

**TOWN OF VICTORIA PARK**

File No. DOCS - 2018 - 00000840 - 001  
 Xref No. PR 2127

29 OCT 2018

BLP	<input type="checkbox"/>	RAN	<input type="checkbox"/>	PEN	<input type="checkbox"/>	RLP	<input type="checkbox"/>
CLP	<input type="checkbox"/>	SH	<input type="checkbox"/>	BLD	<input type="checkbox"/>	CEO	<input type="checkbox"/>
FLBLP	<input type="checkbox"/>					HR	<input type="checkbox"/>
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STAT	<input type="checkbox"/>						

DOG No. \_\_\_\_\_

Job Ref: 8930  
25 October 2018



**ROWEGROUP**

Chief Executive Officer  
Town of Victoria Park  
Locked Bag 437  
VICTORIA PARK WA 6979

Level 3  
369 Newcastle Street  
Northbridge 6003  
Western Australia

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

**Attention: Development Services**

Dear Sir

**Application for Development Approval - Amendment to Development Approval (DA No. 11/0272)  
Lot 905 (Nos. 53 - 63) Burswood Road, Burswood**

Rowe Group acts on behalf of the landowner of Lot 905 (Nos. 53 - 63) Burswood Road, Burswood (the subject site) with respect to the above. This application seeks the deletion of the time limitation restrictions imposed on the use of the subject site for 'Office' purposes.

In support of this application, please find attached the following:

- Completed 'Application for Development Approval' form and 'Amendment or Cancellation of Development Approval - Supplementary Form';
- A copy of the Certificate of Title for the subject site (refer Attachment 1);
- A cheque for \$295.00, being the application fee; and
- Detailed justification in support of this request (outlined below).

## Background

We refer to the development approval issued by the Council of the Town of Victoria Park (Town) for a 'Change of Use from Warehouse/Office to Office and Additions/Alterations' at the subject site in September 2007 (DA No. 07/0430). This development approval contains a condition (Condition No. 1) which required the landowner to enter into a legal agreement with the Town limiting the use of the subject site for 'Office' purposes for a maximum period of 10 years from the date of the development approval.

In 2009 Council granted development approval for a one (1) year and three (3) month extension to the approval period at the landowner's request (refer DA No. 09/0014). This extension was considered favourably due to delays in



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completing building works and associated building completion certificates in addition to leasing considerations. As a result, the approval period was extended to 17 December 2018 for the tenancy occupied by 'Internet Engineering Pty Ltd and to 25 September 2017 for the remainder of the site.

In 2011 consultants for the Applicant lodged a development application seeking the modification of Condition No. 1 to DA No. 09/0014 to limit the use of the subject site for 'Office' purposes until 17 December 2028. This (2011) application was supported by Council and a development approval was issued on 28 June 2011 for a modification to Condition No. 1 of DA No. 09/0014 by extending the time limitation imposed on the 'Office' use of the subject site to 17 December 2028. The 2011 development approval (DA No. 11/0272) also deleted Condition No. 2 of DA 09/0014 (in relation to the tenancy restrictions imposed on 'Internet Engineering Pty Ltd') and modified Condition No. 3 of DA 09/0014 to reflect the updated approval dates commensurate to the revised approvals issued by the Town.

A full copy of the 2011 Development Application reporting is contained as Attachment 2.

## Details

Development approval is now sought, in accordance with Clause 77 (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), for the deletion of Condition Nos. 1, 4 and 5 of the development approval issued by the Town on 28 June 2011 (DA 11/0272). These conditions relate to the time limitation imposed on the 'Office' use of the subject site and the associated legal agreement enforcing the time limitation.

## Subject Site

The subject site is located at the junction of Burswood Road and Craig Street in Burswood. The subject site encompasses property on the western and eastern sides of Craig Street. The site improvements include two-storey office buildings on the land west of Craig Street, and a car parking area on the land to the east of Craig Street. No physical alterations to the existing improvements or changes to the land uses at the subject site are proposed as part of this application.

Under the provisions of the Metropolitan Region Scheme (MRS), the subject site is zoned 'Urban'.

Under the provisions of the Town of Victoria Park Local Planning Scheme No. 1 (LPS 1), the subject site is zoned 'Office/Residential' Zone. The subject site is also designated as a 'Building and Design Area' (BD 1). An 'Office' use in the 'Office/Residential' Zone is a 'P' (permitted) use. The subject site is located within the 'Causeway Precinct - Precinct Plan P3' (Precinct P3), as contained in LPS 1.

We understand the Town is currently seeking consent from the Western Australian Planning Commission (WAPC) to advertise its new (draft) Local Planning Strategy (draft LPS). In reviewing the draft LPS summary documentation available (refer to Draft Local Planning Strategy Summary of Strategies and Actions document contained as an attachment to 10 July 2018 Ordinary Council Meeting Minutes) the subject site is located within



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the 'Causeway District Centre'. The key outcomes envisioned for the 'Causeway District Centre' is for a *city centre commercial and employment hub with entertainment and residential uses*.

## Justification for Proposal

As was outlined in the 2011 development application, the landowner experienced difficulty in leasing vacant office space within the building due to the time limitation imposed on the use of the subject site for 'Office' purposes. As outlined in the 2011 Development Application reporting, tenants require a substantial lease period in which they can recoup the substantial costs associated with office fitout and relocation.

As the Town will be aware, the property market conditions in Perth have "softened" in recent years with office vacancy rates having significantly increased since the 2011 development approval was issued. Furthermore, with the property market in Perth also having "softened" across all sectors (office, residential, industrial etc) consideration to redevelopment of the subject site is proving very challenging.

The imposition of a further restriction, by way of conditions on the development approval limiting the 'Office' use of the subject site, has negative consequences with respect our Client's ability to secure tenants. This, coupled with a weak residential market, could have negative consequences for the subject site with the existing use unable to operate past 2028 (under the current development approval), notwithstanding it being a 'P' (permitted) use in the Zone, and redevelopment for mixed use (residential and commercial) purposes not yet financially viable.

Deletion of the time limitation imposed on the 'Office' use at the subject site will enable a greater degree of flexibility in relation to the continuing operation of the subject site for 'Office' purposes and for our Client to consider and plan for the redevelopment of the site for mixed use (residential and commercial) purposes.

This request is considered to be appropriate and justified for the following reasons:

- An 'Office' use is a 'P' (permitted) use in the 'Office/Residential' Zone;
- Consideration ought to be given to the fact the existing building at the subject site was retrofitted for the 'Office' use and compliance with key development standards including car parking and plot ratio have been achieved;
- We understand there have been no complaints (to the Town) with respect to the use or operation of the subject site for 'Office' purposes meaning that the use itself does not detract from the amenity of the locality or cause a nuisance/disturbance to others within the precinct; and
- The landowner is committed to redevelopment of the subject site when it is commercially viable to do so. With the softening of the Perth property market across all sectors continuing to operate the 'Office' use at the subject site is difficult in itself without the imposition of a time limitation.



## Planning Framework

We refer to the planning framework (regional context and local context) referenced in the 2011 Development Application reporting (refer Appendix 2). We provide, below, an update on the planning documents relevant to this application. An assessment against additional or modified planning documents (that were not in existence in 2011) is also provided below.

### Central Sub-Regional Planning Framework (Perth and Peel at 3.5 Million)

The Central Sub-Regional Planning Framework (CSRPF) forms part of the State Government's Perth and Peel at 3.5 Million suite of land use planning and infrastructure frameworks. The aim/objective of the CSRPF is as follows:

*The Central Sub-regional Planning Framework aims to establish a long-term integrated planning framework for land use and infrastructure, with a focus on guiding future infill growth in the Central sub-region.*

The subject site is located immediately adjacent to the designated 'Victoria Park Activity Centre' within an 'Urban Corridor' and in proximity to high frequency public transit infrastructure. The CSRPF aims to increase *residential, commercial and mixed-use development in and surrounding activity centres linked by a robust movement network.*

With respect to land designated as 'Urban Corridor' in the CSRPF, it is acknowledged that urban corridors will (in the longer term) *have a more even balance of both residential and commercial land uses, while others contain mostly commercial and office developments.* The CSRPF provides an indication of what urban corridors could look like in the long term depending on the local conditions and amenity.

The existing 'Office' use of the subject site accords with the provision and aim of the CSRPF. Deletion of the time limitation conditions imposed on the 'Office' use at the subject site will enable a greater degree of flexibility in relation to the continuing operation of the subject site for 'Office' purposes and for our Client to consider and plan for the redevelopment of the site for mixed use (residential and commercial) purposes. Both our Client's objective for greater commercial flexibility and the longer-term planning objectives for the precinct can be achieved.

### Town of Victoria Park Local Planning Scheme No. 1

As outlined above, under the provisions of LPS 1 the subject site is zoned 'Office/Residential' Zone. The subject site is also designated as a 'Building and Design Area' (BD 1). An 'Office' use in the 'Office/Residential' Zone is a 'P' (permitted) use.

LPS 1 contains a number of objectives and intentions (refer Clause 6 of the Scheme). The following objectives are relevant to this development application (underlining for emphasis):

- (1) *The Council has prepared this Scheme for the purpose of controlling and guiding development and growth in a responsible manner and which can initiate, accommodate and respond to change.*



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- (2) *The overall goal of this Scheme is to ensure that the Town of Victoria Park and its environs will be widely recognised as providing a high level of services and amenities in a friendly and accountable manner.*
- (3a) *to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities.*
- (3c) *to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –*
- i. *recognises the individual character and needs of localities within the Scheme area; and*
  - ii. *can respond readily to change.*
- (3f) *to promote and safeguard the economic well-being and function of the Town.*

In response to the above (relevant) objectives and intentions of LPS 1 we provide the following comment:

- The deletion of the time limitation condition responds to the changing property market conditions over the last number of years;
- It provides flexibility in the use of the subject site until such point as the redevelopment of the site for mixed use (residential and commercial) purposes becomes financially viable; and
- Responsibly safeguards the economic well-being of the subject site.

#### Town of Victoria Park Causeway Precinct – Precinct Plan P3

The subject site is located within Precinct P3, as contained in LPS 1. The Statement of Intent for Precinct P3 recognises the precinct's opportunity to achieve a sustainable mixed-use urban environment in proximity to the Perth Central Area. The precinct has a unique opportunity to provide significant employment and housing enabling people to live and work locally.

The Statement of Intent also highlights the vision for the precinct with high-quality apartments, local retail and commercial uses intended for the precinct.

The ongoing use of the subject site for 'Office' purposes and the landowner's redevelopment aspirations accord with the Statement of Intent for Precinct P3.

#### Town of Victoria Park Policy No. 4.14 – Development Standards for Causeway Precinct

As with any planning policy the decision maker is to give due regard to the content of the policy when assessing a development application. The Town's Policy No. 4.14 – Development Standards for the Causeway Precinct (Policy No. 4.14) sets out a number of general development provisions and specific development provisions for designated areas within the Precinct P3.



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It is our view that the imposition of the provisions contained in Policy 4.14 are relevant at a point in time when the Town receives a development application to alter the built form at the subject site rather than using elements of the policy (i.e. the desired future character provisions) to restrict the ongoing use of the site for 'Office' purposes in the existing built form configuration.

Notwithstanding the above, compliance is achieved with many of the development provisions (including plot ratio and car parking) contained in Policy No. 4.14 and consideration ought to be given to the fact the existing building at the subject site was retrofitted for the 'Office' use. The imposition of a time limitation to the 'Office' use at the subject site because the existing development at the site does not meet the desired future character of the precinct is considered inappropriate.

Our Client does aspire to redevelop the subject site in accordance with the future character objectives of Policy No. 4.14 (i.e. a mixed use residential and commercial development in accordance with the height standards contemplated in the policy).

In order to achieve the desired future planning outcome for the subject site, flexibility with respect the use of the subject site for 'Office' purposes is appropriate until such point as the redevelopment of the site for mixed use (residential and commercial) purposes becomes financially viable. The state of the property market will play an important role in assisting to achieve this planning outcome.

#### Clause 67 (Schedule 2) of the Regulations

In considering our request for the deletion of the time limitation imposed on the 'Office' use at the subject site, Clause 67 of the Regulations lists a number of matters to be considered by local government. The following are a list of the relevant matters (and our associated response) that relate to this development application.

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.*

Please refer to the justification outlined above with respect to the objectives and intentions of LPS 1.

- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.*

As outlined above, the Town's draft LPS designates the subject site as within the 'Causeway District Centre'. The key outcomes envisioned for the 'Causeway District Centre' is for a *city centre commercial and employment hub with entertainment and residential uses.*

The ongoing use of the subject site for 'Office' purposes and the landowner's redevelopment aspirations accord with the key outcome for the 'Causeway District Centre'.



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Furthermore, with respect to orderly and proper planning, an 'Office' use is a 'P' (permitted) use in the Zone and compliance with many of the development standards contained within the Town's Policy 4.14 is achieved. It is our view that the imposition of the provisions contained in Policy 4.14 are relevant at a point in time when the Town receives a development application to alter the built form at the subject site.

*(g) any local planning policy for the Scheme area.*

Please refer to the justification outlined above with respect to the provisions of Policy No. 4.14.

*(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*

The 'Office' use is located within existing buildings that were retrofitted and altered as a result of the September 2007 development approval to accommodate such a use. The use is permitted at the subject site and there are no known complaints regarding the use of the site for 'Office' purposes.

Matters such as height, bulk, scale, orientation and appearance will be dealt with in a future development application seeking the redevelopment of the subject site for mixed-use purposes. As previously outlined, the property market at present (and for the past number of years) has weakened and it is not financially viable to redevelop the site in accordance with the future character objectives contained within Policy No. 4.14.

*(n) the amenity of the locality including the following -*

- i. environmental impacts of the development;*
- ii. the character of the locality;*
- iii. social impacts of the development.*

Ongoing use of the subject site for 'Office' purposes is a better planning outcome than a vacant or underutilised building at the site. From a planning perspective it is preferable that the site continues to be used for its current 'Office' purpose, which maintains a working population in the locality and daytime activation.

*(s) the adequacy of -*

- i. the proposed means of access to and egress from the site; and*
- ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles.*

We understand there have been no issues raised with the means of access/egress at the subject site. The development is in excess of the number of car parking bays required for an 'Office' use. The ongoing use of the subject site for 'Office' purposes will ensure adequate access, egress and car parking provisions are maintained for this use.

*(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*



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The ongoing use of the subject site for 'Office' purposes will have no adverse impact on the amenity of the locality with the road network in proximity to the subject site capable of accommodating the traffic generated by the 'Office' use.

*(w) the history of the site where the development is to be located.*

The existing 'Office' use is located within buildings that were retrofitted (as a result of the Town's September 2007 development approval) altering the former Sands and McDougall office/warehouse development. Consideration ought to be given to the fact the existing development is a high-quality office conversion of the former Sands and McDougall office/warehouse development.

*(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*

There will be no adverse impact on the community as a whole with the deletion of the time limitation associated with the 'Office' use of the subject site. The use causes no nuisance or disturbance to the amenity of the locality; the development is of a high standard; and the ongoing use of the subject site for 'Office' purposes is a better planning outcome than a vacant or underutilised building at the site.

## Summary and Conclusion

Development approval is sought, in accordance with Clause 77 (Schedule 2) of the Regulations, for the deletion of Condition Nos. 1, 4 and 5 of the development approval issued by the Town on 28 June 2011 (DA 11/0272). These conditions relate to the time limitation imposed on the 'Office' use of the subject site and the associated legal agreement enforcing the time limitation.

This request is appropriate and justified for the following reasons:

- Deletion of the time limitation conditions will enable a greater degree of flexibility in relation to the continuing operation of the subject site for 'Office' purposes and for our Client to consider and plan for the redevelopment of the site for mixed use (residential and commercial) purposes.
- Ongoing use of the subject site for 'Office' purposes is a better planning outcome than a vacant or underutilised building at the site. From a planning perspective it is preferable that the site continues to be used for its current 'Office' purpose, which maintains a working population in the locality and daytime activation.
- We understand there have been no complaints (to the Town) with respect to the use or operation of the subject site for 'Office' purposes meaning that the use itself does not detract from the amenity of the locality or cause a nuisance/disturbance to others within the precinct.
- The landowner is committed to redevelopment of the subject site when it is commercially viable to do so. With the softening of the Perth property market across all sectors continuing to operate the 'Office' use at the subject site is difficult in itself without the imposition of a time limitation.





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- In order to achieve the desired future planning outcome for the subject site, flexibility with respect the use of the subject site for 'Office' purposes is appropriate until such point as the redevelopment of the site for mixed use (residential and commercial) purposes becomes financially viable. The state of the property market will play an important role in assisting to achieve this planning outcome.
- With respect to orderly and proper planning, an 'Office' use is a 'P' (permitted) use in the Zone and compliance with many of the development standards contained within the Town's Policy 4.14 is achieved. It is our view that the imposition of the provisions contained in Policy 4.14 are relevant at a point in time when the Town receives a development application to alter the built form at the subject site.

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

Yours faithfully,

**Paul Cunningham**

Rowe Group



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# Attachment One

Certificate of Title

WESTERN



AUSTRALIA

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

REGISTER NUMBER <b>905/D71849</b>	
DUPLICATE EDITION <b>3</b>	DATE DUPLICATE ISSUED <b>21/1/2014</b>

VOLUME 1772      FOLIO 679

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 905 ON DIAGRAM 71849

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

WATERSUN PROPERTY PTY LTD OF 461 SCARBOROUGH BEACH ROAD, OSBORNE PARK  
(T K248369 ) REGISTERED 29/6/2007

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. EASEMENT BENEFIT - SEE PLAN 4837 AND SECTION 167A TLA.
2. L312051 LEASE TO SNAP FRANCHISING LTD OF LEVEL 2, 11 BROWN STREET, EAST PERTH EXPIRES:  
SEE LEASE. AS TO PORTION ONLY. REGISTERED 11/5/2010.  
L986538 THE ADDRESS OF THE LESSEE IS NOW SUITE G.02, GROUND FLOOR, BUILDING D, 12-24  
TALAVERA ROAD, NORTH RYDE, NEW SOUTH WALES REGISTERED 9/7/2012.  
L986538 SUB-LEASE OF LEASE L312051 TO NGIS AUSTRALIA PTY LTD OF LEVEL 1, 47  
BURSWOOD ROAD, BURSWOOD EXPIRES: SEE SUB LEASE. REGISTERED 9/7/2012.
3. M450533 LEASE TO COFFEY CORPORATE SERVICES PTY LTD OF TOWER 1, LEVEL 3, 495 VICTORIA  
AVENUE, CHATSWOOD, NEW SOUTH WALES EXPIRES: SEE LEASE. AS TO PORTION ONLY  
REGISTERED 1/11/2013.  
M450534 TRANSFER OF LEASE M450533, LESSEE NOW LAING O'ROURKE AUSTRALIA  
CONSTRUCTION PTY LTD OF LEVEL 4, 100 ARTHUR STREET, NORTH SYDNEY, NEW  
SOUTH WALES REGISTERED 1/11/2013.  
M450535 EXTENSION OF LEASE M450533. REGISTERED 1/11/2013.  
M450536 EXTENSION OF LEASE M450533. REGISTERED 1/11/2013.  
\*N695581 EXTENSION OF LEASE M450533. REGISTERED 14/8/2017.
4. \*N014422 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 2/6/2015.
5. \*N695582 CAVEAT BY TOWN OF VICTORIA PARK LODGED 14/8/2017.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

END OF PAGE 1 - CONTINUED OVER

## RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 905/D71849

VOLUME/FOLIO: 1772-679

PAGE 2

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1772-679 (905/D71849)  
PREVIOUS TITLE: 1260-650, 1297-559, 1723-206, 1723-207  
PROPERTY STREET ADDRESS: 53 BURSWOOD RD, BURSWOOD.  
LOCAL GOVERNMENT AUTHORITY: TOWN OF VICTORIA PARK

NOTE 1: J986973 SECTION 138D TLA APPLIES TO CAVEAT I034331  
NOTE 2: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING  
N014422



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## Attachment Two

2011 Development Application

PERTH  
SYDNEYOur ref: 711-279  
Your ref: DA 09/0014

19 April 2011

The Chief Executive Officer  
Town of Victoria Park  
Locked Bag No. 437  
VICTORIA PARK WA 6979TOWN PLANNING  
AND URBAN DESIGN

Attention: Robert Cruickshank

Dear Sir

**APPLICATION FOR MODIFICATION OF PLANNING APPROVAL DA 09/0014 RELATING TO NO. 53-63 (LOT 905) BURSWOOD ROAD, BURSWOOD**

TPG Town Planning and Urban Design (TPG), on behalf of Watersun Property Pty Ltd, the landowners of No. 53-63 (Lot 905) Burswood Road, Burswood (the subject site), are pleased to enclose for your consideration an Application for Modification of Planning Approval DA 09/0014, for extension of the temporary Office use Development Approval.

In accordance with the Town of Victoria Park requirements, please find attached:

- Standard Application for Planning Approval Form, signed by the Landowner;
- Modification to Planning Approval Form;
- Modification to Planning Approval Planning Application Checklist; and
- A cheque to the value of \$135 made out to the Town, being the relevant Planning Fee.

As the Application does not propose any modifications to the existing approved built form, no site plans or elevations have been included.

We look forward to Council's favourable consideration of this application and would be pleased to discuss any aspects of the proposal with you during your consideration of this submission. Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 08 9289 8300.

Yours sincerely  
TPG Town Planning and Urban Design

David Caddy  
Managing Director

Encs

## PERTH OFFICE

Level 7, 182 St Georges Tce PO Box 7375 Cloisters Square Telephone +61 8 9289 8300 The Planning Group WA Pty Ltd  
Perth Western Australia 6000 Perth Western Australia 6850 Facsimile +61 8 9321 4786 ABN 36 097 273 222  
Planning: PG 2011:711-279 Burswood, No. 53-63 (Lot 905) Burswood rd, DA:2 Correspondence: DA ltr to Council  
19.04.11

## TOWN OF VICTORIA PARK APPLICATION FOR APPROVAL

PLEASE TICK WHICH APPROVAL IS BEING SOUGHT & FILL IN THE APPROPRIATE SECTION(S) ONLY:

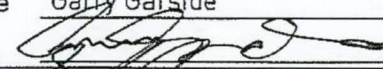
Planning Approval	<input type="checkbox"/>	Building Licence	<input type="checkbox"/>
Modification to Planning Approval	<input checked="" type="checkbox"/>	Sign Licence	<input type="checkbox"/>
Retrospective Planning Approval	<input type="checkbox"/>	Demolition Licence	<input type="checkbox"/>

**PROPERTY DETAILS:**  
 Lot No. 905 House/Street No 53-63  
 Street Name Burswood Road Suburb Burswood

**OWNER DETAILS:**  
 Name Watersun Property Pty Ltd  
 Address 461 Scarborough Beach Road  
Osborne Park Postcode 6017  
 Phone (Home) \_\_\_\_\_ (Work) (08) 9492 8900 Fax (08) 9446 8089  
 Contact Person Garry Garside

Landowner(s) Signature	Date
_____	_____
Company Office Bearer	Position(s)
_____	_____
Strata Owners Signature(s)	Address
_____	_____
_____	Address
_____	Address

The signature of the landowner(s) is required for Planning Approval. The Signature of the landowner(s) is required for Building Licence applications unless prior Planning Approval has been obtained.

**APPLICANT DETAILS:**  
 Name Watersun Property Pty Ltd  
 Address As above  
 \_\_\_\_\_ Postcode \_\_\_\_\_  
 Phone As above Fax \_\_\_\_\_  
 Contact Name Garry Garside Email ggarside@watersunproperty.com.au  
 Signature(s)  Date 20/4/11

**PLANNING APPROVAL:**  
 Existing Land Use Commerical Office  
 Approx. Cost of Development n/a Est. Date of Completion n/a  
 Description of Development / or purpose of use Extension of temporary Office use Development Approval

Checklist – I confirm that I have submitted all information required by the application checklist Y  N   
 Please note that all applications for Planning Approval are to be accompanied by a completed checklist and that applications will not be accepted without a completed checklist.

**BUILDING LICENCE:**  
Description of Works \_\_\_\_\_

Builder: Name \_\_\_\_\_

Address \_\_\_\_\_ Suburb \_\_\_\_\_ Post Code \_\_\_\_\_

BRB No. \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Building Details: Area (m<sup>2</sup>) \_\_\_\_\_ Outbuildings Area \_\_\_\_\_

Contract Value \$ \_\_\_\_\_ Building Height \_\_\_\_\_ Signature \_\_\_\_\_

**DEMOLITION LICENCE:**  
Type of Building/Structure \_\_\_\_\_ Number of Storeys \_\_\_\_\_

Rat Bait Certificate Issued Yes  No  Type/Date Laid \_\_\_\_\_

Whole of Part Demolition Details \_\_\_\_\_

Demolition Contractor Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**SIGN LICENCE:**  
Applicant Name \_\_\_\_\_

Address \_\_\_\_\_

Type of Sign \_\_\_\_\_ Position \_\_\_\_\_

Dimensions \_\_\_\_\_ Materials \_\_\_\_\_

Illumination \_\_\_\_\_ Wording \_\_\_\_\_

**AUTHORITY TO COPY AND DISTRIBUTE PLANS (VOLUNTARY)**

I, \_\_\_\_\_ (Name of Person Authorised to Sign) of  
\_\_\_\_\_ (Company and/or Address)  
agree that, during the application process, copies of the plans (Plan Reference and/or Address of Property)

\_\_\_\_\_ can be made by Council's Administration and distributed to adjoining owners and/or occupiers for the purpose of community consultation in accordance with the Town of Victoria Park Council Policy GEN3.

Signature \_\_\_\_\_ Date \_\_\_\_\_

(Company or individual responsible for preparation of Plans and/or Owner of Copyright)

Note: This section is to be signed by the person/company that has prepared the plans, not by the owner, applicant or any other person involved in the application.

**RECEIPT DETAILS:** Receipt No. \_\_\_\_\_

Planning Fee \_\_\_\_\_ CTF Levy \_\_\_\_\_ Demolition Fee \_\_\_\_\_

Building Fee \_\_\_\_\_ BRB Levy \_\_\_\_\_

<b>OFFICE USE ONLY:</b> Metropolitan Region	<b>APPLICATION NO:</b>	<b>DATE RECEIVED:</b>
Serial No. /	/	



## APPLICATION FOR MODIFICATION TO PLANNING APPROVAL

This form is to be completed by applicants in relation to all applications for a Modification to Planning Approval, in addition to the standard "Town of Victoria Park Application for Approval" form.

### Current Approval(s)

- Application N<sup>o</sup>:           DA   09 / 0014                   (Example: DA 08/0350)
- Approval date(s):       .....20 January 2009.....

### Proposed Modifications

Please provide an itemised list identifying the proposed modifications from the current planning approval(s), and identify (highlight, clouding etc) the modifications on one set of drawings:

1. The applicant seeks to modify Condition 1 of the Development Approval such that the condition reads as follows:  
 \_\_\_\_\_  
 "The owner entering into a legal agreement with the Town, prepared by the Town's Solicitors at the owners cost, limiting the use of the subject property for Office purposes until 17 December 2028 with an agreement to cease the temporary use at that time should Council not grant a further planning approval for the use."  
 \_\_\_\_\_  
 \_\_\_\_\_
2. The removal of Condition 2  
 \_\_\_\_\_  
 \_\_\_\_\_
3. The modification of Condition 3 to read as follows:  
 "The development complying with development applications: DA 07/0430 approved on 25 September 2007; DA 08/0076 approved on 5 March 2008; DA 08/0374 approved on 13 January 2009 and DA 09/0025 approved on 27 January 2009, excluding the date of expiry of the approval."  
 \_\_\_\_\_  
 \_\_\_\_\_



## PLANNING APPLICATION CHECKLIST

### MODIFICATION TO PLANNING APPROVAL

**Property Address -** No. 53-63 (Lot 905) Burswood Road, Burswood

This checklist has been prepared to make sure that planning applications are complete before they are registered as applications. The reasons for requiring complete applications include :

- The information is required under the Town Planning Scheme;
- Assessment cannot be carried out by a Planning Officer until all information is received.
- Complete information reduces delays arising from an incomplete application.

**This checklist is to be completed by the applicant and submitted with every application for planning approval. INCOMPLETE APPLICATIONS WILL BE RETURNED.**

FORMS	Self check	Officer check
Standard Application for Planning Approval Form	✓	
Application form signed by owners of the land *	✓	
Modification to Planning Approval Form listing the changes proposed to the existing approval	✓	

**\* Notes**

- Applications are to be signed by all owners of the land – refer to Information Sheet 'Owners signatures on applications for planning approval'.
- In the case of development on common property in a strata development, the Strata Company or all individual owners are to sign the application form.
- Facsimile copies of signatures on documents will be accepted as an interim measure pending the receipt of the original copy via the mail.
- A copy of 'Offer and Acceptance' will be permitted where the land is being purchased.

FEES	Self check	Officer check
Payment of required Planning Fee *	✓	

**\* Notes**

- Refer to Information Sheet 'Planning Applications Fees'

PLANS	Self check	Officer check
5 copies of amended site plan, floor plans and elevations (as relevant) with changes highlighted	n/a	

OTHER	Self check	Officer check
Where an application proposes to modify or delete a condition of the existing approval, then written justification for the modification or deletion of the condition	✓	
A revised Colours and Materials Schedule where changes are proposed to the approved colours and materials	w/a	
Written justification for variations to the Acceptable Development provisions of the Town Planning Scheme or Council Policies	✓	

**TO BE COMPLETED BY APPLICANT**Name of person submitting the application David Caddy

I confirm that all information required by this checklist has been provided, and I acknowledge that if all required information has not been submitted then the application may be returned  
 Y  N

Signature of person submitting the application 

**Note: The information is required as part of the process to assess the application and compliance with the checklist does not necessarily mean that proposal will be approved.**

**TO BE COMPLETED BY TOWN OF VICTORIA PARK – ADMINISTRATIVE ONLY**

Application checked by:  
 Front Counter office initials: \_\_\_\_\_ and/or Planning Officer initials: \_\_\_\_\_

Has all information required by this checklist been provided? Y  N 

Signature of officer processing the lodgement of the application

\_\_\_\_\_

Date: \_\_\_\_\_

**DISCLAIMER**

THIS DEVELOPMENT CHECKLIST HAS BEEN COMPILED TO ENSURE THAT APPLICATIONS LODGED ARE COMPLETE AND PROVIDE ALL INFORMATION REQUIRED. THIS WILL ASSIST TO EXPEDITE PROCESSING OF APPLICATIONS.

PLEASE NOTE THAT THE ABOVE INFORMATION IS REQUIRED TO ENABLE AN INITIAL ASSESSMENT OF THE APPLICATION ONLY, AND THAT THE TOWN RESERVES THE RIGHT TO REQUEST FURTHER INFORMATION TO ASSIST IN THE ASSESSMENT PROCESS.

DISCUSSING YOUR DEVELOPMENT PROPOSAL AT AN EARLY STAGE CAN AVOID UNNECESSARY DELAYS IN THE PROCESSING OF THE APPLICATION, AND THEREFORE APPLICANTS ARE ENCOURAGED TO DISCUSS THEIR PROPOSAL WITH A PLANNING OFFICER PRIOR TO SUBMISSION OF AN APPLICATION. HOWEVER PLEASE NOTE THAT A FULL ASSESSMENT OF AN APPLICATION CANNOT BE UNDERTAKEN AT THE COUNTER, AND THAT ANY ADVICE PROVIDED BY COUNCIL OFFICERS DOES NOT CONSTITUTE A FORMAL DECISION.

NO. 53-63 (LOT 905) BURSWOOD ROAD, BURSWOOD

DEVELOPMENT APPLICATION

711-279

APRIL 2011

## INTRODUCTION

This report has been prepared by TPG Town Planning and Urban Design (TPG) on behalf of Watersun Property Pty Ltd, the owners of Lot 905 (No. 53-63) Burswood Road, Burswood (the subject site), being the former Sands and McDougall site, in support of a Development Application to extend the current time-limited Development Approval for the site.

## PROPOSED DEVELOPMENT

This application seeks to extend the current temporary Development Approval for Office use on the subject site, being valid until:

- 17 December 2018 (DA No. 09/0014 granted on 3 February 2009), applicable to the tenancy occupied by Internet Engineering Pty Ltd totalling 4,463m<sup>2</sup> in floor area; and
- 25 September 2017 (DA No. 07/0430 granted on 25 September 2007), applicable to the remainder of the site.

The landowner seeks to extend the time-limited approvals granted on the site for a further 10 years, until 17 December 2028 for the whole of the development, through the modification of Condition No. 1 of the Planning Approval for the site.

## SITE DETAILS

### LOCATION

The subject site is located in the suburb of Burswood in the municipality of the Town of Victoria Park. The site is located in close proximity to the Causeway, approximately 3.5 kilometres south-east of the Perth Central Train Station and approximately 750 metres south of the Burswood Casino and Hotel Complex.

REFER TO FIGURE 1 – LOCATION PLAN

### PROPERTY DETAILS

The subject site is bound by Charles Paterson Park and Thorogood Street to the north, Office/Residential zoned land to the east, Burswood Road to the south and Office/Residential zoned land and Charles Paterson Park to the west. Craig Street traverses the site north-south, between Charles Paterson Park and Burswood Road. A laneway dissects the portion of the site east of Craig Street, from east to west.

The following table summarises the property details.

Lot	Volume/Folio	Diagram	Land Area	Land Owners
905	1772/679	71849	1.1249ha	Watersun Property Pty Ltd

A copy of the Certificate of Title is attached at APPENDIX A.

REFER TO APPENDIX A – CERTIFICATE OF TITLE

### SUBJECT SITE

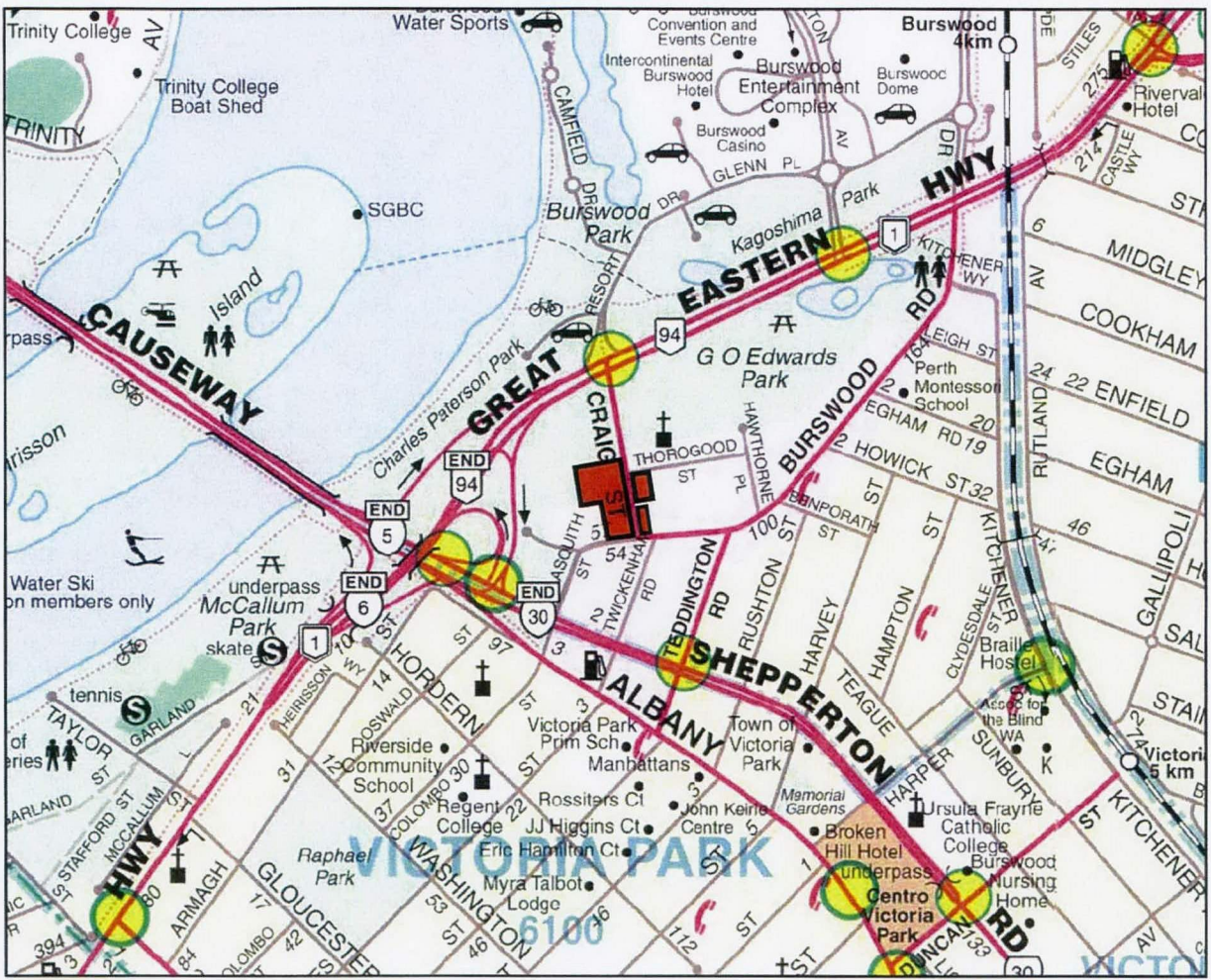
The site covers an area of approximately 1.1ha. The land west of Craig Street is currently developed with a two-storey office building, whilst the land to the east is used as a parking area with landscaping.


Council issued a Notice of Planning Approval in relation to the above premises on 25 September 2007. The approval related to the conversion of the existing warehouse located on the site to office use and the associated building works. Planning Condition 1 of that approval concerned "limiting the use of the subject property for Office purposes to a maximum of ten years from the date of planning approval".

Immediately following Council planning approval and prior to the commencement of building conversion and restoration work, tenants were sought and successfully secured to occupy the building. Lease agreements were executed limiting occupancy in accordance with Council's nominated restricted period. Lease agreement documentation specified a commencement date in line with practical completing of the Proprietor's works and subsequent issue of Architect's Certificate. The architect's certificate was issued on 18 December 2008 and was followed by Council's Certificate of Classification on 30 December 2008.

Consequently, with lease commencement dates related to practical completion of the building works, lease expiration dates increased beyond the nominated date of 24 September 2017, established by Council. An application was therefore made on 8 January 2008 to extend the period of temporary planning approval, which was granted approval on 3 February 2009. This altered Condition 1 to permit "the tenancy occupied by Internet Engineering ... shall have a limited approval until 17 December 2018". However, should the tenancy occupied by Internet Engineering or part thereof be vacated prior to 17 December 2018, any new tenant shall only lease the vacated tenancy until 25 September 2017.

Some of the office space has since been vacated. Whilst some of the vacant space has since been relet, this has been difficult as most tenants require a 10 year lease period over which they can spread the significant cost of their fit out. For this reason, the current application seeks to extend the time limit of the current approval until 17 December 2028. This would enable the landowners to offer leases for a period of five years, with the option to extend for a further two periods of five years, or ten-year leases with the option to extend for a further period of five years, which is understood to be more commercial in the current market. Break clauses would be incorporated in any future lease in order to protect the Council's position, and indeed Watersun's position, to redevelop the site when it is commercially viable to do so.



 Subject Site

Source: StreetExpress



Figure 1  
Location Plan  
No. 53-63 (Lot 905) Burswood Road, Burswood

Date: 18 April 2011 Designer: SM  
Scale: NTS @ A4 Drawn: SL  
Drawing No: 711-279 PL1A 180511.ai



TOWN PLANNING  
AND URBAN DESIGN

This concept has been prepared for the purpose of meeting client specifications. The drawing does not constitute an invitation, agreement or contract (or any part thereof) of any kind whatsoever.  
Although care has been taken in the compilation of this drawing by The Planning Group WA Pty Ltd, all parties associated with the proposed property development disclaim all responsibility for any errors or omissions. The right is reserved to change the plan at any time.  
Liability is expressly disclaimed by The Planning Group WA Pty Ltd for any loss or damage which may be sustained by any person acting on any visual impression gained from this drawing.

## PLANNING FRAMEWORK

### REGIONAL CONTEXT

#### METROPOLITAN REGION SCHEME

Under the Metropolitan Region Scheme (MRS) the subject site is zoned 'Urban' and abuts a 'Parks and Recreation' reserve to the north-west, associated with Charles Paterson Park.

#### DIRECTIONS 2031 AND BEYOND – METROPOLITAN PLANNING BEYOND THE HORIZON

Directions 2031 is a high level spatial framework and strategic plan that establishes a vision for future growth of the metropolitan Perth and Peel region. It provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate a range of growth scenarios.

Due to the size and complexity of strategic planning for the metropolitan area, sub-regional strategies have been prepared to provide guidance at the local level.

#### CENTRAL METROPOLITAN PERTH AND PEEL DRAFT SUB-REGIONAL STRATEGY

The Central Metropolitan Sub-Regional Strategy provides a broad framework for delivering the objectives of Directions 2031. The central metropolitan sub-region encompasses all land within the inner and middle sectors of metropolitan Perth, comprising 19 local government areas including the Town of Victoria Park. The Town of Victoria Park Causeway Precinct is identified in the strategy as a major growth area expected to yield 800 additional dwellings.

The Sub-Regional Strategy states that the most suitable sites for growth areas are likely to be, "those which have the potential for financial return to attract private developers". Whilst the subject site has been identified in a growth area, the type of high density residential development envisaged for growth areas is not currently financially viable. The owners have indicated that they would like to develop their site to the highest and best use in the future, however in the current market this is not feasible. It is therefore preferable that the site continues to be used for its current purpose, maintaining a working population and daytime activation, until such time as the market improves.

#### STATE PLANNING POLICY 2.10 – SWAN-CANNING RIVER SYSTEM

This policy applies to the Swan and Canning rivers and their immediate surroundings. It contains policies based on the guiding principles for future land use and development in the various precincts identified along the river system. The subject site is within the Perth Water Precinct Area. The Policy outlines that planning decisions in this area should:

- *Recognise the importance of the river for transport, commerce, tourism and leisure as well as its conservation values;*
- *Protect views across and from the water, both north and south of the river between the Narrows Bridge and the causeway and east and west between Kings Park and Heirisson Island;*
- *Protect views of the Kings Park escarpment from both the north and south shores and from craft on the river;*
- *Maintain and enhance views of the river from city streets and public places;*
- *Maximise opportunities for public access to the river so that it becomes an intrinsic part of living and working in the city;*
- *Enhance the appearance and function of existing recreation, tourism and commercial nodes and proposed nodes identified in an adopted Swan-Canning precinct plan;*
- *Protect places of cultural significance, in particular places on the State heritage register and the Department of Indigenous Affairs register of significant places;*
- *Promote new riverside development appropriate to its surroundings and respectful of the unique river setting; and*
- *Protect and enhance river views in redevelopment projects and ensure that development complements the natural landforms and provides opportunities for public access to and enjoyment of the river.*



## LOCAL CONTEXT

### TOWN OF VICTORIA PARK TOWN PLANNING SCHEME No. 1

Under the Town of Victoria Park (the Town) Town Planning Scheme No. 1 (TPS1), the subject site is zoned 'Office/Residential'. The site is located in the Causeway Precinct (P3), and is designated as a Special Control Area, denoted Building and Design Area 1 (BD1).

The Scheme outlines special provisions for the Building and Design Area 1. The planning objectives of BD1 are as follows:

- (a) *The development of BD 1 as a whole in a co-ordinated manner;*
- (b) *The adequate provision of carparking areas for residents and visitors;*
- (c) *The adequate provision of landscaped areas and green space offering attractive areas for pedestrians and residents;*
- (d) *Where provision is made between subdivisional lots for the sharing of open space, ensuring the long term availability of shared communal open space to occupiers of those lots; and*
- (e) *Ensuring the long-term re- arrangement of plot ratio entitlements between parts of BD 1 which are or may be subdivided into separate lots.*

### TOWN OF VICTORIA PARK PLANNING POLICY No. 4.14 – CAUSEWAY PRECINCT DEVELOPMENT STANDARDS

For each of the precincts identified in Part 2, Section 11 of TPS1, there is a precinct plan in the Town's Policy Manual. Development Standards for the Causeway Precinct are outlined in the Town's Planning Policy No. 4.14. This Policy identifies the portion of the subject site west of Craig Street as within 'Area 3: Parkside Residential'. The desired future character for Area 3 is outlined as follows:

*Contemporary residential development fronts onto parkland, forming an urban edge of apartments with city and park views. Potential for up to 4 taller residential buildings a maximum of 18 storeys having a 3 to 4 storey podium.*

*Residential development affords good surveillance over the parks, enhancing safety and usage. Apartments address both the park and the streets with dedicated pedestrian entries provided to both.*

*Ground floor commercial activity is required to street frontages with scope for additional commercial or community uses above.*

Additionally, the Policy identifies the land use for Area 3 as being "Residential towers with an office/commercial component only being permitted within the first 3 to 4 storeys and required to all streets at ground level".

Policy No. 4.14 identifies the portion of the site east of Craig Street as within 'Area 7: Commercial Core'. The future character for Area 7 is envisaged as follows:

*A vibrant commercial centre will develop here, having sufficient overall floor space to become a significant business destination of choice with high quality contemporary offices and support services. There is potential for extension of the commercial core to the southern side of Shepperton Road in the longer term.*

*With a plot ratio of 3, the focus is on achieving a commercial and employment centre. Development may be entirely commercial or may include residential once commercial floor space equivalent to a plot ratio of 2 is provided.*

*Development up to 6 storeys is envisaged, with the built form establishing a coherent urban centre. Design responses are sought that maintain a continuity of frontage to the street and provide natural daylight and ventilation and a sense of outlook for occupants.*

The Policy identifies the land use for Area 7 as being, "Office/commercial with support services and potential for a residential component that may be located above or beside the commercial use. Mandatory office/commercial frontage at street level for majority of lot width, with small floor area retail and residential permitted." The Policy also stipulates a nil setback to Burswood Road.

## PROPOSED DEVELOPMENT

The proposed development of the subject site involves the extension of the current temporary Development Approvals for Office use on the subject site, being those valid until:

- 17 December 2018 (DA No. 09/0014 granted on 3 February 2009), applicable to the tenancy occupied by Intermet Engineering Pty Ltd totalling 4,463m<sup>2</sup> in floor area; and
- 25 September 2017 (DA No. 07/0430 granted on 25 September 2007), applicable to the remainder of the site.

The landowner seeks to extend the temporary approvals granted on the site for a further 10 years, until 17 December 2028 for the whole of the building, through the modification of Condition No. 1 of the Planning Approval for the site.

The current site improvements include a two-storey office building on the land west of Craig Street, and a parking area on the land to the east of Craig Street. No physical modifications to the site are proposed at this time.

One of the office tenants has recently vacated the property, and whilst some of the vacant space has since been relet, this has been difficult as most tenants require a 10 year lease period over which they can spread the significant cost of their fit out. For this reason, Watersun Property would like to extend the time limit of the current approval until 17 December 2028. This would enable the landowners to offer leases for a period of five years, with the option to extend for a further two periods of five years, or ten-year leases with the option to extend for a further period of five years, which is understood to be more commercial in the current market. Break clauses would be incorporated in any future leases in order to protect the Council's position, and indeed Watersun's position, to redevelop the site when it is viable.

## DEVELOPMENT ANALYSIS

### REGIONAL CONTEXT

#### METROPOLITAN REGION SCHEME

The proposed office development is an appropriate land use in the Urban zone.

#### DIRECTIONS 2031 AND BEYOND – METROPOLITAN PLANNING BEYOND THE HORIZON

Directions 2031 outlines a number of key expectations for Perth, including maintaining high levels of employment. The use of the site for office purposes is considered to be in accordance with the objectives and intent of Directions 2031 as it provides for employment in close proximity to residential land, and also provides a higher and better use than would otherwise occur, as the site would likely sit vacant for some time until market conditions improve and more intensive development becomes viable.

#### CENTRAL METROPOLITAN PERTH AND PEEL DRAFT SUB-REGIONAL STRATEGY

The Sub-Regional Strategy states that the most suitable sites for growth areas are likely to be, "those which have the potential for financial return to attract private developers". Whilst the subject site has been identified in a growth area, the type of high density residential development envisaged for growth areas is not currently financially viable. The owners have indicated that they would like to develop their site to the highest and best use in the future, however in the current market this is not feasible. It is therefore preferable that the site continues to be used for its current purpose, maintaining a working population and daytime activation, until such time as the market improves. The proposed office use is therefore considered to be the best use of the site, in accordance with the Sub-Regional Strategy, at the present time and in the medium term.

#### STATE PLANNING POLICY 2.10 – SWAN-CANNING RIVER SYSTEM

The proposed office development is considered appropriate with respect of the planning considerations stipulated for the Perth Water Precinct in SPP 2.10, as outlined previously in this report.

### LOCAL CONTEXT

#### TOWN OF VICTORIA PARK TOWN PLANNING SCHEME NO. 1

Under TPS1, 'Office' is a permitted use in the Office/Residential zone.

In terms of the provisions for Building and Design Area 1, the proposal is generally consistent, as it maintains the whole of the area as a cohesive development, provides adequate parking, and attractive landscaping to parking areas and at the corner of Craig Street and Burswood Road, which contribute to the pedestrian environment.

#### TOWN OF VICTORIA PARK PLANNING POLICY NO. 4.14 – CAUSEWAY PRECINCT DEVELOPMENT STANDARDS

Whilst the Causeway Precinct Development Standards outline the Town's intentions for a tower residential development in the Parkside Residential Area, which includes the western portion of the site, at present there is no residential development in this Area. Given the showroom development that dominates the landscape within walking distance of the site, there is currently little amenity to support the scale and intensity of residential development envisaged. As a result, apartment style residential development would not achieve the required financial return to make it viable at this time.

Watersun Property has indicated that they intend to redevelop the site in accordance with this policy when it is commercial, and will include break clauses in future leases, to protect the Council and landowner's position, so that this may go ahead when it becomes viable.

The proposal is consistent with the Policy's intention for lower level commercial office development abutting the street in the Parkside Residential Area.

With respect to the development standards of the Commercial Core Area, which includes the portion of the site east of Craig Street, the proposal is generally consistent as the use of this portion of the site for parking is a required element of the commercial development as a whole.

## SUMMARY AND CONCLUSION

The proposed development of the subject site involves the extension of the current temporary Development Approvals for Office use on the subject site. The landowner seeks to extend the temporary approvals granted on the site for a further 10 years, until 17 December 2028, through the modification of Condition No. 1 of the Planning Approval for the site.

As a result of tenants generally requiring a ten year lease, over which time they can spread the significant cost of their fit out, Watersun Property would like to extend the time limit of the current approval, which would enable the owners to offer 10 year leases with the option to extend for a further 5 years. This would make the building more attractive to potential tenants and help to avoid potentially high vacancy rates over an extended period of time. Break clauses would be incorporated in future leases in order to protect the Council's position, and indeed Watersun's position, to redevelop the site when it is commercial.

Whilst it is acknowledged that redevelopment of this site to a higher intensity of development and to include a residential component would be preferable, this is not currently commercially viable. It is therefore preferable that the current office use continues until such a time. Without the ability to continue this use for a reasonable period to enable tenants to spread out the significant costs of fitting-out and relocating, the property would likely sit vacant for an extended period of time. The current proposal aims to mitigate against the likelihood of this occurring.

WESTERN



AUSTRALIA


REGISTER NUMBER <b>905/D71849</b>	
DUPLICATE EDITION <b>1</b>	DATE DUPLICATE ISSUED <b>18/5/2006</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1772 FOLIO 679

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

*B. Roberts*  
REGISTRAR OF TITLES


**LAND DESCRIPTION:**

LOT 905 ON DIAGRAM 71849

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

WATERSUN PROPERTY PTY LTD OF 461 SCARBOROUGH BEACH ROAD, OSBORNE PARK  
(T K248369 ) REGISTERED 29 JUNE 2007

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. EASEMENT BENEFIT - SEE PLAN 4837 AND SECTION 167A TLA.
2. \*K248370 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD REGISTERED 29.6.2007.
3. \*K666666 MEMORIAL. TAXATION ADMINISTRATION ACT 2003, SECTION 76 (LAND TAX) REGISTERED 25.7.2008.
4. \*L247428 CAVEAT BY BUILT ENVIRONS PTY LTD, PERTH BUILDING COMPANY PTY LTD LODGED 3.3.2010.
5. \*L312051 LEASE TO SNAP FRANCHISING LTD OF LEVEL 2, 11 BROWN STREET, EAST PERTH EXPIRES: SEE LEASE. AS TO PORTION ONLY. REGISTERED 11.5.2010.
6. \*L312052 CAVEAT BY TOWN OF VICTORIA PARK LODGED 11.5.2010.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1772-679 (905/D71849).  
PREVIOUS TITLE: 1723-207, 1723-206, 1297-559, 1260-650.  
PROPERTY STREET ADDRESS: 53 BURSWOOD RD, BURSWOOD.  
LOCAL GOVERNMENT AREA: TOWN OF VICTORIA PARK.

NOTE 1: J986973 SECTION 138D TLA APPLIES TO CAVEAT I034331  
NOTE 2: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING

END OF PAGE 1 - CONTINUED OVER

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 905/D71849

VOLUME/FOLIO: 1772-679

PAGE 2

K248370.