



**ROWE**  
GROUP

Job Ref: 8862  
27 April 2021

Town of Victoria Park  
99 Shepperton Road  
Victoria Park WA 6919

Dear Sir/Madam

**Application for Development Approval – Temporary Site Office  
384 (Lot 3) Berwick Street, East Victoria Park & Crown Land PIN 244059**

Rowe Group acts on behalf of Berwick EVP Pty Ltd ('Client'), the landowner of Lot 3 (No. 384) Berwick Street, East Victoria Park ('Lot 3') and with authorisation from the Department of Planning, Lands and Heritage ('DPLH') with regard to the portion of unnumbered, unallocated Crown Land identified as PIN 244059 ('Crown Land'). These two (2) portions of land are herein referred to as the 'subject site'.

We have been requested by our Client to prepare and lodge a Retrospective Development Application for a temporary site office, and associated fencing, advertising signage, car parking and landscaping ('Application') at the subject site.

To assist in processing this Application please find enclosed the following;

- Signed Town of Victoria Park Application for Development Approval Form;
- Signed MRS Form 1;
- Letter of Consent from the Department of Planning, Lands and Heritage;
- Copy of Certificate Title; and
- Copy of the Development Plans.

It is understood that upon receiving the application the Town of Victoria Park ('Town') will issue an invoice for the application fee which will be paid at this time.

## Subject Site

The subject site is bound by the Hill View Terrace Community Bushland to the south-east, Berwick Street to the south-west, Carson Street School to the north-west and Edward Millen Reserve to the north-east. Vehicle access is provided to the subject site via Berwick Street and Carson Street / Baillie Avenue.

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Lot 3 is legally described as:

- Lot 3 on Plan 46173 Certificate of Title Volume 1405 Folio 520 ('Lot 3').

Refer Attachment 1 – Certificate of Title.

The Crown Land is unnumbered and unallocated, and legally known as PIN 244059. The Crown Land is a 'closed road' reservation, managed by the DPLH.

Lot 3 is 1.1ha in area, and the Crown Land is 30m<sup>2</sup> in area. The subject site is currently vacant with the exception of a temporary site office, front fencing adjacent to Berwick Street, and advertising signage.

## Background

A subdivision of the subject site was approved by the Western Australian Planning Commission ('WAPC') on 21 July 2020, creating two (2) freehold lots being future Lots 1 and 2. A subsequent strata subdivision of future Lot 1 was approved by the WAPC on 9 October 2020, creating 40 survey strata lots, comprised of 39 survey strata lots and one (1) common property lot. Site works are currently being undertaken at the subject site as part of the implementation of the two (2) approved subdivisions.

An Application for Development Approval for 32 multiple dwellings and 39 grouped dwellings is currently being progressed with the Town and Metro Inner-South Joint Development Assessment Panel.

A temporary site office, and associated fencing, advertising signage, car parking and landscaping has been erected on site in order to manage the ongoing subdivision site works, and to manage the pre-sales of the future dwellings at the subject site.

## Description of Proposal

This Application seeks development approval for a temporary site office and associated front fencing, advertising signage, car parking and landscaping at the subject site. The development is temporary and will be removed during the future construction of the dwellings at the subject site. As such, we seek a 'time-limited' approval of the site office and associated items, expiring in September 2022.

The site office and associated features occupy approximately 562m<sup>2</sup> of the western corner of the subject site, bound by the site office, decking and internal fencing. The site office is set back 11.63m from Berwick Street and 1.0m from the north-west lot boundary. The site office has an area of 38.03m<sup>2</sup>, and an adjacent deck and wheelchair-accessible ramp with an area of 30.95m<sup>2</sup>.

Temporary front fencing to accommodate signage panels are located along the full extent of the Berwick Street boundary. The signage panels have a maximum height of 2.4m. The signage panels are provided to advertise the future dwellings at the subject site. Additional temporary hoarding is located within the subject site, to separate the site office from the balance of the construction site.

Five (5) car parking bays are provided on site for the use of the site manager and associated construction / management personnel. The car parking is located adjacent to paved manoeuvring areas connecting the existing vehicle crossovers to the site office.

The paved manoeuvring areas are surrounded by landscaping, and additional landscaping is provided on the deck.

Refer to Attachment 2 – Development Plans.

## Town Planning Considerations

### Zoning and Land Use Permissibility

The subject site is zoned 'Urban' under the Metropolitan Region Scheme.

Under the provisions of Local Planning Scheme No.1 ('LPS 1') the subject site is located within the Precinct Plan 12 – East Victoria Park ('P12 Precinct') and is zoned 'Residential' with an assigned density coding of R60.

The 'temporary site office' proposal is not consistent with the definition of any use listed in the Zoning Table of LPS 1. The land use is therefore classified as an 'Unlisted Use' under LPS 1. Clause 16 of LPS 1 states the following with regard to unlisted uses:

16. *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use Class categories the Council may:*
  1. *determine that the use is consistent with the objectives and purposes of the particular Zone and is therefore permitted; or*
  2. *determine that the proposed use may be consistent with the objectives and purposes of the Zone and thereafter follow the advertising procedures of clause 28 in considering an application for Development Approval; or*
  3. *determine that the use is not consistent with the objectives and purposes of that particular Zone and is therefore not permitted.*

The temporary site office is consistent with the intent of the 'Residential' Zone as it will assist in the delivery of a high quality residential development that shall include a wide range of dwelling types and sizes. We are therefore of the view that the land use is appropriate at the subject site and should be supported by the Town.

### Building Height

The P12 Precinct Plan states the following with regard to building height in the 'Residential (R60)' Zone:

*The height of a building on land coded Residential R60 shall not exceed 8.6 metres.*

The site office has a maximum building height of 3.26m above natural ground level, and is therefore compliant with LPS 1 with regard to building height.

### Building Setbacks

Clause 5(a)(i) of the Town's Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas ('LPP 3') states that front setbacks for non-residential development on Residential zoned land should comply with the relevant requirements applicable to residential development.

Clause A1(a) of the Town's Local Planning Policy No. 25 Streetscape ('LPP 25') states that development is to be set back from a primary street a minimum 6.0m average with a 3.0m minimum. The site office is set back 11.63m from the Berwick Street boundary, and is therefore compliant with LPP 25 and LPP 3 with regard to street setback.

Clause 5(b)(i) of LPP 3 states that side setbacks for non-residential development on Residential zoned land should be as per the requirements for residential development under the Residential Design Codes.

The site office has a length of 9.17m, maximum height of 3.26m above natural ground level, and no major openings facing the boundary. Under Table 2a of State Planning Policy 7.3 Residential Design Codes Volume 1 ('R-Codes'), the site office is required to be set back a minimum of 1.5m from the side boundary in order to be consistent with the deemed-to-comply provisions.

The site office is set back 1.5m from the side boundary, and therefore represents a minor variation from the R-Codes deemed-to-comply provisions. Were the site office 9.0m in length (0.17m less than its current length), it would be fully compliant with these provisions. In lieu of this, we note the site office is consistent with the design principles of the R-Codes, for the following reasons:

- The side boundary abuts the car park of the adjacent Carson Street School, and so the setback of the site office will not impact the habitable area of any adjoining property;
- The site office has no openings facing the boundary, and therefore does not create any visual privacy concerns;
- The location of the site office, and lack of openings facing the boundary, does not impact solar access to the site office or adjoining property; and
- The site office is reasonably small in size and its visual impact is therefore minimal.

For the above reasons, the side setback of the site office is consistent with the design principles of the R-Codes, and is therefore capable of support.

### Car Parking

The Town's Local Planning Policy No. 23 Parking Policy ('LPP 23') outlines provisions for the number of car parking bays based on the land use of a development. Given the development is an 'Unlisted Use' under LPS 1, LPP 23 does not provide a corresponding car parking requirement.

Notwithstanding, we are of the view that the operation of the site office is closest to that of the 'Office/Administration' use listed under LPP 23. The minimum car parking requirement for the 'Office/Administration' use is 1 car bay for every 40m<sup>2</sup> of net floor area.

The site office has a net floor area of 38m<sup>2</sup>, and the development includes five (5) car parking bays. Additionally, the number of bays provided on site has been determined with the operation of the site office in mind. It is in our Client's best interest to provide adequate parking for staff on site.

We also note that the car parking bays are accessed via an existing vehicle crossover onto Berwick Street.

For these reasons, we are of the view the development is consistent with LPP 23, and provides adequate parking to accommodate its operations.

### Signage

Under the Town's Local Planning Policy No. 38 – Signs ('LPP 38'), the signage on site is defined as a 'Development Sign', given it is erected on the site of two (2) approved subdivisions and future development, and display information regarding the project.

Part 1 of LPP 38 outlines the following general requirements for all signs:

1. *Advertisements shall be located outside visual sightline areas so that traffic and pedestrian safety is not compromised; and*
2. *Advertisements shall not contain any obscene or offensive information or illustration; and*
3. *Advertisements shall not obstruct pedestrian or vehicle movements; and*
4. *Where illuminated:*
  - a) *not cause a nuisance, by way of light spillage to abutting sites;*
  - b) *not comprise flashing, intermittent or running lights, or change more than once in every 5 minute period;*
  - c) *not interfere with or be likely to be confused with, traffic control signals; and*
  - d) *not have a light of such intensity as to cause annoyance to the public; and*
5. *Advertisements are not to extend beyond the boundary of the lot unless located on an existing awning or canopy; and*
6. *Advertisements shall be in keeping with the architecture of the building.*

The signage on site is consistent with the above requirements, for the following reasons:

- The signage does not form a backdrop to any traffic signs or intersections;
- The advertising content will not contain obscene or offensive content;
- The signage is located wholly within the subject site and will not impede pedestrian or vehicle movements;
- The signage is not illuminated;
- The signage does not extend beyond the boundary of the lot; and
- The signage is temporary and will be removed during construction of the future development of dwellings at the subject site.

For the above reasons, and given its temporary, development-oriented nature, the signage is consistent with the provisions of LPP 38 and capable of support.

### Landscaping

LPP 3 outlines the following provisions relating to landscaping:

- a) A high quality of landscaping should be provided to soften the appearance of the development, screen car parking areas and provide for a pleasing aspect that is compatible with the streetscape and amenity of surrounding residential properties.*
- b) For non-residential development on Residential zoned land, a minimum of twenty five per cent (25%) of the site area is to be landscaped, and a minimum of fifty per cent (50%) of the front setback area is to be soft landscaping.*
- c) For non-residential development adjacent to Residential zoned land or land used for residential purposes, on-site landscaping is to be provided in accordance with any standards applicable under the Precinct Plan and/or Council Policies.*
- d) Car parking areas located within the front setback area are to be setback from the front property boundary behind a soft landscaping strip of at least 1.5 metres in width.*
- e) The development to be designed to retain and conserve existing mature trees on the site as well as existing Council verge trees, wherever possible.*
- f) Where a vehicular access way or car parking area is located adjacent to any residential property and is unable to be (re)located elsewhere, it shall be setback behind a barrier to protect neighbouring boundary fencing that incorporates a planted perimeter strip of at least 1.0 metre in width between the car park/vehicular access way and any adjoining residential property.*

The development is generally consistent with the above provisions for the following reasons:

- Landscaping is provided between the driveway and car parking which, in addition to front fencing, further screens the car parking from view from the public realm;
- Approximately 105m<sup>2</sup> of landscaping is provided, which represents approximately 19 per cent of the portion of the subject site occupied by the development (bound by the internal fencing and site office);

- The amount of landscaping provided is commensurate to the temporary nature of the development, as extensive planting would not be practical for its short-term duration;
- Landscaping of additional areas within the development area would not be visible from the public realm due to the front fencing and signage; and
- The development does not include the removal of any existing trees at the subject site.

For the above reasons, we are of the view the size and location of landscaping is appropriate for this development and capable of support.

## Conclusion

This application seeks retrospective development approval for a temporary site office, and associated fencing, advertising signage, car parking and landscaping at the subject site.

We trust that the information provided above and attached is adequate for the Town to make a favourable determination of the Application.

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

Yours faithfully,



**Belle Smithies**

Rowe Group