



# Edward Millen Heritage Precinct

## Application for Development Approval

NOVEMBER 2023



TOWN OF VICTORIA PARK  
Received: 14/12/2023

### Acknowledgement Of Country

Hatch RobertsDay, and the Project Team, acknowledge the Whadjuk people of the Noongar Nation as the Traditional Custodians of the land on which Edward Millen Heritage Precinct is located and we pay our respect to the Elders, past, present and future.

*Image Credit: Awarnekenhe Ayeye (Amenda Gorey, 2022)*

### Project Team

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### Document Control

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## Disclaimer

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# Executive Summary

TOWN OF VICTORIA PARK  
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*Hatch RobertsDay acts on behalf of Blackoak Capital – Elizabeth Baillie Pty Ltd, the leaseholder of Lot 9000 (No. 15) Hill View Terrace in making an application for development approval at Lot 9000 in the Town of Victoria Park for the revitalisation of the Edward Millen Heritage Precinct, including a mix of commercial, hospitality and community tenancies and a child care.*

The redevelopment of the Edward Millen Heritage Precinct will play a central role in revitalising a key historical landmark in the Town of Victoria Park. The proposed development follows extensive community engagement to develop a vision for the Edward Millen Heritage Precinct, being *“The Edward Millen site shall be a forward thinking, active, vivacious, and community driven facility that combines commercial uses to ensure economic viability.”*

The redevelopment will leverage the place-value of the renowned East Victoria Park food and beverage precinct and provide a range of land uses to activate the precinct at different times of the day and throughout the week. The revitalised precinct will connect residents

and visitors to the Town’s built form heritage through activation and revitalisation of the buildings, create a destination for residents and visitors to the Town, and cater for the dynamic and growing population of East Victoria Park.

As the estimated construction cost of the development is over \$10 million, the application is classified as a mandatory Development Assessment Panel application and is presented to the Metro Inner South Joint Development Panel for determination.



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# 1. Introduction

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*Edward Millen Reserve has a rich history and is a significant heritage landmark within the Town of Victoria Park that is highly valued by residents.*

Edward Millen Reserve anchors the south-eastern end of the Albany Highway Precinct and provides an opportunity to create a significant new destination within Victoria Park, and provide exceptional amenity to current and future residents.

The heritage buildings in Edward Millen Reserve have sat vacant for a number of years, following a storied history as a variety of health uses. The vacant site presents a unique opportunity to leverage the renowned East Victoria Park food and beverage precinct, and to connect residents and visitors to the Town with the fantastic heritage fabric through activation and revitalisation of the buildings.

The Town has been progressing community visioning and master planning of the broader Edward Millen Reserve, which was endorsed by Council in 2020. The historical buildings within the lease area are now the remaining piece to be activated and redeveloped into a destination. The envisioned and desired development is for a mix of offerings to create exciting, unique activations and a destination of choice for WA families and the Town of Victoria Park residents and community members alike.

## 1.1 Blackoak Capital Ventures and Project Team

In August 2023, the Town endorsed a lease agreement with Blackoak Capital – Elizabeth Baillie Pty Ltd (Blackoak Capital) for the redevelopment of a 1.4ha area of Edward Millen Reserve.

**Blackoak Capital Ventures** is a Western Australian owned and operated business, bringing together a combined property and investment experience of over 150 years across the executive team. We are long term investors in the developments and businesses in which we invest, and we are passionate about heritage, hospitality and placemaking.

The Blackoak team has extensive experience in developing and operating projects of the same nature, dealing with many of the same considerations and risks, as the Edward Millen Heritage Redevelopment. Our experience encompasses both the development phase and on-going management of the businesses operating at these projects.

To get the most out of the redevelopment opportunity, Blackoak Capital has engaged an expert design team with experience in hospitality and heritage-sensitive design. **Benson Studio** is an award-winning design practice based in Fremantle, specialising in working with heritage buildings which are particularly suited to retail and hospitality projects. The architectural design is complimented by **See Design Studio** and **Griffiths Architects** in regard to landscape and heritage response respectively.

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# 2. Development Context

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*The Edward Millen Heritage Precinct has long been a part of the Victoria Park identity. Built in 1911, the original Edward Millen House and its surrounds has a rich and colourful history providing health services for the Perth community (midwifery, repatriation of soldiers, psychiatric care, a centre for autistic children) and is now a State Heritage listed building.*

## 2.1 Site History

The revitalisation of the precinct provides the opportunity for residents and visitors to Victoria Park to interact with and celebrate the heritage fabric of the Town. A deep understanding of the site's history is critical to the sympathetic revitalisation of the precinct.

### MOVEMENT

The Edward Millen Precinct sits along Albany Highway, which follows a bidi that was walked by generations of Whadjuk people from Matagarup to the Perth hills and beyond through what was once dense vegetation that stretched from the top of the Darling Scarp to the banks of the Swan River.

### ROTUNDA MATERNITY HOSPITAL

Following purchase of Canning Location 2 in 1911, practicing midwife Elizabeth Baillie established Rotunda Maternity Hospital in 1912. The Rotunda Hospital was the first and only maternity hospital within the area, providing essential and meaningful care for many women in Perth.

### REPATRIATION HOSPITAL

In 1919, at the end of the world war, the State Government took control of the building to cope with the treatment of patients and soldiers after the breakout of the Spanish Flu in Perth. In 1920 the property became a compulsory purchase by the Commonwealth Government and was used as a sanatorium for ex-service personnel who had contracted tuberculosis. During this time renovations were done to the building to accommodate the number of patients the hospital could treat. In 1949 the Repatriation Commission once again took control of the building, and it continued as a sanatorium for tuberculosis patients as a satellite of the Hollywood Repatriation Hospital. In 1960 all patients were transferred, and the Edward Millen Hospital was converted into a geriatric rehabilitation centre.

### CONTINUED MEDICAL ASSISTANCE

In addition, four units of the building were converted into Child and Adolescent Psychiatry Divisions for voluntary patients aged 8 to 18 years. It was opened in 1984 to provide respite care for children with autism. Children who were at the centre were able to attend Kent Street Senior High School and the East Victoria Park and Victoria Park Primary Schools while they were in-patients. This allowed them to integrate with the wider community, helping to foster a sense of belonging.

The gardens played an important role throughout the history of the building in helping to assist patients with rehabilitation and recovery. When the department of repatriation took control of the building they sought advice from John Health, Kings Park superintendent, as to what the best trees would be to improve the landscaping as it was described as having a very "desolate appearance". It is therefore important that the integrity of these gardens and trees are maintained to reflect the amenity and history of the area.



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1911

Elizabeth Baillie purchased canning location 2.

1912

The Rotunda Maternity Hospital was built.

1919

Temporarily used to treat patients with the Spanish Flu.

1920

The Commonwealth Government, on behalf of the Repatriation Department, purchased the site, renaming it the Edward Millen Home and was developed to be used as a sanatorium for ex-service personal who contracted tuberculosis. Remained in use for the treatment of tuberculosis until 1939.

1942

The Property and Management was transferred to Perth Public Hospital, treating both returning servicemen and the public who had contracted tuberculosis.

1960

Patients transferred to Hollywood Repatriation Hospital. Edward Millen Home was converted to a 40 bed geriatric rehabilitation unit.

1968

"D" Ward added for the use of psychiatric patients.

1982

Transferred to the State's Mental Health Service to be used for child and adolescent mental health purpose and shared with facilities for autistic children, with Hillview Clinic serving the needs of the children and Mildred Creak Centre for the adolescents.

1998

Stood unoccupied.

1999

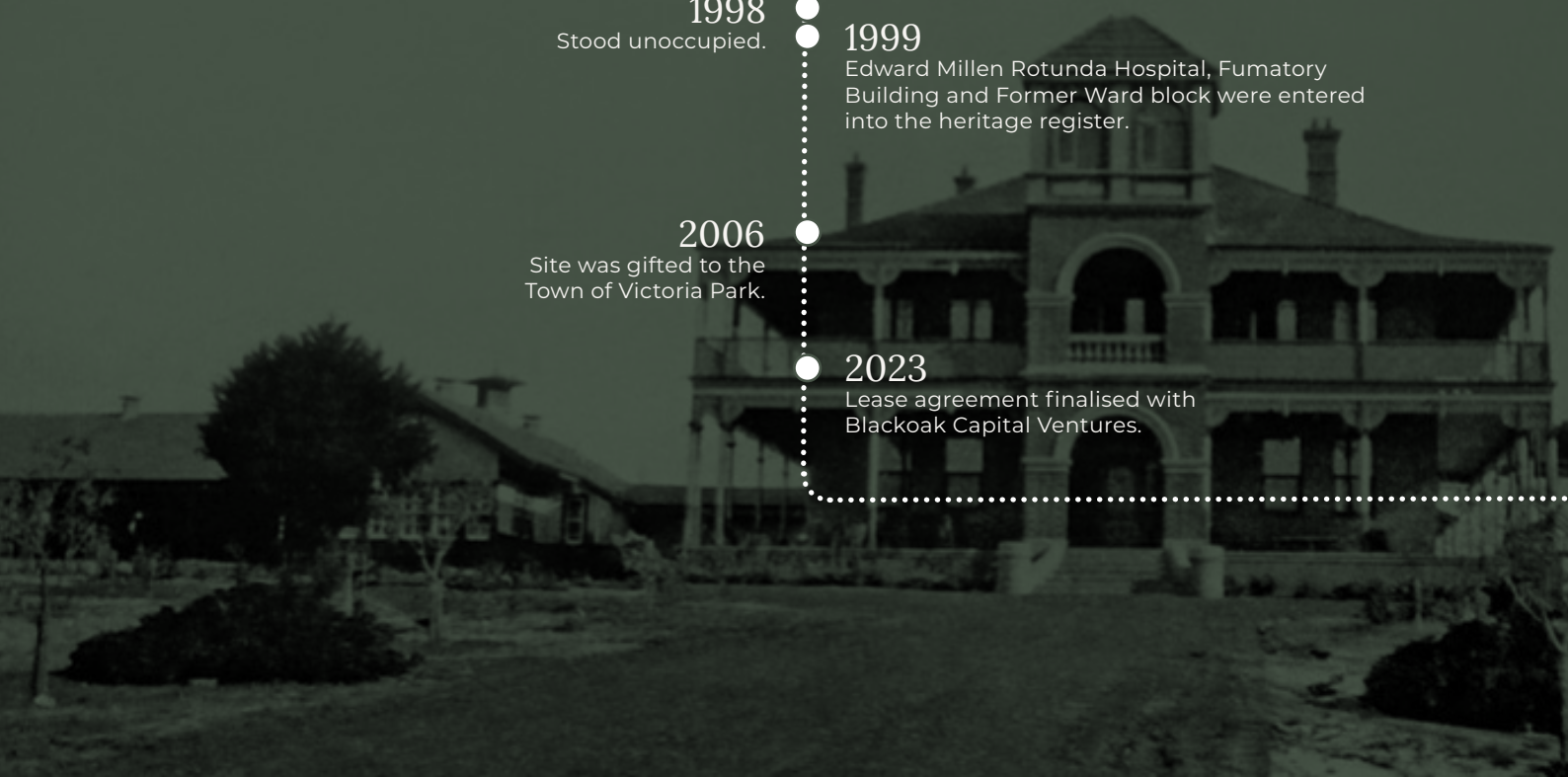
Edward Millen Rotunda Hospital, Fumatory Building and Former Ward block were entered into the heritage register.

2006

Site was gifted to the Town of Victoria Park.

2023

Lease agreement finalised with Blackoak Capital Ventures.



## 2.2 Project History & Lease Agreement

In 2006, the site was transferred from the State Government to the Town for the purpose of “community, recreational or civic use”. Following handover of the site, the Town worked with the community and key stakeholders to develop an overarching vision for the Edward Millen site that considered a range of possible commercial and community land uses for the site than originally stipulated in the transfer of the precinct.

With a strong support for the activation of the precinct through a diverse range of hospitality, commercial and community uses, the Town sought to amend the conditions of tenure relating to the transfer of land from the original gifting of the site. The revised lease conditions provide the opportunity to create a vibrant and commercially viable community asset. Section 8 of the Lease agreement sets out the permitted land uses, which are discussed in Section 6.2 of this report.

To minimise the ongoing cost to maintain the precinct and maximise the benefit to the community of the amazing heritage assets, the Town invited submissions from developers with unique heritage redevelopment experience to reactivate the Edward Millen Heritage precinct core heritage buildings.

The redevelopment is assisted by The Federal Government’s Community Development Grants Program. The Town has undertaken a heritage conservation works and quantity surveyor assessment of the works required to bring back to life the buildings to a fit-out ready state. The estimated cost is approximately \$4m, for which the grant program will provide the required conservation funding. A condition of this funding is that construction commence by September 2024.

Following this process, Blackoak Capital Ventures were announced as the preferred lessee in 2022. In August 2023 the lease agreement was signed by the Town and Blackoak Capital – Elizabeth Baillie Pty Ltd.

## 2.3 Local Context

The Edward Millen Precinct sits as an anchor on the southern end of the much-loved Albany Highway precinct. Albany Highway is a major arterial road in Perth with a vibrant and diverse mix of restaurants, cafes and pubs which draw people from all over Perth.

The parklands provide exceptional public amenity to the surrounding locality but are currently passive spaces with limited activation. The park is used by dog walkers, particularly before and after work. However, the park has no lighting and becomes an unwelcoming and seemingly unsafe place during the night. Furthermore, the heritage buildings are fenced off and are not used by the community.

The Albany Highway precinct is set to accommodate an additional 20,000 people by 2050, increasing the number of residents within walking distance of the precinct. The planned increase in population also provides an imperative for the upgrading of parks and community assets such as Edward Millen Reserve, and the further provision of active precincts.

The Edward Millen Heritage Precinct is highly accessible through public transport, being a 10-minute walk from the Oats Street Station, and with bus routes running along Albany Highway, Shepperton Road and Berwick Street connecting the precinct to the broader Town of Victoria Park and beyond.

## 2.4 Key Site Details

The proposed development sits within Lot 9000 on deposited plan 41207, known as ‘Edward Millen Reserve’ and is legally described in Table 1 below. Following a tender process, a lease over an approximately 1.4ha area of the Reserve was agreed between the Town of Victoria Park and Blackoak Capital Elizabeth Baillie Pty Ltd for a period of 20 years. The lease area is shown in Figure 2 – Site Details.

Lot	Plan	Certificate of Title		Owner
		Volume	Folio	
9000	41207	2992	139	Town of Victoria Park

**Table 1 - Legal Description of Land**

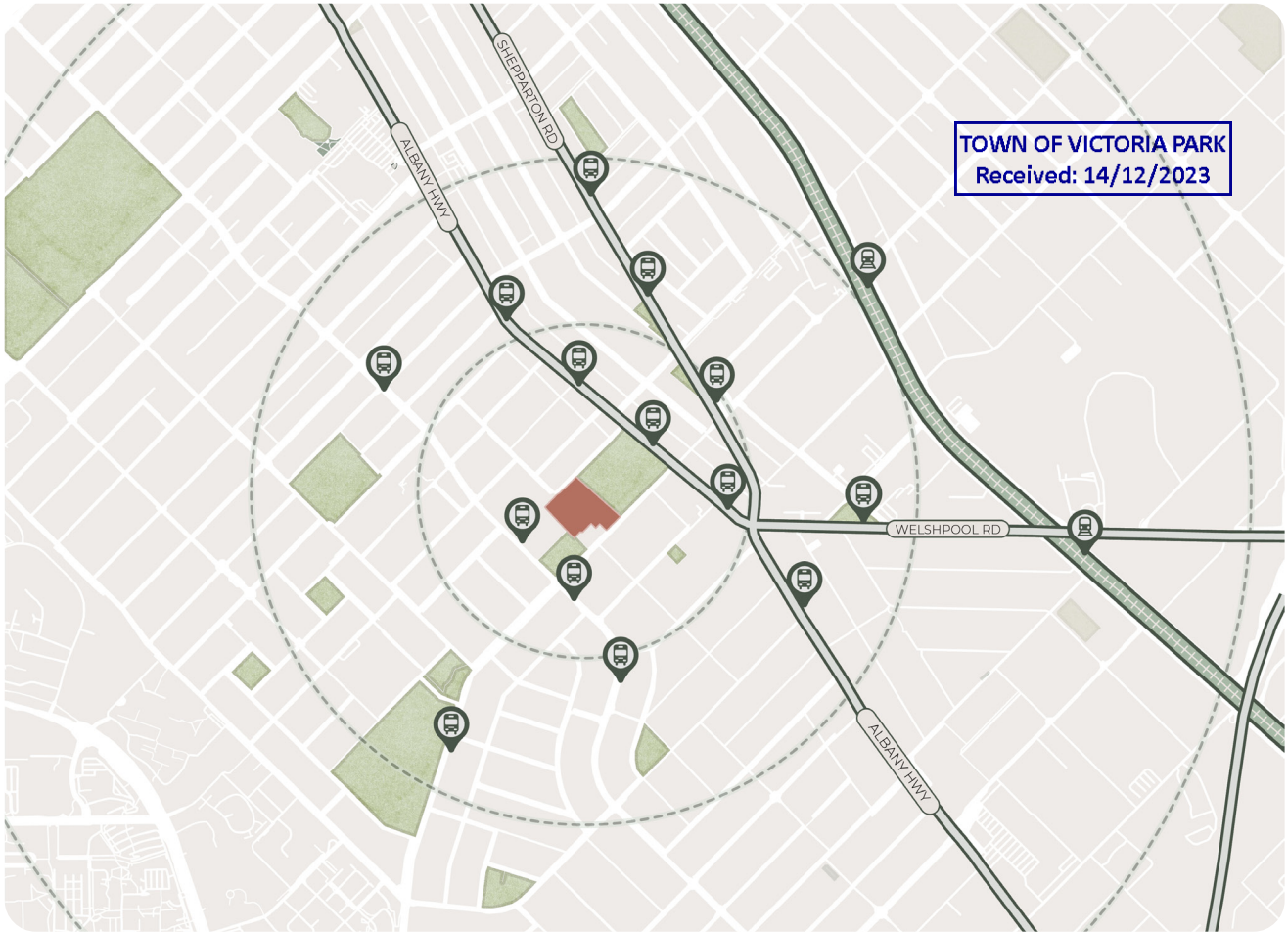


Figure 1 - Local Context

■ Site



Figure 2 - Site Details

■ Lease Area

## 2.5 Edward Millen Reserve Masterplan

The redevelopment of the Edward Millen Heritage Precinct will play a central role in revitalising a key historical landmark in the Town of Victoria Park.

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The Town has undertaken extensive community engagement and master planning over three quarters of the 4.7 hectare reserve to transform the currently underutilised park into vibrant public open space. The Town of Victoria Park commissioned Hassell to prepare a landscape master plan to guide the short- and long-term revitalisation of the Edward Millen Reserve and complement any proposed activation of the heritage building and provide for a holistic approach to the site. The Masterplan was endorsed by Council in May 2020, and construction is expected to commence in 2024.

The Masterplan includes a mix of an all ages-based playground, WA-first purpose built Autism Association approved and endorsed park weaved in with


meandering paths, a performing stage and barbecue facilities - all under significant retainment of the extensive tree canopy. The Masterplan is shown in Figure 3 below, with the approximate lease area subject to this Development Application, shown in red.

The design of the Edward Millen Heritage precinct integrates with the Hassell Masterplan with key axis and connections to movement networks within the park. An integration of parking is also proposed, with an approximately 82 bay car park constructed across the lease area and the reserve.

Construction of the Park will commence in May 2024. It is expected the construction program will be 10 months and end in March 2025.



Figure 3 - Edward Millen Park Masterplan (Hassell)

 Lease Area

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# 3. Consultation and Stakeholder Engagement

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## 3.1 Town of Victoria Park

*The Project Team have engaged extensively with the Town as both the custodian and landowner of the Edward Millen Heritage Precinct, and the responsible authority for the determination by the Joint Development Assessment Panel.*

The Town, in its role as the landowner, has been consulted throughout the process, and presented revisions of the design on a number of occasions to ensure the proposal is consistent with both the community vision for the Precinct, and is consistent with the masterplan for the broader Edward Millen Park.

In the City's role as the responsible authority, the Town has been consulted in regard to the planning framework relevant to the site, including design review.

## 3.2 Design Review Panel

*The Project Team met with the Town's Design Review Panel on two separate occasions prior to the lodgement of the development application.*

The Panel offered a high level of support for the concept and vision for the precinct, and provided specific recommendations on design revisions which have largely been adopted by the design team.

It is expected that a final Design Review Panel meeting will be held during the assessment period of the development application.



**Figure 4** - Child care building presented at the first Design Review Panel meeting

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## DESIGN REVIEW PANEL NO. 1

The Panel noted its support for the incredibly strong vision for the site.

The Panel also requested further information of design detail be provided at later meetings and within the development application including:

- Site levels
- Arborist report
- Bicycle parking
- Materiality of new construction buildings and arbor structure
- CPTED Information
- Noise impacts

The panel also suggested further revision to the design and materiality of the child care and new buildings so that they read as a cohesive addition to the precinct, while respecting the heritage fabric of the precinct.

Commentary was also provided suggesting interface to the adjoining Department of Communities site, and the buffer between carparks and buildings could be softened.

## DESIGN REVIEW PANEL NO. 2

The Panel noted its continued support for the strong vision for the site and noted the majority of the feedback from the first DRP meeting had been taken on board.

Changes made as a result of feedback received in DRP 1 included:

- Additional tree planting between eastern car park and the Mildred Creak Building;
- Additional pedestrian connections to Hillview Terrace;
- Landscape buffer between child care building and existing outbuildings; and
- Further revisions to the detailing and materiality of the new buildings including child care building.

While the Panel appreciated the updated detail and design progression of the new buildings, noting the support for the further revisions and detail provided for the new buildings, while suggesting further revision to the child care building to soften its appearance and create further detail.

The design has been further revised since the second DRP meeting to further revise the aesthetics and roof form of the child care building.

The design has been progressed further since the second DRP meeting to further revise the aesthetics and roof form of the child care building. The roof form has been revised from a skillion roof with highlight windows to a simplified hipped roof. The simple roof form, and utilisation of corrugated iron references the form of existing verandas on site ensure the child care building sits better within its context and respects the heritage buildings within the precinct.



Figure 5 - Proposed design of child care building

### 3.3 Heritage Council of Western Australia

Recognising the significant heritage value of the architecture, landscaping and historic land-uses of the Edward Millen Precinct, and their respective contribution to the sense of place of East Victoria Park, the site is a registered heritage site under the Heritage Act 2018 (Heritage Place No. 2176). In addition to the registration of the site as a heritage place, the site is subject to a Heritage Agreement between the State Heritage Council of Western Australia (the Heritage Council) and the landowner. Broadly, the Agreement generally sets out conservation works that are required to be undertaken.

Prior to lodgement of the application, members of the Project Team met with the Heritage Council to present the strategy for adaptive re-use of the heritage buildings within the precinct. Preliminary comments from this briefing are included in Appendix 6 and are summarised below.

*The proposal represents appropriate adaptive reuse and new work that will support the long-term viable use of the place. The proposal respects and retains a visual setting that is appropriate to the cultural heritage significance of the place.*

*Changes to the heritage buildings, including indicative new wall openings to create larger spaces, removal of partition walls, new external openings, and replacement of asbestos sheeting to the former Ward Block could be supported.*

*Demolition of the link between the former Rotunda and Ward Block is a positive outcome, and demolition of the former Emergency Department is an acceptable given its poor condition and based on the overall positive conservation outcomes for the place.*

*New freestanding buildings, including a new child care centre, petting zoo, garden pavilion and new services building are appropriately scaled and located to respect the cultural heritage significance and visual setting of the place.*

It is anticipated that the application will be referred to the Heritage Council for formal endorsement as part of the Town's assessment process.

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### 3.4 Community Engagement

The vision for the Edward Millen site had been extensively workshopped with invested community members by the Town as part of a desire to see a broadening of the potential uses.

This engagement exercise led by the Town, resulted in the following vision:

*“The Edward Millen site shall be a forward thinking, active, vivacious, and community driven facility that combines commercial uses to ensure economic viability.”*

Underpinning this vision was emphatic support for the redevelopment of the site, with 100% of respondents to the Town’s engagement supporting the activation and/or restoration of the Edward Millen site.

When asked to rank potential uses, Small Scale Production, Cultural & Creative Industry and Community uses were the three most supported themes. When asked to share ideas about the future development of the site, 31% of ideas shared were hospitality, markets & business, with café & restaurant being the most popular.

Two community information sessions were run prior to the lodgement of the Development Application on the 24th and the 28th of October. The Town of Victoria Park provided an opportunity for the surrounding community to meet members of the project team, and gain a better understanding of the proposed development.

Attendees to these sessions were overwhelmingly positive towards the redevelopment, and were excited to see the underutilised spaces activated, and the heritage fabric celebrated.

Issues raised included parking, noise, traffic, and the child care centre use. These issues are addressed in sections 6.3, 6.1 and 5.3 of this report respectively.

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# 4. Proposed Development

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## 4.1 Overview

The proposed redevelopment of the Edward Millen Heritage Precinct aims to create a vibrant, inclusive, and sustainable community hub that honours its historical roots while embracing the future.

The Development is underpinned by the following vision:

*Our vision is to transform the Edward Millen Heritage Precinct into a vibrant, inclusive and sustainable community hub - celebrating the rich history of the site while embracing the future.*

*Through a seamless blend of preserved heritage buildings, contemporary architecture, and harmonious landscapes, we aspire to create a multitude of spaces that invite social interaction, artistic expression, and community wellbeing. In partnership with the broader Victoria Park community, we are committed to fostering a dynamic environment that resonates with cultural significance and intergenerational relevance.*



CONTEXT

RESPONSE



### Heritage & New Build Relationships

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Create a harmonious balance between old and new, wherein the site's historic architectural elements are celebrated and enhanced by modern, sustainable design.



### Landscape Integration

The landscape of the Edward Millen Heritage Precinct aims to serve as the glue that binds the site's diverse elements - heritage buildings, new constructions, and community spaces - into a unified, inviting, and dynamic environment.



### Community Advocacy & Engagement

To evolve the Edward Millen Heritage Precinct into a socially resonant, culturally inclusive, and harmonious space where the collective wisdom of current residents, traditional owners, and future generations is respected and incorporated.



A consistent theme expressed by the Town’s residents is the desire for the precinct to provide land uses that support a vibrancy and activity, with a mix of commercial and community land uses that activate the precinct. The proposed development delivers on the vision for the Edward Millen Heritage Precinct in providing a range of land uses.

Within the Rotunda building, the following uses are proposed:

- Retail tenancy ①
- Café ②
- Bakery ③ and
- Offices for the venue management, located on the first floor of the Rotunda building.

Within the Mildred Creak building:

- A bar ④ bistro ⑥ & micro-brewery ⑧ with indoor and outdoor spaces; and
- Community space available for hire by community groups or by the public as a function venue ⑨.

The precinct also

- Gelato; ⑤
- Historic museum and gallery ⑦
- Artist studio within the existing outbuildings ⑩
- 104 child Child care ⑫
- Petting zoo consisting of the keeping of animals to compliment surrounding land uses ⑬<sup>nd</sup>
- Landscape spaces for community markets ⑭ and productive gardens ⑪.

## HOSPITALITY VENUES

Reflecting the community desire for the precinct to provide land uses that support a vibrancy and activity, the proposal seeks approval for a range of hospitality venues.

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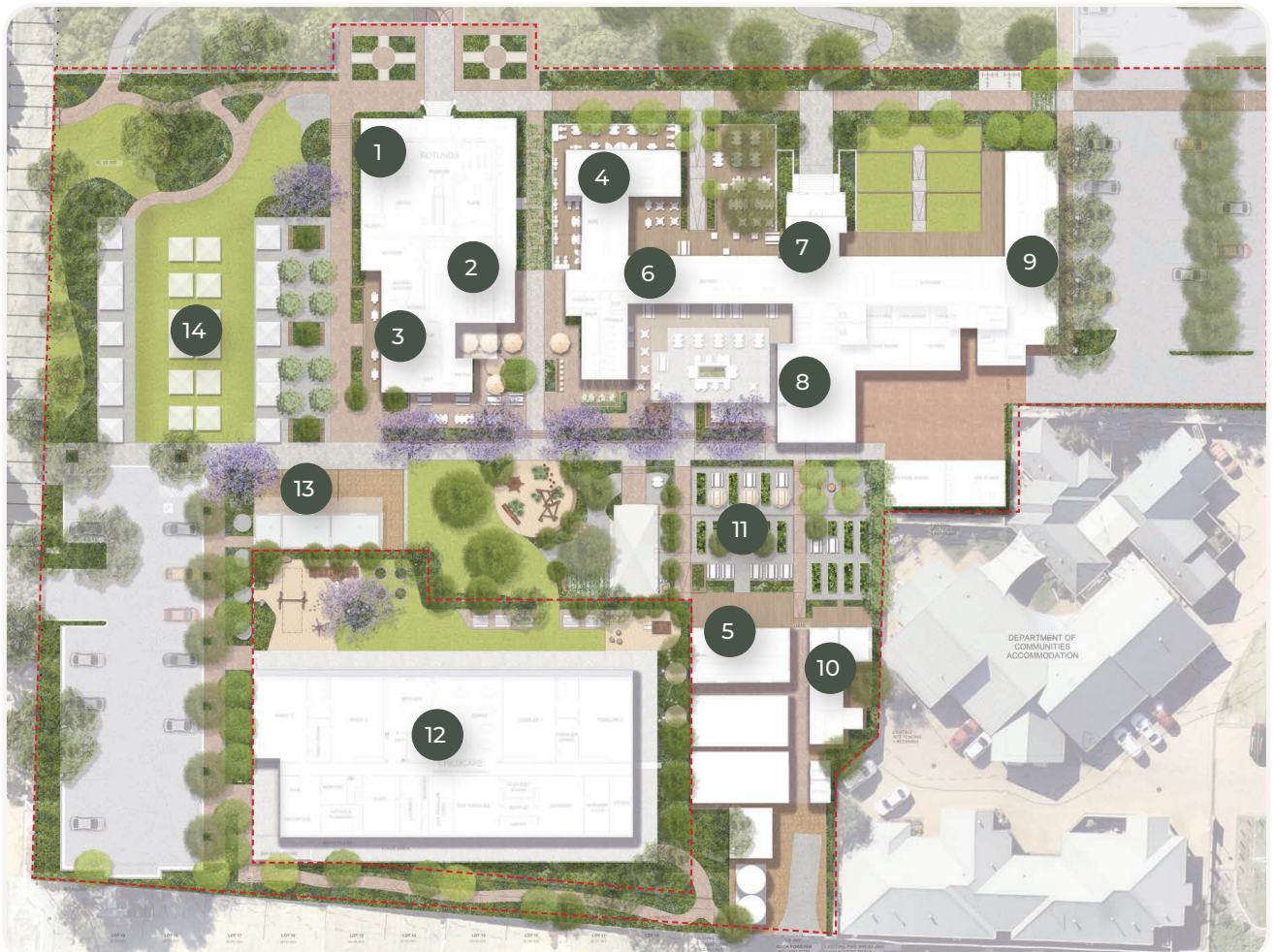
The below table provides a list of uses within the Rotunda and Mildred Creak Buildings.

	NLA (m <sup>2</sup> )	Estimated No. Patrons
Retail Tenancy	55	N/A
Café	155	40
Bakery	174	80
Museum/Gallery	52	N/A
Bistro, Bar, Brewery and dining areas (indoor and outdoor)	932	502
Community Use and Function Rooms	106	120
Gelato	84	40
Garden Pavilion	58	46

**Table 2 - Hospitality Venues Description**

It is anticipated that the café and bakery tenancies would operate from approximately 6:30am to 2pm. Licensed venues including the bar, bistro and brewery are anticipated to open around mid-day for lunch and closing between 11.00pm – 12.00am, with kitchens open until approximately 9pm. The function area may also be open until midnight during events.

Specific aspects of venue management and capacity are to be determined following development approval in line with liquor and venue licensing processes.



**Figure 6 - Edward Millen Heritage Precinct Masterplan.** Please note building 13 has since been reorientated as per architectural drawings

## CHILD CARE

A child care centre is proposed at the western portion of the site. The site is anticipated to have a capacity of 104 children across infant, toddler and kindergarten aged children, and is estimated to employ approximately 20 staff, with an expectation of approximately 10-16 staff at any given time. The secure site area of the child care centre is approximately 1,750m<sup>2</sup>.

This area has been earmarked as a '*development area*' through both the Edward Millen Reserve Masterplanning exercising undertaken by Hassell, and reflected in the lease agreement. The child care plays an important role in the day-to-day activation of the precinct in bringing families to the site during the week. This compliments the commercial and hospitality uses within the Rotunda and Mildred Creak buildings. The child care, along with other commercial and hospitality components also plays an important role in the commerciality of the precinct, providing commercial viability to the restoration and ongoing maintenance of the Mildred Creak and Rotunda buildings.

The development has been carefully designed to respect the heritage context of the site. The building, along with all new buildings proposed to be constructed, have been designed to reflect the form and materiality of the precinct, but not copy the architecture of the Mildred Creak or Rotunda Buildings.

A carpark with 28 car bays and two ACROD bays is provided and is intended to provide the parking demand for the child care centre. Outside of operation hours the car park can be utilised by patrons/users of the other facilities.

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The child care centre is anticipated to operate Monday to Friday, excluding public holidays between 6:30am and 6:00pm, with outdoor play restricted to after 7:00am in accordance with the recommendations of the Acoustic assessment.

## COMMUNITY MARKETS

It is envisioned that weekend markets would run weekly on Saturday or Sunday. Based on similar markets, the markets would start around 8.00am and conclude around midday. From time to time there may be an evening market on a Saturday from 5.30pm to 9.00pm. The current design provides space for approximately 26 stalls, with an expectation of up to 300 people to attend.

Markets would be subject to further approvals with the Town such as an event management plan.



## 4.2 10 Design Principle Summary

The following provides a summary of the proposed developments response to each of the 10 Design Principles set out in State Planning Policy 7.0 – Design of the Built Environment. A full report justifying the development against each of the ten principles is included in Appendix 3.

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### Design Principle



#### CONTEXT AND CHARACTER

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.

The development is highly responsive to context and character through the retention and celebration of heritage buildings. The activation of the Edward Millen Precinct will enable the Town's residents to celebrate and engage with the Town's built form heritage. The site responds to its wider context by integrating with, and providing activation to the broader Edward Millen Reserve.



#### LANDSCAPE QUALITY

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.

Landscape is an integral part of the character of the precinct, and the landscape strategy compliments this character through tree retention and planting. Landscaping is also an important part of the activation of the precinct, with productive gardens and planting around dining areas. The landscaping strategy provides for the planting of a total of 93 trees, including the transplant or retention of 14 existing trees with a high retention value, as well as 35% of the site area dedicated to deep soil planting.



#### BUILT FORM AND SCALE

Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

The development largely comprises of retained and revitalised heritage buildings which ensure the development is appropriate for its setting. New buildings take cues from the existing built form and materiality while reading as a cohesive addition to the heritage precinct.



#### FUNCTIONALITY AND BUILD QUALITY

Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.

The space is highly functional, a variety of uses and experiences within the precinct. Separation of spaces ensure light and ventilation. Flexible community space allows for large events or smaller meetings for community groups whilst also being hired as a function space by the public.



#### SUSTAINABILITY

Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.

The design is inherently sustainable in its retention of existing built form which results in an approximately 60% reduction in upfront carbon. Furthermore, significant vegetation reduces the impacts of the urban heat island affect. As outlined in the Sustainability report included in Appendix 10, a range of environmental and social sustainability measures are proposed as part of the development including solar PV resulting in at least a 30% offset in operational energy usage for each building (no battery installed); a 35% reduction in potable water and 20% reduction in lighting power when compared to NCC.

## Design Principle

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### AMENITY

Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.

The development delivers on the community vision for the precinct to include a variety of commercial and community uses. Activation of the precinct throughout the day and throughout the week contributes to the vibrancy of the area. Activity is concentrated within the centre of the precinct, or to the Edward Millen Park, mitigating any impacts on the surrounding residential context.



### LEGIBILITY

Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.

Clear and simple access points that are spread over two roads ensure traffic volumes are spread across the road network. Clearly defined public and private spaces and secure points of entry are established through signage, landscaping and ground-plane materiality so visitors are able to understand where they are in the precinct. Key axis and points of connection are established to the wider Edward Millen Reserve.



### SAFETY

Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

The design includes clearly defined points of access, and defined thresholds to hospitality venues. Fencing to the child care play areas, further separated by a central lawn and play area establish a clear separation of the two main uses.



### COMMUNITY

Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.

The design delivers on the vision for the precinct which was determined through extensive engagement with the Victoria Park Community. The revitalisation of the precinct and diverse range of hospitality, community and commercial uses will create destination for the local community and activate Edward Millen Reserve throughout the day and week creating a hub for the growing community of East Victoria Park.



### AESTHETICS

Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and Places that engage the senses.

Retention and revitalisation of the existing heritage fabric of the precinct ensure. New buildings, particularly the child care building is separated from the heritage buildings by dining spaces and play spaces to give space to these buildings. The simple built form of the new buildings takes cues from the verandahs of the precinct.

# 5. Planning Assessment

## 5.1 Metropolitan Region Scheme

The Edward Millen Reserve and surrounding area is zoned 'Urban' under the Metropolitan Region Scheme (MRS), shown in Figure 7 below.

The proposed development is consistent with the 'Urban' zoning under the MRS.

## 5.2 Town of Victoria Park Local Planning Scheme & East Victoria Park Precinct Plan

The Site is reserved for 'Public purposes Civic use and community purpose' under the Town's Town Planning Scheme No.1 and East Victoria Park Precinct Plan.

East Victoria Park Precinct Plan states that: "*public spaces such as parks and reserves will be used, maintained and enhanced so that they contribute to the pleasant environment of the precinct.*"

As the Site is reserved under the Town's TPS 1, *Clause 14 - Use Of a Town Of Victoria Park Scheme Reserve* provides the ability for use of the reserve, subject to the following requirements:

*A permitted use for a Town of Victoria Park Scheme Reserve is:*

- (a) a use which gives effect to the purposes for which the land is reserved under this Scheme; and*
- (b) where the land is vested in a public authority, a Commonwealth agency or in the Council, a use which gives effect to any purpose for which the land may lawfully be used.*

In the case of the proposed development, 'vested' as used in clause 14(b) is considered to have application in the case where the Town has conditional freehold tenure for the land to be used for specific purposes.



Figure 7 - MRS Map

Therefore clause 14(b) provides the ability for the Authority to issue a development approval.

In the case of the proposed development, Schedule 1, item 8 of the lease agreement between Blackoak Capital – Elizabeth Baillie Pty Ltd and the Town of Victoria Park defines the permitted uses "*which gives effect to any purpose for which the land may lawfully be used*" under Cl.14(b). These uses were included following extensive engagement with the community by the Town in regard to the community aspirations for the site which sought to broaden the possibility for activating uses.

An assessment of the proposed uses against the permitted uses is detailed below in Table 3. This table demonstrates that all proposed uses are consistent with the uses specified within Schedule 1, item 8 of the lease agreement and can therefore be supported by the decision maker.

It is noted that offices are proposed within the first floor of the Rotunda Building. Significant alterations to the ceiling of the ground floor would be required to make the first floor of the building compliant with fire requirements for public use. This would result in the removal of valuable heritage details within the ground floor of the building. The loss of which was not considered to offset the positive outcome of the public activation of the first floor of the building. The first floor is able to be used for the offices of the hospitality operations and community space, and is incidental to these uses.

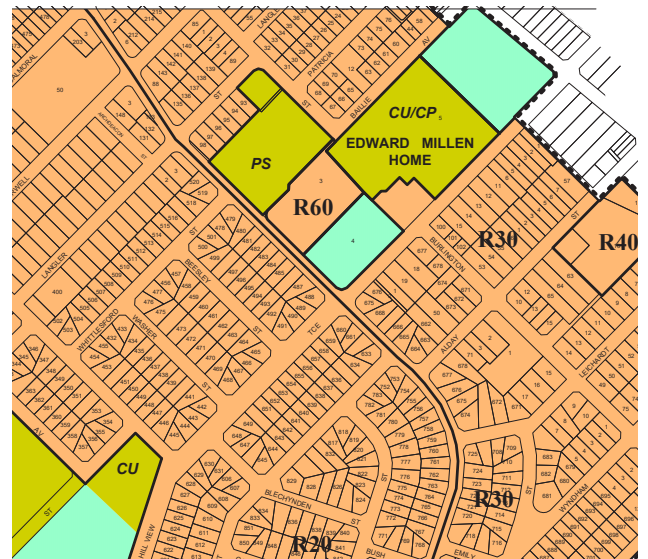


Figure 8 - TPS 2 - East Victoria Park Precinct Plan Map



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Development Component

Use	Definition	Development Component
<b>“Community”</b>	<i>means any premises or land uses which can be used by community groups or individuals and not for profit organisations servicing the community.</i>	Community event space within the Mildred Creak building and function centre
<b>“Entertainment and Recreation”</b>	<i>means any premises or land uses which provide public entertainment or opportunities for social interaction by members of the public. This includes, but is not limited to; tavern, function centre, restaurant, café, cinema (indoor or outdoor), small scale retail, public and community events, kiosk, markets, temporary installations, events, pop up retail, live music, or similar uses (but shall exclude the provision of accommodation).</i>	Retail tenancy, café, bar, bistro, petting zoo and community markets.
<b>“Educational”</b>	<i>means a Kindergarten, child care centre, academy, cooking classes or other educational activities where it is a component of, but not the predominant use of the site. (However, it shall be deemed to exclude a primary or secondary school, college, university or technical institute).</i>	Child care development
<b>“Civic”</b>	<i>means premises used by the local or state government for administrative, recreational, or other purposes.</i>	N/A
<b>“Heritage”</b>	<i>means any premises or land uses which promote the heritage value of the site, including but not limited to museum, local history collection, interpretive centre, guided tours or similar.</i>	Historic Museum and Gallery within the entrance to the Mildred Creak Building
<b>“Cultural and Creative Industry”</b>	<i>means any premises or land uses which have their origin in individual creativity, skill and talent that contribute to the cultural richness of the area. This includes, but not limited to; media production, artist studio, gallery, creative industry headquarters and performance venue or event space.</i>	Art studios within the existing outbuildings and additional building.
<b>“Small Scale Production”</b>	<i>means any premises or land uses which involve the small scale production of goods where they are ancillary to the main use, low impact in nature and are associated with a use as listed above. This includes, but is not limited to; boutique brewery or distillery, coffee roasting, food production, small scale furniture manufacturing, arts and crafts production, informative workshops, and market gardens.</i>	Productive gardens, bakery, gelato, and microbrewery.

**Table 3 - Land Use Definition**






## 5.3 Relevant Local Planning Policies

### LOCAL PLANNING POLICY 3 - NON-RESIDENTIAL USES IN OR ADJACENT TO RESIDENTIAL AREAS

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As the Site abuts residential development to the west and the south and as such, the Town's LPP 3 is applicable to the development. Table 4 provides an assessment of the proposal against the relevant provisions of LPP 3.

Requirement	Proposal	Compliance with Policy
<b>Preferred Location</b>		
Non-residential uses are generally encouraged to locate on sites which have access to main streets or major roads, and are discouraged from locating within a local access street or laneway. Other locations may be considered where it can be demonstrated that residential amenity can be protected;	The site is bounded by Albany Highway to the north east and Hill View Terrace to the south east. Additionally, Shepperton road is located within the vicinity and has been identified as a primary regional road under the MRS.  The Traffic Impact Assessment in Appendix 7 provides further information on traffic movements.	✓
Should be located such that residential properties are not isolated between non-residential uses;	No residential properties located on site and therefore no residential properties will be isolated between non-residential uses.	✓
<b>Traffic Generation</b>		
Non-residential development should only be permitted where it does not negatively impact the function or safety of the adjacent roads or cause undue conflict through the generation of traffic or demand for parking.	Traffic Impact Assessment provided in Appendix 7 and discussed in section 7.1 of this report. The report concludes that the proposed uses do not have a undue impact on the local road network or existing uses.	✓
A Transport Impact Statement may be required to be submitted with the development application.	Traffic Impact Assessment provided in Appendix 7 and discussed in section 7.1 of this report.	✓
<b>Control of Noise, Pollution or Other Impacts Associated with the Use</b>		
Non-residential development shall only be permitted where the nature of the non-residential use will not cause undue conflict or adversely affect the amenity of the neighbourhood through the emission of light, noise, fumes, odours, dust, vibrations, electrical interference, waste water or any other form of pollution which may be undesirable. A report should be included outlining any impacts arising from the activities.	Acoustic Reports for the Child care and Hospitality components are provided in appendices 5 and 6 respectively and discussed in section 7.3 of this report. The reports note that acoustic emissions are within the prescribed limits.	✓
<b>Building Setbacks</b>		
For non-residential development adjacent to Residential zoned land or land used for residential purposes – to comply with the requirements applicable under the relevant Precinct Plan and/or Council Policies.	Setbacks are required As per the demolition and development plans, no buildings are proposed to be constructed closer to the adjacent residential site than currently exist on the site.	✓
To be setback from side boundaries as per the requirements for residential development under the Residential Design Codes.		✓

Requirement	Proposal	Compliance with Policy
<b>Visual Privacy</b>		
Major openings (any window, door or other opening which may affect the privacy of nearby residences or future residences) should be located such that they do not directly face or are screened from surrounding residential properties. This is particularly important where they may serve as a means of frequent access, allow the escape of noise, or serve as sources of overlooking into adjoining residential properties by staff or visitors/customers to the site.	Major openings such as child care entrance and Edward Millen building do not directly face out to surrounding residential properties. Additionally landscaping implemented throughout the site provides additional screening.	<div data-bbox="1082 230 1366 300" style="border: 1px solid black; padding: 2px; text-align: center;">TOWN OF VICTORIA PARK Received: 14/12/2023</div> 
<b>Building Design</b>		
<p>The design of new non-residential buildings/ facilities on Residential zoned land should have regard to the existing neighbourhood character and reflect a residential scale with regard to the following elements:</p> <ul style="list-style-type: none"> <li>· Building and roof form</li> <li>· Building height and setback</li> <li>· Design detail include façade articulation, verandahs, window and door style and placement</li> <li>· Building materials, colour and finishes</li> </ul>	<p>The proposed built form aims to fit in with the existing residential character and scale.</p> <p>Where possible, the proposed development area aims to compliment and maintain the existing heritage on the site through awnings, use of materials such as timber and built form.</p> <p>Additionally new freestanding buildings, including a new child care centre, stables, garden pavilion and new services building is appropriately scaled as per comments from Heritage Council and the Town's DRP.</p>	
<b>Location of Vehicular Access/ Car Parking and Provision of Boundary Fencing</b>		
Where car parking and vehicle access ways are already provided in the vicinity of adjacent residential properties or cannot be relocated elsewhere, suitable barriers shall be provided to protect boundary fencing, which may be required to be upgraded to protect amenity and/or privacy of adjoining residents.	The eastern car park is buffered from the adjoining residential property with appropriate fencing and landscaping.	
New or upgraded boundary fencing should be a minimum of 1.8 metres high and be of masonry construction in a colour/finish that complements the development as well as being of compatible colours and materials to any neighbouring residential properties.	Proposed boundary fencing will be of a timber material and the colour white which compliments the surrounding residential character.	
<b>Location of Building Services and Bin Storage Areas</b>		
Bin storage areas are to be appropriately screened and located so that they do not harm the amenity of surrounding residential properties by way of visual nuisance, noise, odours or other impacts.	Bin storage areas will be appropriately managed to ensure no impact or nuisance to adjoining residential development, in accordance with the Waste Management Plan in Appendix 11.	

**Requirement****Proposal****Compliance  
with Policy****Antisocial Behaviour and Crime Prevention**

The development should demonstrate that it has been designed and will operate in a manner that Town of Victoria Park – Local Planning Policy No. 3 Page 5 of 6 does not encourage crime or antisocial behaviour to occur. Non-residential development should be designed in accordance with relevant Crime Prevention Through Environmental Design (CPTED) principles, having regard to the Policies adopted by Council as well as relevant State Planning Guidelines.

Implementation of CPTED principles has been incorporated throughout the design.  
Activation of park and commercial site from 6:30am-12am.

Landscape has been designed to not create hidden places, with new built form being open and viable and fences and gates transparent.

Lighting throughout site during operation to ensure there are well lit pathways and lighting to all areas for security.

CCTV across all site.

Fencing and gates to secure the site after hours.

Large clear signage throughout site to define activities and uses.

Site activation through commercial uses from 6:30am-12am to allow for passive surveillance. After hours security patrols to be implemented.

The level of crime risk within the area has been identified as being low to medium based on existing crime data for the area.

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**Landscaping**

Car parking areas located within the front setback area are to be setback from the front property boundary behind a soft landscaping strip of at least 1.5 metres in width.

No parking is proposed in the front setback area.



The development to be designed to retain and conserve existing mature trees on the site as well as existing Council verge trees, wherever possible.

12 high and medium retention value trees that are to be retained if possible. Additionally, 3 high retention value trees have been identified to be transplanted. This was determined by an arborist report.

**Signage**

All signage associated with the non-residential development should be detailed as part of the development application for the main (re) development. Where final specifications are unknown, a signage strategy identifying the location, size and type of external advertising signage to be installed on the building/site is to be submitted to Council as part of the development application.

Signage locations are identified in Appendix 3, and will be in accordance with the Town's LPP.

**Hours of Operation**

Hours of operation for all non-residential uses will be considered having regard to the nature and intensity of the use and the context of the site and surrounding areas.






Loading and unloading of vehicles should only occur between the hours of 7am to 7pm.

It is anticipated that the café and bakery tenancies would operate from approximately 6:30am to 2pm. Licensed venues are anticipated to open around mid-day for lunch and closing between 11.00pm – 12.00am.

The child care centre will operate between Monday to Friday excluding public holidays between 6:30am and 6:00pm. Outdoor play restricted to after 7:00am in accordance with the recommendations of the Acoustic assessment.



## LOCAL PLANNING POLICY 6 - FAMILY DAY CARE AND CHILD CARE PREMISES

Requirement	Proposal	Compliance with Policy TOWN OF VICTORIA Received: 14/12/2023
<b>Preferred Location</b>		
<p>Child care may be suitable in locations that are:</p> <ul style="list-style-type: none"> <li>a) With convenient walking distance (5-10minutes) of appropriate commercial, recreation or community nodes and education facilities</li> <li>b) Located in areas where adjoining uses are compatible with a child care premises</li> <li>c) Serviced by public transport (where available)</li> <li>d) Considered suitable from a traffic engineering/safety perspective</li> <li>e) Of a sufficient size and dimension to accommodate the development, including provision of sufficient outdoor play space and other facilities, on site parking.</li> </ul>	<p>The child care centre is proposed to be located to the west of the development and is surrounded by compatible land uses such as a play area, produce garden, green house and art studios. Together these land uses will help activate the space and allow for cross pollination at different times of the day. A parking area is proposed north of the child care premises to support the parking demands of the child care centre.</p> <p>Within the development itself there are different proposed uses such as Kindy and toddler rooms, nursery, break out rooms, dining area and kitchen with various play areas surrounding the site.</p> <p>The child care premises will be well serviced by Public Transport on Berwick Street and Albany Highway. Additionally a traffic impact assessment identified the development to not have any significant traffic impact in any one location.</p>	
<b>Site Characteristics</b>		
<p>Sites in residential areas should have a regular shape, with a minimum lot area of 1,000m<sup>2</sup> and effective frontage of 20 metres width to provide the opportunity for design aimed at minimising the impact on surrounding properties.</p>	<p>The area dedicated to the child care premises is of a regular shape, predominately rectangular and is approximately 1,800m<sup>2</sup> in area, with a minimum width of 30m.</p>	
<p>The site should generally be flat or gently sloping, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.</p>	<p>The area dedicated to the child care premises is flat at approximately 25.47m RL.</p>	
<p>Consideration of any information provided by the Department of Water and Environmental regulation (DWER) may have about the contamination status of a given site. In the absence of a report to DWER there is no guarantee that the site has been contaminated by a previously operating land use and applicants must exercise a duty of care to ensure the site is suitable for uses as a child care premises.</p>	<p>The site is not registered on the Department of Water and Environmental regulation's (DWER) contaminated sites register and has not been historically used for a contaminating activity.</p>	
<b>Design</b>		
<p>Visual appearance should reflect the character of the area, enhancing its amenity and be considered appropriate for regular use by children, with a welcoming and inviting appearance.</p> <p>The design should have regard to any adopted design guidelines, built form/ streetscape policies.</p>	<p>The proposed child care premises fits in with the surrounding visual amenity of the area. Fencing is built from timber material, with awnings branching out over footpaths. This reflects the heritage characteristics found throughout the whole site and discussed further in the design report in Appendix 3.</p>	

Requirement	Proposal	Compliance with Policy
Development within or adjacent to residential areas should reflect a residential appearance, character and proportions that respond to the requirements of LPP 3.	The child care building reflects a residential appearance through the simple pitched roof and the use of verandah wrapping around the building.	✓
Fencing and walls visible from the street should be suitable designed to provide appropriate access, privacy, safety and security, whilst maintaining levels of passive surveillance.	The proposed fencing provides levels of passive surveillance as they are transparent. This not only allows for increased safety but softens the presence of fencing along the site boundary.	✓
Areas of solid walls or screening visible from the street should be of high quality materials and be articulated/visually interesting. Soft landscaping should be used to reduce the visual dominance of solid portion of walls or fences.	Fencing to the internal courtyard is visually permeable to establish a relationship between the child care and the wider precinct. An aspect of the development supported by the Town's DRP.	✓
Opening to rooms that may create a source of unreasonable noise levels should be orientated away from adjacent residential properties and be provided with suitable setbacks.	Areas that will generate noise such as the dining room, outdoor play area kindy and toddler rooms are centrally located and centrally facing, away from abutting residential development. This layout will reduce the noise impact on surrounding residential properties. The Acoustic Impact Assessment in Appendix 8 demonstrates that noise levels at surrounding premises will be within the prescribed limits.	✓
Where car parking is provided between the building and street alignment, minimum 1.5m wide landscaping strip to be established and maintained.	Parking areas for the child care are set back approximately 3m from the street boundary.	✓
Design to conserve and retain any existing mature trees as well as existing Council verge trees.	Directly surrounding the carpark six trees have been identified to be retained. Additionally at the corner of the child care premises four trees will also be retained.	✓
Car parking areas to be landscaped and provided with shade trees at a minimum rate of 1 tree per 4 car parking bays.	The child care carpark has a tree provision of 17 trees for 30 bays, equating 1 tree for every 1.7 bays.	✓
All signage should be detailed with the development application, where unknown a signage strategy shall be submitted.  All signage to be in accordance with LPP or Local Law.	Signage locations are identified in Appendix 3, and will be in accordance with the Town's LPP.	✓
<b>Car Parking, Vehicular Access and Traffic</b>		
Car parking and vehicular access shall be provided and designed in accordance with Council's Local Planning Policy 23 – Parking Policy.	The child care requires 21 spaces under the Town's LPP 23. 30 bays are provided for the child care during the week.	✓
Development to not negatively impact the function or safety of the adjacent roads or cause undue conflict.	The proposed development does not front any major streets and projects out to the larger proposed development. Additionally traffic will be generated during operation times, particularly during drop off and pick up.	✓

Requirement	Proposal	Compliance with Policy
<p>A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant may be required to be submitted as part of a development application, which assesses the likely traffic impacts associated with the proposed development and details how parking and/or traffic will be managed.</p>	<p>Transport Impact Assessment provided in Appendix 5. The parking analysis demonstrates there is an overall parking surplus of 11 spaces during the weekday peak period, and a parking shortfall of 18 spaces during the Weekend peak period.</p>	<p>TOWN OF VICTORIA PARK Received: 14/12/2023 ✓</p>
<b>Noise Impacts</b>		
<p>Premises to be appropriately designed to minimise noise impact on adjacent properties.</p> <p>A noise impact assessment /acoustic report is required by Council where a child care premises is proposed next to residential dwellings, retirement village or nursing home.</p>	<p>Acoustic Impact Assessment for the Child care component is included in Appendix 8. The report concludes that the child care component will have no adverse impacts on surrounding residential development.</p>	<p>✓</p>
<p>Hours of operation should be limited to 7am-7pm Monday to Saturday, 9am-5pm on Sunday unless agreed by council.</p>	<p>Hours of operation are proposed to be between 6:30am and 6pm. Outdoor play is to be managed to only occur after 7am.</p>	<p>✓</p>



## LOCAL PLANNING POLICY 23 - PARKING POLICY

Car parking requirements in the Town are set out in Local Planning Policy 23 – Parking Policy (LPP 23). Parking requirements for the individual uses within the precinct are outlined in Table 4 below. The proposed development is comprised of a number of different land uses, with car parking demand being generated at differing times of the day and week. Reflecting the variety in parking requirements, a parking analysis has been undertaken by Uloth and Associates to best understand the parking demand of the precinct across the day and the week.

While there is a statutory requirement of approximately 327 bays, parking demand analysis demonstrates a weekday peak requirement of 166 bays, and a weekend peak of 195 bays. This approach is consistent with the Town's LPP 23, which allows for the approval of reciprocal parking where it can be demonstrated that demand for parking by the uses proposed will not coincide.

The development proposes two car parks. The first is accessed from Baillie Avenue and will service the child

care centre during operations. This car park contains 30 bays including 2 accessible bays. A second car park is proposed on the southern boundary along Hill View Terrace which is designed to connect to an additional 77 bay carpark within Edward Millen Park, to be constructed by the Town. This will result in 119 spaces on the overall Edward Millen Park site, with 82 bays provided within the lease area. There is also existing spare capacity for up to 65 vehicles on the street or verge along Albany Highway and Baillie Avenue. The overall parking provision available for use by the proposed development is therefore 184 spaces.

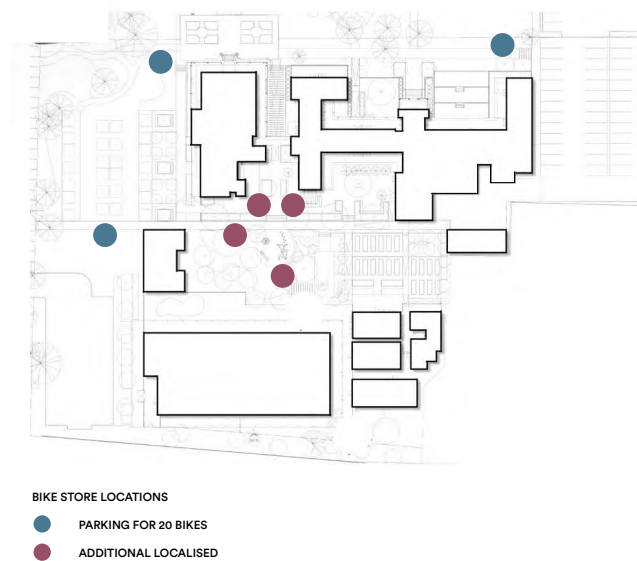
The parking analysis in Appendix 5, and discussed in Section 7.1 of this report demonstrates that the demand for parking by the proposed uses can be met with the proposed parking provision. It is noted that there is additional parking capacity for the precinct along Baillie Avenue. It is also noted the Site is well serviced by public transport and cycle networks.

Land Use	Land Use	Parking Requirement	Area (m <sup>2</sup> )	Parking Requirement (bays)
Restaurant & outdoor dining area	'Restaurant'	1 for every 4.5 square metres of sit down dining area	420	93
Bar area & Brewery	'Bar area'	1 for every 2 square metres of net drinking area.	130	65
Brewery Garden	'Lounge and Outdoor areas'	1 for every 4.5 square metres of net seating area	85	18
Café	'Restaurant'	1 for every 4.5 square metres of sit down dining area	80	18
Gelato	'Restaurant'	1 for every 4.5 square metres of sit down dining area	58	13
Community Space	'Public assembly'	1 for every 4.5 square metres of net floor area	106	26
Retail Tenancy	'Shop'	1 for every 10 square metres of retail floor area	52	5
Bakery	'Restaurant'	1 for every 4.5 square metres of sit down dining area	60	13
Bakery Courtyard	'Restaurant'	1 for every 4.5 square metres of sit down dining area	215	47
Office	'Office'	1 for every 40 square metres of net floor area	146	4
Child care	'Child care'	1 bay per 5 children	104 children	21
			<b>TOTAL</b>	<b>323</b>

**Table 4 - LPP 23 Parking Requirements**



In regard to bicycle bays, the LPP 23 does not prescribe a specific requirement. 32 bicycle bays are proposed throughout the precinct. Bike parking is generally located at key entrances to the precinct, shown in Figure 9..



**Figure 9 - Bike Parking Locations**

## LOCAL PLANNING POLICY 29 - PUBLIC ART PRIVATE DEVELOPER CONTRIBUTION

The Town's Local Planning Policy 29 requires the provision of public art to the value of 1% of the estimated value of construction be provided for Council approval.

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As per LPP 29, public art contribution can be fulfilled by:

- a) Part of the approved development on the development site and/or on public land under Council control within close proximity to the development site
- b) Payment (cash in lieu) into the Town of Victoria Parks Community Art Fund for the future provision of public art by the Town

It is proposed that in accordance with the Town's 'soft path' concept plan, a path be created between the Bush Forever Site, through the lease area into Edward Millen Reserve. This will be undertaken in consultation with the Town and the Mindeera Aboriginal Advisory Group.

Alternatively, funds could be provided towards the programming and activation of the artist studios within the site.

The Town's Strategic Community Plan and Arts and Culture Strategy identify a demand for cultural infrastructure, in particular the potential for creative maker spaces. This is consistent with the findings of the Making Space for Culture Report which identifies a gap in the delivery of community level arts and cultural infrastructure, particularly space, in the Town. This approach is consistent with Action 2.1 of the Towns Arts and Culture Plan (2020) which recommend the investigation of, "alternate methods to provide affordable spaces to create culture," as well as recommendation SPD 2 of the Making Space for Culture Report which identifies the opportunity for the delivery of creative spaces within the Edward Millen Redevelopment.



## LOCAL PLANNING POLICY 39 - TREE PLANTING & RETENTION

Landscape is an important component of the heritage value of the Edward Millen Site, and tree retention and planting were identified as an important consideration in the redevelopment of the precinct. The landscape strategy has been informed by an arborist report to specifically determine which trees are worthy of retention, and which trees are of lower value.

The Town's LPP 39 requires a total of 63 medium or large trees to be provided across the development. A total of 120 trees, comprised of 42 'small trees' 59 'medium trees' and 19 'large trees' are proposed to be planted as part of the development. 12 existing trees will be retained, with a further three existing trees with a high retention value are proposed to be transplanted within the site.

Within parking areas, trees are required to be provided at a rate of 1 "medium" or "large" tree for every 4 bays. These requirements are met for both parking areas.

Based on the above, and Table 5, the development complies with the requirements of LPP 39.

41 trees exist in the lease area. The proposed retention and removal of these trees is summarised in Table 6 below, and Figures 10 and 11. Further detail is provided in the Landscape Masterplan in Appendix 4 of this report. Of the existing trees, 16 are proposed to be

removed. The majority of these species are non-native (7 Queensland Box trees, two non-native pine species and other non-native eucalypt and gum species). As demonstrated in Figure 10, 12 existing trees are to be removed to accommodate the fire tanks and the childcare buildings. It is noted that in these parking areas, the existing non-native trees are proposed to be replaced with trees native to the South-West of Western Australia such as *Eucalyptus rudis* (commonly known as flooded gum) and *Eucalyptus victrix*, commonly known as the western coolabah or ghost gum).

Specific information on the species that are being retained, removed are provided on pages 9 and 10 of the Landscape Masterplan in Appendix 4 of this report. Specific and detailed information on the species being planted is provided on Page 43 of the Landscape Masterplan.

Method of calculation		Requirement	No. Medium trees required	No. trees provided
Site area	13,054m <sup>2</sup>	1 tree for every 500m <sup>2</sup> of lot area*	26 trees	
				84
Trees Removed	16	1 per "tree worthy of retention" that is removed	16	
Trees Retained or transplanted	14	Reduced rate to 1 tree per 500m <sup>2</sup>		
Parking (south)	51	1 "medium" or "large" trees at a minimum for every 4 bays	13	18
Parking (north)	31	1 "medium" or "large" trees at a minimum for every 4 bays	8	14
		<b>Total</b>	63	116

**Table 5** - LPP 39 Assessment

\*Requirement reduced to 1 medium tree per 500m<sup>2</sup> due to retention and relocation of 12 existing trees.

Tree Health	Retained	Transplanted	Removed
Good Health	12	5	10
Fair Health	7	0	4
Poor Health	1	0	2
Total	20	5	16

**Table 6** - Existing Trees

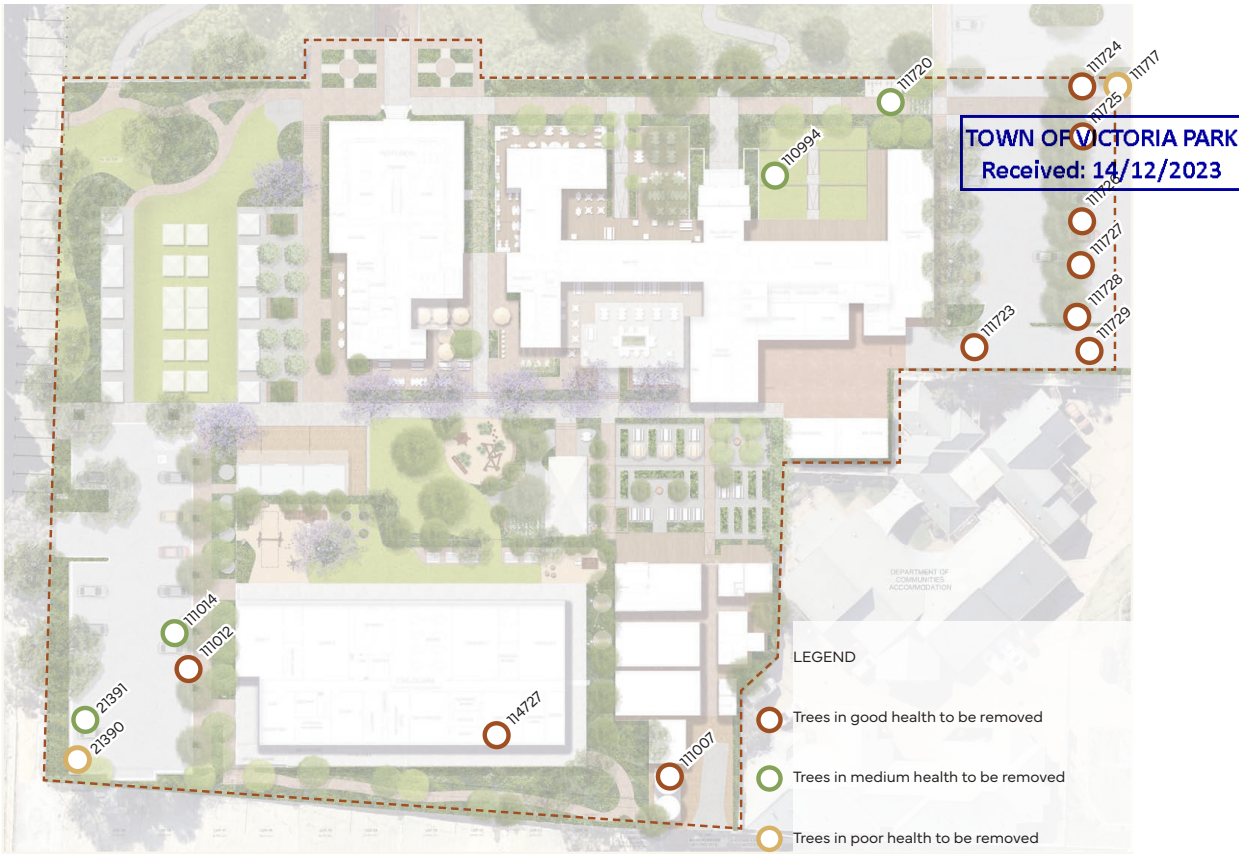


Figure 10 - Tree Removal Plan (See Design Studio)

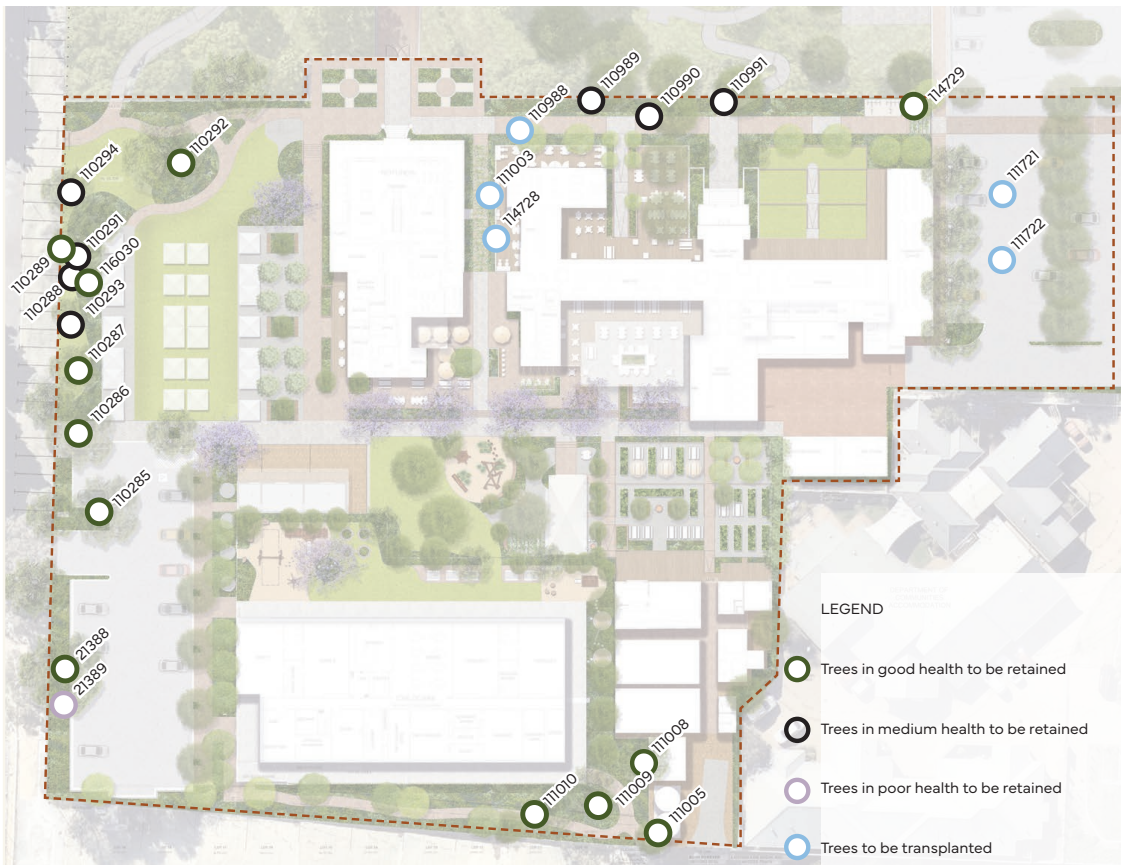


Figure 11 - Tree Retention Plan Strategy (See Design Studio)

## 5.4 Town of Victoria Park Health Local Law

A small petting zoo is proposed as part of the development. The small-scale keeping of animals will compliment both the child care and hospitality venues as well as the productive gardens in promoting a greater appreciation for food production. In regard to the child care, provide opportunities for learning about food production. Subject to health requirements, poultry may also provide eggs to the hospitality venues.

The keeping of animals requires approval under the Town's Health Local Law. While specific number of animals are still to be determined, the petting zoo has been designed to adhere to the requirements of the Town's Local Law.

Animals will be permanently housed on-site, and managed by venue staff. Enclosures will be locked after hours. During hours access will be supervised by staff at all times.

A small number (approximately 4-6) of 'large animals' such as goats or sheep are proposed to be kept within the petting zoo. The **TOWN OF VICTORIA PARK** Part 5, Division 3 sets out the requirements for the keeping of Large animals. An assessment against the requirements of the Local Law is provided in Table 7 below.

**TOWN OF VICTORIA PARK**  
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Requirement	Response	Compliance with Policy
68 (2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable, which shall:  (a) not be situated within 15 metres of a dwelling house or other premises;	The stable is located 15.8m from the child care and 15m from the hospitality venues.	✓
b) have a proper separate stall—  (i) for each horse, cow or animal; and  (ii) the floor area of which shall be a minimum of 6 square metres;	Individual stalls are a minimum of 11m <sup>2</sup> in size.	✓
c) have each wall and roof constructed of an impervious material;	Walls are constructed of brick and roofs are constructed of corrugated metal.	✓
(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;	An opening, as required in the policy, is proposed.	✓
(e) Subject to subclause (3), have a floor, the upper surface of which shall—  (i) be raised at least 75 millimetres above the surface of the ground;  (ii) be constructed of cement, concrete or other similar impervious materials; and  (iii) have a fall of 1 in 100 to a drain that shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Manager of Environmental Health Services.	Requirements for specific building standards are incorporated into the design.	✓

**Table 7** - Large Animals Health Local Law Assessment

Approximately 8 chickens are planned to reside within the petting zoo. Part 5, Division 4 sets out the requirements for the keeping of Poultry and Pigeons. An assessment against the requirements of the Local Law is provided in Table 7 below.

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Requirement	Response	Compliance with Policy
72) An owner or occupier of a premises shall not keep a combined total of more than 12 poultry (including a maximum of two ducks or geese) and pigeons.	Approximately 12 chickens are proposed to be kept on site.	✓
73 a) no poultry is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;	The petting zoo fencing is 15.69m from the closest building.	✓
73 (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;	Fencing is securely fastened. Access is to be managed by venue operations.	✓
73 (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres;	An opening, as required in the policy, is proposed.	✓
73 (d) no poultry is able to approach within 18 metres of a street other than a right of way; and	The petting zoo is located in the centre of the lease area, a minimum of 27m from the boundary.	✓
73 (e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises.	The petting zoo is located in the centre of the lease area, a minimum of 27m from the boundary.	✓

**Table 8** - Poultry and Pigeons Health Local Law Assessment



# 6. Technical Inputs

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## 6.1 Traffic & Parking

The redevelopment proposes a range of uses that will activate the precinct at different times of the day, and different days of the week. As such, a broader view of parking within the precinct has been taken.

There are currently approximately 90 bays within the vicinity of the precinct, generally comprising informal verge parking along the southern side of Baillie Avenue. Surveys undertaken on a Thursday and Saturday by Uloth and Associates as part of the TIA showed a peak parking demand of approximately 25 vehicles within both Albany Highway and Baillie Avenue during school pick-up time (230pm) on a Thursday, reducing to approximately 20 vehicles (at 12pm) on a Saturday. This suggests an existing spare capacity within the park for approximately 55 vehicles.

The development proposes two car parks. The first is accessed from Baillie Avenue and will service the child care centre during operations. This car park contains 31 bays including 2 accessible bays. A second car park is proposed on the southern boundary along Hill View Terrace which includes 37 spaces. This car park is designed to connect to an additional 35 bay carpark within Edward Millen Park, to be constructed by the Town. This will result in 112 spaces on the overall Edward Millen Park site, with 77 bays provided within the lease area. There is also existing spare capacity for up to 65 vehicles on the street or verge along Albany Highway and Baillie Avenue. The overall parking provision available for use by the proposed development is therefore 177 spaces.

A full assessment of the Town's parking requirements demonstrates there is a total requirement of 327 spaces, including 21 spaces for the proposed Child care Centre. However, the 'Shared Parking' analysis undertaken by Uloth and Associates demonstrates that with different peak times for different parts of the development, the actual peak parking demands will be 166 vehicles on a Weekday and 195 vehicles on a Weekend (excluding the pop-up Markets, which should be dealt with separately under a 'special event parking management plan').

The proposed development therefore provides an overall parking surplus of 11 spaces during the Weekday peak period, but a parking shortfall of 18 spaces during the Weekend peak period. Parking demand during the Weekend peak period will therefore extend further north along Albany Highway.

## 6.2 Landscape

Landscape is an important component of the heritage value of the Edward Millen Site, with the reserve and heritage buildings being described as a 'house in the desert'. A detailed landscaping masterplan for the redevelopment of the site, prepared by See Design Studio, is included in Appendix 4. The landscape strategy details the strategy of vegetation planting, tree retention, deep soil areas, irrigation and lighting and has been prepared in careful consultation with the architects. The landscape strategy aims to:

- Respect heritage buildings and value of the wider Reserve;
- Promote safety and accessibility for all visitors to the precinct;
- Allow for activation;
- Provide play opportunities throughout the precinct;
- Include productive gardens; and
- Protect the existing tree canopy

The Strategy proposes a variety of landscaped spaces within the precinct to compliment the variety of spaces and land uses within the precinct. Formal entrance and connections to Edward Millen Reserve are planned within the front of the building. A large landscaped area in the north of the Rotunda Building provides space for weekend farmers markets.

Complimenting the hospitality spaces are generous alfresco areas which allow patrons to connect to the landscape character of the precinct, with further planting and play spaces separating the hospitality and child care areas. Productive planting areas include produce gardens behind the Mildred Creek Building and orchard to the north of the Rotunda Building.

The strategy provides for the planting of a total of 116 trees, comprised of 18 large trees, 56 medium trees and 42 small trees, with the transplant or retention of 25 existing trees, as well as 35% of the site area dedicated to deep soil planting.

Specific information on the species that are being retained, removed are provided on pages 9 and 10 of the Landscape Masterplan in Appendix 4 of this report. Specific and detailed information on the species being planted is provided on Page 43 of the Landscape Masterplan.



**Figure 12** - Edward Millen Heritage Precinct Masterplan

## 6.3 Acoustic Impact Statement

As the lease area abuts residential land uses, Herring Storer Acoustic have undertaken discrete acoustic assessments against both the child care, and hospitality components of the redevelopment. These are contained within Appendices 7 and 8 of the report respectively.

### CHILD CARE

In accordance with the Town's Local Planning Policy No. 6 Family Day Care and Child care Premises, an acoustic report has been prepared for the child care component. The report considers noise received at the neighbouring premises from the proposed development for compliance with the requirements of the Environmental Protection (Noise) Regulations 1997. This report considers noise emissions from children playing within the outside play areas of the centre and mechanical services.

The report concludes that noise received at the neighbouring residences from the outdoor play areas, mechanical services and car doors would comply with the requirements of the Environmental Protections (Noise) Regulations 1997, provided outdoor play is limited to the day period (i.e. after 7am) and mechanical plant is barriered to at least 1m above the source height. The report notes that no specific acoustic fencing is required to manage noise impacts.

### HOSPITALITY

The report considers noise received at the neighbouring premises from the proposed development for compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*. This report considers noise emissions from mechanical services, deliveries, hospitality patrons, and patrons of the community market. The report concludes that noise received at neighbouring residences is within the prescribed limits, and will have no adverse impacts.

## 6.4 Heritage Impact Assessment

Recognising the significant heritage value of the architecture, landscaping and historic land-uses of the Edward Millen **TOWN OF VICTORIA PARK** (Received 09/11/2023) contribution to the sense of place of East Victoria Park, the site is a registered heritage site under the Heritage Act 2018 (Heritage Place No. 2176 – Edward Millen Home) and is contained in the Town's Local Heritage Survey. In addition to the registration of the site as a heritage place, the site is subject to a Heritage Agreement between the State Heritage Council of Western Australia (the Heritage Council) and the landowner. Broadly, the Agreement generally sets out conservation works that are required to be undertaken.

To inform the development application, a Heritage Impact Statement has been prepared by Griffiths Architects to consider the adaptive reuse, construction and associated heritage conservation work proposed to be undertaken as part of the development.

The report concludes that the overall impact of the proposed works will be positive, and improve the presentation, visual and physical access to buildings and promote more movement and legibility. Significant conservation works will ensure the buildings are sustained. Mildred Creak is a framed building and substantial works will be required to adapt and conserve it. In association with the upgrades to the park by the Town of Victoria Park, the place will recover much of its architectural prominence and have its heritage value sustained, in concert with interpretation.





## 6.5 Sustainability

The proposal is notable for its re-use of existing built form, and large areas of vegetation which are inherently sustainable through the reduction of new building materials and reduction of the urban heat island affect. Furthermore, a sustainability strategy has been prepared by Emergen to guide the development. This is provided in Appendix 10 and summarised in Table 9 below.

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Description	Goal	Sustainability Commitments
<b>Clear Air</b>		Outdoor air provided to primary areas at a rate at least 50% greater than minimum in AS 1668.2:2012. (TBC based on mechanical consultant).
<b>Light Quality</b>	Improve indoor environment quality and health and wellbeing of occupants.	Above 70% of the regularly occupied areas have high level of daylight (above 160 Lux).
<b>Exposure to Toxins</b>		The building's paints adhesives, sealants, and carpets are low in TVOC or non-toxic. The building's engineered wood products are low in TVOC or non-toxic.
<b>Heat Resilience</b>	Reduce impacts of long-term performance.	Large areas of vegetation on site (community farmers market, parkland lawn, lawn terraces and garden pavilion). Approx 60% of whole site dedicated to lowering Heat Island Effect.
<b>Carbon</b>	Reduce carbon footprint	Approx 60% reduction in upfront carbon for re-use of existing heritage building. (Prelim modelling completed by EMERGEN).
<b>Circular Economy</b>	Resources	On-site production at the core, aligning with the circular economy ethos. This means that food is grown, consumed, and waste is repurposed locally.
<b>Energy Use</b>		A minimum of 30% offset in operational energy usage for each building (no battery installed). We have also outlined options for a 50% offset (pending budget).
<b>Water Use</b>	Reduce emissions and water use	Prescriptive High WELS Ratings (these equal a 35% reduction in potable water).
<b>Lighting Use</b>		20% reduction in lighting power when compared to NCC.
<b>Movement and Place</b>	Low carbon options	Bike parking provided. 5% of carparking bays dedicated to EV's.
<b>Design for Inclusion</b>	Social Health	Gender Neutral Toilets (subject to tenant requirements). Giving priority to produce grown onsite and used in the precinct kitchen, bakery and child care.
<b>Culture, Heritage and Identity</b>	Cultural Centre	A museum/gallery will be located in the Mildred Creak building, and indigenous art will be incorporated into the park and our heritage development.
	Indigenous Inclusion	Consultation with the Town and Mindeera Advisory Group on the proposed 'soft path' connecting Edward Millen Park and the adjacent Bush Forever site to the southeast.
<b>Biodiversity Enhancement</b>	Improved Natural Outcomes	Enhance shade by planting more native trees locally, aligning with climate resilience and native plant preservation. The precinct's kitchens will recycle organic waste, using it for compost in vegetable gardens or as feed for on-site small-scale livestock such as chickens and goats.

**Table 9** - Sustainability Summary

## 6.6 Waste Management

Stantec has prepared a Waste Management Plan (WMP) for the proposed development appropriate collection, storage, handling and transportation of waste and recycling, in accordance with the requirements outlined by the Town of Victoria Park and the WALGA's Commercial and Industrial Waste Management Plan Guidelines. The report is contained in Appendix 11.

Waste streams between the child care and commercial developments will be separated and collected at different times. The development will use the waste collection service provided by a private collector for the collection of general, recycling and FOGO waste. Waste collection for the child care centre is proposed to be undertaken four times a week, while the commercial tenancies are anticipated to be collected 7 times a week. Waste will be collected at different locations for each component to mitigate any perceived impacts from vehicular movements associated with waste collection. Waste for the child care will be collected in the carpark accessed via Baillie Avenue, while the hospitality waste will be collected from the carpark accessed from Hill View Terrace.

General, recycle and FOGO waste collections will be undertaken on-site and arranged to occur during off-peak hours or after normal business hours to minimise disruption to traffic operations as well as minimise any impacts to staff and tenants. Specialist contractors will need to be commissioned by the operators for the collection and disposal of liquid waste and bulk rubbish, as necessary.

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# 7. Conclusion

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*The heritage buildings within the Edward Millen Heritage Precinct are much loved by the Victoria Park community but have sat vacant for a number of years, resulting in an underutilised precinct.*

The revitalisation of the Edward Millen Heritage Precinct will play a key role in connecting residents and visitors to an exemplary feature of the Town's built form heritage through the activation and revitalisation of the buildings and adjacent reserve. The development delivers on the vision for the precinct developed through extensive community engagement by the Town, creating a range of commercial uses that will activate the precinct throughout the day and all days of the week. This will create a lasting destination for the Town within a rapidly growing area of Perth.

The development is highly compliant with the town planning framework relevant to the site, achieving the development requirements generally set out in local planning policies. Land uses are also consistent with the uses specified in the lease agreement, as required by clause 14 of the Town's Planning Scheme.

Technical considerations including parking, traffic movements and noise are demonstrated to fit well within the surrounding context with the proposed development creating no adverse impact on the surrounding residential context.

In light of the above, the proposed development is commended to the Town of Victoria Park and the Metro Inner-South Joint Development Assessment Panel for approval.



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# Appendix 1 - Certificate of Title

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# Appendix 2 - Architectural Plans

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# Appendix 3 - Architectural Report

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# Appendix 4 - Landscape Masterplan

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# Appendix 5 - Heritage Impact Assessment

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# Appendix 6 - Heritage Council Information

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# Appendix 7 - Traffic Impact Assessment

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# Appendix 8 - Acoustic Assessment - Child care

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# Appendix 9 - Acoustic Assessment - Rotunda & Mildred Creek Buildings

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# Appendix 10 - Sustainability Report

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# Appendix 11 - Waste Management Plan

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