



# Town of Victoria Park

## Review of Burswood Lakes Structure Plan

June 2020

## 1. Introduction

The Burswood Lakes Structure Plan was approved by the WAPC in April 2003.

The purpose of the Structure Plan is to guide the development of the land at Burswood Lakes (now known as The Peninsula), with the Town Planning Scheme no. 1 Precinct Plan P2 'Burswood Precinct' requiring that that development within the area is to be generally consistent with the approved Structure Plan.

Within the 17 years that has passed since the original adoption of the Structure Plan, there have been many changes that occurred in relation to the surrounding built environment and changes to relevant strategic and statutory planning frameworks. Additionally a number of issues have emerged which require further consideration holistically.

There has been no comprehensive review of the Structure Plan since its approval in April 2003, although two amendments have been approved.

The Town's Corporate Business Plan identifies the following relevant actions :

- that in the 2019/20 financial year the Town will review the Burswood Lakes Structure Plan.
- That in the 2021/22 financial year the Town will amend the Town Planning Scheme provisions related to the Burswood Lakes Structure Plan.

The purpose of this review is to fulfil the commitment to review the Burswood Lakes Structure Plan in 2019/20. This review comprises a desktop review involving a review of relevant documents and approvals.

Based on the commentary in this review report, it is recommended that the Burswood Lakes Structure Plan be amended.

## 2. The Structure Plan

The Burswood Lakes Structure Plan was approved by the WAPC in April 2003.

The operative provisions of the Scheme of the time, required that development within the area be generally consistent with a Structure Plan approved and amended from time to time by the Council and the Western Australian Planning Commission (WAPC). The Scheme stated the need for the Structure Plan as being :

Planning Commission. The Structure Plan would indicate broad land use options for the development and subdivision and provide a policy framework for future subdivision and development. The approved Structure Plan will form the basis of Council's determination of applications for subdivision and development of land within the Precinct. In considering a

Accordingly, the Burswood Lakes Structure Plan was prepared and approved by Council and the WAPC.

The stated objectives of the Structure Plan are :

- **An Evolving Place**  
To create a place for the 21st Century, appropriate to its location, that will evolve through viable stages.
- **Links to the Town of Victoria Park**  
To forge social, commercial and physical links with Burswood Lakes and the community of Victoria Park.
- **Built Form and Response to Setting**  
To create a place that fits within the urban fabric and setting.
- **Connectivity and Transport Orientated Design**  
To create a well-connected place.
- **Importance of Public Place: the Public Realm**  
To create an accessible and useable public realm.
- **Sustainability**  
To create a development that conserves resources, takes advantage of natural amenities, and encourages a diverse residential community that will contribute to the social and cultural life of the Town of Victoria Park. In addition, to make the best use of a valuable urban land resource and contribute to local economic growth.

The Structure Plan comprises three parts as follows :

- **Part A - The Structure Plan Rationale**  
The Rationale is the background and supporting documentation that has been prepared to justify the Structure Plan and the Scheme Amendment. This document provides an Indicative Development Plan (Fig. 18, p.67) that identifies the development consortium's intent for the Special Use Zone.

- **Part B - The Structure Plan**

The Structure Plan details the requirements in the Burswood Precinct Plan P2 that forms part of the Town Planning Scheme. It provides a framework for future subdivision and development.

- **Part C - Precinct Plan Amendment**

It is necessary to vary some standards in Precinct Plan P2 to allow the development of an urban neighbourhood at Burswood. Part C is the document necessary to initiate that amendment. The amended provisions are set out in the Appendices.

As per Part C of the Structure Plan, amendments to Precinct Plan P2 occurred by way of Scheme Amendments 28 and 29 to ensure that the development standards/requirements under the Precinct Plan would be consistent with, and deliver the outcomes envisaged under the Structure Plan.

Notable features of Part B of the Structure Plan include :

- Indicative Development Plan – Figure 18.
- Structure Plan at Figure 19 indicating the general layout of the development, lot sizes, proposed uses, dwelling numbers, building heights and plot ratios.
- Building envelopes – Figures 24 to 29.
- Public realm and subdivision standards – section 4.0.
- Maximum dwelling number of 1250 across the development – section 4.4.
- Commitments by the developer at section 4.12 including a commitment to manage and maintain all roads, public open space and landscaped areas until all 25 lots are developed.

The following amendments to the Structure Plan have been approved by the WAPC :

<b>Date of approval of amendment</b>	<b>Subject lots</b>	<b>Purpose of Amendment</b>
11 March 2014 – Ordinary Council Meeting	Lot 10	Increase in dwelling density to 176 units; inclusion of Office use
27 September 2017 – WAPC	Lots 9 and 25 (also known as Lot 9525)	Modify land uses and increase dwelling yield, building height and plot ratio for these lots.

A significant proportion of the development in the Structure Plan area has been completed as per the following table :

<b>Completed development</b>	
	Number of dwellings constructed
Lot 2	0
Lot 4	7
Lot 5	13
Lot 6	14
Lot 7	11
Lot 8	17
Lot 11	133
Lot 12	116
Lot 13	87
Lot 14	7
Lot 15	8
Lot 18	7
Lot 19	89
Lot 20	61
Lot 23	26
Lot 24	30
	Total of 626 dwellings

### 3. Changed built environment

The images below depict the existing local context at the time that the Burswood Lakes Structure Plan was developed, and that proposed :



*Aerial view of the Burswood Lakes site, with the Towns of Victoria Park and Belmont in the foreground, Burswood Resort and Casino adjacent, and Perth CBD beyond*



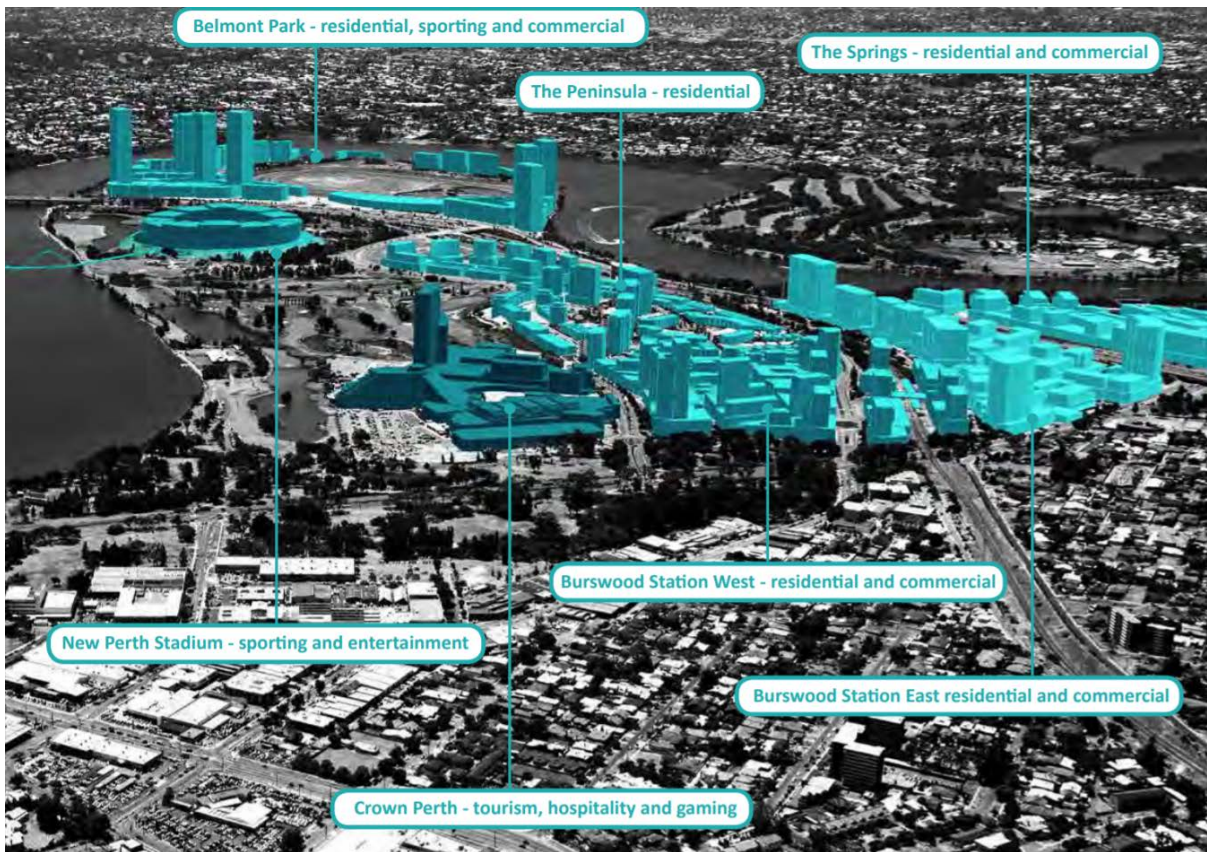


Since the adoption of the Structure Plan in 2003, there have been significant changes to the nature of the surrounding land uses, most of which were not anticipated when the Structure Plan was developed, namely :

- Perth Stadium
- Closure of the adjacent public golf course;
- Crown Towers Hotel;
- Belmont Park Racecourse redevelopment.

Additionally closure and demolition of the Burswood Dome was anticipated and has now occurred.

The net impact of these changes is that Burswood Lakes sits within a very different local context to when the Structure Plan was prepared. Accordingly there is a need for the Structure Plan to be amended to ensure that the remaining lots are developed in a manner that is appropriate to the changed context that the area sits within. The image below from the Burswood Peninsula District Planning Framework illustrates this.



## 4. Strategic planning changes

In the 17 years since the initial adoption of the Burswood Lakes Structure Plan, there has been significant pieces of strategic planning work completed or progressed by either the State or the Town, which have implications for the land within the Structure Plan area either directly or indirectly, as documented below.

### 4.1 Directions 2031 and Beyond and Central Sub-Regional Planning Framework

Status – Approved 2018

Purpose/Objectives

Extracts as follows :

The State governments' metropolitan planning strategy and sub-regional framework provides the broad spatial layout for infill residential, commercial development and protection of significant green assets, as well as infill dwelling targets for local government areas.



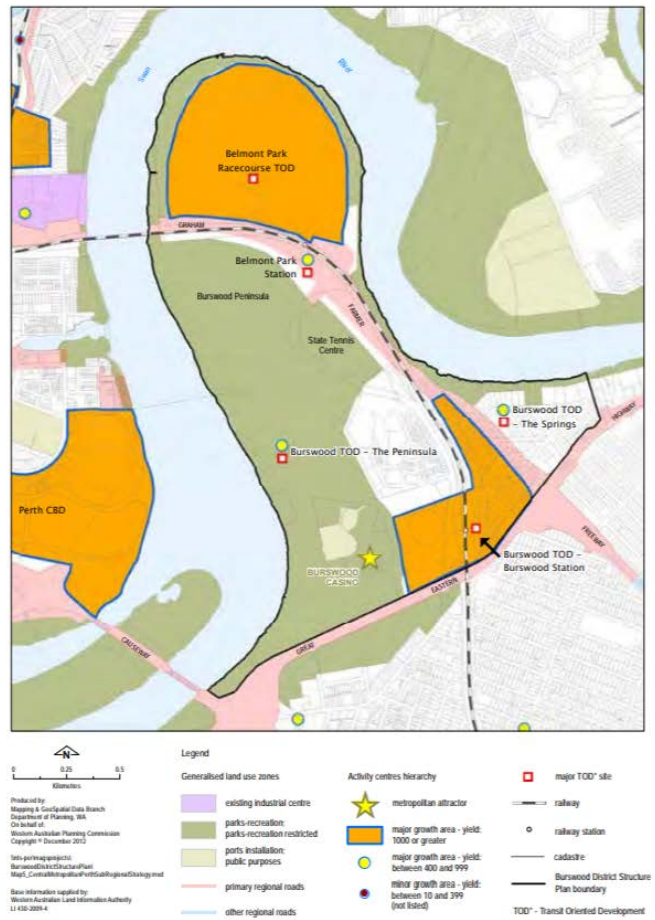
## Relevant content/recommendations for the Structure Plan area

Extracts as follows :

### S1.2 DIRECTIONS 2031 AND BEYOND

The *Central Metropolitan Perth Sub-regional Strategy* has been released by the WAPC as a key implementation initiative of Directions 2031 and Beyond. The strategy identifies the following key elements:

- Belmont Park and Burswood railway stations are identified as the location for future major transit-oriented developments
- Belmont Park and the Burswood Station East and West precincts are identified as major growth areas (yielding approximately 1,000 dwellings or greater)
- The Springs, The Peninsula and the area to the south of Belmont station are identified as minor growth areas (yielding up to 400 dwellings)
- Burswood TOD is identified as a district centre. District centres generally serve the main weekly household shopping, service and community needs of the district. They are predominantly retail focused but many also include a limited mix of other uses.
- The Crown Perth complex is identified as a significant metropolitan attractor. Metropolitan attractors are places that generate economic and tourism activities. Metropolitan attractors are not recognised in the activity centres hierarchy due to their limited mix of uses yet they generate significant transport, infrastructure and other planning requirements. They typically attract large volumes of visitors, leading to employment growth and economic activity.



The State government's previous metropolitan planning strategy Directions 2031 and Beyond (WAPC, 2010) set an infill development target to develop 47% of the total new dwellings to 2031 for the Perth metropolitan region, to be developed in existing urban areas.

On that basis, the updated metropolitan strategy Perth and Peel @ 3.5 million (WAPC, 2018) updated infill dwelling target for each local government in the Central sub-region to accommodate a total of 215,000 new dwellings to 2050.

The Town's infill dwelling target is 35,090 dwellings by 2050, which equates to around 77,230 residents (1). At the 2016 Census, the Town had 16,946 dwelling and 36,647 residents. As such, the Local Planning Strategy must demonstrate how the

## 4.2 Burswood Peninsula District Planning Framework

Status – Approved by the WAPC in March 2015

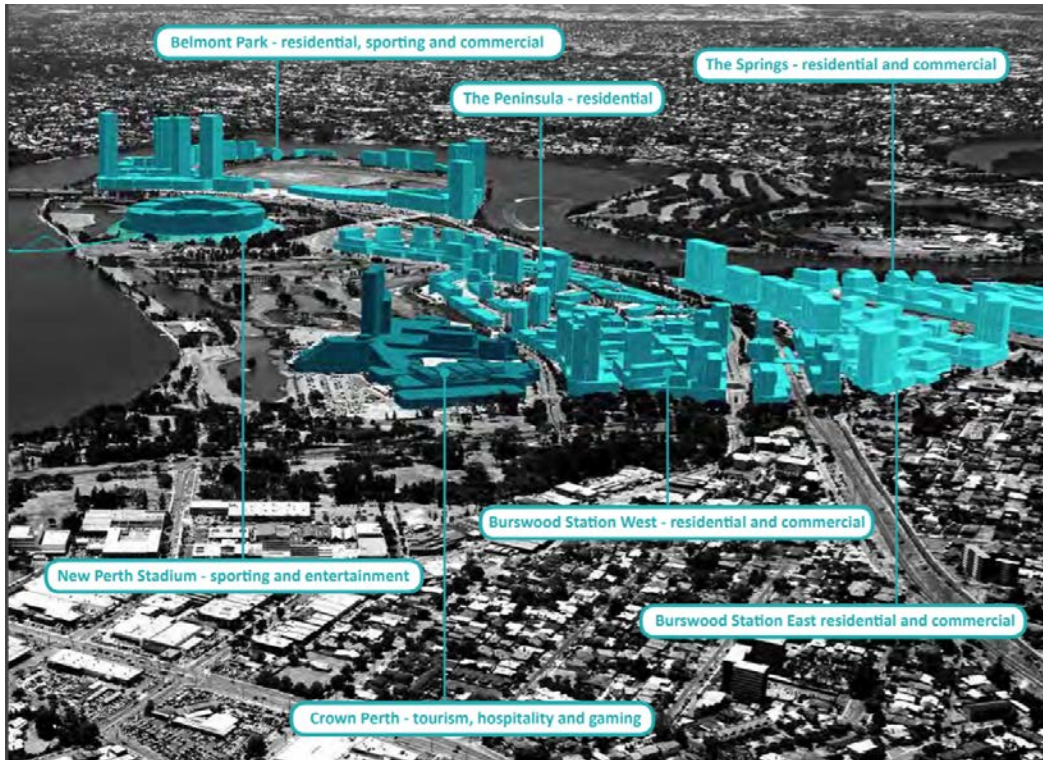
### Purpose/Objectives

Extracts as follows :

- place Burswood Peninsula in its regional context and identify any factors that might influence the future planning and development of the area;
- confirm the role and function of Burswood Peninsula in the context of the State Government’s metropolitan planning strategy, *Directions 2031*;
- develop a spatial plan that defines planning and development precincts, and informs the preparation of local structure plans, planning scheme amendments, and statutory planning and development proposals;
- identify existing environmental and geotechnical site conditions and confirm what additional studies and investigations are necessary to support planning and development decisions;
- identify any social and community infrastructure that will be necessary to support the proposed new development; and
- identify any services and infrastructure constraints, and options for the coordinated delivery of additional capacity to the area.

The Burswood DSP will be used by both State and local government to inform planning and development decisions across the Burswood Peninsula.

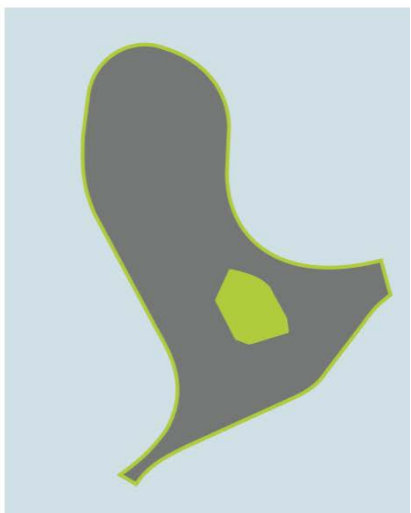
Long term vision for the Precinct is illustrated below :



### Relevant content/recommendations for the Structure Plan area

- Depicts the land uses being 'Residential – high density' (dark brown); 'Residential – medium density' (light brown); and Mixed Use (blue).







### Precinct Character

- A medium to high density residential neighbourhood being developed by Mirvac and setting a new benchmark for residential development on Burswood Peninsula.
- A series of apartment towers ranging from 12 to 21 storeys are being developed along a central arc through the site to maximise river and city views to the west.
- Medium density terrace, townhouse and low-rise apartment development occupies the remainder of the site, fronting a series of high quality public parks and landscaped spaces.

### Key Features

- Approximately 1,200 dwellings.
- Approximately 2,300 residents.
- 1,000m<sup>2</sup> of retail/commercial.

*Note: development yields are estimates only and are subject to detailed planning and design.*

### Status / Next Steps

- Masterplanned and developed by Mirvac.
- Approximately 70 percent complete with the remaining apartments and townhouses to be delivered over the next five years.

## The Peninsula

### 6.1 IMPLEMENTATION TABLE

#### GOVERNANCE & PLANNING

ITEM	DESCRIPTION	RESPONSIBILITY
<b>Planning and Approvals</b>		
Belmont Park	Prepare Detailed Area Plans for approval by the Town of Victoria Park	GG
New Perth Stadium	Undertake construction in accordance with approved Management Plan	SP
Stadium South	Prepare local structure plan	DSR/DOP/TOVP
Belmont Station South	Prepare precinct masterplan (long term)	DSR/DOP/TOVP
The Peninsula	Obtain remaining planning and development approvals	MIRVAC

## 4.3 Draft Local Planning Strategy

Status – Draft form – with WAPC for consent to advertise.

### Purpose/Objectives

Extracts below :

The *Local Planning Strategy* sets the strategic direction for urban planning and development for the next 10 to 15 years, by:

1. guiding where and how the Town will provide for an additional 18,200 dwellings to 2050 to meet the State government's infill dwelling targets, and
2. providing direction for zones and development requirements written into a new *Local Planning Scheme No.2*.

The *Local Planning Strategy* guides the land use, development and subdivision decision-making of the Town and State Government. The *Local Planning Strategy* outlines how the Town will implement the strategic directions of the other major Council strategies (called "Informing Strategies") through the planning system.

## Relevant content/recommendations for the Structure Plan area

Extracts below :

### The key recommendations for Precincts are (summarised):

#### Burswood Peninsula

- Work with the Department for Education to plan for a primary school.
- Revise the *Burswood Lakes Structure Plan*.
- Revise the *Belmont Park Racecourse Redevelopment Structure Plan* prior to its expiry in October 2025.

### Figure 3.3 - Capacity for additional dwellings

Activity Centres (Albany Highway, Curtin-Bentley, Burswood, Burswood South (Causeway), Oats Street station, Carlisle station and Berwick-Canning precinct)	22,220 dwellings (93%)
Infill residential areas (outside of activity centres and strategic development sites)	1,521 dwellings (6%)
Strategic development sites (as identified in the Town's 2015 population and dwelling forecasts)	275 dwellings (1%)
<b>Total- additional dwellings</b>	<b>24,016 dwellings</b>

The Burswood Peninsula Precinct is the entertainment hub of the Town of Victoria Park, home to some of the State's biggest tourist attractions, including Crown Perth, Optus Stadium, Belmont Park Racecourse and the State Tennis Centre. Surrounded by parkland, the Peninsula is just three kilometres from the CBD and connected to East Perth by Matagarup Bridge. The long term vision for Burswood Peninsula is to create an attractive, vibrant and sustainable urban setting, with a diverse mix of housing, recreation, entertainment, tourism and employment opportunities.<sup>1</sup>



1. WA Planning Commission. *Burswood Peninsula District Structure Plan*. 2015

Figure 9.1 - Burswood Peninsula LPS Precinct

## Revise the Burswood Lakes Structure Plan

The WA Planning Commission approved an amendment to the *Burswood Lakes Structure Plan* in 2016, which increased residential yields and allows for a hotel and serviced apartments on Lots 9 and 9592 Victoria Park Drive, Burswood. As such,

the Structure Plan requires review to re-confirm infrastructure servicing and road capacity and requirements.

The objectives for the Burswood Peninsula LPS Precinct are:

- 9.1. To support the ongoing development of a regional destination that offers a mix of world-class visitor activities, experiences and accommodation.
- 9.2. To support the development of socially and environmentally sustainable and inclusive higher density, mixed use urban neighbourhoods that reflect the unique context of the Peninsula.
- 9.3. To promote the coordinated and integrated planning and delivery of social, economic and environmental infrastructure across sub-precincts and planning jurisdictions to maximise benefits for current and future generations.

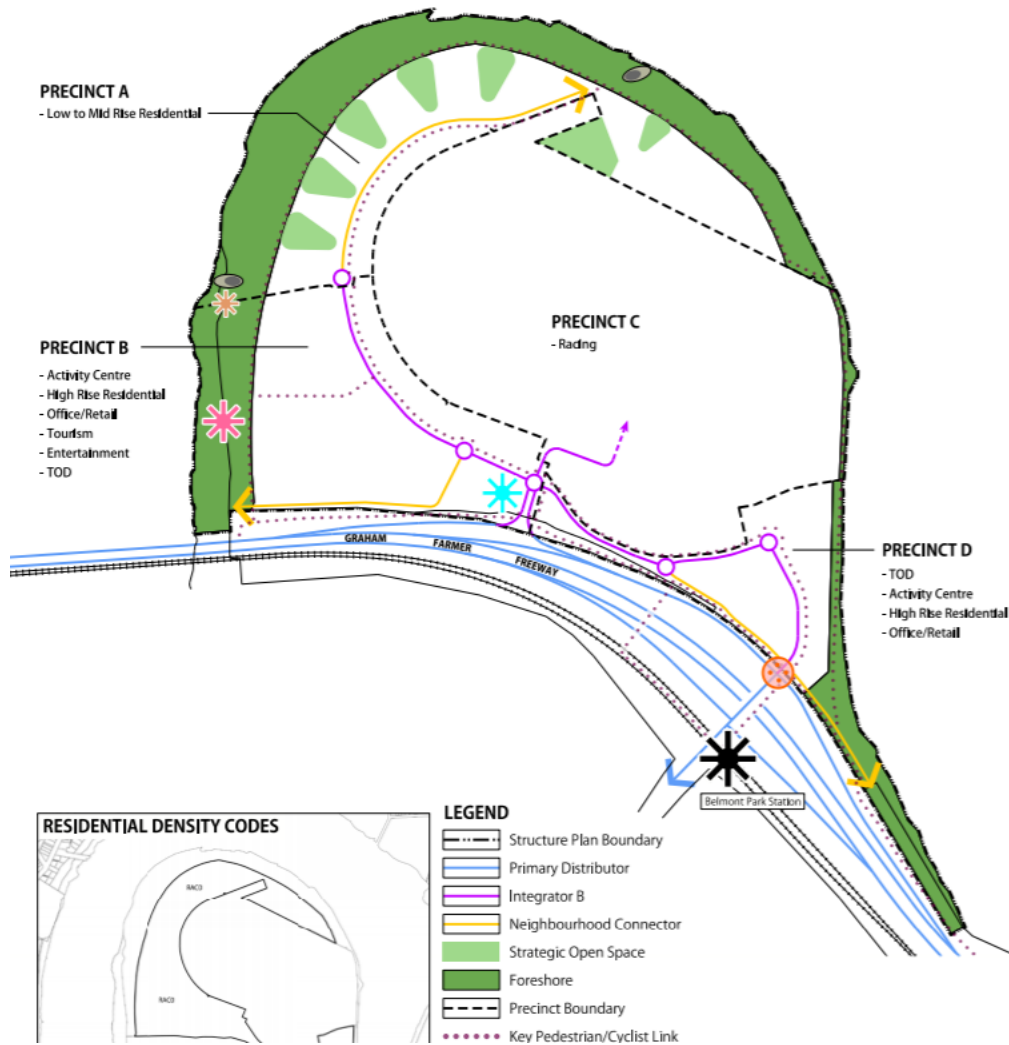
ACTION	TIMEFRAME
<b>Strategic Planning</b>	
9.1 Liaise with the Department for Planning, Lands and Heritage regarding the potential for a review of the Burswood District Structure Plan and resolution of issues as outlined in this Chapter.	SHORT-TERM
9.2 Liaise with the Department of Education to progress planning for future primary education services and identification of a suitable site for a primary school facility.	SHORT-TERM
9.3 Review the Burswood Lakes Structure Plan in light of recent TPS No.1 amendments.	SHORT-TERM
9.4 Work with the landowners to revise the Belmont Park Racecourse Redevelopment Structure Plan prior to its expiry in October 2025.	LONG-TERM
<b>Local Planning Scheme No.2 (LPS No.2) and Local Planning Policies</b>	
9.5 Work with landowners and the Department for Planning, Lands and Heritage to transition the existing planning framework into LPS No.2 by: <ul style="list-style-type: none"> <li>• identifying the most appropriate Model Scheme Text zone and overlays for structure plan areas (such as Urban Development Zone with Special Control Area overlay), identifying development requirements that should be included in LPS No.2 and where required, update structure plans / local development plans to ensure consistency with the Planning Regulations and the Residential Planning Codes (Volumes 1 and 2); and</li> <li>• identifying the most appropriate zone for the Burswood Station East sub-precinct that facilitates redevelopment for medium to high density mixed use.</li> </ul>	SHORT-TERM
9.4. Transition TPS No.1 zones/reserves, R-Code densities, special provisions and development requirements to LPS No.2. Include a new provision in LPS No.2 that requires a Retail Sustainability Assessment for retail proposals over 5,000 sqm.	SHORT-TERM

## 4.4 Belmont Park Racecourse Redevelopment Structure Plan

Status – Approved by WAPC

Relevant features

Extracts below :



The Structure Plan defines the land use composition for the site. It proposes a diverse mix of land uses ranging from retail and commercial to entertainment, cultural, tourism and civic land uses and high density residential developments. The intent of the land use mix is to facilitate a vibrant, diverse, interactive and safe neighbourhoods.

The broad land use categories are:

- Racing
- Retail
- Commercial
- Residential
- Public Open Space
- Regional Open Space, and
- Roads



## 8.4.2 Retail and Commercial

The Structure Plan proposes that the south eastern area of the site focus on transit orientated development such as high density residential and employment generating land uses whilst the south western area of the site incorporate the focus of retail in the form of a shopping centre.

Retail sustainability assessment undertaken by MacroPlan (Appendix 8) has identified the potential for approximately 31,000m<sup>2</sup> of retail and approximately 60,000m<sup>2</sup> of commercial/office land uses over the site. This level of retail and commercial equates to a district level activity centre.

### Estimated Number of Dwellings

The following table provides a summary of the estimated dwelling yields:

Table 2: Estimated Dwelling Yields

<b>Precinct</b>	<b>Dwelling Yield</b>
Precinct A	950
Precinct B	2050
Precinct C	0
Precinct D	1500
<b>TOTAL</b>	<b>4500</b>

The dwelling yields are indicative only and are subject to future response to market demands.



FIGURE 33: BUILT FORM HEIGHT

## 4.5 Burswood Station East – Scheme Amendment 82 and draft Local Planning Policy

Status – Initiated by Council – future public consultation

Key features

Extracts below :

The purpose of Scheme Amendment 82 is:

- To ensure ongoing provision of public open space in the Burswood Station East (“BSE”) precinct through reserving three parcels of land owned by the Town of Victoria Park for “Parks and Recreation”;
- To achieve better alignment with the overarching vision of the strategic planning framework for the precinct;
- To achieve better alignment with State Planning Policy 7.3 Residential Design Codes Volume 2 (“SPP7.3”); and
- To improve certainty for landowners by providing greater guidance on the use of discretion in determining development applications in the BSE Precinct, particularly in relation to building height.

Scheme Amendment 82 does not propose to amend the existing zoning for the BSE Precinct (with the exception of those lots proposed to be reserved for public open space) or the development intent of the Precinct Plan.

The proposed amended provisions of the Precinct Plan provide the basic parameters for development in the BSE Precinct where these are proposed to vary from SPP7.3. The Town will prepare a Local Planning Policy to provide further guidance on the use of discretion in the Precinct, particularly in relation to building façade design and development higher than six storeys.

Precinct Plan P2 Sheet A: Development Standards 3. Residential Density	Provisions amended to make reference to R-AC3 and R80 density codings.	Density will be determined by the R-AC3 (multiple dwellings and mixed use developments) or R80 (grouped dwellings and single dwellings) designation provided under “Development Standards”. The R-AC3 coding under SPP7.3 has been applied as the primary controls for this coding are most aligned with the baseline development standards in BSE. Reference to the R80 coding has been retained as the Scheme contemplates single and grouped dwelling development, which are assessed under SPP3.1 (Residential Design Codes).
Precinct Plan P2 Sheet A: Development Standards 1. Plot	Provisions relating to Plot Ratio and Building Height combined in one section.	The proposed maximum base height and plot ratio creates consistency with the R-AC3 designation. The 6 storey baseline height limit has been

Ratio; and Precinct Plan P2 Sheet A: Development Standards 2. Building Height	The maximum permitted base building height is amended from 15m (approximately 4 storeys) to 6 storeys, with plot ratio of 2.0.	supported by overshadowing modelling to determine an appropriate building scale for the Precinct. Six storeys is considered to be the base for acceptable maximum height, with any additional proposed height to be assessed in accordance with incentive-based provisions in a future LPP. Providing this additional guidance gives greater certainty as to how building height will be assessed and determined.
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The anticipated yield of infill development in BSE (combined with the railway line, which is not included within this Scheme Amendment) is harmonious with the anticipated yields identified in the BDSP for the BSE Precinct and Burswood Station West combined:

- 3,705 dwellings represents 80% of the dwelling numbers provided in the BDSP. The characteristics and constraints of the BSE Precinct likely make it more desirable for residential development than Burswood Station West, which enjoys greater exposure to high-traffic areas, closer proximity to the Crown Complex and Optus Stadium, and further away from The Springs residential development.
- 5,000m<sup>2</sup> of retail floorspace and 160,000m<sup>2</sup> of commercial floorspace, representing 17% and 53% of the combined BSE and Burswood Station West yields in the BDSP. The low percentage of overall target retail space is appropriate as the Burswood Station West Precinct is likely to be a more desirable location for retail uses. Notwithstanding this, the proposed amendments to the Precinct Plan do not impose any requirements for the location or size of retail and commercial spaces. Instead the future LPP will provide guidance for new development to be designed for flexibility and adaptation to different uses over time. This will allow for expansion and contraction of retail floorspace in response to market demand, rather than mandating substantial areas of retail floorspace on the groundfloor if demand is not actually there.

## 5. Statutory Planning changes

In the 17 years since the initial adoption of the Burswood Lakes Structure Plan, there have also been significant changes to the statutory planning framework which have had implications for the Structure Plan and development within the Structure Plan area, as follows :

### 5.1 Planning and Development (Local Planning Schemes) Regulations 2015



Status – Gazetted on 4 October 2015.

Relevance

- Introduced deemed provisions that are automatically incorporated into every local planning scheme across the State. This includes deemed provisions relating to the preparation, modification and adoption of Structure Plans.
- The introduction of the Regulations has changed the weight and status afforded to Local Structure Plans such that they :
  - No longer form part of the Local Planning Scheme; and are
  - No longer given statutory significance, with decision makers to instead give “due regard” to Local Structure Plans when determining development applications.
- Accordingly the Burswood Lakes Structure Plan no longer forms part of the Scheme, and is to only be given due regard.

## **5.2 Amendment 75 to the Town of Victoria Park Town Planning Scheme No. 1**

Status – Gazetted on 23 June 2017

Relevance

- Removed or amended provisions, references and schedules in the Scheme that have been superseded or amended by the deemed provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- This included amending Precinct Plan P2 ‘Burswood Precinct’ to ensure that the provisions for the Special Use zone relating to Structure Plans are consistent with the deemed provisions relating to Structure Plans.

## **5.3 Design WA suite of documents**

Status – Gazetted on 24 May 2019

Relevance

- State Planning Policy 7.0 ‘Design of the Built Environment’ elevates the importance of design quality in the built environment. It includes 10 principles for good design and has application throughout the planning system including Structure Plans and development applications.
- State Planning Policy 7.3 Residential Design Codes, Volume 2 ‘Apartments’ (the Apartment Codes) is a policy for apartments and mixed-use developments which focuses on improving design outcomes for apartments. It is a

performance based policy that is applied in the assessment of development applications. The policy contains a series of design elements, each dealing with a different aspect of building siting and design, with applicants needing to demonstrate how they satisfy the objective for each design element.

- The Apartment Codes include a number of design elements already contained within the Town's Local Planning Policy 9 'Design Guidelines for Burswood Lakes'. Accordingly, it may be appropriate to revoke the Town's Local Planning Policy and revert to the provisions of the Apartment Codes.

## 6 Relevant statutory approvals

### 6.1 2014 approved amendment to the Burswood Lakes Structure Plan for Lot 10

#### Status

Approved at Ordinary Council Meeting on 11 March 2014.

#### Summary

Increase in dwelling density from 106 units to 176 units; inclusion of Office use

#### Relevant matters

- The variation to the Structure Plan was advertised concurrently with a development application. A total of 57 submissions were received. Common concerns included :
  - Increase in density and proposed parking shortfall will add to existing parking problems in the estate.
  - Concern regarding the number of single bedroom dwellings.
  - Residents bought into the estate on the basis that the Structure Plan provides a level of certainty as to the development of the other lots, and consequently they feel deceived by the developer.
- On the matter of dwelling density, Mirvac stated the following :

*The Burswood Lakes Structure Plan (and Precinct Plan P2) stipulates that the total maximum dwelling numbers permitted in the special use zone (i.e. the total Burswood Peninsula development site) is not to exceed 1,250 dwellings. It is worth noting that while six sites remain undeveloped, the total number of dwellings falls short of this approved yield, with Tower 6 contributing to a broader overall density within the approved structure plan. Mirvac has delivered 604 dwellings in The Peninsula to date, which leaves 646 dwellings to be delivered by Tower 6 and remaining undeveloped sites. This represents sufficient capacity to develop all remaining sites to their full potential yield under the Structure Plan, without being prejudiced by the delivery of up to 179 dwellings in Tower 6.*

- Also on the matter of dwelling density, the Officers report stated :

Based upon as-constructed dwelling numbers and projected dwelling numbers for the remaining sites, Mirvac currently estimate that a total of 1,073 – 1,145 dwellings will be constructed, being approximately 100 - 180 dwellings below that allowable under the Structure Plan. It is acknowledged that this is an estimate only and may change dependent upon factors such as market conditions.

The proposed increase in the maximum allowable dwelling numbers for Lot 10 can therefore be accommodated within the allowable density across the whole of The Peninsula.

- On the matter of the inclusion of an Office land use :

The request for a Structure Plan variation proposes to include a 170m<sup>2</sup> Office component in an area that was previously approved for an access ramp and car parking. From a street surveillance and activation perspective, the inclusion of a street front Office space is a good outcome and will activate this corner of the site. The Office area will be only 170m<sup>2</sup> and is therefore not significant size, nor will it generate significant traffic movement, with car parking provision for the Office being considered as part of the application for planning approval.

It is considered that the inclusion of a 170m<sup>2</sup> Office space will improve the ground level activation onto Bow River Crescent, and will not prejudice the progressive redevelopment of the Precinct.

- In relation to the dwelling mix :

The dwelling mix referred to in the Structure Plan is indicative only. The Structure Plan does not require that these dwelling mixes be adhered to. Furthermore the proposed dwelling mix complies with the Residential Design Codes.

- In relation to the perceived certainty provided by the Structure Plan :

Acknowledged. The Structure Plan is not a static document, and the Town Planning Scheme provides that significant variations can be made to the Structure Plan, with Council's approval. Notwithstanding the requested variations, the Structure Plan does provide a level of certainty regarding the size, location and form of the building envelope.

## **6.2 2017 approved amendment to the Burswood Lakes Structure Plan for Lots 9 and 9525**

### Status

Approved by the WAPC on 27 September 2017.

### Summary

The following summary is extracted from the relevant Council report :

Summary of Previous and Current Proposals for Lot 9:

Requirements for Lot 9	Existing Structure Plan	Refused 2009 Amendment	Original Amendment (Feb 2016)	Revised Amendment (Jul 2016)
Maximum dwellings	60 dwellings	228 dwellings	392 dwellings/units	353 dwellings (incl. 13 townhouses)
Maximum storeys	6 storeys	18 storeys	Podium – 2 storeys Tower 1 – 19 storeys Tower 2 – 19 storeys	Podium - 2-4 storeys Tower 1 - 10 storeys Tower 2 – 24 storeys
Maximum height	21 metres	63 metres	56 metres	75 metres
Plot ratio	1.36	3.3	4	4
Land Use	Dwelling permitted. Hotel & Serviced Apartment uses prohibited.	As per existing structure plan	To permit Hotel & Serviced Apartment uses	Dwellings (permanent accommodation)
Vehicular Access	Not designated	Not designated	Bow River Crescent	Victoria Park Drive

Summary of Previous and Current Proposals for Lot 9525:

Requirements for Lot 9525	Existing Structure Plan	Refused 2009 Amendment	Original Amendment (Feb 2016)	Revised Amendment (Jul 2016)
Maximum dwellings	5 dwellings	127 dwellings in lieu of 5	192 dwellings/units	208 units/hotel rooms
Maximum storeys	5 storeys	15 storeys	Podium – 2 storeys Tower – 14 storeys	Podium – 2 storeys Tower – 16 storeys
Maximum height	17.5 metres	52 metres	41.5 metres	51 metres
Plot ratio	0.91	2.75	1.92	2.3
Land Use	Dwellings permitted. Hotel & Serviced Apartment uses prohibited.	127 dwellings in lieu of 5	To permit Hotel & Serviced Apartments uses	To permit Hotel and Serviced Apartments uses
Vehicular Access	Not designated	Not designated	Victoria Park Drive	Victoria Park Drive



## Relevant matters

- The subject lots, Lots 9 and 9525, were previously owned by BL Developments, being a joint venture comprising Burswood Ltd and Mirvac. In June 2007, ownership of these lots was transferred from BL Developments to EG Custodian Services.
- The proposal was the subject of community consultation. Some of the community sentiment that was expressed, through a Community Information Session and written submissions included :
  - Does the applicant's traffic study consider the whole of the precinct, and does it consider the outcomes of the full build out of the precinct, or only current levels of traffic?
  - "Like death by 100 cuts". We as residents continually feel like the State Government and developers are ramming high density development into the area without consideration for the existing residents who bought into the area based on an agreed local structure plan that set our expectations and provided certainty about the future of the area.
  - We continually voice our concerns and objections to deviations from the structure plan, however we feel unheard and that our concerns are continually dismissed at the expense of big business interests and the State Government.
  - The structure plan caps the total number of dwellings to 1,250. There are already approximately 600 dwellings within the estate, which is not yet fully built out. The application proposes to increase the number of dwellings on Lots 9 and 9525 from a total of 6 dwellings for both sites to almost 600!
  - So almost half the entire number of dwellings supposed to be constructed in the area are now being proposed on two lots with this proposal! This is incredible! The Town should not support this!
- Other common concerns included :
  - The traffic and car parking implications of the significant increase in density.
  - No alteration to the Structure Plan should be permitted noting that owners bought into the area on the basis of the amenity and certainty provided by the Structure Plan.
  - Inappropriate scale of development.
  - Likely exceedance of the 1250 dwelling limit under the Structure Plan. An increase in density should not be considered with a comprehensive review of the Structure Plan.

The views expressed by many in the community were that the proposal would represent improper and disorderly planning if approved, and would allow for a grossly oversized and extreme development outcome to be realised on the sites, to the detriment of existing residents' lifestyles, amenity, traffic conditions and property values. In summary, the majority of objections expressed a view that the proposal would further erode and harm the character of the community that existing residents have come to enjoy (and hope to be maintained or enhanced in the future), and which they feel has already been significantly impacted upon by the Crown Towers and Perth Stadium developments.

Notwithstanding the views of the community, the Officer recommendation must be based on sound planning considerations having regard to the metropolitan and local statutory and strategic planning policy framework. It would be unrealistic for residents to hold the view that the Burswood Peninsula (and by extension the existing Mirvac estate) will remain as is indefinitely given the very significant development potential of the area, its proximity to the Perth CBD and excellent accessibility to public transport. The reality is that the Peninsula, its visitors and the community that resides within it, will continue to change, diversify and grow over time. However, it is the view of Council Officers that such change and growth should occur in a coordinated, holistic manner through completion of the detailed local structure planning called for by the Burswood Peninsula District Structure Plan. This would provide both the community and decision makers with the confidence of understanding what the future context and character of the area is likely to comprise, and provide a sound framework to consider and assess the implications of large-scale development proposals.

The magnitude and scale of the proposal will impact the Burswood Station West precinct as a whole, with the potential to compromise development outcomes for sites elsewhere within the precinct. The proposal is aligned with the broad intent for the Burswood Station West precinct under the Burswood Peninsula District Structure Plan and should therefore only be considered following, or as part of, the local structure planning required for this precinct, which is yet to be completed. Accordingly, it remains unknown whether development of the scale proposed for these sites is appropriate or feasible.

Accordingly, it is considered that the approval of such a significant uplift in development potential for Lots 9 and 9525 in the absence of an adopted Local Structure Plan for the Burswood Station West Precinct is fundamentally premature and inconsistent with the orderly and proper planning of the locality.

### **6.3 Scheme Amendment 79 – Modifying TPS 1 to be consistent with the amendment to the Burswood Lakes Structure Plan for Lots 9 and 9525**

#### Status

Gazetted on 25 January 2019.

#### Summary

Amending Precinct Plan P2 'Burswood Precinct' to reflect the approved amendment to the Burswood Lakes Structure Plan, namely the development standards specified in the Precinct Plan for Lots 9 and 9525 in respect to dwelling numbers, plot ratio, building height and land use permissibility.

#### Relevant matters

The following is extracted from the Scheme Amendment report :

It is considered appropriate that Council undertake the necessary amendments to the TPS1 Precinct Plan P2 (Sheet B) to provide consistency between the recently approved amendment to the Burswood Lakes Structure Plan and TPS1.

Clause 76 of the *Planning and Development Act 2005* states that the Minister for Planning may order a local government to prepare or adopt an amendment to its local planning scheme, where satisfied on any representation from any person that the local government has failed to prepare or adopt a proposed amendment that ought to have been prepared or adopted. This includes an amendment proposed by the owners of any land within the scheme area.

Had the Council refused to initiate the subject Amendment it is considered highly likely that it would have only protracted the local planning scheme amendment process which is almost certain to be supported by the WAPC in light of its decision to approve the related amendment to the Burswood Lakes Structure Plan.

## **6.4 Development Approval for Lot 10 (Tower 6) - 2014**

### Status

Approved by JDAP on 30 January 2014. Expired

### Development summary

23 storey building containing 176 units, inclusive of 55 Single Bedroom dwellings.

### Key variations to the planning framework

- 176 dwellings in lieu of a maximum of 106 dwellings
- 23 storeys in lieu of a maximum of 21 storeys
- Shortfall of 10 resident car bays

### Other relevant matters

- The development application and variation to the Structure Plan were advertised concurrently. A total of 57 submissions were received. Common concerns included :
  - Increase in density and proposed parking shortfall will add to existing parking problems in the estate.
  - Concern regarding the number of single bedroom dwellings.
  - Residents bought into the estate on the basis that the Structure Plan provides a level of certainty as to the development of the other lots, and consequently they feel deceived by the developer.
- On the matter of density :



*The Structure Plan outlines that the total maximum dwelling numbers across the entire development of The Peninsula is not to exceed 1,250 dwellings. As construction has occurred across the development, there have been a number of sites which have not been developed to the maximum allowable density (due to urban design and market considerations), and in some cases even significantly below that permitted (ie. Lots 16 and 17 – 74 dwellings permitted; 16 dwellings proposed).*

*Based upon as-constructed dwelling numbers and projected dwelling numbers for the remaining sites, Mirvac currently estimate that a total of 1,073 – 1,145 dwellings will be constructed, being approximately 100 - 180 dwellings below that allowable under the Structure Plan. It is acknowledged that this is an estimate only and may change dependent upon factors such as market conditions.*

*The proposed increase in the maximum allowable dwelling numbers for Lot 10 can therefore be accommodated within the allowable density across the whole of The Peninsula.*

*Since the preparation and adoption of the Burswood Lakes Structure Plan in 2002, there have been State level strategic planning documents and studies undertaken, most notably Directions 2031, promoting high density infill within appropriate locations. The Burswood Peninsula has been identified by both the State Government and the Council as an appropriate location for high density development, as noted in the work undertaken on the Burswood Peninsula Draft District Framework. It would be fair to say that while the permitted densities outlined in the Burswood Lakes Structure Plan were relatively high at the time of their approval, the permitted densities are now somewhat conservative in the context of the recent strategic planning work and likely future development to occur in the Burswood Peninsula.*

*Following on from this, the State Government modified the Residential Design Codes in November 2010, notably involving the removal of a density limit for the development of sites with Multiple Dwellings (ie. Apartments). The basis of this change was to promote this dwelling type with an aim to see greater diversity in dwelling types and sizes throughout the metropolitan region. The State Government determined that rather than prescribing a maximum number of dwellings for a particular site, that other development controls such*

*as plot ratio, building height, setbacks, car parking etc would determine a building envelope that development could occur within. Therefore for the development of sites with Multiple Dwellings in areas coded R30 or greater there is no longer a maximum permitted density, and instead an applicant is able to propose as many or as few units as they wish provided they are within the allowable building envelope, and they have an appropriate mix of dwelling types. Therefore while the Structure Plan does specify a maximum dwelling density for each lot, the R-Codes would now otherwise allow a greater number of units to be built, potentially even greater than the 176 now sought.*

- On the matter of the dwelling mix :



*Development in The Peninsula is required to comply with the Residential Design Codes except where specifically varied by the Town Planning Scheme Precinct Plan. There are no provisions in the Town Planning Scheme Precinct Plan that restrict the mix of dwelling types or sizes in which the relevant Residential Design Codes provisions will apply.*

*Mirvac have indicated that it is anticipated that the proposed 176 dwellings will comprise :*

- *31 percent one bedroom dwellings;*
- *58 percent two bedroom dwellings;*
- *10 percent three bedroom dwellings; and*
- *1 percent 4 bedroom dwellings.*

*This is compliant with the provisions of the Residential Design Codes.*

## **6.5 Development Approval for Lot 10 (Tower 6) 2018**

### Status

Approved at JDAP Meeting on 19 October 2018

### Development summary

Specifically, the development proposes a 31 storey residential apartment tower development, including:

- A total of 197 residential dwellings of the following sizes:
  - 55 x one (1) bedroom apartments,
  - 106 x two (2) bedroom apartments, and
  - 36 x three (3) bedroom apartments.
- A total of two (2) of the one (1) bedroom apartments are designed in a townhouse-style with a 'Home Occupation' use consisting of a working space on the ground floor facing Bow River Crescent and a one (1) bedroom apartment above.

### Key variations to the planning framework

- 197 dwellings in lieu of a maximum of 176 dwellings.
- 31 storeys in lieu of a maximum of 21 storeys.
- Plot ratio of 6.55 in lieu of a maximum of 5.34.
- Shortfall of 19 resident car bays and 2 visitors bays.

### Other relevant matters

- 19 objections to the proposed development. Common concerns included :
  - The building height being out of place.

- Traffic in the estate is not well managed – the addition density will add to the congestion.
  - Insufficient car parking provided.
  - Likely increase in dwelling density beyond the 1250 maximum under the Structure Plan.
  - Inconsistency with the Precinct Plan and the Structure Plan, which should be comprehensively reviewed before any approval is given.
  - Loss of certainty for existing residents within the estate.
- On the matter of dwelling density :

It should be noted that in terms of dwellings either constructed or the subject of a valid development application or building permit, there is a total of 655 dwellings to date. The proposed delivery of 197 dwellings as part of this application for Tower 6, will increase the total to 852 dwellings.

Therefore based upon the number of dwellings already constructed and/or having development approval, and with the inclusion of this application for Tower 6, the overall yield of 852 dwellings remain below the 1250 maximum under the Precinct Plan. The application is therefore still results in the number of dwellings approved to date by way of development approvals, being below the 1250 maximum.

However it is acknowledged that notwithstanding the modest increase of 21 dwellings by way of this application that based upon projected future yields and assumptions that future development of the remaining undeveloped sites will be at the maximum dwelling density permitted for each site, it is anticipated that the 1250 maximum will be exceeded at some future time.

The applicant advises that across the Burswood Lakes Structure Plan area, the overall dwelling density considering the constructed, proposed and estimated dwellings would be a maximum of 1,702. Refer to Appendix T at **Attachment 2** to

Furthermore it should be reinforced that the anticipated future increase in overall dwelling density beyond 1250 dwellings is significantly influenced by the dwelling density increase of 496 dwellings on Lots 9 and 25 approved by the WAPC as part of an amendment to the Burswood Lakes Structure Plan. These lots, while within the Burswood Lakes Structure Plan area, are not within the area known as 'The Peninsula', and are under the control of a different landowner. If compliance with the 1250 maximum dwelling requirement under the Precinct Plan were to be rigidly applied, this would create a significant inequity, where the further development of land within 'The Peninsula' estate would be constrained due to the owners of Lots 9 and 9525 having taken up more than their proportionate share of the overall maximum density allowed across the area.

Having regard to the above comments, the current development application for Tower 6 exceeds the maximum density for the subject site (Lot 10) by 21 dwellings, but this development application in combination with previous and current development approvals, is below the 1250 dwelling maximum across the whole Burswood Lakes Structure Plan area.

However separate from the consideration of this development application it is anticipated that in the future there will be applications submitted which will exceed the 1250 dwelling maximum. In anticipation of this, and instead of dealing with this on an ad-hoc basis when this issue arises, it is recommended that a comprehensive review of the Burswood Lakes Structure Plan be undertaken in advance of this. This is proposed to be addressed by way of an advice note on the approval.

- The following advice note was included in the JDAP's approval, with the JDAP commenting on the need for the Structure Plan to be amended :

3. The Town notes that based upon dwelling yields constructed, approved and estimated across the Burswood Lakes Structure Plan area, that the maximum total dwelling yield requirement of 1250 dwellings is anticipated to be exceeded. Accordingly the owners of undeveloped land within the Precinct are to note that the Town will not support any development application which will result in the total dwelling yield exceeding 1250 dwellings, unless a comprehensive review of the Burswood Lakes Structure Plan has been completed and approved.

- To elaborate on the estimated dwelling yields further, the following tables are provided, which demonstrate that while the 1250 dwelling maximum under the Structure Plan has not yet been exceeded, it is expected to do so at some future point based upon current estimates :

<b>Completed development</b>	
	<i>Number of dwellings</i>
Lots 2, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 23 and 24	626 dwellings
<b>Not constructed, but Approved under DA or Permitted under Structure Plan</b>	

Lot 1	74
Lot 3	31
Lot 9	353
Lot 10	197
Lot 16	32
Lot 17	42
Lot 21	47
Lot 22	42
Lot 25	208
Lot 26	50
Total	1076 dwellings
<b>Estimated total of constructed/approved/allowable dwellings = 1702 dwellings</b>	

- The above tables and other commentary in this report highlight that there is a significant likelihood that the 1250 maximum dwelling density under the Structure Plan will be exceeded.
- On the matter of building height :



The Burswood Lakes Structure Plan details the rationale for the building heights of the towers, which is based upon a 'height arc' principle, with a graduated increase in the height of the towers towards the north of the site and then a stepping down. The 'height arc' concept is expressed at Figure 2 of **Attachment 5**. It is acknowledged that the proposed building height of 31 storeys is not consistent with the height arc principle of the Burswood Lakes Structure Plan, however in terms of a wider site context this height arc principle has lost its relevance given the changes to the built environment and strategic planning that has occurred in the surrounding area, for example, Crown Towers (24 storeys above ground level), Perth (Optus) Stadium as well as the planned high-density Belmont Park Racecourse (maximum building heights of 53 storeys) and Burswood Station redevelopments (includes current approvals for up to 28 storeys). The proposed height is deemed acceptable in this new context.

At the time that the Burswood Lakes Structure Plan provisions were developed (approved in 2003) the tallest buildings that were anticipated on the Burswood Peninsula were to be the buildings within the Structure Plan area, with the tallest building being 21 storeys (on Lot 10). However given the further planning work undertaken in the subsequent years for other areas on the Burswood Peninsula, the buildings within the Burswood Lakes Structure Plan area will now sit within the context of a number of other tall, and taller buildings.

Council Officers are satisfied that the proposed building height of 31 storeys sits comfortably within the wider site context when viewed from a distance and having regard to the likely future form and height of other buildings.

- On the matter of car parking :

The development proposes a total of 267 car bays for residents and 27 on-street car bays for residents. This equates to car parking shortfalls of 19 resident bays and 2 visitor bays.

#### *Resident parking*

It is noted that the above TPS1 Precinct Plan ratios were a concession upon the applicable R-Code resident parking requirements at the time they were developed (i.e. the resident parking requirement under the Scheme was less demanding than that prescribed under the R-Codes).

However nowadays, the minimum resident car parking requirements in the TPS1 Precinct Plan are more demanding than requirements outlined in both the R-Codes and draft Design WA. For example, under the current R-Codes, a minimum of 206 residential bays would be required in lieu of a minimum 286 residential bays under TPS1 Precinct Plan (i.e. a surplus of 80 bays). The minimum parking requirements for other multiple dwelling developments in the Town are also assessed in accordance with the current R-Codes, as outlined in Local Planning Policy 23 – Parking and Access Policy.

As the proposed resident parking provision for Tower 6 exceeds the minimum resident parking requirement outlined at R-Codes, deemed-to-comply clause 6.3.3 C3.1, the variation to the TPS1 Precinct Plan is supported.

- On the matter of a public art contribution, the applicant was of the view that a

public art contribution should not be applied whereas the Town's Officers were of the view that a contribution should be required as per the Town's relevant Local Planning Policy. While the JDAP requested a public art contribution it was of a lesser amount, and the application highlighted that this is a matter to be further resolved between the Town and Mirvac in relation to the remaining undeveloped sites.

## 6.6 Development approval for Towers 1 and 2 at Belmont Park

### Status

Approved by JDAP on 11 October 2019

### Development description

The proposed development consists of the following (**Attachment 1- Development Plans**):

- basement and 3 storey podium that provides for commercial, retail and residential uses and carparking;
- 32 storey and 27 storey residential towers (inclusive of the 3 storey podium) providing 457 dwellings;
- 943m<sup>2</sup> net lettable area of commercial and retail space; and
- 719 residential and 12 non-residential carparking bays within the basement and podium.

## 7 Other matters

### 7.1 Public art contributions

In relation to the Town's assessment of the 2018 development application for Tower 6, an issue arose regarding the need for Mirvac to make a contribution towards public art as part of the development. It is accepted that for previous development approvals issued for Tower 6, a public art contribution was not required, however it is unclear on what basis a public art contribution was not requested.

In assessing the development application for Tower 6, the following relevant comments were contained in the report to the JDAP :

## Public Art

In relation to public art, Local Planning Policy 29 – Public Art Private Developer Contributions (initially adopted in 2008) requires that for developments within certain Precincts with a construction value in excess of \$5 million, a contribution to public art is required to the value of 1% of the total construction value.

The Policy is applicable in this case as the value of the proposed development is \$90 million and the site is located within the Burswood West policy area. Therefore, in accordance with the abovementioned policy procedure, a public art contribution of \$900,000 is applicable.

The applicant's position is that a public art contribution should not be applied in this instance for the following reasons:

- *"The requirement for a public art contribution arises from LPP29, a local planning policy to which the Town and Development Assessment Panel (DAP) is required to have due regard. However, the policy is not binding and can be varied in situations such as this where the requirement is not fair or reasonable. In this regard it is also noted that public art contributions are not required under the Structure Plan".*
- *"No developer contributions for public art have been required in the Burswood Lakes Precinct area for previous development applications under LPP29 or earlier policy requirements".*
- *"The Precinct is considered to provide exceptional public realm amenity through high quality design, public space provision and treatments well beyond normal standards. It would be incongruous to place the impost of further public art contributions on the developer within this context".*
- *"The previous development approval for Tower 6 (30 January 2014 – DP/13/00848) did not include any conditions requiring a contribution for public art and the relevant planning framework (LPP29) has not changed since this recent approval".*
- *"As a consequence of the Tower 6 development application, the ceding of a significant quantum of land back to the Town in the form of fully landscaped and furnished public open space is proposed. This outcome will provide a*



*significant contribution to the community, the value of which would exceed and the outcome of which would be more beneficial than a public art contribution”.*

Whilst the significant value of the public art contribution and applicant’s justification are acknowledged, in order to maintain the integrity of LPP29 it is recommended that the Metro Central JDAP applies the Town’s standard condition regarding public art contribution.

LPP29 contains maps outlining the areas within the Town that require public art contribution where major development is proposed. Specifically, LPP29 contains a map of the Burswood West Policy area, which includes the subject site.

It is noted that other multiple dwelling and mixed use developments within the Town have been required to provide a public art contribution. For a development of this size, a public art contribution requirement would be a common planning requirement imposed, across various local authorities in Western Australia. It would be open to the JDAP to consider a reduced, capped public art contribution, noting the significant value of the development.

- While the JDAP approve the development application with a condition requiring a public art contribution to be made, it was of a lesser amount, and the application highlighted that this is a matter to be further resolved between the Town and Mirvac in relation to the remaining undeveloped sites.

The Town advertised a revised version of the Public Art Policy in early 2020, resulting in a submission from Mirvac requesting that the Burswood Lakes area be excluded from the policy provisions on the basis of the high quality amenity in the areas of public open space provided and maintained by them, which includes public art.

In the relevant Council report, Officers commented on Mirvac’s submission as follows :

Mirvac’s requested exclusion of the policy from its landholdings within the Burswood Lakes Structure Plan area is not considered appropriate at this time in the interests of fairness, equity and consistent application of the policy throughout the Town. The existing Burswood Lakes Structure Plan does not contain alternative (or any) requirements for the provision of public art, and to date, the Town is not aware of the number, quality or value of artworks delivered by Mirvac as part of its delivery of a high quality public realm and public open spaces within the structure plan area.

Council Officers are open to consideration of alternative public art provisions specific to the Burswood Lakes Structure Plan area prepared by Mirvac for possible adoption by Council, as provided for under the draft revised policy provisions of LPP 29 (refer Cl. 1.2(a)), should they believe there is a demonstrable



case for doing so. This may include a breakdown of the number, type and value of public artworks delivered prior to and since the adoption of LPP 29, with details of the professional artists involved in their design and fabrication, as well as a draft of the proposed alternative provisions for Council to consider for adoption. These could take a variety of forms, including a private developer public art masterplan for developments within the Burswood Lakes Structure Plan area secured through a Memorandum of Understanding and agreement on development approval conditions for forthcoming development approvals, or provisions within a new or revised Local Planning Policy. Alternatively, Mirvac could prepare and submit an application to amend the existing Burswood Lakes Structure Plan to include specific requirements for the provision of public art within the structure plan area.

Based upon the above, it has been identified that the issue of public art within Burswood Lakes requires further consideration, and that the Structure Plan be amended to clearly outline expectations, whatever that may be.

## **7.2 Maintenance of POS and infrastructure**

Section 4.12 of the Structure Plan details the following :

### **4.12 Commitments by the Development Proponent and / or Burswood Ltd.**

The development proponent and / or Burswood Ltd will make the following commitments:

- The proponent will develop all roads, public open space and landscaped areas within Burswood Lakes.
- The proponent will provide a convenience retail facility for the development. The provision of which will be at a time no later than the completion of 300 dwelling units. The location of this facility will evolve as the development progresses, but will be limited to those areas identified as 'Potential Mixed Use Location' on the Structure Plan.
- The Proponent will manage and maintain all roads, public open space and landscaped areas within Burswood Lakes until the Proponent has completed the development of lots 1 to 25 as shown on the indicative Structure Plan. At that time it is the intention of the Proponent that the aforementioned roads, public open space and landscaped areas will be handed over into the ownership and control of Town of Victoria Park.

Agreements to facilitate this handover will be established in consultation with the Town of Victoria Park.

- The perimeter drainage lake system will be maintained for the duration of the development by the proponent and by Burswood Ltd, or another third party (other than the Town of Victoria Park) such as the Burswood Park Board, thereafter in perpetuity (this was confirmed in writing by Burswood Ltd. to TVP on 14 March 2001).

With respect to the commitment for the proponent to manage and maintain all roads, public open space and landscape areas until the development of Lots 1 to 25, Mirvac now seek for the Town to handover some of this infrastructure to the Town to manage and maintain, notwithstanding that all of Lots 1 to 25 have not yet been developed.

It is accepted that it is now normal industry standard for a developer to manage and maintain roads and infrastructure before a 2 year period before handing over responsibility to the local government. Officers are unable to determine why the longer period agreed to in the commitments section of the Structure Plan came about, although aware that Mirvac had initially expected to have completed the development of all lots well before now.

The obligation on Mirvac to maintain the roads and public open space is now further complicated by the fact that Mirvac have sold Lots 9 and 25 to another party, in which case Mirvac have no control over when these lots are developed.

Ongoing discussions have been occurring between the Town and Mirvac in relation to the Town taking over control at an earlier period than stipulated by the commitments under the Structure Plan.

It is concluded that the Structure Plan needs to be amended to outline agreed and future expectations for the maintenance and handover of roads, public open space and other infrastructure.

## 8 Conclusion and Recommendation

It is apparent from this review that the Structure Plan needs to be amended to

- ensure its alignment with strategic planning work undertaken by the State and the Town.
- reflect changes in the statutory planning framework.
- reflect the changing and evolving nature of surrounding development; and
- address matters that have arisen with the current Structure Plan.

This is not unexpected given that the Structure Plan has not been the subject of a comprehensive review since its adoption over 17 years ago.

A key issue that requires attention as part of an amendment to the Structure Plan is total dwelling yields across the subdivision and for each lot, noting that this report highlights that there is a significant likelihood that the 1250 maximum dwelling density under the Structure Plan will be exceeded. It is accepted that in light of the strategic planning work undertaken by the State and the Town that the 1250 maximum may no longer be appropriate. However a significant increase in the dwelling yield to the extent now estimated, or greater, needs to be considered as part of a comprehensive amendment to the Structure Plan, supported by relevant technical reports and studies such as an urban design analysis and traffic assessment. This issue alone is a compelling reason for the Structure Plan to be amended.

The preparation of an amended plan addressing the above issues will avoid ad-hoc planning and provide the Town, the landowners and the community with greater clarity moving forward as to the likely built form outcomes for the remaining undeveloped land within the area.

A key issue that requires attention as part of an amendment to the Structure Plan is total dwelling yields across the subdivision and for each lot, noting that this report highlights that there is a significant likelihood that the 1250 maximum dwelling density under the Structure Plan will be exceeded. It is accepted that in light of the strategic planning work undertaken by the State and the Town that the 1250 maximum may no longer be appropriate. However a significant increase in the dwelling yield to the extent now estimated, or greater, needs to be considered as part of a comprehensive amendment to the Structure Plan, supported by relevant technical reports and studies such as an urban design analysis and traffic assessment. This issue alone is a compelling reason for the Structure Plan to be amended.

Accordingly it is recommended that the Structure Plan be amended with specific attention being required to the following matters amongst others :

- Total dwelling yields across the subdivision and for each lot;
- Building heights;
- Building envelopes;
- The need for LPP Burswood Lakes to be amended or revoked.
- Infrastructure servicing and road capacities;
- Public art contributions;
- Maintenance and handover of roads, public open space, landscaped areas and other infrastructure.

## 9 References

- Burswood Lakes Structure Plan – April 2003.
- Town of Victoria Park Town Planning Scheme No. 1, Precinct Plan P2 ‘Burswood Precinct’.
- Directions 2031 and Beyond and Central Sub-Regional Planning Framework.
- Burswood Peninsula District Planning Framework.
- Town of Victoria Park Draft Local Planning Strategy.
- Belmont Park Racecourse Redevelopment Structure Plan.
- Scheme Amendment 82.
- Draft Local Planning Policy ‘Burswood Station East Public Realm’.
- Planning and Development (Local Planning Schemes) Regulations 2015.
- Scheme Amendment 75.
- State Planning Policy 7.0 ‘Design of the Built Environment’.
- State Planning Policy 7.3, Volume 2 ‘Residential Design Codes – Apartments’.
- Local Planning Policy 9 ‘Design Guidelines for Burswood Lakes’.
- Minutes of Ordinary Council Meeting of 11 March 2014 – Amendment to Burswood Lakes Structure Plan for Lot 10.
- Minutes of Ordinary Council Meeting of 8 November 2016 – Amendment to Burswood Lakes Structure Plan for Lots 9 and 9525.
- Lot 9 and 9525 Structure Plan Amendment Report dated October 2017 prepared by Element.
- Scheme Amendment 79.



- Minutes of JDAP Meeting of 30 January 2014 – Development Application for Lot 10 (Tower 6).
- Minutes of JDAP Meeting of 19 October 2018 – Development Application for Lot 10 (Tower 6).
- Minutes of JDAP Meeting of 11 October 2019 – Development Application for Towers 1 and 2 at Belmont Park, Precinct D.
- Minutes of Ordinary Council Meeting of 17 March 2020 – Revised Local Planning Policy 29 ‘Public Art Private Developer Contributions’.
- Local Planning Policy 29 – Public Art Private Developer Contributions.