

(To be confirmed 13 March 2018)

Request for Amendment to Town Planning Scheme No. 1 to Recode No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R40/R60

File Reference:	PLA/7/78
Appendices:	No
Landowner:	J. Hawkins, R. Hawkins and P. Strickland
Applicant:	I. Birch
Application Date:	27 July 2017
DA/BA or WAPC Ref:	N/A
MRS Zoning:	Urban
TPS Zoning:	Residential R30
TPS Precinct:	Precinct P12 - 'East Victoria Park'
Use Class:	N/A
Use Permissibility:	N/A
Date:	31 January 2018
Reporting Officer:	J. Gonzalez
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – Council resolve to initiate an Amendment to Town Planning Scheme No. 1, to recode the property at No. 384 (Lot 3) Berwick Street, East Victoria Park from Residential R30 to R40/60.	
<ul style="list-style-type: none"> • A request has been received to amend the Town Planning Scheme by recoding the subject property from 'Residential R30' to 'Residential R40/60'. • The subject property is adjoined by non-residential uses and is separated from residential dwellings in the Residential R30 zone. • Specific development standards are proposed to ensure that any future development of the site is of a suitable built form. • Council resolved at its meeting in October 2017 to undertake preliminary community consultation regarding the requested Amendment. 13 submissions were received objecting to aspects of the requested Amendment. • The applicant has responded to the submissions received and now proposes to restrict vehicular access between the site and Baillie Avenue/Carson Street to an entry only, with the principal vehicle access being a left-in/left-out arrangement to Berwick Street. • It is recommended that Council initiate the proposed Amendment. 	

TABLED ITEMS:

Nil

BACKGROUND:

The existing two storey building on the site was built by the Commonwealth Government to house the National Archives in 1974. The government sold the property in 2001 and has continued on leasing the building since this time, however the current lease is to expire in 2018 and the government has advised the owners of

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the property that they do not wish to renew the lease and therefore the property will be vacated.

In response to a written request from the applicant to recode the subject site, the Council at its Ordinary Meeting on 10 October 2017 resolved as follows:

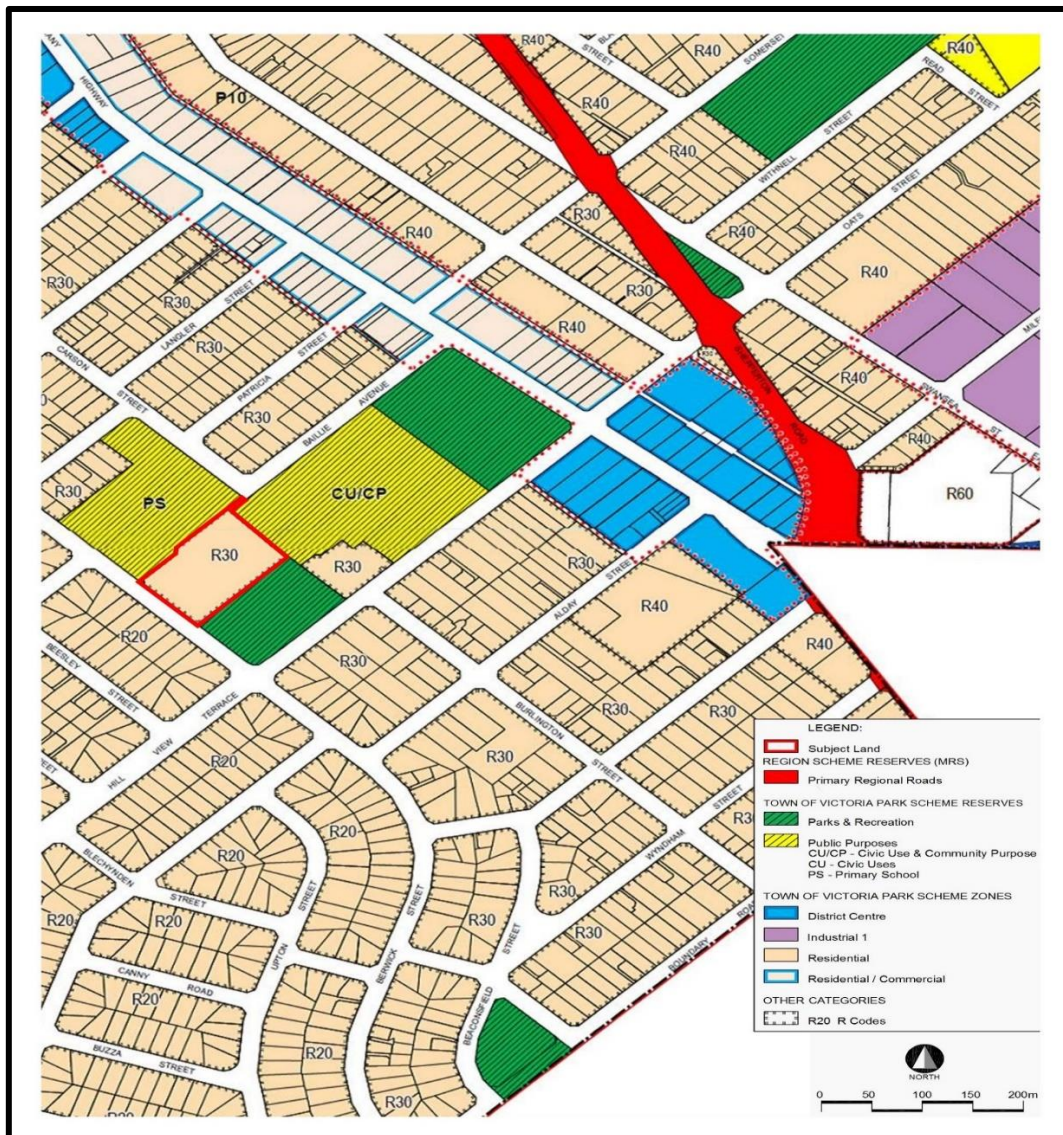
- “1. In accordance with Local Planning Policy 37 ‘Community Consultation on Planning Proposals’ Council resolve to undertake 21 days preliminary consultation on the proposal:*
 - 1.1 Modify Town Planning Scheme No. 1 Precinct Plan P12 ‘East Victoria Park Precinct’ by recoding the property known as No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R40/60.*
 - 1.2 Modify Town Planning Scheme No. 1 Precinct Plan P12 ‘East Victoria Park Precinct’ by inserting the following design standards for the property at No. 384 (Lot 3) Berwick Street as follows:*
 - 1.2.1 Development shall consist of a series of individual buildings, clustered around a central, common courtyard;*
 - 1.2.2 Separation between buildings shall be sufficient to reduce the overall perception of building bulk and to achieve acceptable levels of solar access and natural ventilation to each building;*
 - 1.2.3 Apartments design should achieve high design standards, as prescribed within Council’s Local Planning Policy 33 – ‘Guide to Concessions on Planning requirements for Mixed-Use, Multi Dwelling and Non-Residential Developments’;*
 - 1.2.4 Development should follow the natural topography of the land and gradually step down in height from 3 storeys on Berwick Street (to support R60) to 2 storeys at the rear (to support R40);*
 - 1.2.5 Car parking shall generally be below ground, largely concealed from view;*
 - 1.2.6 Open space/landscaping should be provided in useable parcels;*
 - 1.2.7 Boundary setback to the primary school shall be a minimum of 12.0 metre, to allow two way traffic; and a minimum of 6.0 metre to all other boundaries, with opportunity for access to emergency vehicle requirements;*
 - 1.2.8 Bushfire Management requirements are to be applicable with respect to the neighbouring Hill View Bushland, being a bushfire prone area;*
 - 1.2.9 General Vehicular access shall predominantly be taken from Berwick Street as Left-in and Left-Out access arrangement only, with the construction of a solid median on Berwick Street; and*
 - 1.2.10 A secondary access from/to Carson Street/Baillie Avenue may be considered for a moderate and slow two way traffic and subject to a Traffic Impact and Road Safety Assessment.*
- 2. The following advice being included in all advertising notices and consultation letters circulated:
The proposal is available for inspection and public comment prior to Council determining whether or not to formally initiate the Scheme Amendment process*

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to alter the current provisions of the Town of Victoria Park Town Planning Scheme No. 1. Your written comments are welcome and will be considered by Council prior to determining whether or not to formally initiate the Scheme Amendment process.”

DETAILS:

The proposal requests a recoding of the property located at No 384 (Lot 3) Berwick Street, East Victoria Park (refer to map below, with the subject property being bordered by a red line and having the notation R30 on it). The property has a land area of 11,029m² and while currently coded R30 is physically separated from other R30 coded land by other land uses.



The subject site is adjoined by:

- ‘Parks and Recreation’ land under the care of the Town of Victoria Park, along the south-east boundary (known as the ‘Hillview Bushland’);
- ‘Public Purposes Use: Civic Use & Community Purpose’ land (Edward Millen House and Park) including associated buildings occupied by the Disability

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- Services Commission of WA, along the north-east boundary; and
- 'Public Purposes Use: Primary School' land to the north-west boundary (Carson Street Primary School).

The residential development on the opposite side of Berwick Street is zoned Residential R20.

The main access to the site (National Archives) is currently from/to Berwick Street with there also being access to Carson Street/Baillie Avenue through a driveway located between the primary school and the Edward Millen House.

In support of the requested Amendment the applicant has submitted both a planning report and Traffic Impact Assessment, which are described further below and have been provided to Elected Members under separate cover.

The applicant's planning report received on 27 July 2017 partially states:

- *"The site is regular in shape, and with an area in excess of one hectare, can readily accommodate higher density development. Development of multiple dwellings, whether as a normal housing development or for aged care/retirement housing, provides opportunity for more efficient use of space; with consolidated access and car parking and larger (more useable) areas of open space;*
- *The site has access from both front (Berwick Street) and rear (Carson Street/Baillie Avenue). This allows flexibility in design for both vehicle and pedestrian access. However, with respect to Berwick Street, vehicle access will require traffic impact assessment and may be limited to left in/left out or restricted further to simply service and emergency access. These are matters that would require detailed assessment at development application stage;*
- *Public transport is available along Berwick Street, Hill View Terrace and Albany Highway. The circle bus route on Hill View Terrace offers a 15 minute service across the city;*
- *Retail (including The Park Centre shopping centre), dining/entertainment, some public services and general commercial uses are located nearby along Albany Highway. Curtin University and Carlisle TAFE are a short distance away, connected by the circle bus route; and*
- *Public open space immediately to the east and north of the site provides attractive amenity for future residents."*

The applicant within its letter states, *"With our aging population, the rapidly growing need for such facilities is widely recognised and it has been identified that there are relatively few facilities of this type in the area. For all of the reasons outlined in section 6 above, the land is ideally suited to a development of this nature:*

- *being of sufficient size to accommodate the necessary scale of development,*
- *located close to all amenities, and*
- *will sit comfortably within its surrounds, which comprise larger scale properties and uses which are not sensitive to higher density development."*

Legal Compliance:

Planning and Development Act 2005

- Part 5 Local Planning Schemes, Clause 75 'Local Planning Scheme may be Amended' states:

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“A local government may amend a local planning scheme with reference to any land within its district, or with reference to and within its district and other land within and adjacent district by an amendment.”

Regulation 35(2) contained within Part 5 - Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a resolution of a local government to prepare or adopt an amendment to a local planning scheme to do the following:

- “(2) A resolution must –
- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
 - (b) include an explanation of the reason for the local government forming that opinion.”

Should Council resolve to initiate an amendment to the Scheme, it must be undertaken in accordance with the provisions set out in Part 5 ‘Local planning schemes’ of the *Planning and Development Act 2005*. The amendment process includes a public consultation period of 42 days, advertisement in a newspaper circulating within the district, a sign on site and letters to surrounding owners and occupiers. The Council would then consider any submissions received and determine whether to adopt the proposed amendment or recommend to the WAPC that the proposed amendment be modified or not supported.

The Hon. Minister for Planning is ultimately responsible for determining the Scheme Amendment.

Submissions:

Community Consultation:

In accordance with Council’s Local Planning Policy 37 ‘Community Consultation on Planning Proposals,’ the proposal was the subject of preliminary community consultation for a period of 21 days, with letters being sent to owners and occupiers of affected properties. The consultation process started on 24 October 2017 and finished on 13 November 2017. During the preliminary consultation period, 13 submissions were received.

The table below groups the submissions together based upon the issues raised, and includes an Officer’s response.

CONSULTATION SUBMISSIONS	
Comments Received	Officer’s Comments
Eleven (11) submissions objecting to additional vehicular traffic on Carson Street and Baillie Avenue and requesting that the only vehicular access to the subject property should be taken from Berwick Street.	Noted. Following discussions with Council Officers and in response to the public submissions received, the applicant now proposes to restrict vehicle access to Baillie Avenue/Carson Street to an entry only, with the primary access point being Berwick Street.

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<p>Nine (9) submissions objecting to the proposed recoding from R30 to R40/60.</p>	<p>Not supported. As described elsewhere within this report, given the site context, including there being non-residential uses on the adjoining properties, an increase in R-Coding is considered to be acceptable and one which will have a minimal impact upon the amenity of the area.</p>
<p>Nine (9) submissions make reference to the existing school for children with disabilities on Carson Street abutting the subject site, and there being traffic congestion within this area with buses and vehicles from parents parking on the street, especially during peak hours. Therefore additional vehicular traffic to/from the site will worsen the existing traffic congestion, and will result in potential danger for school children.</p>	<p>Noted. The applicant has now modified vehicle access to Carson Street/Baillie Avenue to an entry only. In this modified form, there will be minimal conflict between school related parking and vehicles associated with the subject site.</p>
<p>One (1) submission stating no issues with a nursing home or aged care facilities if access is not from Carson Street/Baillie Avenue but from Berwick Street.</p>	<p>Noted.</p>
<p>Two (2) submissions expressing concerns in relation to privacy issues due to overlooking of the school from any proposed development on the subject site.</p>	<p>Noted. This is a matter for consideration as part of a future development application for the site, although noting that the visual privacy provisions of the R-Codes are not applicable where a development overlooks a non-residential property. Furthermore having windows overlooking a non-residential property provides opportunity for passive surveillance and increased security to the school.</p>
<p>One (1) submission objecting to any potential accommodation for people over 55.</p>	<p>Noted.</p>
<p>One (1) submission objecting to the proposed rezoning as it will impact on the adjacent community bushland that provides a haven for native flora and fauna.</p>	<p>Not supported. An increase in the density of development on the private property will have no adverse impact upon the amenity of the adjacent bushland.</p>
<p>One (1) submission objecting to the proposal due to: high density, multi-storey developments, additional noise, traffic pollution, air quality, cutting down trees.</p>	<p>Not supported. As per the R-Codes, a density coding of R40/60 is considered to be medium density, not high density. A building of 2-3 storeys height is considered acceptable given the site context. Any proposed tree removal is a</p>

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	matter for consideration as part of any future development for the site.
One (1) submission suggesting that rezoning of the site should be considered in conjunction with the rezoning of neighboring properties along Berwick Street from Whittlesford Street to 383 Berwick Street (currently zoned R20) and properties along Patricia Street and Langer Street from 1 Baillie Avenue to 21 Baillie Avenue.	Not supported. An increase in the density coding of the subject site is supported based upon the location and site specific circumstances of the property. Potential recoding of other properties is a matter for consideration as part of the preparation of a new Town Planning Scheme in the future.

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation Actions
The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. It is possible that the Minister may decide to refuse or modify the Amendment notwithstanding Council's resolution	Moderate	Unlikely	Moderate	Provide sufficient justification for the proposed Amendment.

Strategic Plan Implications:

Environment

EN1 – Land use planning that puts people first in Urban Design, allows for different housing options for people with different housing needs and enhances the Town's character.

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Social Issues:

Nil

Environmental Issues:

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Nil

COMMENT:

Council has received a formal request from the applicant to initiate an Amendment to Town Planning Scheme No. 1. The Amendment proposes to re-classify the subject property from 'Residential R30' to 'Residential R40/60' to provide scope for the future development of the site, potentially with aged persons dwellings, a nursing home and/or standard residential dwellings.

Density and built form

Based on the site area of 11,029m² and the current density coding of R30 the subject property can potentially accommodate up to 36 Single Houses or Grouped Dwellings (ie. townhouses).

Under the provisions of Town Planning Scheme No. 1, Multiple Dwellings (ie. apartments) are only permitted on land with a density coding of R40 and above. In this respect, given that the subject property is coded R30, Multiple Dwellings (for occupation by aged persons or otherwise) would not be permitted on the site, in which case any residential development on the site would comprise either Single Houses or Grouped Dwellings (ie. townhouses).

Having regard to the size and location of the property, including the property being directly adjoined on all boundaries by non-residential land uses, it is accepted that there is potential to accommodate more intensive development on the site than that permitted by the current R30 code (36 townhouses), with limited impact on the surrounding properties. Furthermore, Multiple Dwellings are considered to be an acceptable dwelling type given the site's location.

In respect to Multiple Dwellings, it should be noted that in accordance with the Residential Design Codes, there is no density control for Multiple Dwellings, with the number of dwellings being indirectly determined by other built form controls such as plot ratio, setbacks, building height, car parking etc. In this respect, noting that the applicable plot ratio for R40 and R60 is 0.6 and 0.7 respectively, and noting average unit sizes of 70m² on the concept plans, this may result in a dwelling yield of around 110 units.

The applicant has on two occasions presented concept plans to the Council's Design Review Committee (DRC) for the site, with aged dwellings and associated facilities. As a result the applicant has prepared preliminary concept plans showing approximately 120 units surrounded by green areas and below ground parking, to demonstrate the possible type and form of development that could occur on the site, if the proposed density coding of R40/60 were supported. A copy of these concept plans were provided to Elected Members under separate cover for the Council Meetings in October 2017. It should be emphasised that the concept plans are indicative only, and while useful in providing a visual illustration of what could occur, a different development proposal may be ultimately submitted for the site as part of a future application for development approval, if the requested Amendment is initiated and gazetted.

When reviewing the proposed concept development plans the DRC commented on

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possible opportunity to increase the height of the proposed multiple dwellings interfacing with Berwick Street from two (2) storeys to three (3) storeys.

Additionally the DRC identified some design elements to be considered as minimum requirements for any future development within the subject site:

1. The development should be broken up into a series of individual buildings, as opposed to one or two large 'institutional' type buildings;
2. Buildings should be located on site to achieve acceptable levels of solar access and natural ventilation;
3. Apartments design should achieve high design standards, as prescribed within Council's Local Planning Policy 33;
4. Development should follow the natural contours of the land and gradually step down in height from 3 storeys on Berwick Street to 2 storeys at the rear;
5. Car parking should generally be concealed;
6. Open space/landscaping should be provided in useable parcels and include a landscape spine through the centre of the development; and
7. Boundary setbacks should have due regard for impact of development on neighbouring properties, address emergency vehicle access requirements and will have to observe bushfire management requirements with respect to neighbouring Hill View Bushland.

While an increase in the density coding of the site is consistent with the State Government's urban infill objectives and increased dwelling density targets, the Town is able to satisfy these objectives through additional density in other parts of the Town. However Council Officers accept that additional density on the site is warranted and will have no detrimental impact upon the amenity of the surrounding area if appropriately controlled.

In support of the requested Amendment, the applicant refers to the aging population and the need for facilities to accommodate this growing sector of the community. However the requested Amendment does not seek to limit a density coding of up to R60 to aged persons dwellings exclusively, and would otherwise allow the site to be developed with standard residential units at an R60 density. The initial support provided by Council Officers for a recoding of the site to R60 was on the basis of the site being developed for aged persons purposes, given the lack of such dwelling types in this part of East Victoria Park and in close proximity to Albany Highway, and the less obtrusive impact that a higher density development of this dwelling type would deliver (generally less vehicle movements, noise etc) in comparison to a standard R60 residential development without any occupancy restrictions.

Additionally it is considered that there is sufficient opportunity for the development of Multiple Dwellings at an R60 density or above in other parts of the Town, whereas there is limited land availability to develop purpose built aged persons developments/complexes.

In view of this, and considering the public submissions received, it is proposed to introduce an additional development standard for the site, which allows for development of the site at an R60 density only where the use is aged persons dwellings (including in a Multiple Dwelling form). Alternatively an R40 density coding will apply if the site is developed with standard residential dwellings with no

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occupancy restrictions.

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Traffic Impact

The site is currently accessed from/to Berwick Street which is a Primary Distributor Road under the Town's functional road hierarchy. In addition there is a secondary access, connecting the site with Carson Street and Baillie Avenue.

In support of the proposal, the initial traffic assessment modelling undertaken by the applicant's consultant was based upon all vehicle access to/from the site being via Baillie Avenue/Carson Street. The traffic assessment provided at that time, modelled two options being the development of the site with residential apartments only, and the other being a nursing home and independent living units for aged persons, with the estimated daily traffic generation being 610 vehicles and 583 vehicles respectively (or peak hour generation rates of 98 vehicles and 65 vehicles respectively).

As stated in the Officer's report to the October 2017 Ordinary Council Meeting:

"The principal matter for consideration that would result from an increased intensity of development of the site would be in relation to use of the access onto Carson Street/Baillie Avenue that will result in additional traffic to the existing residential area. However the Traffic Impact Assessment completed by the applicant in support of the proposal confirms that the traffic volumes generated would be well within the acceptable limits for these local roads."

As described above, the principal concern expressed by members of the community in relation to the proposed recoding has been that of increased traffic along Baillie Avenue and Carson Street.

Following discussions with Council Officers and in light of the public submissions received, the applicant now proposes to restrict access between the site and Baillie Avenue/Carson Street to an entry only. In correspondence dated 30 January 2018, the applicant states:

"... having regard for suitable accessibility to the subject site, yet as a measure to reduce the amount of traffic in Baillie Avenue and Carson Streets, it is proposed that entry only access be provided at the rear. This will allow more direct and convenient access to the site for its future residents, as well as halving the amount of traffic from the site using these streets. Additionally, the amount of morning traffic entering the site will be negligible, thereby avoiding conflict with the drop-off period at the neighbouring primary school. Entry in the afternoon is likely to be mostly after the school's pick-up time. In addition to the benefit to the future residents, the availability of alternative access points is important in the event of emergencies, of particular relevance in this case given the adjacent bushland. An existing hydrant in this area is likely to have to remain in any event."

A revised Traffic Impact Statement has been undertaken for this access arrangement. This assessment shows the following estimated volumes of vehicles per day (vpd) and vehicles per hour (vph) for Berwick, Baillie and Carson Streets.

Berwick Street (75% of all access)

Apartment Development - 457 vpd; 73 vph

Aged care/accommodation 437 vpd; 49 vph

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Baillie Avenue (18% of all access)

Apartment Development - 110 vpd; 18 vph

Aged care/accommodation 105 vpd; 12 vph

Carson Street (7% of all access)

Apartment Development - 43 vpd; 7 vph

Aged care/accommodation 41 vpd; 4 vph

It is noted that the width of the access way to the site from Baillie/Carson is slightly sub-standard for two-way traffic (5m in lieu of 6m). Although an engineering management solution can be found (given the relatively small number of vehicles involved and the very slow speed environment), restriction to one-way, entry only at this point is considered a reasonable outcome for all concerned.

In relation to this matter, it is suggested that following be added to 1.2.8 of the amendment:

1.2.8 Vehicle access to the site is to be the subject of Traffic Impact and Road Safety Assessment, with access restricted as follows:

- Berwick Street, left in/left out only; and*
- Carson/Baillie Avenue, entry only.*

As can be seen from the above, by having primary vehicle access from Berwick Street and restricting the access to Baillie Avenue/Carson Street to an entry only, the traffic modelling indicates a significant reduction in vehicle trips along these residential streets from that originally proposed (from up to 610 vehicles to around 150 vehicles), which in turn minimises the perceived safety and congestion issues stated in a number of public submissions.

It is considered that this alternative access appropriately addresses the concerns expressed by members of the community, and will ensure that any future development of the site will not have a significant impact upon the surrounding road network in terms of volumes or safety. Therefore an additional requirement has been added to ensure that vehicle access is restricted in this manner.

CONCLUSION:

In view of the above, it is recommended that Amendment No. 78 be initiated to increase the residential density coding of the subject site from R30 to R40/60. Following consideration of the public submissions received, it is now proposed to include additional provisions that only allow development at the higher R60 density coding if the development is for aged persons dwellings, and to restrict vehicle access to Baillie Avenue/Carson Street to an entry only.

RECOMMENDATION/S:

1. Council resolve pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment No. 78 to amend the Town of Victoria Park Town Planning Scheme No. 1 as follows:

1.1 Modify Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria

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Park Precinct' by recoding the property known as No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R40/60.

- 1.2 Modify Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by inserting the following development standards for development of the property at No. 384 (Lot 3) Berwick Street:

In relation to the land at No. 384 (Lot 3) Berwick Street, East Victoria Park, the following criteria are applicable to any development of the site:

- (a) Development shall consist of a series of individual buildings, clustered around a central, common courtyard;
- (b) Separation between buildings shall be sufficient to reduce the overall perception of building bulk and to achieve acceptable levels of solar access and natural ventilation to each building;
- (c) Dwelling design should achieve high design standards, as prescribed within Council's Local Planning Policy 33 – 'Guide to Concessions on Planning requirements for Mixed-Use, Multi Dwelling and Non-Residential Developments' or an adopted State Planning Policy relating to dwelling design;
- (d) Development should follow the natural topography of the land and gradually step down in height from 3 storeys facing Berwick Street to 2 storeys on the remainder of the site;
- (e) Car parking shall generally be below ground, largely concealed from view;
- (f) Open space/landscaping should be provided in useable parcels;
- (g) Boundary setbacks are to be generally in accordance with the R-codes, however greater setbacks are to be provided where relevant, emergency vehicle access around the site and bushfire management measures; and
- (h) Vehicle access to the site is to be the subject of Traffic Impact and Road Safety Assessment, with primary access being to/from Berwick Street, limited to a left-in/left-out arrangement only. Vehicle access between the site and Baillie Avenue/Carson Street is to be limited to vehicle entry only.

The site may be developed at the higher density coding of R60, where the proposed use is Aged or Dependent Persons' Dwellings, otherwise an R40 density coding prevails.

2. The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 78 documents.
3. A copy of Amendment No. 78 be referred to:
 - 3.1 The Environmental Protection Authority, in accordance with Section 81 of the *Planning and Development Act 2005*, prior to the commencement of advertising of the Amendment; and
 - 3.2 The Western Australian Planning Commission for information.

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4. On receipt of advice from the Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for 42 days.
5. Those persons who lodged a submission on the request to amend the Town Planning Scheme be advised of the Council's decision.

AMENDED OFFICER'S RECOMMENDATION/S

Moved: Cr Oliver

Seconded: Cr Anderson

1. Council resolve pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment No. 78 to amend the Town of Victoria Park Town Planning Scheme No. 1 as follows:
 - 1.1 Modify Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by recoding the property known as No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R40/60.
 - 1.2 Modify Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by inserting the following development standards for development of the property at No. 384 (Lot 3) Berwick Street:

In relation to the land at No. 384 (Lot 3) Berwick Street, East Victoria Park, the following criteria are applicable to any development of the site:

- (a) Development shall consist of a series of individual buildings, clustered around a central, common courtyard;
- (b) Separation between buildings shall be sufficient to reduce the overall perception of building bulk and to achieve acceptable levels of solar access and natural ventilation to each building;
- (c) Dwelling design should achieve high design standards, as prescribed within Council's Local Planning Policy 33 – 'Guide to Concessions on Planning requirements for Mixed-Use, Multi Dwelling and Non-Residential Developments' or an adopted State Planning Policy relating to dwelling design;
- (d) Development should follow the natural topography of the land and gradually step down in height from 3 storeys facing Berwick Street to 2 storeys on the remainder of the site;
- (e) Car parking shall generally be below ground, largely concealed from view;
- (f) Open space/landscaping should be provided in useable parcels;

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- (g) Boundary setbacks are to be generally in accordance with the R-codes, however greater setbacks are to be provided where relevant, emergency vehicle access around the site and bushfire management measures; and
- (h) Vehicle access to the site is to be the subject of Traffic Impact and Road Safety Assessment, with primary access being to/from Berwick Street, limited to a left-in/left-out arrangement only. Vehicle access between the site and Baillie Avenue/Carson Street is to be limited to vehicle entry only.

The site may be developed at the higher density coding of R60, where the proposed use is Aged or Dependent Persons' Dwellings, otherwise an R40 density coding prevails.

2. Council considers Amendment No. 78 to the Town of Victoria Park Town Planning Scheme No. 1 to constitute a 'standard amendment' in accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 - 2.1 The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment.
 - 2.2 The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - 2.3 The amendment is neither complex or basic.
3. The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 78 documents.
4. A copy of Amendment No. 78 be referred to:
 - 4.1 The Environmental Protection Authority, in accordance with Section 81 of the *Planning and Development Act 2005*, prior to the commencement of advertising of the Amendment; and
 - 4.2 The Western Australian Planning Commission for information.
5. On receipt of advice from the Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for 42 days.
6. Those persons who lodged a submission on the request to amend the Town Planning Scheme be advised of the Council's decision.

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AMENDMENT:**Moved: Cr Ife****Seconded: Cr Potter****That:**

Council accept the recommendations made in the officer's report with the following wording for recommendation 1.2(h):

- h) Vehicle access to the site is to be the subject of Traffic Impact and Road Safety Assessment. Vehicle access being to/from Berwick Street via a left-in/left-out arrangement, with the exception that Council may consider access to Baillie Avenue/Carson Street for emergency vehicles only.**

The Amendment was Put and**CARRIED (9-0)**

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

Reason:

The residents of the area are concerned about increased traffic from allowing access via Baillie Avenue and Carson Streets. Of greater concern is the school located immediately adjacent to the site. This school is a primary school for children with severe disabilities and the nature of this school means that many students are arriving and leaving at all sorts of times throughout the day using buses and large vehicles. The safety of these children is a concern to the school and the community. Restricting access to emergency vehicles only means that this risk is managed appropriately.

SUBSTANTIVE MOTION**Moved: Cr Oliver****Seconded: Cr Anderson**

- 1. Council resolve pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment No. 78 to amend the Town of Victoria Park Town Planning Scheme No. 1 as follows:**
 - 1.1 Modify Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by recoding the property known as No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R40/60.**
 - 1.2 Modify Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by inserting the following development standards for development of the property at No. 384 (Lot 3) Berwick Street:**

In relation to the land at No. 384 (Lot 3) Berwick Street, East Victoria Park, the following criteria are applicable to any development of the

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site:

- (a) Development shall consist of a series of individual buildings, clustered around a central, common courtyard;
- (b) Separation between buildings shall be sufficient to reduce the overall perception of building bulk and to achieve acceptable levels of solar access and natural ventilation to each building;
- (c) Dwelling design should achieve high design standards, as prescribed within Council's Local Planning Policy 33 – 'Guide to Concessions on Planning requirements for Mixed-Use, Multi Dwelling and Non-Residential Developments' or an adopted State Planning Policy relating to dwelling design;
- (d) Development should follow the natural topography of the land and gradually step down in height from 3 storeys facing Berwick Street to 2 storeys on the remainder of the site;
- (e) Car parking shall generally be below ground, largely concealed from view;
- (f) Open space/landscaping should be provided in useable parcels;
- (g) Boundary setbacks are to be generally in accordance with the R-codes, however greater setbacks are to be provided where relevant, emergency vehicle access around the site and bushfire management measures; and
- (h) Vehicle access to the site is to be the subject of Traffic Impact and Road Safety Assessment. Vehicle access being to/from Berwick Street via a left-in/left-out arrangement, with the exception that Council may consider access to Baillie Avenue/Carson Street for emergency vehicles only.

The site may be developed at the higher density coding of R60, where the proposed use is Aged or Dependent Persons' Dwellings, otherwise an R40 density coding prevails.

2. The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 78 documents.
3. A copy of Amendment No. 78 be referred to:
 - 3.1 The Environmental Protection Authority, in accordance with Section 81 of the *Planning and Development Act 2005*, prior to the commencement of advertising of the Amendment; and
 - 3.2 The Western Australian Planning Commission for information.
4. On receipt of advice from the Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for 42 days.

(To be confirmed 13 March 2018)

- 5. Those persons who lodged a submission on the request to amend the Town Planning Scheme be advised of the Council's decision.**

The Substantive Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr lfe;

Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon