

SHEPPARD WAY STRUCTURE PLAN

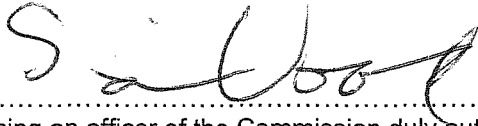
SHEPPARD WAY STRUCTURE PLAN

Structure Plan No. 7

**This Structure Plan is prepared under the provisions of Part 9 of
the City of Joondalup District Planning Scheme No.2**

**CERTIFICATION OF AGREED STRUCTURE PLAN
SCHEDULE 8 (CLAUSE 9.6)**

CERTIFIED THAT AGREED STRUCTURE PLAN NO. 7 WAS ADOPTED BY
RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION
ON 22/10/2007



being an officer of the Commission duly authorised by
the Commission pursuant to ~~section 57 of the Western
Australian Planning Commission Act 1985~~ **SECTION 24**
OF THE PLANNING AND DEVELOPMENT ACT 2005

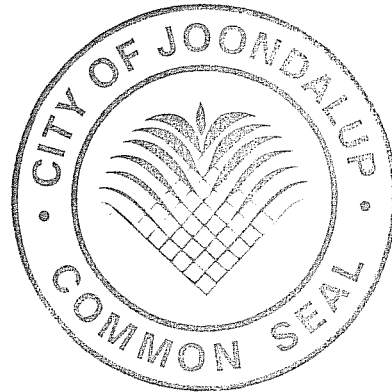
AND BY RESOLUTION OF THE COUNCIL OF THE CITY
OF JOONDALUP ON 28 AUGUST 2007 AND THE SEAL
OF THE CITY OF JOONDALUP WAS PURSUANT TO THE
COUNCIL'S RESOLUTION HERETO AFFIXED IN THE
PRESENCE OF:



Mayor



Chief Executive Officer



Record of Amendments made to the Agreed Sheppard Way Structure Plan

Amendment No.	Description of Amendment	Endorsed by Council	Endorsed by WAPC

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OVERVIEW

STATUTORY BASIS

Clause 9.8 of the City of Joondalup District Planning Scheme No. 2 (Scheme) provides, amongst other things that a provision, standard or requirement of a Structure Plan approved under Part 9 of the Scheme shall be given the same force and effect as if it was a provision, standard or requirement of the Scheme. Furthermore, Clause 9.8.3 (g) of the Scheme states that an agreed structure plan may distinguish between provisions, requirements or standards that are intended to have effect as included in the Scheme, and those that are not. It is hereby provided that such force and effect shall only be given to Part 1 of this Structure Plan. Part 2 of this Structure Plan is for explanatory purposes only, providing a descriptive analysis of the structure plan.

Subclause 9.8.3 (f) of the Scheme, states that, where, in the event of there being any inconsistency or conflict between any provision, requirement or standard of the Scheme and any provision, requirement or standard of an Agreed Structure Plan, the provision, requirement or standard of the Scheme shall prevail.

PARTS OF THE STRUCTURE PLAN

This statutory Structure Plan provides statutory provisions and explanatory support for the specific development of medium density residential dwellings and mixed use commercial residential buildings on Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion. Part 1 of this document comprises the statutory clauses created to govern the development of the dwellings while Part 2 provides the explanation.

This document also constitutes the Planning Report for the Amendment justification.

SUMMARY

The Sheppard Way Structure Plan refers to Lot 4 (25) corner of Sheppard Way and Whiley Road, Marmion, Certificate of Title Vol. 1902, folio 554, with an area of 2,025 square metres. Lot 1 is a Western Power freehold title that sits within Lot 4 (25) with frontage to Whiley Road.

The site is zoned as Commercial Zone. A scheme amendment is proposed that would see this land zoned to Mixed Use Zone and medium density residential coding of R40.

This Structure Plan provides the framework for the two staged development of the subject land.

STATUTORY

PART 1

1 SHEPPARD WAY STRUCTURE PLAN - PART 1

1.1 APPLICATION OF SCHEME

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

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

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

1.2 Subject Area

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

1.3 DEFINITIONS

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

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

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

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

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“DRY CLEANING AGENCY” means any land or building where clothes and fabrics are received from the general public for the purposes of cleaning off site.

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

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

1.4 RESIDENTIAL DESIGN CODES

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

Pursuant to Clause 4.2.5 of the Scheme, Figure 1 - Indicative building footprint plan - identifies the location of the R40 Residential Coding that applies to the site.

1.5 SHEPPARD WAY STRUCTURE PLAN

1.5.1 Objectives

Objectives intended for the Structure Plan include:

- a. Encourage a diversity of dwelling types at a maximum density of R40;
- b. To encourage a high standard of building design and landscape.
- c. To provide for efficient vehicular and pedestrian access and onsite carparking.
- d. Encourage a strong sense of architectural identity at the corner site on the junction of Sheppard Way and Whiley Road,
- e. Ensure that development on the site has regard for the amenity of adjacent lots and surrounding areas; and,
- f. Ensure proposed mixed use residential and commercial on Lot 7 and 8 integrates with and addresses the existing shopping centre (refer Figure 1).

1.5.2 Criteria

Criteria to be satisfied at Sheppard Way are:

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

Front: building – 3.0 metres;

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

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

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- xi. Buildings shall be designed to have active frontages with minimal blank facades fronting the street and the shopping centre, particularly at the two storey level. Specifically, buildings shall have habitable rooms and/or major openings facing both streets and/or the shopping centre, as well providing visually interesting elevations to both streets/the shopping centre;
- xii. Advertising, signage or hoardings will be countenanced on the mixed use residential commercial buildings (proposed Lot 7 and 8) with the required development approval in conformity with the provisions and approvals required in the City of Joondalup District Planning Scheme and Signs Local Law for a residential area;
- xiii. Canopies or awnings to the exterior ground floor level of the mixed use residential commercial buildings (proposed Lot 7 and 8) shall be permitted to within one metre of the boundary;
- xiv. Pitched roofs shall be no less than 22 degrees and no greater than 35 degrees in gradient. Minor projections such as verandahs and canopies may have shallower pitches. Curved roofs and flat roofs concealed by parapets shall also be permitted;
- xv. "The maximum Building Height, as measured from existing curb level shall be: wall height – 7 metres; Roof ridge – 9.5 metres, with all buildings being a maximum of two storeys;"
- xvi. The provisions of the City of Joondalup Policy 3.1.9 "Height and Scale of Buildings within a Residential Area", shall not apply;
- xvii. Electronically lit basement structures are permitted in response to the sloping gradient of the site;
- xviii. Notwithstanding the provisions of the Residential Design Codes, open space shall not be less than 40% of each individual lot;
- xix. Utility areas such as bin and service areas and any air conditioning units shall be screened from view from streets and the adjoining shopping centre;
- xx. Fencing to front boundaries shall be no more than one metre in height and constructed of the same materials as the dwelling and be visually permeable;
- xxi. The landowner shall construct a new dual use path along frontage of Sheppard Way and Whiley Road to the specification and satisfaction of the City of Joondalup. The path will be required as a condition of subdivision and/or strata approval for the proposed development, however a bond may be considered in lieu of construction until such time as dwelling construction upon the land is completed so as to not damage the new dual use path; and

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- xxii. The maximum retail Net Lettable Area (NLA) for the two proposed mixed use residential commercial buildings (proposed Lot 7 and 8) shall be 100m² NLA each; this cannot be varied by Clause 4.5.1 of the District Scheme;
- xxiii. Notwithstanding the land use permissibility outlined in Table 1 (The Zoning Table) of District Planning Scheme No. 2, the following uses are those permitted or discretionary:

Bank:	P
Grouped Dwelling:	D
Hairdresser:	P
Home Business – Category 1, 2 & 3:	P
Dry Cleaning Agency:	P
Medical Centre:	P
Newsagent:	D
Office:	P
Single House:	P*

All other uses are not permitted (X)

Refer clause 3.2.2 of the Scheme for the meanings of the above symbols.

- * In accordance with clause 2.3.3 of the Residential Design Codes, planning approval is required for the erection of a single house on lots less than 350m².

- xxiv. The development/subdivision of the land being consistent with the minimum and average site area requirement for the residential R40 coding under the Residential Design Codes.

1.6 Indicative Building Footprint Plan

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

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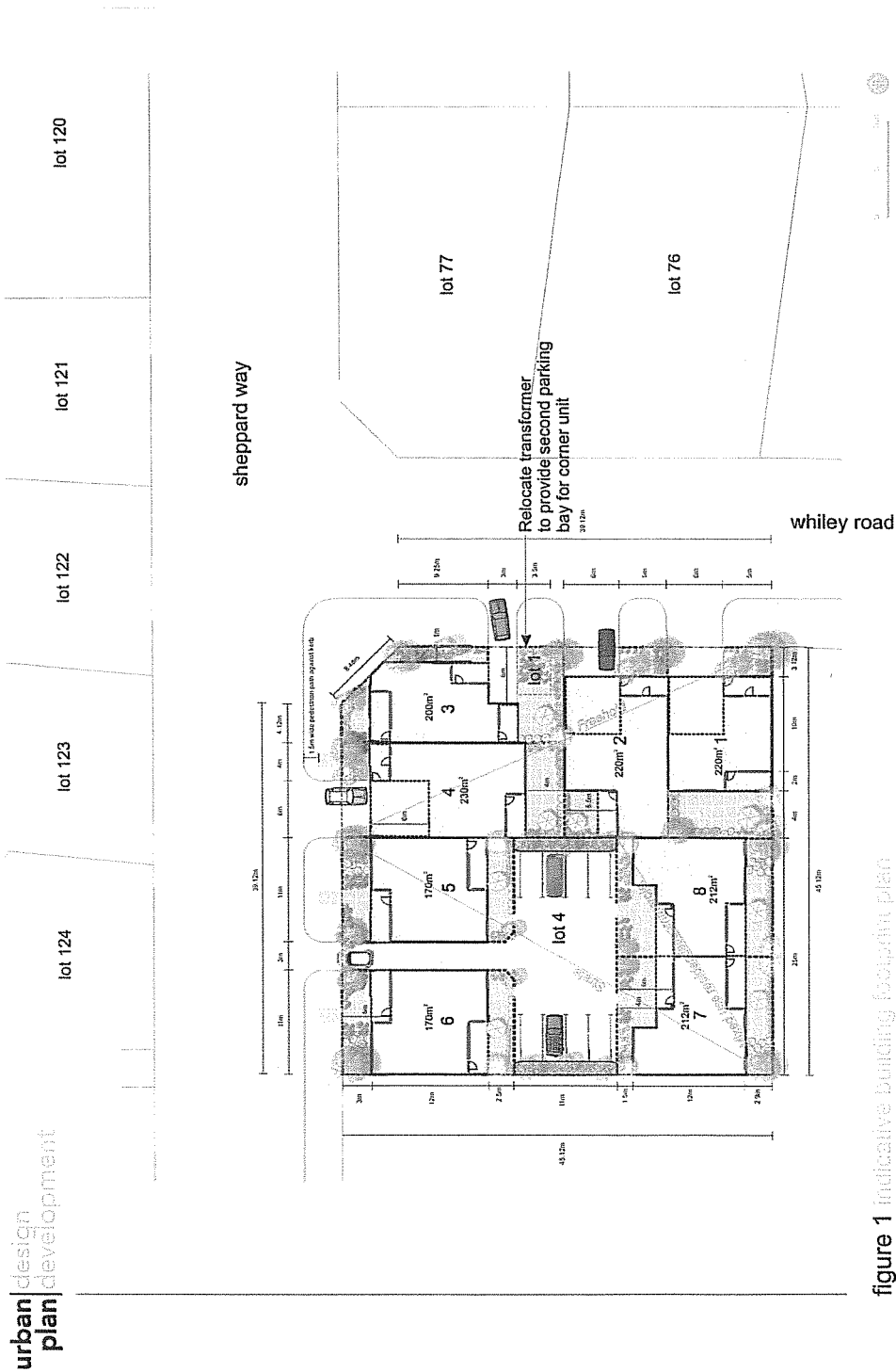


figure 1 indicative building footprint plan for 'sheppard' east number 1

This is a concept plan only and should not be used as the basis for any subdivision.

EXPLANATORY

PART 2

2 INTRODUCTION

This part of the document explains *the proposed development, including the location, composition servicing and development staging.*

This document also constitutes the Planning Report for the Amendment justification.

2.1 The Proposal and its Location

The proposed medium density residential development is located on Lot 4 (25) Sheppard Way as described by Certificate of Title 1876 Volume Folio 34.

The proposed two storey, quality, medium density, mixed use residential commercial development will complement the existing residential development in the surrounding streets, and enable the staged redevelopment of the Quality dry cleaners establishment. Sheppard Way is to provide medium density dwelling designs and styles on similar sized allotments averaging 190 square metres. To accentuate the built form to the corner of Whiley and Sheppard, it is proposed to create a three storey structure, in the form of an attic or loft room. This will afford some presence to the development and shroud the entire development site. Proposed strata units 7 and 8 have been designed to address the shopping centre but provision exists for separate title access via the car park court yard that connects to Sheppard Way.

Vehicular access to the individual freehold sites will be via the street frontage. This means that three crossovers to Whiley Street are proposed, with double garage access, and two crossovers to Sheppard Way. Parking standards that apply to the medium density, mixed use residential commercial development are those applicable to the residential standards.

The proposed indicative building footprint plan at Figure 1 shows a total of eight dwellings being created, four of which are to be developed as a strata title group dwelling site.

2.2 Joondalup Scheme

The Joondalup District Planning Scheme clause 3.5.1 states "The Mixed Use Zone is intended to accommodate a mixture of residential development with small businesses in a primarily residential scale development. The predominant non – residential uses will be office, consulting and limited retail uses occupying the street frontage lots.

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The zoning will provide an intermediate stage between Residential and Commercial or Business Zone areas. A high level of pedestrian amenity shall be provided.

The objectives of the Mixed Use Zone are to:

- (a) provide a diversity of landuse and housing types compatible with the maintenance of residential amenity;
- (b) allow appropriate business to locate and develop in close proximity to residential areas; and
- (c) allow for services to be provided locally.”

2.3 COMMUNITY LIAISON

In accordance with accepted development process, community consultation with the surrounding residents was undertaken by the applicant prior to entering the design phase. The aim of this consultation was to explain the likely development scenario and identify if people had any concerns about the proposed development or ideas for the development of the site. The neighbours showed genuine interest in the pursuit of the proposed development and have been given the design and provision details in this Structure Plan to illustrate the built form.

2.4 LAND USE

Sheppard Way abuts Marmion neighbourhood shopping centre. The coast is less than one kilometre west, while to the north, south and east are residential suburbs with residential Coding of R20. Local community POS is provided in the neighbourhood vicinity at Braden Park, Marmion Primary School and the park on Parnell Avenue.

Achieving Sustainable Outcomes

The Australian Greenhouse Office advises that local government should be encouraging more medium density development through:

- (i) identifying privately owned sites suitable for infill redevelopment; and
- (ii) pursuing medium and high density development through urban consolidation.¹

Sheppard Way is compatible with these aims. It provides medium density residential housing in an urban infill site within a residential area. This helps reduce further urban

¹ Australian Greenhouse Office website; www.greenhouse.gov.au; accessed 22 July 2003

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expansion over greenfields sites and makes efficient use of the existing infrastructure and services in the neighbourhood.

2.5 PUBLIC TRANSPORT AND CYCLEWAYS

Reducing dependency on private car use and conversely increasing use of public transport, walking and cycling are key aspects of moving towards a more sustainable society. Reducing private car use can have benefits in terms of less greenhouse emissions, less congestion, cleaner air and waterways and reduced use of fossil fuels.

Sheppard Way is within cycling distance of the coast and has a full array of shopping and most community facilities next door. The bus route number 423 travelling from Hillarys Boat Harbour on West Coast Drive provides access to the Karinyup Regional Shopping Centre and the Stirling Railway Station and the facilities in between, passing along nearby Cliff Street.

Achieving Sustainable Outcomes

Locating medium density households adjacent to the shopping centre and the bus routes servicing this area increases people's accessibility and mobility to services. The fact that the bus route links up to the railway line servicing Perth also provides an alternative option for commuters working in Perth who may choose to use public transport to get to work over the private car.

The location of the development close to facilities also makes walking and cycling a viable option for short trips.

2.6 COMMUNITY FACILITIES

The surrounding neighbourhood is well serviced by community facilities. Within a short distance (500m – 2,000m) there are:

- the Marmion Beach coastline;
- 3 parks (Braden, Marmion Primary and Clifford Coleman);
- schools (St Marks Anglican Community School, Bambara and Padbury Primary Schools, and Padbury Senior High School); and
- the Marmion Neighbourhood Shopping Centre.

Achieving Sustainable Outcomes

Locating medium density housing in this vicinity is consistent with accepted sustainability principles that suggest higher densities of people living within easy walking distance of

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services and facilities leads to a number of benefits. These benefits include decreased use of cars, increased public transport patronage and viability, and safer, more active neighbourhoods.

2.7 HOUSING DENSITY

The residential density of surrounding development is generally R20, although there are increasing examples of medium density development in the neighbourhood. The proposed residential density of Sheppard Way will be R40, with a lot size range between 170m² to 210m².

Achieving Sustainable Outcomes

Medium density housing in proximity to services and facilities is increasingly being recognised as a more sustainable form of housing. Increased efficiencies in energy and public transport usage, and reductions in private car use and greenfields development all combine to make this form of housing more viable compared to the alternate traditional types.

In accordance with this, the Australian Greenhouse Office advises that local government should be encouraging more medium density development through:

- pursuing medium and high density development through urban consolidation;
- encouraging a range of dwelling types matched to needs, including affordable and smaller dwellings, so that energy use particularly through heating is reduced; and
- encouraging more energy-efficient housing, reduced use of transport, and less development in outer urban areas.

2.8 SERVICE INFRASTRUCTURE

The site is currently serviced by sewerage, water, power, telecommunication and gas service mains to a capacity suitable to support the proposed development.

The site accommodates an electrical transformer that distributes power throughout the neighbourhood. As part of the development it is proposed to relocate this transformer from the abutting Lot 1, measuring 15 square metres, to a vacant reserve at the end of a cul de sac, 80 metres east along Sheppard Way. This aspect is being pursued through due process by the City and the outcomes need to be confirmed by the Council.

2.9 PROPOSED DEVELOPMENT STAGING

It is proposed to develop the site in two distinct stages: stage one will comprise the creation of four freehold title properties with frontage to Whiley Road; stage two will comprise the strata lot development of four lots and an additional freehold title fronting Sheppard Way. This will enable the interim operation of the dry cleaners until such time that investment capital can be injected into stage two. The decision to build to the Whiley Street frontage is to complete the street scape on the larger and unencumbered portion of the site. To achieve the first stage, the canopy of the dry cleaners will warrant demolition. Adequate site area remains on the dry cleaners plot to afford suitable parking for the business.

2.10 CONCLUSION

The proposed eight medium density residential dwellings will improve the Whiley and Sheppard streetscape and inherently add value to the neighbourhood. The site has passed its usability as a commercial site and this development provides an influx of medium density housing fast being sort in the district.

The benefits of the proposal are:

- eventual removal of the aging dry cleaning premises;
- sustainable provision of medium density housing to satisfy a growing market demand;
- statutory provisions in the form of a Structure Plan to govern development form;
- provision of high standard of building design and landscaping;
- efficient vehicular and pedestrian access and onsite carparking.
- creation of a strong sense of architectural identity at the corner site on the junction of Sheppard Way and Whiley Road,
- creation of a development that has regard for the amenity of adjacent lots and surrounding areas; and,
- potential for the mixed use residential commercial buildings (proposed Lots 7 and 8) to integrate with and address the existing shopping centre.