

**Attachment 4 – Justification letter - Nos 467-493 (Lots 1-4) Albany Highway, Victoria Park - Development Application 5.2020.590.1 for New Commercial Building**

1 December 2020

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

Attention: Mr Sturt McDonald - Planning Officer

Dear Sturt

**APPLICATION FOR DEVELOPMENT APPROVAL  
PROPOSED COMMERCIAL (OFFICE) DEVELOPMENT  
LOTS 1-4 (NO'S.467-493) ALBANY HIGHWAY, VICTORIA PARK  
TOWN OF VICTORIA PARK (REF: 5.2020.590.1)**

We act on behalf of Giles Harden-Jones Architects & Zegna Building as their consultant town planners and refer to the Town's email correspondence to Giles dated 29 October 2020 and to this office on 23 November 2020 regarding the abovementioned application wherein it advised of a number of matters raised by the Town during the formal assessment process of the application. A key issue raised by the Town is the on-site car parking and potential of a short fall in parking.

The purpose of this correspondence is to address the on-site car parking matter only and that the other issues raised by the Town in its correspondence dated 29 October 2020 will be addressed by the applicant. Having regard for the on-site car parking matter, we hereby submit the following information prepared in support of the application for the Town's consideration in determining the application.

**PROPERTY DETAILS AND CONTEXT**

The subject land is located approximately 4 kilometres south-east of the Perth Central Business District (CBD) and is located within the 'Victoria Park Activity Centre' which contains a variety of shopping, entertainment, medical and employment activities. The land is situated on the south-eastern corner of the intersection of Albany Highway and Temple Street and also comprises frontage to a right of way to the rear of the site (see Figure 1 – Aerial Site Plan).

The subject land is irregular in shape, comprises a total combined lot area of 1,295m<sup>2</sup> and comprises frontage/access to a right of way to the rear of the site. It should be noted that the subject land does not comprise any significant mature trees (due to the historical development of the land).

The subject land has historically been developed and used for commercial purposes ('shop' use) on an uninterrupted basis for a number of years. It is noted that a number of the physical improvements on the land have been removed as part of the proposed re-development of the land.

On 13 December 2019 Metro Central Joint Development Assessment Panel (JDAP) granted approval for the construction of a four (4) storey mixed use development consisting of a shop, a café/restaurant, two (2) offices and nineteen (19) multiple dwellings (Ref: DAP/19/01631). It should be noted that the JDAP's approval included an on-site car parking shortfall of nineteen (19) bays. As part of the JDAP's approval and the Town's support for the development, it was established that the Town had taken into account the land's proximity to public transport, access to public parking and reciprocal use of bays with various uses.

In its consideration of the application, the Town should have due regard for the site location and context with the immediate area. As such, the land is located within close proximity and comprises convenient

access to the following key nodes:

- A high frequency bus route along Albany Highway and various other bus routes that are scattered throughout the area. It should be noted that the land is located approximately 650 metres from the Victoria Park Train Station that provides a direct link to the Perth Central Business District;
- The 'Perth Central Business District';
- The Victoria Park Activity Centre, which allows for reciprocal parking with various other uses within the centre;
- The Crown Entertainment Precinct and Optus Stadium';
- Access to a regional road network, including a regional cycle network; and
- On-street car parking and other car parking stations.



Figure 1 – Aerial Site Plan



Figure 2 – The immediate locality comprises good access to on-street car parking that will cater for the on-site car parking demand generated by the proposed development on the land.



As previously mentioned, the subject land comprises good access to an efficient local, district and regional road network. The Victoria Park locality is also well serviced by public transport (bus routes) along with various nearby roads including Albany Highway, Shepperton Road and access to the Victoria Park Train Station (see Figure 3 – Public Transport Network). The subject land is also well served by a pedestrian path network. It is contended that the subject land's good access to public transport and a pedestrian path network will provide an alternative form of transportation for the future occupants (employees) and patrons to the new commercial development on the land.



Figure 3 – Public Transport Network

### **Town of Victoria Park Local Planning Policy No.23 – ‘Parking Policy’**

The Town's correspondence dated 17 November 2020 identified that the proposed development will include an on-site car parking shortfall of ten (10) bays. Following further investigation, it has been identified that the Town's calculations included the office floor space and the associated storage. As outlined below, the inclusion of the storage area as part of the on-site car parking calculations is considered to be incorrect.

The application proposes that the new development on the subject land will comprise sixteen (16) on-site car parking bays with access from the rear right of way, it is significant to note that the road reserves directly abutting the subject land will contain a total of ten (10) on-street parking bays that could be used as part of any overflow demand or visitor parking.

It is also noted that the Town's Local Planning Policy entitled 'Parking Policy' allows for the use of tandem on-site car parking bays, which have been included as part of this application. The application proposes that the inclusion of ten (10) on-site car parking bays in a tandem configuration. It is also recognized that Clause 6.1(d) of the Policy allows for only one (1) of the two (2) tandem car bays can be included as part of the calculation (i.e. not the full complement of bays within a tandem configuration will be included). Therefore, only five (5) of the ten (10) tandem bays will be included as part of this application.

The application proposes that the use to be accommodated within the new development on the land is for 'Office' purposes. In reviewing the Town's Policy, the calculation for on-site car parking associated with an 'Office' use is one (1) bay for every forty (40) square metres of net floor area. It is observed that the definition of 'net floor area' refers to the meaning of 'plot ratio floor area'. To further examine this provision, the following definitions are included within Schedule B (entitled 'Definitions') of the Town of Victoria Park's current operative Local Planning Scheme No.1 to provide for a better understanding when calculating on-site car parking for the proposed development:

**Table 1 – Scheme Definitions**

TERM	DEFINITION
<b>Net floor area</b>	<i>For the purpose of determining car parking requirements under the parking policy, has the same meaning as "plot ratio floor area", but does not include any area of public fee paying car parks;</i>
<b>Plot ratio</b>	<p><i>Means the ratio of the gross plot ratio area of buildings on a development site to the area of land in the site boundaries;</i></p> <p><i>a) Residential Development: as defined by the R-Codes;</i></p> <p><i>b) Non-Residential Development: The ratio of the gross total area of fully enclosed covered areas of a building(s) on a site to the area of land in the site boundaries, excluding –</i></p> <ul style="list-style-type: none"> <li><i>• Toilets and bathrooms;</i></li> <li><i>• Lift shafts, stairs and stair landings;</i></li> <li><i>• Machinery, air conditioning, storage, equipment and plant rooms;</i></li> <li><i>• Lobbies and circulation spaces common to two or more tenancies;</i></li> <li><i>• Staff tea preparation, lunch areas or amenities;</i></li> <li><i>• Staff changeroom / locker facilities;</i></li> <li><i>• Areas used for the parking of vehicles at or below ground level;</i></li> <li><i>• Balconies, verandahs, terraces and courtyards; and</i></li> <li><i>• Space that is wholly below natural ground level;</i></li> </ul>

As outlined above, the definition for 'plot ratio floor area' excludes storage areas as part of the on-site car parking calculations. The application includes that each office tenancy will include a storage area to allow for the storage of archive material and office equipment storage associated with the future tenants for each office space. This is not uncommon and can be considered to be a bonafide storage area and can therefore be omitted from any on-site car parking calculation in accordance with the definition of 'plot ratio floor area'.

As previously mentioned, the Town's calculations included within its correspondence dated 17 November 2020 has identified an on-site car parking shortfall of ten (10) bays due to the Town's inclusion of the storage area for each tenancy as part of the calculations.

In light of the above, the following car parking calculations are provided to assist the Town's assessment of the application and have been formulated with due regard for the parking standards prescribed the Town's Local Planning Policy No.23 ('Parking Policy') and the relevant definitions prescribed within the Scheme:

**Table 2 - On-site Car Parking**

LAND USE	PRESCRIBED PARKING STANDARD	FLOOR AREA, NUMBER OF DWELLINGS	PARKING BAYS REQUIRED
Office	1 bay per 40m <sup>2</sup> of NLA	545m <sup>2</sup>	13.6 bays
<b>Total No. of bays required</b>			<b>14 bays</b>
<b>Total number of on-site parking bays provided</b>			<b>16 bays</b>
<b>Deduct the one (1) bay within each tandem configuration</b>			<b>5 bays</b>
<b>Actual total on on-site car parking provided</b>			<b>11 bays</b>
<b>On-site car parking shortfall</b>			<b>3 bays</b>
<b>On-street car parking bays</b>			<b>10 bays</b>

As demonstrated by the above table, the proposed development on the subject land will result in an on-site car parking shortfall of three (3) bays. The proposed variation to the Town's on-site parking requirements is justified on the following grounds:

1. The shortfall in on-site car parking bays is minimal and is considered unlikely to have any detrimental impacts upon the existing amenity, character, functionality and safety of the immediate locality, given that the subject land is located within a town centre environment.
2. The subject land is located within close proximity to a number of bus routes (public transport), including along Albany Highway. In addition, the subject land is located approximately 650m metres from the Victoria Park Train Station that provides direct access to the Perth CBD and a regional public transport network. The easy access to public transport will provide visitors, patrons to the commercial uses and staff associated with the development with an alternative mode of transportation to private car usage and help alleviate some demand for on-site car parking.
3. The Temple Street and Albany Highway road reserves comprise sufficient on-street car parking bays that will assist with catering for any overflow or increased parking demand for the development (see Figure 3). In addition, the Victoria Park Activity Centre comprises on-street car parking bays and various car parking stations scattered throughout, all within a walkable distance to the subject land.
4. As previously mentioned, the Town was supportive of an on-site car parking shortfall of nineteen (19) bays for the previously approved mixed use development on the land based on various merits including access the land's access to public transport and on-street public car parking. Given the Town's previous support for a greater on-site car parking shortfall than that proposed as part of this application, it is contended that the same approach can be applied in this instance.
5. The payment of a cash-in-lieu contribution for the parking shortfall is considered unnecessary in this particular instance given that the proposed development has adequate on-site car parking to satisfy the parking demand likely to be generated by the proposed uses of the land and the accessibility to public transport and on-street car parking.
6. As mentioned, the subject land is located within an Activity Centre which includes a wide range of uses (including shops, office, car yards, restaurants, taverns, medical centres etc). It is recognised that within Activity Centres and Town Centre, that there are instances wherein patrons tend to visit more than one (1) venue within the Centre at any given time. In addition, there a number of uses that have varying core business hours that would differ to the proposed office uses. For example, an 'office' and/or 'shop' use tend to operate between 9am to 5pm Monday to Friday (with the 'shop' also operating on Saturdays), with the peak periods associated with restaurants, cafes and taverns being after 6pm or on Sundays during the day. Given the difference in peak trading hours between the various commercial uses within the Activity Centre it is reasonable to conclude that the proposed on-street car parking bays within the Centre are more than capable of being shared without resulting in a significant car parking shortfall and associated conflict (i.e. opportunity for reciprocal parking arrangements).

7. In light of the above point, it is significant to note that a number of metropolitan local authorities have adopted a mechanism to provide on-site car parking concession for developments within an Activity Centre or within close proximity to a key public transport network (i.e. City of Vincent, City of Stirling etc.). The same should also apply within the Town of Victoria Park, given its premium access to public transport. Unfortunately, the Town has not implemented a similar planning mechanism that encourages public transport usage and reciprocal parking within an Activity Centre that is becoming common within the metropolitan area. As such it is concluded that the Town's Current Policy is a little outdated and needs to be reviewed. To assist the Town with understanding the varying Policy approach by other local governments, the following table provides for an on-site parking calculation for the proposed development on the subject land in context with the standards prescribed by other local governments:

**Table 3 – Comparison with Other Planning Framework**

LOCAL AUTHORITY	PLANNING DOCUMENT	PRESCRIBED PARKING STANDARD	CALCULATION
<b>City of Vincent</b> The Policy would identify the land as being within a Town Centre	Local Planning Policy No.7.7.1 entitled 'Non-Residential Development Parking Requirements'	1.5 bays per 100m <sup>2</sup> NLA (Definition of NLA includes the floor area of the tenancy, less staff rooms, amenities etc.)	Total Area – 791m <sup>2</sup> Bays required – 12 bays
<b>City of Stirling</b> The Policy allows for variations to the standard of 55% given the land's location within a town centre and proximity to public parking and public transport.	Local Planning Policy No.6.7 entitled 'Parking & Access'	1 bay per 30m <sup>2</sup> GFA (Definition of GFA includes the floor area of the tenancy)  In this case a deduction of 55% will be applied.	Total Area – 791m <sup>2</sup> Bays required – 12 bays
<b>City of Joondalup</b> The Policy allows for City centre.	Local Planning Policy – Joondalup City Centre Car Parking for Commercial Development	1 bays per 60m <sup>2</sup> NLA (Definition of NLA includes the floor area of the tenancy, less staff rooms, amenities etc.)	Total Area – 791m <sup>2</sup> Bays required – 13 bays

8. In light of the above, the proposed development on the subject land along with the associated on-site car parking is consistent with the planning framework applied by other local governments within an Activity Centre. This includes the calculation applied within this report wherein the storage area is not included as part of the on-site car parking calculation. In the instance that the Town elects to include the storage areas (contrary to the definition of 'plot ratio floor area'), then the on-site car parking requirements for the site will be 20 bays (resulting in a shortfall of nine (9) bays, This is considered to be inconsistent with the lower parking ratios/provisions applied by other local authorities for land located within an Activity or Town Centre.

Having regard for all of the above it is contended that number of on-site car parking bays provided in support of the new commercial development along with access to public transport and on-street parking, that the proposed development will have sufficient parking to cater for any demand generated by the proposed commercial uses on the land. Furthermore, the proposed shortfall in on-site car parking is consistent with the Town and JDAP's previous approval for the land which included a substantial on-site car parking shortfall. As such, there is merit for the Town's approval of the proposed parking shortfall for the land included as part of this application.



## EMERGENCY PLANNING REQUIREMENTS

On 30 April 2020, the Hon Minister for Planning signed a number of exemptions to planning requirements during the state of emergency caused by the recent Covid-19 pandemic. It is significant to note that Clause 5.1 of the notice issued by the Hon Minister affords local authorities to allow for an on-site car parking shortfall of up to ten (10) bays when considering applications for a change of use.

In light of the above, any change of use application considered for the site during the state of emergency could include the allowable shortfall in on-site car parking to be included. This will provide for some potential flexibility when considering alternative uses for the land in the near future.

## CONCLUSION

The subject land is located within an Activity Centre that comprises good access to public transport and on-street car parking. Furthermore, by being located within an Activity Centre, the subject land enjoys the opportunity to allow for reciprocal parking with various other uses within the Activity Centre that may have differing operating hours. This allows for greater usage of the on-street car parking within the area.

Despite the on-site car parking issues raised by the Town as part of its assessment, it is concluded that the proposed development is attractive, adopts key design features of other existing developments/built form within the area and provides for an active frontage to the public realm.

In light of the above information prepared in support of the application, we respectfully request the Town's favorable consideration and approval of the Application for Development Approval for the construction of a new commercial development on the subject land in accordance with the plans prepared in support of the application.

Should you have any queries or require any additional information regarding any of the matters raised above please do not hesitate to contact me on 0407384140 or [carlof@people.net.au](mailto:carlof@people.net.au).

Yours faithfully,



**Carlo Famiano**  
**Town Planner**  
**CF Town Planning & Development**

cc Mr Giles Harden Jones Harden Jones Architects)  
Mr Robert Zupanovich (Zegna Building)