

5.2021.395.1



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Tue 12/10/2021 11:37

Totally in support of the DA submitted to extend the use of for Lot 99 Goodwood Parade Burswood.

Regards



Development application - 5.2021.395.1 - 84-88 Goodwood Parade, Burswood (Blasta Brewery)



Submission date: 11 October 2021, 8:51PM

Receipt number: 1

Related form version: 2

84-88 Goodwood Parade, Burswood (Blasta Brewery)- 5.2021.395.1

First name

Surname

Email address

Street number and name

Suburb

I am the

owner

How did you hear about this development application?

Sign on-site

After considering the likely impact this proposal has on
your property or suburb, do you:

Support the proposal

Please provide your comments and include how you will
be impacted by the proposal.

Support the proposal

Please upload any attachments.

- Online via the abovementioned links on the Town's website; or
- Email to admin@vicpark.wa.gov.au or letter addressed to the Town of Victoria Park, Locked Bag No. 437, Victoria Park WA 6979. In either instance, please quote Development Application reference number: **5.2021.395.1** as part of any submission.

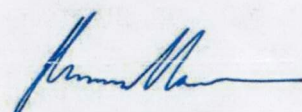
Should no reply be received within the above timeframe it will be assumed that you do not wish to comment.

Who will decide this application?

The decision-maker for this development application is the Town of Victoria Park.

Should you have any queries or require further information please contact Charlotte McClure of Council's Urban Planning Unit on 08 9311 8111 or via email CMcClure@vicpark.wa.gov.au.

Yours sincerely,



Charlotte McClure
Senior Planning Officer

File No. PR6351

Xref No. _____

3LP RLP

CLP 20 OCT 2021 CED

FLBLP HR

FIN PLN NE

RAT EH BLD

DOC No. _____

THE NUMBER OF VEHICLES PARKING IN CLAUDE ST IS UNBEARABLE. IT PROHIBITS BUSINESS PEOPLE FROM PARKING NEXT TO FACTORY AT 10, 12 AND 14 CLAUDE ST. BURSWOOD AND ALL THE OTHER FACTORIES IN CLAUDE ST.



THE HOTEL SHOULD BE LOCKED DOWN OR MOVED.

[REDACTED]
28 October 2021

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

Sent Via Email: admin@vicpark.wa.gov.au

Attention: Robert Cruickshank – Manager Development Services

Dear Sir

**Submission on request to extend Approval Period
Lots 99-101 (No.84-88) Goodwood Parade, Burswood**

This correspondence is provided as a submission on the proposal to extend the Approval Period for the non-conforming uses of 'Tavern' and 'Light Industry' at Lots 99-101 (No.84-88) Goodwood Parade, Burswood (the 'subject site'), which is currently being advertised by the Town of Victoria Park (the 'Town') for public comment and subject to a short time extension which was granted to our client by the Town's Manager Development Services.

[REDACTED]
[REDACTED] We provide this submission as an **objection** to the proposed extension to the Approval Period for numerous reasons, as detailed below.

BACKGROUND


Planning Framework

Local Planning Scheme No.1

Under the provisions of the Town of Victoria Park Local Planning Scheme No.1 (LPS1), the site is zoned 'Office/Residential'. It is also situated within 'Precinct 2 – Burswood Precinct' which envisages the redevelopment of the precinct from industrial uses to an area of mixed office and residential activities, with mixed use activities being strongly encouraged. Within the applicable zone and Precinct, the use of 'Tavern' is an 'X' (prohibited) use.

Burswood Peninsula District Structure Plan

The District Structure Plan was approved in March 2015 by the Western Australian Planning Commission, with the long term vision to create an attractive,



vibrant and sustainable urban setting, with a diverse mix of housing, recreation, entertainment, tourism and employment opportunities. The subject site is within Burswood Station East which is identified as a planned regeneration of the ageing and underutilised service industrial area immediately east of Burswood Station, into a new residential and mixed use neighbourhood.

Draft LPP 35 – Local Planning Policy – Burswood Station East Precinct Guidelines and Public Realm Improvements

Following the approval to the District Structure Plan, Council endorsed LPP 35 which specified that until such time as a Local Structure Plan was completed for the area, Council would not approve or support an application which is likely to prejudice the future planning and long-term objectives for the Precinct.

Draft LPP 40 – Local Planning Policy – Burswood Station East Precinct Guidelines and Public Realm Improvements

The Draft LPP40 was endorsed by Council in March 2021, subject to gazettal of Scheme Amendment 82 to the Town of Victoria Park Town Planning Scheme No. 1 which is expected to be finalised in the latter half of 2021. At this time, adopted Local Planning Policy 35 - Policy Relating to Development in Burswood Station East will also be revoked.

The draft LPP 40 provides guidance for building design, laneway design, public open space provision and streetscape improvements in the Burswood Station East precinct. Within the LPP, multiple dwellings and mixed use development shall be subject to a density coding of R-AC3. Associated development controls would result in built form with a height of 6 storeys or potentially higher, subject to compliance with relevant provisions of the policy and not exceeding an absolute maximum height of 22 storeys and plot ratio of 6.0.

Existing Approval

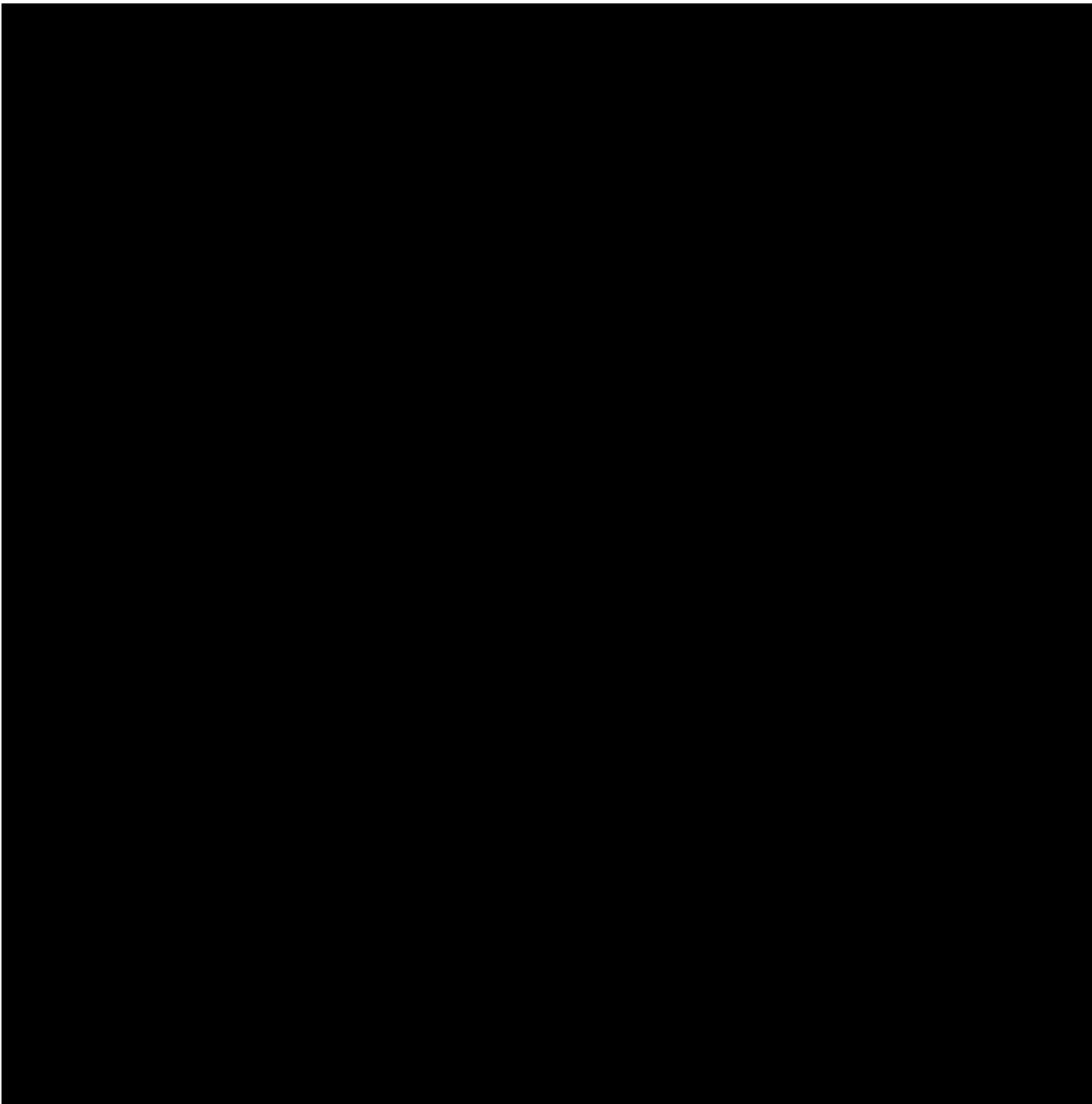
The above use class permissibility within LPS1 as described above was also applicable in October 2017, when Council considered the proposed Change of Non-Conforming Use at the subject site from 'Showroom' and 'Light Industry (Factory)' to 'Tavern' and 'Light Industry (Micro Brewery)'. Council's consideration of the application was based upon an assessment of numerous factors including:

- 1) The suitability of the proposed Tavern and Microbrewery use in comparison to the existing approved uses, consisting of a Showroom/Warehouse with Light Industry which facilitated the grinding and polishing of natural stone and terrazzo;
- 2) The suitability of the proposed car parking provision, consisting of 20 bays in lieu of the minimum provision of 71 bays as prescribed within the Town's Policy;
- 3) The identification of the site within the approved Burswood Peninsula District Structure Plan and the associated Master Plan and Local Structure Plan subject to preparation at the time; and
- 4) The Town's PLNG10 – Transitional Use Policy (adopted by Council at the same meeting) which provided the ability for uses will be considered for approval for a temporary period of up to 10 years, as deemed appropriate, in areas of the Town undergoing transition to an agreed planning direction.



Following consideration of the above, Council resolved to grant approval subject to conditions, including Condition No.1 which specified that the approval was to be for a maximum period of 10 years.

It is also important to note the timing of the decision, being only three (3) months prior to the opening of Optus Stadium on 21st January 2018, with the resulting sporting and other events anticipated to trigger a significant increase in demand for a range of dining and entertainment options in the locality.



Implications of the proposed extension to the Approval Timeframe

As previously noted, the Town's Local Planning Policy PLNG10 – Transitional Use Policy provides the ability for uses will be considered for approval for a temporary period of up to 10 years. The relevant extract from the Policy is reproduced below:

1. *"In areas of the Town undergoing transition to an agreed planning direction as identified by an adopted structure plan, local development plan or Scheme provisions, (eg Burswood Peninsula and the Causeway Precinct) uses will be considered for approval for a temporary period of up to 10 years, as deemed appropriate, based on the following criteria:*
 - a. *The use provides an interim service or facility that benefits the community;*
 - b. *The use provides activation and passive surveillance;*
 - c. *The use promotes economic development of the area by utilising otherwise vacant property/building during the interim period;*
 - d. *The use promotes social interaction and community development;*
 - e. *The use is appropriate in the precinct in which it is located and is a use that Council has the ability to approve;*
 - f. *The use promotes the principles of transit oriented development and/or modal shift; and*
 - g. *The use does not replicate a similar use permanently approved in proximity to the proposed use."*

It is our view that the proposal to extend the Approval Period is inconsistent with the above, for the following reasons:

- The Policy specifies that the uses *"...will be considered for approval for a temporary period of up to 10 years..."*, with the emphasis being that the use is interim in nature. It must be noted that the Town has already granted approval to the uses for a 10 year period, being the maximum timeframe specified under this policy, of which six (6) years is still remaining;

- The extension (if approved by Council) would potentially enable the uses to operate for up to 20 years, being a considerably greater time period than that specified within the Policy and also envisaged by Council in 2017. Arguably, it would no longer be considered a 'temporary' use in accordance with the policy;
- The request provides no indication of the ultimate development intentions for the site and the potential for this use to be suitably integrated. In any event, its non-conforming use status would result in the approval being extinguished upon demolition of the existing premises, with the Tavern use unable to be approved unless a suitable amendment is made to the Town's LPS1; and
- The request indicates that the time extension is sought in order to "...secure a new 'brewpub' tenant...". Based upon this it would appear that the intended operator is not yet known and therefore, as the ultimate operations for the site are unclear, it would not be possible to effectively assess the activity against the criteria within the policy.

In addition to the above, should Council grant approval to the time extension it would potentially result in the interim use being in place for a total of 20 years. Should the approval be extended as requested, it would potentially enable a new lease to be entered into with a prospective tenant for up to 16 years, which may detract from the Town's ability to effectively implement the development form proposed within the planning framework applicable to the locality until after the expiry of the approval.

It is also important to note that the current (temporary) approval has only been in place for 4 years, representing 40% of the total period available within the approval. It is considered to be extremely premature to seek an extension to the approval period at this early stage, particularly given that the intended operator is not known.

CONCLUSION

As outlined throughout this submission, our Client **objects** to the proposed extension to the Approval Period at Lots 99-101 (No.84-88) Goodwood Parade, Burswood for the following reasons:

- The extension to the approval timeframe (if granted) would be contrary to the Town's intended development form for the locality as detailed within the approved Burswood Peninsula District Structure Plan and the Town's adopted Draft LPP 40 – Burswood Station East Precinct Guidelines.
- The extension (if approved by Council) would potentially enable the uses to operate for up to 20 years, being a considerably greater time period than that specified within the Policy and also envisaged by Council in 2017. Arguably, it would no longer be considered a 'temporary' use in accordance with the policy;
- The request provides no indication of the ultimate development intentions for the site and the potential for this use to be suitably integrated within a future development form consistent with the District Structure Plan and adopted Draft LPP 40;
- The request indicates that a suitable tenant is yet to be secured, meaning that the intended operator is not known at this stage. As the ultimate operations for the site are unclear, it is not possible to effectively assess the activity against the criteria within Policy PLNG10; and
- The timing of the request is premature, given that the Town has already granted approval to the uses for a 10 year period, being the maximum timeframe specified within its Policy, of which six (6) years is still remaining.



For the reasons outlined throughout this submission, and as summarised above, we strongly urge Council to refuse the request.

Should you require any further information or clarification in relation to this matter, please contact the undersigned on 

Yours faithfully,

