

SCHEDULE OF SUBMISSIONS

Development Application 5.2022.393.1 relating to proposed Read Park Multi-Purpose Community Space with Rooftop Alfresco Dining Area at No. 488 (Lot 124) Albany Highway, Victoria Park and Alterations to Existing Accessway and Balustrade at No. 484 (Lot 123) Albany Highway, Victoria Park.

Advertised 1 December to 14 December 2022

General community - 7 submissions (3 supporting submissions, 2 not stating a position, 2 objections)

Submission Date	Street Address	Position	Submission Comments	LG Officer Comments
Dec 1 22 10:58 pm	Salford Street property owner	Neither support or object	There is no supporting information in the attachment to form an opinion on the proposal or how it will impact residents on Salford Street (apart from some plans which show a small part of the park being used for the development). Who is the applicant (is it the Town of Vic Park itself)? How and when will it be operated.	Response provided to submitter with further information. No further response was received from submitter.
Dec 6 22 11:32 am	Lichfield Street property owner	Support	I would support the proposal.	Support noted.
Dec 12 7:01 pm	Lichfield Street property owner	Support	My property adjoins Read Park and support this as I think it will be good for the local area and community.	Support noted.
Dec 13 22 9:29 am	Lichfield Street property owner	Neither support or object	I think the cafe extension is good and will make a positive contribution to the Park. I am concerned, however, that there seems to be some uncertainty around the future of Read Park. I note that, although it is reserved for Parks & Recreation in Council's local planning scheme, it is zoned 'Urban' in the Metropolitan Region Scheme. What does this mean about the potential future use of Read Park? Will it remain an open, green, community space with mature trees, playground facilities and public toilets? Or could it be redeveloped? The Applicant's submission attaches Council minutes that make reference to a "Read Park Deed of Trust", which governs how the land (which is apparently comprised of x7 freehold lots) may be used. Does the Deed of Trust prevent the land from being Reserved, rather than held in Freehold? As noted in the Applicant's submission, Read Park has a lot of good things going on (Community Gardens, children's playground, great tree	Partial support (in comments) noted. Read Park is intended to remain reserved as Parks and Recreation under both current Town Planning Scheme No. 1 and future Local Planning Scheme No. 2. The underlying 'Urban' zoning of the land under

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			<p>canopy and passive recreation area) but it also suffers from a lack of surveillance over some parts, particularly the area hemmed in by the fenced stormwater sumps. There have been break-ins at the properties adjacent to Read Park, which I strongly believe is due to the hidden nature of these spaces. As a nearby resident whose property overlooks the stormwater sumps facing Lichfield Street, I would like to know why Council hasn't done anything (e.g. come up with plans of how to re-landscape the area to improve visual & pedestrian permeability, and improve surveillance) to address these issues. I appreciate that this is not something within the Applicant's control, so is not a matter that the Applicant can address, but I think that Council should address it (i.e. strategic planning for Read Park to safeguard its Parks & Recreation use and discourage anti-social behaviour) before it starts leasing out parts of the Park for private use.</p>	<p>the Metropolitan Region Scheme (MRS) is common to local parks, with local planning schemes able to reserve MRS 'Urban' zoned land for purpose of 'Parks and Recreation'. In this case, the Deed of Trust provides an additional legal encumbrance on the land, restricting its use for recreational purposes. Concerns in relation to passive surveillance and safety in relation to the sumps noted. Revegetation/improvements to the sumps have been identified as potential future projects, as well as the preparation of masterplan more generally for the future or Read Park, as identified in the Public Open Space Strategy. These matters will be progressed by the Town having regard to other projects and priorities of Council and subject to available resources/funding being</p>

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				available to progress these in future.
Dec 13 22 9:58 am	Lichfield Street owner-occupier	Support	<p>I have read through the Applicant's Submission Letter and looked through the Consultation Plans provided and overall I am supportive of the proposal however I have a couple of questions:</p> <p>1. What security measures will be in place for the new structure? I understand there will be more passive surveillance during trading hours but after hours, there is a risk of loiterers or people camping out in the facility/area. This may also encourage antisocial behaviour after dark.</p> <p>2. Has there been any assessment/review of the comfort of park users? With the addition of a steel structure (and removal of some lawn) in the park, it is likely that the local area will be warmer especially in the summer months. I noticed in the plans that there will be some planter boxes with small plants but it would be good to see larger plants/shade structures to keep the area cool and inviting in the warmer months.</p>	Support noted. Conditions have been recommended to
Dec 13 22 1:15 pm	Temple Street resident	Objection	<p>Sonder café, who are wanting the alfresco area, host loud and disruptive evening events in their basement carpark already and I am concerned that them getting this additional building, will allow them to progress to night trading with excessive noise.</p> <p>Not only the noise, but also the impact this will have on the park. How long until someone else wants to put a structure in the park?</p> <p>What litter will this create for the park?</p> <p>I am concerned that this will open a gateway for more structures in the park.</p> <p>The structure will impact the lawn, community garden and image of the park.</p>	Concerns noted. However, the subject proposal if approved is recommended to be subject to comprehensive planning conditions and a lease agreement, the terms of which will provide restrictions and outline measures to prevent and/or address excessive noise, rubbish and other impacts. The Town is the freehold owner of the lots comprising Read Park so is able to maintain full land owner control of what structures or activities occur

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				within the site. Accordingly, any approval of the development is not considered to give rise to a gateway for more structures within Read Park, unless the Council determines such structures to be appropriate.
Dec 13 22 8:48 pm	Salford Street property owner	Objection	<p>Before I address the proposed development below, I would like to state that I have been very impressed with the work that the Town of Victoria Park & council has achieved over the last decade. The Town of Victoria Park has been upgraded, beautified, regenerated in the vital areas of community, economy and commercial aspects, even the lowering of speed limit to 40kms along the hub of the Albany Highway main commercial, retail & cafe concerns strip, is in my opinion very successful. Before I address the proposed development below, I would like to state that I have been very impressed with the work that the Town of Victoria Park & council has achieved over the last decade. The Town of Victoria Park has been upgraded, beautified, regenerated in the vital areas of community, economy and commercial aspects, even the lowering of speed limit to 40kms along the hub of the Albany Highway main commercial, retail & cafe concerns strip, is in my opinion very successful.</p> <p>RESPONSE: Development Application - Read Park submitted by Taylor Burrell Barnett. This application seems to have been submitted for & on behalf of the owner of the commercial property at 484 Albany Highway, Victoria Park which abuts Read Park, being Finman Pty Ltd, although I was unable to confirm this exact stated corporation to the ASIC register which is unusual.</p> <p>DEVELOPMENT PROPOSED: To place privately owned sea containers in Read Park, a very small green public space, with a commercial lease agreement with the applicant (rental sum of \$4000pa), for the</p>	<p>Not supported. While the detailed concerns in the submission are noted, the proposal is to be located in a currently under-utilised portion of Read Park that is effectively cut off from the remainder of Read Park. The approximate 30m² footprint of the main structure represents approximately 0.41% of the total area of Read Park (7383m²). The Town is the freehold owner of the lots comprising Read Park so is able to maintain full land owner control of what structures or activities occur within the site. Accordingly, any approval of the development is not</p>

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			<p>purpose of providing one specific commercial business with more open air facilities specifically for its private commercial clientele. Effectively, this proposal will allow the construction of a facility for and on behalf of a private enterprise upon a green public community park in the middle of a huge commercial, retail & café strip which not only excludes other business concerns in the area but would be detrimental to this business 'hub'. Without facilitating any benefit to the community which it is supposed to be providing for. *Important: This will also set a precedent whereby the Town of Victoria Park will assist singular commercial, retail, cafe concerns, even when detrimental to the sum of businesses in the area, to the extent that they will remove precious public green space to enable expansions of individual business undertakings.</p> <p>THE APPLICATION: Aspects gleaned from Application: 1. The open air facility can only be accessed by leaving Read Park, entering the applicants building via footpath on Albany Highway, climbing stairs/ramp & passing through the Cafe to the outside area at the rear/side of Cafe. This aspect particularly contradicts the applicants statement that "particularly parents whose children play in the park" would welcome having a coffee whilst overlooking the park. As the parents would have to leave their children unattended whilst they went next door to order coffee & walk up to the open air section, then still have no access to their children from the open air deck, representing a dangerous aspect to this development proposal. The community recreational improvement test is not met. The concept of providing areas "dedicated" to passive and active recreation opportunities for community members test is not met due to lack of access and ability to exclude non-paying community members.</p> <p>2. The bottom portion of this proposed construction appears to have no other purpose other than to ensure that the open air deck above aligns with the applicants building. This bottom (ground level) portion of the proposed development does have direct access to the green public space of Read Park but no additional active or passive recreational aspects that a park table and bench would provide.</p>	<p>considered to give rise to a gateway for more structures or improvements within Read Park, unless the Council determines them to be appropriate. It is recommended that any development approval be subject to comprehensive planning conditions and a lease agreement, the terms of which will ensure any adverse impacts on park users are minimised and that the ground level community space will be operated and managed (preferably by the Town in terms of bookings management) so that it will serve as a genuine community space. A condition has also been recommended to require general public access to the rooftop alfresco area of the structure, consistent with the applicant's statement that this could potentially occur. The location of enclosed buildings and facilities on</p>

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			<p>As most people don't take their children to the park in the rain, it is a shelter and if the weather is good most people prefer the open air, the kids certainly do and this proposed construction is too far away from the children's play area to render it worthwhile. Additionally, the application doesn't appear to state whether or not this area will be air conditioned for extreme heat, however, most people do not take their kids to the park in extreme heat conditions.</p> <p>There appears to be very little recreational benefit that this bottom portion of the proposed construction for general or public park occupants so does not give argument for removing precious green space, to provide a block for an outdoor dining area which has no access from Read Park.</p> <p>3. Applicant states "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 get 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." This is deliberately misleading because the purpose of a park is public access and full community activity.</p> <p>The lack of Read Park direct access and stated purpose of the Outdoor dining space strongly suggests that the general public or community with or without children would be deterred from entering a separate commercial cafe before being able to sit in Read Parks open air facilities for merely a coffee which could be obtained as a takeaway and drunk in the Open Air of Read Park along side where the children play. This open air facility is of little value to Read Park community members but of tremendous value to the current patrons and tenants of the building and commercial concerns of the Applicant. Who would in all likelihood have pre-booked that area out to his commercial patrons/tenants and hence public assess denied to public space, although acclaimed as provided for the 'community'.</p> <p>4. Another misleading acclaim by the applicant is that "The presence of small community buildings is a common feature throughout many Parks and Recreation reserves in Western Australia."</p>	<p>public parks is a frequent occurrence which effectively restricts access by the general public – such facilities include storerooms, clubrooms, various community purpose civic spaces and even the existing community gardens on the subject site.</p> <p>Notwithstanding, such facilities remain consistent with the use of the land for recreational purpose despite their restricted or infrequent accessibility to the general public.</p> <p>Notwithstanding, the applicant has demonstrated an agreement to work with the Town in relation to the preferred activities to be conducted within the community space, including support for the Town to facilitate and manage bookings. The presence of patrons/users within the alfresco dining space (be they café customers or not) will enhance passive surveillance of the park and</p>

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			<p>This aspect is true for the two Town of Victoria Park Parks detailed (Tomato Lake and Tranby Reserve) in the application. However, the circumstances differ greatly.</p> <p>a. Both the Parks cited have very large public green spaces, so providing onsite facilities is not detrimental to the overall green space provided</p> <p>b. The facilities provided are within the actual Parks so that recreational aspects can be recognised due to community members having direct access to the open air facilities and NOT via an inhibiting private commercial building or having to compete with customers attached to that commercial building, to be able to enjoy those facilities.</p> <p>c. These large Parks are in middle of suburbia, mostly residential. There are no commercial, retail, cafe facilities close by. So, it makes sense in large parks in suburban areas to provide community facilities.</p> <p>d. Read Park is surrounded by commercial, retail, cafes, has minimal green space, will lack direct access to the recreational facilities offered in Read Park and will be required to compete with the buildings current commercial tenants and patrons.</p> <p>5. RENTAL leases within general, are legally allowed to decide who enters their premises. So even if the Town of Victoria Park put in a clause stating anyone can enter the open air deck without paying... they first need to be able to enter the Cafe itself which can't be bound to Town of Victoria Park directives.</p> <p>In respect to the statement that the applicant wouldn't 'discriminate'. This statement is superfluous per se, as Australia has anti discrimination laws which clearly cover discrimination.</p> <p>Access is what is important. The general public and community should have direct and unfettered access to the main recreational feature of this proposal (open air deck), without having to compete with patrons & tenants of the applicants building and current patrons. Additionally, who will be paying for the NEW path (installation & maintenance) to this empty sea container? This aspect has not been detailed.</p> <p>CONCLUSION: The proposed development: 1. An open air deck (clearly the main aspect of this Development Proposal). Unfortunately, it has little or no aspects of or addition to any Recreational feature, due to:</p>	<p>contribute to the enjoyment of the park and therefore serve/support a recreational purpose.</p> <p>The Town's Social Infrastructure Strategy recommends the delivery of community spaces of this nature by the Town as a priority within the locality, and the subject proposal represents an opportunity to address this demand. The proposal will also contribute to the actions/objectives of the Town's Public Open Space Strategy as well as the Streets Ahead Action Plan, which both recommend the enhancement of Read Park through additional activation and/or commercial/outdoor dining activities, which the subject development will deliver.</p> <p>All costs associated with the proposal, including any path extension or alterations to existing infrastructure within Read Park are to be borne by the applicant/owner of</p>

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			<p>a. No access from Read Park b. Access via a separately privately owned commercial building c. Read Park Public will need to compete with the cafe’s normal commercial patronage and tenants to be able to utilise the feature and be subject to commercial acceptable dress and appearance d. All these aspects differ greatly from the Recreational contributions of the other two Parks named in this Development Proposal, in addition, to precious limited public green space available in Read Park</p> <p>2. Although the ground level container provides direct access from Read Park, it provides very little ‘in-park’ service, as people are in the park for recreation and the open air, not a void that provides very little in the way of a service to them other than a chair.</p> <p>Effects:</p> <p>1. Both the open air deck and ground level container, do not benefit or provide much of a Recreational service or enhancement to the general public or community that utilise Read Park but will benefit and expand the commercial private profit making activity of the applicant. 2. Place the Town of Victoria Park in a compromising position of being seen to promote the expansion of a singular profit making commercial undertaking as versus the overall planning and provision of public community, commercial and economic facilities of council’s locale. 3. It will also set a legal precedent, as it can be legally and otherwise shown that the current development proposal differs greatly from those of the other Parks which have large public green spaces, are located in suburban residential areas, allow direct access to the facilities provided, don’t have to share the most important facility (Open Air Deck) with other commercial patrons and don’t impeach upon surrounding commercial concerns. That there is a clear indication that the Proposed Development is more for the purpose of expanding the physical boundaries of the Applicants premises/building into Read Park’s green space, than for providing of Recreational enhancements to Read Park. 4. Effectively, exchanging Public green space for Private Space for the purpose of enabling the applicant to extend their premises/building.</p>	<p>484 Albany Highway, as per the recommended conditions of development approval.</p>

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			<p>RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Decline the Development proposal 2. Provide a lot more appropriately designed tables, chairs and benches in Read Park to make it truly a friendly, comfortable, public community green area from which the applicants clientele can freely utilise. Coffee, cakes and dining are available from the hub of commercial, retail & cafe businesses that surround this wonderful but very small special public green space or they can bring their own. Green public space in the location of the commercial, retail & cafe strip, is very rare and very important to the Community. 3. If it is still thought that it is essential to provide a food & drink service in Read Park which I don't personally agree with due to reasons stated above, then it would be way more appropriate to provide a special parking spot (7am to 3pm) for a contracted vendor van in Salford St, right next to where the children are playing to really provide for parents and park participants. Whilst still ensuring that the Park has adequate tables, chairs and bench facilities available. 4. Parking: allow greater access by removing all day parking and limiting free parking to say 2hrs, to improve community access to Read Park. These parking bays are currently being used as free all day parking facilities. 5. Safety: instal a waist high metal (see through) railing fence on the Albany Highway side of the park and a little into Salford Street, to ensure that children can't run onto this busy road. 	

Other Organisation Submissions – 1 supporting submission

Submission Date	Agency	Position	Submission Comments	LG Officer Comments
Nov 25 22 8:33 pm	Victoria Park Community Gardens Association	Support	I confirm the VPCG does not use that gate and continues to support the application as shown on the attached plans.	Support noted. Confirmation that the community gardens do not utilise the existing gated access located to the rear of the proposed development noted.