

Our Ref: 21/080

14 October 2022

Attention: Planning Services

Town of Victoria Park
99 Shepperton Road
Victoria Park WA 6100

Dear Sir/Madam

**DEVELOPMENT APPLICATION – PROPOSED COMMUNITY SPACE & OUTDOOR DINING DECK
LOT 124 (NO. 488) ALBANY HIGHWAY, VICTORIA PARK (READ PARK)**

The following submission accompanies an application for development approval for a multipurpose community space and outdoor dining deck to be installed at Lot 124 (488) Albany Highway, Victoria Park (the subject site) which is part of 'Read Park'. This submission is prepared on behalf of Finman Pty Ltd, the owners of the adjoining property at Lot 123 (484) Albany Highway, Victoria Park.

The information presented in this submission includes an overview of the subject site, a description of the proposed development and consideration against the relevant planning framework. The following documents are to be read in conjunction with this submission.

- **Attachment 1** – Certificate of Title
- **Attachment 2** – Development Application drawings
- **Attachment 3** – Town of Victoria Park Ordinary Council Meeting Minutes (dated 21 June 2022)

1. Site Overview

The proposed development is located in Read Park, which is comprised of seven freehold lots. The proposed development is situated on Lot 124 (No. 488) Albany Highway, Victoria Park. The lot details are outlined below:

Table 1 Lot Details

Lot Number	Volume/Folio	Plan Number	Land Area (Landgate)	Registered Proprietor
124	1075/397	D011084	1427 m ²	Town of Victoria Park

2. Background

The owner of 484 Albany Highway, Victoria Park (the proponent of the proposed development) has undertaken a gradual revitalisation of the building over the past seven years. This has seen the site transform from an office building to a health and wellbeing hub, promoting active land uses on the site. One of the flow-on benefits of this transformation has been that it has promoted activity, use and surveillance of Read Park. The owners of 484 Albany Highway have reported a marked decrease in anti-social behaviour in the park and an increase in activity, with impromptu gatherings, fitness activities and café patrons enjoy a coffee in the park.

Sonder Coffee has been operating for approximately three years and despite COVID restrictions during this period, has proven to be a popular destination and meeting point for the local community. This has helped provide activation in a part of Albany Highway (between the Victoria Park and East Victoria Park café strips) which is otherwise populated by car sales yards and commercial buildings.

Feedback from patrons and community members has been that they would value the ability to overlook the park whilst having their coffee – particularly from parents whose children play in the park.

Council Resolution

The proposal was considered by Council on 21 June 2022. The purpose of this Council decision was to seek in-principle approval for a proposed lease. Council also granted authority for the Chief Executive Officer to sign the development application forms. The Council resolution states:

That Council:

1. *Approve in-principle the proposed sea container concept at 500 Albany Highway, Victoria Park subject to:*
 - a. *A legal opinion at the cost of the Applicant and confirming to the satisfaction of the Chief Executive Officer that the concept can be accommodated on Read Park within the Deed of Trust; and*
 - b. *All required regulatory approvals from the Town of Victoria Park being successfully obtained and any conditions thereon being complied with by the proponent, including but not limited to any applicable requirement for development approval, building permit, environmental health approval or other form or approval required by the Town's Local Laws or adopted Policies of Council.*
 - c. *The rent being set at fair market rental of \$4,000 per annum, plus GST, plus outgoings*
2. *Authorises the Chief Executive Officer to advertise by public notice to invite submissions for the disposal of a 30m² portion of 500 Albany Highway, Victoria Park for a period up to five years by way of a lease under section 3.58 of the Local Government Act 1995 and refer any submissions back to Council for consideration.*
3. *Delegates to the Chief Executive Officer the authority to negotiate and enter into lease terms to give effect to the concept on terms satisfactory to the Town's lawyers, subject to no submissions being received.*
4. *Delegates to the Chief Executive Officer the authority to consent to the submission of a development application to give effect to the concept, subject to any modifications or amendments as determined appropriate by the Town's administration, for the final consideration and determination by Council.*
5. *Delegates to the Chief Executive Officer the authority to provide land owner consent to any subsequent applications for any applicable regulatory approvals from Council required to give effect to the concept, following the successful entering into of a lease agreement to the Town's satisfaction and development approval being granted by the Council.*
6. *Notes that the approval in-principle of the concept does not create an agreement to lease or fetter the Town's discretion in the exercise of its statutory functions.*

A copy of the Council minutes is included in Attachment 3.

3. Site Context

The proposed development is to be situated in the north-west portion of Read Park, located in the suburb of Victoria Park in the Town of Victoria Park.

Immediate Surroundings

Read Park is comprised of seven freehold lots which currently contain recreation facilities including playground, ablution block, park benches, footpaths and picnic facilities. The proposed development is contained within Lot 124, being the northernmost lot in Read Park, which abuts No. 484 Albany Highway, Victoria Park. This site contains a two-storey commercial building known as the Wellness Collective which is used primarily for health and wellness purposes. 484 Albany Highway has a raised walkway on its south-eastern side which sits approximately 1.5m – 3m above the level of Read Park.

To the rear of the development area and in the northern corner of Lot 124 is the Victoria Park Community Garden. This occupies approximately 1,225m² of area within the park and provides an important service and function for the local community. More generally, Read Park contains neat and well-maintained landscaping with significant trees present throughout the site.

The area where the development is located slopes downwards from Albany Highway to the community garden, with a level difference of approximately 1 metre from the Albany Highway verge. There is also a small crossfall from west to east.

Broader Surroundings

The development surrounding the site more broadly includes an array of commercial and retail land uses along Albany Highway. The north-eastern end of Read Park (behind the community garden) is predominantly surrounded by grouped dwelling developments. The developments in the surrounding area have a mixed architectural style and are generally single or double storey.

Photographs of the subject site and surrounding properties are shown below.



Figure 1: Street level view of the subject site and adjoining property at 484 Albany Highway (Source: GoogleMaps, 2022)



Figure 2: View of Read Park facing Albany Highway – taken from the area of proposed development.

4. Development Proposal

The proponent is seeking approval to install two retrofitted sea containers adjacent to the raised walkway of 484 Albany Highway (Sonder Café). The shipping containers are to be installed side-by-side to create an open, flexible community space.

The ground floor level is accessed from Read Park. It is comprised of an open plan internal area and an external deck with an access ramp that is fixed to the southern edge of the deck. The north-eastern and south-western façades of the shipping containers will contain visually permeable windows with metal framing that facilitate passive surveillance to Albany Highway. This is intended to improve the safety and amenity of both the proposed development and the surrounding park.

The rooftop of the structure is to be fitted with a balustrade and utilised as an outdoor alfresco dining area for Sonder Coffee. It is accessed from the walkway at 484 Albany Highway. The rooftop area will contain chairs and tables, planter boxes with small trees and a corner bench to provide additional amenity and permanent seating areas for visitors (see Figure and 4 below).

The proposed development is intended to provide an aesthetically pleasing outcome. Whilst the proposal consists of sea containers, these will be retrofitted and painted to produce an outcome similar to the precedent images shown in Figure 5 below.

The development application also includes:

- The extension of the footpath in Read Park to connect with the ground floor; and
- The relocation of the gate to the community garden to the north in order to maintain suitable access.



Figure 3: View of the development proposal from Albany Highway



Figure 4: Street level view of the development proposal from Read Park

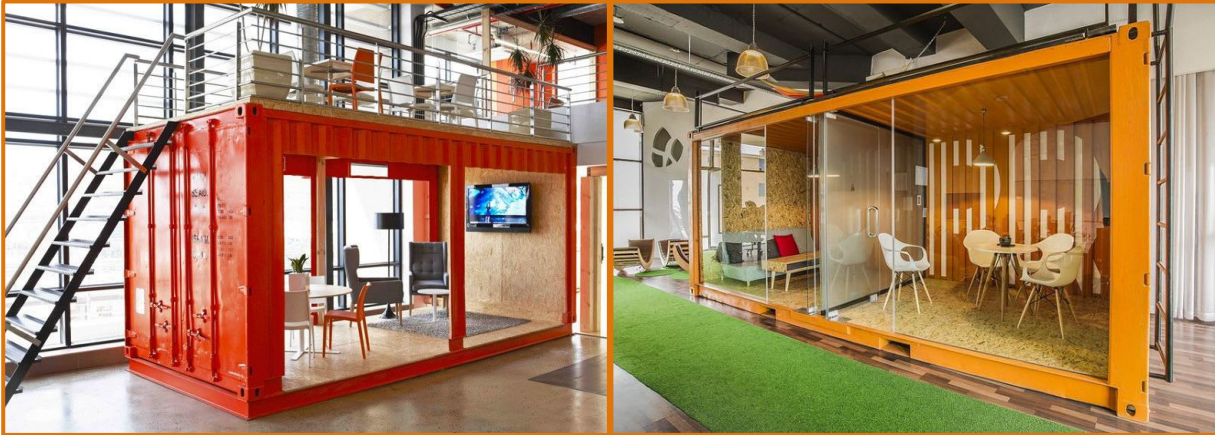


Figure 5: Precedent images for the proposed development

Design Considerations

In formulating the design and establishing the location for the containers, a range of matters have been carefully considered. The primary consideration has been ensuring the proposal is temporary and removable noting the intended term of the lease is five years. This is achieved through the use of sea containers, which can be picked up and moved or removed in a short period of time.

Other key considerations and the associated design responses are outlined in the Table 2 below.

Table 2 Design Considerations

CONSIDERATION	RESPONSE
<p>Site Levels – the land slopes downward from Albany Highway into the park and also has a crossfall from west to east (sloping down from 484 Albany Highway into the park).</p>	<p>The containers have been strategically located to minimise excavation or fill within the park. Specifically, the greatest level change is a reduction in the current levels of the park by 377mm. This is required to ensure the containers are located on flat ground. The level difference is minor and is able to be easily returned to its pre-development state should the containers need to be removed in the future.</p>
<p>Infrastructure – Read Park contains an electrical switchboard and sewer pump adjacent to 484 Albany Highway which require access for servicing.</p>	<p>Compared with earlier concepts, the containers have been setback further from Albany Highway such that they are sufficiently separated from the existing infrastructure. Notwithstanding, should the containers interfere with access in any way, they are moveable objects and are able to be relocated either temporarily or permanently.</p> <p>The proposed development also maintains a 3m clearance from the gate to the community garden, maintaining sufficient space for access.</p>
<p>Safety and Surveillance</p>	<p>The rooftop of the development offers an outdoor dining space which will improve activity and surveillance of the parkland throughout the day. The ground floor of the development contains opening on three sides, similar to the precedent images, to allow surveillance of the parkland.</p>
<p>Accessibility</p>	<p>The rooftop of the container is at-grade with the raised walkway at 484 Albany Highway. This area is accessible via a wheelchair lift located at the street front of 484 Albany Highway. The ground level is proposed to be at grade with the park. By extending the pathway, this is also accessible to people with disabilities.</p>

5. Planning Framework Assessment

The following section contains an assessment of the proposal against the relevant planning framework. The proposed development has been assessed against the following planning Schemes and policies:

- Metropolitan Region Scheme
- Local Planning Scheme No. 1

Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Regional Scheme (MRS). The proposed development is able to be accommodated under the current MRS zoning.

Town of Victoria Park Local Planning Scheme No. 1

The subject site is reserved for 'Parks and Recreation' under the Town of Victoria Park Local Planning Scheme No. 1 (LPS1). In accordance with LPS1, development on reserved land is to be considered against Clause 14 – Use of a Town of Victoria Park Scheme Reserve. An assessment against the provision is provided below.

Clause 14 – Use of a Town of Victoria Park Scheme Reserve

Development in land reserved for Parks and Recreation is considered under Clause 14.1 of LPS1, which states the following:

“A permitted use for a Town of Victoria Park Scheme Reserve is –

- a) a use which gives effect to the purposes for which the land is reserved under Scheme; and*
- b) where the land is vested in a public authority, a Commonwealth agency or in the Council, a use which gives effect to any purpose for which the land may be lawfully used.”*

As the name suggests, the purpose of the Parks and Recreation reserve is to provide for areas within the Town of Victoria Park that are dedicated to passive and active recreation opportunities for community members. The proposed development is used for two key purposes. Firstly, an outdoor dining space at the rooftop and secondly, a multi purpose community space at ground level. The outdoor dining space is a use that already occurs in the park – people often a coffee and use the park benches for this same purpose. The community space is intrinsically consistent with how the park is used and simply offers an enclosed space for community activities. We elaborate below.

Use of Ground Floor

The space is designed as an open plan area and is broadly intended to provide for community activities such as meetings and small community events. We consider that the multipurpose community space is consistent with the intended usage of the reserve for recreational purposes. Whilst 'recreation' is a broad term, we consider recreation encompasses community based activities and events, not just sport or physical exercise.

The presence of small community buildings is a common feature throughout many Parks and Recreation reserves in Western Australia. Noting the facility is to be open for members of the public, we therefore consider the use to be consistent with the purpose of the reserve.

Use of Rooftop

Having established the ground floor is consistent with the purpose of the reserve, it is noted the rooftop does not reduce the area available for public and community use Read Park.

The upper floor is intended to offer a space for visitors to the café to enjoy their coffee or food as they overlook the park. Notwithstanding, it is not necessarily limited to patrons of the café and could be used by members of the public more broadly.

There are many examples of cafés and restaurants located within Parks and Recreation reserves throughout Perth that we believe provide further support for this proposal. These examples include Tranby House located within Tranby Reserve in Maylands and Tomato Lake café, located within Tomato Lake Reserve (in Kewdale). The use of the Parks and Recreation reserves for dining purposes provides a unique public amenity and supports greater recreational use within the parks.

The rooftop level provides seated areas for people to overlook the park. It provides opportunities for parents to enjoy a coffee, whilst watching their children in the park. Again, this outdoor dining usage is consistent with how the park is already used and is considered consistent with the recreational nature of the reserve.

Consideration of broader impacts to Read Park and its users

The development proposal has the potential to provide additional positive amenity impacts from the installation including improved passive surveillance, reduced anti-social behaviour and increased incidental social opportunities for community members. It does not result in the removal of any trees. It also does not occupy an 'active' part of Read Park, noting the development is proposed in the area between a bore pump, transformer and the gate to the community garden.

For these reasons, we consider the proposed development will facilitate the permitted use of the park for recreational activities in accordance with the purposes outlined in Clause 14.1, while contributing to an attractive public amenity. It is considered that the proposal is generally compliant with the requirements of LPS1 and warrants approval.

Conclusion

As detailed in this submission, the proposal seeks approval to install two retrofitted sea containers, offering a multipurpose community space and outdoor dining deck in Read Park. The proposed use of the subject site for recreational purposes such as outdoor dining, and other community uses is considered consistent with the Parks and Recreation reserve requirements under Clause 14.1 of the Town of Victoria Park Local Planning Scheme No. 1. The uses are recreational and community orientated and are consistent with how parks are commonly used.

Should you have any further queries in relation to the above, or require any additional information, please do not hesitate to contact the undersigned.

Yours faithfully



TRENT WILL
SENIOR ASSOCIATE