

Our Ref: 1238  
Town of Victoria Park Ref: 5.2017.515.1

11 August 2021

Chief Executive Officer  
Town of Victoria Park  
Locked Bag 437  
Victoria Park WA 6979

Dear Sir/Madam,

**LOTS 99-101 (NO. 84-88) GOODWOOD PARADE, BURSWOOD**  
**APPLICATION FOR PLANNING APPROVAL FOR AMENDMENT TO**  
**DA 5.2017.515.1 APPROVAL PERIOD**

Dynamic Planning and Developments Pty Ltd (DPD) acts on behalf of the registered proprietor of Lots 99-101 (No. 84-88) Goodwood Parade, Burswood (herein referred to as the 'subject site') in support of an application for planning approval to amend the current approval period stipulated within the DA 5.2017.515.1 Approval Letter.

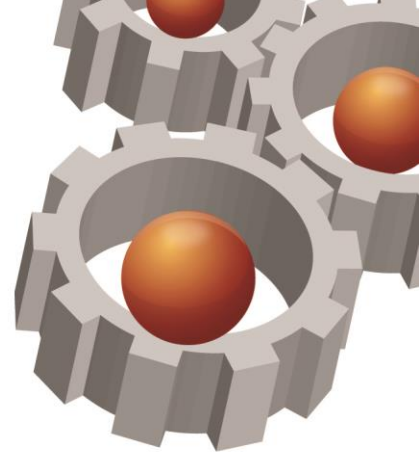
For submission purposes, we provide the following information:

- This concise submission providing details of the proposal and relevant planning commentary;
- A copy of the applicable Certificates of Title (**Attachment 1**);
- Proposed Development Plans (**Attachment 2**);
- The West Australian news article on *Blasta Brewing Company* (**Attachment 3**); and
- A completed Town of Victoria Park Development Application Form and MRS Form 1.

It is noted that the requisite application fee associated with this proposal will be paid upon issuance of a tax invoice by the City.

Please ensure that the tax invoice is addressed to the following entity (but emailed to [admin@dynamicplanning.net.au](mailto:admin@dynamicplanning.net.au)):

**Burswood Corporation Pty Ltd**  
36 Teddington Road,  
Burswood WA 6100



## Site Details

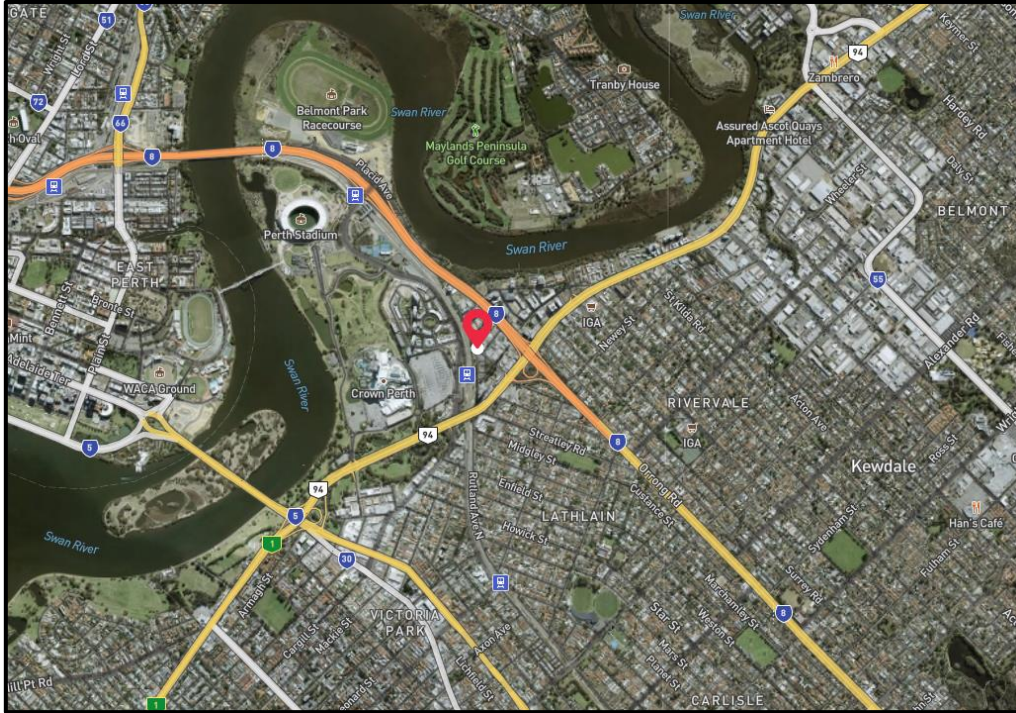
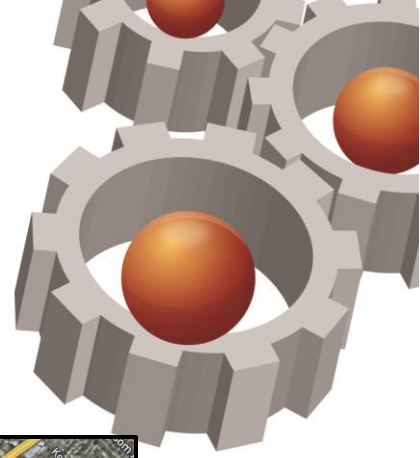
Lots 99-101 (No. 84-88) Goodwood Parade, Burswood is located within the municipal area of the Town of Victoria Park and is approximately 6km from the Perth CBD. The subject site has frontage to Goodwood Parade, Griffiths Street, Claude Street, and a rear laneway. Primary access is provided via a crossover on Griffiths Street, however there are a number of parking bays that can be accessed via the rear laneway. The building at the subject site has a loading bay that can be accessed via the rear laneway. The subject site is located within the 'Burswood Precinct' bounded by the Graham Farmer Freeway, Great Eastern Highway, and the Armadale passenger railway line. The area's proximity to the City and major transport routes including the Armadale/Thornlie train lines has meant that the Town of Victoria Park has been an attractive place to operate a business.

The subject site's locality is characterised by light industrial warehouses and associated offices. There has been a recent investment into the area for large scale office/residential developments however the uptake in this gentrification development pattern has been slower than expected. It is within close proximity to locations of regional significance such as Crown Casino & Resort, Optus Stadium, and the Albany Highway commercial strip. The subject site is currently tenanted by *Blasta Brewing Company*, however there is the need to secure another tenant at the premises as a result of *Blasta's* planned expansion and relocation at a different location in Belmont. *Blasta's* planned expansion and relocation is being implemented by virtue of a funding grant by the Federal Government (see **Attachment 3**). In order to secure a new 'brewpub' tenant will require a tenant lease period that extends past the currently remaining 6 year approval period, by way of commercial realities and the money already expended to make the site suitable for 'Tavern' and 'Light Industry' land uses. These realities hence form the basis of our application and will be discussed further in the succeeding sections.

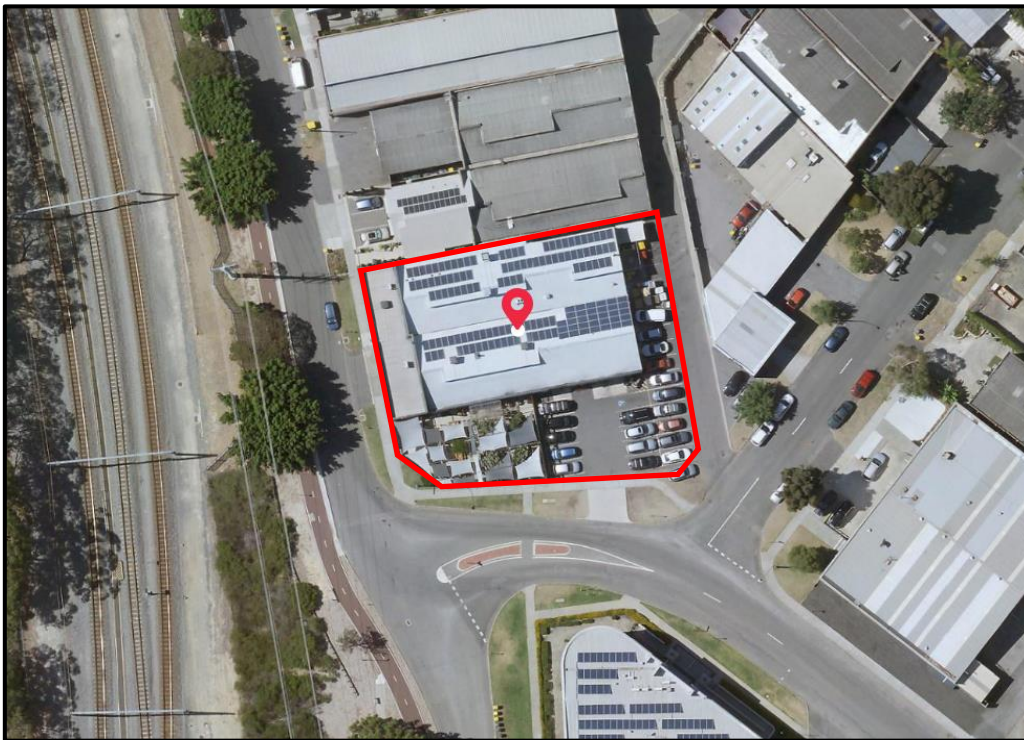
Figures 1 and 2 below demonstrate the site within its regional and local context respectively.



**DYNAMIC PLANNING**  
AND DEVELOPMENTS



**Figure 1 – Regional Context**



**Figure 2 – Local Context**

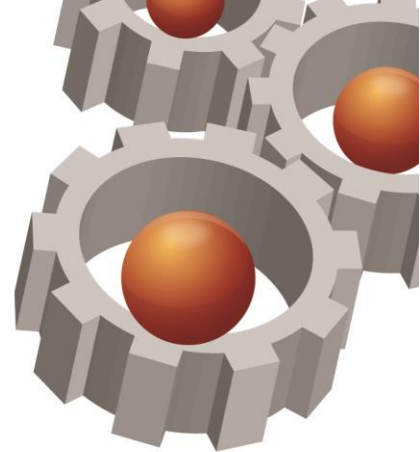
| Suite 15/29 Collier Road Morley WA 6062 | P.O. Box 688 Inglewood WA 6932 † (08) 9275 4433 † (08) 9275 4455

**DYNAMIC CREATIVE PROACTIVE INNOVATIVE PASSIONATE**

[admin@dynamicplanning.net.au](mailto:admin@dynamicplanning.net.au)

[www.dynamicplanning.net.au](http://www.dynamicplanning.net.au)





## Pre-Lodgement Liaisons with Town of Victoria Park

DPD were first engaged by the registered proprietor in January 2021 to explore the potential of the existing approval period denoted within Condition 1 (DA Ref: 5.2017.515.1) being amended to a permanent approval of the 'Tavern' and 'Light Industry' uses. The Town's advice, provided 2 March 2021, stated that the current and emerging planning framework lists the aforementioned land uses as a 'Prohibited (X)' permissibility within the 'Office/Residential' zoning, meaning that a further extension of approval period under the 'Council Policy PLNG10 – Transitional Use Policy' would not be possible. Moreover, the Town stated that the original approval was provided on the basis of the 'Tavern' and 'Light Industry' land uses being classed as 'uses not listed' as per the provisions of the Town of Victoria Park Local Planning Scheme No. 1 (LPS1).

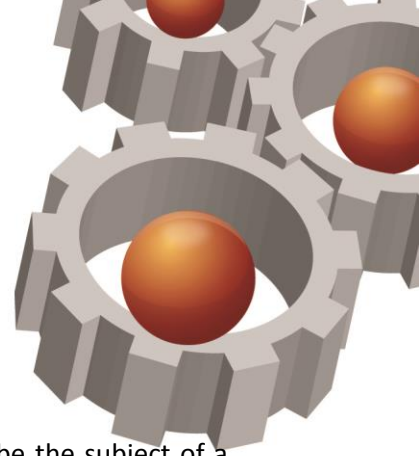
Our client subsequently sought a meeting with the Town to receive clarification on the planning advice provided, in which it was discussed that the existing land use was a successful example of the Transitional Use Policy and provided a positive impact on the community with respect to amenity and social activation. It was noted that the lack of gentrification in the area to 'Office/Residential' land uses would not evolve at any great pace given the current economic reality of the apartment market and that an extension to the approval period of a further 10 years would be capable of approval from a statutory perspective.

DPD issued an email to the Town on 30 June, 2021 seeking further confirmation of the meeting minutes to receive in-principle support for an extension to the existing approval period, which was responded to by Mr. Robert Cruickshank (Manager Development Services) on Thursday 22 July 2021. The Town noted that the previous advice, provided on 2 March 2021, contained an error that the original approval was provided for Unlisted Uses, when in fact the approval was based on non-conforming use rights. Therefore, the original advice provided was influenced by inaccurate advice. The Town provided in-principle support that they had no issue seeking a continuation of the approved use beyond the initial 10 year period, on the basis of the positive impacts it has on the locality. Therefore, this proposal is being lodged in relation to the aforementioned.

## Proposal

This proposal intends to amend Condition 1 of the existing approval (DA Ref: 5.2017.515.1), by virtue of seeking a continuation of the approved use beyond the initial 10 year period, set to expire on 10 October, 2027. This proposal seeks to continue the approved use for a further 10 year period (i.e. to expire on 10 October, 2037) in order to continue what is a successful land use operation, and secure a new tenant at the premises due to *Blasta Brewing Company's* relocation. The commercial realities of securing a long term tenant means that the further 10 year approval period is required, to make the initial capital investment by a tenant commercially viable.

There are no proposed changes to the approved use or development works at the subject site. The registered proprietor intends to lease the premises to a similar 'brewpub' tenant to operate within



the existing building parameters. Any 'works' proposed by the new tenant will be the subject of a subsequent development application to the City.

A copy of the proposed development plans pertinent to this application are contained as **Attachment 2**.

### **Zoning, Land Use and Permissibility**

#### Metropolitan Region Scheme

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme (MRS). The proposed 'Tavern' and 'Light Industry' land use is deemed consistent with the land use objectives for land zoned 'Urban' under the MRS.

#### Town of Victoria Park Local Planning Scheme No. 1

The subject site is zoned 'Office/Residential' under the provisions of the LPS1.

From a land use perspective, the proposed 'Tavern' and 'Light Industry' land uses are classified as 'Prohibited (X)' within the 'Office/Residential' zone, meaning that planning approval for a change of use application is not permitted by the scheme.

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. As per Clause 18(1) of LPS1, no provision of the scheme is to prevent:

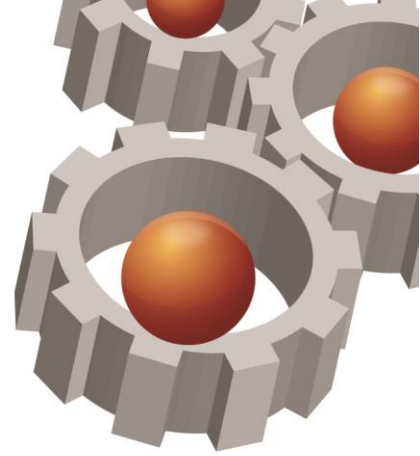
- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme;*

To this end, the proposed extension of the approval period of 'Tavern' and 'Light Industry' land uses is deemed to be consistent with the provisions of LPS1 and therefore warrants favourable consideration and approval.

#### Town of Victoria Park PLNG10 – Transitional Use Policy

The Town of Victoria Park's Transitional Use Policy has been enacted in order to enable the consideration for temporary uses in an area that is currently undergoing redevelopment or regeneration, in accordance with Town Planning Scheme Provisions. The subject site is located within the 'Burswood Precinct' that is currently undergoing a large scale regeneration from 'light industrial' uses to uses more accurately associated with the new 'Office/Residential' zoning. The policy allows for developments to be considered for temporary approval up to 10 years, based on the below criteria:

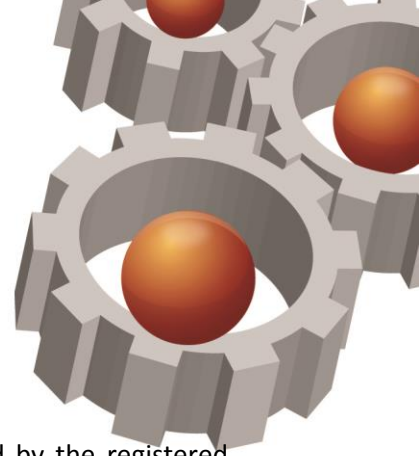
- (i) The use provides an interim service or facility that benefits the community;*



- (ii) *The use provides activation and passive surveillance;*
- (iii) *The use promotes economic development of the area by utilising otherwise vacant property/building during the interim period;*
- (iv) *The use promotes social interaction and community development;*
- (v) *The use is appropriate in the precinct in which it is located and is a use that Council has the ability to approve;*
- (vi) *The use promotes the principles of transit oriented development and/or modal shift; and*
- (vii) *The use does not replicate a similar use permanently approved in proximity to the proposed use.*

The original DA approval was granted on the basis of this Transitional use policy. It is submitted that the existing approval period of the 'Tavern' and 'Light Industry' land uses should be continuing beyond the initial 10 year period, for a further 10 years for the following reasons:

- The 'Tavern' and 'Light Industry' land uses and the subject site's operating tenant, *Blasta Brewing Company* have provided a significantly beneficial service for the community that incorporates social and community interaction, activation of the space, passive surveillance in the area during non-business hours, and promotes economic development within the area. It is likely that without the land use, the subject site would be vacant whilst waiting for large scale redevelopment, given the lack of investment interest in the 'Office/Residential' developments;
- The land uses are appropriate within their context as the area is still industrial in nature and lacking 'Office/Residential' investment. The land uses are able to access 'non-conforming use rights' and therefore they are capable of approval by council;
- The 'Tavern' and 'Light Industry' uses are unique to the subject site as additional Taverns are not found within close proximity of the subject site. It is located within close proximity to the Burswood Train Station, and a number of high frequency bus routes that service the nearby Great Eastern Highway;
- The commercial realities of signing a new tenant to a lease is such that the registered proprietor would need to offer a longer period than the remaining approval time of 6 years. Without the guarantee of a long-term lease, it would not be commercially viable for a tenant to commit to the initially large capital investment related to internal outfits and business set-ups;



- There have been a significant amount of funds already been expended by the registered proprietor in order to make the subject site suitable for the existing 'Tavern' land use and the tenant *Blasta Brewing Company*. The only way to allow for a sustainable and viable re-use of the premises is by leasing the subject site for another Tavern/Light Industry operation;
- Should the development application to extend the approval period be refused by the Town, this transitional use will cease to exist at the subject site given *Blasta's* already planned vacation of the site. This will be of detriment to both the local economy, and the activation experienced in the area. The site's vacancy could contribute to the dilapidation of the locality, whilst waiting for significant office/residential redevelopments.

Given the above points, it is considered that the proposal to continue the approved use for a further 10 years is consistent with the criteria set within the Town's Transitional Use Policy

Draft Local Planning Policy 40 – Burswood Station East Precinct Design Guidelines and Public Realm Improvements (DLPP40)

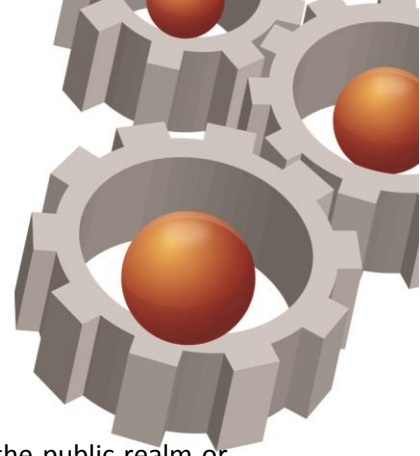
*Draft Local Planning Policy 40 – Burswood Station East Precinct Design Guidelines and Public Realm Improvements (DLPP40)* is a policy document that will be imminently adopted by the Town of Victoria Park aiming to guide development within the Burswood Station East Precinct, in which the subject site resides. Section 5.9 of the policy relates to development guidelines for transitional developments, with Acceptable Outcome 5.9.3 stating the following requirement:

*5.9.3 Transitional development does not:*

- a. Create more than 10% additional plot ratio area;*
- b. Create any additional unacceptable amenity impacts such as excessive noise, odour, heavy vehicle movements or overshadowing; and*
- c. Remove any active openings overlooking the public realm, or architectural features that enhance the presentation of the building to the public realm.*

It is considered that the proposed extension of the approved use period is consistent with the above provisions for the following reasons:

- The proposal will not result in an additional 10% plot ratio area;
- The proposal will not result in any adverse amenity impacts to what is already operating by way of excessive noise, odour, heavy vehicle movements, or overshadowing; and



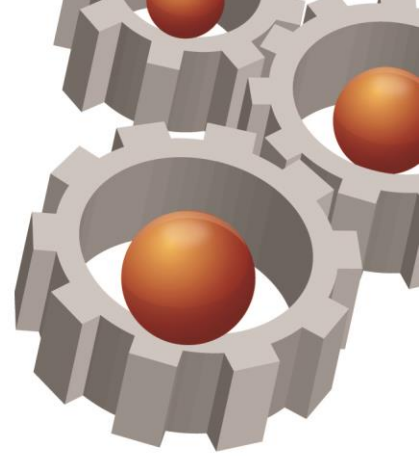
- The development will not remove any active openings looking into the public realm or architectural features that contribute to the building's appeal.

Given the above information, it is submitted that the proposed extension of the approval period for an additional 10 years is appropriate within the subject site's context and is consistent with the provisions of DLPP40.

### **Development Requirements**

The proposal does not require assessment against the applicable development requirements contained under the provisions of the Town of Victoria Park LPS1 and the applicable local planning policies on the basis that the proposal simply aims to extend the approval period contained within Condition 1 of the existing DA Approval (DA Ref: 5.2017.515.1). There are no components to the development that will be altered. It is commented that any development works proposed by a new tenant will be the subject of a separate development application. Internally, the proposal will undertake a fit-out to suit the requirements of the business. The relevant parking provision at the subject site will remain the same as what was proposed in the original approval from 2017.





## Conclusion

In light of the above, the proposed amendment to the existing approval period by a further 10 years is considered appropriate within its context and warrants favourable consideration and approval for the following reasons:

- The proposal is consistent with the objectives of the 'Urban' zoning, as per the provisions of the MRS;
- The proposal is in relation to 'Tavern' and 'Light Industry' land uses which hold non-conforming use rights over the subject site;
- The proposal is consistent with the provisions of the Town of Victoria Park PLNG10 – Transitional Use Policy;
- The proposal is compliant with Section 5.9 of the Town of Victoria Park Draft Local Planning Policy 40;
- An extension of 10 years to the current approval period is required in order to secure a new tenant to the subject site, and maintain what is currently a successful transitional use; and
- The refusal of this development application will lead to the imminent vacancy of the subject site, which may result in dilapidation and decreased activation of the locality whilst waiting for significant office/residential redevelopments.

As such, we respectfully request that the Town of Victoria Park support and approve this proposed amendment to DA 5.2017.515.1 under officer delegation.

Should you have further queries or seek clarification with regard to the matters raised above, please do not hesitate to contact the undersigned on 9275-4433.

Yours faithfully,



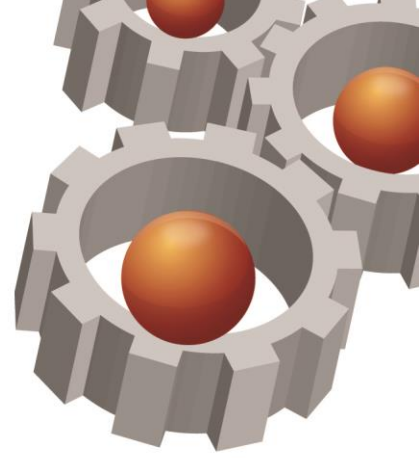
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**NEIL TEO**  
**DIRECTOR**

Cc: Burswood Corporation Pty Ltd (via email)  
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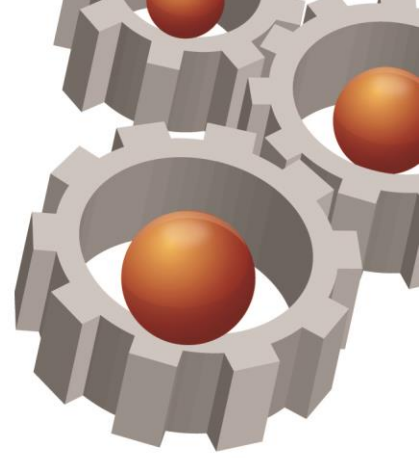
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**Attachment 1**  
Certificates of Title



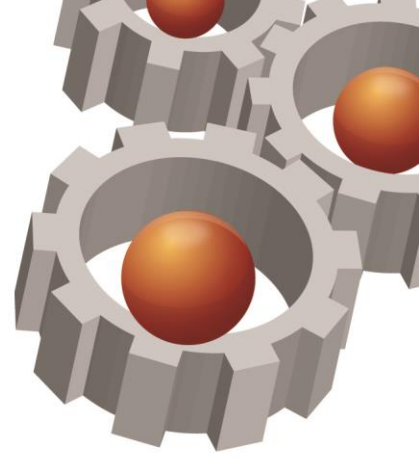
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**Attachment 2**  
Proposed Development Plans



**DYNAMIC PLANNING**  
AND DEVELOPMENTS



**Attachment 3**

The West Australian news article on *Blasta Brewing Company*