



**ROWE**  
GROUP

Job Ref: 8862  
2 June 2021

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

**Attention: Robert Cruickshank – Manager Development Services**

Dear Robert

**Proposed Local Development Plan  
Lot 3 (No. 384) Berwick Street, East Victoria Park**

Rowe Group acts on behalf of our Client, Berwick EVP Pty Ltd, the landowner of Lot 3 (No. 384) Berwick Street, East Victoria Park ('subject site'). We write with regard to a proposed Local Development Plan ('LDP') at the subject site, submitted in order to satisfy the conditions of Western Australian Planning Commission ('WAPC') Subdivision Approval 285-20 ('Subdivision Approval'), and the requirements of the Town of Victoria Park Local Planning Scheme No. 1 ('LPS 1').

To assist in progressing the assessment and determination of the proposed LDP, please find enclosed the following:

- A copy of the proposed Local Development Plan; and
- A copy of the WAPC Subdivision Approval 285-20.

## Background

Scheme Amendment No. 78 ('Amendment 78') to LPS 1 was gazetted on 20 December 2019, increasing the density coding of the subject site to R60 and outlining a number of other applicable provisions. Included within these provisions, at Precinct P12 of LPS 1, is the requirement for an LDP to be prepared and approved prior to the commencement of any development at the subject site.

Further to Amendment 78, the Subdivision Approval was issued on 21 July 2020 for the strata subdivision of the subject site. Condition 5 of the Subdivision Approval requires an LDP to be prepared across the subject site, as follows:

Level 3  
369 Newcastle Street  
Northbridge 6003  
Western Australia  
  
p: 08 9221 1991  
f: 08 9221 1919  
info@rowegroup.com.au  
rowegroup.com.au



*A Local Development Plan ('LDP') must be prepared for Lots 1-41 that addresses, but is not limited to, the following:*

- a) streetscape matters including street setbacks, fencing, garage locations, primary frontages;*
- b) design elements including roof pitch and building height;*
- c) setbacks to boundaries and public spaces;*
- d) open space;*
- e) visitor parking locations, pedestrian access, and tree planting; and*
- f) design and overall height of proposed lots 10 to 19 that minimises impact on views from the formal approach to state registered place 2176 Edward Millen Home (fmr);*

*to the specification of the Town of Victoria Park and satisfaction of the Western Australian Planning Commission.*

In this regard, please find enclosed the proposed LDP which reflects the above LPS 1 and Subdivision Approval requirements, submitted for approval by the Town of Victoria Park ('Town').

Refer **Attachment 1 – Proposed Local Development Plan** and **Attachment 2 – WAPC Subdivision Approval 285-20**.

An earlier version of this draft LDP was lodged with the Town on 23 October 2020. It was subsequently agreed between the Town and Applicant that the LDP would be placed 'on hold' until the assessment and determination of a development application at the subject site. On 17 May 2021 the Metro Inner South Joint Development Assessment Panel ('JDAP') issued development approval for multiple and grouped dwellings at the subject site ('Approved Development'). We now submit this amended LDP for the Town's consideration, which has been slightly updated to reflect the Approved Development.

Given a development has already been approved at the subject site, we understand the intention of the LDP is to 'future-proof' the subject site for any future development. Notwithstanding our Client's intention to implement the Approved Development in full as expeditiously as possible, the LDP will ensure the subject site continues to operate functionally and holistically, and that the design of the built form is consistent across the subject site.

## Proposed Local Development Plan

The subject site (proposed LDP) is zoned 'Residential' under the provisions of LPS 1 and assigned a density coding of R60LPS 1. The proposed LDP is consistent with this density and facilitates the residential development of the subject site.

The following provides a brief overview of the provisions included in the proposed LDP.



### **Dwelling Orientation**

The LDP prescribes dwelling orientation toward Berwick Street, Edward Millen Reserve and the 12m common accessways. Dwellings on the lots addressing the reserve are required to have their outdoor living area adjacent to the reserve.

This ensures Berwick Street is activated by affording Lots 1 – 8 direct pedestrian access from the street. It also allows for an attractive outlook to Edward Millen Reserve which enables passive surveillance and fosters social interaction.

### **Street Setbacks**

The LDP outlines a minimum primary setback of 3.0 metres to Berwick Street, and a range of minimum ground floor primary setbacks from nil to 2.0 metres to the common accessways. The street setback provisions are consistent with the Approved Development.

The Berwick Street setback is consistent with the R60 primary street setback under State Planning Policy 7.3 Residential Design Codes Volume 1 ('R-Codes Volume 1'), in order to maintain consistency with the emerging streetscape of the locality. The setbacks to the common accessways represent a minor variation to R-Codes Volume 1 provisions.

The widths of the common accessways, approved through the Subdivision Approval, provide adequate space for pedestrian access, visitor bays, landscaping, bin collection and servicing, therefore accommodating and appropriate for reduced street setbacks.

### **Lot Boundary Setbacks**

The LDP proposes a minimum 3.0 metre setback to Edward Millen Reserve on the ground floor. This setback provides space for outdoor living areas with an aspect over Edward Millen Reserve.

The LDP provides for nil setbacks to the Hillview Community Bushland for the multiple dwellings, and a minimum 1.0 metre setback for the grouped dwellings. For all other lot boundaries, the LDP provides for nil side setbacks behind the street setback lines.

The nil lot boundary setbacks allow for greater efficiency in dwelling design, as well as to maximise the private open space area at the rear of the grouped dwellings. The nil setbacks for future Lot 9 are permitted provided that windows and articulation of the built form are incorporated into the façade.

The lot boundary setback provisions are consistent with the Approved Development.



### **Plot Ratio**

The LDP proposes allowance for an increased plot ratio of the multiple dwellings at future Lot 9 of the subject site. A plot ratio of 1:1.5 is proposed, in lieu of 1:0.8 as a deemed-to-comply provision under State Planning Policy 7.3 Residential Design Codes Volume 2 ('R-Codes Volume 2'). The LDP plot ratio provisions are consistent with the Approved Development.

This increased plot ratio takes into consideration the provision of communal open space throughout the subject site, rather than specifically at future Lot 9. It also considers the subject site's immediate proximity to ample public open space, including Edward Millen Reserve and the Hill View Terrace Community Bushland.

### **Open Space**

The LDP requires outdoor living areas for grouped dwellings to be , a minimum area of 10% of the total lot area. Further, a minimum dimension of 4.0 metres in either width or length is required. The requirement for private open space and balconies for multiple dwellings is as per the R-Codes Volume 2. All other open space and outdoor living area provisions under the R-Codes are not applicable.

The reduction of open space requirements is reflective of the substantial communal open space provided throughout the common property areas, in addition to the subject site's immediate proximity to passive and active public open space.

As per the Approved Development, a children's play trail and sunken raingarden is incorporated into the subject site's landscaping and drainage. 'Play street' elements are also proposed such as painted graphics. Seating nodes are provided throughout the subject site to encourage social interaction between neighbours. A substantial communal open space feature is also provided adjacent to the multiple dwelling component at future Lot 9 and within its adjacent common accessway.

The proposed variation allows for a greater degree of flexibility in housing design and combined with the reduced street setbacks, is not considered to impact the provision of sufficient private open space within each lot.

### **Building Height**

The LDP proposes a variation to the building height provisions set out in LPS 1 P12 Precinct. A maximum building height of 12 metres (3 storeys) for grouped dwellings and 15 metres (4 storeys) for multiple dwellings is proposed, in lieu of 8.6 metres. The building height provisions are consistent with the building height of the Approved Development.

The proposed height variation for grouped dwellings is consistent with the provisions of the R-Codes Volume 1. We have been advised by the Department of Planning, Lands and Heritage ('DPLH') that a provision allowing for 12-metre building height was removed from Amendment 78 prior to Ministerial approval, as it was mistakenly considered "unnecessary" and a "duplication" of the R-Codes Volume 1 provision.



Previous discussions with both the DPLH and the Town confirm that a 12 metre / 3 storey building height at the subject site is contemplated by and the intention of both authorities. We therefore consider the proposed height variation for grouped dwellings to be acceptable.

The proposed height variation for multiple dwellings is designed to accommodate the significant difference in levels across the subject site.

### **Garages / Vehicle Access**

The provisions of the LDP relating to garages are intended to ensure that the location of garages do not dominate the streetscape and are appropriately situated within the lots. Garage locations have been designated at specific locations to address truncations, traffic management and engineering criteria.

Indicative visitor car parking bay locations and arrows depicting the direction of traffic are depicted on the LDP, consistent with the Approved Development.

### **Additional Provisions**

The LDP also includes provisions which address the following matters:

- Streetscape provisions to ensure dwellings suitably address street frontages and public open space through high quality architectural design;
- Location of retained established trees;
- The construction of uniform fencing adjacent to public open space by developers; and
- Minimum building height provisions to maintain visually cohesive streetscapes and ensure two-storey boundary walls are built abutting one-another.

## **Summary**

The proposed LDP is consistent with the Approved Development and the requirements of LPS 1 and the Subdivision Approval. The provisions of the LDP will ensure the design of any future development at the subject site is functional, of a high quality, and appropriate within its context.

We understand there is a lodgement fee applicable to this application. In this regard, we kindly request that an invoice for the applicable fee be prepared to the attention of *Berwick EVP Pty Ltd* and sent care of Rowe Group. Once the invoice is received by our Office, we will arrange payment direct by our Client.



Should you require any further information or clarification in relation to this matter, please contact Belle Smithies or the undersigned on 9221 1991.

Yours faithfully,

**Paul Cunningham**

Rowe Group