

28 March 2023

Taylor Burrell Barnett  
PO Box 7130  
**CLOISTERS SQUARE WA 6850**

Leigh Parker  
08 9311 8111  
Place Leader - Strategic Planning  
File Ref: PR4953  
DA Ref No.: 5.2022.393.1

Dear Sir/Madam

**DEVELOPMENT APPLICATION (5.2022.393.1) FOR READ PARK COMMUNITY PURPOSE STRUCTURE WITH ROOFTOP ALFRESCO DINING AREA – NOS. 484 (LOT 123) & 488 (LOT 123) ALBANY HIGHWAY, VICTORIA PARK**

Thank you for your application dated 14/10/2022, for the above proposed development. Please be advised that the application has been APPROVED by the Council subject to the conditions and advice notes in the attached Notice of Determination on Application for Development Approval.

The conditions of this approval are required to be met in the course of carrying out the development for which the approval has been granted. If you wish to clarify any of the conditions, please do so prior to submission of an application for a building permit.

**All information necessary for the purpose of addressing the conditions and advice notes of this approval should be provided with, or prior to, the application for a building permit.**

Please be aware that this development approval does not remove the need to obtain permits, licenses or forms of approval under other legislation or requirements of Council.

Should you have any queries please contact Leigh Parker of Council's Urban Planning Business Unit on 08 9311 8111 or by email to [lparker@vicpark.wa.gov.au](mailto:lparker@vicpark.wa.gov.au).

Yours faithfully



**ROBERT CRUICKSHANK**  
**MANAGER DEVELOPMENT SERVICES**

Enc

*Planning and Development Act 2005*

TOWN OF VICTORIA PARK

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

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**Location:** Nos. 484 & 488 Albany Highway, Victoria Park

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**Lot:** 123; 124

**Plan / Diagram:** 2916; 11084

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**Application date:** 09/01/2023

**Received on:** 14/10/2022

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**Description of proposed development:**

Read Park Community Purpose Structure with Rooftop Alfresco Dining Area

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At the Council's Meeting held on 21 March 2023, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application for development approval was:

- Approved** subject to the following conditions

**Conditions:**

1. This development approval is valid until 30 September 2028, unless further development approval is granted. On or prior to the end of this period, the development is to be removed in its entirety, with the balustrade to the accessway at 484 Albany Highway being made good and all portions of Read Park affected by the development being reinstated to their pre-existing condition at the time of this approval or other state of repair agreed to in writing by the Town of Victoria Park.
2. The use of the approved structure within Read Park (portion of Lot 124), inclusive of the ground level multi-purpose community space and the rooftop deck, are restricted to purposes consistent with the recreational use of the land, as authorised in writing by the Town of Victoria Park. Any variation to the approved purposes/use of the structure is not permitted without the written approval of the Town of Victoria Park.
3. This approval includes the construction and operation of a 30m<sup>2</sup> multi-purpose community space, 30m<sup>2</sup> rooftop deck above and 15m<sup>2</sup> deck. The development is to be carried out in accordance with the approved plans, unless otherwise authorised in writing by the Town, or varied by the conditions of this approval.
- 3a. Prior to the lodging an application for a building permit, satisfactory arrangements being made with the Town for the legal liability of the 15m<sup>2</sup> deck. Should satisfactory arrangement not be made then the deck is deleted and does not form part of the approval.

**Conditions continued:**

4. Prior to commencement or occupation of the development, the applicant/owner of No. 484 Albany Highway must develop (in association with the Town), submit and have approved by the Town, and thereafter implement in association with and to the satisfaction of the Town, a facility and operational management plan(s).
5. The main structure/retrofitted sea containers accommodating the approved Multi-Purpose Community Space with Rooftop Alfresco Dining Area shall be designed, installed and thereafter maintained such that it is able to be temporarily removed and relocated at short notice, with minimal works or impact on the surrounding park land, to the satisfaction of the Town.
6. All windows and doors are to be provided with clear glazing and are not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the Town.
7. Complete details of the proposed external colours, finishes and materials to be used in the construction of the development, including any altered windows or access doors to accommodate any alternate pathway connection required to the development, are to be provided to the satisfaction of the Town prior to submission of an application for a building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.
8. 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;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - g) Construction traffic and pedestrian management; and
  - h) Other matters are likely to impact on the surrounding properties or Read Park.
9. Prior to lodging an application for a building permit, a plan(s) and specifications shall be submitted detailing the location of all external lighting, sensor lighting, security cameras and any other crime prevention through environmental design (CPTED) measures to reduce the potential for antisocial behaviour as well as any anti-vandalism measures (e.g. security glass, anti-graffiti finishes, etc.) to be incorporated into the development to the satisfaction of the Town. Measures in accordance with the approved plan(s) and specifications shall be installed prior to commencement of the development and thereafter maintained.
10. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.

**Conditions continued:**

11. Prior to lodging an application for a building permit, details of footings, slab/base materials and any required retaining must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
12. Prior to lodging an application for a building permit, plans, construction details and materials of a compliant, wheelchair accessible pedestrian path connecting the approved Multi-Purpose Community Space to the Albany Highway public pedestrian path must be submitted for approval by the Town. The approved path is to be constructed by the Town or the Town's contractors at the cost of the applicant/owner of No. 484 Albany Highway prior to commencement of the development.
13. Prior to lodging an application for a building permit, final details of the altered fencing and gates between the Multi-Purpose Community Space and the Victoria Park Community Gardens shall be submitted to the satisfaction of the Town, demonstrating provision of sufficient access for Town vehicles and park maintenance machinery. The approved fencing is to be constructed by the Town or the Town's contractors at the cost of the applicant/owner of No. 484 Albany Highway prior to commencement of the development.
14. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan must be submitted to and approved by the Town, and must include the following:
  - a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - b) Any lawn to be established or replaced;
  - c) Any existing vegetation and/or landscaped areas to be retained;
  - d) Any verge treatments;
15. Existing trees located within Read Park and the adjacent verge are a Town asset and as such must be retained and protected in accordance with AS 4970-2009 and to the satisfaction of the Town.

**Date of determination:** 21 March 2023

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of this determination.



Signed: \_\_\_\_\_

Date: 21 March 2023

For and on behalf of the Town of Victoria Park

### **Advice to Applicant:**

1. With regard to Condition 1, the reinstatement works will include the replacement/re-routing of any modified irrigation or other infrastructure, the replacement of any excavated soil with clean fill and topsoil to its pre-existing level and revegetation with turf or other vegetation to the specifications and satisfaction of the Town.
2. With regard to Conditions 3, the applicant with the Town's written approval, may alter or remove the proposed 15m<sup>2</sup> deck from the proposal without requiring further development approval from the Town, provided details of such changes are submitted for the Town's approval prior to the issue of a building permit for the development, with the development to be thereafter constructed and maintained in accordance with the approved details.
3. In relation to Condition 4, the applicant is encouraged to collaborate further with the Town to reach an agreed system and protocol for online bookings management, including the potential installation of smart hardware/door security systems to enable remote electronic access rather than relying upon physical access keys, as well as the online hosting of the facility as part of the Town's subscription to the SpacetoCo online facility hosting platform, as is planned to be undertaken in the delivery/operation of the Vic Quarter community space.
4. In relation to Condition 6, it is encouraged that the development is internally lit (in addition to any external lighting) until 11pm to promote an interesting, safe and vibrant pedestrian and park environment at night-time.
5. In relation to Condition 10, all stormwater drainage shall be designed and signed by a certified Hydraulic Engineer. An overland flow path is to be included in the design to ensure diversion of stormwater from the development during storm events.
6. In relation to Condition 12, the applicant is advised that the provision of an accessibility compliant path may not be possible via a simple extension from the existing Read Park pedestrian path due to existing topography/level changes and the design of the existing path which may not be up to date with current accessibility standards. The applicant may need to consider replacing/upgrading the existing pedestrian path to bring it into compliance and/or consider the construction of a separate compliant path in an alternative location (e.g. running along the common boundary with No. 484 Albany Highway), subject to the approval of the Town.
7. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, 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 requirements of Council.
8. Any amendments or modifications to the approved drawings forming part of this development approval (other than those required to satisfy the conditions of this approval) may require the submission of an application for amendment to development approval and reassessment of the proposal.

**Advice to Applicant continued:**

9. A Work Zone Permit application is to be submitted to and approval issued by the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths, verges or other Town-owned property). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111. It is noted that a Work Zone permit may not be permitted along some sections of Albany Highway or Salford Street.
10. Prior to the submission of a building permit a covering letter and copy of the final working drawings (prepared for the submission for an application for a building permit) and all associated reports and information that address the conditions of this approval are to be submitted to, and cleared by, the Town of Victoria Park.

**Should you have any queries regarding the above please contact Place Leader, Leigh Parker on 08 9311 8111 or by email to [lparker@vicpark.wa.gov.au](mailto:lparker@vicpark.wa.gov.au).**

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| <p style="text-align: center;"><b>TOWN OF VICTORIA PARK<br/>REQUIREMENTS OF OTHER COUNCIL BUSINESS UNITS</b></p> |
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**DA Ref No: 5.2022.393.1  
Date of Approval: 21 March 2023**

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**STREET IMPROVEMENT BUSINESS UNIT:**

1. Prior to the occupation of the development, any alterations, relocation or damage of existing infrastructure within the road reserve and/or Read Park must be completed and reinstated to the specification and satisfaction of the Town of Victoria Park.

**PARKS BUSINESS UNIT:**

1. Unauthorised pruning or removal of trees within the verge(s) or Read Park is subject to a penalty under the *Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions*.
2. The Town's tree within the verge(s) and Read Park are to be protected from damage during all phases of development. Pruning of any tree affected by the development is to be undertaken by the Town, at the owner/applicant's cost.
3. Landscaping of the adjacent verge area (between the kerb and the property boundary), with the exception of lawn planting, requires approval from the Town's Parks service area. To submit a verge application please complete a 'Verge Treatment Application Form' and refer to the 'Street Verge Guidelines'. Both documents available from the Town's website.

**BUILDING BUSINESS UNIT:**

1. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
2. Any required excavation or filling greater than 150mm below or above existing ground levels is to be retained along any boundary by a retaining wall system designed by a practising Structural Engineer. Council approval is required for all proposed retaining wall systems greater than 150mm in height or depth.
3. Your attention is drawn to the need to comply with the requirements of Part D3 of the Building Code of Australia- Access for People with Disabilities, including parking, sanitary facilities and tactile indicators in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.
4. Plans are to be assessed by a suitably qualified person to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia and relevant Australian Standards. A copy of the certified plans is to be provided as part of the building permit application.
5. Plans are to be assessed by a practicing qualified disability Access Consultant who is an accredited member of the Association of Consultants in Access, Australia Inc (ACAA) to confirm compliance with the Disability (Access to Premises – Building) Standards, Building

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| <p style="text-align: center;"><b>TOWN OF VICTORIA PARK</b><br/><b>REQUIREMENTS OF OTHER COUNCIL BUSINESS UNITS</b></p> |
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Code of Australia and relevant Australian Standards. A Copy of the certified plans is to be provided as part of the building permit application.

6. Please note it is the responsibility of the building owner/developer to ensure the development complies with the *Disability Discrimination Act 1992*. Further information may be obtained from Disability Services (WA).
7. In the case of a Class 1a or 10 building, the application for a building permit can be submitted as either a certified or an uncertified application. A Class 2-9 building can only be submitted as a certified application.

**ENVIRONMENTAL HEALTH BUSINESS UNIT:**

1. As this will be deemed a public building for the purposes of the *Health (Public Buildings) Regulations 1997*, the applicant is required to submit a Form 1 – Application to Construct, Extend or Alter a Public Building, together with floor plans to Environmental Health Services for approval, prior to commencing operation. For further information please refer to the Town's website or contact Environmental Health Services on (08) 9311 8111.
2. The applicant is required to submit a Food Business Registration/Notification form to Council's Environmental Health and Regulatory Services in order to register the food business under the Food Act 2008. Annual food risk assessment fees may apply. The form can be downloaded from the Council's website.
3. Any air conditioning system is to be located in such a position so as not to cause a noise problem to occupants of surrounding properties. An information sheet regarding the installation of air conditioners is available from Council's Environmental Health Services.

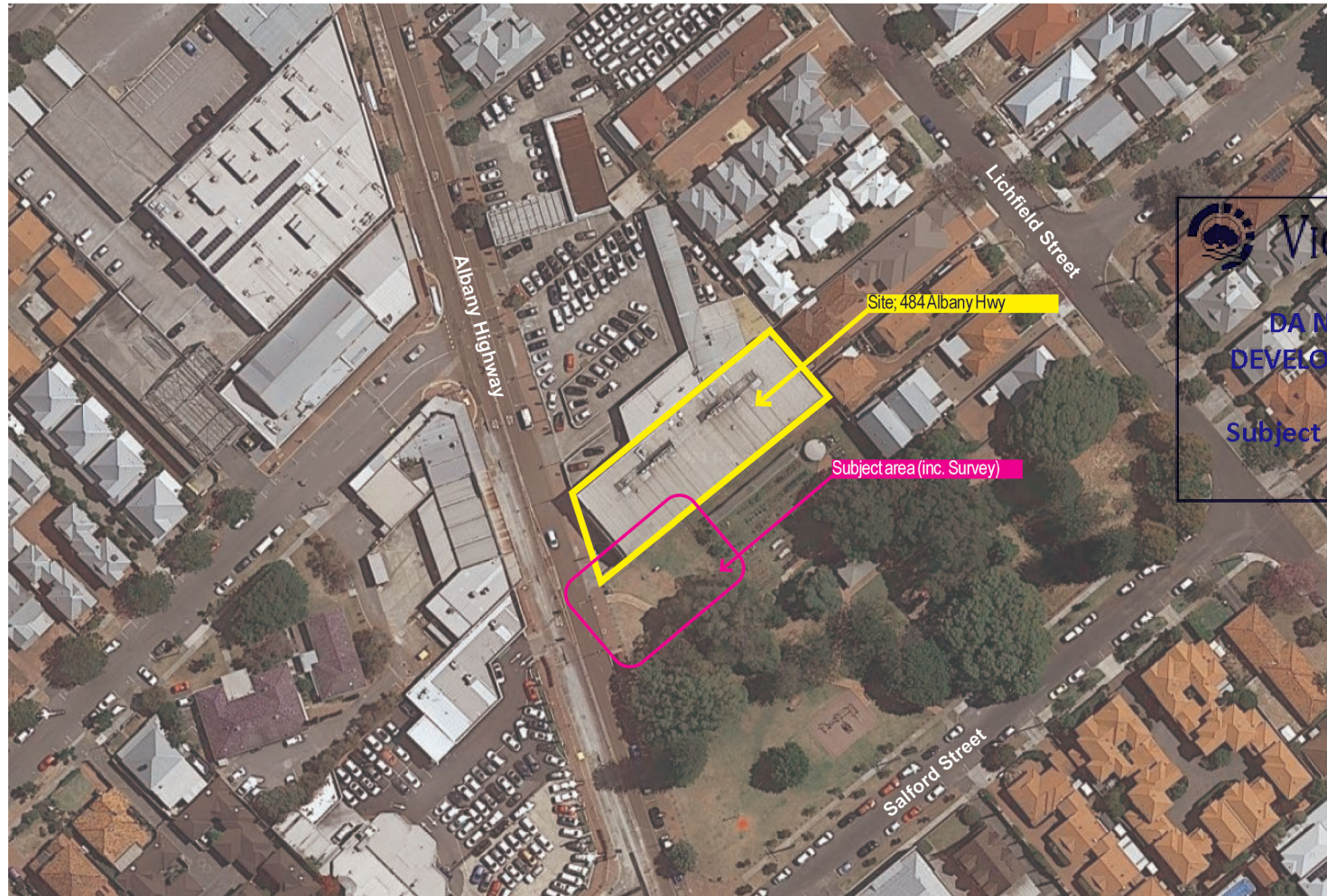


# Freestanding Sea-Containers

**AMENDED PLAN**  
**Town of Victoria Park**  
**Received: 23/11/2022**  
**Supersedes plans dated:**  
**14/10/2022**

**TOWN OF VICTORIA PARK**  
**Received: 23/11/2022**

Development Approval



**TOWN OF VICTORIA PARK**  
**DA No. 5.2022.393.1**  
**DEVELOPMENT APPROVAL**  
**GRANTED**  
**Subject to Conditions: 1-15**  
**21/3/2023**

Site Location Plan



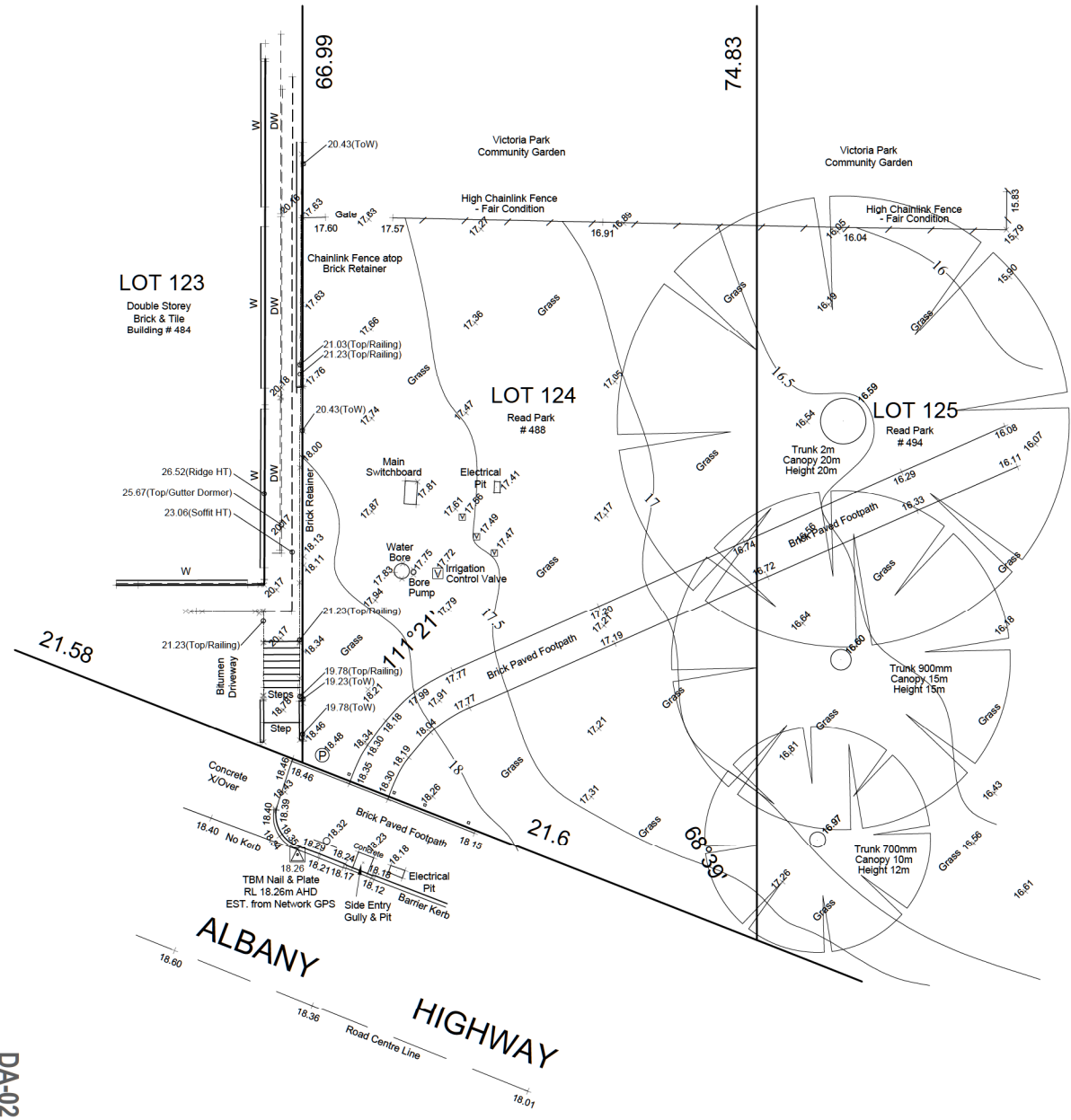
# FEATURE SURVEY

STREET NAME: Albany Highway    LOT #: 123    HOUSE #: 484    SUBURB: Victoria Park    LOCAL AUTHORITY: Town of Victoria Park    LOT AREA: 1265m<sup>2</sup>    R CODE: check LG    SURVEY DATE: 05/10/2021    SCALE AT A3 SIZE: 1:200

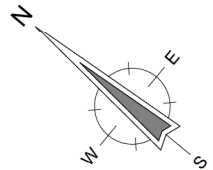
CLIENTS DETAILS:  
**Finman Pty Ltd**  
 LEVEL DATUM: AHD (Approx.)    DWG REF: Albany 484 F - v1.0

LEGEND  
 TELSTRANB PIT (T) POWER DOME (P) TREE (TO SCALE) W WINDOW DW DORMER WINDOW (A) TEMP. BENCHMARK  
 (ToW) TOP OF WALL (V) VALVE (S) SIGN POLE (B) BOLLARD

**TOWN OF VICTORIA PARK**  
 Received: 23/11/2022



DA-02



**AMENDED PLAN**  
 Town of Victoria Park Received: 23 November 2022  
 Supersedes plans dated: 14 October 2022



T: (08) 6144 0000 F: (08) 6144 0099  
 59 SCARBOROUGH BEACH RD,  
 SCARBOROUGH WA 6019  
 Email: info@visionsc.com.au  
 www.visionsurveys.com.au

SCALE 1:200 @ A3

|                  |             |             |              |
|------------------|-------------|-------------|--------------|
| PLAN / DIAG / SP | P 2916      | TELSTRA     | YES          |
| ELECTRICITY      | UNDERGROUND | SEWERAGE    | YES          |
| WATER            | YES         | DRAINAGE    | GOOD         |
| GAS              | YES         | VEG. / SOIL | AS DESCRIBED |

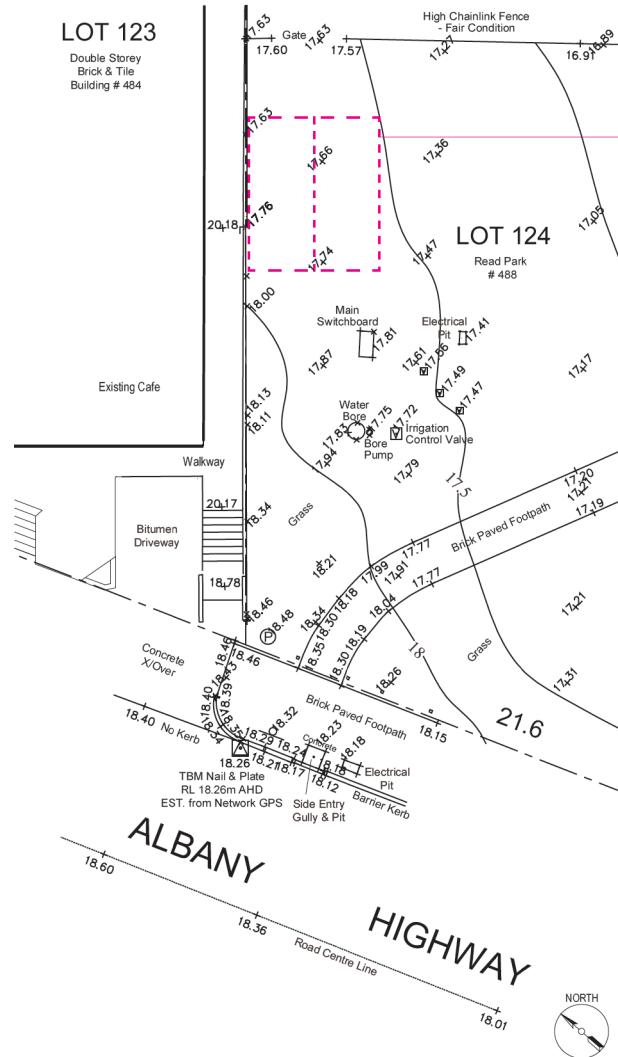
**IMPORTANT NOTES:**  
 THE BOUNDARY CANNOT BE VERIFIED DUE TO LACK OF SURVEY MARKS/PEGS. ALL BUILDING DIMENSIONS & FEATURES ARE APPROXIMATE. ONLY BOUNDARY POSITIONS HAVE BEEN TAKEN FROM BUILDINGS, FENCING, RETAINING WALLS AND OTHER TYPICAL FEATURES LOCATED ON THE BOUNDARY WHICH MAY OR MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE TO BE VERIFIED WHEN RESESSES.  
 BEFORE ANY WORK IS STARTED ON SITE OR PLANS ARE PRODUCED BY DESIGNERS/ARCHITECTS, THE BOUNDARIES MUST BE RESESSED AND EXACT OFF SETS MEASURED TO EXISTING STRUCTURES AND FENCING. VISION SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES TO THE PARCEL OR PORTION OF THE PARCEL OF LAND SHOWN ON THIS SURVEY INCLUDING BUT NOT LIMITED TO ANY ADJOINING NEIGHBOURS LEVELS AND FEATURES THAT WERE OCCUPIED PRIOR TO THE DATE OF THIS SURVEY.  
 THIS PLAN IS INTENDED FOR THE DEPT OF PLANNING & INFRASTRUCTURE ONLY.  
 SEWER / DRAINAGE MAY VARY FROM SCHEMATIC PRESENTATION / CHECK WITH APPROPRIATE AUTHORITY BEFORE ADOPTION OF POSITION.  
 CHECK TITLE FOR EASEMENTS / COVENANTS ETC.



# Freestanding Sea-Containers

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Proposed location of sea containers.  
Refer Proposed Site Plan

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**GRANTED**  
Subject to Conditions: 1-15  
21/3/2023

1 Existing Site Plan  
Scale 1:200

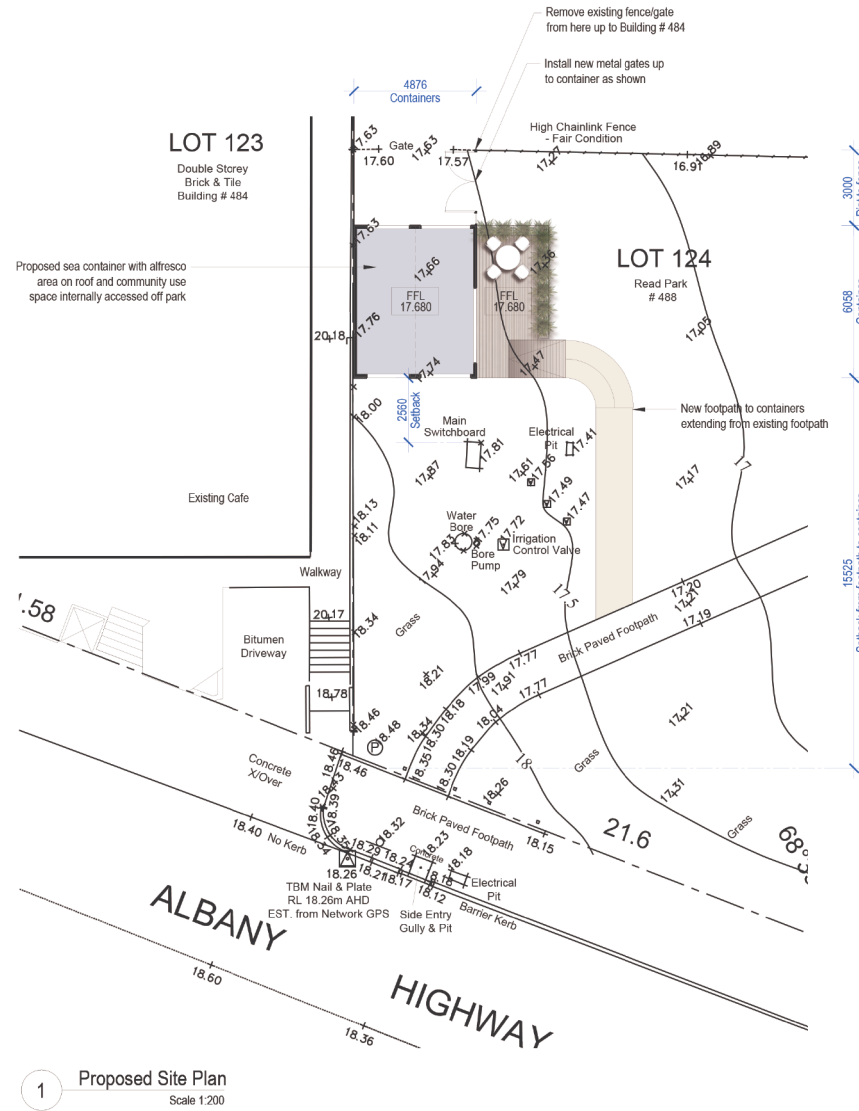


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# Freestanding Sea-Containers

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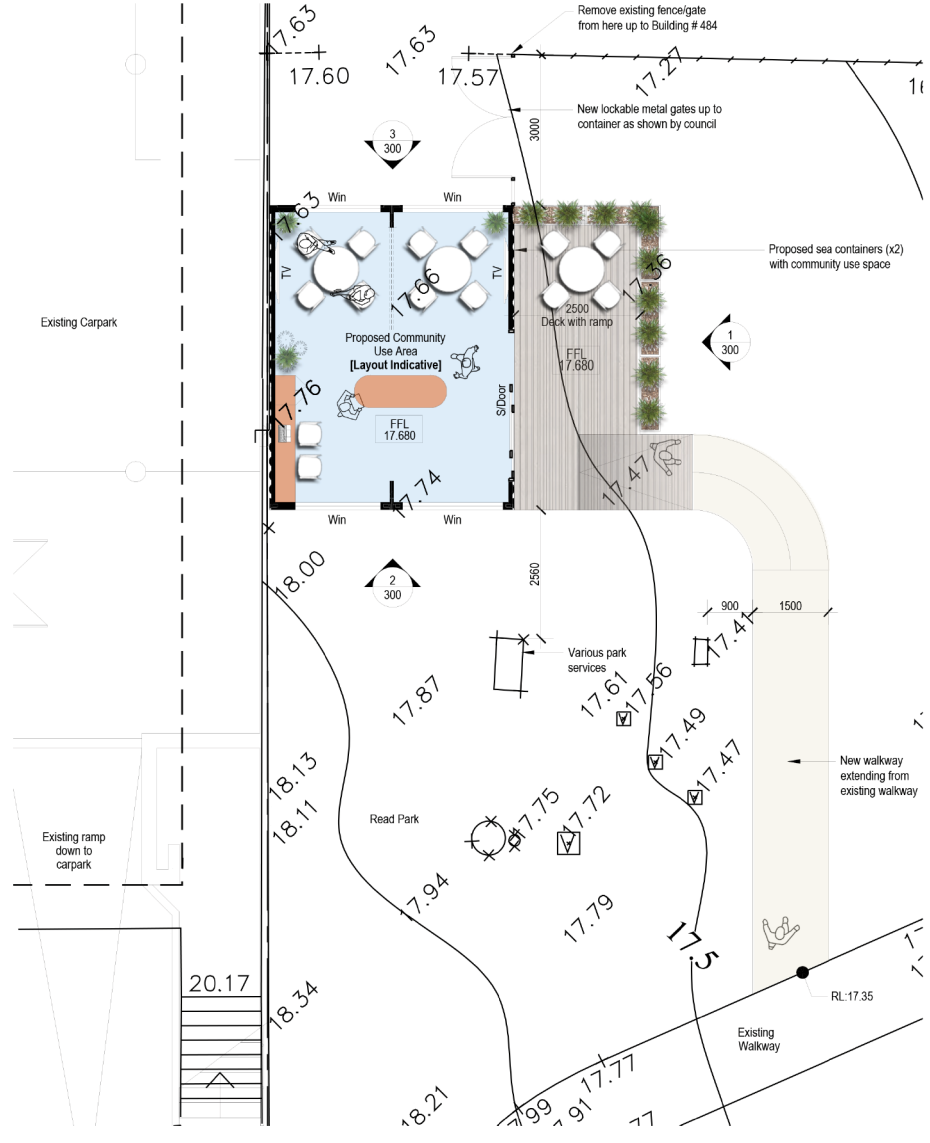
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1 Proposed Site Plan  
Scale 1:200

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October 2022

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# Freestanding Sea-Containers



1 Lower Ground Plan  
Scale 1:100



1 Upper Ground Plan  
Scale 1:100

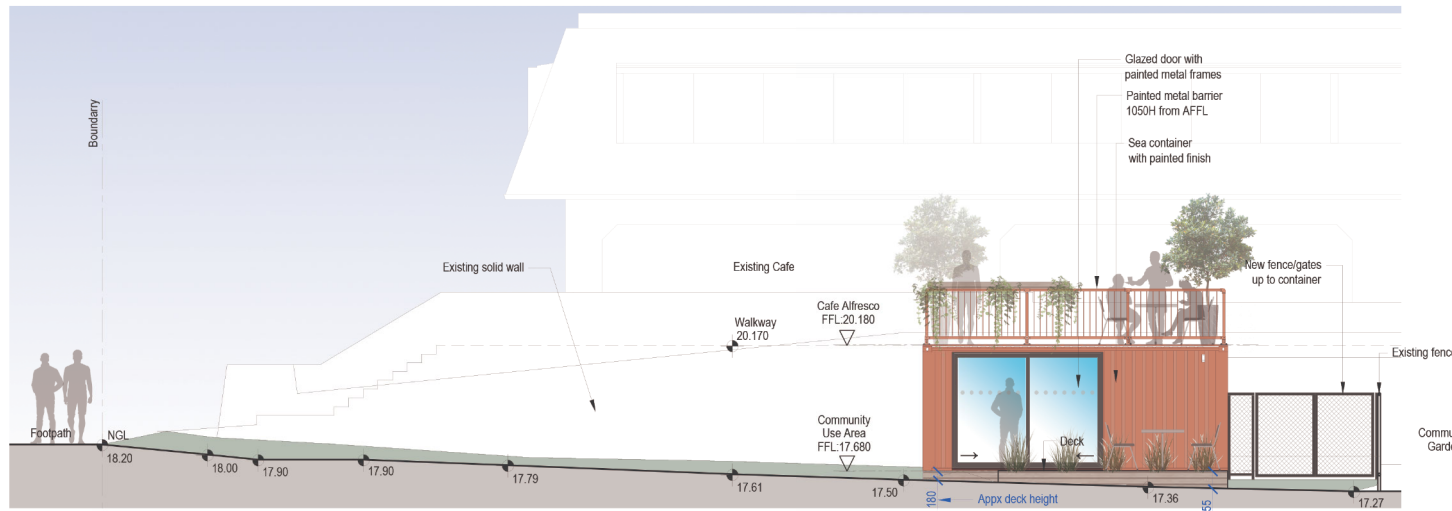


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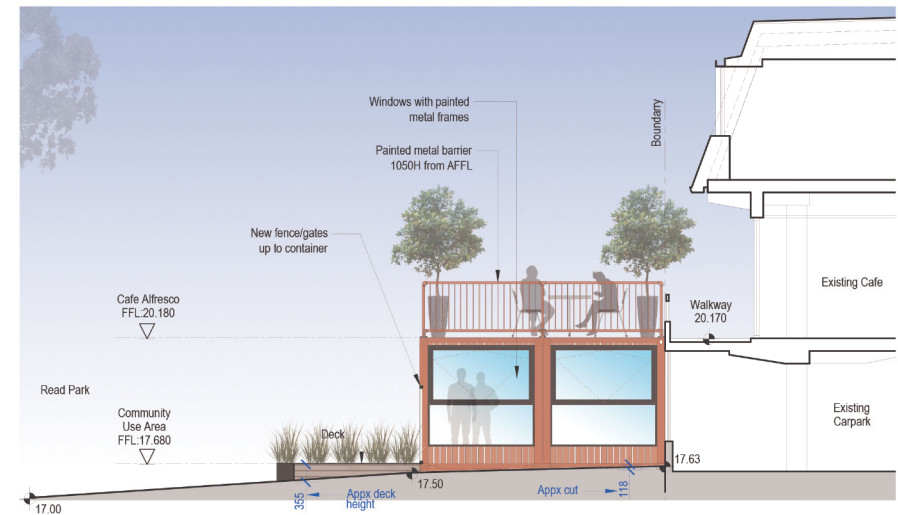


1 Elevation  
Scale 1:100

TOWN OF VICTORIA PARK  
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Subject to Conditions: 1-15  
21/3/2023



2 Elevation  
Scale 1:100



3 Elevation  
Scale 1:100



# Freestanding Sea-Containers

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**October 2022**



 TOWN OF  
**VICTORIA PARK**

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**October 2022**



Light grey paving to proposed path, colour to be similar to existing path



Light grey sustainably sourced and manufactured composite decking to upper and lower levels



**PANTONE**  
**17-1929 TPX**  
**Rapture Rose**

Medium/Dark pastel pink paint finish to sea containers