

LATE ITEMS FOR CONSIDERATION

PLANNING

P07/3006 - Additions & Alterations to Kardinya Park Shopping Centre on Lot 15 South Street, Kardinya

P07/3005 - Proposed Mezzanine Floor Extension to Lot 1 The Promenade, Mount Pleasant

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

Ward : University
Category : Strategic
Application Number : DA-2006-466
Property : Lot 17 (1-15) South Street, Kardinya
Proposal : Additions and Alterations to Kardinya Park Shopping Centre
Applicant : Greg Row & Associates
Owner : Dato Holdings Pty Ltd
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Keith Weymes
Manager Planning and Development Services
Previous Items : Nil

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|--|---|
| <input type="checkbox"/> Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council.
e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> Review | <i>when Council review decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The Council is in receipt of a Planning Application for additions and alterations to Kardinya Park Shopping Centre, Lot 17 (1-15) South Street, Kardinya (Kardinya Park).
- Kardinya Park forms part of the Kardinya District Centre Precinct of *City of Melville Community Planning Scheme No.5 (CPS5)*.
- The proposed development includes an additional 4,609.5m² net lettable area (NLA) with decked and undercroft parking. Council's consideration is required for the following:
 - a) A reduced car parking provision;
 - b) Landscaping and amenity;
 - c) Traffic impact; and
 - d) Integration with the adjacent Kardinya Square Shopping Centre.
- It is recommended that Council approve the application subject to conditions.

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: District Centre
R-Code	: R60
Use Type	: Shop
Use Class	: P - Permitted

Site Details

Lot Area	: 4,7316.8sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Upgrade of landscaping within South Street road reserve is recommended.
Street Furniture (drainage pits etc)	: Not affected
Site Details	: U07_0059_PROPERTY_MAP.pdf

[U07_0059_February_2007.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Thursday 1 March 2007

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DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Shop Floor Space	20,000sqm NLA Retail	19427sqm NLA Retail (Inclusive of adjoining Kardinya Square)	Complies		
Landscaping	10% of site area 4731.7sqm	1650sqm 3.5%*	Variation	DTDS	
Carparking	7 bays per 100sqm NLA 1251 bays	5.4 bays per 100sqm NLA 965	Variation**	Council	
Plot Ratio	0.6	0.38	Complies		
Height	10.5m max	10.3m	Complies		
Front Setback	Nil	1.0m	Complies		
Rear Setback	2.0m	16.5m	Complies		
East Setback	Nil	5.5m	Complies		

* This figure is approximate as landscaping has not been delineated on the plans

** This variation if approved would have a value of approximately \$8million

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil	1.0m	Complies		
Rear	2.0m	16.5m	Complies		
Side (East)	Nil	5.5m	Complies		

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The bulk of the proposed additions are focused to the east of the existing shopping centre and include an extension of the mall area and additional shop floor space at the same level as the existing shopping centre. The application also includes an expansion of the supermarket (Coles) and the discount department store (K-Mart). The additions are characterised by an undercroft car park accessible via an access road which abuts the eastern boundary of the site. The undercroft and upper car parks are linked by a proposed vehicle ramp adjacent to the main South Street entry.

Retail Floor Space (NLA)

The Kardinya District Centre is comprised of Kardinya Park, the adjoining Kardinya Square Shopping Centre (Kardinya Square) and eight (8) residential properties fronting Gilbertson Road.

CPS5 states that Retail Floor Space within the Kardinya District Centre Precinct is to be generally in accordance with the Local Commercial Strategy (LCS). The LCS sets a maximum of 20,000 square metres NLA Retail for the Kardinya District Centre Precinct. NLA Retail includes only those types of shop/retail floor space included in Appendix 4 of the WAPC Metropolitan Centres Policy SPP4.2 (i.e. PLUC5 shop floor space). Consequently, not all the NLA within a shopping centre will necessarily be NLA Retail.

The proposed development of Kardinya Park would provide a total of 17872 square metres NLA within Kardinya Park shopping centre. The applicant's advise that the existing NLA Retail floorspace for Kardinya Park is 11,652 square metres least 1,125 square metres of the existing NLA within the shopping centre is not NLA Retail therefore the development would result in 16,747 square metres NLA Retail (assuming that all of the additional NLA resulting from the proposed development is NLA Retail).

This would leave 3,253 square metres NLA Retail for the development of the adjacent lot, currently known as Kardinya Square Shopping Centre. The data collected by the Department for Planning and Infrastructure (DPI) and used in the preparation of the Draft LCS indicates that there is 2,680sqm NLA Retail within Kardinya Square Shopping Centre therefore there would be 573 square metres of NLA Retail floor space remaining for the potential future development of this lot.

Car Parking

CPS5 requires that car parking be provided on the basis of 7 bays per 100 square metres NLA. This equates to a scheme requirement for 1251 car parking bays

The documentation supplied by the applicant indicates a car parking provision of 978 bays. However, a site inspection showed that the area to the south-west of the Coles Supermarket is used as a service/loading area and not for car parking. The carparking requirement is calculated on the NLA floorspace of the existing and proposed development – 17,872 square metres. Consequently, these 10 car bays cannot be included in the car parking assessment. The car parking provision is 965 bays.

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Clause 4.2 of CPS5 enables Council to approve a variation from the development requirements prescribed there under. Clause 5.8 of CPS5 refers specifically to car parking provision. The applicant has provided documentation in support of the shortfall in car parking.

The applicant notes that the recommended floor space for a District Centre under WAPC SPP4.2 is 15,000 square metres NLA; however the permitted floor space for the Kardinya District Centre is 20,000 square metres NLA, reflected in the LCS, Draft LCS and CPS5. The applicant considers that the imposition of the car parking requirement for District Centres (i.e.7 bays per 100sqm NLA) in this circumstance is unreasonable as the permitted floor space is commensurate with that of a Regional Centre. The Car Parking Policy recognises the reduced parking demand of larger centres, requiring 5.5 bays per 100 square metres NLA for Regional Centres. This would equate to a car parking requirement of 983 bays and a shortfall of 18 bays.

The applicant notes that the reciprocity of uses at shopping centres is a factor in reducing actual parking demand. For example, the uses on the periphery of a shopping centre and those accessible from the outside of the shopping centre building would peak in demand for parking at different times to the internal retail uses. The applicant has not provided specific details but uses the general examples of videos stores, fast food outlets, restaurants and like that would have different peak parking demands to a supermarket. However, both internal uses and the uses on the periphery would have a Thursday night peak parking demand.

The applicant has undertaken a car parking survey to determine the current vacancy rates experienced by Kardinya Park. A technical report was prepared by a qualified traffic consultant (Riley Consulting) based on the results of the survey. The report was prepared on the basis of the following factors:

- A required car parking provision of 5.5 bays per 100 square metres;
- A total of 18,090 square metres NLA; and
- A car parking provision of 978 bays.

Subsequent to the submission of the technical report, specific details of floor space have been provided showing that the existing development is comprised of 12,823 square metres NLA. The proposed development will add an additional 4,609.5 square metres NLA (rather than 4570sqm) giving a total of 17872.5 square metres NLA (rather than 18,090sqm NLA). The NLA within the Service Station is not included in this total and this is reasonable for the purpose of car parking assessment as the Service Station does not involve longer term parking in association with the shopping centre.

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The technical report made the following key points and conclusions:

- The existing car park at the shopping centre has a peak occupancy of 62%, an average occupancy of 44% during the peak Thursday evening period (5pm) and 57% during the peak Saturday period (11am). The car park is typically half empty at the peak times.
- Based on the peak occupancy rate of 62% (peak parking demand) and the required car parking provision of 995 bays, the proposed development would demand a maximum of 617 bays resulting in a surplus of 361 bays or 37% of the parking provision.
- Based on the expected 26% increase in traffic flow generated by the development (determined by the Director General Transport South Australia – *Guide to Traffic Generation Developments*) and the current peak parking demand, the future demand would be 716 bays providing a surplus of 262 bays or 27% of the parking provision.
- Based on the proposed increase in floor area of the shopping centre and the current peak parking demand, the future demand would be 760 bays which results in a surplus of 218 bays or 22% of the parking provision.
- Whilst the parking provision for the proposed development is short of CPS5 requirements, the analysis demonstrates that the actual peak demand would still leave at least 20% of the car park vacant.

The car parking assessment methodology may be acquainted relative to the following;

- The current utilisation rate cannot be applied to the proposed discounted parking rate. It should be applied to a ratio of current parking requirement per unit of floor space.
- The methodology takes no account of the need for vacant bays for circulation.
- It assumes that an enhanced larger, more convenient and newer centre (of regional status as expressed by the applicant) will have the same attraction as the current centre.
- It assumes that there is a direct linear relationship between the existing parking demand and trip generation but does not add or subtract for the possible enhanced performance of the centre.

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There are several tests as to whether the proposed parking provision is reasonable as discussed below:

- The existing occupancy rate of 62% (568bays) equates to a car parking rate of 4.2 bays per 100 square metres NLA. The required car parking provision at this rate is 751 bays. An additional 10% for circulation purposes gives a total of 826 bays.
- The applicant contends that the centre should be considered as a Regional Centre to obtain a reduced car parking requirement based on the area of the expanded centre to 20,000sqm NLA. Kardinya is not a Regional Centre; nor does it or will it have the attributes of a Regional Centre.

CPS5 requires the provision of 7 bays per 100 square metres NLA for District Centres or 1,251 bays. This ratio is considered to be excessive and the draft requirement being used in the review of Community Planning Scheme No.5 relies on the standard established by the Road Traffic Authority of NSW (RTA) following extensive surveys of shopping centres and parking demand. For District Centres, the RTA recommends a ratio of 5.6 bays per 100 square metres of **Gross** Leasable Floor Area (GLFA – equivalent of NLA under Community Planning Scheme No.5) or a requirement of approximately 1001 bays.

- The RTA also provides a formula for the calculation of car parking based on the mix of retail types. This formula indicates a requirement of approximately 83 bays after providing for a conversion between the differing floor space measures.

The City of Melville's Transport Planner has advised that the proposed car parking provision is sufficient to cater for the peak parking demand expected to be generated by the redevelopment of the shopping centre.

The car parking rate being considered in the Scheme review indicates that the proposed car parking provision is sufficient to cater for the redevelopment of Kardinya Park.

Landscaping and Amenity

CPS5 requires a minimum 10% landscaping (4,731.7sqm). The exact landscaping provision is unclear as a landscaping plan has not been provided. However, an estimate of the landscaping provision over the site is 1,650 square metres. This is based on the landscaping illustrated on the development plans and reference to the aerial photography to determine existing landscaping areas. This represents a 3,081.7 square metre shortfall in landscaping.

In accordance with CPS5 requirements, the existing and proposed landscaping is located with emphasis to the street frontages including the main access road and the two main access points off South Street. The landscaping on the South Street and North Lake Road frontages extends into the respective road reserves.

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It is considered that the reduced landscaping should be compensated by enhanced architectural features and quality finishes of the development including the provision of artwork in accordance with Council's Policy.

It is noted that there is a 1.0 metre wide setback/landscaping strip between the car park deck and the southern boundary of the site to provide for the establishment of trees/shrubs to screen and soften the visual impact of the car park deck as viewed from South Street. The applicant has obtained written advice from a Landscape Architect regarding the sufficiency of this space to provide for this screening. The Architect states that *"this is sufficient space in which to establish both shrub planting and medium size trees."* The species proposed for this area was the Manchurian Pear (*Purus ussuriensis*). The Architect states that:

"This particular tree is known for its ability to grow within confined spaces and tends to shape to the allocated area available. In the case of Kardinya Park Shopping Centre, the Manchurian Pear will simply spread laterally along the face of the carpark deck until it reaches beyond the parapet wall, at which point it will spread out further over the carpark."

This proposed species has been replaced with the Flowering Ash (*Fraxinus griffithii*) which has the same nature as the Manchurian Pear as described above but is not deciduous therefore it would maintain its screening ability throughout the year.

In response to the City of Melville's further concerns about the visual impact of the car park deck and the ability of the landscaping to minimise this impact, a cross section of the deck and the adjacent verge and South Street has been submitted to provide a clear illustration of the bulk of the deck in relation to South Street. The cross section is from the eastern end of the deck where the difference in height between the deck and the adjacent road verge would be at its greatest. The height of the deck relative to the verge is slightly less than 2 metres. This height would progressively reduce towards the western end of the deck. The height of the deck in relation to the level of the verge and therefore the visual impact of the deck is not as significant as originally thought and therefore the degree of screening afforded by the landscaping strip within the 1.0 metre setback area is less critical. However, for the purpose of enhancing the amenity of the development as viewed from South Street, it is considered that the landscaping within the verge area should be upgraded including the planting of mature trees for the purpose of screening the car park deck.

It is noted that owners in the adjoining Kardinya Square have requested the provision of planter boxes along the eastern wall of the decked parking area to reduce the visual impact and bulk of the extension. In addition supplementary landscaping along the northern side of Brophy Street and Calston Crescent would be desirable to improve the streetscape.

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Also for the purpose of enhancing the amenity of the deck as viewed from South Street, the architectural detail along edge of the deck has been extended, replacing the transparent railing and providing screening of cars parked on the deck. An entry feature/statement is also shown at the eastern end of the deck.

A detailed landscaping plan is required to be submitted with the application for building licence. This is to include trees within the car park at a rate of 1 tree per 4 car bays to break up to expanse of the car parking area (excluding the under croft car park which lacks sunlight). Alternative landscaped measures should be applied to the car park deck such as the provision of potted plants or shade sails

Traffic Impact

A traffic analysis of the proposed development was undertaken and a report submitted in support of the application. The traffic analysis anticipates that the proposed expansion of the shopping centre will increase traffic flows by 26%. The anticipated increase to traffic flows was applied to the Saturn traffic model using the proposed centre layout.

The traffic analysis found that the existing shopping centre operates in an acceptable manner during the peak Thursday evening period however the 'main street' right turn into South Street would not operate in an acceptable manner with the proposed increase in floor area (i.e. the right turn would not operate at-capacity which is unacceptable). The analysis indicates that all other intersections will continue to operate in an acceptable manner.

The report indicates that upgrading of Brophy Street and a 'main street' design that encourages the use of Brophy Street would provide for the acceptable operation of all access points. The report notes that the current layout of the shopping centre focuses traffic towards the main South Street exit therefore it would be expected that the majority of traffic uses this intersection. There are currently multiple access points to the eastern car park of the existing shopping centre which are proposed to be reduced to 2 focal access points to the under croft parking area including an central and northern access point towards Brophy Street.

It is noted that the results of the traffic modelling that indicated the acceptable operation of all access points included the introduction to the traffic model of a traffic signal staging at South Street involving a dedicated right turn stage for Gilbertson Road north to further encourage the use of Brophy Street.

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The report makes the following recommendations:

- *Brophy Street should be upgraded to provide a focal entry to the shopping centre and primary entry/exit to the shopping centre car park.*

As required, the traffic signals at Gilbertson Road/South Street area modified to provide a right turn filter arrow for Gilbertson Road north.

The City of Melville's Transport Planner recommends that a SIDRA analysis of the intersection of Gilbertson Road and South Street be undertaken in relation to the proposed modification to the traffic signals and the results to be to the satisfaction of Main Roads WA and the City of Melville. A copy of the Traffic Assessment is attached.

Drainage

A suitably qualified consultant has provided a preliminary stormwater management report which outlines two possible options for site drainage including:

The installation of sufficient underground storage to contain the 1 in 10 year 72 hour storm and 1 in 100 year 24 hour storm on site both within the underground system and to a safe level on the surface including the undercroft parking area.

- a) Continue the utilisation of the overflow pipe into the City of Melville's drainage system on North Lake Road and reduce the amount of onsite storage required. The consultant acknowledges that a study would be required to determine the allowable flow into the system and drainage rates may be payable.

The City of Melville's Technical Services is satisfied with the preliminary report and the options outlined. The 'critical event' will need to be confirmed to ensure that stormwater is maintained on site at all times and that there is no overflow into the adjoining streets and residential properties.

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PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: No
Neighbour's Comment Supplied: Yes
Support/Object: General Support

The various owners of the adjoining Kardinya Square Shopping Centre (Lot 23, No. 17-23) were consulted (through the Strata Manager) regarding the proposed increase in retail floor space within the District Centre. A formal submission has not been received however discussion with a number of the strata members has indicated qualified support for the proposal. There is concern however regarding the utilisation of almost all of the available shop floor space permitted by City of Melville Community Planning Scheme No. 5 (CPS5) and the City of Melville Local Commercial Strategy (LCS), the lack of integration between the two centres and the potential for future integration upon development of Kardinya Square. There was also concern expressed in particular by the owner of Kardinya Tavern regarding the car park deck and its potential impact on the amenity of the Tavern.

REFERRALS TO GOVERNMENT AGENCIES

Required: The application was referred to Main Roads WA notwithstanding that there are no new crossovers proposed.
Support/Object: Support subject to conditions.

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Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Support/ Dismiss)
Main Roads WA	<p>The proposed development is acceptable to Main Roads subject to the following conditions being imposed:</p> <ol style="list-style-type: none"> 1. No earthworks shall encroach onto the South Street reserve. 2. No stormwater drainage shall discharge onto the South Street reserve. 3. All vehicle access shall be restricted to the existing driveway(s). 4. The applicant shall make good any damage to the existing verge vegetation within the South Street reservation. 5. Redundant driveways shall be removed and the verge and its vegetation made good at the applicant's cost. <p>In addition to the above, Main Roads advise that traffic noise may be a problem for owners adjacent to South Street and consideration should be given to some form of noise attenuation (i.e. sound barriers or house design amenities such as double glazing).</p>	Support	<p>The recommended conditions are relevant and appropriate and should be attached to the planning approval.</p> <p>It is considered that impact of traffic noise from South Street would not be exacerbated by the proposed development.</p>	<p>Support</p> <p>Dismiss</p>

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STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application, the applicant will have the right to have the decision reviewed in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The proposed increase in shop floor space complies with CPS5, the LCS and Draft LCS. In accordance with the floor space provisions of Western Australian Planning Commission's Statement of Planning Policy 4.2 (SPP4.2), District Centres are not to exceed 15,000 square metres NLA Retail or an amount consistent with a Local Commercial Strategy adopted by the Western Australian Planning Commission (WAPC). The LCS and draft LCS recommend a floor space limit of 20,000 square metres NLA Retail for the Kardinya District Centre.

POLICY IMPLICATIONS

City of Melville Policy 06-PL-24 'Car Parking (Non-Residential)' requires the provision of 7 bays per 100 square metres NLA for District Centres. The proposed additions would result in a total of 17,872.5 square metres NLA therefore the required car parking provision is 1,251 car bays. The application includes a total car parking provision of 965 car bays (a shortfall of 286 bays).

City of Melville Policy 06-PL-017 'Bicycle Planning and End of Trip Facilities in Non Residential Areas' (Bicycle Policy) allows for a reduction in car parking bays at the rate of 1 bay per 6 bicycle parking facilities. The application includes 18 bicycle parking bays therefore a reduction of 3 car bays is permitted. The resultant parking requirement is reduced to 1,248 bays (283 bay shortfall).

City of Melville Policy 25-002 'Arts and Culture' requires the allocation of funds for public art for projects of a reasonable size. The target of 1% of the project cost is to be used as a guide. The proposed Kardinya Park redevelopment is a significant development project therefore funds should be allocated for public art.

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ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may at its discretion resolve to either refuse or further defer determination of this application in order to provide the adjoining landowners of Kardinya Square Shopping Centre the opportunity to liaise with the applicant to prepare a comprehensive redevelopment plan for the District Centre. It is noted that the applicant has expressed a concern over further delays in the determination of this application. A refusal or further deferral could possibly result in lodgement of an appeal to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* and effectively limit Council's ability to determine appropriate conditions for an approval which addresses amenity considerations and provide for future redevelopment options should the adjoining owners wish to pursue this option.

CONCLUSION

The proposed development complies with CPS5 and Policy requirements other than car parking and landscaping provision. The car parking rate being considered in the Scheme review suggest that the proposed carparking provision is sufficient to cater for the proposed development. It is considered that the shortfall in landscaping is acceptable subject to the provision of quality landscaping focused along the frontages, the car park deck and car parking areas. The traffic report indicates the acceptable operation of all access points subject to the upgrade of Brophy Street and the modification of the signals and the Gilbertson Road/South Street intersection. Numerous conditions of planning approval are recommended to ensure a minimum of car parking bays, quality landscaping, acceptable traffic movement, the preparation and implementation of a detailed stormwater/drainage management plan and service management plan.

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OFFICER RECOMMENDATION (3006)

APPROVAL

THAT COUNCIL APPROVE THE APPLICATION FOR ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE, LOT 17 (1-15) SOUTH STREET, KARDINYA SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS:

- 1. THE AREA OF THE KARDINYA PARK SHOPPING CENTRE INCLUSIVE OF THESE ADDITIONS SHALL BE NOT MORE THAN 17,872 SQUARE METRES GROSS NLA AND NOT MORE THAN 16,750 SQUARE METRES NLA RETAIL. NLA RETAIL MEANS ONLY THOSE TYPES OF FLOOR SPACE INCLUDED IN APPENDIX 4 OF THE WESTERN AUSTRALIAN PLANNING COMMISSION'S STATEMENT OF PLANNING POLICY 4.2.**
- 2. BROPHY STREET SHALL BE UPGRADED TO PROVIDE AN ENTRY TO KARDINYA PARK SHOPPING CENTRE AND A PRIMARY ENTRY/EXIT TO THE SHOPPING CENTRE CAR PARK AT THE APPLICANT/OWNERS FULL COST TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. IN THIS REGARD, DETAILED DESIGN PLANS SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE AND THE APPROVED PLANS SHALL BE FULLY IMPLEMENTED PRIOR TO THE OCCUPATION OF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL.**
- 3. THE UPGRADE OF BROPHY STREET SHALL INCLUDE THE CONSTRUCTION OF A 2.0 METRE HIGH MASONRY WALL ALONG THE FULL LENGTH OF THE NORTHERN SIDE OF THE ROAD RESERVE AND THE SOUTHERN SIDE OF THE ROAD RESERVE ADJACENT TO LOT 30 (1) BROPHY STREET, KARDINYA. THE WALL MAY BE A LESSER HEIGHT OF 1.8 METRES SUBJECT TO THE APPROVAL OF THE ADJOINING RESIDENTIAL LANDOWNERS. THE WALL SHALL BE TREATED WITH A NON-SACRIFICIAL ANTI-GRAFFITI AGENT. THE FINISH OF THE WALL IS TO BE TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT**

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4. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT TO UNDERTAKE A 'SIDRA' ANALYSIS OF THE PROPOSED DISTRICT CENTRE TO THE SATISFACTION OF MAIN ROADS WA AND THE CITY OF MELVILLE SUBJECT TO THE 'SIDRA' ANALYSIS CONFIRMING THE NEED FOR SIGNAL MODIFICATIONS. THE APPLICANT IS TO MODIFY THE TRAFFIC SIGNALS AT THE INTERSECTION OF GILBERTSON ROAD AND SOUTH STREET TO PROVIDE A DEDICATED RIGHT TURN STAGE FOR GILBERTSON ROAD NORTH AND GILBERTSON ROAD SOUTH PRIOR TO THE OCCUPATION OF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL.
5. THE VEHICLE RAMP AND PARKING AREA HEREBY APPROVED IS THAT ILLUSTRATED ON APPROVED PLAN NO.2, NOT PLAN NO.1.
6. THE WIDTH OF THE SHOPPING CENTRE ENTRY/EXIT MARKED IN RED ON APPROVED PLANS NO.1 AND NO.2 SHALL BE INCREASED TO A MINIMUM OF 3.0M TO PROVIDE IMPROVED ACCESS TO THE SHOPPING CENTRE FROM THE MAIN PEDESTRIAN LINK THROUGH THE CAR PARK. THIS INCREASED WIDTH SHALL BE ACHIEVED BY A REDUCTION TO THE FLOOR SPACE OF THE ADJACENT SPECIALITY SHOPS.
6. A DETAILED LANDSCAPING AND RETICULATION PLAN SHALL BE SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND THE SOUTH STREET RESERVE ADJACENT TO THE SITE. THE APPROVED LANDSCAPING AND RETICULATION PLAN SHALL BE FULLY IMPLEMENTED PRIOR TO FIRST COMMENCEMENT OF OPERATION OR OCCUPATION OF THE DEVELOPMENT AND MAINTAINED THEREAFTER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
7. THE LANDSCAPING AND RETICULATION PLAN SHALL INCLUDE MATURE TREES WITHIN THE SOUTH STREET VERGE ADJACENT TO THE CAR PARK DECK DETAILS RELATIVE TO UPGRADING THE VERGES OF BROPHY STREET AND DALSTON CRESCENT. THE DETAILS, SPECIES SELECTION AND CONTAINER SIZE SHALL BE TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. THE LANDSCAPING RETICULATION PLAN SHALL ALSO INCLUDED CREEPER/CLIMBER TYPE PLANTS AND/OR HANGING POTTED PLANTS ALONG THE FULL LENGTH OF THE EAST FACING CAR PARK DECK WITH THE PURPOSE OF IMPROVING THE AMENITY OF THE CAR PARK DECK AS VIEWED FROM THE ADJOINING LOT TO THE EAST.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

8. **ONE (1) TREE PER FOUR (4) CAR BAYS SHALL BE PROVIDED WITHIN THE EXISTING AND PROPOSED CAR PARKING AREAS, OTHER THAN ABOVE THE UNDERCROFT CAR PARK AND IN AREAS THAT HAVE NO ACCESS TO SUNLIGHT. SHADE SAILS SHALL BE PROVIDED ON THE CAR PARK DECK AS SHOWN ON APPROVED PLAN NO.2. THE CAR PARK TREES AND SHADE SAILS SHALL BE INCLUDED IN THE LANDSCAPING AND RETICULATION PLAN.**
9. **BICYCLE PARKING FACILITIES SHALL BE PROVIDED IN THE LOCATIONS SHOWN ON THE APPROVED PLANS, AT THE EXISTING ENTRIES TO THE SHOPPING CENTRE AND ADJACENT TO THE TRAVELATOR TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. DESIGN AND SETOUT DETAILS SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.**
10. **NOT LESS THAN 965 CAR PARKING BAYS BEING PROVIDED.**
11. **ALL CAR BAYS ADJACENT TO COLUMNS SHALL BE A MINIMUM 2.8M WIDE OR OTHERWISE COMPLY WITH AS 2890.1.**
12. **THE TWO TANDEM CAR BAYS MARKED IN RED ON THE APPROVED PLANS SHALL BE FOR STAFF PARKING ONLY, DESIGNATED WITH A SIGN AND PERMANENTLY MAINTAINED FOR STAFF PARKING ONLY.**
13. **DISABLED CAR PARKING BAYS SHALL BE PROVIDED, CLEARLY DESIGNATED AS SUCH, LOCATED CONVENIENTLY TO THE PRINCIPLE BUILDING ENTRANCES AND WITH DIMENSIONS IN ACCORDANCE WITH AUSTRALIAN STANDARDS. BICYCLE PARKING FACILITIES SHALL NOT OBSTRUCT ACCESS TO DISABLED PARKING BAYS.**
14. **PROTECTIVE RAILS OR A BUFFER STRIP SHALL BE PROVIDED TO CAR BAYS ADJOINING BOUNDARY FENCES AND THE EDGES OF THE CAR PARK DECK.**
15. **THE MEDIAN ISLAND ADJACENT TO THE EASTERN ENTRANCE/EXIT OFF SOUTH STREET SHALL BE REDUCED IN LENGTH TO MAINTAIN ACCESS TO THE VEHICULAR ACCESS WAY AND PARKING AREA TO THE SOUTH OF KARDINYA TAVERN.**

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

16. ALL STORMWATER AND DRAINAGE RUN OFF SHALL BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH CAPACITY TO CONTAIN A 1 IN 100 YEAR STORM OF A 24 HOUR DURATION, AND THE BELOW GROUND DRAINAGE SYSTEM CATERING FOR A 1 IN 10 YEAR CRITICAL STORM EVENT SHALL BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. A DETAILED STORMWATER DRAINAGE PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
17. A DETAILED SERVICE MANAGEMENT PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURES SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE SERVICING MANAGEMENT PLAN SHALL INCLUDE DETAILS OF PROPOSED TRUCK MOVEMENTS, LOADING AREAS, RUBBISH STORAGE AND PICK UP. RUBBISH STORAGE AREAS SHALL BE SCREENED FROM PUBLIC VIEW TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES AND SHALL NOT BE LOCATED WITHIN THE PARKING OR LANDSCAPING AREA.
18. THE TEN CAR BAYS TO THE SOUTH OF THE COLES SUPERMARKET ARE HEREBY DELETED AND THE AREA DESIGNATED AS A SERVICE AREA FOR RUBBISH STORAGE/PICK UP AND/OR OTHER SHOPPING CENTRE SERVICES AS DETAILED IN THE SERVICE MANAGEMENT PLAN TO BE PREPARED.
19. A CONSTRUCTION PARKING MANAGEMENT PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISUE OF A BUILDING LICENCE.
20. ALL PEDESTRIAN PATHS AND CROSSINGS SHALL BE ILLUMINATED TO THE LEVELS RECOMMENDED IN THE AUSTRALIAN STANDARD 1158 LIGHT FOR ROADS AND PUBLIC SPACES.
21. THE FOOTPATH ALONG SOUTH STREET IMMEDIATELY ADJACENT THE MAIN CENTRAL CROSSOVER TO THE SUBJECT OF A SAFETY AUDIT AND MODIFICATION AS REQUIRED TO THE SATFIFACTION OF MANAGER INFRASTRUCTURE SERVICES.
22. A PROPORTION OF THE OVERALL CONSTRUCTION COST TO A MINIMUM OF 1% OF THE CONSTRUCTION COST SHALL BE ALLOCATED TOWARDS PUBLIC ART ON THE SITE. THE PUBLIC ART SHALL BE APPROVED BY THE CITY OF MELVILLE AND COMPLETED PRIOR TO THE OCCUPATION OF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

23. CCTV SHALL BE INSTALLED AND CONTINUOUSLY OPERATED AND MONITORED WITHIN THE UNDERCROFT PARKING AREA TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
24. THIS APPROVAL IS VALID FOR A PERIOD OF TWO YEARS FROM THE DATE OF THE APPROVAL.
25. LIGHTING ON THE SUBJECT PROPERTY IS TO BE DESIGNED AND MAINTAINED IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 4282, (1997) CONTROL OF OBTRUSIVE EFFECTS OF OUTDOOR SIGHTING. A LIGHTING PLAN DEMONSTRATING COMPLIANCE WITH THIS REQUIREMENT SHALL BE SUBMITTED PRIOR TO THE ISSUE OF A BUILDING LICENCE.
26. ALL NEW SECURITY ALARM DEVICES TO BE 'SILENT MONITORED' SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

STANDARD CONDITIONS:

COM01, COM03, COM04, COM06, COM08, COM11, COM13, COM14, COM15, COM16, COM26, COM28, COM32, COM38, COM47, RESGD1

HEALTH CONDITIONS:

1. THE APPROVED DEVELOPMENT SHALL COMPLY WITH THE ASSIGNED NOISE LEVELS UNDER THE *ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997*. THIS INCLUDES ALL PLANT AND EQUIPMENT, CONSTRUCTION AND DELIVERY NOISE.
2. THE APPROVED DEVELOPMENT SHALL COMPLY WITH THE HEALTH (*PUBLIC BUILDING*) *REGULATIONS 1992* WHICH INCLUDES EXITS, EXIT SIGNAGE, EMERGENCY LIGHTING AND ACCESS/EGRESS.
3. ANY NEW USES THAT INVOLVE HANDLING, STORING OR PREPARATION OF FOOD SHALL BE SUBJECT TO A SEPARATE APPLICATION FOR A FIT OUT LICENCE TO ENSURE COMPLIANCE WITH THE *HEALTH (FOOD HYGIENE) REGULATIONS 1993*.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

FOOTNOTES:

- 1. THE APPLICANT IS ADVISED OF COUNCIL'S DESIRE TO SEE THE DEVELOPMENT OF A MAIN STREET WITH COMMERCIAL ACTIVITIES AT GROUND LEVEL WHEN AND IF THE OWNERS OF THE ADJACENT LOT TO THE EAST REDEVELOP.**
- 2. COUNCIL NOTE THAT THE REDUCED PARKING REQUIREMENT IS VALUED AT APPROXIMATELY 8 MILLION DOLLARS.**

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) ATTACHMENT

Ward : Applecross / Mount Pleasant
Category : Planning / Building Development
Application Number : DA-2006-1589
Property : 1/85 The Promenade, Mount Pleasant
WA 6153
Proposal : Mezzanine Floor Extension
Applicant : Mr J R Massey
Owner : Mr J R Massey and Mrs M E Massey
Disclosure of any Interest : No officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Keith Weymes, Manager Planning & Development Services
Previous Items : Nil

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|--|---|
| <input type="checkbox"/> Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input checked="" type="checkbox"/> Review | <i>when Council review decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

KEY ISSUES / SUMMARY

- The application is for an extension to the existing mezzanine floor on Lot 1 (1/85) The Promenade, Mount Pleasant. The proposal involves a significant variation to the permitted plot ratio under Community Planning Scheme No. 5.
- The application is recommended for approval. Requires a Special Majority Decision.

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) ATTACHMENT

BACKGROUND

The subject site has the following development history:

- An application for Planning Approval was refused by the City of Melville on 22 November 2000 for a five unit office development. The application was refused on the grounds of non-compliance with the required plot ratio, access being from The Promenade, and insufficient landscaping.
- An application for a five unit office development was re-submitted in 2001 and subsequently granted Planning Approval on 2 July 2001 subject to a number of conditions. The approval was granted with a plot ratio variation of 0.48 in lieu of 0.3, on the basis that Amendment No. 1 to Community Planning Scheme No. 5, which proposed to increase the plot ratio for Community Centre Precincts to 0.5, was being considered by the Council. A number of the conditions were appealed to the Minister for Planning, after which condition J, which related to the deletion of the crossover from The Promenade and instead being located on Queens Road, was removed. The application was approved with seventeen (17) on-site carparking bays.
- A revised application was then received in 2002, which proposed a six unit office, retail and café development. The proposed uses required twenty eight (28) carparking bays, however the application only proposed twenty six (26) carparking bays. The application was granted Planning Approval on 25 September 2002, however an amendment that proposed to relocate the café to the corner unit was refused by the City of Melville on 24 December 2002. The applicant appealed the refusal to Council, and the appeal was upheld on 15 April 2003. On 13 August 2004, Planning Approval was granted for the swapping of the use of Unit Two and Unit Four, which did not alter the carparking requirements.
- An application for Planning Approval for an alfresco addition to the café component of the development was approved by the City of Melville on 25 May 2004. The number of carparking bays provided remained at twenty six (26) bays, and a condition of the Planning Approval prevented the café from having an additional seats as this would require additional carparking.
- The Built Strata Plan was endorsed by the City of Melville on 8 June 2006.
- An application for change of use from “café/restaurant” to “office” (DA-2006-1231) was approved by the City of Melville on 6 September 2006. As a result of the change of use, a surplus of 5 carparking bays exist on the site.

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) ATTACHMENT

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Community Centre Precinct (CCR)
 R-Code : R40
 Use Type : Office
 Use Class : P

Site Details

Lot Area : 1036sqm
 Retention of Existing Vegetation : No
 Street Tree(s) : No
 Street Furniture (drainage pits etc) : Yes
 Site Details : [U07_0034_PROPERTY_MAP.pdf](#)

[U07_0034_February_2007.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 9 February 2007

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	0.3 (311 sqm)	0.53 (546 sqm)	Does Not Comply	DTDS	
Tenancy Carparking	5 carparking bay	5 carparking bays	Complies		
Site Carparking	22 carparking bays	26 carparking bays	Complies		

(Note: Non-compliance is emphasised in bold)

PUBLIC CONSULTATION/COMMUNICATION

Not required.

REFERRALS TO GOVERNMENT AGENCIES

Not required.

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) ATTACHMENT

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for Planning Approval, or impose a condition in the event of approval of the application, the applicant will have the right to have the decision reviewed in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

None.

POLICY IMPLICATIONS

Community Planning Scheme No. 5

Community Planning Scheme No. 5 stipulates a maximum plot ratio of 0.3 for properties within Community Centre Precincts. Amendment No. 1 to the Scheme proposed to increase the permitted plot ratio in Community Centre Precincts to 0.5, however this Amendment is currently inactive pending the review of the Scheme.

Variations to the permitted plot ratio require determination by a Special Majority of the Council.

Development and Building Controls Policy 06-PL-024 (Carparking – Non-Residential)

The City of Melville non-residential carparking policy requires 1 carparking bay to be provided for every 30 square metres of net lettable area for professional and/or commercial office uses.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Refuse for non-compliance with Community Planning Scheme Number 5, in which case the applicant will have the right to have the decision reviewed in accordance with Part 14 of the Planning and Development Act 2005.

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) ATTACHMENT

CONCLUSION

The subject development proposes to increase the floor area of the subject tenancy by adding to the existing mezzanine floor by an additional 41 square metres. The tenancy is occupied by a building surveying consultancy, and the proposed mezzanine extension is proposed for plan storage and plan layout, rather than for additional staff members. The mezzanine floor extension generally complies with the provisions of planning policy, however will result in a significant variation to the permitted plot ratio for the overall development.

Plot Ratio

Community Centre Precincts have a maximum plot ratio of 0.3 under Community Planning Scheme No. 5. Prior to this application being made, the subject development had a plot ratio of 0.48, which was granted by Council under DA-360/2002/DAC on the basis that Amendment No. 1 to Community Planning Scheme No. 5 was being considered at that point in time. Amendment No. 1 is currently inactive, and at this point in time, it is unlikely that the plot ratio for Community Centre Precincts will be reviewed until the implementation of a new town planning scheme, which is in its early stages of preparation.

The intention of plot ratio is to control the scale and intensity of non-residential land uses so that they contribute to the desired character of the precinct. Community Planning Scheme No. 5 indicates that small-scale offices may be permitted within Community Centre Precincts provided that they do not disturb the precinct.

In considering the impact of the increase in plot ratio, it is noted that the mezzanine extension is internal only and does not modify the external appearance of the building in any way. This means that the existing character of the precinct is unlikely to be unduly impacted because the increased scale and intensity of the development will not be perceived from outside of the building.

The implication of the development proposal is regulating the use of the additional floor space, which may have the ability to bring additional staff members and subsequently additional people to the tenancy and the precinct. Bearing this in mind, the previous use of the tenancy as a restaurant / café had a higher patronage and higher carparking requirement, and hence it is expected that the office use will have a less significant impact upon the amenity and character of the local area.

The applicant has indicated that in the circumstances of their business, the mezzanine extension is for plan storage and plan layout only and will not be used for additional staff members.

From an amenity perspective, the plot ratio bonus is not likely to unduly impact upon the amenity, character and intention of the precinct given that there are no changes proposed to the external appearance of the building. In order to ensure that no changes occur, a condition relating to this is recommended in the event of planning approval being granted.

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) ATTACHMENT

Carparking

Despite exceeding the permitted plot ratio, the development complies with the Development and Building Controls Policy 06-PL-024 (Carparking – Non-Residential). The policy requires 1 carparking bay to be provided for every 30 square metres of net lettable area for professional and/or commercial office uses. In this instance, 5 carparking bays are required for the office, which contributes to overall on-site carparking of 22 bays for all of the uses within the development. There are presently 26 bays provided on-site, which means that there is a surplus of 4 bays.

From the perspective of the impact on amenity, the plot ratio variation is considered to be reasonable in the context of the overall development and is unlikely to have any significant impact on the scale and intensity of development within the precinct. The application is recommended for approval, subject to referral to Council for determination.

OFFICER RECOMMENDATION (3005) REQUIRES SPECIAL MAJORITY APPROVAL

THAT THE APPLICATION FOR A MEZZANINE FLOOR EXTENSION INCLUDING A PLOT RATIO OF 0.53 ON LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT, BE APPROVED BY A SPECIAL MAJORITY DECISION SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS:

- 1. MODIFICATION TO THE EXTERNAL FACE OF THE BUILDING IS NOT PERMITTED.**

STANDARD CONDITIONS:

COM08; 31; 46; 48