



ROWE
GROUP

Job Ref: 7941H
6 March 2020

Chief Executive Officer
City of Wanneroo
Locked Bag 1
WANNEROO WA 6065

Attention: Ms Cathrine Temple – Coordinator Planning Services

Dear Madam

**Development Application – Proposed ALDI Food Store
Lot 396 (No. 2) Kakadu Road, Yanchep**

Rowe Group acts on behalf of ALDI Stores (A Limited Partnership), the prospective owners of Lot 396 (No. 2) Kakadu Road, Yanchep (the 'subject site'). We have been instructed to lodge a Development Application for the construction of a supermarket at the subject site.

To progress this Application please find enclosed:

- Completed and signed MRS Form 1, Development Assessment Panel Form 1 and City of Wanneroo Application for Development Approval;
- A copy of the Certificate of Title;
- Architectural drawings;
- Landscape plan;
- A Transport Impact Assessment;
- A Bushfire Management Plan;
- Environmental Acoustic Assessment; and
- Details of stormwater drainage management.

The proposed development has an estimated construction value of \$3.3 million. Therefore, the application fee for this Application is \$14,412.00. A cheque for the application fee is enclosed.

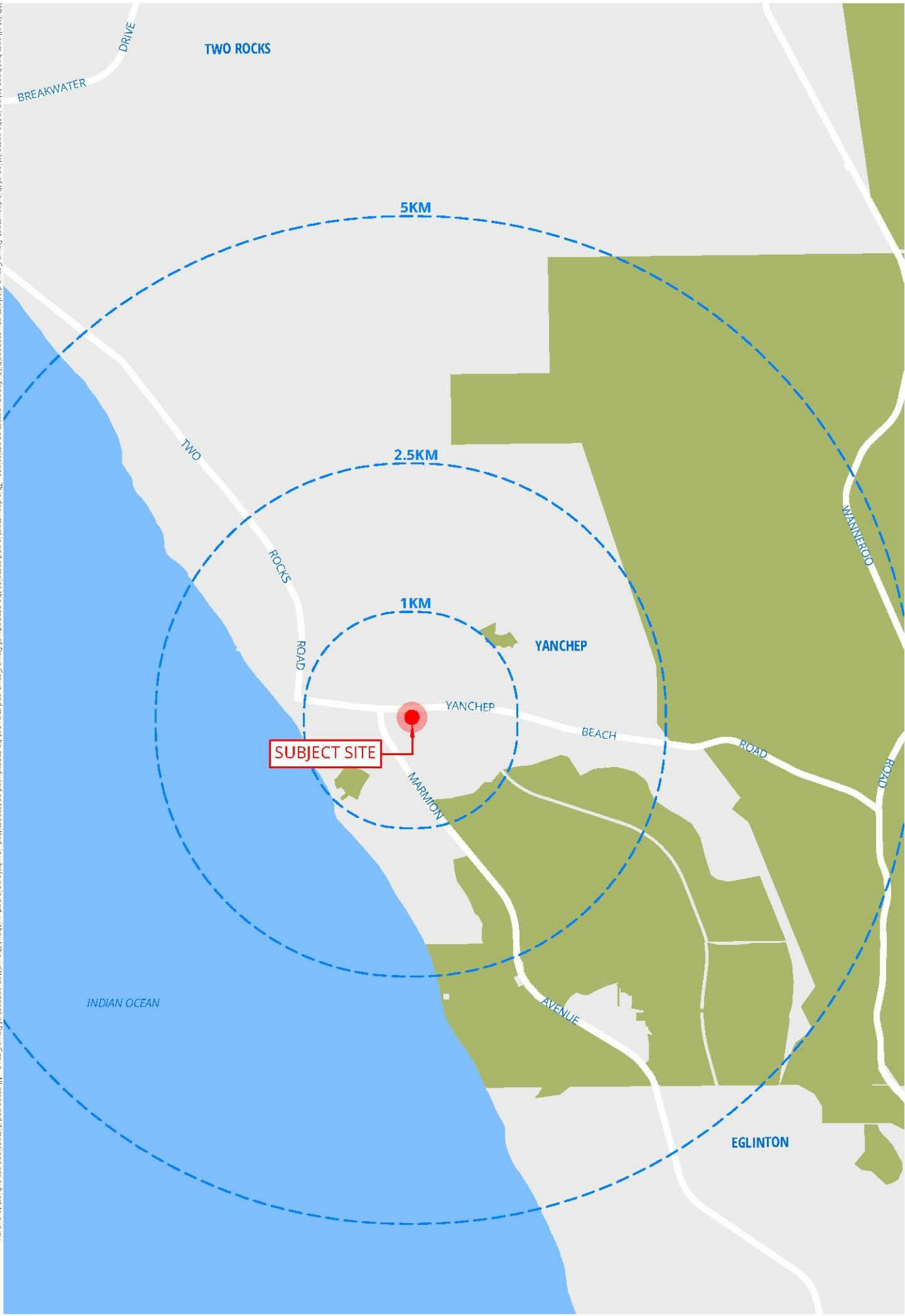
The subject site is located in the Municipality of the City of Wanneroo ('the City'), approximately 49.5km north west of the Perth central business district.

Refer Figure 1 – Regional Location.

Level 3
369 Newcastle Street
Northbridge 6003
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N:\TOWN PLANNING\7000_7999\7941\HDRAFTING\A-CAD - ADAM GLASKIN - 2020.02.20

7941H_FIG01 A_20200220 Yanchep (Regional Location) - DRAWN: ADAM GLASKIN - DATE CREATED: 2020.02.20 - PROJECTION: MGA50 SDA94 - CADASTRE LANDGATE

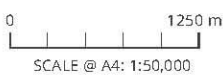


FIGURE 1
REGIONAL LOCATION



The subject site is location in the suburb of Yanchep, at the corner of Yanchep Beach and Kakuda Roads. Both of the aforementioned roads are sealed, gazetted roads.

The subject site is currently vacant and does not contain any existing improvements.

Refer Figure 2 – Local Location and Figure 3 – Site Location.

The subject site is legally described as:

- Lot 396 on Deposited Land 62808 Certificate of Title Volume 2784 Folio 193.

Refer Attachment 1 – Certificate of Title.

PROPOSED DEVELOPMENT

This Application seeks planning approval for a supermarket and associated signage and parking at the subject site. Refer Attachment 2 – Architectural Drawings and Attachment 3 – Landscape Plan. The proposed development will be occupied by an ALDI Store. The proposed building is situated to the southern portion of the subject site with parking to the north, with a bicycle rack for three (3) bicycles located at the entry point of the building. A loading dock is proposed to the western portion of the building.

The proposed development incorporates the following key components:

- A supermarket with a gross floor area of approximately 1,747m² and net floor area 1192m² (liquor component inclusive);
- Two (2) Pylon signs; and
- A total of 111 car bays, including three (3) disable access bays.

The proposal will have the following trading hours:

- Monday, Tuesday, Wednesday and Friday – 8:30am to 8:00pm;
- Thursday – 8:30am to 9:00pm;
- Saturday – 8:30am to 5:00pm; and
- Sunday and Public Holidays – 11:00am to 5:00pm.

The entrance to the building is located to the north east portion of the building to ensure parking is equally distributed around the entrance to the store. An awning is proposed over the entrance of the store and will form an attractive built form feature whilst also providing weather protection for pedestrians.

The vehicle and pedestrian movement network has been designed to provide a convenient and functional system that links the proposed development to any future development to the north of the subject site.

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LEGEND





■ SUBJECT SITE

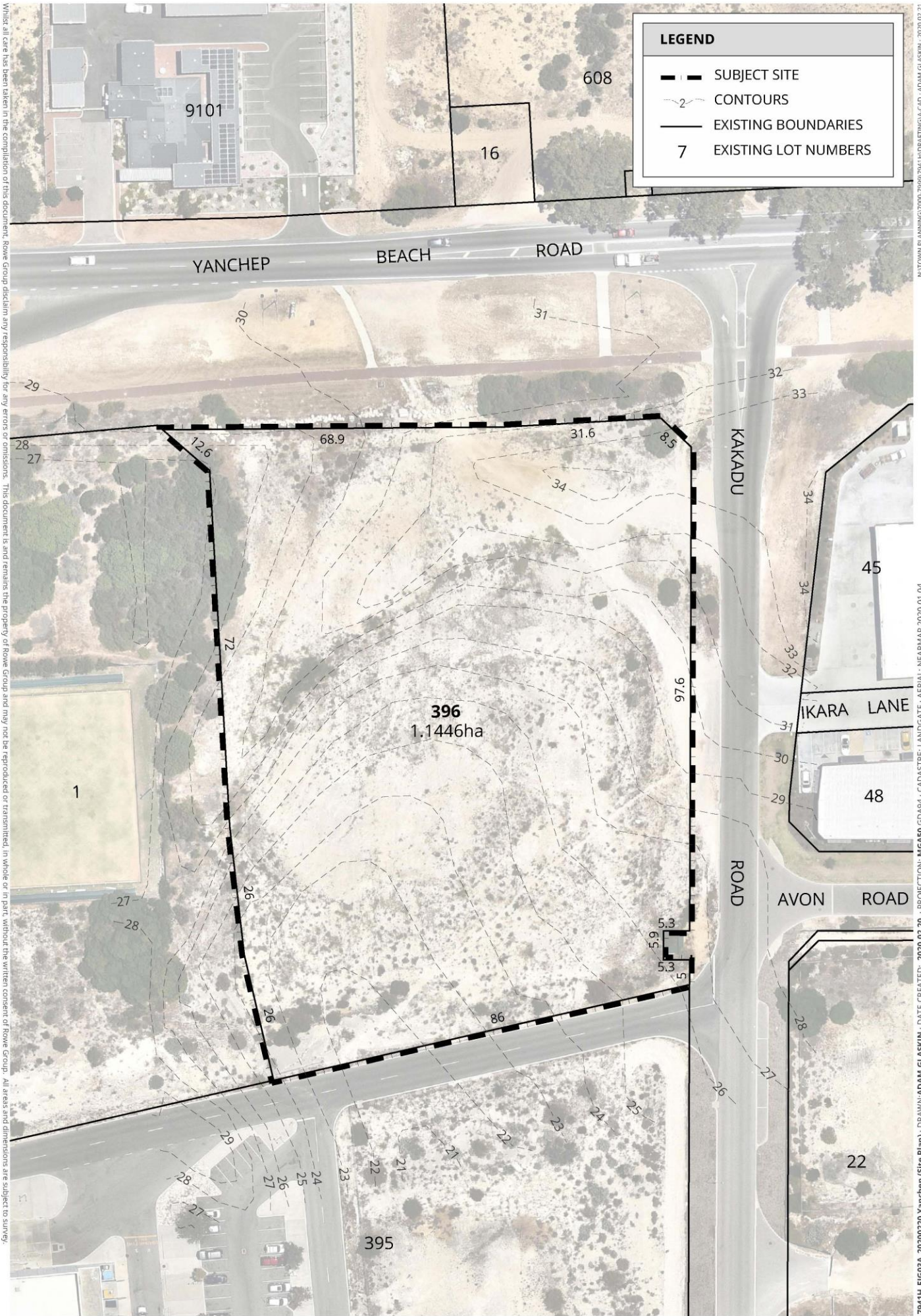
7941H_FIG02A_20200220 Yanchep (Local Location) - DRAWN: ADAMI GLASKIN - DATE CREATED: 2020.02.20 - PROJECTION: MGA50 GDA94 - CADASTRE: LANDGATE - MAP DATA: STREETSMART



FIGURE 2
LOCAL LOCATION

LEGEND

-  SUBJECT SITE
-  CONTOURS
-  EXISTING BOUNDARIES
-  EXISTING LOT NUMBERS



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7941H_FIG03A_20200220 Yanchep (Site Plan) · DRAWN: ADAM GLASKIN · DATE CREATED: 2020.02.20 · PROJECTION: MGA50 GDA84 · CADASTRE: LANDGATE · AERIAL: NEARMAP 2020.01.04 · NITOWN PLANNING/000-7959/7941/HDRAFTING/CA · ADAM GLASKIN · 2020.02.21



FIGURE 3
SITE PLAN



TOWN PLANNING CONSIDERATIONS

Zoning

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme ('MRS'). Refer Figure 4 – MRS Zoning.

Under the provisions of the City of Wanneroo District Planning Scheme No. 2 ('DPS 2') the subject site is zoned as 'Urban Development'.

Refer Figure 5 – DPS 2 Zoning.

Development and subdivision within the 'Urban Development' Zone is required to be in accordance with an approved structure plan. The relevant structure plan is known as Lot 1 & Lot 102 Yanchep Beach Road Structure Plan No. 40 ('Structure Plan').

Land Use Permissibility

With respect to land use permissibility the Structure Plan designates the subject site as 'Commercial', and as such the Structure Plan states:

The zones, reserves and residential density codes designated under this structure plan apply to the land within it as if the zones, reserves and residential density code were incorporated in the Scheme.

All provisions, standards and requirements applicable to the zones, reserves and residential density codes in the Scheme shall apply, unless specific provision is made to the contrary in this Structure Plan.

Furthermore, Clause 27 (1) of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* requires a decision-maker to have "due regard to, but is not bound by" an approved Structure Plan when determining a Development Application.

A supermarket is consistent with the definition of 'Shop' as defined under Schedule 1 of DPS 2, which reads:

Means premises where goods are kept exposed or offered for sale by retail.

In accordance with the Zoning Table of DPS 2, a 'Shop' use is classified as a 'P' (Permitted) use within the 'Commercial' Zone. With this guidance, the proposed supermarket is considered a permitted use at the subject site and is appropriate.

The proposed liquor component is very small in area and is incidental to the overall use of the site as a 'Shop'.

Whilst we agree that the liquor component is capable of approval at the subject site, we disagree that it should be classified as a separate use for the following reasons:



- The liquor component occupies approximately 16m², a very small footprint of the remainder of the building; and
- The sale is incidental to the overall 'Shop' land use as it is not separate in terms of business/operation. That is to say, one cannot operate without and separately to the other.

In addition to the above justification, this position is supported by the State Administrative Tribunal ('the Tribunal') as demonstrated by the decision of *West Coast Enterprises Pty v Shire of Exmouth [2007] WASAT 316*. In this decision, the Tribunal considered the proposed operation of the sale of convenience items at a service station was best described as an incidental or ancillary use of the land and not as a separate land use. The same approach should be applied in the consideration of this Application.

DEVELOPMENT STANDARDS

City of Wanneroo District Planning Scheme No. 2

Part 4 of DPS 2 contains the general development requirements and standards applicable to development in the 'Commercial' Zone.

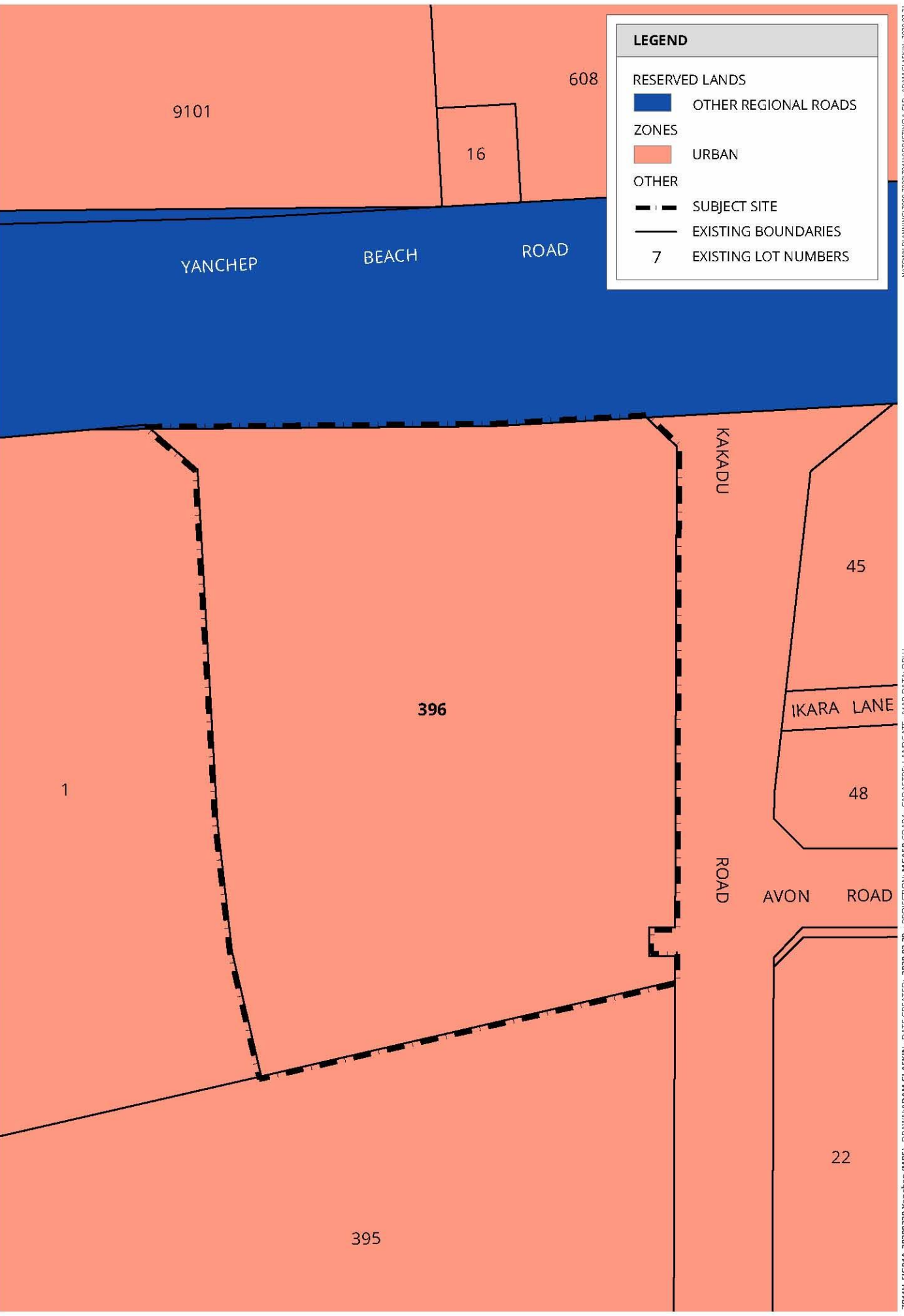
The following table summarises the assessment of the proposed development against these standards:

Source	Development Standard	Requirement	Proposed	Compliance/Comment
Cl. 4.7	Minimum setback – Primary Street	6m	>6m	Compliant
Cl. 4.7	Minimum setback – Side/rear	Nil	497mm	Compliant
Cl. 4.8	Building Facades	High standard architectural design	Aluminium frames with clear safety glass	Compliant
Cl. 4.17	Minimum Landscaping	8%	13.1%	Compliant
Cl. 4.14	Parking	7:100m ² NLA	111	Compliant
Cl. 4.13	Storage and Rubbish	Enclosed Space <1.8m in height	Screened behind building	Compliant

Based on the above table, the proposal is compliant with the development standards contained under Part 4 of DPS 2.

In relation to landscaping, Clause 4.17.1 of DPS 2 states that landscaping is to be provided and maintained to a standard satisfactory to the council. It is anticipated that a condition to this effect would be imposed on any planning approval.

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7941H, FIG04A, 20200220 Yanchep (MRS) - DRAWN: ADAM GLASKIN - DATE CREATED: 2020.02.20 - PROJECTION: MGA50 GDA94 - CADASTRE: LANDGATE - MAP DATA: DPLH

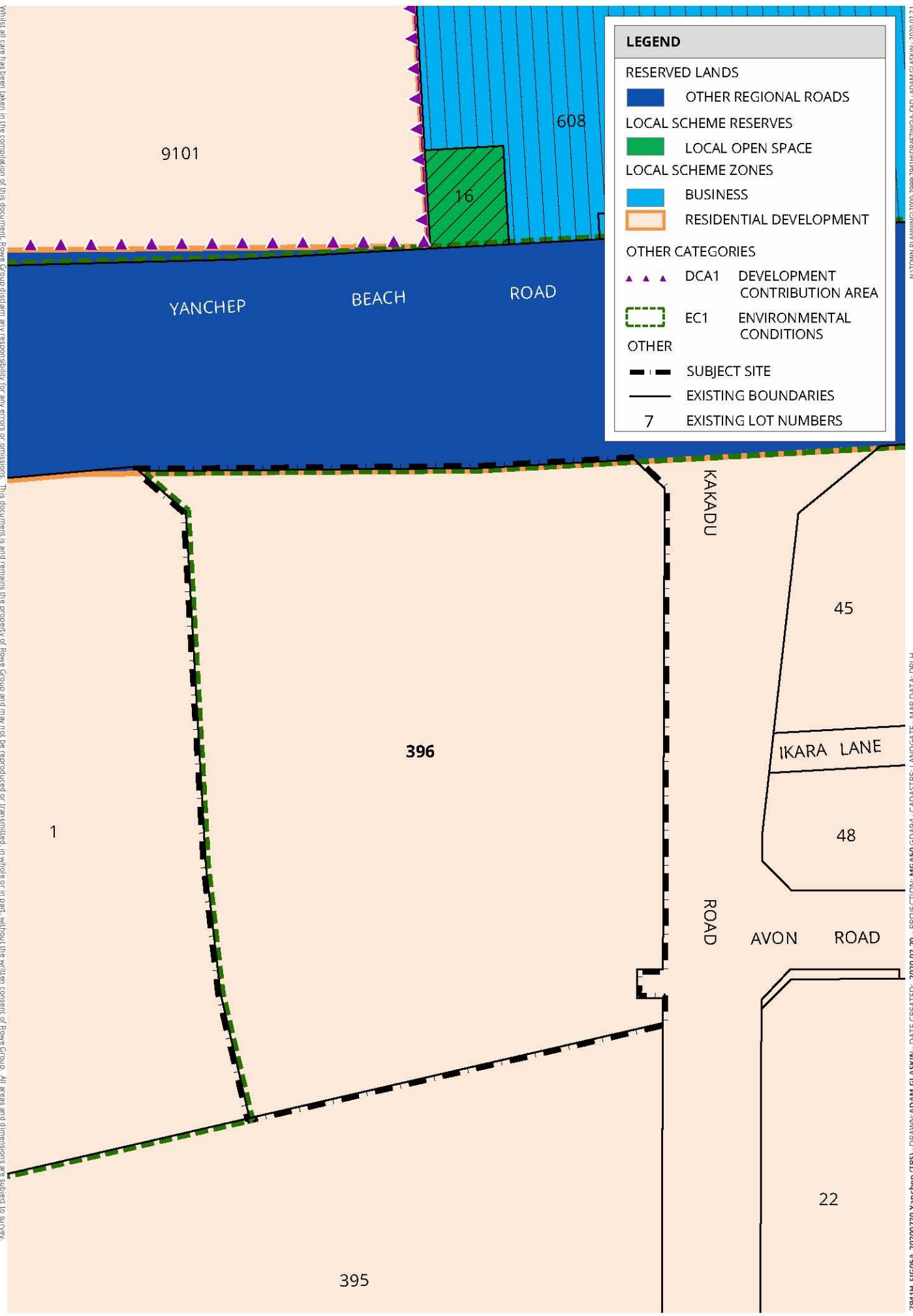


0 25 m
SCALE @ A4: 1:1000



FIGURE 4
METROPOLITAN REGION SCHEME ZONING

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7941H_FIG05A_20200220 Yanchep (TPS) - DRAWN: ADAM GLASKIN - DATE CREATED: 2020.02.20 - PROJECTION: MGA50 GD/94 - CADASTRE: LANDGATE - MAP DATA: DPLH

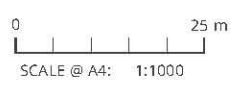


FIGURE 5
CITY OF WANNEROO TOWN PLANNING SCHEME No. 2



Lot 1 & Lot 102 Yanchep Beach Road, Yanchep Agreed Structure Plan

The Structure Plan was approved by the Western Australian Planning Commission ('WAPC') in November 2007 and most recently amended in November 2019.

The Structure Plan contains no development standards, however it does impose a limitation on the amount of shopping floor space at 11,000m² retail NLA. Any proposal to increase the retail NLA in the centre beyond 11,000m² is required to be supported by retail modelling.

On 24 January 2020, the City advised the current NLA floorspace in the centre is approximately 8,683m². This proposal will increase the total retail NLA floorspace to approximately 9,868m². Therefore, no retail modelling is required in support of this proposal.

The proposal is consistent with the provisions of the Structure Plan.

Local Planning Policy No. 4.6 – Signs

Local Planning Policy No. 4.6 – Signs ('LPP 4.6') aims to provide guidance on design and placement on the common forms of advertising signs within the City. The proposed development includes two (2) pylon signs and four (4) wall signs:

- Pylon Sign One is located south of the vehicle access entrance on Kakuda Road;
- Pylon Sign Two is located at the north east corner of the future development area;
- Wall Sign One is location on the northern facade of the tower feature;
- Wall Sign Two is located on the eastern facade of the tower feature;
- Wall Sign Three is located on the western facade of the loading dock wall; and
- Wall Sign Four is located on the southern facade of the tower feature.

The proposed wall signs are compliant with the provisions contained in LPP 4.6.

The LPP 4.6 states the following requirements for pylon signs:

Pylon signs shall:

- *Be limited to a maximum of one per street frontage or one for every 40 metres of linear street frontage;*
- *Not exceed 6.0 metres in height;*
- *Not exceed 2.5 metres measured horizontally across the face of the sign; and*
- *Be located centrally within the lot and no closer than 3.0 metres to a site boundary.*

Whilst not fully compliant with the aforementioned requirements, the pylon signs are consistent with the objectives of LPP 4.6 and should be supported for the following reasons:

- The pylon signs are constructed of high-quality materials and are aesthetically pleasing;



- The pylon signs are not “flashing” and will not create an unsafe traffic impact;
- The extent of the signage is limited across the subject site; and
- Pylon Sign Two is a multi-agency sign, whereby future occupants of the land will have the ability to install signage panels on the pylon sign.

In addition, the location of the pylon signs is dictated by the limited crossover location on Kakadu Road. As a result, the pylon signs are location closed than 40m to one another. Notwithstanding, the proposed pylon signs are not overbearing and should be supported.

On the basis of the above, the proposed pylon signs are consistent with the provisions of LPP 4.6.

DESIGN REVIEW PANEL

The proposed development was considered by the City's Design Review Panel ('DRP') on 17 February 2020. The DRP generally supported the proposed development and recommended the developer address and / or respond to the following items:

- *Consider moving the Aldi building eastwards to address Kakadu Road more directly and enhance legibility or...*
- *Consider locating the pedestrian link from Kakadu Road to the building entry to the south and to not be bisected by the car park aisle and bays. This will enhance legibility and avoid the potential for pedestrian/car conflict.*
- *Consider enhancing the south east corner landscape to incorporate some community benefit by way of more seating, shade, shelter or a play area.*
- *Consider extending/enlarging the landscape pocket park to engage with the pedestrian access link from Kakadu Road.*
- *Consider a landscaped setback/border on the north boundary or an avenue of trees on the boundary to provide some landscape relief.*
- *Consider fenestration/windows to the office.*
- *Consider an additional window in the east wall of the staff room.*
- *Consider fenestration/windows to the PWD Toilet and WC for natural light and ventilation.*

In response to the DRP comments, we have made the following modifications to the plans:

- As was discussed in the DRP meeting, there is an existing Western Power substation to the east of the subject site. This cannot be moved and there is a protection area which prohibits development in proximity to the substation. Therefore, we are unable to move the building closer to Kakadu Road. Whilst this is unfortunate, we have been able to extensively landscape and relocate the path from Kakadu to the development further south. As a result, the path no longer traverses the car park, making a much more pedestrian friendly environment and extensively landscaped public space;



- As briefly mentioned above, the public space in the south east corner of the subject site has been increased in size and will accommodate the planting of a 500L Moreton Bay Fig tree (as suggested by the DRP);
- A paved seating area is proposed at the south eastern portion of the subject site. This paved area adjoins an open grassed area for child play purposes. This area will provide a community benefit to the surrounding area;
- A garden bed will be planted along the northern side of the vehicle accessway. Trees will not be planted in this area, as the northern portion of the subject site will be developed in the future. It is likely any future development will have a row of parking bays accessible directly from the vehicle accessway, making the planting of trees impossible at this time. However, it should be noted that any future development on the northern portion of the subject site will incorporate the same type of landscaping proposed with this development. As a result, there will likely be additional trees planted at that time. It should also be noted that the proposed development includes the planting of shade trees in excess of what is required under DPS 2; and
- No additional window treatments to the office, staff room and toilet facilities have been included in this proposal. Typical of an ALDI development, wall graphics are located on the base of the tower element. Notwithstanding, a window is provided to the staff room on the southern elevation of the building.

On the basis of the above, the developer has made a significant undertaking by providing a high quality built form outcome which is extensively landscaped. This outcome has been reached through the DRP process and should be supported by the City.

BUSHFIRE ATTACK LEVEL

A Bushfire Management Plan has been prepared by Ecological Australia in support of the proposed development and in the WAPC State Planning Policy No. 3.7 – Planning in Bushfire Prone Areas ('SPP 3.7') and Guidelines for Planning in Bushfire Prone Areas ('the Guidelines').

Refer Attachment 4 – Bushfire Management Plan.

The Bushfire Management Plan demonstrates the proposal is compliant with SPP 3.7 and the Guidelines.

TRAFFIC CONSIDERATIONS

A Transport Impact Assessment has been prepared by Transcore in support of the proposed development and in accordance with the requirements of the WAPC Transport Impact Assessment Guidelines for Developments.

Refer Attachment 5 – Transport Impact Assessment.

The Transport Impact Statement concludes the existing and future planned road network can accommodate the traffic from the proposed development without undermining traffic operations.



ACOUSTIC MATTERS

An Environmental Acoustic Assessment has been prepared by Herring Storer Acoustics in support of the proposed development. Noise emissions associated with the proposed development have been determined to comply with the *Environmental Protection (Noise) Regulations 1997*, and minimal offsite impacts.

Refer Attachment 6 – Environmental Acoustic Assessment.

SUMMARY

In summary, this Application seeks Development Approval for the construction and operation of a supermarket at Lot 396 (No. 2) Kakadu Road, Yanchep (the 'subject site').

We request the City of Wanneroo (the 'City') recommend the Metro North West Joint Development Assessment Panel favourable determine this Application for the following reasons:

- In accordance with the Lot 1 & Lot 102 Yanchep Beach Road Structure Plan No. 40 and District Planning Scheme No. 2, a 'Shop' is classified as a permitted use at the subject site;
- The proposed development is consistent with the relevant development standards contained within DPS 2;
- The proposed development is compliant with State Planning Policy 3.7 – Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas;
- The proposed development is compliant with Local Planning Policy 6.7 – Signs; and
- The proposed development is unlikely to have any adverse impact on the surrounding road network.

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

Yours faithfully,

Nathan Stewart

Rowe Group