

12.8 Final Approval for Scheme Amendment 82 to Town Planning Scheme No. 1

Location	Burswood
Reporting officer	Carly Pidco
Responsible officer	David Doy
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. Amendment 82 to TPS 1 - Schedule of Submissions [12.8.1 - 7 pages] 2. Summary of YourThoughts Survey - Burswood Station East Local Planning Framework [12.8.2 - 5 pages] 3. Amendment 82 to TPS 1 - Schedule of Modifications [12.8.3 - 4 pages] 4. Amendment 82 to TPS 1 - Scheme Amendment Report (Public Advertising Version) [12.8.4 - 34 pages] 5. Draft Local Planning Policy 40 Burswood Station East Precinct Design Guidelines and Public Realm Improvements (Public Advertising Version) [12.8.5 - 66 pages]

Landowner	Multiple
Applicant	Not applicable
Application date	Not applicable
DA/BA or WAPC reference	PLA/7/82
MRS zoning	Urban
TPS zoning	Office/Residential
R-Code density	R80
TPS precinct	Burswood Precinct
Use class	Not applicable
Use permissibility	Not applicable
Lot area	Not applicable
Right-of-way (ROW)	Multiple
Municipal heritage inventory	Not applicable
Residential character study area/weatherboard precinct	Not applicable

Surrounding development

Major transport corridors (Graham Farmer Freeway, Great Eastern Highway and the Armadale/Thornlie rail corridor) abut all boundaries of Burswood Station East. Beyond these, residential development is located to the west, east and south. The northern tip is approximately 70m from the Swan River foreshore, and the south-western corner is opposite a substantial carpark utilised by Crown Perth.

Recommendation

That Council:

1. Notes the submissions received in respect to Amendment No. 82 to the Town of Victoria Park Town Planning Scheme No. 1 and endorses the response to the submissions as contained in the Schedule of Submissions, in accordance with Regulation 41(2) of the Planning and Development (Local Planning Schemes) Regulations 2015
2. Supports Amendment No. 82 to the Town of Victoria Park Town Planning Scheme No. 1 for Final Approval with Modifications as contained in the Schedule of Modifications, in accordance with Regulation 41(3)a of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:
 1. Reserving the land known as No. 1 Griffiths Street (Lot 9 on Diagram 3983) and No. 17 and 21 Stiles Avenue (Lots 10 and 11 on Diagram 3983) as a Town of Victoria Park Scheme Reserve for Parks and Recreation, and removing the Office/Residential zoning.
 2. Amend Precinct Plan P2 Sheet A as follows:

Precinct Plan P2 Sheet A:
Office/Residential Zone

Remove the existing text and replace with:

"Additional Statement of Intent for Burswood Station East Sub-Precinct

The land incorporated in Sheet A of Precinct Plan P2 Burswood Precinct comprises the Burswood Station East Sub-Precinct. Burswood Station East should be redeveloped primarily as an area of high quality and medium to high density residential, office and commercial uses, reflective of an eclectic urban village that fosters activity, connections and vibrant public life for residents. In particular:

- a. Public places such as parks, reserves, streets and lanes should be used, maintained and enhanced so that they create a high level of public amenity.
- b. Uses and public facilities that promote pedestrian interest, activity, safety and connectivity at street level are encouraged throughout Burswood Station East.
- c. Ground floor design will provide vibrant, human-scale, fine-grain streetscapes that contribute to the overall character of the

	<p>precinct.</p> <ul style="list-style-type: none"> d. Multi-storey development should be designed and proportioned to break up the visual presence of the development and provide a 'human scale' of development at street level; e. Development should be designed to allow spaces to be adapted over time, particularly at the ground-floor level. Adaptive re-use is encouraged where this contributes to interest, vibrancy and improved building façade and public realm outcomes. f. Buildings should be designed to maximise solar access and minimise the impact of wind on the public realm. g. Development design will contribute to creation of a highly-functional transit-oriented development, including through housing and land use mix, building façade design and car parking provision. h. All buildings should strive to be innovative and reflect and accommodate modern business premises and offer a wide range of housing types and price points. i. All new development should be designed in accordance with 'Crime Prevention Through Environmental Design' principles. j. Buildings should be designed to achieve best practice for environmental sustainability through innovative design, construction and management. k. Office and Commercial land uses should be the predominant land use in development fronting Great Eastern Highway. l. Public spaces, local roads, pathways and development should include opportunities for urban greening."
<p>Precinct Plan P2 Sheet A: Development Standards</p>	<p>Remove the existing text and replace with:</p> <p>"1. General</p> <p>All development shall be generally consistent with the provisions of the Local Planning Policy adopted for the Burswood Station East sub-precinct.</p> <p>Multiple Dwelling development and Mixed Use development will be in accordance with the R-AC3 standards of State Planning Policy 7.3 Residential Design Codes Volume 2, except where varied in this Precinct Plan, the Scheme Text or any relevant local planning policy.</p>

Grouped Dwelling and Single Dwelling development will be in accordance with the R80 standards of State Planning Policy 7.3 Residential Design Codes Volume 1, except where varied in this Precinct Plan, the Scheme Text or any relevant local planning policy.

2. Building Height and Plot Ratio

The base maximum building height in Burswood Station East is 6 storeys. The base maximum plot ratio in Burswood Station East is 2.0.

The abovementioned base building height limit and base plot ratio limit may be varied to allow development in excess of the base maximum building height and base maximum plot ratio provided that the proposed development:

- a. is consistent with the building height and plot ratio provisions of the Local Planning Policy adopted for Burswood Station East sub-precinct; and
- b. complies with the flight contours surrounding Perth Airport as set out under the Airports (Protection of Airspace) Regulations 1996 (as may be amended or replaced from time to time).

3. Building Setbacks

Primary and Secondary Streets

The main building line for ground floor development adjacent to primary or secondary streets will be setback 0 metres from the street boundary. Setbacks in excess of 0 metres may be considered at the discretion of the Local Government where consistent with the Sheet A Burswood Station East Sub-Precinct objectives and a local planning policy for the precinct.

Laneways and Rights of Carriageway

All laneways and rights of way should be a minimum width of 7.0m. Where development occurs on a laneway less than 7.0m in width, the development should be setback appropriately to allow the ultimate width to be achieved overtime. The resultant ground floor setback area to a

laneway, up to 4.5m above ground level, should be provided as an easement in gross to the Town as a condition of any development approval.

(ie if an existing laneway is 5.0m wide, all new development should be setback a minimum 1.0m from the existing laneway boundary. If land on the opposite side of the lane has been redeveloped, and the laneway is now 6.0m in width, new development should be setback 1.0m to accommodate the ultimate 7.0m width).

4. Car Parking

The maximum number of car parking bays provided as part of any development will not exceed a ratio 0.06 bays per m² of parent lot area, consistent with car parking design provisions of a local planning policy adopted for the Burswood Station East sub-precinct

5. Landscaping for Non-Residential Development

Development that does not include a residential component will provide a minimum of 10% of the site area as a landscaped area, to include an area with a minimum dimension of at least 3.0m as a deep soil area (as defined in SPP7.3 Residential Design Codes Volume 2) for the planting of canopy trees. The local government may exercise its discretion and approve developments with lesser or alternative landscaping provision where the development involves reuse of an existing building and the existing site layout prevents consistency with this requirement.

Precinct Plan P2 Sheet A:
Environmental Note

Replace "Department of Environmental Protection" with "Department of Water and Environment Regulation"

Precinct Plan P2 Sheet A:
Reserves

Text to be removed.

Precinct Plan P2 Sheet A:
Map

Designate No. 1 Griffiths Street (Lot 9 on Diagram 3983) and No. 17 and 21 Stiles Avenue (Lots 10 and 11 on Diagram 3983) as "Parks and Recreation" Reserve

Precinct Plan P2 Sheet A:
Legend

Add the "Parks and Recreation" zone

Purpose

The purpose of this report is to obtain Council support for final approval (with modifications) of Scheme Amendment No. 82 to Town Planning Scheme No. 1, which relates to the Burswood Station East precinct.

In brief

Burswood Station East is a prime growth opportunity within the Town of Victoria Park local government area. The precinct is identified for mixed-use, transit-oriented development in the Burswood Peninsula District Structure Plan and the Town's draft Local Planning Strategy.

- A draft planning framework to guide redevelopment of the precinct in line with these objectives has been prepared and initiated by the Council. The draft framework comprises Scheme Amendment No. 82 to Town Planning Scheme No. 1 ("Scheme Amendment 82") and draft Local Planning Policy 40 ("draft LPP 40").
- The draft planning framework was advertised to the community and relevant statutory bodies from 8 July to 7 September 2020. The advertising period yielded 28 survey responses and 6 written submissions from the community, as well as written submissions from City of Belmont, Main Roads WA, Public Transport Authority and Water Corporation. The draft framework was also reviewed by the Town's Design Review Panel.
- Several amendments have been made to the draft planning framework in response to submissions received. These amendments have been workshopped internally with development services, finance and operations. Scheme Amendment 82 as modified is now recommended for final approval. Draft LPP 40 is undergoing further refinement primarily to adjust the document's structure and ease of use prior to being presented to Council for final approval.

Background

1. The BSE Precinct is currently zoned "Office/Residential" under TPS1 with a general development standard of maximum 15m building height and 2.0 plot ratio.
2. At its meeting of 21 May 2019, the Council resolved to initiate Scheme Amendment 82. The Scheme Amendment retains the current Office/Residential zoning but proposes amendments to the Precinct Plan for the BSE Precinct (Precinct Plan P2 Burswood Precinct Sheet A) to facilitate future redevelopment of the area.
3. It was anticipated that Scheme Amendment 82 would be advertised concurrently with a complementary Local Planning Policy, to be finalised while waiting for formal consent to advertise from the WAPC. This was received in August 2019. In the meantime, through the Local Planning Policy process it was noted that a significant obstacle to realisation of the precinct vision is the poor quality of public realm in Burswood Station East and implementation challenges transitioning from a highly-fragmented, light industrial/commercial development pattern to a contemporary mixed-use development.
4. At a Concept Forum meeting in October 2019, Council considered the issue of how public realm quality relates to the development vision for Burswood Station East and supported administration investigating a "Public Realm Fund" model for incorporating public realm upgrades into the Local Planning Policy.
5. At its meeting of 18 February 2020, the Council resolved to endorse draft Local Planning Policy 40 Burswood Station East Precinct Design Guidelines and Public Realm Improvements for public advertising. Advertising was slightly delayed from intended due to the onset of the COVID-19 pandemic and its impact on communications volume.

6. Scheme Amendment 82 and Draft LPP 40 were advertised for public comment from 8 July 2020 to 7 September 2020, in accordance with the advertising requirement for a complex Scheme Amendment in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Application summary

- Scheme Amendment 82 seeks to affect the following changes to Town Planning Scheme No. 1:
 - Formal reservation of the land known as Stiles-Griffiths Reserve for 'Parks and Recreation';
 - Amendments to the Precinct Plan for Burswood Station East to guide future development; and
 - Amending the Zoning Table to make Single Dwellings in Burswood Station East a discretionary use rather than permitted use (in response to the consultation process).

Relevant planning framework

Legislation	Planning and Development Act 2005 (WA) Planning and Development (Local Planning Schemes) Regulations 2015 (WA) Town of Victoria Park Town Planning Scheme No. 1
State Government policies, bulletins or guidelines	Burswood Peninsula District Structure Plan State Planning Policy 7.0 Design of the Built Environment State Planning Policy 7.3 Residential Design Codes (Volume 1 and Volume 2) State Planning Policy 3.7 Planning in Bushfire Prone Areas State Planning Policy 5.4 Road and Rail Noise State Planning Policy 4.2 Activity Centers for Perth and Peel Development Control Policy 1.6 Planning to Support Transit Use and Development Development Control Policy 2.3 Public Open Space in Residential Areas Position Statement: Expenditure of Cash-in-lieu of Public Open Space October 2020
Local planning policies	Local Planning Policy 35 Policy Relating to Development in Burswood Station East
Other	Town of Victoria Park Public Open Space Strategy Town of Victoria Park Draft Local Planning Strategy

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Scheme Amendment 82 provides broad requirements within the Scheme Precinct Plan to facilitate transition of Burswood Station East to a high-amenity, mixed-used precinct.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Formal reservation of the land known as Stiles-Griffiths Reserve will preserve this land as a green space for future residents.

Engagement

Internal engagement

Stakeholder	Comments
Urban Planning	Written comments were received. A meeting was held with several statutory and strategic planners to discuss the advertising response and modifications to the Scheme Amendment 82 were not recommended.
Design Review Panel	Scheme Amendment 82 and Draft Local Planning Policy were considered by the Town's Design Review Panel. The Panel considered that the parking ratio in the Scheme Amendment was appropriate to a Transit Oriented Development.

External engagement

Stakeholders	Land owners and occupiers within the Burswood Station East precinct. Public authorities considered likely to be affected by the Amendment.
Period of engagement	8 July 2020 to 7 September 2020
Level of engagement	2. Consult
Methods of engagement	Written submissions and YourThoughts (the Town's online engagement tool). An informal online meeting with industry professionals was also held to discuss the proposed Public Realm Fund in Draft LPP 40.
Advertising	Notices published in the Southern Gazette. Documents displayed at the Town's administration building and public library. Direct mailout to land owners, occupants and public authorities. Advertisements on the Town's YourThoughts platform, main website and Facebook page.
Submission summary	7 written submissions were received, 6 in support and 1 neutral. 4 written submissions from public authorities were received, 3 in support and 1 neutral. 28 responses to a YourThoughts survey were received.
Key findings	Responses were generally supportive of the Scheme Amendment and/or Draft LPP 40 overall. Several identified very specific concerns which are addressed in the Table of Submissions. Survey respondents gave the widest variety of views, however, recurring themes were a desire for the Burswood Station to be upgraded and agreement that public realm improvements are important for the precinct's future (refer to Attachment 1 and Attachment 2).

Risk management considerations

Risk impact	Risk event	Consequence	Likelihood	Overall risk	Council's	Risk treatment
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category	description	rating	rating	level score	risk appetite	option and rationale for actions
Service delivery	Additional traffic information being provided in support of Scheme Amendment not accepted by DPLH.	Major	Unlikely	Medium	Medium	TREAT the risk by proactively communicating with DPLH and Main Roads WA to ensure traffic information does not hinder finalisation of Scheme Amendment.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	The Scheme Amendment does not have a future budget impact.

Analysis

7. The majority of feedback received through the public advertising process related to draft LPP 40, which contains more detailed guidance for building design and public realm improvements. Survey respondents and submitters were generally supportive of Scheme Amendment 82.
8. Over the course of several meetings at an officer level, the Department of Planning, Lands and Heritage (DPLH) Staff have flagged concerns that Scheme Amendment 82 should be put on hold until finalisation of the draft Local Planning Strategy and new Local Planning Scheme. This position is formally communicated in the DPLH's letter providing consent to advertise Scheme Amendment 82 dated 26 August 2019. The following analysis is offered in view of the officers' concerns:
 - a) The Town's draft Local Planning Strategy has significantly progressed since August 2019 and it is anticipated public advertising will occur in early 2021. Scheme Amendment 82 is consistent with the draft Local Planning Strategy's vision and actions for the Burswood Station East precinct.
 - b) It is not proposed to change the zoning of the Burswood Station East precinct (with the exception of formally reserving the Stiles-Griffiths reserve). The land has long been zoned for future Office/Residential development, but this has not been fully realised in part due to the lack of detailed guidance for development (to be addressed in draft LPP 40).
 - c) The formal reservation of the land known as Stiles-Griffiths Reserve is consistent with the Town's adopted Public Open Space Strategy. It does not impact the existing use of the land as a passive recreation area and will have negligible impact on servicing of the area.

- d) Changes to the residential density coding are primarily a response to State Planning Policy 7.3 Residential Design Codes Volume 2 ("SPP7.3 Volume 2"), which was adopted after preparation of the current Scheme Precinct Plan. SPP7.3 Volume 2 applies specifically to Multiple Dwellings (apartments) and Mixed Use development while Volume 1 applies to Single Houses and Grouped Dwellings (townhouses/villas). The existing R80 density coding is retained for development types subject to Volume 1.
 - e) The increase in baseline potential development intensity is not substantially greater than what is permitted under the existing Scheme Precinct Plan. The current maximum plot ratio is 2.0 and this remains the maximum plot ratio for development that will not utilise the Development Incentives for Community Benefit provisions in draft LPP 40.
 - f) The potential baseline maximum height of buildings is slightly increased under Amendment 82 from that permitted under the current Precinct Plan. Currently, maximum permitted height is 15 metres which equates to roughly four storeys utilising Table 2.2 of SPP7.3 Volume 2. The proposed maximum height is six storeys. This is significantly lower than several existing developments in Burswood Station East and does not conflict with the airspace requirements for Perth Airport. Overshadowing, visual privacy, building separation, building depth and building setback requirements contained in the Residential Design Codes and draft LPP 40 can ensure that any proposed six-storey development does not negatively impact the amenity of neighbouring properties.
 - g) The Burswood Peninsula District Structure Plan contemplates 4,500 dwellings for the precinct. A simple mathematical model has been prepared utilising the absolute minimum standards for apartment yield in Residential Design Codes Volume 2 (a highly conservative approach). Using this model, the planning framework is capable of yielding a maximum of approximately 3,200 dwellings using the baseline standards of 6 storeys and 2.0 plot ratio. The mathematical model does not account for nuances that will impact design and ultimate yield such as building articulation, variations in apartment size or mix, irregular lot shapes, or setbacks for visual privacy. Therefore, the model is considered to provide the theoretical upper limit to potential yield and actual yield using the baseline proposed in the Scheme Amendment will not approach the capacity for the area determined in the Burswood Peninsula District Structure Plan.
 - h) The Development Incentives for Community Benefit provisions of draft LPP 40 attempt to bridge this gap. The requirements for additional yield range both providing exceptional development standards and mitigating potentially negative impacts from more intense development, including waste management, provision of additional landscaping or open space, and activating the precinct's under-utilised laneways. The parking cap will also work to minimise undue impacts from increased traffic.
9. One modification to the Scheme Amendment is proposed in response to feedback received. The proposed provision "The main building line for any development four storeys and higher will be setback a minimum of 3.0m behind the main building line of the corresponding ground storey" in the Scheme Precinct Plan is to be removed in response to comments from the Public Transport Authority, to ensure there is ample flexibility for designing for noise attenuation.
10. The recommended modification is minor in nature and provided primarily to ensure adequate flexibility for compliance with other statutory requirements. Regulation 42 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that a local government may advertise proposed modifications to a complex Scheme Amendment if it is of the opinion that the

modification is significant. The proposed modifications are not considered to be significant and further public advertising of the Scheme Amendment is not recommended.

11. While Scheme Amendment 82 and draft LPP 40 are designed to complement each other, the two instruments have greatly different functions. Scheme Amendment 82 provides the overarching precinct objectives, zoning and critical baseline development standards. Draft LPP 40 provides detailed design guidance and flags the need for public open space and public realm upgrades. Scheme Amendment 82 will require final approval from the Minister for Planning, Lands and Heritage and gazettal before it comes into effect, which will take several months, while final adoption of draft LPP 40 is a decision of Council. Recommending approval of Scheme Amendment 82 prior to finalising modifications to draft LPP 40 will have negligible impact on the overall implementation of the new local planning framework for Burswood Station East.

Relevant documents

Nil.