



TOWN OF
VICTORIA PARK

Town of Victoria Park
Local Planning Scheme No. 1

Amendment No. 91

Summary of Amendment Details

Insertion of 'Tavern' as an additional (AA) use over
Lots 1 – 5 (Nos. 98 – 106) Goodwood Parade, Burswood

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Town of Victoria Park Local Planning Scheme No. 1 Amendment No. 91

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- a) Insert the following into Schedule C: Additional Uses of the Scheme Text:

	Ref No.	Land Particulars	Permitted Uses	Development Standards / Conditions
A58	58	No. 98 (Lot 5) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1082/142; No. 100 (Lot 4) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1882/80; No. 102 (Lot 3) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1230/279; No. 104 (Lot 2) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1776/803; and No. 106 (Lot 1) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1776/802.	Tavern ('AA')	The Additional Use of Tavern shall: <ol style="list-style-type: none"> 1. Be deemed to be an 'AA' use for the purposes of the Scheme; and 2. Extinguish upon the expiry of ten (10) years from the gazettal date of this amendment, except where an application(s) for planning approval has been granted for the continued operation of the use beyond this time, in which case the Additional Use shall extinguish upon the expiry of that approval(s);

- b) Modify Town Planning Scheme No. 1 Precinct Plan P2 'Burswood Precinct' by applying to the properties known as Nos. 98-106 Goodwood Parade, Burswood the notation 'A58' as the reference number for that property listed in Schedule C – Additional Uses of the Town Planning Scheme No. 1 Scheme Text.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- i. Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment relates to the zone and is consistent with the objectives identified in the scheme for the zone;
- ii. Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment and;
- iii. Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this _____ day of _____ 20____

(Chief Executive Officer)

INTRODUCTION

This report details the proposed amendment to the Town of Victoria Park ('Town') *Town Planning Scheme No. 1* ('TPS1') to facilitate the additional use of 'Tavern' within Schedule C of TPS1 in relation to Lots 1 – 5 (Nos. 98 – 106) Goodwood Parade, Burswood ('subject site').

The subject site is currently zoned 'Office/Residential' under the provisions of TPS1. Within the Zoning Table of TPS1 the land use of 'Tavern' is an 'X' (Prohibited) use within the 'Office/Residential' Zone.

The purpose of the proposed Scheme Amendment is to facilitate the relocation of the existing 'Blasta Brewing Co.' from its existing location at No.84-88 Goodwood Parade to the current site in a form which maintains the existing land uses and liquor licence. A development application has been submitted for Nos. 98-106 for the uses of Café/Restaurant and Brewery, with the intention that subject to the favourable determination of the DA and gazettal of the Scheme Amendment, approval would be sought to change the approved use from 'Brewery' to 'Tavern'.

BACKGROUND

Blasta Brewing Company presently operates from Nos.84-88 Goodwood Parade, where it is approved under the following use classes:

- 'Tavern'; and
- 'Light Industry (Micro Brewery)'.

Approval to the above uses was secured via a change of existing Non-Conforming Uses at Lots 99-101 (No. 84 - 88) Goodwood Parade, Burswood from 'Showroom' and 'Light Industry (Factory)' to 'Tavern' and 'Light Industry (Micro Brewery)'. Council approved the change of use application at its October 2017 meeting and following the granting of approval, arrangements associated with the lease of the site were finalised.

The present lease is to expire at the end of June 2023 and is not to be renewed. In order to ensure the continued operation of the venue for the long term, the proponent sought to secure an alternative site which resulted in an agreement being reached with the owners of the subject Lots 1 - 5. Accordingly, a Development Application has been lodged with the Town which, amongst other things, is seeking approval to undertake the following uses at the subject site:

- 'Restaurant/Café'; and
- 'Brewery'

It is currently subject to assessment and anticipated to be determined within the third quarter of 2022.

Under the current planning framework, the use of 'Tavern' is an 'X' (Prohibited) use. Subject to finalisation of the amendment and obtaining approval to the Tavern use, it would enable the transfer of the tavern licence from Lots 99 – 101 (No.84-88) Goodwood Parade, Burswood and finalise the continuation of operations at No.98-106.

The proposed Development Application and associated Scheme Amendment is part of a larger future redevelopment for Blasta Brewing Co to form a long-term establishment at the new location. Blasta Brewing Co has demonstrated a proven track record as a responsible and successful venue in its present location, which has made a substantial contribution to the regeneration of the Burswood Station East Precinct. It is anticipated that this will continue within the new location, with a broader offering including a roastery and patisserie together with additional activities in future, such as weekend markets and other community events. It will also enable Blasta Brewing Co to build on its successes, with the company being awarded 'Champion Beer of Australia' along with Champion

Brewery' for the second year running at the Independent Beer Awards in November 2021. The venue generates significant interest to the area in the form of state, interstate and international travellers.

Location

The subject site is located within the municipality of the Town of Victoria Park and in the suburb of Burswood. The subject site is situated approximately four (4) kilometres east of the Perth Central Area and is located approximately 300 metres southwest of Graham Farmer Freeway and 250 metres north of Great Eastern Highway.

Site Area

The subject site has a combined area of approximately 3380m².

Ownership

The following summarises the particulars of the Certificates of Title.

Lot	Plan/Diagram	Volume / Folio	Registered Proprietor
1	3983	1776 / 802	Goodwood Sky Pty Ltd
2	3983	1776 / 803	Goodwood Sky Pty Ltd
3	3983	1230 / 279	The Universal Zone Pty Ltd
4	3983	1882 / 80	The Universal Zone Pty Ltd
5	3983	1082 / 142	The Universal Zone Pty Ltd

Current and Surrounding Land Uses

The subject site is currently surrounded by other various office/residential and commercial uses along Goodwood Parade and on Griffiths Street and Stiles Avenue which is located in the pocket of development behind the subject site.

To the immediate west of the subject site is the Armadale train line and Burswood Train Station, and further west is the Crown Casino. Graham Farmer Freeway is situated to the north and Great eastern Highway is situated to the south and east of the subject site.

Physical Characteristics

Lots 4 and 5 are currently vacant, while lots 1 – 3 contain existing commercial buildings.

Infrastructure

The subject site is currently connected to all regular urban services including power, water, sewer, telecommunications and gas.

LOCAL PLANNING CONTEXT

Metropolitan Region Scheme

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme ('MRS'). The proposed additional use of 'Tavern' is consistent with the 'Urban' Zone under the MRS.

Town of Victoria Park Local Planning Scheme No. 1

The subject site is zoned 'Office/Residential' under the provisions of TPS1.

Relevant Planning Documents

The subject site is affected by the provisions of the following:

- Objectives of the 'Office/Residential' Zone;
- Draft Town of Victoria Park Local Planning Strategy;
- Precinct 2 of TPS1 'Burswood Precinct';
- Local Planning Policy 'Burswood Station East Precinct Guidelines and Public Realm' ('LPP40'); and
- Scheme Amendment 82 to TPS 1.

PROPOSAL

As mentioned previously within this report, this request proposed an amendment to TPS1 to facilitate the additional use of 'Tavern' within Schedule C of TPS1 in relation to subject site.

The proposed amendment is detailed in the below table which is proposed to be added to Schedule C – Additional Uses of TPS1.

	Ref No.	Land Particulars	Permitted Uses	Development Standards / Conditions
A58	58	No. 98 (Lot 5) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1082/142; No. 100 (Lot 4) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1882/80; No. 102 (Lot 3) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1230/279; No. 104 (Lot 2) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1776/803; and No. 106 (Lot 1) Goodwood Parade, Burswood on Plan 3983 and Volume/Folio 1776/802.	Tavern ('AA')	The Additional Use of Tavern shall: 1. Be deemed to be an 'AA' use for the purposes of the Scheme; and 2. Extinguish upon the expiry of ten (10) years from the gazettal date of this amendment, except where an application(s) for planning approval has been granted for the continued operation of the use beyond this time, in which case the Additional Use shall extinguish upon the expiry of that approval(s);

Planning Justification

Objectives of the 'Office / Residential' Zone

As outlined above the subject site is identified within the 'Office/ Residential' zone and reads as follows (underlined for emphasis):

This area should be redeveloped from industrial use to an area of mixed office and residential activities together with other uses which serve the immediate needs of the work force and residents. Residential and office uses may be developed independently.

The office component of a mixed-use development will be compatible with all residential uses and will provide for a wide range of business activities. Mixed use developments proposing the integration of, or close relationship between workplace and residence are strongly encouraged where acceptable levels of residential amenity can be maintained.

The use of the subject site for the use of 'Tavern' is considered to be consistent with the objectives as described above for the following reasons:

- The inclusion of the use would be consistent with the objective of providing a wide range of business activities within the zone;
- The operation of the 'Tavern' would not detrimentally affect the residential amenity of the locality.

Draft Town of Victoria Park Local Planning Strategy

Within the Draft Strategy, the subject site is identified within the Burswood Peninsula. The objectives for the Burswood Peninsula Neighbourhood are (underlined for emphasis):

BP.1 To develop a regional destination with a mix of world-class visitor activities, experiences and accommodation.

BP.2 To develop socially inclusive and environmentally sustainable higher density, mixed use urban neighbourhoods that reflect the unique context of the Peninsula.

BP.3 To coordinate the planning and delivery of social, economic and environmental infrastructure across sub-precincts and planning jurisdictions.

The proposed 'Additional Use of 'Tavern' at the subject site is consistent with the relevant objectives of the Town of Victoria Park Draft Local Planning Strategy in that it would contribute to the development of a broader range of activities, experiences and accommodation in a mixed use urban environment.

Precinct 2 – Burswood Precinct

The subject site is situated within the Burswood Precinct. The objectives of the zone as outlined under 'Precinct 2 – Burswood Precinct' of LPS1 states (underlined for emphasis):

This area should be redeveloped from industrial use to an area of mixed office and residential activities together with other uses which serve the immediate needs of the work force and residents. Residential and office uses may be developed independently.

The office component of a mixed-use development will be compatible with all residential uses and will provide for a wide range of business activities. Mixed use developments proposing the integration of, or close relationship between workplace and residence are strongly encouraged where acceptable levels of residential amenity can be maintained.

The introduction of the proposed additional 'Tavern' use is considered to be consistent with the statement of intent for the Burswood Precinct, in that the additional use would contribute to a broader range of activities which would serve the immediate needs of the work force and residents.

Local Planning Policy 'Burswood Station East Precinct Guidelines and Public Realm'

The Draft LPP40 was endorsed by Council in March 2021, subject to gazettal of Scheme Amendment 82 to TPS 1.

The Statement of Intent for the draft LPP40 is as read:

The Burswood Station East Precinct should be redeveloped primarily as an area of high-quality 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.

The proposed amendment is consistent with the objectives of Scheme Amendment 82 and Draft LPP40. The proposed development and amendment will create high quality destination that fosters activity for the vibrant public life for residents and broader community.

Suitability of Use

As previously noted, the uses of 'Restaurant/Café' and 'Brewery' are presently capable of approval in the 'Office/Residential' Zone. A Development Application has been lodged with the Town which, amongst other things, is seeking approval to undertake these uses at the subject site. It is currently subject to assessment and anticipated to be determined within the third quarter of 2022.

In comparison to the uses of 'Restaurant/Café' and 'Brewery', the introduction of the 'Tavern' use within the proposed development would allow for:

- a) the sale or supply of liquor not produced by the licensee in the absence of a meal; and
- b) the sale and supply of liquor for consumption off the premises.

Blasta Brewing Co. currently operates in accordance with a Tavern liquor licence and the Town's approval to the premises as a Tavern. If the operation of Blasta Brewing Co (upon relocation to the proposed new premises) was restricted to the requirements associated with a producers' licence, this would mean that patrons attending the premises for reasons other than to obtain a meal would be subject to significant restrictions in the range of alcoholic beverages available for consumption.

We are of the view that the proposed 'Tavern' use at the subject site would not result in any significant changes to the form or operation of the intended development, but rather it would enable a greater range of liquor to be offered to patrons within the venue rather than those which are produced by the licensee. Furthermore, the internal fitout illustrated within the Development Application for the proposed 'Brewery' land use, intended to facilitate the relocation of Blasta Brewing Co and currently subject to consideration by the Town, would not require any physical alteration as part of any potential future change of use to 'Tavern' (subject to the gazettal of the proposed amendment).

From a planning perspective, we are of the view that the change of use from 'Brewery' to 'Tavern' would not in itself result in detrimental impacts to the amenity of the locality.

CONCLUSION

This Scheme Amendment Request proposes the introduction of an 'Additional Use' over Lots 1 - 5 (Nos. 98 - 106) Goodwood Parade, Burswood to facilitate the ability for approval to the 'Tavern' land use over the subject lots.

The proposed Scheme Amendment is considered to be consistent with the objectives of the relevant planning framework and would not adversely impact upon the amenity of the locality.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Town of Victoria Park Local Planning Scheme No. 1 Amendment No. 91

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- a) Insert the following into Schedule C: Additional Uses of the Scheme Text:

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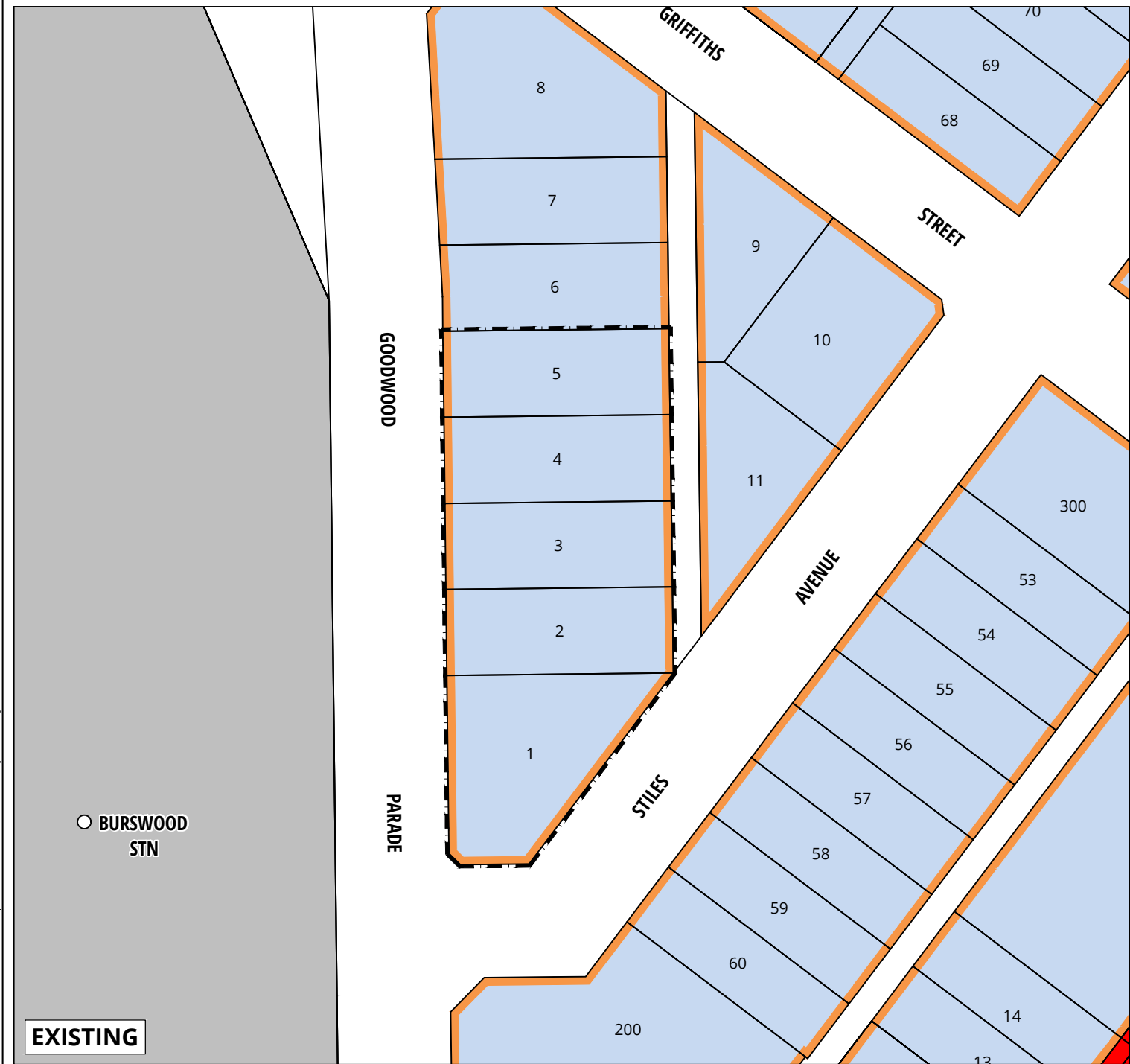
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AMENDMENT MAP

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LEGEND

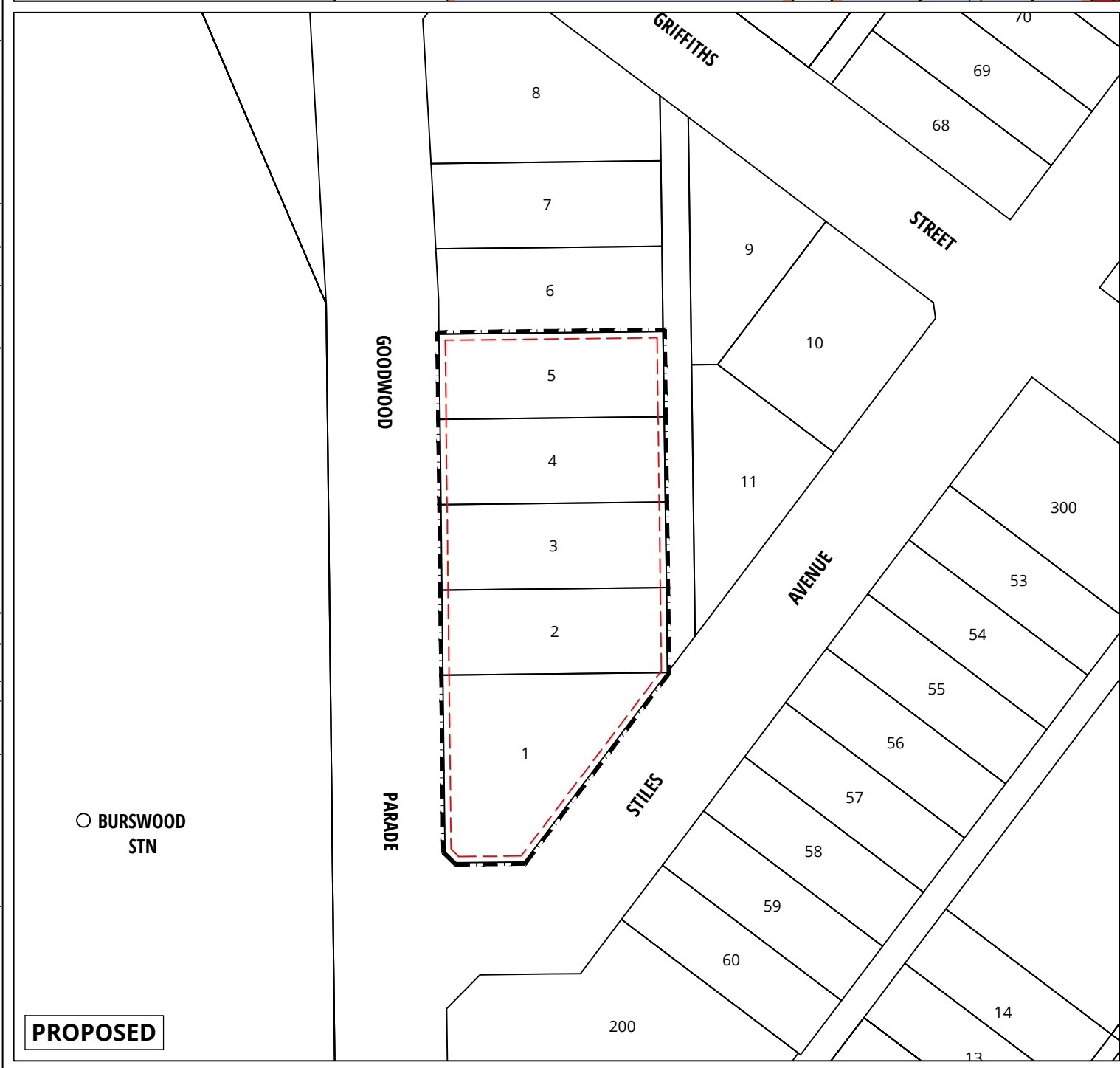
- REGION SCHEME RESERVES (MRS)
- RAILWAYS
- PRIMARY REGIONAL ROADS
- LOCAL SCHEME ZONES
- OFFICE / RESIDENTIAL
- OTHER
- SUBJECT SITE

ADOPTION/REFUSAL

ADOPTION [Regulation 13(1)]
 ADOPTED by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the ____ day of ____, 202__.

MAYOR

CHIEF EXECUTIVE OFFICER



LEGEND

OTHER CATEGORIES

- A1 ADDITIONAL USES

Adopted for Final Approval by Resolution of the Town of Victoria Park at the _____ Meeting of Council held on the _____ day of _____.

The Common Seal of the Town of Victoria Park was hereunto affixed by authority of a resolution of the Council in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

DELEGATED UNDER S.16 OF PD ACT 2005

Date: _____

3. FINAL APPROVAL GRANTED

MINISTER FOR PLANNING

Date: _____



0 25m
 SCALE @ A3: 1:1000
9500-FIG-05-A



19500 FIG05A_20211111_Burswood (LPS Amendment) DRAWN: W. CLEMENTS DATE CREATED: 2021.11.29 PROJECTION: MGA50 GD64

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 17th day of May 2022.

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 17th day of May 2022, proceed to advertise this Amendment.

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for [for support / not to be supported] by resolution of the Town of Victoria Park at the Ordinary Meeting of the Council held on the [number] day of [month], 20 [year] and the Common Seal of the Town of Victoria Park was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

.....

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....