



Job Ref: 9500
3 December 2021

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

Attention: Planning Services

Dear Sir/Madam

**Scheme Amendment Request – Additional Use
Lots 1-5 (No.98-104) Goodwood Parade, Burswood**

Rowe Group acts on behalf of 'Blasta Brewing Co. Pty Ltd' ('Client'), the prospective lessee of Lots 1-5 (No.98-104) Goodwood Parade, Burswood ('subject site'). We have been requested to lodge a request to amend the Town's Local Planning Scheme No.1 to include the additional use of 'Tavern' ('amendment') within Schedule C of the Scheme. Further information in support of our request is detailed below.

The subject site is legally described as:

- Lots 1 on Diagram 3983 Certificate of Title Volume 1776 Folio 802;
- Lot 2 on Diagram 3983 Certificate of Title Volume 1776 Folio 803;
- Lot 3 on Diagram 3983 Certificate of Title Volume 1230 Folio 279;
- Lot 4 on Diagram 3983 Certificate of Title Volume 1882 Folio 80; and
- Lot 5 on Diagram 3983 Certificate of Title Volume 1082 Folio 142.

The site is currently a mixture of offices, warehouses and undeveloped land.
The premises are currently unoccupied.

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia
p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au



BACKGROUND

Blasta Brewing Company presently operates from No.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 prepared for lodgement with the Town, seeking approval for the use of the existing premises at Nos. 98-104 for the following use classes:

- 'Restaurant/Café'; and
- 'Brewery'

Under the current planning framework, the use of 'Tavern' is an 'X' (Prohibited) use. The 'Tavern' use is defined as follows within the Town of Victoria Park Local Planning Scheme No.1 (LPS 1):

'means premises the subject of a tavern licence granted under the Liquor Control Act 1988';

The proposed amendment is seeking to include the 'Tavern' use as an additional use under LPS 1 for the subject site. The development application and Scheme Amendment are intended to provide for the following:

- The immediate relocation and operation of Blasta Brewing Co in the short-term; and
- The retention and inclusion of Blasta Brewing Co within the landowners' intended development aspirations, which is anticipated to be in a form consistent with the future development envisaged for the Burswood Station East Precinct as administered through the Town's Local Planning Policy No.40.

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.98-104.

The proposed Development Application and subsequent amendment is a 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, 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 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.

Liquor Control Act 1988

A comparison of the various use classes under LPS1 and the associated permissibility under the *Liquor Control Act 1988* is as follows:

Restaurant Licence

A Restaurant Licence under section 50 of the Act authorises the sale and supply of liquor to persons on the licensed premises for consumption with a meal supplied by the licensee. The premises must have a kitchen for preparing food. It must also have sufficient toilet facilities for patrons and staff. In addition, the dining area must always be set up with tables and chairs for dining.

This licence would apply to operations approved under the 'Restaurant/Café' use class within LPS 1.

Producers Licence

Producer's Licence under section 55 of the *Liquor Control Act 1988* primarily authorises the licensee to:

- sell liquor that has actually been produced by, or under the control or direction of, that person; and
- sell or supply liquor, other than liquor produced by the licensee if the liquor is consumed ancillary to a meal in a dining area on the licensed premises or for the purpose of tastings.

This licence would typically apply to premises approved under the use class of 'Brewery' within LPS 1.

Tavern Licence

A Tavern Licence authorises the sale and supply of liquor for consumption on and off the licensed premises. A holder of a tavern licence does not need to provide accommodation.

This licence would apply to operations approved under the 'Tavern' use class within LPS 1.

TOWN PLANNING CONSIDERATIONS

Metropolitan Region Scheme

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



Town of Victoria Park Local Planning Scheme No. 1

Under the Town's LPS 1, the subject site is zoned 'Office / Residential' and also identified within 'Precinct 2 – Burswood Precinct'.

The zoning table within LPS 1 identifies the 'Tavern' use as an 'X' use within the 'Office / Residential' zone.

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 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.

Scheme Amendment 82

Planning framework to help guide the redevelopment of the Burswood Station East precinct was prepared by the Town and consists of the draft Local Planning Policy ('draft LPP 40') and the associated Scheme Amendment 82 to the Town's LPS 1.

Scheme Amendment 82 proposes the following changes to LPS 1:

- Formal reservation of the land known as Stiles-Griffiths Reserve for 'Parks and Recreation'; and
- Amending the Zoning Table to include the use of 'Single Dwelling' as an 'AA' (Discretionary) use within the Burswood Station East area.

The Scheme Amendment was 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. It was endorsed by the Council on 15 December 2020. Scheme Amendment 82 has been submitted to the Western Australian Planning Commission ('WAPC') for final endorsement and advice from staff within the Department indicates that it is expected to be presented to the June 2022 Statutory Planning Committee meeting, following which it will be forwarded to the Minister for Planning for determination.



Local Planning Policy 'Burswood Station East Precinct Guidelines and Public Realm' ('LPP40')

The Draft Local Planning Policy 'Burswood Station East Precinct Guidelines and Public Realm' ('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.

Draft Town of Victoria Park Local Planning Strategy

The Draft Local Planning Strategy was publicly advertised from 6 April 2021 to 31 May 2021. It was considered by the Council on the 16 November 2021 at the Ordinary Council meeting, where it resolved to defer consideration of the draft Strategy to allow for an additional briefing on consultation outcomes and modifications recommended by the Town's staff to a Concept Forum in February 2022.

PROPOSED SCHEME AMENDMENT

This Scheme Amendment seeks to include Lots 1-5 (No.98-104) Goodwood Parade, Burswood within Schedule C – Additional Uses within LPS1 to include the additional use of 'Tavern'. This would consist of an entry in Schedule C as follows:

REF. NO.	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS / CONDITIONS
	Lot 1 on Diagram 3983 Certificate of Title Volume 1776 Folio 802; Lot 2 on Diagram 3983 Certificate of Title Volume 1776 Folio 803; Lot 3 on Diagram 3983 Certificate of Title Volume 1230 Folio 279; Lot 4 on Diagram 3983 Certificate of Title Volume 1882 Folio 80; and Lot 5 on Diagram 3983 Certificate of Title Volume 1082 Folio 142.	Tavern	'Tavern' – 'AA' use

Table 1: Schedule C – LPS1



A copy of the Scheme Map illustrating the proposed amendment is included at Attachment No.1.

RATIONALE, PLANNING JUSTIFICATION AND ASSESSMENT

The *Planning and Development (Local Planning Schemes) Regulations 2015* ('Regulations') sets out what constitutes a basic, standard and complex Scheme Amendment.

For amendments to a local planning scheme, the Regulations (refer Regulation 35(2) Part 5 Division 1) require the resolution of the local government to specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment and include an explanation for forming that opinion.

To assist the Town of Victoria Park, the Applicant is of the view that the proposed Scheme Amendment is a standard amendment for the following reasons:

- The amendment is consistent with the Town of Victoria Park Draft Local Planning Strategy.
- The amendment would have minimal impact on land in the scheme area that is not the subject of this amendment.
- The amendment would not result in any significant environmental, social, economic or governance impacts on the land in the scheme area.
- The definitions of basic amendment and complex amendment do not apply to this proposal.

Draft Town of Victoria Park Local Planning Strategy

As previously noted, the Council recently resolved to defer consideration of the draft Strategy to allow for an additional briefing on consultation outcomes and modifications recommended by the Town's staff to a Concept Forum in February 2022.

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.



Objectives of the 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 a '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;

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 prepared, seeking approval to undertake these uses at the subject site and is anticipated to be lodged with the Town shortly.

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.

We are of the view that the above 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. From a planning perspective, the potential impacts to the amenity of surrounding property owners and the broader locality would be largely unchanged.



CONCLUSION

This Scheme Amendment Request seeks to the introduction of an 'Additional Use' over Lots 1-5 (No.98-104) Goodwood Parade, Burswood to facilitate the ability for approval for a 'Tavern' within the tenancy.

The proposed Scheme Amendment is considered to be consistent with the objectives of the 'Office/Residential' zone of the Precinct 2 – Burswood Precinct' of the Town of Victoria Park Local Planning Scheme No.1 and the 'Burswood Peninsula Neighbourhood' of the Draft Town of Victoria Park Local Planning Strategy and would not adversely impact upon the amenity of this area.

On the basis of the information provided it is requested that the Town of Victoria Park support the initiation of the Scheme Amendment, where it will be subject to public consultation prior to further consideration by the Council.

Should you require any further information or clarification in relation to this matter, please contact the undersigned on 9221 1991.

Yours faithfully,

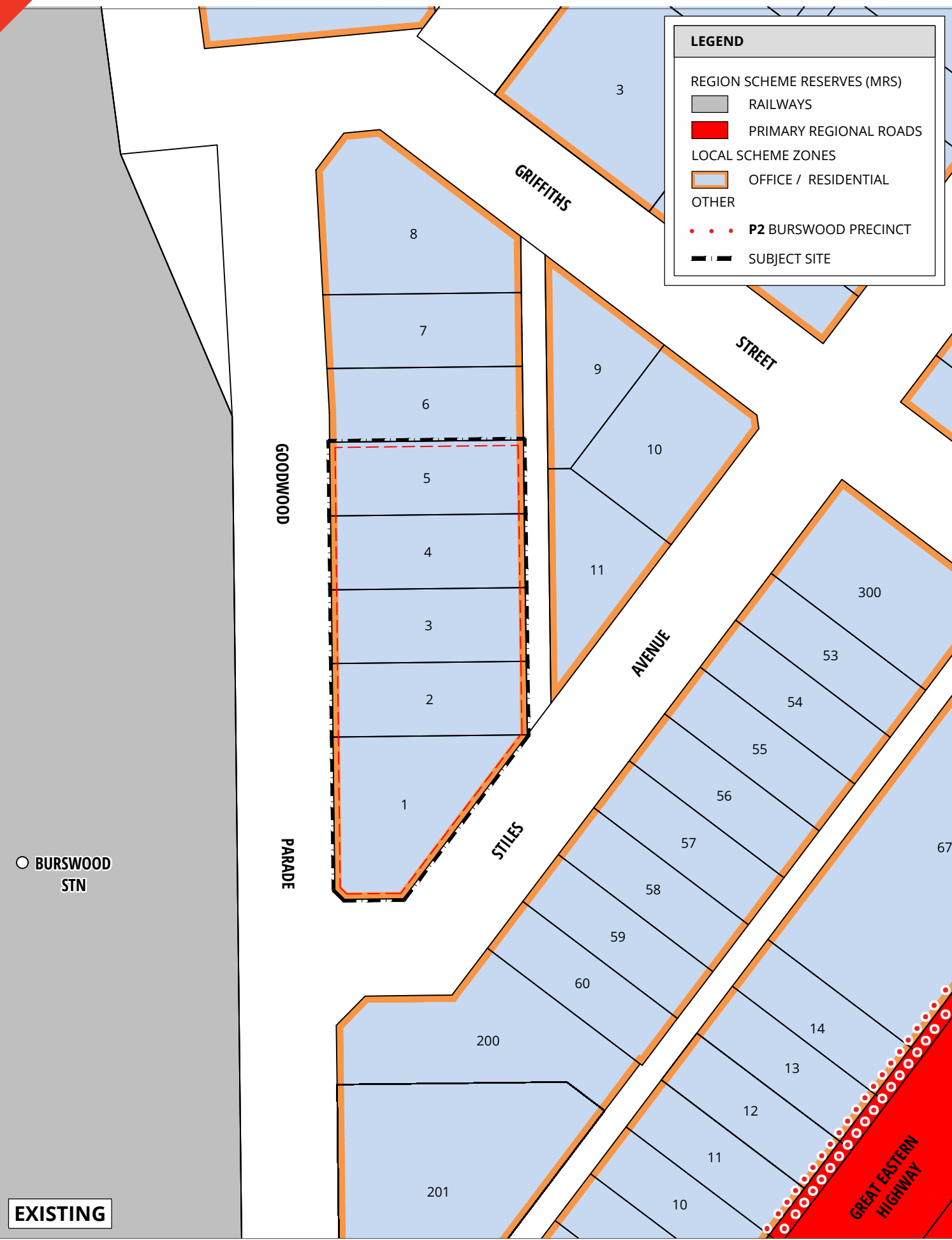
Jeremy Hofland
Rowe Group



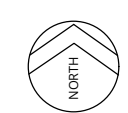
Attachment One

Extract from LPS 1 Scheme Map illustrating the proposed Amendment

While all care has been taken in the compilation of this document, Rowe Group disclaims any responsibility for any errors or omissions. This document is and remains the property of Rowe Group and may not be reproduced or transmitted, in whole or in part, without the written consent of Rowe Group. All areas and dimensions are subject to survey.



PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO.1
 LOTS 98,100,102 & 104 GOODWOOD PARADE
 BURSWOOD



0 25 m
 SCALE @ A3: 1:1000
9437-FIG-05-A



19500_FIG05A_20211111_Burswood (LPS Amendment) - DRAWN: W. CLEMENTS - DATE CREATED: 2021.11.30 - PROJECTION: MGA50 GD/AS4 - N:\TOWN PLANNING\9400-9999\9500\DRAWING\FIG-05-A - VEH: RAMHALAWON - 2021.12.03