

**DRAFT**

**PROPOSED SHOP(S) (INCLUDING SUPERMARKET),  
RESTAURANT(S)/CAFÉ(S) AND CHILD CARE PREMISES  
– NOS. 1022-1032 ALBANY HIGHWAY & NOS. 355-357  
SHEPPERTON ROAD, EAST VICTORIA PARK (LOTS 1, 8, 30,  
131, 132, 480, 481, 488 & 502)**

**Form 1 – Responsible Authority Report  
(Regulation 12)**

<b>DAP Name:</b>	Metro Inner DAP
<b>Local Government Area:</b>	Town of Victoria Park
<b>Applicant:</b>	Urbis Ltd
<b>Owner:</b>	State of Western Australia – Lot 502 only Fabcot Pty Ltd – all other lots
<b>Value of Development:</b>	\$ 27,500,000
<b>Responsible Authority:</b>	Town of Victoria Park
<b>Authorising Officer:</b>	Manager Development Services
<b>LG Reference:</b>	DA 5.2024.212.1
<b>DAP File No:</b>	DAP/24/02746
<b>Application Received Date:</b>	19 August 2024
<b>Report Due Date:</b>	19 May 2025
<b>Application Statutory Process Timeframe:</b>	90 Days
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Location/Site aerial plan</li> <li>2. Amended DA report received 21 November 2024</li> <li>3. Amended Local Planning Policy assessment received 21 November 2024</li> <li>4. Architectural Design Statement received 19 August 2024</li> <li>5. Amended architectural drawings received 31 March 2025</li> <li>6. Amended landscaping plan dated received 31 March 2025</li> <li>7. Amended Noise Management Plan for Child Care Centre dated received 31 March 2025</li> <li>8. Acoustic Assessment received 19 August 2024</li> <li>9. Amended Transport Impact Assessment dated received 31 March 2025</li> <li>10. Applicant's response to traffic issues raised by Main Roads WA and the Town dated received 31 March 2025</li> <li>11. Schedule of Submissions</li> </ol>

	12. Applicant's response to Schedule of Submissions 13. Applicant's response to further information request - received 31 March 2025 14. Pritchard Francis service relocation plan received 31 March 2025 15. Waste Management Plan received 19 August 2024 16. Sustainability Report received 19 August 2024 17. Design Review Panel report dated 7 May 2025 18. Correspondence from Main Roads WA dated 2 May 2025 19. Drawing SK01 – Restricted access to Albany Highway 20. Legal advice - CONFIDENTIAL
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#### Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Town of Victoria Park Local Planning Scheme No. 2
Local Planning Scheme - Zone/Reserve	District Centre  LPS 2 – ASR16 East Victoria Park Gateway Shopping Area – District Centre Zone
Structure Plan/Precinct Plan	No current plan – subject of draft Albany Highway Precinct Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Nil
Use Class and permissibility:	Shop - 'P' (Permitted) Child Care Premises – 'A' (discretionary) Restaurant/Café - 'P' (Permitted)
Lot Size:	7,633m <sup>2</sup>
Existing Land Use:	Vacant Land and Car Park
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No

Swan River Trust Area	No
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### Proposal:

The development application proposes the construction of a two-storey commercial development with undercroft and basement parking including:

- A Woolworths Supermarket ('Shop') on the ground floor.
- A loading dock and back-of-house area to service the supermarket.
- Nine specialty retail tenancies ('Shop') on the ground floor.
- Three food and beverage tenancies ('Restaurant/Café') on the ground floor
- Two covered alfresco areas abutting the food and beverage tenancies on the ground floor.
- A child care centre on the first floor with a proposed outdoor play area.
- Enclosed mezzanine plant and associated utilities on the first floor.
- One level of basement parking proposing 115 parking bays.
- One level of undercroft parking proposing 106 parking bays.
- A ground floor parking area proposing 14 parking bays.
- 20 bicycle bays and associated end of trip facilities.
- Vehicle ingress and egress via (i) Shepperton Road (left in via a proposed slip lane, and left out); (ii) Albany Highway (full movement proposed); and (ii) a road known as ROW 53 providing access between the development site and Oats Street.
- Removal of existing trees on-site and within the adjacent Shepperton Road verge, with 47 new trees proposed (24 on-site and 23 within the adjacent verges).
- Roof top PV cells.
- A commitment to achieve a 5 star Green Star building certification.

Proposed Land Use	Shop, Restaurant/Café, Child Care
Proposed NLA	5,428m <sup>2</sup>
Proposed Number of Storeys	Two (2) storeys, plus one (1) undercroft level and one (1) basement level
Proposed Parking Bays	235 parking bays

### Background:

#### Site Context

The development is proposed across nine (9) lots, and is located within the East Victoria Park Gateway Shopping Area at the intersection of Albany Highway and Shepperton Road, East Victoria Park. A summary of the subject sites is included below in Table 1.

Table 1 – Subject site lot details

Lot No.	Plan/ Diagram	Volume	Folio	Street Address	Area (m <sup>2</sup> )	Proprietor
1	D75092	2186	134	1022 Albany Highway	2,087	Fabcot Pty Ltd
8	D15190	2024	285	1032 Albany Highway	916	Fabcot Pty Ltd

30	D10509	2001	175	357 Shepperton Road	636	Fabcot Pty Ltd
131	DP45782	2229	747	No Address	419	Fabcot Pty Ltd
132	DP45782	2229	747	No Address	178	Fabcot Pty Ltd
480	P2609	2048	405	1026 Albany Highway	1050	Fabcot Pty Ltd
481	P2609	1615	992	1028 Albany Highway	1050	Fabcot Pty Ltd
488	P2609	2001	177	355 Shepperton Road	853	Fabcot Pty Ltd
502	P415185	LR3173	171	-	444	State of WA

The total land area of the subject sites is 7,633m<sup>2</sup>. The sites have 98 metres of frontage to Albany Highway and 123m of frontage to Shepperton Road.



Figure 1- Aerial view of site - extent of subject sites shown in red.

The land known as ROW 54 which runs from Shepperton Road through to Oats Street, which while functioning as a right-of-way, is actually a dedicated road. ROW 54 comprises Lots 500, 501, 502 and 67. For the purposes of this report, the reference to ROW 54 is a reference to those sections of road excluding Lot 502.

There are existing Council stormwater pipes traversing Lots 1, 30, and 488, with no easements present for the stormwater infrastructure. Engineering Plans prepared by

Pritchard Francis (refer **Attachment 14**) indicate that stormwater pipes on site will be required to be relocated as part of the development process. Some stormwater pipes will continue to run through the site, and a condition of approval has been proposed relating to the requirement for an easement around these pipes.

A subdivision application was lodged with the Western Australian Planning Commission (WAPC) on the 5 June 2024 which proposes the amalgamation of the lots comprising the development site, including Lot 502 the ROW and the creation of a 524m<sup>2</sup> road reserve within the amalgamated site connecting the abutting ROW 54 to Shepperton Road. The WAPC is aware of the development proposal, and the subdivision application is currently on hold pending the outcome of this development application.

With respect to Lot 502, there is an agreement in place between the State and Fabcot Pty Ltd where subject to certain conditions being met, Lot 502 will be closed as a road and will be transferred from the State to Fabcot Pty Ltd, and in return Fabcot Pty Ltd will cede a 524m<sup>2</sup> portion of their land to the State as a road to provide vehicle access to/from Shepperton Road across the site to ROW 54.

#### Site Ownership

Lots 30, 131, 132 and 488 were previously owned by the Town of Victoria Park, with an open car parking area still operating at this site. These lots were sold to the current owners, Fabcot Pty Ltd, in December 2019.

As part of the Town's sale of the land to Fabcot Pty Ltd, the contract of sale includes the following provisions:

- The existing public car park is to remain accessible and available for public car parking until the substantial commencement of the development

- **15. Buyer's Post Settlement Obligations**

#### *15.1 Plans and Specifications*

*(a) The Buyer acknowledges and agrees that in undertaking the Development the Seller expects the Town of Victoria Park (in its capacity as a planning authority) to require the following objectives to be achieved:*

- (i) installation of rooftop solar photovoltaic cells;*
- (ii) entry statement considerations on the corner of Albany Highway and Shepperton Road;*
- (iii) consideration of more iconic design principles in accordance with the Town of Victoria Park's relevant planning policies and guidelines at the Contract Date;*
- (iv) allocation of circa 15 car parking bays which are accessible by the public at all times with the remainder of any car parking bays on the Property (number to meet the Town of Victoria Park's minimum car parking ratios) being publicly accessible during business hours, with free parking limited to 90 minutes;*
- (v) commitment to a 6 to 1 ratio of new tree planting (minimum 100 litre tree size unless otherwise agreed by the Seller acting reasonably) to existing trees in the adjacent area owned by the Buyer and on the Property where possible;*
- (vi) minimum 4 star Green Star rating for the Development; and*
- (vii) inclusion of a minimum of 4 electric car charging stations; and*

viii) the Buyer to maintain its commitments under the publicly advertised Reconciliation Action Plan (RAP) while delivering and operating its business from the Property.

- **Clause 17 Car Parking (Public Car Parking within Development)**

*The Buyer covenants and agrees with the Seller that:*

*(a) following completion of the Development it shall in accordance with the terms and conditions of the Development Approval maintain and make available for use by the public any car parking bays located within any secure car parking area within the Development at all times during which the Development is open for business (**Public Car Parking**) and subject to special condition 17(c) shall ensure that access to the Public Car Parking is not refused, restricted or obstructed so as to prevent the use of the Public Car Parking at all times during which the Development is open for business;*

*(b) the public shall be entitled to park in the Public Car Parking for free for up to 90 minutes; and*

- **Clause 18 - Car Park (Circa 15 Bays on Property external to Development)**

*a) The Buyer acknowledges and agrees that it may be required to maintain and make available for use by the public at all times car parking bays which are located on the Property but are outside of the secured car parking area of the Development (**External Car Parking Area**) pursuant to the terms and conditions of the Development Approval.*

*(b) The Buyer covenants and agrees with the Seller that following practical completion of the Development on the Property and prior to occupation of any part of the Development on the Property it shall grant to the Seller an easement pursuant to sections 195 and 196 of the Land Administration Act 1997 over the External Car Parking Area to be registered against the certificate of title to the Property for the benefit of the Seller and the public at large so as to permit the public to access the External Car Parking Area in perpetuity (**Car Parking Easement**) and the cost of the preparation, and registration of the Car Parking Easement to be borne by the Seller.*

As part of the consideration of the development proposal, the Town sought legal advice regarding the relevance of the contract of sale conditions to the assessment of the development application.

The advice received by the Town is that the considerations potentially relevant to the assessment and determination of an application for development approval are set out in clause 67(2) of the deemed provisions, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. These considerations do not include contracts of sale or other private contractual arrangements with respect to land. The advice confirmed that “as a matter of principle, planning is concerned with the public interest, not private interests”.

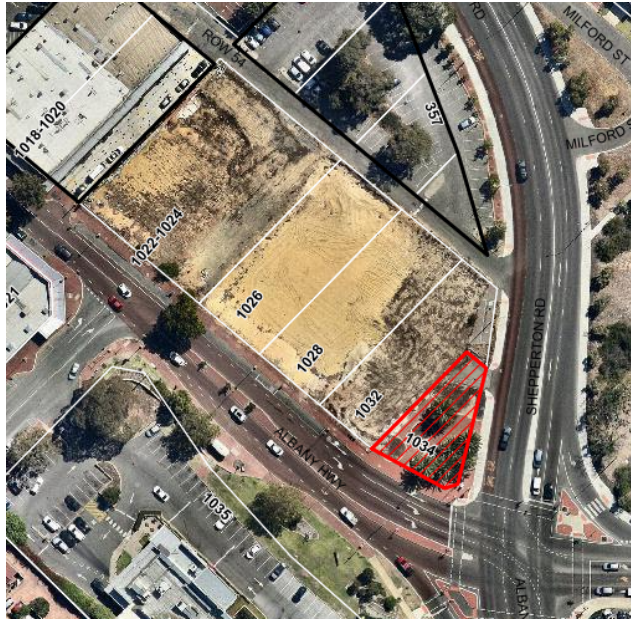
Considering this advice, the contingencies related to the sale of the land, and the intent of the sale of land itself, have been given limited consideration as part of this planning assessment.



Lots 1, 8, 480 and 481 are currently vacant and Lot 502 is currently used for vehicle access to Shepperton Road.

### Lot 7

To the south-east of the development site and at the intersection of Albany Highway and Shepperton Road (see image below) is Lot 7 (No. 1034) Albany Highway which is owned by the Department of Planning, Lands and Heritage. Lot 7 is a 500m<sup>2</sup> lot that is landscaped and has been maintained by the Town for a number of years.



Lot 7 is not included in the development application area. Due to Lot 7 being in separate ownership and being zoned land that is potentially able to be developed, the fire separation requirements of the National Construction Code restrict opportunities for the proposed development to have windows and openings on the boundary between the development site and Lot 7. As a consequence, the design response to Lot 7 is one of largely a blank wall, architecturally treated, rather than an activated frontage. The Town's officer's and DRP have expressed to the applicant and landowner that the non-inclusion of Lot 7 within the development site is a lost opportunity that compromises the built form outcomes for the development.

The interface with Lot 7 is the subject of on-going discussions with Fabcot, the State and the Town, which are occurring outside of the development application process. If a successful negotiation is to occur, then it is open to Fabcot to submit an amended development application with an alternative design which improves the Lot 7 interface and/or includes the use of Lot 7.

### Surrounding Area Context

The subject sites are immediately adjacent to land zoned District Centre to the south and to the west, along Albany Highway. The surrounding land uses include a range of commercial uses, including shops, restaurants and cafes.

Beyond the District Centre, land is zoned residential to the north, south and west. The significant numbers of residential dwellings in this zone supports the commercial development in the District Centre and the Mixed-Use strip along Albany Highway.

The Welshpool Industrial Area is located further afield, providing further support for the District Centre through the significant number of workers that transit to the area daily.

#### Site Access and Internal Movement

Access to the site is proposed via:

- A new two-way, full movement crossover from Albany Highway at the western corner of the site.
- A new left-in-left-out crossover off Shepperton Road at the north-eastern corner of the site inclusive of a left turn entry slip lane.
- The existing abutting right-of-way to the north-west (ROW 54) which links to Oats Street.

A crossover to Albany Highway is proposed as a two-way vehicle access and egress point to the undercroft and basement car parking levels via an access ramp with a proposed 1:6 – 1:8 grade. It connects and provides internal circulation to the Shepperton Road crossover and Laneway 54.

Shepperton Road is classed as a 'Primary Regional Road' under the MRS, and legal access from this road requires the approval of Main Roads Western Australia (MRWA). Access from Shepperton Road is proposed through a left-in-left-out crossover only. It provides access to the loading and unloading dock as well as the undercroft and basement car parking levels via an access ramp with a proposed 1:20 – 1:100 grade. It connects and provides internal circulation to the Albany Highway crossover and Lane 54. A left turn slip lane into the Shepperton Road access way has been included as part of the development's design, at the request of MRWA. The left turn slip road was not proposed by the applicant as part of the original design. As a result of extensive discussions and MRWA confirming their preference, the applicant has amended the development plans and the Town is supportive of the proposed left turn slip lane although noting this has reduced the extent of landscaping to the Shepperton Road frontage from that originally proposed (discussed further below).

The existing ROW 54 that abuts the development site to the north-west and links to Oats Street will connect to the Shepperton Road crossover via a new road reserve within the development site proposed as part of a separate amalgamation application (WAPC ref: 200355). Lot 502 that currently links Shepperton Road to ROW 54 is proposed to be closed through a separate road closure request. This will improve traffic safety through the relocation of Shepperton Road access further away from the Shepperton Road/Welshpool Road and Albany Highway intersection.

#### Landscaping

A total of 358m<sup>2</sup> of deep soil planting is proposed onsite which equates to 4.7% of the total site area is provided.

There are inconsistencies in the information provided within the application documents in relation to tree retention and removals. The Officers understanding is that -

- 10 existing trees are proposed to be removed from the subject site, as are 20 existing trees located within the verge to Shepperton Road (in the latter case required to be removed to facilitate the construction of the left turn entry slip lane requested by MRWA).



- 3 existing trees within the adjoining verges are to be retained.
- 24 new trees are proposed to be planted inside the site boundaries while 23 new trees are proposed to be planted outside the site boundaries.

The 'Tree Species Location Plan' within the Landscape plan (refer **Attachment 6**) indicates that on-site and verge landscaping will be located on Albany Highway, the ground floor car parking area, and the Shepperton Road verge/building frontage. The Concept Report indicates that landscaping will include a range of native trees and garden beds.

The Albany Highway landscape treatment includes the retention of one existing tree and the inclusion of six additional street trees. Street furniture and bicycle racks are also proposed in these areas.

The landscaping treatment along the Shepperton Road frontage and verge has been amended late in the application process in view of MRWA's request for a left turn entry slip lane on Shepperton Road. The amended design now comprises a range of native trees and garden beds, including two retained trees and twenty-four additional trees. A pedestrian path is proposed along the extent of the Shepperton Road frontage with a landscaping buffer to separate the pedestrian path from Shepperton Road. A creeper style plant is proposed to be grown up the Shepperton Road building façade to reduce the visual impact of the blank facade, soften the buildings appearance and provide visual interest for passing pedestrians and traffic. While noting this, the Town's Design Review Panel (DRP) have identified that opportunity exists to further improve the landscape treatment to the building façade – see DRP comments below.

The ground floor car parking area is proposed to accommodate a landscaping buffer with Shepperton Road comprising trees and a garden bed. Eighteen additional trees are proposed throughout or adjacent to the parking area to provide shade and separation between parking bays and the street.

The south elevation comprises a small piece of land between the proposed built form and the existing plaza on Lot 7, which is adjacent to the development site and not included as part of this application. This small piece of the subject site will be landscaped to provide continuity with the existing plaza and an appropriate transition between the plaza and the development.

Given inconsistencies between the Landscape Plan and the Arborist Report a condition is recommended requiring the final detailed landscaping plan to be prepared to the satisfaction of the Town and address these inconsistencies. Furthermore the final landscaping plan should incorporate the improvements recommended by the DRP.

## **Legislation and Policy:**

### Legislation

1. *Planning and Development Act 2005*
2. *Planning and Development (Development Assessment Panels) Regulations 2011*
3. *Planning and Development (Development Assessment Panels) Amended Regulations 2024*
4. *Planning and Development (Local Planning Schemes) Regulations 2015*
5. Metropolitan Region Scheme (MRS)

6. Town of Victoria Park Local Planning Strategy
7. Town of Victoria Park Local Planning Scheme No. 2 (LPS2)

#### State Government Policies

1. State Planning Policy 4.2 – Activity Centres for Perth and Peel
2. State Planning Policy 5.4 – Road and Rail Noise
3. State Planning Policy 7.0 – Design of the Built Environment

#### Local Policies

1. Local Planning Policy 6 – Family Day Care and Child Care Premises
2. Local Planning Policy 15 – East Victoria Park Gateway Shopping Area Design Guidelines
3. Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway
4. Local Planning Policy 23 – Bicycle Parking, Car Parking and Access for Non-Residential Development
5. Local Planning Policy 24 – Loading and Unloading
6. Local Planning Policy 29 – Public Art Private Developer Contribution
7. Local Planning Policy 37 – Community Consultation on Planning Proposals
8. Local Planning Policy 38 – Signs
9. Local Planning Policy 39 – Tree Planting & Retention

#### **Consultation:**

##### Public Consultation

In accordance with Council's Local Planning Policy 37 'Community Consultation on Planning Proposals' (LPP 37), the proposed development was considered to be a Significant Application and was advertised for a period of 28 days via the following methods:

- Letters to surrounding properties
- Newspaper notice published in Perth Now Southern;
- Notice displayed on noticeboard in Town's Administration Centre;
- Notice published in the Public Notices section of Council's website; and
- Development plans and accompanying information being displayed for public viewing on the Town's website.

The consultation period commenced on 28 November 2024 and closed on 6 January 2025.

During the period for comment 156 submissions were received, 103 of these being in support, 33 objecting to the proposal and 20 neither supporting nor objecting to the proposal.

A complete schedule of submissions received (with personal details redacted) is provided at **Attachment 11**. A summary of the key themes expressed in the submissions received, and the assessing officer's response to those matters, are as follows:

<b>Issue Raised</b>	<b>Officer comments</b>
<u>Land Use</u>	The proposed land uses are permitted for the site in accordance with the Town's

Submitters questioning appropriateness of land uses proposed, raising concerns relating to a proliferation of certain types of land use.	LPS2 and are therefore considered appropriate.  The ability of a land use to economically survive or competition with other similar businesses is not a relevant planning consideration. The ability of a business or service to survive on the site will be determined by demand for the goods and services they offer.
<u>Traffic</u> Concerns relating to traffic congestion on Albany Highway and at the intersection of Albany/ Shepperton/Welshpool. Potential for traffic congestion on the surrounding residential streets. Impact of increased traffic volumes on pedestrian safety. Impact of proposed land uses (particularly child care centre and shop) on traffic volumes. Concerns regarding increased use of ROW 54	The traffic impact of the development has been the subject of significant review by the Town's traffic engineers and MRWA. In response to concerns expressed by the Town, MRWA and the public, the applicant engaged a new traffic consultant to review the proposal and submitted an amended TIA.  Refer to detailed assessment below of traffic impacts.
<u>Redevelopment</u> Support redevelopment of the site	Noted

The applicant has provided their responses to the submissions received within their response letter dated received 31 March 2025 (refer **Attachment 12**).

#### Referrals/consultation with Government/Service Agencies

- Main Roads Western Australia

As the development site adjoins Shepperton Road which is a Primary Regional Road, the application was referred to MRWA for comments. MRWA made it clear from the outset that they require the construction of a left turn entry slip lane on Shepperton Road to gain entry into the site. The applicant was originally resistant to this, but has now incorporated this into the design. MRWA have reviewed the further amended information submitted by the applicant on 31 March 2025 and have now advised of their support for the proposal subject to conditions.

Refer to **Attachment 18** to view MRWA's comments and recommendation on the proposal.

#### Design Review Panel Advice

The Town's Design Review Panel (DRP) have been extensively involved in the design assessment of the proposed development, reviewing concept proposals for the development and providing preliminary feedback prior to the submission of the application. The development has also been presented to the DRP three times after being formally submitted to the Town.

The DRP gave final consideration to the proposal at their meeting on 7 May 2025. The DRP support the development subject to matters which can be addressed through development approval conditions including –

- Amending the alignment of the proposed public footpath along Shepperton Road to be hard up against the lot boundary. This will improve pedestrian safety, provide for a large consolidated landscape area within the verge, and allow for the deletion of the proposed on-site path accessing the bin store and its replacement with landscaping.
- Achieving a 5 star Green Star building certification.
- Public art being incorporated within the building facades.
- Treating the blank wall visible from ROW 54 – could be a different paint treatment or a location for public art.

The DRP's concluding comments on the proposal are as follows –

*“Fitting a supermarket onto a relatively small and irregular site with a ‘main street’ frontage was always going to be a challenge and the architectural response is well resolved under the circumstances. The recent changes to the design have taken it to a point where it can be deemed by the DRP to be an acceptable response to the ten principles of SPP7, subject to a few minor changes, some of which can be addressed by conditions of approval. It is also noted that this development approach is a far better outcome than the at-grade Woolworths that are proposed for outer suburban and regional areas.*

*The Panel acknowledges that Shepperton Road is a very different context to Albany Highway and accepts that a landscaped interface with a degree of architectural articulation is an acceptable alternative to active shopfronts in this context. It is disappointing that MRWA has insisted on a deceleration lane which has diminished the potential for a generous landscape screen. However, deletion of the on-site pathway and alignment of the verge footpath along the boundary would go a long way to rectifying the issue.*

*The lack of resolution around the adjacent corner lot and its interface remains a disappointment but the Panel is heartened by the ongoing liaison with the DPLH on the future of the adjacent land, but the Town of Victoria Park should be in those discussions to monitor progress and provide advice where necessary.”*

Refer to **Attachment 17** to view the DRP's final comments and recommendation on the proposal in full.

#### Other Advice

Internal referral comments were sought from the Town's service areas including:

- Place Planning;
- Building;
- Street Improvement;
- Street Operations (Waste);
- Environmental Health; and
- Parks.

Comments from these service areas were provided to the applicant and resulted in

further information being submitted that has been resolved or can be resolved prior to the submission of a building permit application and/or occupation.

### **Planning Assessment:**

In assessing this application, consideration has been given to the relevant provisions of the Scheme, and State and local planning policies outlined in the Legislation and Policy section this report.

### **Local Planning Scheme No. 2**

The site is zoned 'District Centre' under the Town's Local Planning Scheme No. 2 (LPS2). The table below provides a summary of the proposed land uses and their permissibility in the 'District Centre' zone under LPS2:

<b>Land Use</b>	<b>Permissibility</b>
Shop	'P' (permitted)
Child Care Premises	'A' (discretionary with advertising)
Restaurant/Café	'P' (permitted)

Shop and Restaurant/Café are permitted uses under LPS2.

Child Care Premises are an 'A' use under LPS2, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions. The proposed development has been advertised in accordance with clause 64 and the use is considered to be a complimentary use to the proposed mixed-use development and adjacent commercial development.

### **Draft Albany Highway Precinct Structure Plan**

The Draft Albany Highway Precinct Structure Plan provides a vision for the future growth of the Town's major retail strip. The document has been advertised for public comments but Council has not yet formally considered the public submissions. The proposed development is assessed against the relevant provisions below:

	<b>St James Sub Precinct Development Requirements</b>	<b>Compliance</b>
<b>Plot Ratio</b>	3.0	Complies. Plot ratio of 0.56. Although significantly less than proposed, the style of development necessitates a lower rise proposal, which ultimately is appropriate for the site's landmark location.
<b>Building Height</b>	8 storeys	Complies. Proposed development does not exceed 5 storeys (18.5m)



<b>Street Setback</b>	Nil	Complies. Nil setback proposed along Albany Hwy
<b>Side Setback</b>	Nil	Variation. The proposed development is set back from northern lot boundary to accommodate the loading and unloading zone and access driveways. The variation is considered reasonable to accommodate the required infrastructure and internal vehicle circulation needed to appropriately service the site and proposed land uses.
<b>Rear Setback</b>	Nil	Variation. A nil setback is only achieved for a small portion of the Shepperton Road. The variation is considered reasonable to accommodate landscaping and a pedestrian pathway, improving the amenity at the rear of the site.
<b>Frontage Type</b>	Centre	Variations. The frontage proposes a minor variation, being a break in the awning to preserve an existing street tree. However, the intent of the PSP has been achieved, with an activated and interactive building frontage proposed. The variation is therefore considered acceptable.

The development is largely consistent with the intent and key provisions of the Draft Albany Highway Precinct Structure Plan, and is considered appropriate.

### **State Government Policies**

#### **State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)**

SPP 4.2 outlines provisions to ensure that developments and planning for activity centres appropriately addresses distribution, function, broad land uses, access and urban form considerations.

Under SPP 4.2, East Victoria Park is classified as a District Centre. A development proposing >5,000m<sup>2</sup> NLA within a District Centre is classed a 'Major Development'. A Net Benefit Test is required for all 'Major Development' proposed within activity centres that do not already have a needs assessment associated with a corresponding Local Planning Scheme or Local Planning Strategy.

It is noted that the Town of Victoria Park Local Planning Strategy has identified potentially seeking a reclassification of East Victoria Park to a Secondary Centre, noting the similarities between East Victoria Park and Victoria Park which is currently classified as a Secondary Centre. Specifically, consistencies in land use diversity, retail floor space and residential dwelling density are highlighted. A development proposing >10,000m<sup>2</sup> NLA within a Secondary Centre is classed a 'Major Development'.

While SPP 4.2 does acknowledge that *"established and planned hierarchy of*

*neighbourhood and local centres are identified in the relevant local planning strategy"* a process for the formal reclassification of an activity centre is also detailed. The requirements include, but are not limited to:

- A needs assessment to justify the reclassification
- The reclassification to secondary should only occur where the centre has a train station.

As a needs assessment has not been prepared for East Victoria Park to-date and there is no train station in proximity, the classification of East Victoria Park as a 'District Centre' under SPP4.2 is considered appropriate for the purposes of this assessment.

The development proposes a total of 5396m<sup>2</sup> NLA, which is below the threshold for requiring a Net Benefit Test. The development is therefore consistent with the requirements of SPP4.2.

#### State Planning Policy 5.4 – Road and Rail Noise (SPP5.4)

The site abuts Shepperton Road to the east which is classed as a Primary Regional Road under the MRS. The requirements of SPP5.4 are triggered to address the proposed Child Care Premises which is considered a sensitive land use.

A Noise Management Plan was provided as part of the development application and is included as **Attachment 7**. The Noise Management Plan identified that traffic noise exceeds the external noise level criteria, requiring noise amelioration to be provided which largely involves additional glazing requirements.

A condition of approval will be included to ensure noise amelioration on site is implemented as recommended in Appendix B of the Noise Management Plan.

#### State Planning Policy 7.0 – Design of the Built Environment

State Planning Policy 7.0 contains 10 Design Principles, which are set out as the overarching principles for development in Western Australia. Consideration of the principles are integrated into and informed the Town's assessment of the subject development application.

The application is assessed against the 10 Design Principles as follows:

##### 1. Context and Character

*Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*

##### Applicant comment:

- The proposal responds to Albany Highway's vibrant character, that is a mixture of diverse retail and commercial uses located along the 'strip'.
- The proposal compliments the context of the area and further provides an attraction for a mixture of retail and specialised tenancies.
- The site has frontages to two major roads, meaning it has excellent exposure, but it is also at the start of the strip and therefore is a landmark site that needs to signal the entry into the precinct.

- The site has a number of larger car-based retail sites around it, however these sites mostly attempt to conceal car parking and provide active frontage to Albany Highway where possible.

Officer and DRP comments:

*Strengths*

- a) The response to Albany Highway is positive with an active and well composed frontage.
- b) The material palette provides some warmth, texture, and visual interest consistent with the broader locality.
- c) The scale of development that complements the general intent for the centre.

*Areas for improvement*

- d) The southern interface and 'plaza' remain an unresolved opportunity for a superior design outcome. However, it is noted that there are ongoing discussions with the DPLH on the use of the adjacent lot.
- e) The landscaped interface to Shepperton Road has been eroded by the inclusion of the slip lane – refer to commentary under Landscape Quality.

## 2. Landscape Quality

*Good design recognise that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*

Applicant comment:

- The proposal incorporates a high quality and bespoke landscape response to provide a high amenity streetscape that is attractive and encourages pedestrian movement.
- The design has been informed by considerable landscape input (by consultant, See Design Studio). This includes a high-quality street furniture that reflects Victoria Parks vibrancy is proposed to create informal gathering spaces and alfresco dining opportunities.
- The proposal incorporates high quality landscape utilization to create a landscape buffer along the edges of Shepperton Road.
- The proposal effectively utilizes the corner, by responding with a setback of the upper level to allow landscaping to come up onto the building, enhancing 'green' feel to the corner.

Officer and DRP comments:

*Strengths*

- a) The general landscape intent is supported.
- b) The retention of street trees in the Albany Highway reserve is positive.
- c) The planting and material palettes are generally supported.
- d) An indicative intent for the childcare playscape has been included. Further

detail should be required prior to Building Permit.

- e) The use of permanent shade structures to the childcare playscape is supported.

#### *Areas for improvement*

- f) The introduction of the deceleration lane at the insistence of MRWA is unfortunate. However, the inclusion of climbers as an offset to the loss of verge goes some way to mitigating the visual impact of the blank wall to the supermarket.
- g) The reduced landscape buffer resulting from the deceleration lane requires a new approach to this interface to consolidate the planting and make it more resilient and effective. This could include the removal of the on-site service path from the Shepperton Road frontage and use of the verge footpath instead for bin access, which would free up more space on site for landscape and provide more deep soil volume for the climbers on the wall.
- h) Realign the verge footpath so it follows the site boundary, would be safer and enable more effective verge planting between the footpath and the kerb.
- i) Clarify the status of the five trees on the northern boundary in the face of conflicting information.
- j) The planting of Plane trees should be reconsidered given their susceptibility to the PSHB.

### 3. Built Form and Scale

*Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*

#### Applicant comment:

- The proposal responds to both the existing and future planning contexts to ensure good experience for end-users and a built form which does not compromise the future intentions of the area to have greater density for new mixed- use development on adjacent sites.
- Located on the corner of Shepperton Road and Albany Highway, the proposal will signal the beginning of 'strip' development and provide a sense of activation to the area with a built form which provides good enclosure of the street for an improved pedestrian experience.
- Built form is minimised towards the east with a podium arrangement that is complimentary to neighbours.

#### Officer and DRP comments:

#### *Strengths*

- a) The overall form and massing is appropriate to the use and locality.
- b) The celebration of the southwest corner with additional height and the 'art screen' is good.
- c) The elevations are generally well-composed and modulated, especially to Albany Highway.
- d) The provision of shade and shelter to Albany Highway is good (and the break for the existing tree is supported).
- e) The extent of active frontage to Albany Highway is positive.
- f) Most of the car parking is hidden from the public domain.
- g) The raised canopy height and additional glazing to the corner tenancy is an improvement.

*Areas for improvement*

- h) Continue to discuss and resolve the use of the adjacent corner lot with the DPLH and include the Town of Victoria Park in the discussions.
- i) There was some discussion about using curved corner for the canopy below the art zone to reflect the building geometry. However, it is noted that the square corner better protects the al-fresco area underneath.

4. Functionality and build quality

*Good design meets the needs of user efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.*

Applicant comment:

- The proposal has been designed and oriented to ensure that maximum street activation and accessibility for all building users incorporates provisions regarding the screening of services to ensure a functional and high-quality development.
- Albany Highway is activated with shopfronts that are weather protected with continuous awnings.
- The proposal incorporates high quality functionality and build quality to ensure continued activation along Albany Highway and little disruption to surround residents.

Officer and DRP comments:

*Strengths*

- a) The design appears to be generally functional and fit for purpose.
- b) The material selection is broadly supported.

*Areas for improvement*

- c) Annotate the childcare car bays on the plans.



## 5. Sustainability

*Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*

### Applicant comment:

A variety of sustainability elements are incorporated into the development such as:

- a. Well shaded walkways & glazing
- b. Water sensitive design
- c. High quality/durable materials
- d. Passive environmental design
- e. Sustainable waste management
- f. Vibrant mix of land uses
- g. Community facilities
- h. Mix of diverse tenancies
- i. Building to meet commercial demand.
- j. Connection to public transport

### Officer and DRP comments:

#### *Strengths*

- a) A sustainability strategy has been prepared and reflects a commitment to achieving a certified 5 Star Green star rating for the project.

#### *Areas for improvement*

- b) The Town should consider a condition of approval that requires the project to be registered with the Green Building Council and the elements required to achieve a certified 5 Star Green Star Buildings rating to be incorporated into the detailed design process prior to building permit.

## 6. Amenity

*Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.*

### Applicant comment:

- The proposal promotes high levels of amenity for both residents and visitors, providing substantial opportunities for community gathering. Public seating and active frontages aim to ensure an inviting and comfortable space that enables a range of uses and is accessible to all.
- The corner landscape has been capitalised to create an activated pedestrian environment, with a café tendency to enhance experience, increasing the vibrancy of the neighbourhood centre.
- High grade walkability and an increased convenience of a new modern supermarket enhances amenity for pedestrians.

### Officer and DRP comment:

*Strengths*

- a) The level of amenity to Albany Highway is good.
- b) The al-fresco area to Albany Highway provides additional amity to patrons.
- c) There is capacity for good public amenity in the 'plaza' if, and when, the issue of the southern plaza is resolved.
- d) Access to light and ventilation to the childcare centre is reasonable.
- e) The permanent shade solution to the childcare playscape is supported.

*Areas for improvement*

- f) There is limited access to natural light for most of the retail and mall floorspace.

**7. Legibility**

*Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*

Applicant comment:

- The proposal aims to facilitate high legibility both within the site as well as to external areas. Specifically, the proposal includes distinct entry points, recognisable destination features and high-quality wayfinding techniques.

Officer and DRP comment:*Strengths*

- a) The main entrance is clearly visible and directly accessed from Albany Highway.
- b) The Albany Highway tenancies have their own front doors.
- c) The capacity for vehicles to enter the site from three different directions offers flexibility.
- d) The treatment of the SW corner helps to create a sense of arrival to the centre.

*Areas for improvement*

- e) None.

**8. Safety**

*Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*

Applicant comment:

- The proposal promotes a safe environment through promoting activation, maximising passive surveillance and ensuring any back of house areas are suitability addressed from a CPTED perspective.
- The proposal also utilizes passive surveillance through development along ground floor and early learning centre above.

- Dedicated parking for visitors on site.
- CCTV and integrated lighting to be used in public and service areas.

Officer and DRP comment:

*Strengths*

- a) There is reasonable passive surveillance of Albany Highway.
- b) Continuation of the footpath material across the Albany Highway is good (although it would be better if the crossover wasn't there at all or even reduced in size).
- c) The lift contributes additional security to the childcare centre along with the inclusion of the out-of-hours security screen to the rest of the centre.

*Areas for improvement*

- d) The lack of passive surveillance of Shepperton Road is disappointing.
- e) The limited passive surveillance of the 'plaza is also disappointing. However, it is noted that there are on-going discussions with the DPLH on the use of the adjacent site, which may resolve the issue.
- f) The all-movement intersection on Albany Highway remains a concern, particularly in relation to the risk associated with right-turn movements both from a traffic and pedestrian safety perspective. Given this is an engineering issue, the DRP will defer to the Town's engineers for better informed advice.

## 9. Community

*Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.*

Applicant comment:

- The proposal will facilitate development which responds to community needs. It will deliver a high-quality retail and serviced focused centre and a meeting place for the Victoria Park community.

Officer and DRP comment:

*Strengths*

- a) The uses are of benefit to the community.
- b) The intention to integrate public art and the selected location is supported.
- c) The activation of Albany Highway is good.

*Areas for improvement*

- d) The resolution of the plaza with the DPLH would deliver the largest community benefit of the project by far.
- e) The Town should require details of the public art as a condition of approval.

## 10. Aesthetics

*Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*

### Applicant comment:

- The proposal has been designed to be attractive and inviting. The proposal facilitates a scale, arrangement and articulation of built form which will deliver a high level of amenity.

### Officer and DRP comment:

#### *Strengths*

- a) The elevations, particularly to Albany Highway, are well composed.
- b) The palette of architectural elements, materials, textures and colours complement those of the locality.
- c) The potential for integration of public art.
- d) The containment of tenancy signage above the shopfronts.

#### *Areas for improvement*

- a) Resolution of the interface with the 'plaza', would have delivered a more vibrant and appealing elevation.
- b) The blank rendered wall on the northern elevation is a disappointing termination to the vista along the laneway – consider a more interesting texture or colour solution for the portion visible along the laneway or, possibly, a mural opportunity.

## **Local Policies**

### Local Planning Policy No. 6 – Family Day Care and Child Care Premises (LPP6)

LPP6 provides considerations for establishing a Child Care Premises, including aspects such as location, site characteristics, design, parking, access, traffic and noise. The proposal is generally compliant against LPP6, however clause 2.2(b)iii states that:

*Child care premises are not considered suitable in locations where access is from a major road or in close proximity to a major intersection where there may be safety concerns.*

As it is likely that the majority of parents dropping their child off at the childcare centre will park in the basement or undercroft parking area and access the child care centre directly via the lifts provided, access is considered to be secure, despite the location of the development being at a major intersection.

Limited details relating to the operating hours of the childcare centre have been provided. The applicant has stated that additional details cannot be provided until a

tenant is confirmed for the site, however they did confirm that the operating hours would be from 7am-6pm. As the childcare centre is not in proximity of any sensitive land uses or residential development, no condition relating to the operating hours has been proposed.

The DRP requested that the applicant review and confirm the entry arrangements to the child care centre. The applicant has confirmed that an entry lockable door will be provided internally to the childcare to provide for secure access. The architectural plans have also been updated to include a security shutter that can be closed to separate the lifts from the shopping centre, to allow for access to the child care via the lifts prior to the centre opening.

Local Planning Policy No. 15 – East Victoria Park Gateway Shopping Area Design Guidelines (LPP15)

The following provisions under LPP15 relate to the proposed development:

*Movement and Parking*

LPP15 prioritises pedestrian movement. The pedestrian network should ensure continuous, safe, and attractive links between commercial areas and parking. Redevelopment should support pedestrian movement, especially along building frontages and to Albany Highway. Developments near footpaths should have engaging frontages, avoiding unattractive features like blank walls and visible vehicle servicing.

The building frontage along Albany Highway is proposed to be activated, with engaging frontages and no blank walls proposed. Interest is achieved by proposing a variety of tenancy options and alfresco areas along the Albany Highway frontage.

The building frontages abutting Lot 7 and Shepperton Road are not activated, with blank walls proposed on both frontages. The applicant has sought to soften these frontages through the provision of landscaping, that accompanies a pedestrian footpath. However, these frontages do propose blank walls adjacent to pedestrian accessways, with little to no passive surveillance offered from the building itself. Given the busy nature of the intersection that this site is located on, a significant amount of passive surveillance will be provided by passing vehicles and pedestrian traffic. Considering this, although not strictly in keeping with the LPP provisions, the proposed development facades are considered appropriate for the type of commercial development proposed.

Left in, left out egress is proposed directly onto Shepperton Road. As Shepperton Road is classed as a 'Primary Regional Road' under the MRS, MRWA is the responsible authority for approval of access, and has requested a left in access slip lane to this vehicle access way.

Parking in front setbacks is only permitted along Shepperton Road frontages, though it is noted that existing parallel on-street parking bays along Albany Highway are proposed to be modified and retained.

The LPP does not support full movement, direct vehicle access to Albany Highway if alternatives exist. The proposed development will generate a significant amount of traffic, and proposes direct, two-way full movement vehicle access from Albany Highway that will be accessing and egressing over a pedestrian path. Two-way, full



movement vehicle access on Albany Highway does not align with the prioritisation of pedestrian movement under the LPP and is not supported by the Town.

However, the Town considers that the proposal for some vehicle access from Albany Highway is not unreasonable given the proposed developments large street frontage. Additionally, a form of vehicle access on the Albany Highway frontage will assist in distributing traffic across the surrounding road network, rather than concentrating vehicle access and egress at Shepperton Road.

It is further acknowledged that the built form of the proposal, and the level of traffic it is proposed to attract, necessarily varies the Albany Highway strip style of development that is envisioned by the Town's LPPs in order to accommodate a large format supermarket that will provide important amenity to the Town's community.

Considering these factors, the Town is supportive of left in-left out vehicle access/egress at the proposed Albany Highway vehicle access location. Left in-left out only will reduce the potential impact on the flow of traffic on Albany Highway and the existing pedestrian path. A left in-left out only vehicle access arrangement at Albany Highway would also allow the development to proceed in its current form, without the requirement for any major design changes.

A condition of approval will be included to ensure vehicle access/egress to the site to Albany Highway is restricted to left-in and left-out only to the satisfaction of the Town:

#### *Streetscape and Built Form*

The continuation of the Albany Highway strip form of development is encouraged, with proposed developments being sympathetic to the surrounding built form. The building frontage is generally proposed to provide continuity with the adjacent strip form of development, with the Albany Highway crossover the major break in this built form aspect.

Further discussion on the signage proposed is included at the section below relating to Local Planning Policy No. 38.

#### *Landscaping*

Landscaping requirements under LPP15 are categorised as follows:

- Shepperton Road frontage
- Car parks
- Lighting and paving

Landscaping along Shepperton Road should comprise trees and low-level planting that does not obscure sight lines for vehicles. While trees are proposed along the extent of the Shepperton Road frontage, smaller trees are proposed closer to the street edge to assist in limiting sight-line obstructions. A landscape buffer is also required for development fronting Shepperton Road. While the development does not directly front Shepperton Road a landscape buffer is provided.

*“Car parks should provide extensive shade trees.”* The ground floor parking area proposes shade trees within the carparking area.

Extensive paving is proposed adjacent to the Shepperton Road frontage, to provide a pedestrian pathway. Planting has also been proposed on the building structure itself, which results in a softened interface with the Shepperton Road aspect. The Landscaping Concept Plan indicates that lighting will be provided but does not specifically indicate where this will be located on the Shepperton Road frontage.

It is recommended that an updated Landscaping Plan be provided prior to the issue of a Building Permit that will confirm the detail of these landscaping aspects.

**Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway**

<b>Provision</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliant</b>
Location of frontages	Full width of site to have nil street setback.	Nil setback along Albany Highway with the exception of the Albany Highway crossover.	No, but considered acceptable.
Activities adjacent to the frontage	Ground floor activation.	Ground floor tenancies proposed along Albany Highway	Yes
	High quality architectural design.	Facades with articulation, horizontal and vertical features, a range of materials and colours, and mural proposed	Yes
	No vehicle parking or plant rooms along frontage.	Vehicle parking proposed in undercroft and basement parking levels and at north-east corner of site at ground level abutting Shepperton Road.  No plant rooms proposed along frontage of Albany Highway.	Yes
Facade design and height	Vertical elements & Avoid long straight horizontal awnings and parapets.	Vertical elements to scale specialty tenancies, alfresco areas, child care premises and main entrance to shopping centre provided	Yes
	Appropriate scale of buildings relative to pedestrian environment.	The scale of the building appropriately suits the pedestrian scale with vertical elements providing scale and a range of specialty tenancies	Yes

		along Albany Highway provided to avoid long continuous frontages with little interest	
	Building height to be sympathetic to surrounding built form and avoid dominating streetscape.	Development does not dominate Albany Highway streetscape and integrates appropriately with adjacent sites while maintaining landmark feature as a corner site at the entrance to the Town of Victoria Park	Yes
	Façade to be at least 60% transparent.	Ground floor Albany Hwy façade 66% glazing. First floor Albany Hwy façade 78% glazing.	Yes
	Glazing to be broken into segments.	Specialty retail tenancies along Albany Highway separated and distinguishable through design elements	Yes
	Avoid roller doors and heavily tinted glazing.	None proposed	Yes
Security	Security elements provided including as part of the architectural design of the façade.	High level of passive surveillance along Albany Highway.  CCTV provided along Albany Highway and frontage to be well lit	Yes
Heritage buildings	N/A		
Lighting	Tenancies fronting Albany Highway to remain lit after hours until midnight.	A condition will be imposed requiring tenancies fronting Albany Highway to remain lit after hours until midnight	Yes
	Lighting required in recessed areas, access ways and parking areas.	Albany Highway crossover, alfresco areas and main entrance include lighting fixtures to ensure areas are well lit	Yes
Colours	Naturally occurring and complementary colours encouraged.	A range of colours including exposed red brick, light grey rendered parapet and walls, grey metal cladding and	Yes

		architectural features such as a white feature steel frame parapet extension and a white feature folding screen finished which are well suited to the surrounding area.	
Signage	Buildings to display street numbers.	None proposed. Variation is considered minor and is acceptable.	No
	Avoid obstructing building's architectural features or views of building and surrounding built form.	Signage does not obstruct the building's architectural features or impede the views of the surrounding built form.	Yes
	Signage encouraged at ground floor level. Signage above ground floor to be considered if no impact on the architectural integrity of building.	Signage proposed above ground floor level is well placed to integrate with architectural design of building.	Yes
	Signage above ground floor to not duplicate existing signage.	Woolworths tenancy signage has been dispersed around the development. Signage on Albany Hwy façade not duplicated at ground and first floor.	Yes
	No roof signs.	None proposed.	Yes
	Neon and animated signage may be appropriate if associated with night-time entertainment and not impactful on surrounding residential areas.	None proposed.	Yes
Awnings and Verandahs	Continuous weather protection.	Awnings proposed along Albany Highway façade with the exception of the Albany Highway crossover and the 55m <sup>2</sup> alfresco area. Applicant has stated the gap in awning is to enable the retention of a street tree, which is considered acceptable.	No

	Awnings to be constructed from solid light impenetrable material.	Applicant has not provided further details relating to the awning material. <b>Condition X</b> has been applied to address this condition.	Conditioned.
	Awning to compliment architectural design of building.	The awnings provided are compatible with the architectural design.	Yes
	Retention of mature shade trees along Albany Highway encouraged.	1 existing mature tree along Albany Highway proposed to be retained (being the only tree).	Yes
Plant Management	1 large tree for every 4 parking bays for parking at rear of property.	7 large trees are proposed for 14 parking bays in the ground floor parking area, equating to a large tree for every 2 parking bays	Yes
Alfresco dining on public footpaths	Alfresco areas to retain a 2.5m width strip for pedestrian use.	Alfresco areas are contained within development site and don't impede on adjacent pedestrian footpath.	Yes

Local Planning Policy 23 – Bicycle Parking, Car Parking and Access for Non-Residential Development (LPP23)

LPP23 outlines requirements for bicycle parking, car parking, end-of-trip facilities and access for non-residential development. Requirements are provided based on proposed land use.

*Bicycle Parking*

Land Use	Bicycle Parking Requirements	Assessment
Shop, Retail and Restaurant/Cafe	<ul style="list-style-type: none"> <li>1 space per 500m<sup>2</sup> NLA (short stay) and</li> <li>1 space per 250m<sup>2</sup> NLA (long stay)</li> </ul>	21 bicycle bays required.
Child Care Premises	<ul style="list-style-type: none"> <li>1 space per 100m<sup>2</sup> NLA (short stay) and</li> <li>1 space per 250m<sup>2</sup> NLA (long stay)</li> </ul>	14 bicycle bays required.
Total Bicycle Parking Required		35 bicycle bays

20 bicycle bays are provided in total as part of this development proposal, consisting of 10 bicycle racks that can each hold two bicycles.

This equates to a shortfall of 15 bicycle bays across the development. The applicant has not provided justification for this shortfall in bicycle bays. As the Town seeks to encourage residents to choose active forms of transportation, this shortfall of bicycle bays is not considered appropriate for the proposed development. A condition of approval will be included to satisfy this requirement:

#### *End-of-trip Facilities*

If more than 11 bicycle parking facilities are required, 4 showers and change room facilities are required under LPP 23.

Communal end-of-trip facilities comprise two female showers and two male showers with changeroom facilities, complying with the requirements of the LPP.

#### *Car parking*

No minimum or maximum parking requirements are detailed under LPP 23 leaving it to landowners and applicants to determine their own parking requirements based upon their parking needs.

The development proposes a total of 235 parking bays, including:

- 106 parking bays (including 6 'direct to boot' bays) located in the undercroft car parking level;
- A total of 4 ACROD parking bays
- 115 parking bays located in the basement car parking level; and
- 14 parking bays provided on the ground floor.

LPP 23 requires one ACROD bay per 20 parking bays. Four parking bays out of a total of 235 are designated as ACROD bays, which equates to one ACROD bay per 59 parking bays.

The applicant's justification stated that the Town's lack of minimum parking requirements meant the parking proposed was adequate for the site. This justification may be reasonable for standard parking bays, however the proposal falls short of the ACROD bay parking requirement of the LPP. The proposed development includes a supermarket that will serve all members of the community, and it is reasonable that all members of the community should be adequately catered for in terms of accessible transportation and parking, as per the LPP. A condition of approval has been proposed requiring the development to comply with a one in 20 ratio for ACROD bays.

The applicant's planning report stated that five short term parking bays at the basement level had been designated for the exclusive use of the child care centre. These designated bays have not been marked on the plans. A condition of approval will be included to satisfy this requirement.

Notwithstanding LPP23 not specifying a minimum on-site parking requirement of general car bays, the decision-maker still needs to be satisfied under Clause 67 of the deemed provisions that there is an adequate supply of parking bays to meet the likely demand. In this respect the Town accepts the parking demand analysis undertaken by the applicant and outlined in the TIA.

#### Local Planning Policy 29 – Public Art Private Developer Contribution

Private development with a value exceeding \$2 million is required to provide a contribution for the provision of public art, to the value of 1% of the total cost of the development. The format of a public art contribution has not been confirmed by the

applicant; however, the development plans do include indicative locations for the delivery of public artwork throughout the development including – the ‘art screen’ above the corner food and beverage tenancy; on the wall behind the alfresco space fronting Albany Highway.

A condition of approval and advice note will be included to satisfy this requirement:

#### Local Planning Policy 38 – Signs

The development proposes wall signs, direction signs and several miscellaneous signs. A summary of the proposed signage is provided in the table below:

No.	Type	Dimensions	Notes
<b>Albany Highway Elevation</b>			
6	S01 - Tenancy Sign	2,500 x 750mm	Main street retail sign. Illuminated lettering/box over tenancy entry.
5	S02 – Tenancy Sign	3,300 x 800mm	Main street retail sign. Illuminated lettering/box over tenancy entry.
1	S04 – Woolworths Signage	3,165 x 3,238mm	Woolworths tenancy identification. Illuminated high level sign board. Albany Highway corner element.
1	S06 – Woolworths Entry Signage	7,615 x 1,550mm	Illuminated canopy sign over main entry.
1	S08 – Woolworths Logo	1,500 x 1,500mm	Stencil cut logo on wall (no lightbox)
<b>Shepperton Road Elevation</b>			
2	S05 – Woolworths Signage	4,286 x 3,858mm	Illuminated high level sign board for Shepperton Road frontages – standard Woolworths sign.
1	S11 - Parking Sign	4,286 x 1,050mm	Backlist parking logo, arrow and direct to boot signage.
1	S12– Parking Sign	8,395 x 350mm	Height bar (from Albany Hwy).
<b>North Elevation</b>			
1	S12 – Parking sign (Wall sign)	No dimension provided for type of wall sign.	‘P’ and directional arrow.
1	S13 – Parking sign	6,830 x 1,590mm	Woolworths logo and clearance warning.
1	S14 – Woolworths carpark entry sign	7,365 x 1,590mm	Lit direct to boot/parking direction signage.
<b>South Elevation</b>			
1	S03 – Feature Signboard	3,165 x 4,600mm	Illuminated high level signboard, multiple tenancy signs and parking sign.

The requirements for direction signs are summarised in the table below:

Requirement	Proposed	Compliant
A maximum of two direction signs, not exceeding a height of 1.2m above ground level and a width of 1.0m.	2 direction signs proposed on the north elevation measuring 1,050x1,050mm and two direction signs on the south elevation ie. 4 in total	No
Non-residential land only	Zoned 'District Centre' under TPS2	Yes

The proposed direction signage exceeds the dimensions and total number permitted under LPP38. While the variation is minor the impact on the surrounding area is anticipated to be minimal and can could ordinarily be accepted, the two direction signs on the south elevation are not supported given they would detract from this highly visible and prominent corner entry feature they direct vehicles from the east to access the car park by turning right off Albany Highway, which the Town does not support, and therefore the signs are unnecessary. A condition of approval is recommended requiring the deletion of the direction signs on the north elevation.

The requirements for wall signs are summarised in the table below:

Requirement	Proposed	Compliant
It is an aggregate area of 0.4m <sup>2</sup> per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m <sup>2</sup> ).	Signage is proposed to be approximately 28m <sup>2</sup> along Albany Highway frontage and 23m <sup>2</sup> along Shepperton Road frontage, inclusive of parking and wayfinding signage. The proposed signage for the development is in excess of the LPP requirements. However, the structure of the development itself varies the Albany Hwy strip style of development that is envisioned by the Town's LPPs, therefore requiring some discretion to be applied to its technical aspects. Given the style of development proposed, the variation is considered reasonable in the context of the development.	No
Non-residential land only	Zoned 'District Centre' under LPS2.	Yes

A pylon sign was proposed in previous iterations of the development plans. The pylon sign has not been included in the final drawings, and the applicant has confirmed that it has been removed from the proposal.



#### Main Roads WA - Policy and Application Guidelines for Advertising Signs

All signage visible from a 'Primary Regional Road' or 'Other Regional Road' is required to be considered by MRWA against its Policy and Application Guidelines for Advertising Signs. As Shepperton Road is classed as a 'Primary Regional Road' under the MRS the application was referred to MRWA for comment. MRWA have requested the inclusion of a standard conditions relating to signage being of low illumination and not flashing or pulsating etc.

#### Local Planning Policy 39 – Tree Planting & Retention

LPP39 encourages the preservation of 'trees worthy of retention' and the appropriate replacement of 'trees worthy of retention' that have been removed with trees well suited to the natural environment. This includes encouraging a diversity of plant species for proposed trees.

Despite inconsistencies in the drawings provided, the applicant has confirmed in writing that the intent is for the removal of 10 on-site trees and approximately 20 verge trees, in the latter case to facilitate the construction of a left turn entry slip lane from Shepperton Road. 2 existing trees to Shepperton Road and 1 to Albany Highway are proposed to be retained.

LPP39 provides a replanting rate correlated to the lot area or number of 'trees worthy of retention' that are proposed to be removed. Under LPP39 the applicable requirement is the greater of:

- One 'Medium Tree' is to be provided for every 300m<sup>2</sup> of lot area; or
- One 'Medium Tree' for every 'tree worthy of retention' that has been removed.

Respectively with a lot area of 7633m<sup>2</sup> and 10 'trees worthy of retention' to be removed, the applicable new tree planting requirement is the planting of a minimum of 25 new trees.

LPP39 expects the planting of new trees on the development site but does acknowledge that where site constraints exist, the Town can consider planting in an alternative location including within the adjoining verge or in close proximity.

The application proposes the planting of 24 new trees inside the site boundaries and 23 new trees are proposed to be planted outside the site boundaries, with 3 verge trees to be retained as part of the development. It should be noted that the Town intends to remove one of the verge trees to Shepperton Road which is in poor condition (tree id. #9), in which case the development retains two existing street trees.

Parking areas are to provide one medium or large tree for every 4 car parking bays under LPP39. It is noted that trees in parking areas are permitted to be included in the calculation for total number of onsite trees required. The ground floor car parking area is proposed to accommodate a landscaping buffer with Shepperton Road comprising trees and a garden bed. Eighteen additional trees are proposed throughout the ground floor parking area, equating to a large tree for every two parking bays.

The undercroft and basement parking areas are not suitable for tree planting.

As described above, where site constraints prevent the planting of trees the Town may support a proposal to plant trees offsite to satisfy the requirements of LPP39. One key objective of LPP39 is to increase the tree canopy coverage within the Town to 20%.

As such, as the undercroft and basement parking levels are not able to include tree planting for the purpose of shading and cooling. Noting the recommendations of the DRP that the on-site footpath be removed and instead the adjacent public footpath be used for access to the bin store, this presents opportunity for additional tree planting in this area.

Accordingly a condition of approval is recommended requiring the planting of a minimum of 25 new medium trees on-site as per the requirements of LPP39.

It is acknowledged that this is a lesser requirement than the 6:1 replanting ratio detailed in the contract of sale between Fabcot and the Town, however as noted above contractual obligations are not enforceable through a development application process. Fabcot's advice is that site constraints prevent the planting of new trees at this higher ratio.

Approval of the removal of street trees is a separate process through the Town's Parks team, however an initial assessment indicates that the trees to be removed (approximately 19) are generally of a low quality and understanding the practical reasons for their removal, removal is supported, albeit subject to a Helliwell value payment for the removal of a Town asset (estimated to be approximately \$35,000).

The Landscape Plan is not consistent with the proposed Arborist Report, provides only high-level conceptual details of the final landscaping proposed and is unclear on the boundary location and which trees are on the private property and within the verge. The Town's Parks team have advised that some of the proposed new street tree plantings are not of a suitable species. These and other items need to be addressed in a final detailed landscaping plan.

#### Traffic impact

In support of the development application, a Transport Impact Assessment (TIA) dated 2 May 2024 was submitted. This TIA was advertised for public comments and was reviewed by Main Roads WA and the Town's Engineering team.

As reflected in the Schedule of Submissions the issue of traffic impact was the most significant concern raised through public submissions. Submissions cited existing traffic congestion and delays on the roads around the site, and concerns regarding the use of ROW 54 by vehicles associated with the development including delivery vehicles.

Additionally a number of concerns were raised by the Town's Engineering team and Main Roads WA regarding aspects of the submitted TIA.

The primary concern raised by MRWA was that the development needs to include a left turn entry slip lane from Shepperton Road for safe access to the site.

The primary concern raised by the Town's Officers was the proposed full movement access onto Albany Highway, with the Officers view being that access to Albany Highway should be limited to left in and left out only.

Progression of the development application was delayed for some time while the applicant worked through the many issues raised by the Town, Main Roads WA and

the community, both generally but most particularly traffic related matters. This included meetings with MRWA and Town Officers.

Aspects of the application have now been revised to address previously identified issues and inclusive of the submission of a new TIA dated 28 March 2025 (see **Attachment 9**).

The development as now proposed, incorporates the following –

- Three vehicle access points –
  - (a) Left in and left out access to Shepperton Road, with a left turn entry slip lane (in addition to the two northbound traffic lanes and bus priority lane). It is said that this access will be used for light vehicle entry and exit, entry for Bunnings and Officeworks delivery vehicles (up to 12.5m length), and exit for Woolworths delivery vehicles (up to 15m semi-trailers).
  - (b) A full movement access point to Albany Highway.
  - (c) Full movement access to ROW 54.
- All service and waste vehicles accessing the site will enter from Oats Street (via ROW 54), entering into the enclosed loading area in a forward gear and reversing into the dock, and then exiting in a forward gear via Shepperton Road.
- 235 on-site car bays comprising 221 bays within the basement or undercroft areas and 14 external bays.

The revised TIA assesses the traffic impact of the development on the surrounding road network and intersection and comments that :

- The proposed development is estimated to generate 387 vehicle trips during the weekday AM peak hour (two-way), 514 vehicle trips during the weekday PM peak hour (two-way) and 474 vehicle trips during the weekend midday peak hour (two-way).
- Taking into account “pass-by trips” the proposed development represents a net increase in traffic of approximately 280 vehicles during the weekday AM peak hour, 364 vehicles during the weekday PM peak hour and 315 vehicles during the weekend peak hour.
- The peak parking demand for the development is 246 car bays based upon parking demand rate of 3.8 spaces per 100m<sup>2</sup> or 201-223 bays based upon a reduced rate of 4.0 – 4.5 bays per 100m<sup>2</sup>. Accordingly it is suggested that the provision of 235 bays will cater for the likely parking demand.
- In relation to intersection performance, in 2026 the proposed development will have limited impacts on the operation of the surrounding road network with intersections, however the intersections exceed capacity limits due to the network transport growth.
- In 2036, road network growth will result in diminishing intersection performance. The proposed development will however generally have limited impacts on the overall operation of the network.
- In relation to the Albany Highway access (full movement proposed), the intersection will perform satisfactorily with the exception of the right-in from Albany Highway. Queue lengths on Albany Highway extending back towards Oats Street from the Shepperton/Albany intersection block the ability of vehicles to turn right from Albany Highway into the driveway. Accordingly vehicle queuing back to the Shepperton/Albany intersection (130 m away) for westbound vehicles could extend to nearly 200m in 2036. To address this, Keep Clear road markings are proposed

on the eastbound lane of Albany Highway at the intersection of the access point to the development to allow vehicles to turn right and minimise queuing.

- There is good public transport access to the site.

The revised TIA and plans have been reviewed by MRWA who have advised that they support the proposal subject to conditions and advice notes (**see Attachment 18**) including –

- The left-in and left-out access to Shepperton Road being implemented prior to occupation.
- Left-in movement and left-out movement to and from Shepperton Road being restricted to vehicles with respective maximum lengths of 12.5m and 15m.
- Advice to the Town that the TIA is uncertain in determining the impact on local roads, and suggesting that further modelling/assessment is required to address certain matters.

The Town's Engineering team have reviewed the TIA and submitted documents.

In relation to Albany Highway (also referred to as Access 2), the Town's Engineering team have provided the following comments -

*"It is noted that the applicant has responded to the Town's request to investigate treatment options for the proposed access on Albany Highway. This investigation aims to ensure that queues of vehicles entering the site do not block through traffic in either direction on Albany Highway. The applicant has recommended the installation of "Keep Clear" pavement markings to prevent traffic waiting to turn right into Access 2 from queuing back to the Albany Highway/Shepperton Road/Welshpool Road intersection.*

*Please note that "Keep Clear" markings are not considered an acceptable treatment in this case. These markings are only effective when eastbound traffic on Albany Highway is stopped at the signalised intersection. Under normal conditions, when traffic is flowing, this treatment does not function effectively. Right-turning vehicles from Albany Highway westbound into the site would still need to wait for a suitable/ safe gap in the eastbound traffic, which may result in queuing and the obstruction of the Albany Highway/ Alday Street priority-controlled intersection.*

*Furthermore the Town believes that in this instance Keep Clear markings would not satisfy MRWA's guidelines.*

*Further, Keep Clear markings would likely increase the rear end collision for both through and turning traffic as the through vehicles may not anticipate a stopped or slowing vehicle waiting to turn right, leading to rear-end crashes and the turning vehicle may be rear-ended by an impatient driver behind them who expects them to complete the turn quickly. Additionally, vehicles behind the turning vehicle may attempt to pass on the left (sometimes illegally or unsafely) and sideswipe adjacent traffic or oncoming vehicles.*

*Moreover, the right turning movement onto the development would spill back on Albany Highway and queue on Albany Highway would negatively impact on both Albany Hwy/ Alday St intersection and Albany Hwy/ Shepperton Rd/ Welshpool St intersection.*

*This has been confirmed by the SIDRA analysis results, and it indicates that the 95<sup>th</sup> percentile back of queue for the right turn movement at Access 2 on Albany Highway*

during the 10-year post-development PM peak is 43.6m. This significantly impacts the operational performance of the Albany Highway/ Alday Street priority-controlled intersection. **Accordingly, the Town's position is that this access should be restricted to a left in/ left out arrangement only as shown on the attached (sk01) – (See Attachment 19).**

*If the JDAP are of a mind to approve full movement access against the Town's advice, then the Town's view is that rather than Keep Clear markings it would be necessary for more permanent traffic mitigation measures to be implemented at the landowners cost. While a detailed design would need to be prepared, it would be expected that this would include a short-right turn lane, removal of road shoulders and a reduction in lane widths.*

*Additionally the Albany Highway/Shepperton Road intersection, already experiences delays that will be added to by the development. The performance of the intersection could be improved through both (a) the conversion of the on-street car bays adjacent to the site into a permanent lane for vehicle travelling east; and (b) to extend the right-turn lane by approximately 30m to increase the capacity of this lane. Both of these measures are indicated in the drawing at **Attachment 19**.*

In relation to the proposed Shepperton Road access (also referred to as Access 1), the Town's Engineering team support the proposal and MRWA's position.

In relation to access to and from ROW 54 (also referred to as Access 3), it is noted that the ROW varies in width being 5m at its western end and 9.0m elsewhere. Building setbacks to the ROW also vary. ROW 54 is principally used to service the rear of the adjacent buildings, namely for service delivery and waste collection. It facilitates two way movement, but particularly at the western end is restrictive for vehicles to pass one another at the same time.

Public submissions express concern that the closure of the existing access from Shepperton Road may disrupt service vehicle access to existing commercial premises, is too tight and too constrained, with potential conflict between service vehicles as well as with light vehicles.

Figure 19 of the applicant's amended TIA demonstrates the opportunity does exist for larger vehicles to pass one another in the wider section of ROW54, as would be the case for service vehicles and light vehicles. While it is agreed that based upon the applicant's modelling there will be increased use of ROW 54 and therefore a potential increase in traffic conflict – (a) ROW 54 is a public right-of-way and service delivery vehicles and customer vehicles generated by the proposed development are entitled to use ROW 54 for access to and from the site, where safe to do so; (b) there is responsibility upon the owners/operators of the adjoining businesses to manage their deliveries on-site rather than rely upon any parking within the ROW, and manage the time of those deliveries to mitigate conflicts; (c) conflicts arising from the entry and exit of Woolworths delivery vehicles could be mitigated through a service delivery management plan, which it is expected would address times of delivery to be outside peak periods; (d) it is open to the Town to modify and/or upgrade ROW 54 at a future time if necessary.

A condition is proposed that requires that the new access road through the site, linking Shepperton Road to ROW 54 is constructed prior to the commencement of the building

works or the closure of public access to Lot 502 (whichever occurs first), to ensure continued public access from the western end of ROW 54 at Oats Street through to Shepperton Road. Without this the development could commence or Lot 502 could be closed to public access and service vehicles servicing the existing commercial properties (up to 12.5m long) would only be able to enter ROW 54 via Oats Street and would have no means of being able to exit ROW 54 as they would be unable to turn around to also exit via Oats Street.

Considering the advice of MRWA and the Town's Engineering team, it is concluded there is important information that is outstanding to be satisfied that the traffic impact of the development is acceptable. Namely –

1. Technical staff strongly agree with MRWA's comments suggesting that the Sidra Assessment should be presented as a "Network Model". This is needed when major signalised intersection are closely spaced to understand any midblock access impacts accurately due to upstream or downstream queuing issues. This issue is highlighted in section 5.7.5 – Albany Highway/ Access 2 – *"The model results show that generally this intersection will operate satisfactorily, with the exception of the right-in from Albany Highway to Access 2. This is due to the queue lengths on Albany Highway extending back from the traffic signals at the intersection of Shepperton Road / Albany Highway, blocking the ability of vehicles to turn in."*
2. The revised Traffic Impact Assessment by PTG Consulting dated 28 March 2025 does not detail operational performance or output data for Access 2 (via Albany Hwy) or Access 3 (via laneway off Oats Street). Technical staff agree with MRWA comments regarding the need to model these access points. Furthermore, Access 2 onto Albany Highway poses numerous safety concerns. These concerns include the following;
  - Additional conflicts manoeuvres as a result of a new access onto Albany Highway that previously did not exist.
  - Potential difficulty for motorists turning right out from Alday Street due to additional movements from the development site. This intersection has not been modelled. Furthermore, given the residential zone to the west of Albany Highway you would normally assume some trips originating (inbound) from Alday Street and as a result attract more local traffic. Accordingly the use of Alday Street (inbound and outbound) and the impact of the development on the Albany Highway/Alday Street intersection needs to be modelled as it is the closest intersection to the major access point of the proposed development
  - Adjacent driveway access along Albany Highway for commercial property 1018 -1020 and Access 2 directly abut each other. There is no separation between these access points which may cause some confusion and legibility issues for motorists
  - Modelling needs to be provided of Access 2 being restricted to left-in and left-out only to understand the implications of this restriction upon access via the other access points and the impacts on these roads and intersections. This has previously been requested by Council Officers.
3. Main Roads staff have indicated that the TIA outputs are not consistent with the SIDRA Model. It is not clear what this relates to and staff will need to liaise with the officer at MRWA who provided the comments to determine the exact nature of the concerns. This may relate to distribution of vehicles or movement

volumes at intersections which can have an impact on ultimate queue lengths and operational performance at the location modelled

4. The revised Traffic Impact Assessment by PTG Consulting dated 28 March 2025 does not detail existing or future pedestrian numbers. For the scale of development proposed technical staff would expect this information to be tabled in the report. It's our understanding that some pedestrian numbers have been modelled when analysing the signalised intersections however no justification for the numbers have been provided.
5. Some level of detail is required as to the likely measures that will be included in a Deliveries Management Plan to demonstrate how the Plan will adequately address concerns around the use of ROW 54 and conflicts between service vehicle and light vehicles along ROW 54 and adjacent to the proposed loading area. It is anticipated that this may include restricted delivery times and approved service vehicle access routes (including restricting left turn movements from Oats Street into ROW 54).
6. Tables 25 to 27 should be relabelled to 'Albany Highway/Access 2' and are to include the Delay and Level of Service (LoS) results.

Until this information is supplied, reviewed and deemed to be acceptable, the Town's Officers cannot be satisfied that the development will not have an adverse impact upon the adjacent roads and surrounding road network.

#### Clause 67 assessment

Given there are outstanding traffic related issues, the Town is unable to conclude that all relevant matters that need to be considered under clause 67 of the deemed provisions have been met.

However in respect to matters other than traffic :

- The proposed development is generally in accordance with the aims and provisions of LPS2, relevant local planning instruments and orderly and proper planning.
- The proposed development is compatible with the desired future character of the Town and will improve the amenity of the locality. The inclusion of additional landscaping, revitalisation of the built form and character of the area and provision of positive social impacts through increased commercial amenity, will make a positive contribution to the eastern end of Albany Highway.
- Overall, the proposed development will have a positive impact on the Town's community, improving an underutilised piece of land in a central location and providing important amenity.

#### **Conclusion:**

The development application proposes a mixed-use development comprising a Shop (Woolworths supermarket), a childcare premises, nine specialty retail tenancies and three food and beverage tenancies with a combined NLA of 5,428m<sup>2</sup>

The built form of the development provides a high standard of architectural amenity and variety of uses. The quality of the development means that it is compatible with the locality, despite its necessity to stray from the built form along Albany Highway to accommodate a more modern form of development.

The key concerns raised as part of the planning assessment include:

- Traffic related matters remaining unresolved.
- Site access from Albany Highway – the Town does not support two-way full movement vehicle access on Albany Highway. The Town does support left in-left out vehicle access at the proposed Albany Highway crossover.
- Lot 7 interface – the interface with Lot 7 lacks the desired extent of articulation and interest for a building façade at a prominent entry to the Town. However, the constraints that exist are understood and the applicant's efforts to provide visual interest here through design materials and landscaping, within the bounds of legislation under the National Construction Code, are noted and supported by the Town. The Town strongly supports further negotiations between Fabcot and the State on potential for an improved, more active interface to Lot 7 and the street intersection.

The proposed variations to the planning framework are supported, as the Town is satisfied that the development is a high-quality design that will activate a previously under-utilised site and provide commercial amenity to the surrounding area.

On balance, and subject to the applicant resolving the outstanding traffic issues to the satisfaction of the Town, it is recommended that the development application be approved subject to conditions.