



TOWN OF
VICTORIA PARK

Town of Victoria Park
Town Planning Scheme No. 1

Amendment No. 85

Summary of Amendment Details

Insertion of 'Restaurant/Café' as an additional (AA) use over
Lots 31, 32 and 33 Canning Highway, Victoria Park

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

Town of Victoria Park Town Planning Scheme No. 1 Amendment 85

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

(a) Insert the following into Schedule C: Additional Uses of the Scheme Text:

	Ref. No.	Land Particulars	Permitted Uses	Development Standards / Conditions
A57	57	No. 53-55 (Lots 31, 32 and 33) Canning Highway, Victoria Park on Plan 1741.	Restaurant/ Café (AA)	<ol style="list-style-type: none"> 1. Additional Use is restricted to the ground floor at the corner of Taylor Street and McCallum Lane. 2. Additional Use must address the street to the satisfaction of the Town. 3. The maximum net lettable area of any Restaurant/Café uses shall be 120m² in aggregate. 4. The Additional Use of Restaurant/Cafe shall be deemed to be an "AA" use for the purposes of the Scheme. 5. A development application for the Additional Uses is to be supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking.

(b) Modify Town Planning Scheme No. 1 Precinct Plan P4 'McCallum Precinct' by applying to the properties known as Nos. 53 & 55 (Lots 31, 32 & 33) Canning Highway, Victoria Park the notation 'A57' as the Reference Number for that property listed in Schedule C – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- (i) Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
- (ii) Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

1.0 INTRODUCTION

This report details a proposed amendment to the Town of Victoria Park's (the Town) *Town Planning Scheme No. 1* (TPS1), to facilitate the development of a restaurant or café within an approved six-storey residential building at Lots 31, 32 and 33 (No. 53 – 55) Canning Highway, Victoria Park (the subject site).

The subject site is currently zoned 'Residential' and allocated a density code of R80 pursuant to TPS1, which has facilitated the approval of the abovementioned residential development. The approved development currently allocates a space on the corner of Taylor Street and McCallum Lane for a communal resident lounge. Following constructive feedback received from the Town's Design Review Panel (DRP) on an initial development concept, it was made clear that the ground plane interface of the development with the adjacent public realm needs to be enhanced.

The proposed scheme amendment will facilitate the addition of a café or restaurant on the corner facing McCallum Park, activating the area and improving the interface with the surrounding streets and pedestrian environments. As detailed in this report, conditions are proposed on the additional use to ensure the orderly and proper development of the site in the future.

The addition of a ground floor commercial tenancy is commonplace in areas of high amenity and brings a number of benefits to the future residents of the building and wider community. By providing a tenancy which caters to the local community, the function of the residential precinct will improve as a result of the activated use encouraging a greater level of community interaction. A commercial tenancy would also be highly accessible to passing traffic from McCallum Park or the Principle Shared Path (PSP) along the Swan River. The connection between a small commercial tenancy and the Swan River will further activate McCallum Park and improve the passive surveillance of a large area of public open space.

The proposed incorporation of a café has been recommended by the Town's (Design Review Panel) in principle and is considered to be a positive outcome for the future residents of the approved residential building and the surrounding community.

2.0 BACKGROUND

On 19 September 2018 the first of several DRP Meetings took place between the Town, the DRP and consultants representing the landowner in relation to a concept development at the subject site. Feedback from the DRP prompted changes to the initial sketch design, removing one of two garage doors to the McCallum Lane frontage and replacing it with an active communal space. A 'Café' or equivalent was discussed as desirable from a street activation/surveillance standpoint. This land use, however, was also noted as an 'X' (prohibited) land use in the Residential zone under TPS1.

On 20 May 2019, a development application for 23 Multiple Dwellings (apartments) was lodged with the Town for the subject site. At its meeting held on 15 August 2019 the Metro Central Joint Development Assessment Panel (JDAP) conditionally approved the proposal. The approved plans feature a 'Communal Lounge' (for use by residents) at the lower ground floor corner of Taylor Street and McCallum Lane. This is in addition to other communal facilities on the upper ground floor.

Location

The subject site is located within the municipality of the Town of Victoria Park (the Town) within close proximity of the Perth CBD and Swan River, and adjacent to McCallum Park.

Site Area

The subject site has a combined area of 1,391m² and maintains frontage to Canning Highway, Taylor Street and McCallum Lane.

Ownership

The following table summarises the particulars of the Certificates of Title.

Lot	Plan/Diagram	Area	Vol/Fol	Registered Proprietor
31	P001741	485m ²	2154/588	Kingsfort Vp Pty Ltd
32	P001741	453m ²	1450/881	Kingsfort Vp Pty Ltd
33	P001741	453m ²	1450/881	Kingsfort Vp Pty Ltd

Current & Surrounding Land uses

The site is currently surrounded by a mix of commercial and residential development, as well as public open space. The site is located in close proximity to a number of fast food outlets on Canning Highway and opposite commercial buildings containing offices and tyre repair tenancies.

The residential development along the corridor has increased over the last decade with a series of apartment buildings being constructed on the neighbouring sites in 2014. Other residential development in the area and abutting Canning Highway is typically medium to high density multiple dwellings.

The site is located on a high frequency bus route as well as being located 600 metres from the Victoria Park Bus Transfer Station.

Physical Characteristics

The site currently contains a single house and commercial building, both of which are intended to be demolished.

Infrastructure

The site is currently connected to all normal urban services including power, water, sewer, telecommunications and gas.

3.0 LOCAL PLANNING CONTEXT

Perth and Peel @ 3.5 Million

The Perth and Peel @ 3.5 Million framework is an overarching suite of documents, which builds on the vision established under Directions 2031. It aims to achieve a more consolidated urban form to meet long-term housing needs and strengthen key activity centres and employment nodes as the Perth and Peel population grows to 3.5 million. The framework guides infill development to increase residential housing choice and to reduce the need for people to commute long distances for work.

The subject site is located within the 'Central Sub-Region' which is identified as having the following priorities considered relevant to the proposed amendment:

- *Identifying targeted increases in the density and diversity of mixed-use development, housing and employment that have the most potential to occur in activity centres, industrial centres, urban corridors and station precincts.*
- *Achieve more consolidated urban form and development within the sub-region.*
- *Strengthen key employment centres, including activity centres and industrial centres to meet the future needs of industry, commerce and the community.*
- *Ensuring urban consolidation precincts have access to existing and future high-frequency public transit including bus and rapid bus transit routes, passenger rail.*

The Central Sub-Regional Planning Framework identifies the subject site as being located in the Canning Highway 'Urban Corridor'. In reference to the desired built form outcome along the urban corridors, the sub-regional framework states the following:

Some urban corridors are predominantly residential and may contain minor commercial or mixed-use development dotted along their length. Other urban corridors have a more even balance of both residential and commercial land uses, while others contain mostly commercial and office development.

Urban corridors should be examined for opportunities to increase residential and mixed-use densities, where appropriate, when reviewing a local planning strategy, local planning scheme and/or preparing a structure plan.

Town of Victoria Park Local Planning Strategy

The Town does not currently have an active Local Planning Strategy (LPS). However, a draft LPS was presented to Council on 21 April 2020 whereby it was resolved to endorse the draft LPS for a public submission period of eight (8) weeks following certification of the document by the Western Australian Planning Commission.

The draft LPS identifies the subject site within the McCallum-Canning Precinct. The objectives for the precinct are:

- *To encourage intensification of mixed-use development around the intersection of Canning Highway and Berwick Street, with residential above ground floor on primary streets, commercial activities that add to the creation of a riverside destination, and where appropriate, community benefits.*
- *To require the coordination of detailed planning, development and subdivision within sub-precincts, having regard to the interface with adjoining residential areas and improvements to the public realm.*

Relevant to the site, a key action for the precinct is to transition the current TPS1 Residential R80 and R60 areas into the future Local Planning Scheme No. 2.

Metropolitan Region Scheme

Under the *Metropolitan Region Scheme* (MRS) the subject site is zoned 'Urban', which is appropriate to support the proposed amendment.

A portion of the site is also reserved under the MRS for 'Primary Regional Roads' for the purposes of future road widening on Canning Highway. Future development on the site will need to be setback outside of the road reservation.

Town of Victoria Park Local Planning Scheme No.1

Under the *Town of Victoria Park Town Planning Scheme No. 1* (TPS1) the subject site is zoned 'Residential' and allocated a density code of R80.

The area covered by TPS1 is split up into a series of precincts. The subject site is located within Precinct 4 – McCallum Precinct and subject to a precinct plan. The precinct plan for the McCallum Precinct provides the following Statement of Intent:

The McCallum Precinct's role as a major node of recreational and leisure activity, with adjacent commercial and residential uses will be enhanced. Further development will also serve to enhance and promote the precinct as a tourist attraction on the basis of its waterfront setting.

Development will be concentrated in two areas. Further commercial development will be encouraged in the area centred around Berwick Street/Canning Highway intersection. Uses such as offices and showrooms are considered to be appropriate. High density, high quality residential uses will be encouraged in the second area which follows the alignment of Canning Highway, and backs onto the Park.

McCallum Park should be maintained as the focus of the precinct. High standards of building design appropriate to the precinct's prominent regional location will be encouraged. New development must be of a scale consistent with existing structures so new buildings do not dominate the parklands. Emphasis will be placed on improving the Canning Highway streetscape through landscaping and car parking arrangements.

Public spaces, such as McCallum Park and streets should be enhanced and maintained so they contribute to the pleasant and attractive environment of the precinct. The precinct will be safe, interesting and accessible for people on foot, bicycles and vehicles.

4.0 PROPOSAL

This request proposes to amend TPS1 to include the additional use of ‘restaurant/café’ on the subject site. This amendment will facilitate the future development of a commercial tenancy on the corner of the subject site, within the approved residential development. This tenancy will improve the approved development’s interface and activation of the public realm leading into McCallum Park.

It is proposed that this use be restricted to the ground floor and be required to address the street.

The proposed amendment is detailed in the below table which is proposed to be added to Schedule C – Additional Uses of TPS1.

	Ref. No.	Land Particulars	Permitted Uses	Development Standards / Conditions
A57	57	No. 53-55 (Lots 31, 32 and 33) Canning Highway, Victoria Park on Plan 1741.	Restaurant/Café (AA)	<ol style="list-style-type: none"> 1. Additional Use is restricted to the ground floor at the corner of Taylor Street and McCallum Lane. 2. Additional Use must address the street to the satisfaction of the Town. 3. The maximum net lettable area of any Restaurant/Café uses shall be 120m² in aggregate. 4. The Additional Use of Restaurant/Cafe shall be deemed to be an “AA” use for the purposes of the Scheme. 5. A development application for the Additional Uses is to be supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking.

Planning Justification

The proposed amendment is considered to closely align with the Perth and Peel @ 3.5 Million documentation and more specifically with the statement of intent and designation of Canning Highway as an ‘Urban Corridor, through improving the mixed use development potential of the subject site whilst accommodating the high density residential capacity in the existing planning framework.

The proposed amendment aligns with the McCallum Precinct Statement of Intent under TPS1 as follows:

- The proposed scheme amendment will facilitate a use which will activate and enhance the area facing McCallum Park. The proposed amendment will facilitate the development of uses which make the prominent waterfront area accessible to more members of the community.
- The subject site is located within the “high density, high quality residential area”. The proposed uses are considered to be consistent with contemporary high density residential development and an important ground floor component. The services provided by the future restaurant and café will service the residents of this high density residential community in an appropriate location fronting a prominent source of natural amenity – McCallum Park and the Swan River.
- The uses sought by this request will not detract from McCallum Park. The uses will improve the interface and connection of the site with the public space of McCallum Park through activation and publicly accessible tenancies.
- The activation at ground level will improve the safety of the precinct through increased passive surveillance of McCallum Park and the surrounding car parks.

- A commercial tenancy in this area is highly accessible to the surrounding community through alternative modes of transport such as walking and cycling. The site is accessible to the wider community by the PSP which runs along the Swan River.

Pursuant to Clause 17. Additional Uses of TPS1, an additional use can be added to a site where that use is currently an 'X' use under the Zoning Table. The uses of 'restaurant/café' are 'X' uses within the Residential zone and are not currently capable of receiving planning approval on the subject site.

The below table demonstrates the consistency of the proposed scheme amendment with the requirements of TPS1.

Cl. 17 (3) – The Council is not to initiate an amendment under subclause (2) unless it is satisfied that –

TPS1 Provision	Response
<i>(a) a development involving the proposed additional use would be consistent with -</i>	
<i>(i) the orderly and proper planning of the locality;</i>	The activation of the corner of the approved residential building has been recommended by the Town's DRP. The proposed scheme amendment will facilitate a more holistic development of compatible uses in a prominent urban corridor. The proposed amendment is consistent with State planning direction for mixed use, high density development along urban corridors.
<i>(ii) the conservation of the amenities of the locality; and</i>	The proposed amendment will facilitate the future activation of the corner of this site, which directly fronts onto McCallum Park. The proposed amendment will facilitate a use that will provide mutual benefit afforded by the amenity of McCallum Park in that it will facilitate the optimal use and enjoyment of the park.
<i>(iii) the statement of intent set out in the relevant precinct plan.</i>	Refer above.
<i>(b) the use of the specific site for that purpose would not have any undue adverse effect on -</i>	
<i>(i) the occupiers and users of the development;</i>	The proposed use of a 'restaurant/café' has been presented in this scheme amendment because they will not have any adverse effect on the residential dwellings in the approved development or surrounding residential precinct. These uses are commonly accommodated in multi-storey residential buildings to provide the desired street activation because they do not produce significant noise, odour or vibrations.
<i>(ii) the property in, or the inhabitants of, the locality; or</i>	The future development of a café or restaurant is considered to provide a positive service to current and future landowners in the area. The tenancy will be based on local demand and servicing the needs of the surrounding community. The proposed uses will not have any adverse impacts on the surrounding community.
<i>(iii) the likely future development of the locality.</i>	The activation of the corner of the approved residential building has been recommended by the Town's DRP as a part of the approval of a multi-storey residential development on the site. The proposed scheme amendment will facilitate the future development of the site in a manner that provides increased amenity to the community.

Opportunities, Constraints and Issues

The additional 'restaurant/café' use affords a number of benefits to residents and the local community, through the provision of local amenity, improve activation and passive surveillance of the public realm and adjacent McCallum Park, facilitate local economic development and job creation, as well as contribute to a greater level of community interaction.

There are no constraints that affect the subject site or the additional 'restaurant/café' use proposed with respect to heritage, contamination, bushfire or acid sulphate soil considerations.

5.0 CONCLUSION

This scheme amendment seeks to facilitate the development of restaurant or café on the ground floor of an approved multi-storey residential building.

The scheme amendment is considered to be a standard amendment and proposes to add the additional uses of 'restaurant/café' to the subject site as discretionary (AA) uses, with accompanying conditions.

The proposed scheme amendment is consistent with the Statement of Intent of the McCallum Park Precinct, where the subject site is located under TPS1. This proposal is also considered to closely align with the objectives of the Perth and Peel @ 3.5 Million framework and more specifically, the objectives of the Central Sub-Region and Canning Highway 'Urban Corridor'.

The proposed scheme amendment will facilitate the development of a ground floor commercial tenancy in an area which was identified by the Town's DRP as requiring activation. The commercial tenancy will provide activation and passive surveillance to McCallum Park and the associated public open space and improve the connection of the high density residential precinct to the Swan River.

The proposed scheme amendment is considered to be consistent with the applicable planning framework and has been recommended by the Town's DRP.

Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Town of Victoria Park Town Planning Scheme No. 1
Amendment 85

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

(a) Insert the following into Schedule C: Additional Uses of the Scheme Text:

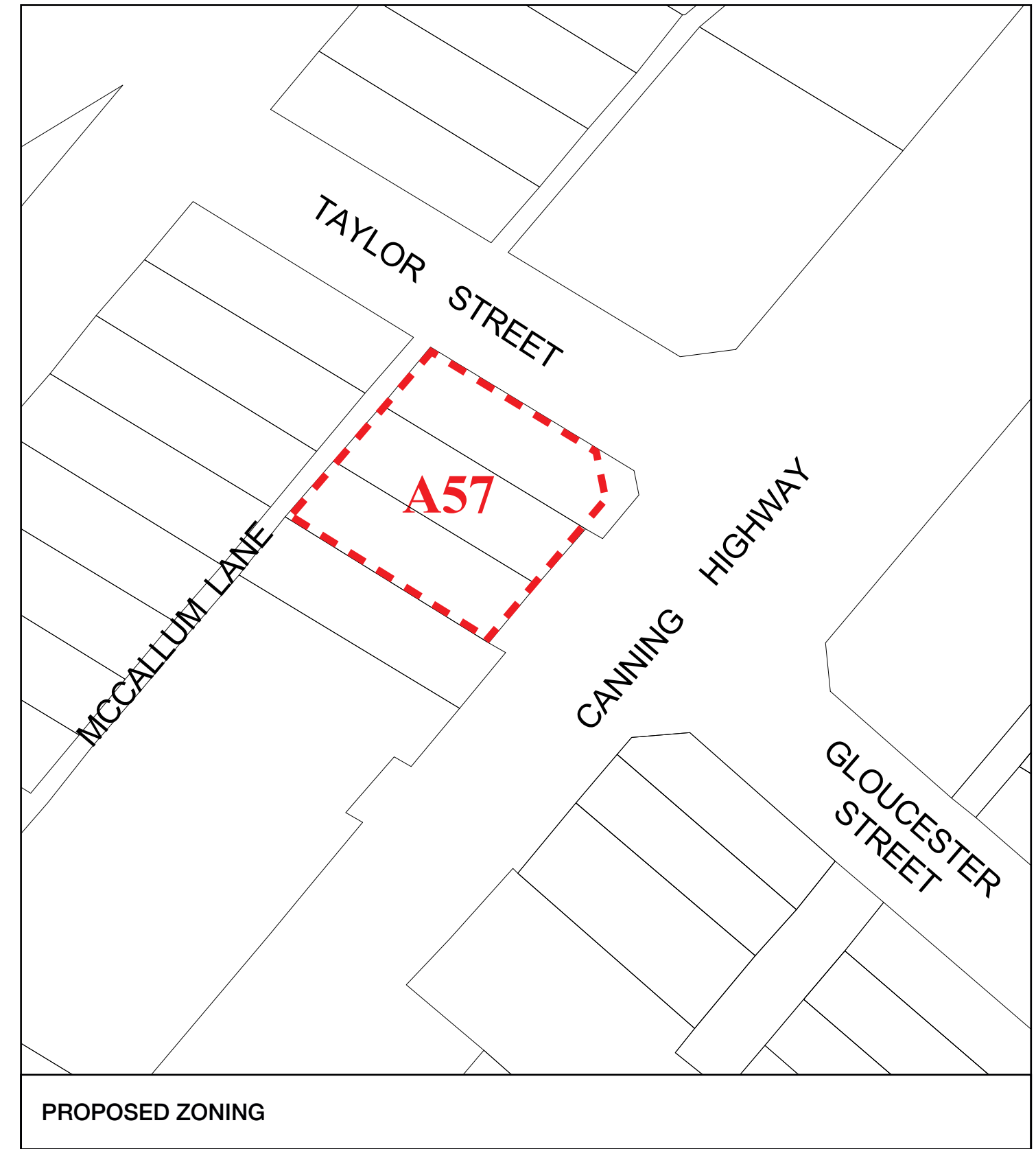
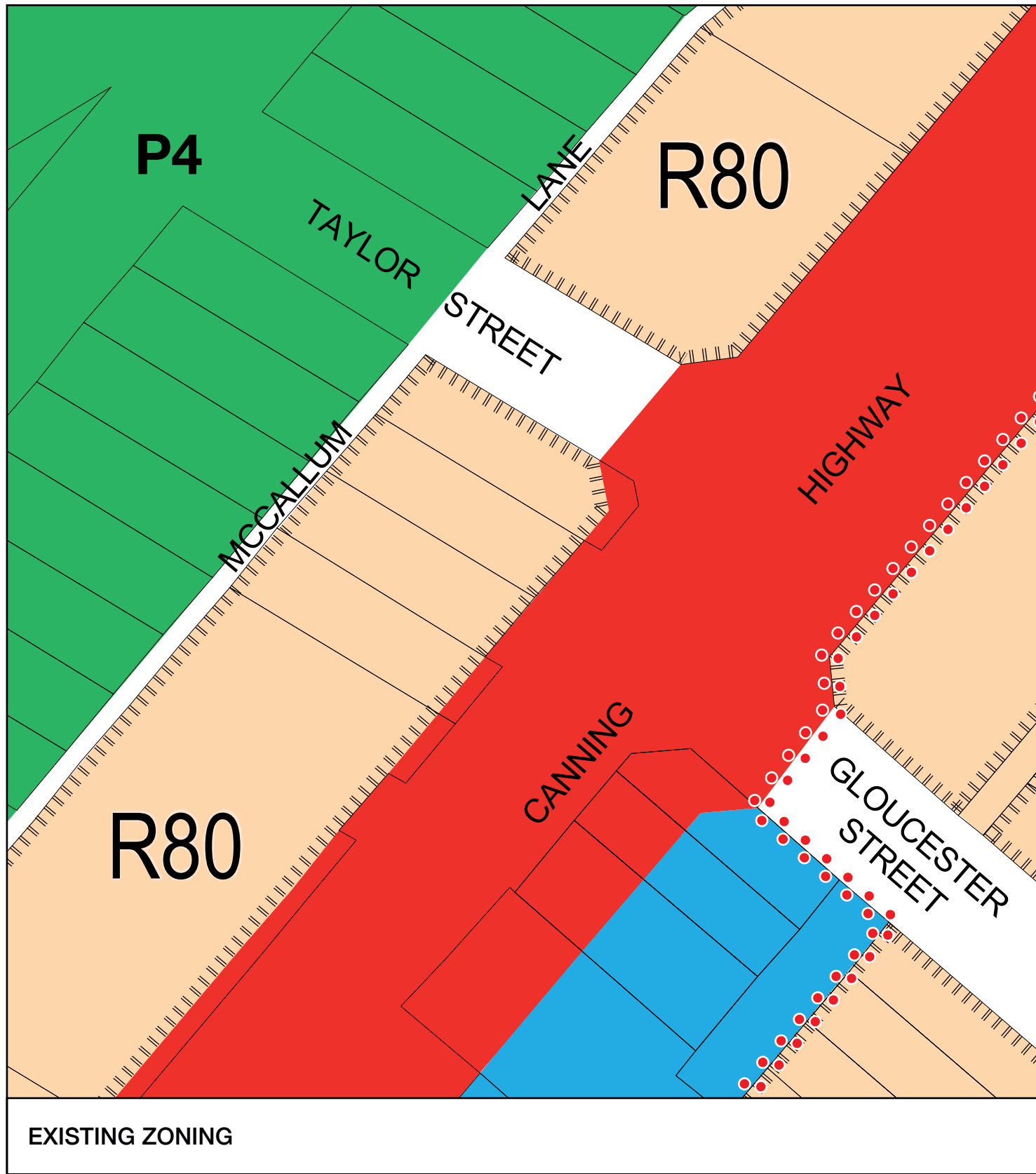
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The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

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AMENDMENT MAP



PLANNING AND DEVELOPMENT ACT 2005

REGION SCHEME RESERVES (MRS)

- Parks and Recreation
- Primary Regional Roads

LOCAL SCHEME ZONES

- Commercial
- Residential

OTHER CATEGORIES

- R20 R Codes
- A1 Additional Uses
- P4 McCallum Precinct



TOWN PLANNING SCHEME NO.1
AMENDMENT NO. 85

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 21st day of April, 2020.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 21st day of April, 2020, proceed to advertise this Amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support / not to be supported] by resolution of the Town of Victoria Park at the Ordinary Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the Town of Victoria Park was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

.....

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....