

Reference:	PDA23/0076
Proposal Address:	501 Alexander Drive MIRRABOOKA WA 6061 (Proposed 499 Alexander Drive)
Development Type:	Pre-Development - Commercial Development
Proposed Development:	Pre-Development - Commercial Development
Date:	13 October 2023
Estimated Cost of Works:	\$20,000,000.00
Zoning: Development Zone	Lot Size: 155,191m ² (Lot 820), 40,201m ² (Proposed Lot 803)
Land use: Drive Through Fast Food Outlet, Industry-Light, Office, Showroom, Warehouse.	Land Use Permissibility: "Development and use of land shall have due regard to any WAPC approved Activity Centre Plan, and any approved Local Development Plan or Local Planning Policy prepared under this Scheme; and is to be in accordance with the Special Control Area land use permissibility provisions under Part 6." (LPS3 Clause 4.3, Table 1: Zoning Table)

Site Characteristics



Density: Not Applicable

Site Area: 40,201m² (Proposed Lot 803)

Land Use: Drive Through Fast Food Outlet, Industry-Light, Office, Showroom and Warehouse

Information Submitted

- Planning Pre-Lodgement Advice Request
- 3D Perspectives
- Site Plan
- Landscaping Plans
- Presentation for the Design Review Panel Meeting

Applicant's Pre-Application Written Advice Request

The City's advice is provided in response to the pre-development advice request lodged on 7 September 2023 as below:

"The proposal has been requested to attend DRP on 28 September 2023. The DRP package has been submitted."

Applicable Planning Framework

The following Planning Instruments are applicable to this development proposal:

Local Planning Scheme No.3 (LPS3)
Local Structure Plan Lot 1 (No. 501) Alexander Drive Mirrabooka (Structure Plan)
Local Planning Policy 4.4 – Mixed Business Design Guidelines
Local Planning Policy 6.1 – Advertising Signs
Local Planning Policy 6.3 – Bin Storage Areas
Local Planning Policy 6.6 – Landscaping
Local Planning Policy 6.7 – Parking and Access
Local Planning Policy 6.11 – Trees and Development
Local Planning Policy 6.12 – Public Art on Private Land
Local Planning Policy 6.18 – Public Consultation
Street and Reserve Trees Policy

The State planning framework is available at <https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/state-planning-framework>.

Pre-Development Advice

The City has undertaken a preliminary planning review of the proposal, to complement the design advice provided by the Design Review Panel. The following comments identify key issues to be further addressed when refining the proposal and preparing the development application submission. Additional matters or concerns not listed below may be identified by the City when the development application is assessed.

Land Use

The Structure Plan states that due regard is to be given to the land use permissibility standards applicable to the Mixed Business zone under LPS3. Based upon the information supplied in this pre-development application, the applicable proposed uses and the corresponding land use permissibility standards for the Mixed Business zone, as per LPS3 Table 1: Zoning Table, are as follows:

Drive Through Fast Food Outlet	'D'
Industry-Light	'D'
Office	'D'
Showroom	'P'
Warehouse (Customer Fulfilment Centre)	'P'

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

'D' means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.

Any future development application submission should clearly identify the manner the proposed buildings and the site are to be used and operate, for the City to accurately determine the predominate land uses and any incidental land.

The City reiterates that the Warehouse land use definition in LPS3 only permits sale by wholesale. On-site retail sales of groceries from the 'Customer Fulfilment Centre' will not be permitted. The City recommends that any future development application package clearly addresses and outlines this particular element.

Vehicle Parking and Car Park Design

- The car park is observed to have been designed to conform to the 'User Class 1' requirements of Australian Standard AS/NZS 2890.1:2004. The car bay dimensions proposed are suitable for employees, though the Australian Standard requires the higher turnover bays to be wider than 2.4m. The customer bays in the previous development approval on this site were either 2.5m or 2.6m wide (City reference DA22/0037).
- Local Planning Policy 6.7 requires one motorcycle bay per 1,000m² gross floor area. No motorcycle parking is proposed. The City recommends that motorcycle bays are included in any future development application.

Landscaping

- Local Planning Policy 6.6 requires at least 1/6th (16.67%) of the site to be landscaped. The City has calculated the proposed landscaped area to be 13.3%. The City recommends that further landscaping is provided in any future development application.
- Local Planning Policy 6.11 requires at least 81 Advanced Trees with 9m² deep soil area to be planted on site. To comply, at least 81 of the proposed trees provided with at least 9m² deep soil area will need to be planted in a 90 litre container or greater size, be at least 2 metres in height and be at least 2 years of age.

Public Art

The public art requirements of Local Planning Policy 6.12 Public Art on Private Land (LPP6.12) include:

- Developments with a cost of development of \$2 million and above (excluding GST) are required to provide contributions as listed below:

Cost of Development	Required Contribution
\$2 million to \$50 million inclusive (excluding GST)	Minimum 1% contribution cost of development provided as public art.
Over \$50 million (excluding GST)	\$500,000 plus 0.5% for every construction cost dollar over \$50 million, provided as public art.

- The proposed location of the public art is to be provided at the time of submission of the application for development approval, along with a brief report showing how the public art requirements have been integrated into the development. The public art is to be located where it can be clearly seen from the public realm.

LPP6.12 is applicable to any future development application, though it is discretionary whether the provision of a public art will be applied in this instance. The report presented to Council on 6 December 2022, for final adoption of LPP6.12, lists all the zones where the policy applies (for developments exceeding \$2 million). This list identifies both the Development zone and the Mixed Business zone, which apply to the subject site through LPS3 and the Structure Plan respectively. The exclusion to development in an Industry zone in clause 3 of LPP6.12 is based on the State Administrative Tribunal decision in 2018 to set aside and delete a public art condition for the BGC asphalt plant in Hazelmere.

Should any future development application seek to vary or waive the provision of public art, it is recommended that justification be provided in a development application report. As per clause 6 of LPP6.12, the City will assess any variations against the objectives of the policy, which are copied below for reference.

2.0 OBJECTIVES

- *To complement the impacts of urban intensification through providing functional private and public realm infrastructure that contributes to the overall amenity of an area;*
- *To develop a positive sense of place through the provision of public art where urban intensification is occurring;*
- *To improve the appearance, vibrancy, character, and amenity of the City's built environment; and*
- *To improve the attractiveness and functionality of the private and public domain for those living, using or passing by development sites through the use of public art.*

LPP6.12 has only been operative since January. There have been no development applications determined to date where the City has contemplated whether the public art contribution will be applied to a development (meeting the cost threshold) in the Mixed Business zone that is also within the MRS Industry zone. The previous development on this site was approved prior to the adoption of LPP6.12.

Design Review Panel (DRP)

- The information submitted was presented to DRP on 28 September 2023. The DRP's advice will be provided by separate correspondence. The DRP's advice is one component of a planning assessment and is design advice only. The proposal will need to comply with the applicable statutory planning framework and the City's requirements.
- Any further pre-lodgement proposals and the development application should include the applicant's responses to the prior DRP commentary.

General Comments

- The City will require a Waste Management Plan to be submitted with the development application. The development will need to comply with the Waste Management Local Law 2010.
- The subject site is in a bushfire prone area. The development will need to comply with Schedule 2 Part 10A of the *Planning and Development (Local Planning Schemes) Regulations 2015* and State Planning Policy 3.7 Planning in Bushfire Prone Areas.
- The subject site is in a moderate to low Acid Sulphate Soil area. This should be considered as part of the design process.

Development Application

Please be advised the City's Pre-Application service is aimed at providing potential applicants with the opportunity to obtain advice from the City's Development Services Business Unit in relation to a development proposal - by identifying key variations to the planning legislation and generally outlining the City's development application processes. The intent of this service is not to confirm whether a development proposal will be supported by the City. The City cannot consider a design proposal within a Pre-Application request in lieu of a full assessment of a formal development application.

In terms of the development application submission requirements, the following links are provided for your reference:

- [LPS 3 & MRS Application Form](#)
- [Planning Fees and Charges](#)
- [Development Applications – Submission Checklist and Matrix](#) – refer for a detailed list of information required for each different development application type. In addition to the information detailing in this submission checklist and matrix, please ensure written justification is submitted with your development application addressing the relevant design principles of the R-Codes.

The statutory timeframe for the development application will be 90 days, excluding 'stop the clock' periods.

Public Consultation

This proposal will be designated as a Complex Application under Local Planning Policy 6.18 Planning Consultation (LPP6.18) and the development application will require public advertising. The applicant will be required to install signage on the site for the duration of the advertising period. All expenses incurred by the City as a result of advertising Complex Applications to landowners and occupiers are to be payable by the applicant in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Information Sheets

The following links are provided for your reference:

Bushfire Prone Areas Information Sheet
Consultation on Planning Proposals Information Sheet
Development Assessment Panels Information Sheet
Driveways, Crossovers and Driveway Tapers Information Sheet
State Administrative Tribunal Information Sheet
Subdivision Clearances Information Sheet
Trees and Development Guidelines

Please contact Cameron Howell, Senior Planning Officer or the City's duty planning officer on 9205 8555 if you have any queries regarding the above advice.

Yours sincerely,



Dean Williams

Acting Coordinator Planning Approvals (PP)

Disclaimer:

Please note that any advice provided in this document is for use of a general nature only and is not intended to be relied upon as, nor to be a substitute for, specific professional planning advice. No responsibility for loss occasioned to any persons acting on or refraining from action as a result of any general planning advice is accepted by the City. This advice does not bind the City in respect of any future development applications on the subject land.