the waste from the development is properly managed, it was necessary to estimate the volume of waste that is likely to be generated on the premises. The City has advised that a waste management plan for a three-bin collection system i.e. general waste, recyclables and FOGO is required. The City of Joondalup advised that the waste generation rates outlined in WALGA's Commercial and Industrial Waste Management Plan Guidelines would be applicable for the proposed commercial development. However, WALGA does not have rates for a café use so the waste generation rates from the City of Perth's Waste Guidelines were adopted.

Using these general, recycling and FOGO waste generation rates, a broad estimation of daily waste generation for the development has been calculated.

2.1 Waste Streams

General, recyclables and FOGO waste will be sorted on-site and as close to source as possible. Sorting will rely on appropriate education of tenant and staff in addition to adequate signage for bins located in the bin enclosure. Waste and recycling will be based on the following streams:

- General Waste.
- Co-mingled Recycling, which includes clean aluminium foil and trays, glass bottles and jars, long-life milk and juice cartons, cardboard, plastic containers, tins and cans.
- Food organics and garden organics (FOGO), which includes food and green waste, uncontaminated wood waste, forestry residues and other biodegradable organic residues. The City will dictate what can be included in these bins.

2.2 Waste Estimates

The waste generation and bin requirements have been calculated using the waste generation rates detailed in **Table 2-1.** The waste generation rate for the Café use in the City of Perth's waste guidelines does not have specific rates for the FOGO waste and based on previous information provided by the City, it is estimated that 30% of the General Waste is allocated for FOGO waste.

Table 2-1 Weekly Waste Generation Rates

Type of Premises	Days of Operation	Source	General Waste	Co-mingled Recycling	FOGO
Medical	7	WALGA (Office)	10	10	-
Café	7	City of Peth (Café-Dine In)	210	200	90
Office	7	WALGA (Office)	10	10	-

** Note-the unit for the waste generation rates is L/100sqm/day*

A summary of the estimated weekly waste generated for each waste stream is provided in **Table 2-2.** Waste estimates were obtained by way of calculations outlined in **Appendix B**.

Table 2-2 Weekly Waste

Type of Premises	Weekly Waste	Recycling	FOGO
Medical	1,172.50	1,172.50	-
Café	1,205.40	1,148.00	516.60
Office	1,120.70	1,120.70	-
Total	**3,498.60**	**3,441.20**	**516.60**

The waste volumes presented are estimates only and are representative of the design drawings of the Development provided in December 2023.

2.3 Bin Requirements

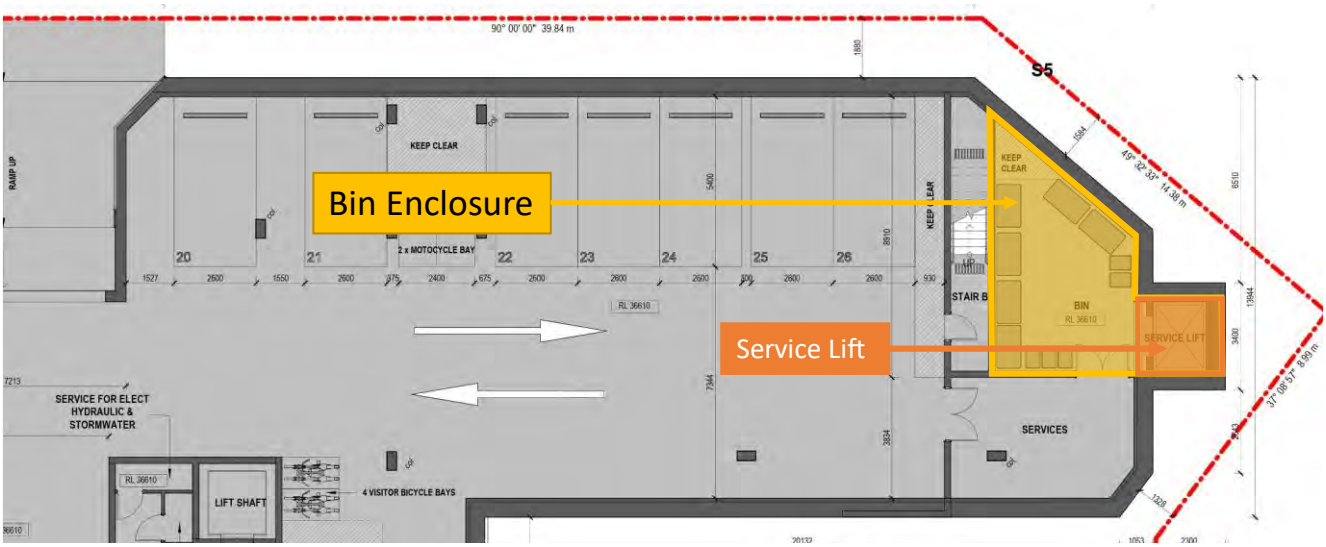
A summary of the breakdown of the anticipated MGB requirements for the proposed development, the proposed bin sizes, and the proposed collection frequencies are provided in **Table 2-3.**

Table 2-3 Bin Requirements for Enclosure of Proposed Site

	Size (L)	Collection	No of Bins
General Waste	660	twice weekly	3
Co-mingled Recycling	660	twice weekly	3
FOGO	120	weekly	5
Total	**6 x 660L and 5 x 120L**		

A layout of the anticipated bin enclosure is illustrated in **Figure 2-1**. The proposed bin enclosures are adequately sized for the storing and manoeuvring of the bins.

Figure 2-1 Bin Enclosure



Source: Ryan Tsen Architects (December 2023)

2.4 Bin Enclosure Layout

2.4.1 Design Considerations

A number of problems can arise from inadequate consideration of waste management in developments. Some of these problems include noise, odour, hygiene issues, vermin, negative impacts on the health, safety, environment and security. To avoid these issues, it is vital to consider waste management in the design and planning of the proposed Development.

Odour

The enclosure is located away from public areas which will prevent odour nuisance.

Noise

The bin enclosure is located away from public areas to limit noise that may otherwise disturb surrounding premises when materials are placed in the bins.

Vermin

The use of lidded MGBs will eliminate access by vermin. The use of bait stations will also be considered by the Development operator if required.

Aesthetics

The bin enclosure has been designed with the Development and as such will be consistent with the overall aesthetics, avoiding the placement of bins along the external faces of the building.

Protection from Vandalism

The bin enclosure will be closed off from public access and will use secured doors. No bins will remain or be stored outside of the enclosure.

Regular Washing of Bins and Enclosure

An assigned staff/cleaner will be responsible for the organisation of regular washing of bins and for maintenance of the storage area. The washing area will have graded floors that drain to the sewer which will allow for the cleaning of the store and bins.

2.5 Transfer of Waste and Recycling

2.5.1 Commercial Waste Transfer

Tenants and staff will transfer waste to the dedicated bin enclosures located on the site as required. These wastes will be emptied into their respective bins within the associated bin stores.

2.6 Collection of Waste and Recycling

2.6.1 Waste Collection

A private waste contractor will be engaged to collect the general, recycle and FOGO waste, as per the collection frequencies specified in **Table 2-3**. Waste collection is proposed to be undertaken on-site near the service lift as shown in **Figure 2-2**.

Waste collection will be completed prior to 8am on collection days and is anticipated to be for a period of no longer than 30 minutes. The private contractor will provide suitable staff resources to ensure these parameters are met. A designated staff member will provide access to the bin enclosure for the private waste contractor's personnel.

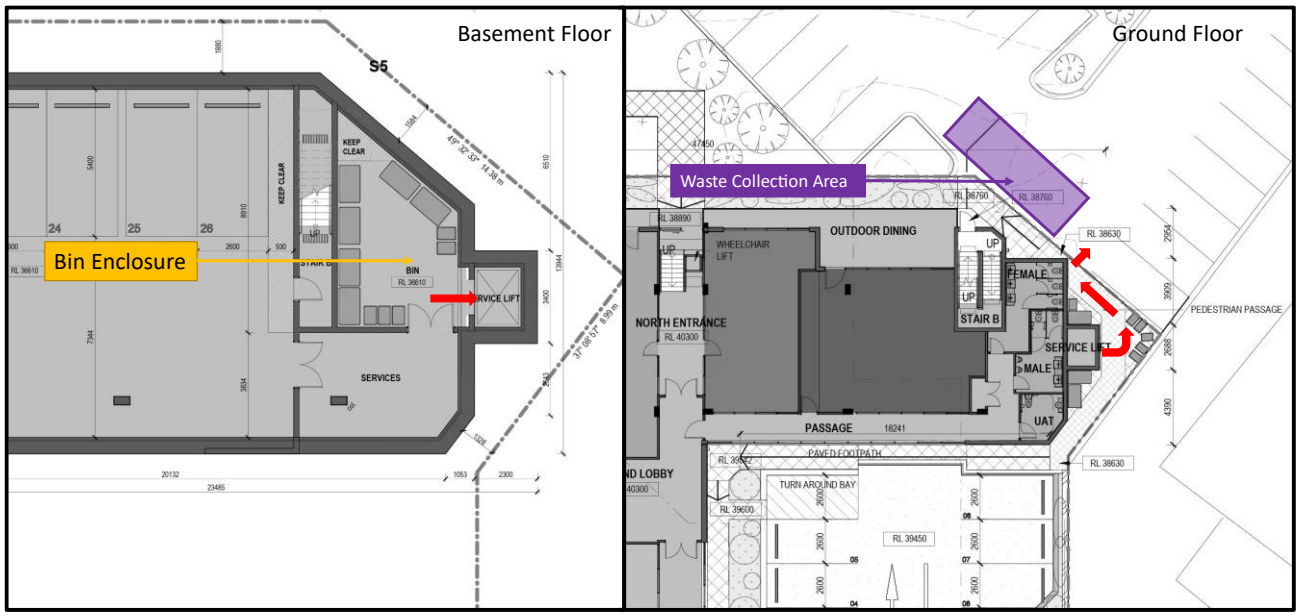
The contractor's staff will transport the bins from the enclosure to the waste collection area via the service lift, as shown in **Figure 2-3**, empty the bins and return the empty MGBs to the bin enclosure on the designated collection days.

During the waste collection process, it would not be possible to access the parking bays immediately to the rear and side of the waste collection vehicle. We understand the proponent intends engaging with the Shopping Centre owner to include signage/marking to advise motorists of this, with the view to minimising any potential inconvenience.

Figure 2-2 Waste Collection Area

Source: Ryan Tsen Architects (December 2023)

Figure 2-3 Path of Waste Transfer



2.6.2 Provision of Service Vehicle

A swept path analysis was undertaken at the waste collection area using a 10.0m length rear lift waste truck as shown in **Figure 2-4** to **Figure 2-6.** The analysis indicates that the waste truck is able to navigate into the waste collection area, park at the waste collection area, and then manoeuvre out of the waste collection area in forward gear.

Figure 2-4 Swept Path (10m Waste Truck)

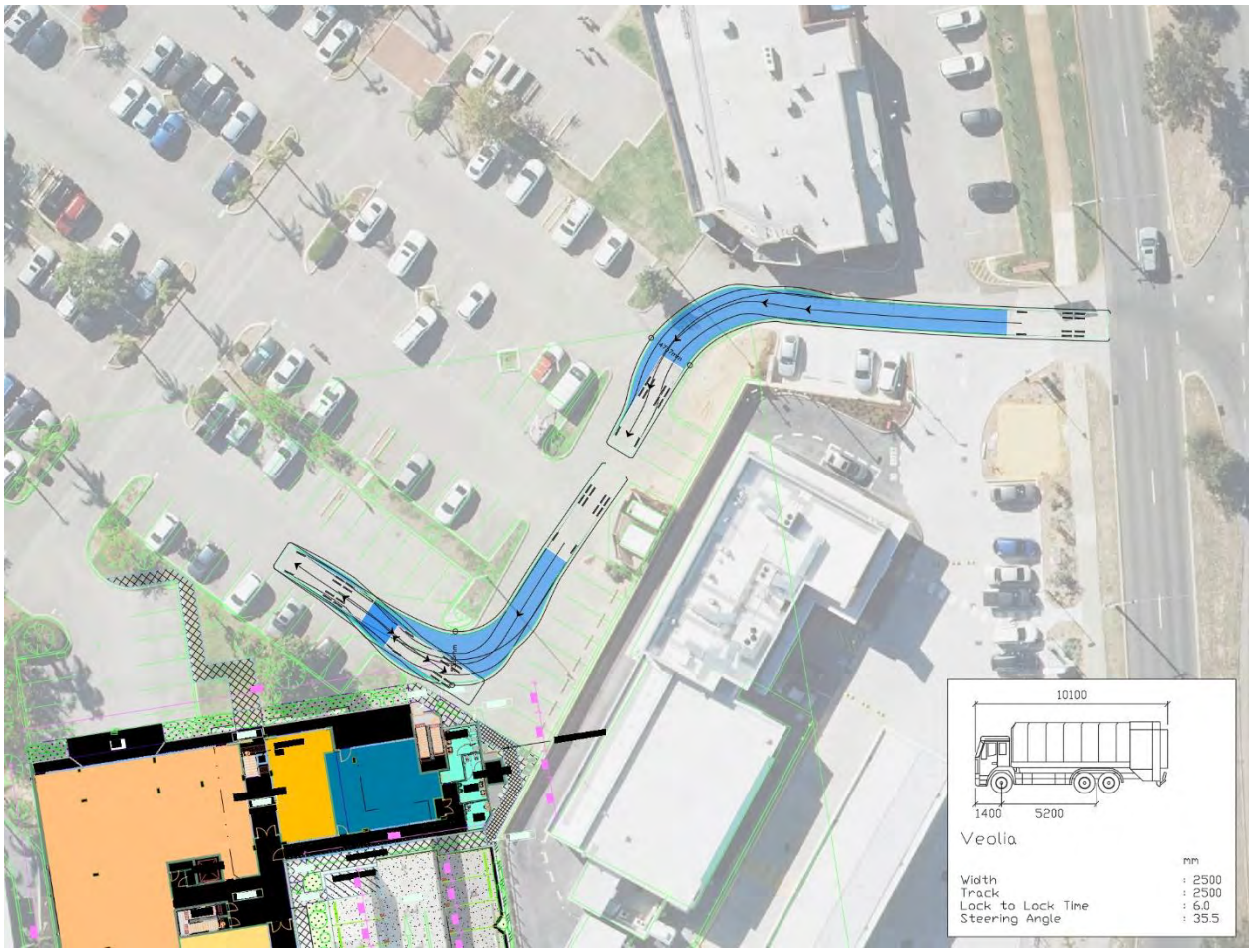
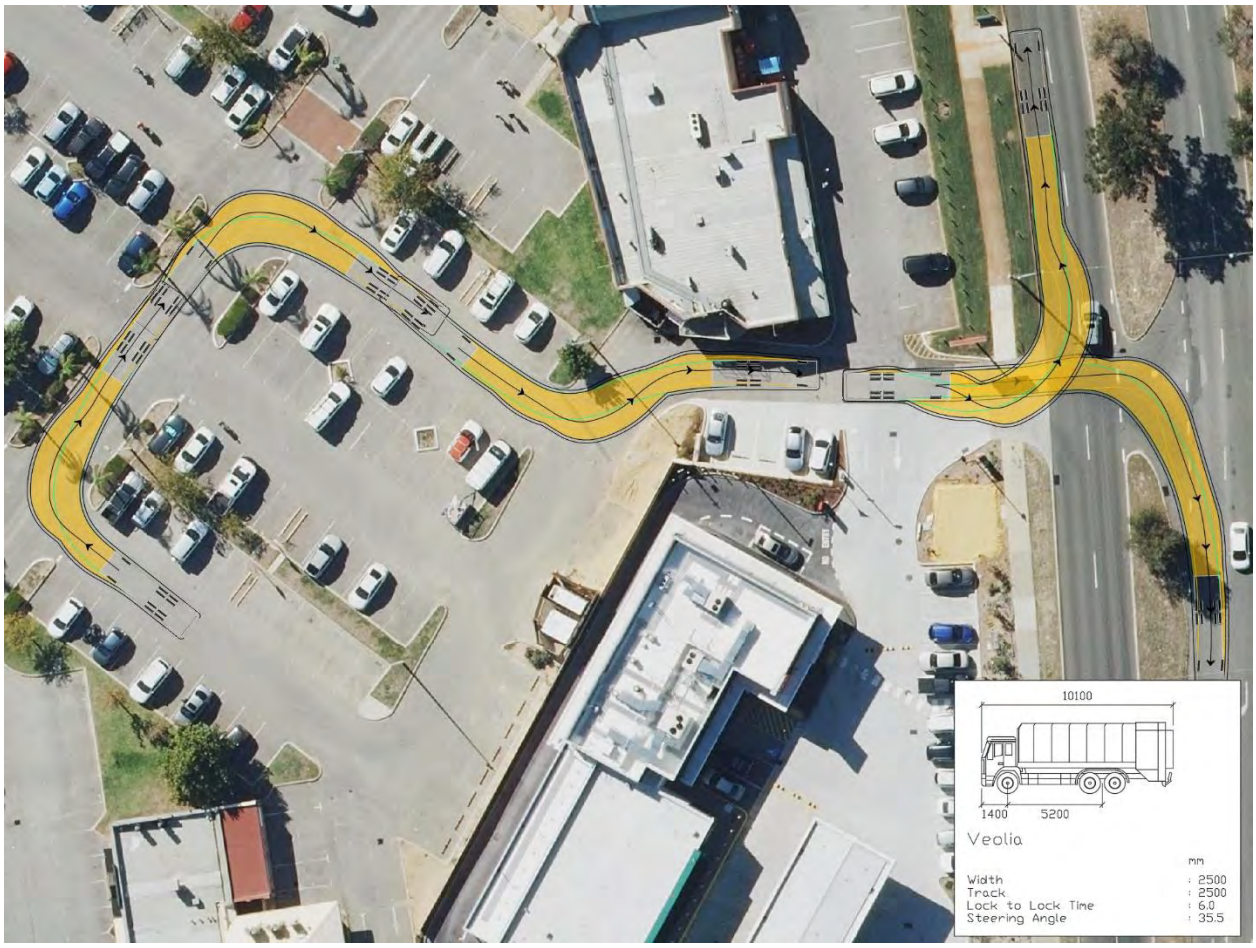


Figure 2-5 Swept Path (10m Waste Truck)

Figure 2-6 Swept Path (10m Waste Truck)



3. Clinical waste

Under the *Environmental Protection Controlled Waste Regulations (2004*), medical offices are considered to be generators and holders of clinical waste. Medical offices are responsible for the handling and management of the waste, from the point of generation to the safe disposal regardless of who is contracted to provide the service.

This Development will require the safe disposal of clinical waste, which is defined as waste that has the potential to cause disease, sharps injury or public offence and includes sharps, human tissue waste, laboratory waste, animal waste, and any other relevant waste specific to an establishment. General waste such as tongue depressors, cotton wool balls, tissues, bandages, band aids, protective bibs, gloves, overalls, disposable sheets, and shoe protectors with no free-flowing blood, are not classed as clinical waste and can go into the general waste stream (Department of Health, 2016).

Prior to commencing operations, a Waste Management Policy may be requested by Department of Health and will need to be implemented by the development in accordance with the Departments *Clinical and Related Waste Management Policy* (2016).

3.1 Clinical Waste Generation and Management

3.1.1 Clinical Waste Collection Services

The tenant will need to employ the services of an approved medical waste collection service. It is proposed that waste collection will occur on an as needs basis.

3.1.2 Bin Requirements

The City or WALGA does not provide waste generation rates for clinical/medical waste associated with a medical centre. It is proposed that the clinical waste should be divided into sharps and non-sharps as described in

Table 3-1.

Table 3-1 Bin Requirements for Clinical Bin Enclosure of Proposed Site

Type of Clinical Waste	Description	
Clinical waste (Not Including Sharps)	• Storage containers used for the collection of clinical waste should be: • Strong enough to safely contain the waste they are designed to hold. • Not be filled more than two thirds full. • Not be closed with sharp objects such as staples; and • Non-PVC plastic if destined for incineration. • It is proposed that Clinical Waste will be disposed of in either a 120L or 240L waste bin for collection by a specialized contractor.	
Clinical waste (Sharps)	• Sharps containers should: • Be rigid wall containers. • Comply with AS 4031 and AS/NZS 4261; and • Not be reused unless the container is designed as reusable. • Sharp containers can be found in various sizes and should be sized based on usage. It is proposed in the first instance to have 1.5L containers within each room related to the medical centre.	

3.2 Clinical Waste Streams

Appropriately colour coded and labelled containers in accordance with AS/NZS 3816 are to be used for containment of all healthcare waste. Similar coloured bin liners should be matched and used with each container (e.g. yellow bin liner with yellow bin; purple bin liner with purple bin).

3.2.1 Other Streams

If other streams of healthcare waste, in addition to that described as clinical waste above, are generated, appropriate management will need to be undertaken and documented within a Waste Management Policy.

3.3 Waste Labelling

Clinical waste, including sharps will need to be disposed of within appropriate containers labelled as shown in **Table 3-2**.

Table 3-2 Labelling

Waste category	Colour code for container	Marking	Sign
Clinical	Yellow	Black biological hazard	

3.4 Storage

Waste storage needs to ensure the health and safety of staff and the public is protected at all times. Each consultant room or specialized room is proposed to have a clinical waste sharps container. A clinical waste bin (not including sharps) is to be provided within the store of the facility. Access to the store must be kept restricted and be lockable. The area should be kept clean, tidy and vermin-proof and there should be access to necessary clean up equipment, spill kits, PPE and hand washing facilities (*Department of Health, 2016*).

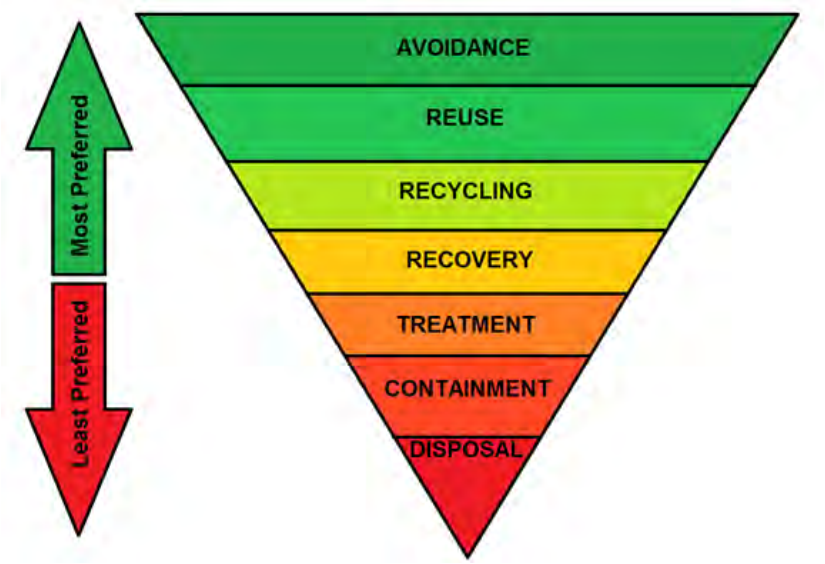
3.5 Disposal of Clinical Waste

It is the general practitioner's responsibility to ensure the clinical waste is prepared for safe transport (i.e. no containers are to be overfilled) and that licensed carries are contracted to transport and track their waste to a disposal site in accordance with Controlled Waste Regulations (*Department of Health, 2016*).

4. Waste Reduction and Management

This waste management plan has been developed with the strategic approach of reducing waste through best practices and education of tenants and staff. Best practices for waste minimisation will optimise the Development's use of the waste minimisation hierarchy, which seeks to encourage sustainable options for waste. The waste hierarchy is demonstrated in **Figure 4-1.**

Figure 4-1 Waste Hierarchy



4.1 Waste Reduction Strategies

Waste reduction is accomplished through proper education of all stakeholders and the implementation of various sustainability strategies. It also involves constant monitoring and review of waste operations.

4.1.1 Provision of Information

Information dissemination is essential in order to communicate well the best practices of waste management. Suitable types of information which can be provided includes:

- Sufficient labelling of bins, signage of bin enclosure areas and equipment to reinforce waste separation.
- Marketing materials such as posters and leaflets demonstrating procedures of waste segregation and waste collection days; and

However, information on its own is not enough and it must be paired with initiatives to be effective.

4.1.2 Engagement

A regular engagement between the residents, tenants and staff of the Development should take place to remind everyone the proper and best practices of waste management. The engagement should include.

- Demonstration of waste management systems pertinent to an individual's role.
- Distribution of waste management strategy documents in relevant locations.
- An explanation of the benefits of waste separation and recycling; and
- Training on all pertinent equipment related to waste management.

4.1.3 Monitoring and Review

The Facility Manager/nominated staff who will oversee the implementation of the Waste Management Plan should continually monitor and review the waste management plan activities.

The Facility Manager/nominated staff will be responsible for the following:

1. Monitoring and maintenance of bins and the bin enclosure area.
2. Conduct regular training on waste segregation, reduction, and waste management.
3. Conduct regular waste audits to improve waste management.
4. Monitor and manage bulk waste accumulation and communicate with the city for bulk waste collection services.
5. Providing access to the bin enclosure area for the waste contractor staff; and
6. Engage with the local authority to ensure efficient and effective waste service for the Development.

If waste generation rates for the Development change, a waste audit may be required by the City or other regulatory bodies. Similarly, should a change to the waste regulations be implemented by the City or other regulatory bodies, a waste audit may be required in addition to further waste stream separation.

5. Summary

This Waste Management Plan demonstrates that the proposed Development provides a sufficiently sized Bin Enclosure Area for storage of general, recyclables and FOGO waste based on the estimated waste generation and a suitable configuration of bins.

The collection of general and recyclable waste is achieved using:

- 3x660L bins for general waste to be collected twice a week.
- 3x660L bins for recycling waste to be collected twice a week; and
- 5x120L bins for FOGO waste to be collected weekly.

Waste collections will be undertaken on-site in the vicinity of the service lift by a private waste contractor. The waste collections will be completed prior to 8am on collection days to minimize disruptions to traffic operations and minimize any impacts on staff and visitors and is anticipated to be for a period of no longer than 30 minutes. The Facility Manager or designated staff member will provide access to the bin enclosure, and the waste contractor's staff will transport the bins from the enclosure, empty the bins and return the empty MGBs back to the bin enclosure on collection days.

6. References

WALGA (n.d.), Commercial and Industrial Waste Management Guidelines, Perth.

City of Perth (n.d.), Waste Guidelines for New Developments, Perth

Appendix A. Site Plans

4 GROUND FLOOR PLAN - STAGE 1
A.010 1 : 100

STAGE 1

NOTE:

All measurements are approximate only.
It is the builders responsibility to check all dimensions on site prior to the commencement of any works or ordering materials.

GROUND FLOOR - AREA SCHEDULE	
OUTDOOR DINING	27 m²
TENANCY 1 - CHEMIST	217 m²
TENANCY 3 - GENERAL PRACTICE	352 m²
TENANCY 4 - PATHOLOGY	61 m²
TENANCY 5 - CAFE	82 m²
	739 m²
CIRCULATION	
COVERED ENTRANCE , RAMPS, PUBLIC STAIRS, LIFT LOBBY, PASSAGE TO PUBLIC TOILET AND FIRE STAIR	149 m²
	149 m²
BASEMENT ROOF SLAB	
NORTH OF GENERAL PRACTICE	5 m²
NORTH OF GENERAL PRACTICE	8 m²
NORTH OF PATHOLOGY	7 m²
	20 m²
PUBLIC TOIELTS, AND CLEANERS CLOSETS	
CLEANERS CLOSET	2 m²
PUBLIC TOILETS	34 m²
	36 m²
MALE, FEMALE, DISABLED, CLEANERS, SERVICES	
CENTRAL FIRE STAIR	13 m²
FIRE STAIR NORTH EAST	15 m²
LIFT & SERVICE CORE	10 m²
	38 m²
TOTAL FLOOR AREA	981 m²

INDICATES:

- NEW BRICKWORK
- CONCRETE WALL
- RETAINING WALL AS NECESSARY (T.O.W. 39.90)
- R.L 39.60 — NEW GROUND LEVELS
- 40.00 — EXISTING GROUND LEVELS (MAINTAINED)
- EXTENT OF LANDSCAPING
- AREA TO BE BITUMEN
- PAVED FOOTPATH

LANDSCAPING PLAN

BIOLOGICAL NAME:	COMMON NAME:	MAX. HEIGHT	MAX. WIDTH	QUANTITY
1. EUCALYPTUS TORQUATA	Coral Gum	6000-10000mm	3000mm	9
2. HYPOCALYMMA ANGUSTIFOLIUM	White myrtle	1000mm	1000mm	22
3. JUNIPERUS CONFERTA	japanese Shore Juniper	300mm	2500mm	17
4. DIANELLA SPECIES	Varies	Varies	Varies	
5. GREVILLEA THELEMANNIANA	Red Ramble	200mm	3000mm	21

EUCALYPTUS TORQUATA

HYPOCALYMMA ANGUSTIFOLIUM

JUNIPERUS CONFERTA

DIANELLA SPECIES

GREVILLEA THELEMANNIANA

PRELIMINARY ISSUE

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REV	DESCRIPTION	DATE
H	ISSUE FOR INFORMATION	29.06.2023
I	ISSUE FOR INFORMATION	12.07.2023
J	ISSUE FOR REVISED DA	14.07.2023
K	ISSUE FOR INFORMATION	07.12.2023
L	ISSUE FOR INFORMATION	13.12.2023

Sub-contractors to verify all dimension on site

CLIENT:
CITYPRIDE HOLDINGS PTY LTD

ADDRESS:
LOT 9 (#937) WHITFORD AVENUE, WOODVALE

PROPOSED MEDICAL CENTRE

GROUND FLOOR PLAN - STAGE 1

PROJECT NO.	23-09	DA.04	Rev. L
DATE	29.06.2023		
DRAWN BY	TT		
CHECKED BY	RT	SCALE	As indicated@ A1 SIZE

Appendix B. Waste Calculations

General Waste, Recycling and FOGO Generation Rates

Type of Premises	Days of Operation	Source	General Waste	Co-mingled Recycling	FOGO
Medical	7	WALGA (Office)	10	10	
Café	7	City of Peth (Café-Dine In)	210	200	90
Office	7	WALGA (Office)	10	10	

The following equation was used to calculate the anticipated weekly waste generation for commercial waste for the proposed development:

$$Total\ Weekly\ Waste\ Generated\ (Floor\ Area \times Waste\ Rate) \times no\ of\ days\ per\ week$$

The total number of bins required for the collection of general waste twice a week for the proposed Development was calculated using the following equation:

$$Total\ Number\ of\ General\ Bins\ Required = \frac{Total\ Weekly\ Waste\ Generated}{660\ L} \times \frac{1}{2}$$

The total number of bins required for collection of recycling waste for twice a week collection for the proposed Development was calculated using the following equation:

$$Total\ Number\ of\ Recycling\ Bins\ Required = \frac{Total\ Weekly\ Waste\ Generated}{660\ L} \times \frac{1}{2}$$

The total number of bins required for collection of FOGO for a weekly collection for the proposed Development was calculated using the following equation:

$$Total\ Number\ of\ FOGO\ Bins\ Required = \frac{Total\ Weekly\ Waste\ Generated}{120\ L}$$

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Design Principles Statement

Lot 9 (#937) Whitford Avenue, Woodvale.
Western Australia.

1. Context and Character

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place

The development is situated within the commercial zone. It is surrounded by Woodvale Boulevard Shopping Centre, Fitness Centre, Chemist, Restaurants, Service Station, liquor store, Medical centre and fast food drive-through.

In a deliberate effort to integrate seamlessly with the distinctive characteristics of the local area, the design proposal places a strong emphasis on the prevalent architectural context. The infusion of a substantial amount of shop front glazing not only reflects the transparency and openness of the existing structures but also brings a modern touch to the proposed medical centre. This feature serves a dual purpose, enhancing aesthetics and functionality by allowing ample natural light to permeate the interior spaces.

Furthermore, the blocky geometry of the surrounding buildings serves as a critical influence on the proposed design. The incorporation of this geometric simplicity in the medical centre's architecture not only pays homage to the established built form but also contributes to a cohesive visual language within the commercial/shopping centre. This deliberate choice in design elements aims to foster a sense of unity and continuity, reinforcing the connection between the proposed medical centre and its architectural context.

In essence, the design approach for the medical centre goes beyond mere functionality. It is a conscientious effort to respond to and amplify the unique characteristics of the local area, creating a harmonious blend of contemporary aesthetics and contextual relevance.

2. Landscape Quality

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context

Good design acknowledges the interconnected relationship between landscape and buildings, recognizing them as integral components of a sustainable system embedded within a broader ecological context. In this regard, careful consideration has been given to the selection of native trees and plant species, coupled with the incorporation of water-sensitive design features. These choices not only enhance the biodiversity of the precinct but also contribute to the overall sustainability of the urban landscape.

Furthermore, the commitment to sustainable design principles is evident in the thoughtful material selections, which extend to the adaptive reuse of materials. This approach aligns with the ethos of reducing the demand for new resources and minimising waste. By harmonising landscape and buildings as interdependent elements within a larger ecological framework, the design strives to create a cohesive and environmentally responsible urban environment.

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3. Build Form and Scale

Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area

The architectural design, characterised by a boxy grided built form punctuated by a substantial glass façade, adeptly addresses the contextual nuances of its surroundings. This intentional fusion of materials and shapes is not merely an aesthetic choice but a manifestation of a design philosophy that prioritizes harmony with the immediate environment. The extensive use of glass in the façade not only infuses a contemporary flair but also establishes a visual connection with the surroundings, creating a coherent and engaging response to the existing context.

Within this well-considered design, the massing and height of the proposed development are crucially aligned with the principles of good design. Careful attention has been given to ensure that the scale of the structure is not only suitable for the current setting but also facilitates a seamless negotiation between the existing built form and the envisioned future character of the local area. The boxy cladded built form, while making a bold architectural statement, is conscientiously integrated into the landscape, contributing to the overall visual appeal of the development.

Moreover, the thoughtful consideration of scale extends beyond a mere quantitative assessment. It reflects an understanding that good design transcends individual structures, aspiring to contribute positively to the broader urban fabric. The proposed development, with its judicious massing and height, not only respects the immediate context but also foresees and respects the evolving character of the locality. This forward-thinking approach ensures that the architectural intervention becomes a seamless part of the community, embodying the principles of both contemporary design and long-term sustainability.

4. Functionality and Build Quality

Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle

In embracing the tenets of good design, the northern and southern entrances on the ground floor are thoughtfully crafted to go beyond mere functionality. They serve as a testament to a commitment to meeting user needs with efficiency and effectiveness, embodying a design philosophy that extends to the entire life-cycle of the building.

These entrances are not just spaces for ingress and egress; they are meticulously designed to be inviting and functional. Their high legibility ensures that they seamlessly integrate with the surroundings, and their direct visual connectivity to Whitford Avenue establishes a tangible link between the building and its external environment. This intentional design choice not only enhances the aesthetic appeal of the entrances but also serves a practical purpose – providing visitors and users with a clear and intuitive way-finding experience.

Moreover, the strategic allocation of back-of-house services to the basement and rooftop reflects a holistic approach to design. This decision is driven by a desire to optimize the use of the ground floor for amenities, creating a harmonious balance between the functional requirements of the building and the overall quality of its design. By doing so, the design not only enhances the daily experiences of occupants but also contributes to the activation and vitality of the ground floor.

In essence, this architectural approach goes beyond the superficial and aligns itself with the principles of good design that prioritize efficiency, effectiveness, and longevity. It is a conscious effort to create a built environment that not only meets immediate needs but also stands the test of time, delivering optimal benefits throughout the entire life-cycle of the building.

5. Sustainability

Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes

The design prioritizes sustainability by strategically orienting the outdoor amenities on the ground floor predominantly towards the north, maximizing exposure to the winter sun. This conscious decision not only enhances the environmental efficiency of the built environment but also contributes to positive social and economic outcomes. Additionally, the provision of ample end-of-trip facilities underscores a commitment to promoting bicycle use as a sustainable means of commuting to work, further aligning the design with holistic environmental and social goals.

6. Amenity

Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy

A well-designed café on the ground floor, complemented by an inviting alfresco area, serves as a pivotal amenity for users. Thoughtful incorporation of Louvre screening not only adds an aesthetic touch but also strategically enhances the overall design by providing shading to the façade. This intentional design approach aims to optimise both internal and external amenities for occupants, visitors, and neighbours alike. By creating spaces that facilitate a diverse range of uses and activities, the design fosters a sense of place that is not only aesthetically pleasing but also conducive to comfort, productivity, and health. This commitment to a holistic approach ensures that the environment is not merely functional but enriching, resulting in successful places that enhance the overall well-being of those who inhabit, visit, or reside in the vicinity.

7. Legibility

Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around

A meticulously designed footpath, seamlessly integrated with existing pathways and guiding individuals to building entrances, is a tangible manifestation of successful architectural legibility. Good design results in clear connections and easily identifiable elements, fostering intuitive wayfinding. This emphasis on legibility ensures that users experience not only an aesthetically pleasing environment but also a practical one. The strategically placed footpath becomes a functional tool, enhancing navigation with visual clarity and ultimately defining the success of the built environment.

8. Safety

Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use

Effective design enhances safety and security within the development by strategically placing highly active street fronts and ensuring passive surveillance of ground floors and surrounding

parking areas. Furthermore, the upper levels of all buildings contribute to increased surveillance with expansive glazed facades.

The design clearly delineates public and private areas to bolster safety, instilling a sense of security throughout the development. The deliberate separation of services and destinations, coupled with a pedestrian priority circulation network, fosters a safer environment for all users and encourages non-vehicular modes of transport.

In prioritising safety and security, this design not only minimises the risk of personal harm but also actively supports safe behaviour and use. The thoughtful arrangement of elements creates a secure atmosphere, promoting the well-being of individuals within the development.

9. Community

Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction

By offering amenities tailored for workers and visitors, this design contributes to the community's resilience, with a special emphasis on the ground floor café. This exemplifies how good design goes beyond meeting immediate needs and responding to the local community and broader social context. The provision of such spaces not only supports diverse groups of people but also fosters social interaction, creating environments that enhance the overall well-being of the community.

10. Aesthetics

Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses

The building's design seamlessly weaves together varied typologies from the area, culminating in a contemporary streetscape that captivates the senses. Meticulously curated, the large, glazed façades on the north and south elevations bolster passive surveillance of the street and parking areas and effortlessly integrate the proposed buildings into their surroundings. This aesthetically pleasing outcome, with a distinct contemporary outlook, reflects the result of a judicious design process. The buildings stand not just as structures but as attractive, inviting spaces that engage the senses and contribute to a visually enriching environment.