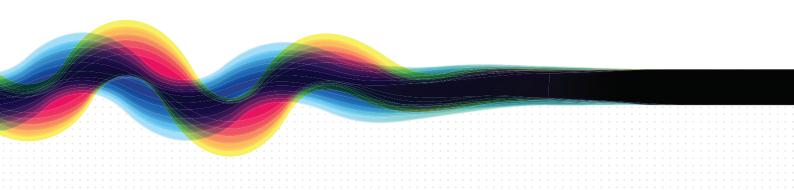
# 53 - 55 Canning Highway, Victoria Park

Scheme Amendment Request

December 2019 | 18-664





We acknowledge the custodians of this land, the Whadjuk Noongar and their Elders past, present and emerging. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Document ID: Planning/PG 2018/18-664 Victoria Park, 53-55 Canning Highway/7 Final Documents/1 Lodged/53 - 55 Canning Hwy, Victoria Park - Scheme Amendment Request FINAL.indd

Issue	Date	Status	Prepared by	Approved by
1	29.11.19	Draft	James Lewisson	Mike Davis
2	06.12.19	Draft	James Lewisson	Mike Davis
3	10.12.19	Final	James Lewisson	Mike Davis

This report has been prepared for the exclusive use of the Client, in accordance with the agreement between the Client and Element Advisory Pty Ltd (element) ('Agreement').

**element** accepts no liability or responsibility whatsoever in respect of any use of or reliance upon this report by any person who is not a party to the Agreement or an intended recipient.

In particular, it should be noted that this report is a qualitative assessment only, based on the scope and timing of services defined by the Client and is based on information supplied by the Client and its agents.

element cannot be held accountable for information supplied by others and relied upon by element.

Copyright and any other Intellectual Property arising from the report and the provision of the services in accordance with the Agreement belongs exclusively to **element** unless otherwise agreed and may not be reproduced or disclosed to any person other than the Client without the express written authority of **element**.

# Contents

Introduction																1
Background																
Subject Site																3
Site Description																. 3
Context																-
Contoxt																
Proposal																9
Planning Fran	new	or/	k	an	d.	A٩	SS	es	SI	ne	en	t				11
Strategic Planning [	Docu	ıme	nts													11
Statutory Planning																12
Statutory Planning	riali	iew	OIK													12
Conclusion																19
Conclusion																13
Appendix A																21
Appelluix A																<b>4</b>
JDAP Application D	eter	min	ati	on a	anc	ΙΑ	рp	ro۱	/ed	Pl	an	s .				2
Appendix B															4	45
Café Tenancy Conc	 ept_l	- Plar														45

## Introduction

**element**, on behalf of Kingsfort VP Pty Ltd, has prepared this report in support of a request to amend the Town of Victoria Park's (the Town) Local Planning Scheme No.1 (LPS1), to facilitate the development of a restaurant, café or office within an approved six-storey residential building at 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 LPS1, 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, restaurant or office 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 amendment has been recommended by the Town's DRP in principle and is considered to be a positive outcome for the future residents of the approved residential building and the surrounding community.

## Background

The Metro Central Joint Development Assessment Panel (JDAP) approved a six-storey residential building containing 23 multiple dwellings and associated car parking on 15 August 2019. Prior to the approval, the application underwent a detailed design review and planning assessment by the Town.

The approved building has semi-active frontages to Canning Highway, Taylor Street and McCallum Lane with vehicle access from McCallum Lane and pedestrian access from the car parking area and all three street frontages. The building contains a communal lounge on the corner of McCallum Lane and Taylor Street, adjacent to the entry lobby of the building. The Town's DRP identified the ground plane interface of the development and the interaction with the adjacent public realm as an issue which should be enhanced. The proposed scheme amendment seeks to act on the advice from the Town's DRP and improve the activation of this prominent corner location.

Refer to Appendix A – JDAP Application Determination and Approved Plans

# Subject Site

### Site Description

Lot 31, 32 and 33 (No. 53 - 55) Canning Highway, Victoria Park (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. The site has a combined area of 1,391m² and frontages to Canning Highway, Taylor Street and McCallum Lane.

Refer to Figure 1 - Location Plan

Refer to Figure 2 – Aerial Plan

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

The particulars of the Certificates of Title are detailed in the following table.

Lot	Plan/Diagram	Area	Vol/Fol	Registered Proprietor
31	P001741	485m²	2154/588	Kingsfort Vp Pty Ltd
32	P001741	453m <sup>2</sup>	1450/881	Kingsfort Vp Pty Ltd
33	P001741	453m²	1450/881	Kingsfort Vp Pty Ltd

Refer to Figure 3 - Site Plan

#### Heritage

A desktop search of the DPLH's Aboriginal Heritage Inquiry System indicates that there are no registered places of Aboriginal heritage on the subject site. Further searches of the Heritage Council's State Heritage Register and the Town's records indicate that the proposed amendment will not impact any European heritage sites.

McCallum Park is listed on the Town's Municipal Inventory as a Category B site. The proposed scheme amendment is not considered to impact this heritage site.

#### Contamination

A desktop search of the Department of Water and Environmental Regulation's Contaminated Sites Database indicates that the site is not identified as being contaminated.

#### **Bushfire**

A desktop search of the Department of Fire and Emergency Services' Map of Bushfire Prone Areas indicates the site is not within a bushfire prone area.

#### Acid Sulphate Soils

A desktop search of Landgate's mapping system, Landgate Locate, indicates that the site has a high to moderate risk of acid sulphate soils occurring within three metres of natural soil surface.

Management of acid sulphate soils should be given consideration during construction of any future development on the subject site. The proposed scheme amendment is not considered to be impacted by the acid sulphate soil risk.

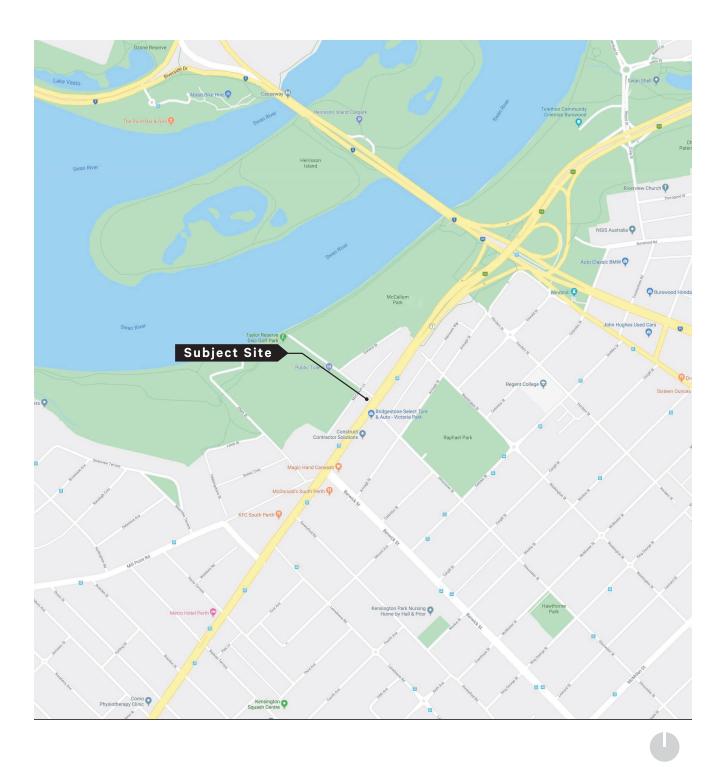


Figure 1. Location Plan

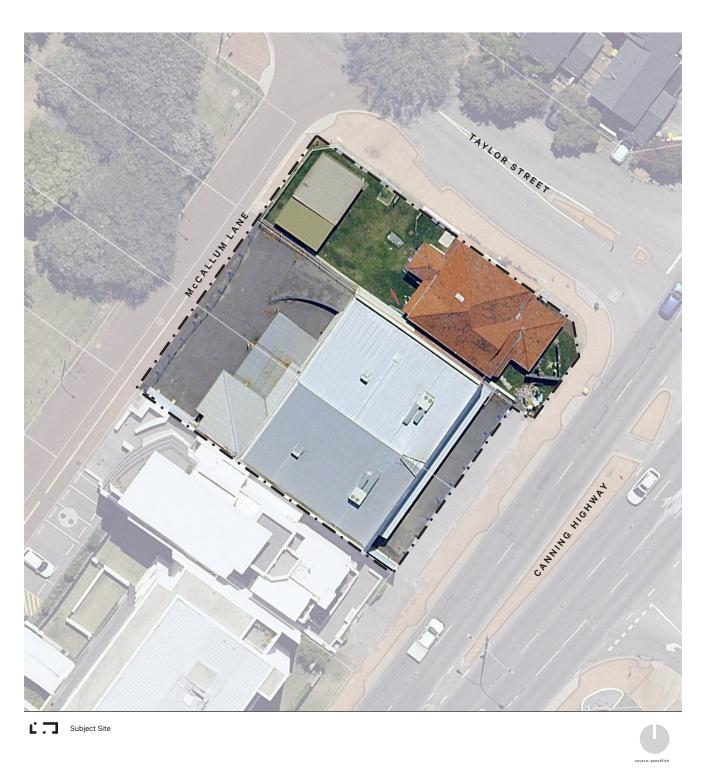


Figure 2. Aerial Plan



Figure 3. Site Plan

#### Context

The subject site is suited to high density residential or commercial development, being located on an urban corridor, in close proximity to the Perth CBD and high amenity areas such as Albany Highway and Shepperton Road. The site is located on a high frequency bus route as well as being located 600 metres from the Victoria Park Bus Transfer Station.

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 ideally suited to additional residential development with a commercial ground floor component.

# Proposal

As stated above, the JDAP approved a development for 23 multiple dwellings on the subject site in August 2019. 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.

This request proposes to amend LPS1 to include additional uses of 'restaurant/café' and 'office' on the subject site. This amendment will facilitate the future development of a commercial tenancy (likely to be a café or office) 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 LPS1.

	Ref. No.	Land Particulars	Permitted Uses	Development Standards / Conditions
TBC	TBC	No. 53-55 (Lots 31, 32 and 33)	<ul> <li>Restaurant/ Café (AA)</li> </ul>	Additional uses are restricted to tenancies that have direct ground floor frontage to the street.
		Canning Highway, Victoria Park on	• Office (AA)	2. Additional uses must address the street.
		Plan 1741.		<ol> <li>The maximum net lettable area floorspace of any office or restaurant/café uses shall be 120m² in aggregate.</li> </ol>

A concept plan is included with this report to show how a café use may be incorporated into the approved development. It is understood that this will be subject to a future planning process.

Refer to Appendix B - Café Tenancy Concept Plan

# Planning Framework and Assessment

### Strategic Planning Documents

#### 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 subregional framework states the following:

Some urban corridors are predominantly residential and may contain minor commercial or mixeduse 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.

The proposed amendment is considered to closely align with the above statement, improving the mixed use development potential of the subject site whilst accommodating the high density residential capacity in the existing planning framework.

#### Town of Victoria Park Local Planning Strategy

It is noted that the Town does not currently have an active Local Planning Strategy (LPS) and is in the process of preparing a new LPS. It is understood that a draft LPS was presented to Council on 10 July 2018 and subsequently provided to the Western Australian Planning Commission (WAPC) for consent to advertise. Following the WAPC request for significant modifications, the Town has now elected to do a significant redraft / review of the draft LPS which is likely to be considered by Council in 2020. The Town has advised that the publicly available version of the draft LPS (presented to Council in July 2018) should not be relied upon for strategic guidance.

### Statutory Planning Framework

#### Planning and Development (Local Planning Scheme) Regulations 2015

In August 2015, the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) were gazetted. In addition to other matters, the Regulations introduce new requirements to standardise the processing of scheme amendments throughout the State. The Regulations divide scheme amendments into 'simple', 'standard' and 'complex' amendments, which are defined as follows:

Standard amendment means any of the following amendments to a local planning scheme:

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve:
- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment:
- f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- g) any other amendment that is not a complex or basic amendment.

The proposed amendment is considered to be a standard amendment as it aligns with the Statement of Intent (objectives) of the McCallum Park Precinct under LPS1. This is considered to be appropriate in lieu of LPS1 providing objectives for each zone. It is also noted that the Town does not have an active LPS.

The McCallum Park Precinct is a specific area within the Town, with a specific and evolving character and subsequent needs. As outlined below, the proposed scheme amendment is consistent with the McCallum Park Precinct Statement of Intent and is therefore considered to be a standard amendment pursuant to the Regulations.

#### Metropolitan Region Scheme

The Metropolitan Region Scheme (MRS) provides the legal basis for controls on development and land use at the regional level. Under the 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. It is noted that the approved residential building is setback outside of the MRS reservation.

Refer to Figure 4 – Metropolitan Region Scheme Extract

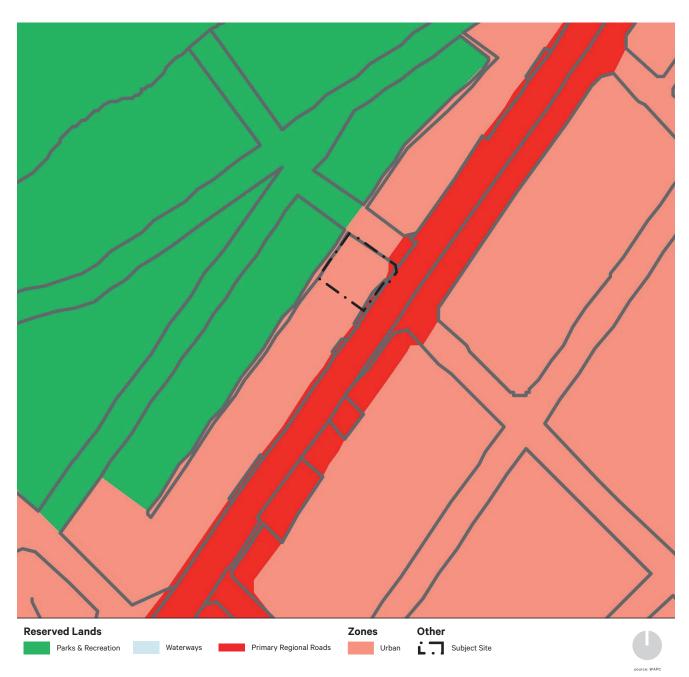


Figure 4. Metropolitan Region Scheme Extract

#### Town of Victoria Park Local Planning Scheme No.1

The Town's Local Planning Scheme No.1 (LPS1) is a statutory scheme that provides guidance for the development and use of land and buildings in the Town. The subject site is zoned 'Residential' and allocated a density code of R80.

Refer to Figure 6 - Local Planning Scheme No.1 Extract

The area covered by LPS3 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.

The proposed amendment aligns with the above statement of intent 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, café or office 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 LPS1, 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' and 'office' are both '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 LPS1.

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

LPS1 Prov	vision	Response					
a) a (	development involving the	proposed additional use would be consistent with -					
i)	the orderly and proper planning of the locality;	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 wholistic 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.					
ii)	the conservation of the amenities of the locality; and	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.					
iii)	the statement of intent set out in the relevant precinct plan.	Refer above.					
b) th	e use of the specific site fo	r that purpose would not have any undue adverse effect on -					
i)	the occupiers and users of the development;	The proposed uses of a 'restaurant/café' and 'office' have 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 multistorey residential buildings to provide the desired street activation because they do not produce significant noise, odour or vibrations.					
ii)	the property in, or the inhabitants of, the locality; or	The future development of a café, restaurant or office 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.					
iii)	the likely future development of the locality.	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.					

#### **Car Parking**

Future development is anticipated to consist of a small commercial tenancy on the ground floor of the approved residential building, on the corner of McCallum Lane and Taylor Street. The area is currently approved as a communal lounge of 91m<sup>2</sup>. It is anticipated that any future commercial tenancy will be of a similar size, in the prominent corner location facing McCallum Park.

Pursuant to Local Planning Policy 23 – Parking Policy (LPP23) the proposed uses require the following car parking ratios:

- Office 1 bay per 40m² of net floor area.
- Restaurant 1 bay per 4.5m² of sit-down dining area.

These car parking ratios are generally aimed at larger scale offices and restaurants which customers will travel distances to, as opposed to a local café or small office.

Car parking for the future commercial tenancy is anticipated to only require one onsite car parking bay, which is intended to be provided in lieu of one of the visitor parking spaces in the approved development. As above, it is understood that this will be subject to a future planning process.

Commercial uses in this location will rely on the surrounding high-density residential community and passing foot/cycle traffic through McCallum Park. A large amount of public car parking is also provided within McCallum Park. The users of a future commercial tenancy are likely to be existing users of McCallum Park or the Swan River, visiting the tenancy while visiting the public open space and therefore not increasing the car parking demand in the area.

#### **Future Approval Requirements**

The future development of a restaurant, café or office on the subject site will be subject to a separate development application, change of use application or amendment to an existing planning approval. It is anticipated that the specific built form, traffic, waste and other detailed matters will be considered and assessed at the time of the future application.

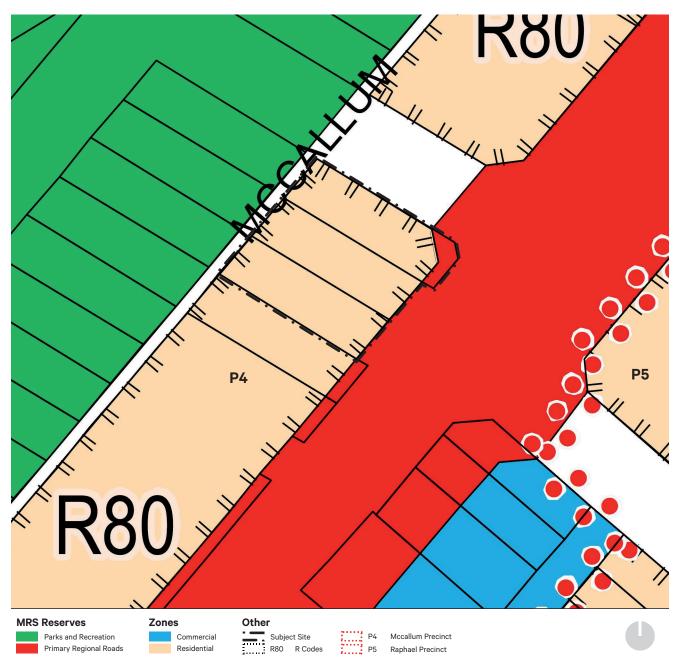


Figure 5. Local Planning Scheme No.1 Extract

## Conclusion

This request to amend the Town of Victoria Park Local Planning Scheme No. 1, has been prepared by **element** on behalf of Kingsfort VP Pty Ltd, and seeks to facilitate the development of restaurant, café or office 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' and 'office' 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 LPS1. 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 requested by the Town's DRP.

For the reasons outlined in this report, we respectfully request the Town initiate the amendment.

# Appendix A

JDAP Application Determination and Approved Plans



LG Ref: 5.2019.216.1 DAP Ref: DAP/19/01613 Enquiries: (08) 6551 9919

Mr Sheldon Turner Total Project Management PO Box 7752 Cloisters Square WA 6850

Dear Mr Turner

## METRO CENTRAL JDAP - TOWN OF VICTORIA PARK - DAP APPLICATION - 5.2019.216.1 - DETERMINATION

Property Location:	Lots 31,32 & 33 Canning Highway, Victoria Park					
Application Details:	23 Multiple Dwellings					

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the Town of Victoria Park on 20 May 2019 for the above-mentioned development.

This application was considered by the Metro Central JDAP at its meeting held on 15 August 2019, where in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011.* 

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Mr Sturt McDonald on behalf of the Town of Victoria Park on 9311 8163.

Yours sincerely,

**DAP Secretariat** 

26 August 2019

Encl. DAP Determination Notice

Approved Plans

Cc: Mr Sturt McDonald

Town of Victoria Park



#### Planning and Development Act 2005

#### Town of Victoria Park Town Planning Scheme No. 1

#### **Metro Central Joint Development Assessment Panel**

# Determination on Development Assessment Panel Application for Planning Approval

Property Location: Lots 31,32 & 33 Canning Highway, Victoria Park

**Application Details:** 23 Multiple Dwellings

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 15 August 2019, subject to the following:

1. **Approve** DAP Application reference DAP/19/01613 and accompanying plans at **Attachment 1** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1, and pursuant to Clause 30 of the Metropolitan Region Scheme subject to the following conditions:

#### **Conditions**

- 1. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped approved 15 August 2019 at all times, unless otherwise authorised by the Town.
- 2. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before the development is commenced. Where an acid sulphate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
- 3. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a Construction Management Plan addressing the following matters:
  - a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy and location of waste disposal bins;
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;

- g) A dilapidation report detailing the state of footpaths, Town assets and public utilities within the road reserve in the vicinity of the site. This report will be used to ensure that any and all damage sustained to Footpaths, Town assets and public utilities located within the road reserve during construction are reinstated at the applicant's expense to Town or relevant service provider's specifications and requirements;
- h) Details of preventative measures that shall be implemented to ensure that no construction material, topsoil, runoff or deleterious matter is allowed to enter the stormwater system, adjacent Parks and Recreation reserve or the River: and
- i) Other matters likely to impact on the surrounding properties.
- 4. Prior to lodging an application for a building permit, the applicant must submit an Urban Water Management Plan to the satisfaction of the Town in consultation with the Department of Biodiversity Conservation and Attractions. The development shall be constructed in accordance with the approved details and shall be thereafter maintained. (See related advice notes)
- 5. Prior to the submission of a building permit, arrangements being made to the satisfaction of the Town that address concerns relating to bins (on collection day) obstructing pedestrian traffic by either of the following means:
  - a. A contribution of \$16,625.57 being paid to the Town for the cost of constructing a footpath along the northern edge of McCallum Lane. The development is to thereafter operate in accordance with the Waste Management Plan dated 25 July 2019 unless otherwise approved by the Town in writing; or
  - b. A revised Waste Management Plan being provided to the satisfaction of the Town demonstrating means by which bins can be collected by while neither footpath, car bays or manoeuvring areas be obstructed as part of bin presentation area, and providing means by which these management practices can be guaranteed for the life of the development. The development to thereafter operate in accordance with the approved details.
- 6. Prior to lodging an application for a building permit, a detailed Noise Management Plan is to be submitted and approved by the Town, which demonstrates that the development has been designed to meet the relevant requirements of State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' (SPP5.4). The report must be prepared by a suitably qualified and competent person in accordance with the SPP5.4 Guidelines. Any recommended mitigation or design measures are to be incorporated into the drawings submitted for a building permit and the development shall be constructed in accordance with the approved details. (See related advice note)
- 7. Should the implementation of noise mitigation and design measures leave any apartment not achieving the target noise levels outlined within State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' to the satisfaction of the Town, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the relevant strata lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"The dwelling is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."

- 8. Prior to lodging an application for a building permit, either (i) Lots 31, 32 and 33 are to be amalgamated into a single lot on a Certificate of Title; or (ii) the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost agreeing to complete the amalgamation of Lots 31, 32 and 33 into a single lot within 12 months of the issue of a building permit.
- 9. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town. (See related advice note)
- Prior to the occupation or strata-titling of the building(s), whichever occurs first, landscaping as per the approved details being implemented to the satisfaction of the Town.
- 11. Prior to the submission of an application for a building permit, a contribution of a sum of 1% of the total construction value being made to the Town towards public art by either:
  - a. Payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or
  - b. Payment to the Town of a bond to the value of the contribution, on the basis that the owner is to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by the Town. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development, at which time the bond will be refunded by Council. The public art is to be maintained thereafter by the owner/occupiers; or
  - c. A public art proposal shall be submitted to and approved in writing by the Town. Once approved, the public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development or strata titling of the building, whichever occurs first, and thereafter be maintained for the life of the development to the satisfaction of the Town.
- 12. Prior to lodging an application for a building permit, plans are to be submitted demonstrating to the satisfaction of the Town that five of the apartments satisfy the silver standard outlined within the Liveable Housing Design Guidelines. (See related advice note)
- 13. Prior to lodging an application for a building permit, details of privacy screening to the interface between No.59 Canning Hwy and the balconies in the western corner of the subject site are to be provided to the satisfaction of the Town, inclusive of screening to the south-western face of the balconies on the upper ground floor and the fourth floor. The development shall be constructed in accordance with the approved details unless otherwise approved by the Town in writing and shall be thereafter maintained.

- 14. Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Town prior to submission of an application for a building permit, particularly details relating to:
  - a. details of colours and materials of security gate screening; and
  - b. details of perforated powder coated screening to elevations.

The development shall be constructed in accordance with the approved details and shall be thereafter maintained.

- 15. Prior to lodging an application for a building permit, details of the height & location of hot water units located in storerooms are to be provided to the satisfaction of the Town, demonstrating that their placement is such that the hot water unit is accessible and that the storerooms retain their intended function
- 16. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, details of a 1kw photovoltaic system provided to each apartment. (See related advice note)
- 17. Prior to lodging an application for a building permit, details of water efficient fixtures and fittings installed within the development are to be provided to the satisfaction of the Town. (See related advice note)
- 18. Prior to lodging an application for a building permit, details of the security intercom system for access to all car parking bays (inclusive of residential visitor bays) are to be provided to the satisfaction of the Town.
- 19. Prior to occupation or use of the development, the redundant crossovers to Lots 31, 32 and 33 as shown on the approved plans, must be removed and the verge and kerb reinstated at the cost of the owner to the specification and satisfaction of the Town.
- 20. Prior to the submission of an application for a building permit, the applicant is to provide further details demonstrating that a 6 metre by 6 metre sightline truncation area at the intersection of Taylor Street and McCallum Lane will remain free of any obstructions that would inhibit line of sight for turning vehicles to the satisfaction of the Town. Any fixture or improvement located within the visual truncation area is not to exceed a height of 750mm. (See related advice note)
- 21. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.
- 22. Prior to the occupation or use of the development, all on site car bays being provided in accordance with the approved plans.
- 23. A minimum of five (5) car parking bays to be provided on site for the exclusive use of visitors. These bays shall be marked for the exclusive use of visitors prior to the first occupation or commencement of the development.



- 24. All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.
- 25. A zero lot gutter to be provided for the boundary wall(s) unless otherwise approved in writing by the Town.
- 26. Prior to the occupation or the strata-titling of the building(s), whichever occurs first, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall(s) must be finished to the same standard as the rest of the development to the satisfaction of the Town.
- 27. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
- 28. No earthworks shall encroach onto the Canning Highway road reserve
- 29. No development other than landscaping shall be permitted on the land as shown as required for future road purposes on the enclosed Land Protection Plan: 1.1041/2. (See attachment 10)
- 30. No stormwater drainage shall be discharged onto the Canning Highway road reserve, including the road requirement as shown within Land Protection Plan: 1.1041/2 (See attachment 10)
- 31. The ground levels on the Canning Highway boundary are to be maintained as existing.

#### **Advice Notes**

- 1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
- 2. To avoid delays in the issuing of a building permit, the applicant should commence the subdivision/amalgamation procedure without delay. A licensed land surveyor should be engaged for this purpose.
- 3. With respect to the condition requiring details of a 1kw photovoltaic system being provided to each apartment, it is noted that the applicant has advises that, to reduce energy consumption from the development and greenhouse gas emissions from the development (O4.15.1), "We are proposing to include a 1kw solar system per apartment" (see attachment 17)
- 4. With respect to the condition requiring details of water efficient fixtures, it is noted that the applicant's submission advises that, to minimise potable water consumption throughout the development (O4.16.1), "Fixtures and fittings with efficient WELs Ratings will be proposed" (see attachment 5)

- 5. The applicant is advised that the proposed works are located in a high to moderate acid sulphate soils risk area. The Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation website at <a href="https://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>. If any acid sulphate soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
- 6. With respect to the condition for an Urban Water Management Plan (UMWP), the Department of Biodiversity, Conservation and Attractions advises the following:
  - a. The stormwater management system (UMWP) shall be designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater from the proposed development should be managed in accordance with Department of Biodiversity, Conservation and Attractions Policy 49 - Planning for Stormwater Management Affecting the Swan Canning Development Control Area, the Department of Water and Environmental Regulations Stormwater Management Manual for Western Australia and Decision Process for Stormwater Management in WA, and water sensitive urban design principles. Stormwater runoff from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained or detained at source as much as practical and will not be permitted to enter the river untreated (in particular from the carpark). The Urban Water Management Plan is to make specific reference to clause 4.16, Design Guidance 4.16.5 of State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments. Incorporate the use of deep soil zones within the site to locate vegetation and assist with stormwater management as referred to in the Western Australian Planning Commission's draft Apartment Design Guidelines. The Urban Water Management Plan required can emailed rivers.planning@dbca.wa.gov.au for preliminary feedback.

With respect to the condition for an Urban Water Management Plan, the Town's Street Operations Team advises the following:

- b. The Stormwater Management Plan should be designed and signed by a certified and qualified practising Hydraulic Engineer that will address issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI). In the event that changes to the approved plans (i.e finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for amendment to the development approval may be required.
- c. Proposed Stormwater overflow DN150 direct connection pipe to TOVP Drainage system (Depicted in attachment 11) is not approved or permitted and is to be removed from the stormwater designs.
- d. As internal grades will overland flow towards McCallum Lane, Applicant is permitted by Manager of Technical Services to use last soakwell as a bubble-up pit during heavy storm events.

- 7. With respect to the condition requiring details demonstrating that the silver standard of Liveable Housing Design Guidelines are achieved by the units on the upper ground floor, please be advised that the level of detail required include (but are not limited to) wall reinforcement for future handrails, hobless showers, slipresistant floor surface etc. Please note that Town of Victoria Staff have identified that the following requirement may require alterations to the floor plans of apartments:
  - a. a minimum 1200mm clear circulation space forward of the toilet pan exclusive of the swing of the door in accordance with Figure 3(a).
  - b. The toilet pan should be located in the corner of the room (if the toilet is located in a combined toilet / bathroom) to enable installation of grabrails at a future date. Reinforcement guidelines for walls

The applicant may wish to seek the services of a disability access consultant to assist in addressing these matters.

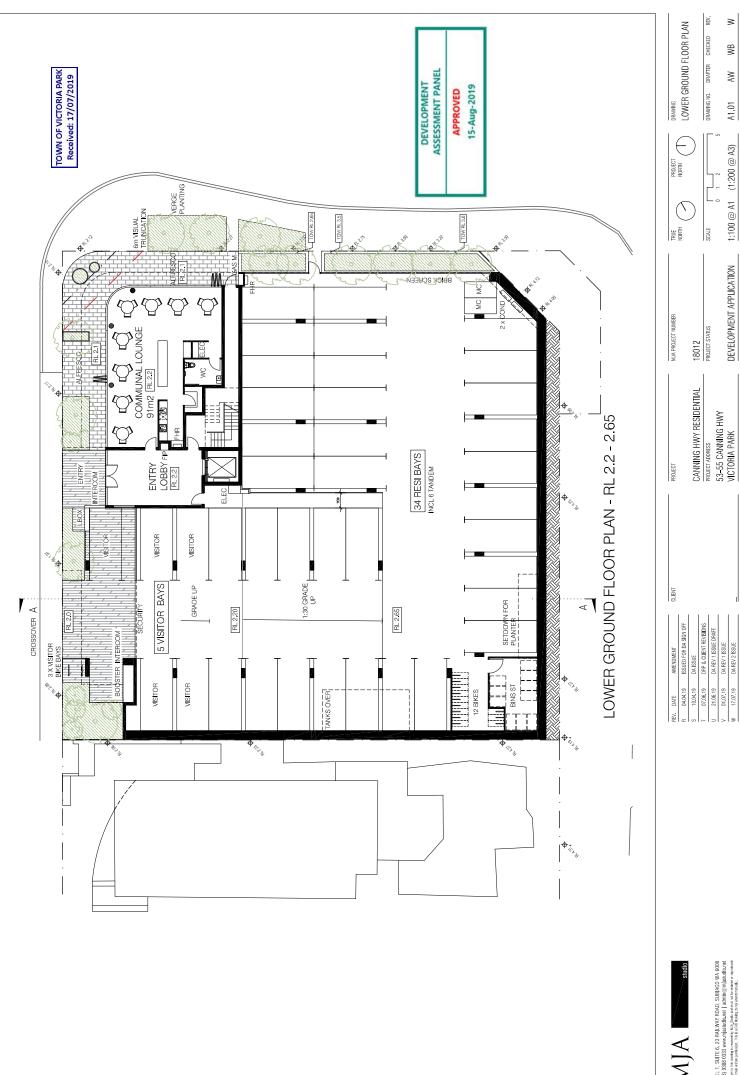
- 8. With respect to the condition for a revised landscaping plan, it is noted that the landscaping plan provided within Attachments 6 and 13 was for a *previous design iteration*. The approved DA plans include additional on-structure planting and Deep Soil Areas adjacent to/above the car parking gate and visitor bays that are not detailed within the landscaping package received to date. The Town expects the landscaping plan to include the following details:
  - Plan to scale not less than 1:200, preferably 1:100;
  - North point and lot boundaries;
  - Existing trees for retention or removal, including verge trees;
  - Verges include all services and features from the property line to the roadway edge;
  - Hard surfacing areas, footpaths, crossovers and driveways;
  - Retaining walls, fences and other structures;
  - Note proposed irrigation type (waterwise design preferred);
  - Mulch type large-particled to allow for effective drainage;
  - Mulch application depth minimum 70mm;
  - Mulch is to be suitably retained on the verge to prevent the contamination of street drainage systems;
  - Landscaping of the street verge in accordance with the Town of Victoria Park's 'Your Street Verge - Sustainable Landscaping Guide' on the Town's website;
  - Plant legend showing:
    - Proposed plant species (botanic and common names);
    - Container size (not less than 130mm);
    - Plant quantities;
    - Waterwise plant selection; and
    - Appropriate spacing moderate planting density, relative to the eventual mature size and spread of the species selected;
  - Plantings within sightline areas to be mulched and have a maximum height of 750mm on the verge and in visual truncation areas; and
  - Landscape maintenance schedule.

Landscaping is to be installed in accordance with the approved plan continually maintained to a standard to the satisfaction of the Town.

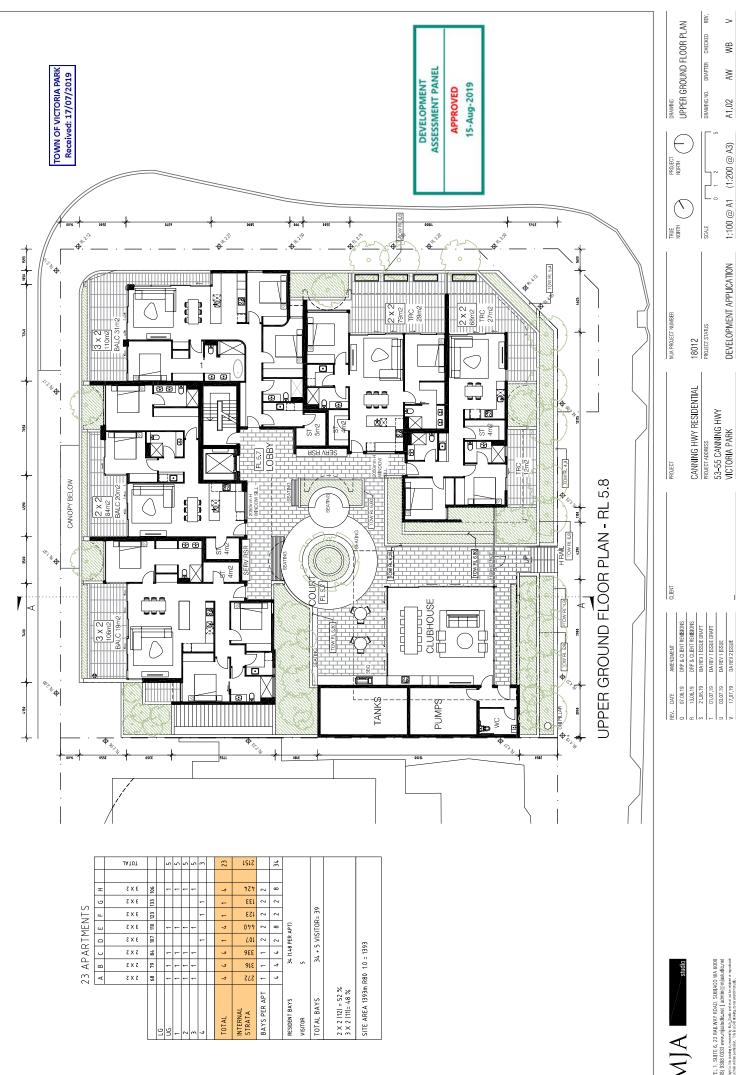
- 9. With respect to the condition for an acoustic report, it is noted that the acoustic report provided with the development application concluded that further information and would be required to determine acoustic treatments to be provided and that "specific glazing configurations will be provided as the project progresses into later stages" (See Attachment 12). In summary, the Town is of a view that a second report is required.
- 10. With respect to the condition for a 6 metre by 6 metre sightline truncation area at the intersection of Taylor Street and McCallum Lane, it is noted that the Town's Street Improvement team initially requested this area be ceded to the Crown. Given that the structure of the building would project into this truncation area in its upper floors, such an approach would either impact on the design of the building or would pose problematic liability issues to be resolved. Given that the lower ground floor area of the building keeps clear of the 6x6m truncation, a compromise was reached in which only a 4m x 4m area will be sought to be ceded to the Crown at this corner while a condition of development approval ensures that the purpose of the larger truncation (sightlines) is still achieved.
- 11. In relation conditions relating to Land Protection Plan 1.1041/2 the project for the upgrading/widening of Canning Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change.

The applicant/owner should refer to the <u>Requirements of Other Council Business Units</u> (see Attachment 9), which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or

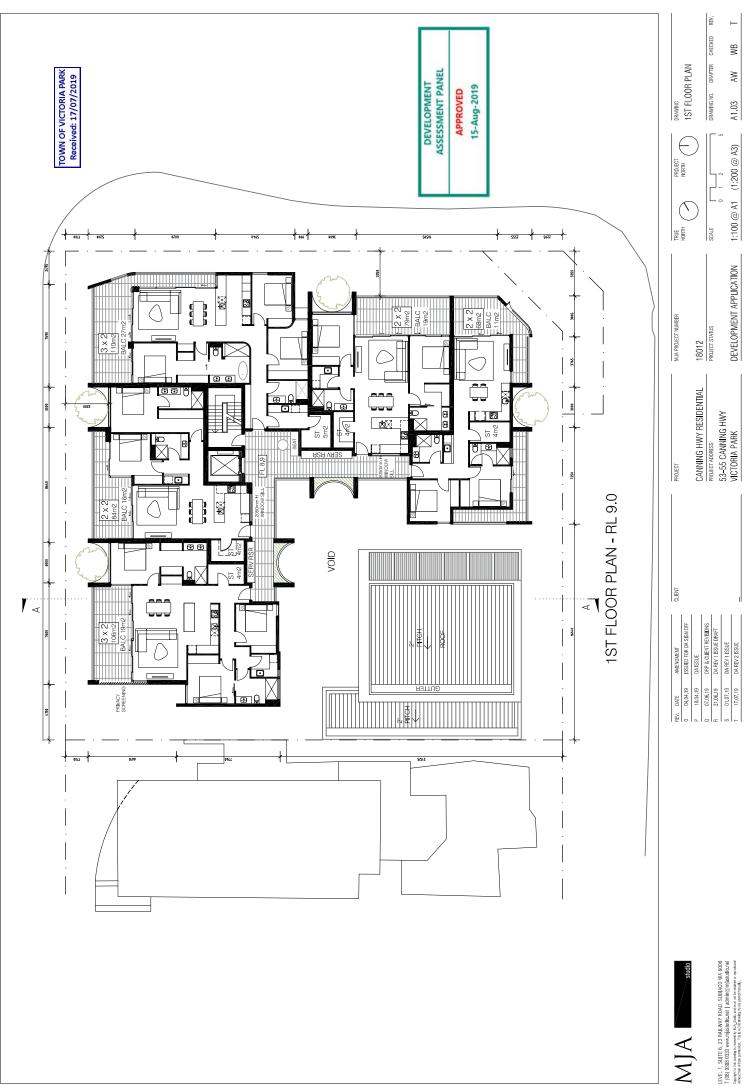
Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011.* 

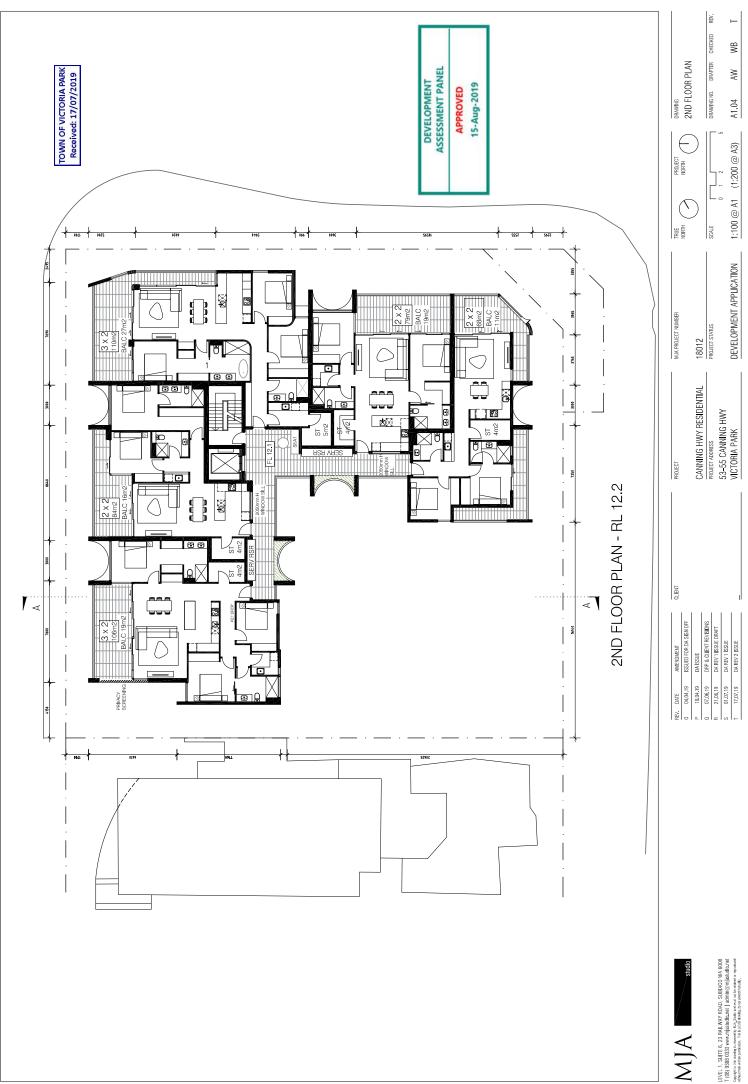


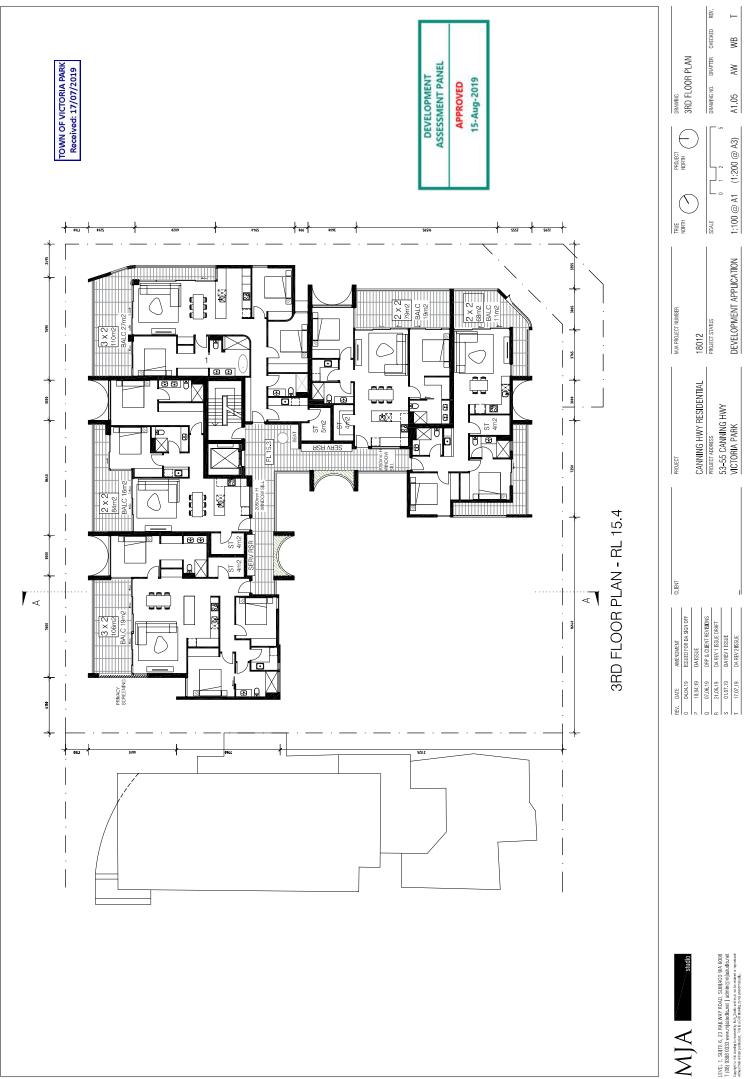
LEVEL 1, SUITE 6, 28 RALLWAY ROAD, SUBIACO WA 6008 T (06) 9388 0333 www.mjastudfo.net | admin@mjastudfo.net | copyright lies branch to beared with 3,500 and sub-resident or reproduce who, the wiles permisses. This is 200 and 200 a

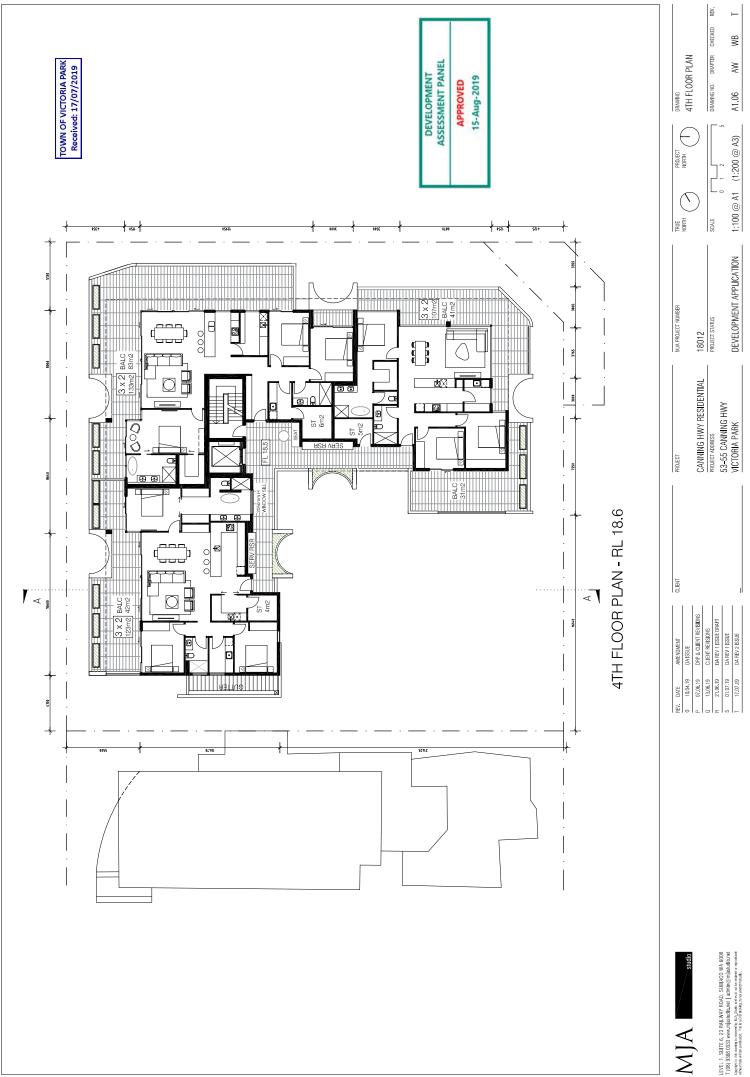


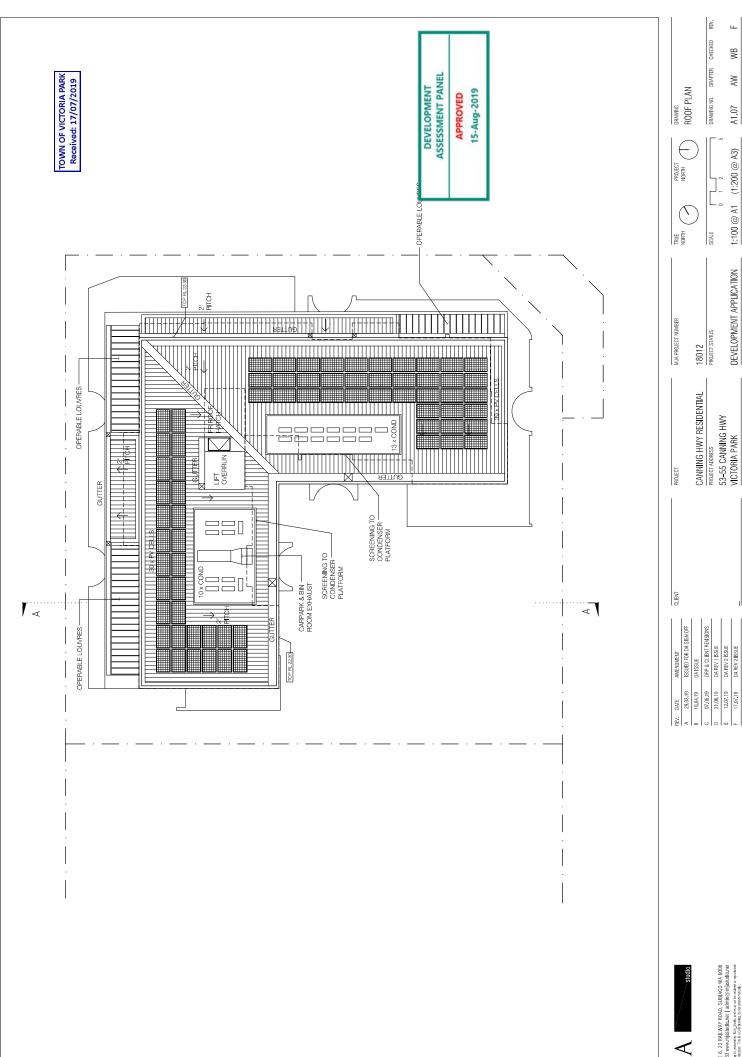
LEVEL 1, SUITE 6, 23 RAILWAY ROAD, SUBJACO WA 6008 T (06) 9380 0333 www.mjasludio.net | admin@mjasludio.net organization to residence reproduced whould the willise periodice. This is 20 of study, so calcard measure.











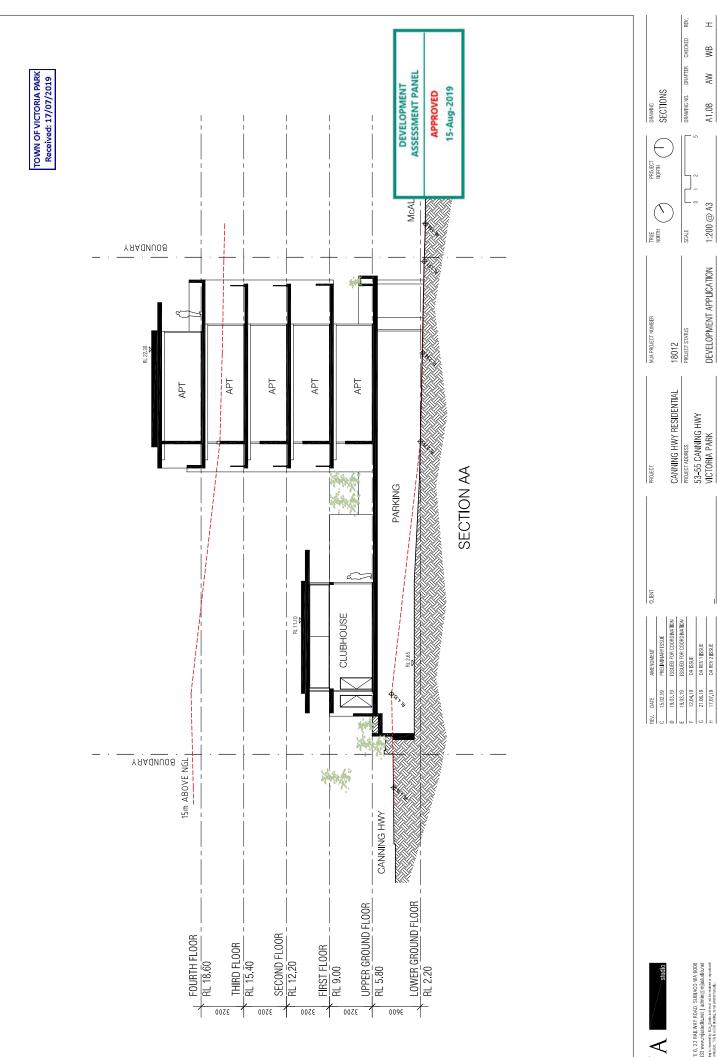
LEVEL 1, SUITE 6, 23 RAILWAY ROAD, SUBJACO WA 6008 T (06) 9380 0333 www.mjasludio.net | admin@mjasludio.net organization to residence reproduced whould the willise periodice. This is 20 of study, so calcard measure.

щ

₩

ΑW

1:100 @ A1 (1:200 @ A3)



LEVEL 1, SUITE 6, 23 RALLWAY ROAD, SUBIACO WA 6008 T (06) 9388 0333 www.mjasludfo.nel | admin@mjasludlo.nel ooppydla in being in served the Wash and real terrained or reprotest whould the willise president. This bold grawle, are careed results.

I ₩

AW

A1.08

1:200 @ A3

DEVELOPMENT APPLICATION



 REV. DATE
 DATE AMENDMENT
 CALENT
 PROJECT NUMBER

 A 120A19
 DA RESULE
 CANNINIG HWY RESIDENTIAL
 1801.2

 B 210G19
 DA REV2 SSSIE
 FROJECT STATUS
 FROJECT STATUS

 C 1707.19
 DA REV2 SSSIE
 53-55 CANNING HWY
 PROJECT STATUS

 D 26.07.19
 DA REV2 SSSIE
 FROJECT STATUS

 O 26.07.19
 DA REV2 SSSIE
 FROJECT STATUS

. Be

онескер WB

DRAFTER

DRAWING NO.
A1.09

SCALE

AW

1:200 @ A3

DRAWING EASTERN ELEVATION

PROJECT

TRUE



LEVEL 1, SUITE 6, 23 RAILWAY ROAD, SUBJACO WA 6008 T (06) 9388 0333 www.mjestudio.net | admin@mjestudio.net copyot's be leaving insende by Sasha and metal or minde or inprotect whost plan within permission. This is to Comway, on a serior metaly.

DRAWING NORTHERN ELEVATION TOWN OF VICTORIA PARK Received: 26/07/2019 ASSESSMENT PANEL DEVELOPMENT 15-Aug-2019 APPROVED PROJECT NORTH TRUE BOUNDARY WHITE ACRYLIC RENDER MJA PROJECT NUMBER CHARCOAL PATTERNED WHITE ALUMINIUM ACRYLIC BRICKWORK GLAZING RENDER BALUSTRADE CHARCOAL ACRYLIC RENDER WHITE ACRYLIC RENDER PROJECT PARTIALLY OPEN F CHARCOAL BRICKWORK BALUSTRADE ALUMINIUM GLAZING WHITE FACE BRICKWORK 1200h MECH / PLATFORM C PATTERNED/WHITE BRICKWORK BALUSTRADE CLIENT CHARCOAL ACRYLIC S RENDER TO SOLID BALUSTRADE 1 1 PARTIALLY OPEN CHARCOAL BRICKWORK BALUSTRADE AMENDMENT RL 22.30 WHITE POWDERCOATED PERFORATED SCREEN CHARCOAL FACE BRICKWORK YAADNUOB 15.11 ABOVE NGL LOWER GROUND FLOOR RL 2.20 UPPER GROUND FLOOR RL 5.80 SECOND FLOOR RL 12.20 FOUNTH FLOOR RL 18.60 THIRD FLOOR RL 15.40 FIRST FLOOR RL 9.00 3200

1:200 @ A3 SCALE DEVELOPMENT APPLICATION 18012 PROJECT STATUS CANNING HWY RESIDENTIAL PROJECT AUDRESS 53-55 CANNING HWY VICTORIA PARK DA ISSUE
DA REV 1 ISSUE DRAFT
DA REV 1 ISSUE
DA REV 2 ISSUE
DA REV 3 ISSUE REV. DATE
A 12.04.19
B 21.06.19
C 01.07.19
D 17.07.19
E 26.07.19

Æ. ш

CHECKED

DRAFTER

DRAWING NO. A1.10

MB

AW



LEVEL 1, SUITE 6, 23 RAILWAY ROAD, SUBJACO WA 6008 T (06) 9380 0333 www.mjssludio.net | admin@mjasludio.net ooppor'n be learner is served by A.S. Sabo and east on selecte on reprotect whost pleis with generates. This is 100 create, on ceremotravesh.



. Be

онескер WB

DRAFTER

DRAWING NO.

SCALE

18012 PROJECT STATUS AW

1:200 @ A3

DEVELOPMENT APPLICATION

MJA studio

LEVEL 1, SUITE 6, 23 RAILWAY ROAD, SUBIACO WA 6008 T (06) 9388 0333 www.mjsstudio.net | admin@mjsstudio.net copyop's ne favoranje inseed by Lisbon and active in minde or inprotect whost plant within permission. This is t



	TRUE	NOHIH		11100	SUALE	0	1:200 @ A3
	MJA PROJECT NUMBER		18012	21 OO I	PRUJECT STATUS		<b>DEVELOPMENT APPLICATION</b>
	PROJECT		CANNING HWY RESIDENTIAL	O MANAGEMENT THE THE PARTY OF T	PROJECT ADDRESS	53-55 CANNING HWY	VICTORIA PARK
3	CLIENT						ĵ
	: DATE AMENDMENT	PRELIMINARY ISSUE	21.06.19 DA REV 1 ISSUE	DA REV 2 ISSUE	DA REV 3 ISSUE		
	REV. DATE	A 12.04.19	B 21.06.19	C 17.07.19	D 26.07.19		

. Be

онескер WB

DRAFTER

DRAWING NO. A1.12

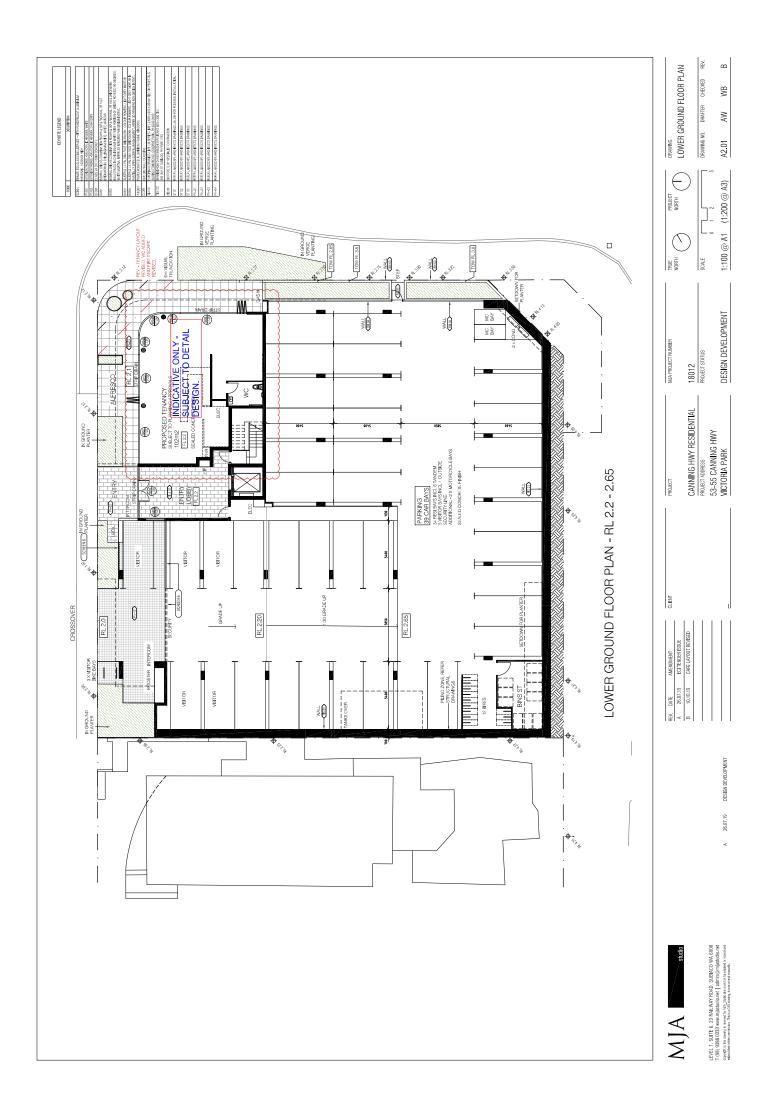
AW

DRAWING SOUTHERN ELEVATION

PROJECT NORTH

## Appendix B

Café Tenancy Concept Plan





the art and science of place

Level 18, 191 St Georges Tce, Perth WA 6000 **T.** (08) 9289 8300 – **E.** hello@elementwa.com.au

elementwa.com.au