

# CHANGE OF USE TO 'TAVERN' AND 'BREWERY'

LOTS 101-99 (NO. 84-88) GOODWOOD PARADE, BURSWOOD

TOWN OF VICTORIA PARK  
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LOTS 101-99 (NO. 84-88) GOODWOOD PARADE, BURSWOOD

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## 1.0 Introduction

Dynamic Planning and Developments acts on behalf of the registered proprietor of Lots 101-99 (No. 84-88) Goodwood Parade, Burswood (herein referred to as the 'subject site').

This planning report has been prepared in support of an Application for Planning Approval for a change of use to 'Tavern and Brewery' at the subject site. This planning report contains the following pertinent details of the proposal relevant to the assessment of the proposed application:

- Details of the proposal;
- Detailed assessment of the proposal against the relevant planning provisions applicable under the Town of Victoria Park Local Planning Scheme No. 2 (LPS 2) and any relevant Local Planning Policies; and
- Detailed justification of any variations sought.

In addition to this planning report, the following documentation has been provided in order to assist the Town of Victoria Park in approving the proposed application:

- [REDACTED]
- [REDACTED]
- Relevant development plans
- [REDACTED]

## 2.0 Site Details

### 2.1 Legal Description

The subject site is legally described as:

Lot	Plan	Volume	Folio	Street Address
101	2619	227	99A	84 Goodwood Parade
100	2619	227	99A	86 Goodwood Parade
99	2619	960	123	88 Goodwood Parade

The area of the subject site is 1,802m<sup>2</sup>.

A copy of the Certificate of Title pertinent to the subject site is contained in **Appendix 1**.

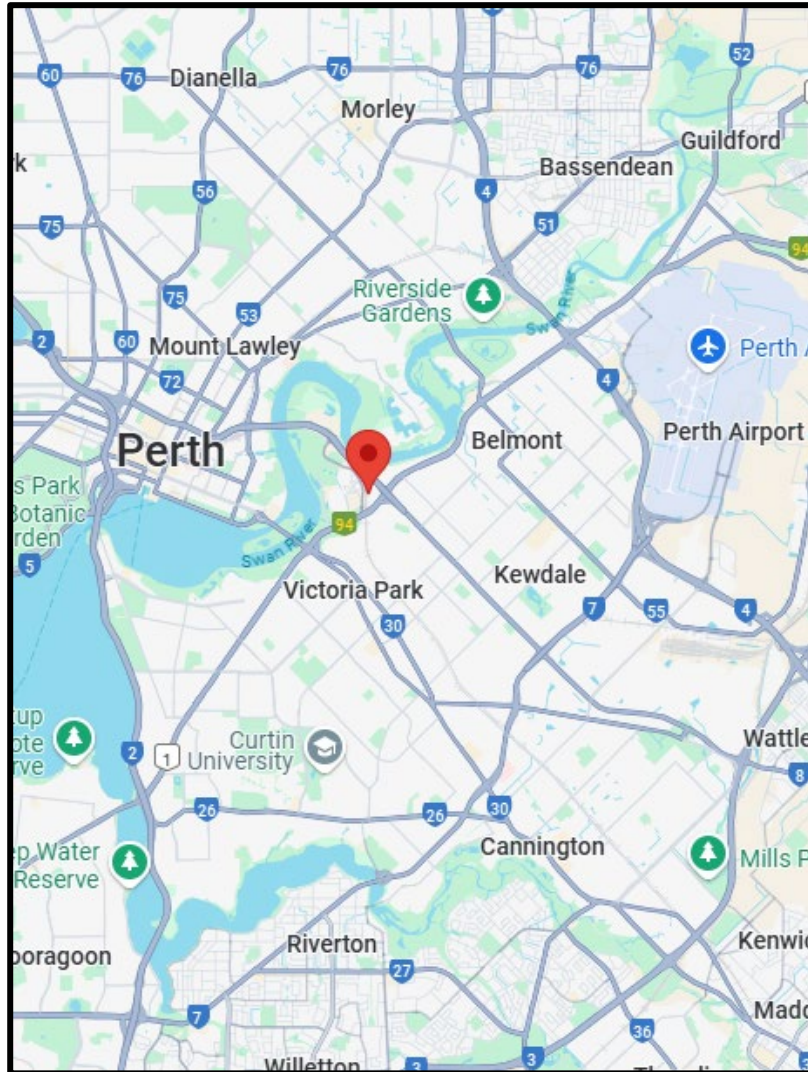
### 2.2 Locational and Land Use Context

#### 2.2.1 Regional and Local Context

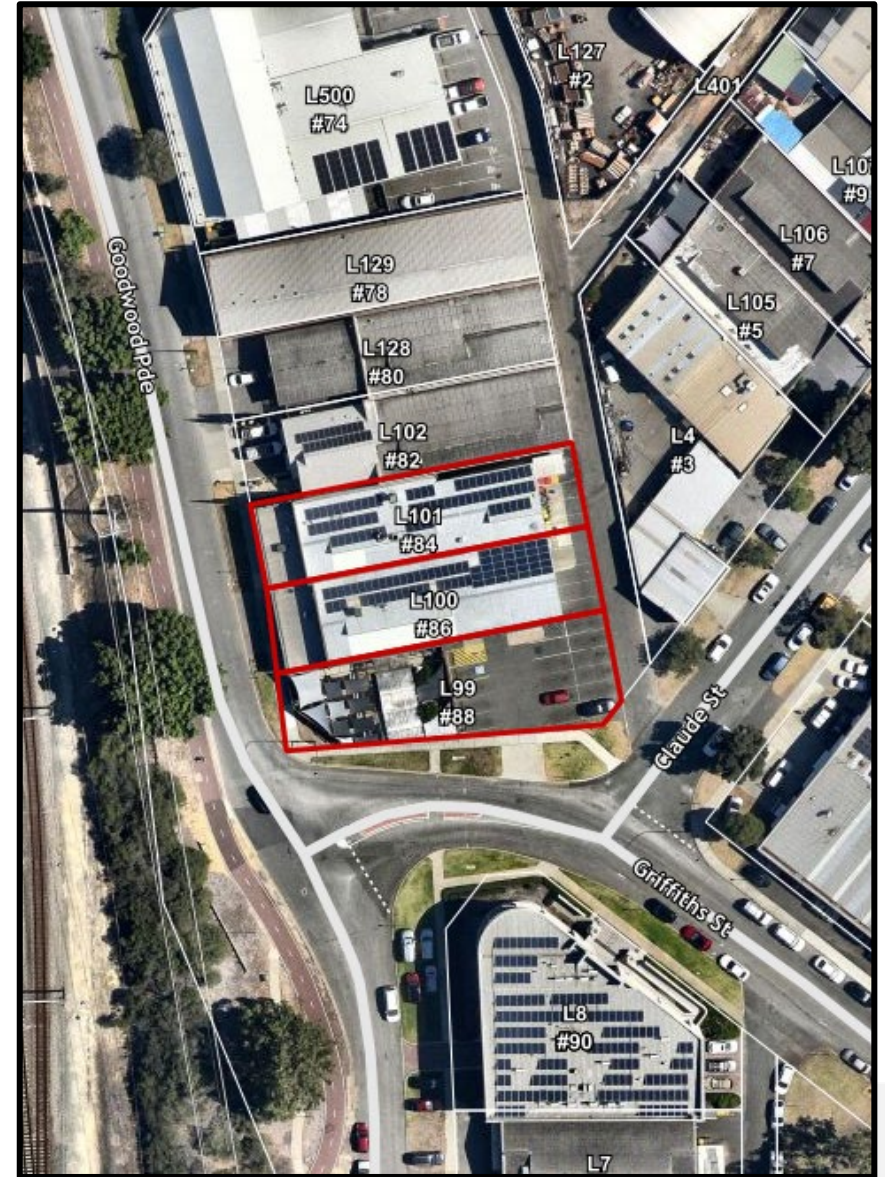
The subject site is located within the municipal area of the Town of Victoria Park and sits approximately 6km from the Perth CBD. The subject site has frontage to Goodwood Parade, Griffiths Street, Claude Street, and a rear laneway. Primary access is provided via a crossover on Griffiths Street, however there are a number of parking bays that can be accessed via the rear laneway.

Fox Friday microbrewery operates at the subject site known for their innovative and high-quality beers, with a focus on small-batch brewing.

**Figures 1 and 2** depict the site in its regional and local context respectively.



**Figure 1 – Regional Context**



**Figure 2 – Local Context**

### **3.0 Background**

The existing planning approval for the subject site was granted on 10 October 2017 and is outlined in **Appendix 2**. Within the context of the subject site, the original 'Tavern' and 'Light Industry' land uses were approved (DA Ref: 5.2017.515.1) as a result of non-conforming use rights at the subject site.

An Amendment to Development Approval was determined and approved by the Town of Victoria Park on 15 March 2022. This amendment extended the operations at the subject site for a period valid until 1 July 2033.

The landowner is now seeking a 'permanent' approval to the subject site, which is the purpose of this development application.

An amendment to the existing DA was initially considered, however, upon correspondence with the Town of Victoria Park it was advised that:

*"Due to the substantial changes to the planning framework (including the recent Gazettal of Local Planning Scheme No. 2), a new DA is required for the permanent approval of the land use. The Town will not consider the proposal through an amended DA."*

The current DA approval (DA Ref No: 5.2021.395.1) includes a condition which this fresh application is essentially seeking to remove. The condition in the current approval at the subject site reads:

1. *This approval is valid until 1 July 2033 after which time the operation of the approved 'Tavern and Brewery' shall cease.*

This approval of this DA will subsequently permit the subject site to operate in perpetuity, allowing operations to continue beyond 2033.

This new development application also seeks a change from the original uses of 'Tavern' and 'Light Industry' to 'Tavern' and 'Brewery' which can be approved under the new local planning scheme as outlined further in section 6.0 of this report.

## 4.0 Planning Framework

### 4.1 Metropolitan Region Scheme (MRS)

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme (MRS).

For reasons outlined further in this report, the proposed development is considered to be consistent with the 'Urban' MRS zoning applicable to the subject site.

### 4.2 Town of Victoria Park Local Planning Scheme No. 2 (LPS 2)

#### 4.2.1 Zoning

The subject site is zoned 'Mixed Use' under the provisions of LPS 2. The objective of the 'Mixed Use' zone is outlined in LPS 2 and has been summarised below:

- To provide for a wide variety of active uses at street level which are compatible with residential and other non-active uses on upper levels.
- To allow for the development of a mix of varied but compatible land uses such as housing, offices, shops and eating establishments and other appropriate land uses that can exist in harmony with residential uses.

As will be detailed in subsequent sections of this submission, the 'Tavern and Brewery' operation is suited to the 'Mixed Use' zone as it contributes to a vibrant, pedestrian-friendly environment through its craft brewery and hospitality offerings, supporting local business activity while maintaining compatibility with surrounding residential and commercial uses.



Figure 3 – Local Planning Scheme Zoning

#### 4.2.2 Land Use Permissibility

In accordance with the Town of Victoria Park Local Planning Scheme No. 2, land use permissibility is assessed against Table 3 – Zoning Table. Assessment of the land use permissibility associated with the 'Tavern and Brewery' land use has been provided in Section 6 below.

## 5.0 Proposal Details

There are no changes or alterations to the original approval at the subject site from 10 October 2017.

The proposed application seeks a change of use approval for the subject site as 'Tavern' and 'Brewery' land uses. This application proposes a change of use from the existing 'Tavern and Light Industry' under the previous Local Planning Scheme No. 1. The proposed 'Tavern' and 'Brewery' land uses will no longer be considered non-conforming uses as they are now considered capable of approval under the newly gazetted Local Planning Scheme No. 2. The land use permissibility is detailed further in the assessment section 6.0 of this report.

The approval of this development application will ensure there is no expiry on operations at the subject site, as the existing amended approval under the previous Local Planning Scheme No. 1 exists with a valid cease operations date of 1 July 2033.

## 6.0 Assessment

The statutory provisions applicable to the subject site require assessment of the proposal to be undertaken against the provisions of the following documents:

- Town of Victoria Park Local Planning Scheme No. 2 (LPS 2)
- Local Planning Policy No. 7 – Development and Vehicle Access to Properties Abutting Rights-of-Way
- Local Planning Policy No. 23 – Bicycle Parking, Car Parking and Access for Non-Residential Development

The below sections will address the relevant land use permissibility and development requirements outlined in the abovementioned statutory planning documents.

### 6.1 Land Use Permissibility

The permissibility of land uses is determined with regard to LPS 2.

In considering the operational characteristics of Fox Friday, the 'Tavern and Brewery' land uses are considered to be the most appropriate, aligning with the current approval. These land uses are defined in LPS 2 as:

- *Tavern – means premises the subject of a tavern licence granted under the Liquor Control Act 1988.*
- *Brewery – means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988.*

In accordance with the 'Mixed Use' zoning, the 'Tavern' and 'Brewery' land use categories are both 'Discretionary (A)' land

uses which means that approval is possible subject to the local government exercising discretion after advertising the application in accordance with clause 64 of the deemed provisions.

## 6.2 Development Requirements

As the proposed application primarily deals with a theoretical change of use, the main development requirement that warrants consideration is parking. Local Planning Policy No. 23 – Bicycle Parking, Car Parking and Access for Non-Residential Development has zero minimum parking requirements due to the subject site not sitting under a local development plan or structure plan (see extract below).

**Table 3. Open Option car parking provision rates**

Land Use	Minimum number of bays required	Maximum number of bays permitted
All	Not applicable unless in accordance with a provision of a local development plan or structure plan.	Not applicable unless in accordance with a provision of the scheme or a precinct structure plan. <sup>1</sup>

Notes

1. Maximum car parking rates apply to the 'Burswood Station East Precinct'.

The Town of Victoria Park Local Planning Scheme No. 2 provides the below mentioned maximum parking requirement within ASR8 – Burswood Station East Precinct:

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

The proposal is well under the maximum requirement, consisting of 20 on-site parking bays. There is no minimum parking requirement under the Town of Victoria Park Local Planning Scheme No. 2 or Local Planning Policy No. 23 – Bicycle Parking, Car Parking and Access for Non-Residential Development and as such, the development is compliant with the provisions.

In regard to the above, the application is compliant and entirely capable of approval, warranting support by the Town of Victoria Park.

## **7.0 Conclusion**

Based on the contents of this planning report, it is clear that the project proposal is appropriate for approval as Fox Friday contributes to the local economy and provides a beneficial place for the community.

Consequently, the proposed change of use to 'Tavern and Brewery' is considered appropriate within its context and warrants favourable consideration and approval for the following reasons:

- The proposed 'Tavern' and 'Brewery' land uses are 'Discretionary (A)' and is capable of approval under the Town of Victoria Park Local Planning Scheme No. 2.
- There is no changes or alterations to the existing approval.
- The proposal is compliant with all provisions under the updated Local Planning Scheme and Local Planning Policies.
- The proposal will not result in any negative amenity impacts on the adjoining properties.

As such, we respectfully request that the Town of Victoria Park support and approve this proposed change of use application.

## Transitional Development

Please see Table 1 below outlining how the proposal meets the 'Transitional Development' provisions of Local Planning Policy 40 - Burswood Station East (LPP 40).

As per LPP 40, 'Transitional Development' is defined as:

- *"proposed in association with an existing building that is not consistent with the Statement of Intent and relevant Streetscape Interface Typology objectives in Part 1 of this Policy; is not a new development or significant redevelopment of an existing site; and has minor impact on the format and design of an existing building, and may include Change of Use where an existing building is utilised, signage, landscaping and small additions or alterations."*

Provision	Development Compliance
<p><b>5.9 Development Format and Transitional Development</b> <b>AO5.9.3</b></p> <p>Transitional development does not:</p> <ul style="list-style-type: none"> <li>c) create more than 10% additional plot ratio area;</li> <li>d) create any additional unacceptable amenity impacts such as excessive noise, odour, heavy vehicle movements or overshadowing; and</li> <li>e) remove any active openings overlooking the public realm, or architectural features that enhance the presentation of the building to the public realm.</li> </ul>	<ul style="list-style-type: none"> <li>c) Complies. The development does not create more than 10% additional plot ratio area. There is no additional plot ratio area proposed.</li> <li>d) Complies. The development does not create any additional unacceptable amenity impacts such as noise, odour and overshadowing. The Noise Management Plan provided in <b>Attachment 1</b> highlights how the development complies with noise measures. The development is single storey, as such, overshadowing is not an issue.</li> <li>e) Complies. The development does not propose to remove any active openings overlooking the public realm or architectural features which enhance presentation of the building to the public.</li> </ul>

**Table 1 – LPP 40 Transitional Development Assessment**

## **CONCLUSION**

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Based on the response provided above, the proposed development is deemed appropriate for approval. As such, we respectfully request that the Town of Victoria Park support and approve the proposed development.

Yours faithfully,