

5.12 OUTCOMES OF ADVERTISING - AMENDMENT NO. 12 TO LOCAL PLANNING SCHEME NO. 2

- Attachments:**
1. **Form 2A - Amendment No. 12 to Local Planning Scheme No. 2 - Permissibility of Service stations**
 2. **Summary of Submissions - Amendment No. 12 (Service Stations)**

RECOMMENDATION:**That Council:**

1. **CONSIDERS** the submissions and Administrations response to the submissions pursuant to Part 5, Division 3, Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **SUPPORTS** Amendment 12 to Local Planning Scheme No. 2 without modification, pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, included in Attachment 1; and
3. **FORWARDS** all relevant information in accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Western Australian Planning Commission for Approval.

PURPOSE OF REPORT:

To consider the outcomes of public consultation on Amendment 12 to Local Planning Scheme No. 2 (LPS2) and determine whether to support the amendment with or without modifications, or not to support the amendment.

BACKGROUND:

At the [13 December 2022 Ordinary Council Meeting](#) Council resolved to endorse consultation on Local Planning Scheme Amendment No. 12 to LPS2 including advertising the amendment for public comment for a period of 42 days and referring this to the Environmental Protection Agency (EPA).

In accordance with the requirements in the *Planning and Development Act (Local Planning Schemes) Regulations (2015)*, a local government is required to pass a resolution to either support with or without modifications or not to support an amendment to the Scheme. The outcome of this is forwarded to the Western Australian Planning Commission (WAPC) for consideration.

DETAILS:

The City has prepared Amendment 12 (**Attachment 1**) in response to a Notice of Motion put forward at the 13 December 2022 Ordinary Council Meeting.

Amendment 12 modifies the permissibility of the land use 'Service Stations' within LPS2 which contains two components:

1. Expressly prohibiting the land use of 'Service Stations' in all zones except Commercial; and
2. An addition to Clause 32 which prohibits Service Stations where the lot is adjoining or adjacent to a Residential or Mixed-Use Zone.

Following consultation on the amendment which has recently concluded, Council is now required to resolve to either support, with or without modification or not to support the amendment.

Summary of Consultation

The consultation period commenced on 9 February and concluded on 27 March 2023.

A hard copy of Amendment 12 was displayed at the City's Administration Building and Library. Newspaper and social media advertisements and an Imagine Vincent page were published. 50 submissions were received on the amendment.

While two submissions were unsure of the amendment and two expressly opposed the amendment, the remaining 46 submissions supported the amendment.

Summary of Submissions

A summary of submissions and administrations response to submissions is included in **Attachment 2**.

Aside from full support for the amendment, the submissions touched on two key themes:

1. Comments on the proposed Service Station on Angove Street

A number of submissions provided specific comment on a Joint Development Assessment Panel (JDAP) application for a petrol station along Angove Street, North Perth. Due to the regulatory timeframe to process an amendment to the Scheme, it is unlikely that this amendment will have an impact on the JDAP application.

2. Unsupportive/unsure of the amendment as 'Service Stations' which provide access to renewable energy sources and operate as 'corner stores' in the future may be unnecessarily impacted

'Service Stations' will not be expressly prohibited within the City. The amendment will direct 'Service Stations' to land zoned Commercial only and will reduce the potential negative amenity impact on sensitive land uses nearby.

While the City recognises the importance of retail outlets to provide a valuable service to the immediate locality, the amendment seeks to restrict uses that include the sale of petroleum products due to significant impacts on community health as well as associated traffic issues that can come from the operation of these types of businesses. Uses that exist as 'Convenience Stores' or 'Shops' will still be able to operate from these sites and will be reflected in the planning framework for their comparatively reduced impact on the amenity of an area.

Environmental Protection Authority (EPA)

Amendment 12 to LPS2 was referred to the EPA in accordance with Section 81 of the *Planning and Development Act 2005*. The EPA reviewed the proposal and advised that no further assessment was required.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2; and
- Community Stakeholder Engagement Policy.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to endorse Amendment 12 to LPS2, to be forwarded to the WAPC and determined by the Minister for Planning.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

Our community is aware of what we are doing and how we are meeting our goals.

SUSTAINABILITY IMPLICATIONS:

This action will have positive impacts on environmental sustainability outcomes, by proposing to reduce the area available for the sale of petroleum products within the City.

PUBLIC HEALTH IMPLICATIONS:

This action will have positive impacts on public health outcomes, by proposing to reduce the area available for the sale of petroleum products within the City.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of progressing Amendment 12 would be met through the City's existing operational budget.



LOCAL PLANNING SCHEME NO. 2

Amendment No. 12

Standard amendment to:

'Table 1 – Zoning table' to reclassify the permissibility of the use class 'Service station' from 'A' in the Mixed Use Zone; and 'D' in the Local Centre, District Centre and Regional Centre Zone, to 'X'; and

Clause 32, 'Additional site and development requirements' to include: 'Use class Service station is not permitted where the lot on which the service station is located is adjoining or adjacent a Residential or Mixed use zone.'

**FORM 2A**

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF VINCENT LOCAL PLANNING SCHEME NO. 2
AMENDMENT NO. 12

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005* (as amended), amend the above Local Planning Scheme to:

1. Reclassify the permissibility of the use class 'Service station' from 'A' in the Mixed Use Zone; and 'D' in the Local Centre, District Centre and Regional Centre Zone, to 'X' in 'Table 1 – Zoning table'; and
2. Amend Clause 32, 'Additional site and development requirements' to include: 'Use class Service station is not permitted where the lot on which the service station is located is adjoining or adjacent a Residential or Mixed use zone'.

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

- It is consistent with the City's Local Planning Strategy, objective (a) - To promote and safeguard the health, safety and convenience and general welfare of the inhabitants of the City and Clause 1.4.4 - Traffic and Transport, provide for a more efficient use of existing transportation infrastructure within the City to ensure the vitality of the businesses and activity centres in the City and protection of residential amenity.
- It is consistent with the intent of the Urban zone under the Metropolitan Region Scheme to provide for a range of commercial activities;
- It is consistent with the objectives of the zones of the Scheme Mixed Use, Local Centre, District Centre and Regional Centre Zones as it would prohibit a commercial land use ('service station') which is not compatible with residential uses and would be detrimental to the amenity of adjoining owners or residential properties in the locality;
- It does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- It is not a complex or basic amendment.

Dated this **day** of **2023**

CHIEF EXECUTIVE OFFICER



LOCAL PLANNING SCHEME NO. 2

Amendment No. 12

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the City of Vincent at the Ordinary Meeting of the Council held on the DD MM 2023 and the Common Seal of the City of Vincent was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....
DELEGATED UNDER S.16 OF
THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
1	Resident (North Perth)	Support	I fully support the proposal.	Noted.
2	Resident (West Leederville)	Unsure	Council must be proactive in considering service stations of the 'future'. Service stations that allow for short stay charging for electric vehicles will be affected by this amendment ? If we are increasing electric vehicles all over the suburbs, then we require adequate places to charge such as Service stations if they are rolling these services out. Something to consider.	The amendment would seek to restrict 'Service Stations' which is defined, by the retail sale of petroleum products. A land use whose business is charging Electric Vehicles would not be affected by this amendment under the current framework.
3	Resident (North Perth)	Support	I agree with the purpose of the proposal	Noted.
4	Resident (North Perth)	Support	Evidence shows the harmful effects petroleum fumes have on children. Perhaps the amendments need to include schools into the equation and not just homes.	Noted. The amendment will ensure that Service Stations will not be permitted to be located near sensitive land uses, such as residentially or public purpose zoned lands.
5	Resident (North Perth)	Support	I think this is an important proposal, particularly given the current submission for a 24/7 petrol station on Angove Street.	Noted. These comments relate specifically to a development application currently under assessment.
6	Resident (North Perth)	Support	The Health risks for those living, working and attending school is too great to allow the station to be built. The beautiful environment and cafe lifestyle that Angove Street brings to residents and people from afar would be so	Noted.

Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
			compromised by the station. I welcome this proposal and fully support the council in making this sensible proposal.	
7	Resident (North Perth)	Support	I'm unsure as to whether this means the current JDAP application for a new service station on the corner of Angove and Woodville Streets will be impacted due to the existing zoning of this block. I hope this proposal gives Vincent the power to reject this application as this is absolutely the wrong location for a new service station.	Noted. These comments relate specifically to a development application currently under assessment.
8	Resident (West Perth)	Support	Fantastic development. Hopefully common sense prevails here and the school as well as surrounding residents ; businesses can avoid what would likely be catastrophic damage.	Noted.
9	Resident (Resident)	Support	Please can you use the amendment to stop the station on angove st	Noted. These comments relate specifically to a development application currently under assessment.
10	Resident (North Perth)	Support	I suffer from respiratory health issues So the toxic fuel vapours and vehicles emissions are very hazardous so I do not support any type of service station	Noted.
11	Resident (Leederville)	Oppose	This sounds like the rules are being change to stop the development at No. 41-43; 45 Angove Street, North Perth. If so then is just goes to say that what Mark McGowan said about Councils not having a spine is true. If this isn't the case then I apologise.	The City is responding to significant community feedback for the proposal of a service station. The proposed option to amend the scheme acted on the feedback provided. The City has sought comment on the proposal and are reporting these

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Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
				comments to Elected Members for consideration as to whether to support or not support the amendment.
12	Resident (North Perth)	Support	I fully support the proposal.	Noted.
13	Resident (North Perth)	Support	This will adversely affect local amenity and the "cafe strip" nature of Angove St. It goes against the whole atmosphere of the street and will create yet another generic streetscape. Not a good look for Vincent's brand.	Noted.
14	Resident (North Perth)	Support	I fully support the proposal.	Noted.
15	Resident (North Perth)	Support	I hope this ensures the service station proposed on angove street is denied.	Noted. These comments relate specifically to a development application currently under assessment.
16	Resident (Mount Lawley)	Support	Please ensure that the community know what zoning is delineated. I.e. update the plans to be clearer. Also the scheme should identify what current use is. I.e. the proposed petrol station on angrove st claims that this is an existing petrol station site. Where actually the old petrol station has been closed for years and is a tiny block being combined with adjacent blocks. I fear that without stating some sort of guidelines loopholes like this could be exploited.	Noted. As per Clauses 22, 23 and 24 of the City's operative Local Planning Scheme No.2 which relate to 'non-conforming uses', a development shall be valid if it was lawfully approved (unless otherwise expired or been cancelled). Should this amendment be approved and come into effect while historic approvals are in place, any lawful historic approval can continue until such time as the non-

Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
				conforming use of the land is discontinued and a period of 6 months has elapsed since the discontinuance of the non-conforming use.
17	Resident (North Perth)	Support	I fully support the proposal.	Noted.
18	Resident (North Perth)	Support	Increase in traffic hazards , when turning into Angove Street. Close by there are 3 service stations residents have easy access too. Families are concerned about children's wellbeing and safety .Transmissions from fumes that are airborne that impact on residents health and wellbeing.	Noted. These comments relate specifically to a development application currently under assessment.
19	Resident (North Perth)	Support	Service stations should not be anywhere near homes and schools. Petrol fumes are dangerous to human health and local councils should be proactive in protecting their residents and the public. Long term trend would be for an increase in electric vehicles, thus reducing the need for more service stations to be built.	Noted.
20	Resident (North Perth)	Support		Noted.
21	Resident (North Perth)	Support	I fully support the proposal.	Noted.
22	Resident (North Perth)	Support	I fully support the proposal.	Noted.
23	Resident (North Perth)	Support	There will be increased laneway use behind our building, the area does not warrant a service	Noted.

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Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
			station right in the middle of an amazing, growing, community cafe strip where people from other areas come and support. It will ruin the area. Just does not make sense to have it there. Primary School next door to my building, restaurants opposite, it would be very disappointing and anti-community if the COV let this one through. I certainly will not be staying in the area.	These comments relate specifically to a development application currently under assessment.
24	Resident (North Perth)	Support	I fully support the proposal.	Noted.
25	Resident (Mount Lawley)	Support	Service Stations should only be located (as most of them already are) on main roads available with, lots of entry points to help with traffic, noise and petrol pollution and NOT in residential and mixed use zones which are for pedestrians, slow moving vehicles, greenery and a community feel.	Noted.
26	Resident (North Perth)	Support	As society is compelled to move away from underwriting its economy with fossil fuel consumption that will effectively cause extinction levels events through climate change, approving new service stations at all seems like a sunk investment and an environmental irresponsibility. However, approving service stations in residential areas and community hubs, in particular when there are ample service stations within an area, is simply unnecessary. Bloody-minded commercialism at the expense of community	Noted.

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Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
			aesthetics and amenity is not something that local governments should be supporting, and I fully support the City of Vincent in making clear its position on these matters.	
27	Resident (Mount Lawley)	Unsure	I am unsure. 1. Many service stations are current day "corner stores" and sale of fuel and delivery of automotive services are secondary. 2. The current obsession with electric cars overlooks the ongoing need for liquid petroleum based fuels for hybrid variants of electric cars - petrol, gas and diesel. And the need for these fuel for more time into the future than currently is estimated for vehicles powered solely by these fuels. There is a need for liquid fuel availability. 3. The most eco friendly renewable fuel is bio-diesel - another liquid fuel.	The amendment will not prohibit the operation of existing service stations which have a valid approval in accordance with clause 22 of the Local Planning Scheme No.2 nor future service stations within the City, provided they are located on land zoned commercial and are not abutting sensitive land uses. The amendment will still allow for the availability of petroleum products within the City.
28	Resident (North Perth)	Support	I fully support the proposal.	Noted
29	Resident (West Perth)	Support	We don't need petrol stations near town centres or residential areas. We need more electric charging stations, which would be fine in these areas.	Noted.
30	Resident (North Perth)	Support	N/A	Noted.
31	Resident (Coolbinia)	Support	I fully support the proposal.	Noted.
32	Resident (Mt Hawthorn)	Support	I fully support the proposal.	Noted.

Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
33	Resident (North Perth)	Support	There are already 4 x petrol stations within a 1km radius on main roads. No need for an additional service station	Noted.
34	Resident (North Perth)	Support	Fully support the motion of no petrol / service stations in the areas outlined. North Perth / Leederville has plenty of (24hr) service stations located on main roads with better access - inner streets such as Angove street with lots of pedestrians, families and outdoor businesses do not welcome these stations. Pollution, narrow streets and safety high on concern list. Please make our people and residents the priority- not large corporations.	Noted.
35	Resident (North Perth)	Support	Too many service stations in the area. Completely destroys the Angove Street cafe strip. Very dangerous for children - both health and accidents.	Noted. These comments relate specifically to a development application currently under assessment.
36	Resident (North Perth)	Support	I do not believe that traffic needs to be increased on Angove st, for the safety of the school children and other pedestrians	Noted. These comments relate specifically to a development application currently under assessment.
37	Resident (Highgate)	Oppose	I live nearby a service station now and it has no negative impacts on me whatsoever.	Noted.
38	Resident (North Perth)	Support	I'm just amazed that Vincent council have even considered allowing a service station to be located in a residential area so anything that	Noted.

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Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
			prevents this I'm all in favour with. With so many fuel stations nearby it beggars belief that this is required let alone in the area it's being considered	These comments relate specifically to a development application currently under assessment.
39	Resident (North Perth)	Support		Noted.
40	Resident (North Perth)	Support	Expectation that Service stations are to be phased out or number reduced when recharging of EV becomes widely adopted.	Noted.
41	Resident (North Perth)	Support	I fully support the proposal.	Noted.
42	Resident (North Perth)	Support	I fully support the proposal.	Noted.
43	Resident (North Perth)	Support	The community are not being unreasonable or anti development, this is not the location for a large service station, there is better use for this land, we want developments that encourage locals and general population to want to visit this local hub.	Noted. These comments relate specifically to a development application currently under assessment.
44	Resident (North Perth)	Unsure	Service stations are becoming the new corner store. Will the banning of service stations in this blanket manner mean no such stores will exist and therefore all shopping will be done. At large shopping centres? Can the bill be amended to include an assessment in this regard?	The land use of 'Service Station' specifically references the sale of petroleum products. A 'Convenience Store' or 'Shop' can still be considered in all zones of the City.
45	Resident (North Perth)	Support	An amendment to prohibit petrol stations is essential.	Noted.
46	Resident (North Perth)	Support	This amendment should be 100% endorsed by the COV, WAPC as it is by our community. Our	Noted.

Summary of Submissions – Scheme Amendment No.12 (Service Stations)

Submission Number	Impact by scheme amendment	Support/Oppose/Unsure	Submitter's Comments	Administration's Comments
			small but growing town centre will never reach its full potential, the likes of Mt Hawthorn, if this amendment is not passed. A site that was zoned as a service station in the 1960's is no longer environmentally acceptable in today's day and age. There is a reason service stations are located on main roads, away from pedestrians/retail/schools and children.	
47	Resident (North Perth)	Support	Recommend that the Amendment is made retrospective so the current Angove St proposal can be refused	Noted. The planning framework does not allow an amendment to act retrospectively.
48	Resident (North Perth)	Oppose	long-standing sites should not be affected by subsequent residential developments; dodgy science and emotion should be ignored	Noted. The Amendment only seeks to alter the planning framework for future Service Station land uses.
49	Resident (North Perth)	Support	encouraging cars into an area where you are trying to promote a vibrant pedestrian friendly community, is not a positive outcome.	Noted.
50	Resident (North Perth)	Support	I appreciate that the council is now trying to address the concerns that have been raised as a result of development application 5.2022.270.1. The community is very concerned for the health and safety of our children and can see this amendment a step in the right direction in protection our kids.	Noted.