

PS ref: 8673

18 September 2023

Town of Victoria Park
Locked Bag 437
VICTORIA PARK WA 6979

Attention: Gray Godfrey, Compliance Officer.

Dear Sir,

**LOT 20 (22) TEDDINGTON ROAD, BURSWOOD
APPLICATION FOR DEVELOPMENT APPROVAL
CHANGE OF USE TO 'PRIVATE - RECREATION'**

Planning Solutions acts on behalf of Frank's Gym, the proponent in support of a change of use application on Lot 20 (22) Teddington Road, Burswood (**subject site**). Specifically, the proposal seeks approval for a change the use to 'Recreation - Private' for the purpose of a gymnasium facility.

We refer to correspondence from the Town of Victoria Park (**Town**) dated 5 July 2023 in relation to activities occurring on the subject site and that conversion of building from 'Office' and 'Warehouse' to 'Recreation - Private' (gymnasium) required development approval. The Town's correspondence outlines the requirement for submission of a retrospective development application for the current operations.

With regard to the above, please find enclosed:

1. Town of Victoria Park Development Application Form and Checklist, signed by the applicant and landowner.
2. Metropolitan Region Scheme Form 1, signed by the applicant and landowner.
3. The Certificate of Title applicable to the subject site.
4. A copy of the compliance notice letter from the Town of Victoria Park dated 5 July 2023.
5. Development plans depicting the proposed change of use.

The development application fee applicable to this proposal is **\$885** in accordance with the Town of Victoria Park 'Schedule of Fees and Charges for 2023-2024'. We kindly request an invoice for the development application fee be provided and addressed to **A1 Strong Pty Ptd c/- Planning Solutions**.

Payment for the applicable fee will be arranged accordingly.

The following submission discusses various matters pertaining to the proposal, including:

- Site Details
- Background
- Proposal
- Town Planning Considerations

SITE DETAILS

Legal Description

The subject site is legally described as "*Lot 20 on Plan 2749*", being the whole of the land contained within Certificate of Title Volume 1356 and Folio 948.

The subject site has a total area of 577m².

A review of the Certificate of Title and associate documentation has identified one easement burden and a caveat.

As the proposal involves a change of use to an existing development on the subject site, the identified notifications are not of relevance for the proposal.

Refer **Appendix 1** for a copy of the Certificate of Title and Plan.

Site Context and Land Use

The subject site is located in the suburb of Burswood, approximately 2.5 kilometres south-east of the Perth city centre and 700 metres to the south-east of the Swan River. The subject site is in close proximity to Albany Highway, Great Eastern Highway and Tonkin Highway, which connect the subject site to the wider metropolitan region.

The subject site is well-serviced by public transport with the Victoria Park Train Station located 750 metres to the south-east of the subject site and the Victoria Park Bus Transfer Station is located 450 metres to the north-west of the subject site.

The surrounding Burwood locality is generally characterised by office, retail and commercial uses, along with low density residential dwellings and several park reserves along the Swan River Foreshore.

The subject site is immediately surrounded by one to two storey buildings to the north, west and south, containing a mix of showrooms, commercial uses, retail stores and offices. Residential uses are located to the east and south-east, across the existing laneway.

BACKGROUND

On 5 July 2023, a compliance notice was received from the Town of Victoria Park by the current occupier of the subject site. This correspondence related to a gymnasium operating on the subject site without approval.

The Town's correspondence confirmed the conversion of the existing building on the subject site from 'Office' and 'Warehouse' to 'Recreation – Private' (gymnasium) requires development approval. The letter outlined the Town required the submission of an appropriate development application for the change of use within a specified time period.

Following receipt, the operator of the gymnasium engaged relevant consultants to assist preparation of the required application. Written correspondence via email and telephone conversations between the development application applicant (Planning Solutions) and the Town's Compliance Officer confirmed an extension of time for the retrospective development application to 15 September 2023.

Refer to **Appendix 1** for a copy of the compliance notice letter from the Town of Victoria Park.

PROPOSAL

Change of Use

This application seeks retrospective approval for a change of use to enable an existing gymnasium facility (**Frank's Gym**) to continue operate in the established premises on the subject site.

Frank's Gym offers membership access to fitness equipment and free weights, with a focus on strength training programs. The operation has a community-based approach and inspires supportive environment for all patrons.

The services offered by the tenant at the subject site includes both private and group training classes for weight lifting, strength training and conditioning, as well as individual fitness training access where members can access the facility and all equipment during operating hours.

Internal Layout

The proposal involves no modifications to the existing internal wall layout and only material changes to the internal appearance of the tenancy have been made to suit the operations of current tenant.

The existing layout within the tenancy comprises of a large warehouse space and associated rooms which are utilised for the following purposes:

- Gym floor
- Members Lounge / Reception
- Office
- Kitchenette
- Storage rooms
- Two unisex toilets and one shower.

No alteration or additions to the physical external structure of the existing building as part of proposed operations. All existing parking, vehicle and pedestrian access, and landscaping arrangements remain as per the previous conditions.

Refer **Appendix 3** for a copy of the Development Plans.

Signage

The change of use involves the placement of signage on the existing facade of the building.

The signage area comprises of white writing with the tenant's name and logo. The signage has a total combined area of 2.26m², comprising the following:

- 'FRANK'S' is 0.36 metres in height and 2.83 metres in length (0.86m² in area).
- 'GYM' is 0.36 metres in height and 1.43 metres in length (0.51m² in area).
- Franks Gym logo is 0.92 metres in height and 0.94 metres in length (1.09m² in area).

The signage allows reasonable identification of the business without causing any intrusive impact on the existing streetscape. No further signage is proposed on site.

Refer to **Figures 1 and 2** below for before and after depiction of the signage installed on the building.



Figure 1 – Existing façade area for tenancy on building, prior to installation of signage.



Figure 2 – Signage installation on the façade of the building.

Operational Details

The current operating hours for the gymnasium are Monday to Friday 5:30am to 9:00pm, and Saturday to Sunday 7:00am to 4:00pm.

There are two employees on-site at any one time, whom are only at the premises during operating hours and predominantly share a vehicle for travel and parking at the gymnasium.

Peak period of operation for the gymnasium are commonly early mornings (6:00am - 7:30am) and evenings (5:00pm - 7:00pm/8:00pm). At most, there are generally 5 to 6 members training at the same time. Throughout the day (particularly on weekdays), there are generally only 2 to 3 members training at the gymnasium.

On average members are present on site for training between 1 to 2.5 hours at a time.

By nature of the gymnasium operations, no waste is produced on-site that causes any significant odour or amenity impacts.

Acoustic Considerations

The subject site is in a commercial area, however it is also in direct proximity of residential properties. The change of use has been subject to Environmental Noise Assessment conducted by Herring-Storer Acoustics.

At the time of lodgement of this application an acoustic assessment has been undertaken by Herring-Storer Acoustics at the subject site. This assessment is to assess potential noise sources from the gymnasium during operating hours with respect to the requirements of the *Environmental Protection (Noise) Regulations 1997*.

An acoustic report is being finalised and is anticipated to be submitted to the Town in support of the development application in coming weeks by 29 September 2023.

Should increased noise levels be identified through assessment, mitigation measures (if applicable and required) may be considered for the development and will be discussed further with the Town.

TOWN PLANNING CONSIDERATIONS

Metropolitan Region Scheme

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme (MRS) and the proposed use is consistent with the intent of the zone.

Town of Victoria Park Town Planning Scheme No. 1

The Town of Victoria Park *Town Planning Scheme No. 2 (TPS1)* applies to the subject site. The provisions of TPS1 are supplemented by the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Where a deemed provision is inconsistent with a provision of TPS1, the deemed provision prevails to the extent of the inconsistency.

Zoning, use class and permissibility

Pursuant to the provisions of TPS1, the subject site is zoned 'Office/Residential' and is identified within the 'Precinct P3 – Causeway Precinct'. There are no direct objectives for the 'Office/Residential' zone provided within TPS1 or the relevant Precinct Plan.

The proposed use is best classified as 'Recreation – Private' under Schedule B of TPS1 and is defined under the scheme as:

recreation – private means premises that are –

- (a) *used for indoor or outdoor leisure, recreation or sport; and*
- (b) *not usually open to the public without charge;*

The gymnasium provides for indoor sport and physical exercise recreation activities, and is not open to the public without charge. The gymnasium is considered to suitably fall within the 'Recreation – Private' land use classification, as defined under TPS1.

Land use permissibility at the subject site is pursuant to the Zoning Table in TPS1 and the Precinct Plan for 'Precinct P3 – Causeway Precinct'. Recreation – Private is identified as an 'AA' (discretionary) land use in the 'Office/Residential' zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

The gymnasium provides opportunity for indoor physical exercise recreation activities to take place within the subject site, benefiting surrounding residents and employees in the locality. The proposed Recreation – Private use complements existing commercial land uses within the locality.

The proposal involves utilising an existing established premises for an alternate use. The proposal is consistent with the relevant Recreation – Private land use classification under TPS1 and is entirely appropriate within the context of the subject site, and warrants approval accordingly.

Precinct P3 – Causeway Precinct Plan

The Town's Precinct Plan for 'Precinct P3 – Causeway Precinct' (**Precinct Plan**) sets out the guiding planning intentions and framework for land within the precinct. The Precinct Plan outlines that the use of land is indicated by the Zoning Table in TPS1, and development standards shall generally be in accordance with the R-Codes (where applicable) and any relevant Local Planning Policy.

A set of Framework Objectives for the Causeway Precinct is provided for within the Precinct Plan. An assessment of the proposal against the objectives is provided in **Table 1** below:

Table 1 – Framework Objectives Assessment for the Causeway Precinct

Framework Objective	Applicant Response
1. <i>Develop a commercial core at the south western end of the Precinct of sufficient scale to be an attractive destination in its own right as a business centre.</i>	The proposal for a gymnasium contributes to and supports the commercial land uses within the Causeway Precinct, generating activity and contributing to the overall viability of the business centre.
2. <i>Attract high density residential development overlooking the parklands to share this asset and location, provide city and river views and improve activity and safety in the parks.</i>	Not applicable to the proposal.
3. <i>Be 'good neighbours' and keep building heights low next to the existing residential area in the Victoria Park Precinct.</i>	The proposal will operate in an existing building on the subject site, already established and constructed at a suitable height for the adjacent residential area.
4. <i>Provide active frontages with commercial uses at street level and set back upper floors to keep a comfortable pedestrian scale at street level.</i>	The proposal is located within an established and existing building and continues to provide an active frontage to the street.
5. <i>Create a focus of activity at the key intersection of Burswood and Teddington Roads, with local retail and cafes clustered here.</i>	The proposal is located on Teddington Toad, less than 200 metres to Burswood and will generate activity to this area, supporting nearby businesses and creating additional passive surveillance.
6. <i>Upgrade parks to improve safety, facilities and access and to support increased use by the community.</i>	Not applicable to the proposal.
7. <i>Improve pedestrian connections to river, parklands, Bus Port, rail stations and the Albany Highway shopping strip.</i>	Not applicable to the proposal.
8. <i>Improve amenity and appearance of key public streets and lanes through streetscape works and undergrounding of power lines to demonstrate commitment of the Town to facilitating this vision.</i>	The proposal will operate in an existing building on the subject site and streetscape works/power lines are not applicable or relevant to the proposal.
9. <i>Create a strong link to the adjacent Burswood Peninsula Precinct with traffic lights at the junction of Burswood Road, Great Eastern Highway and Victoria Park Drive for improved access and legibility. Allow for a future transit system linking both Precincts with the central Perth area.</i>	Not applicable to the proposal.

The proposed land use for a gymnasium to operate within an existing building on the subject site is consistent with the Framework Objectives of the Causeway Precinct and warrants support accordingly.

Local Planning Policy No. 3 – Non-Residential Uses in or Adjacent to Residential Areas

The Town's *Local Planning Policy No. 3 – Non-Residential Uses in or Adjacent to Residential Areas (LPP3)* provides general guidance and development standards applicable to non-residential development in or adjacent to residential areas.

Given the proposal is for a simple change of use to an existing building with external modifications. As such, a majority of the policy requirements are not considered applicable to the proposal. An assessment of the relevant provisions of LPP3 is provided in **Table 2** below.

Table 2 – LPP3 Requirements Assessment

Policy Requirement	Applicant Response
Preferred Location	
a) <i>Non-residential uses are generally encouraged to locate on sites which have access to main streets or major roads, and are discouraged from locating within a local access street or laneway. Other locations may be considered where it can be demonstrated that residential amenity can be protected;</i>	The proposed use is located in an existing and established building on the subject site, which has a street frontage and access to a main road (Teddington Road).
<i>Non-residential development shall only be permitted where the nature of the non-residential use will not cause undue conflict or adversely affect the amenity of the neighbourhood through the emission of light, noise, fumes, odours, dust, vibration, electrical interference, waste water, or any other form of pollution which may be undesirable in residential areas.</i> <i>Development applications for a non-residential use should be accompanied by a statement and/or specialist reports outlining if and how any impacts arising from the activities proposed to be conducted on the site will be prevented or appropriately managed to ensure that the amenity of surrounding residential properties is maintained (e.g. Acoustic Report).</i>	The subject site is in the vicinity of residential properties and accordingly the proposal has been subject to an Environmental Noise Assessment. At the time of lodgement for this application, an acoustic assessment is being finalised by Herring-Storer Acoustics to consider current operations. The finalised acoustic reporting will be submitted to the Town by 29 September 2023. The assessment will assess noise emitted at tenancy from the use and determine compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> .
Signage	
a) <i>All signage associated with the non-residential development should be detailed as part of the development application for the main (re)development. Where final specifications are unknown, a signage strategy identifying the location, size and type of external advertising signage to be installed on the building/site is to be submitted to Council as part of the development application.</i>	The change of use involves the inclusion of one sign on the existing facade of the building, which is located the street frontage elevation facing Teddington Road. This is separate and oriented away from any residential dwellings, and there is no impact on residential uses. Refer to the Proposal section above for a detailed description of signage.
b) <i>All signage is to be designed and located so as to provide a balance between providing appropriate identification for visitors to the site and ensuring that the signage has regard to its residential context and minimises any adverse amenity impacts, as follows:</i> i. <i>being designed integrally with the building, and being of a modest size and scale that respects the amenity and streetscape of surrounding residential properties;</i>	Refer to Tables 4 and 5 below for a signage assessment against the Town's <i>Local Planning Policy No. 38 – Signs</i> .

<p>ii. where illuminated, not contain any flashing, pulsating or chasing light, and being located and baffled to prevent light spill/glare into surrounding residential properties;</p> <p>iii. not comprise highly reflective materials or visually 'loud'/obtrusive colour schemes that cause glare or visual nuisance in direct line of site of adjoining residential properties; and</p> <p>iv. are generally located (or are provided with screening or landscaping) such that they primarily face the street/public realm and do not directly face dwelling entries or windows to habitable rooms of adjoining residential properties.</p>	
<p>c) The design, type, location and number of signs on the site/building is subject to the requirements of Council's Local Planning Policy and/or Local Law related to Signs and/or a signage strategy approved by Council as part of a development application.</p>	
Operating Hours	
<p>a) Hours of operation for all non-residential uses will be considered having regard to the nature and intensity of the use and the context of the site and surrounding areas.</p>	<p>The current operating hours for the gymnasium are Monday to Friday 5:30am to 9:00pm, and Saturday to Sunday 7:00am to 4:00pm. These hours are suitable in context of the land use and the subject site.</p>
<p>b) Loading and unloading of vehicles should only occur between the hours of 7am to 7pm.</p>	<p>Due to the nature of operations for the gymnasium, there are no regular deliveries on-site and waste is collected by the Town.</p>

In light of the above assessment and given this application seeks approval for a retrospective change of use within an established premises where no external modifications are proposed to the existing development, the proposal is considered entirely compatible with the surrounding commercial and residential land uses.

In this regard, the proposal is considered entirely consistent with the applicable requirements of LPP3 and warrants approval accordingly.

Local Planning Policy No. 23 – Parking Policy

The Town's *Local Planning Policy No. 23 – Parking Policy* (LPP23) provides the relevant provisions relating to car parking standards within the Town. Off-street parking requirements assigned to respective land uses and activities are detailed in Clause 6.2 of the policy.

'Recreation – Private' is a land use not specified within the 'Land Use Parking Requirements' table within LPP23. For the purposes of the car parking assessment, the rate under 'Health Studio, squash courts and tennis courts' has been applied.

Refer to **Table 3** below for an assessment against the applicable parking rate provided by the policy.

Table 3 – Car parking assessment for change of use under LPP23.

Land Use	Car Parking Requirement (minimum)	Car Parking Calculations	Car Bays Provided
Health Studio, squash courts and tennis courts	1 for every 30 square metres of net floor area and 3 for every court.	<p>Main Gym Floor – 186m²</p> <p>Members Lounge – 73m²</p> <p>Total NFA = 259m²</p> <p>Total bays required = 9 bays</p>	8 bays (6 existing at front and 2 available at rear)
Surplus / Shortfall			- 1

As shown in Table 3 above, the proposed change of use for the purpose of a gymnasium only has a shortfall of one car parking bay in accordance with the relevant car parking requirements under the Town's LPP23. In consideration of the abundance of street parking available located along both sides of Teddington Road and good public transport access to the site, the shortfall of one car parking bay is appropriate and can be accommodated for.

The existing car parking supply on-site is more than adequate to cater for the change of use and warrants the Town's support accordingly.

Local Planning Policy No. 38 – Signs

The Town's *Local Planning Policy No. 38 – Signs (LPP38)* contains objectives and development requirements applicable to proposed signage within the Town.

Part One of LPP38 provides the general requirements for all signs and Part Two outlines the exemptions from development approval. An assessment against these is provided in Tables 4 and 5 below.

Table 4 – Signage assessment against LPP83.

Policy Requirement	Applicant Response	Compliance
Part One – General Requirements for All Signs		
1) <i>The sign is not erected or installed within 1.5m of any part of a crossover or street truncation; and</i>	The advertising sign is not installed within 1.5m of any part of a crossover or street truncation.	✓
2) <i>Advertisements shall not contain any obscene or offensive information or illustration; and</i>	The advertising sign does not contain any obscene or offensive material.	✓
3) <i>Advertisements shall not obstruct pedestrian or vehicle movements; and</i>	The advertising sign is attached the wall of the existing building, where existing signage was previously located. There will be no obstruction to vehicle or pedestrian movement.	✓
4) <i>Advertisements are not to extend beyond the boundary of the lot unless located on an existing awning or canopy; and</i>	The advertising sign is attached to the wall of the existing building, which does not extend beyond the boundary of the lot.	✓
Part Two – Need for Approval		
(a) <i>Is not erected or installed in or on a heritage protected place; and</i>	The signage is not installed in or on a heritage protected place.	✓
(b) <i>Does not result in more than three (3) advertising signs per tenancy; and</i>	Only one sign has been installed for the tenancy.	✓
(c) <i>Complies with the General Requirements for All Signs in Part 1 of this Policy; and</i>	Compliance achieved - Refer to Part One assessment above.	✓
(d) <i>Is determined to be an Exempt Sign having regard to Table 1 below; and</i>	The sign classifies as an Exempt Sign in accordance with Table 1 of LPP83 (refer to applicant assessment in Table 5 below).	✓
(e) <i>Is not on or abutting land that is reserved as a regional road under the Metropolitan Region Scheme;</i>	The sign is not on or abutting land that is reserved as a regional road under the MRS.	✓

Table 5 – Signage exemption assessment against Table 1 in LPP83.

Sign Type	Exemption Requirements under LPP83	Proposed Signage
Wall Sign: <i>means an advertising sign attached or painted directly onto an external wall of a commercial building.</i>	<u>Applicable Standards:</u> <i>It is an aggregate area of 0.4m² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m²).</i> <u>Zoning/Land Use:</u> <i>Non-residential land only.</i>	The street frontage to Teddington Road of the subject tenancy is approximately 12.11 metres. 0.4m ² x 13 metre street frontage (rounded) = 5.2m ² maximum area allowed. Proposed signage total area = 2.26m² . Non-residential land use is proposed.

In accordance with **Tables 4 and 5** above, the proposed signage is compliant with LPP38 and is exempt from requiring development approval. In light of this, the signage does not require assessment and warrants support by the Town.

Town of Victoria Park Draft Local Planning Scheme No. 2

The Town is currently progressing its draft *Local Planning Scheme No. 2 (draft LPS2)*, which will replace the current TPS1.

On 4 May 2023, the Town begun the public consultation advertisement for draft LPS2. The Town is now in the progress of reviewing public consultation feedback from August 2023 to October 2023.

Under the most recent and publicly available version of draft LPS2, the subject site is proposed to be rezoned to 'Mixed Use', with the 'Recreation – Private' land use to be a 'D' (discretionary) use in the Mixed Use zone, meaning the use may be approved subject to the local government exercising its discretion by granting development approval.

The development is capable of approval under the provisions of draft LPS2, and warrants support accordingly.

CONCLUSION

It is considered the proposal should be favourably determined, on individual merit, recognising the proposal is simply seeking to amend the use of an existing tenancy and noting that the proposed use is currently operating harmoniously on the subject site.

The proposed gymnasium will not result in any undue impact on surrounding properties or the locality, given the low impact nature of the use and the appropriate scheduling of class times. The proposed use is complementary to the mix of commercial uses within the surrounding area and will provide additional recreational opportunities for surrounding residents and employees in the locality.

It is considered the proposed use is consistent with the requirements of the relevant planning framework and the wider use land use intent of the locality. We respectfully request the application for development approval be considered on its merits and favourably determined under Council discretion.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

Yours faithfully,

pp 

MATTHEW CAIN
ASSOCIATE

APPENDIX 1 CERTIFICATE OF TITLE

WESTERN



AUSTRALIA

TITLE NUMBER

Volume

Folio

1356

948

RECORD OF CERTIFICATE OF TITLE UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 20 ON PLAN 2749

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

HJMC NOMINEES PTY LTD OF UNIT 13 8 WELSHPOOL ROAD EAST VICTORIA PARK WA 6101
(T 0785752) REGISTERED 29/6/2021

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. EASEMENT BENEFIT - SEE PLAN 2749 AND SECTION 167A OF TLA.
2. O869210 CAVEAT BY THE REGISTRAR OF TITLES LODGED 13/9/2021.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1356-948 (20/P2749)
PREVIOUS TITLE: 401-197
PROPERTY STREET ADDRESS: 22 TEDDINGTON RD, BURSWOOD.
LOCAL GOVERNMENT AUTHORITY: TOWN OF VICTORIA PARK

NOTE 1: A000001A PENDING SURVEY - DIAGRAM 57329.

APPENDIX 2 COMPLIANCE NOTICE FROM TOWN OF VICTORIA PARK

5 July 2023

Anthony Olivier
Frank's Gym
22 Teddington Rd
BURSWOOD WA 6100

Gray Godfrey - 9311 8168

Compliance Officer

File Ref: PR1909

Dear Sir

**UNAPPROVED CHANGE OF USE FROM OFFICE/WAREHOUSE TO GYMNASIUM – 22
(LOT 20) TEDDINGTON ROAD, BURSWOOD**

It has come to the Town's attention that an office/warehouse has been converted to a gymnasium (Frank's Gym) at the subject property. The change of use from 'Office' & 'Warehouse' to 'Recreation - Private' constitutes a development on the land that requires prior Council approval. A check of the Town's records reveals that no such approval has been sought nor granted for this activity.

Therefore, the appropriate development application needs to be submitted to the Town for consideration **within 28 days** from the date of this correspondence. To assist in this regard please go to the Town's website <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Planning-forms-and-checklists> to find all the required forms/checklists under 'Application for development approval (DA) – Residential'. These forms must be read, completed and submitted online at <https://www.victoriapark.wa.gov.au/Build-and-develop/Lodge-and-track-an-application/Lodge-an-application>. *Please ensure all the required information and plans are included.*

Please also be advised that fees apply and should be paid at the time of submitting your application and are not refundable should the application be refused.

Having changed the use of the office & warehouse to a gymnasium without prior Council approval, you have placed yourself in breach of the provisions of the Town of Victoria Park's Town Planning Scheme No. 1 and the *Planning and Development Act 2005*. Failure on your part to comply with this request may result in legal proceedings being instigated against you and any other person/s responsible for the property, leaving you **liable to a substantial monetary penalty**.

Dealing with matters via the courts is not Council's preferred option and therefore your cooperation in satisfactorily resolving this situation would be appreciated. Should you have any further queries or would like to discuss this matter personally, please do not hesitate to contact the Town's Planning Compliance Officer Gray Godfrey direct on 9311 8168.

Yours sincerely



ROBERT CRUICKSHANK
MANAGER DEVELOPMENT SERVICES

Cc: HJMC Nominees Pty Ltd
C/- Sardelic Real Estate
PO Box 380
Como WA 6952

APPENDIX 3 DEVELOPMENT PLANS





