

9.3 OUTCOMES OF ADVERTISING - AMENDMENT 9 TO LOCAL PLANNING SCHEME NO. 2 - PORTION OF NO. 251 (LOT: 1001 ; D/P: 422962) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN (FORMERLY NO. 21 EUCLA STREET, MOUNT HAWTHORN)

Ward: North

Attachments:

1. Form 2A - Amendment No. 9 to Local Planning Scheme No. 2
2. Location and Consultation Map
3. Scheme Amendment Map
4. Applicant's Scheme Amendment Report
5. Summary of Submissions - Applicant's Response
6. Summary of Submissions - Administration's Response

RECOMMENDATION:

That Council **SUPPORTS** Amendment 9 to Local Planning Scheme No. 2 without modification, pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, included as Attachment 1, for submission to the Western Australian Planning Commission.

PURPOSE OF REPORT:

To consider submissions on Amendment 9 to Local Planning Scheme No. 2 and to determine whether to support the Amendment with or without modifications, or not to support the Amendment.

BACKGROUND:

Landowner:	Carlo Diego Nominees Pty Ltd
Applicant:	Rowe Group
Date of Application:	10 February 2022
Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R30
Built Form Area:	Residential
Existing Land Use:	Car Park (Non-Conforming Use)
Lot Area:	564m ²
Right of Way (ROW):	No
Heritage List:	No

5 April 2022 Ordinary Meeting of Council

At its [Ordinary Meeting on 5 April 2022](#) Council resolved to adopt Amendment 9 to Local Planning Scheme No. 2 (LPS2), advise the Western Australian Planning Commission (WAPC) that it would be a standard amendment, refer the amendment to the Environmental Protection Agency (EPA) for comment and advertise the amendment for public comment for a period of 42 days.

Site Context and Zoning

The subject site is operated by an information and communications technology infrastructure (ICT) and services company called CDM Australia. The southern portion of the subject site was purchased by the current owner on 25 July 1983 and has been utilised by CDM Australia for car parking purposes since then.

The subject site is bound by Eucla Street to the east, Scarborough Beach Road to the north and single houses to the west and south. The property on the opposite side of Eucla Street to the east is a single storey consulting rooms (Urology Services) with on-site car parking at the rear accessed via Eucla Street.

The southern portion of the subject site to which the scheme amendment relates and adjoining properties to the west and south are zoned Residential R30 under LPS2 and the northern portion of the subject site is zoned Commercial under LPS2. The property on the opposite side of Eucla Street to the east is zoned Mixed Use R80 under LPS2.

The southern portion of the subject site to which the scheme amendment relates and adjoining properties to the west and south are located within the Residential built form area and have a permitted building height of two storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The northern portion of the subject site and the property on the opposite side of Eucla Street to the east are located within the Activity Corridor built form area and have a permitted building height of four storeys under the Built Form Policy.

The subject site was part of the City of Perth until the creation of the Town of Vincent on 1 July 1994.

A location plan is included as **Attachment 2**.

Previous Approvals & Compliance Matters

The table below details the previous approvals and compliance history for the subject site and Nos. 251-257 Scarborough Beach Road.

Date	Details
28 February 1991	The (former) City of Perth Council resolved to forward a development application for a Car Park at No. 21 Eucla Street to the Minister of Planning, seeking written consent to approve the land use. Car Park was an 'X' use (prohibited) within the Residential Zone but Clause 26(2) of the operative Planning Scheme provided the ability for the (former) City of Perth Council to approve an 'X' use in the instance that prior written authority was given by the Minister for Planning.
31 May 1991	The Minister for Planning wrote to the (former) City of Perth advising that the request for consent to approve the Car Park 'X' use was refused on four grounds: <ol style="list-style-type: none"> 1. Detraction from residential amenity. 2. Commercial encroachment into residential area. 3. De facto rezoning from residential to commercial. 4. Increasing development potential.
1 July 1991	The (former) City of Perth Council resolved to request that the Minister for Planning reconsider the refusal dated 31 May 1991.
10 October 1991	The Minister for Planning wrote to the (former) City of Perth advising that the request has been reconsidered and written consent granted to approve.
18 November 1991	The (former) City of Perth Council resolved to approve the development application for a Car Park at the subject site.
15 November 1993	The (former) City of Perth Council resolved to grant conditional approval for alterations and additions to the existing showroom and warehouse at the subject site. The addition was a single storey extension to the building. The conditions of the approval required the three lots (Lots 1, 372 and 373) to be amalgamated into one lot.
8 September 1994	The State Planning Commission granted conditional approval for the amalgamation of No. 21 Eucla Street and Nos. 251-257 Scarborough Beach Road. The conditional approval was never enacted.
15 November 1995	The 1993 approval for alterations and additions which was valid for a period of two years expired. No works had commenced prior to the expiration.
February 2000	Unauthorised construction works commenced at the subject site. The works were for alterations and additions as set out in the 1993 development approval.
24 December 2006	Shipping containers for storage purposes first appear on the subject site in aerial imagery.
16 May 2018	The City's LPS2 is gazetted. The subject site remains Residential Zone with a density coding of R30. Non-conforming use rights under Clause 22 of LPS2 is applicable to the site. This allows for the continued operation of the previously approved car park land use.

4 January 2021	<p>A compliance investigation into the subject site was commenced by the City as a result of concerns raised by local residents.</p> <p>The concern raised was that the car parking bays at the subject site were being used for storage purposes.</p> <p>During the course of the investigation the City also identified that the February 2000 construction works were not undertaken in accordance with the 1993 approval plans.</p>
25 June 2021	<p>The City sent the letter to the business operator, requesting that the following actions be undertaken to resolve the following non-compliances at the subject site:</p> <ul style="list-style-type: none"> • Lodgement of a development application for retrospective approval of the unauthorised works undertaken in February 2000. • Lodgement of an application with the Western Australian Planning Commission (WAPC) for the amalgamation of No. 21 Eucla Street and Nos. 251-257 Scarborough Beach Road. • Lodgement of a Scheme amendment to rezone the subject site from Residential R30 to Commercial under LPS2.
30 September 2021	<p>The City approved a development application for the unauthorised alterations and additions constructed in February 2000.</p>
10 November 2021	<p>The WAPC granted conditional approval for the amalgamation of No. 21 Eucla Street and Nos. 251-257 Scarborough Beach Road. The conditional approval did not include any conditions that require clearance by the City.</p>
4 July 2022	<p>The WAPC provided the City with a copy of the approved Deposited Plan 422962 for the amalgamation of No. 21 Eucla Street and Nos. 251-257 Scarborough Beach Road. The new Certificate of Title has been issued and the subject site is now referred to as No. 251 Scarborough Beach Road.</p>

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 refuse to support an amendment to the Scheme. The outcome of this is forwarded to the Western Australian Planning Commission (WAPC) for consideration.

DETAILS:

Amendment 9 to LPS2 proposes to rezone the southern portion of No. 251 Scarborough Beach Road (the subject site) which was previously known as No. 21 Eucla Street prior to being amalgamated earlier in 2022 from Residential R30 to Commercial. This is to match the existing zoning and density of the northern portion of No. 251 Scarborough Beach Road which was previously known as Nos. 251-257 Scarborough Beach Road.

The portion of No. 251 Scarborough Beach Road to which the proposed scheme amendment relates is 12.2 metres wide and has a depth of 46.4 metres.

The applicant has advised that the intent of the proposal is to better reflect the historical and continued use of the subject site for commercial purposes and to facilitate the resolution of the ongoing compliance matter in accordance with the City's letter dated 25 June 2021.

The applicant has advised that the property owner has no plans to redevelop the site at this stage.

A copy of the Amendment 9 to LPS2 map is included as **Attachment 3**.

Applicant's Written Justification

The applicant has submitted written justification in support of the proposed scheme amendment which is included in **Attachment 4**. The applicant's written justification outlines that the proposal would be consistent with the City's Local Planning Strategy (Strategy) and the objectives of the Commercial Zone under LPS2.

The applicant's justification for the scheme amendment is summarised as follows:

- The southern portion of the subject site to which the scheme amendment relates has been used as a private carpark associated with the commercial premises on the northern portion of the subject site since at least March 1965. Some of the land uses that have operated from the site in this time include service station, shop, showroom, warehouse and office.
- The amendment would provide consistent zoning over the entire landholding and would better reflect the long-standing approved commercial use of the subject site.
- The amendment would make it permissible for the property owner to continue to use a portion of the subject site for the purposes of storage which would support the existing business, CDM Australia.
- The amendment would be consistent with the City's Local Planning Strategy for the following reasons, it would:
 - be consistent with the strategic intent for Scarborough Beach Road to develop as an Activity Corridor with a concentration of mixed use and commercial developments.
 - not adversely impact or change the existing low density Residential zoned land to the south of the subject site.
 - be consistent with the strategic intent to provide commercial development nodes along Scarborough Beach Road.
- The amendment would not result in any significant environmental, social, economic or governance impacts on the surrounding properties or area.
- The amendment does not propose to change the current operations at the subject site. The continued operation of the commercial use at the subject site would not detrimentally affect the amenity of the surrounding area with respect to traffic, parking or noise.
- The amendment has been requested by the City as an aspect of the resolution to the ongoing compliance matter.

CONSULTATION/ADVERTISING:

Public Consultation

Community consultation was undertaken for the proposal in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)* for a period of 42 days from 21 July 2022 to 1 September 2022. The method of consultation included 470 letters being mailed to all owners and occupiers within a 200 metre radius of the subject site (as shown in Attachment 2), a sign being erected on site, a notice being placed in the local newspaper and a notice on the City's website in accordance with the City's Community and Stakeholder Engagement Policy.

The letters sent comprised of 240 sent to City of Vincent owners and occupiers and 230 sent to City of Stirling owners and occupiers.

The City received three submissions, all in objection. The key concerns raised and Administration's responses related to the impact of the proposal on traffic and parking.

A summary of all the submissions received and the applicant's comments with respect to these is included in **Attachment 5**. A summary of all the submissions received and Administration's comments with respect to these are provided in **Attachment 6**.

Environmental Protection Agency (EPA)

Amendment 9 to LPS 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;
- Community and Stakeholder Engagement Policy; and
- Policy No. 7.1.1 – Built Form Policy.

Planning and Development Act 2005 & Planning and Development (Local Planning Schemes) Regulations 2015

Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.

Council may determine whether to make modifications to the proposed Amendment, and whether to support or refuse the Amendment. Major modifications may require a period of readvertising.

Council's decision is then forwarded to the WAPC which considers the proposal and submissions before making a final recommendation to the Minister for Planning.

The Minister may grant final approval to the scheme amendment, with or without modifications, or may refuse to approve the scheme amendment. The final decision rests with the Minister.

If the Minister agrees to grant final approval, the City will then arrange for the scheme amendment to be published in the Government Gazette, at which point it legally comes into effect. A scheme amendment can take up to 12 months to complete.

RISK MANAGEMENT IMPLICATIONS:

Low: It is low risk to reclassify the subject site from Residential R30 to Commercial. The actual land use and built form at the subject site would be subject to a separate development application processes following the receipt of any proposals.

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of progressing Amendment 9 would be met through the City's existing operational budget.

COMMENT:

In considering Amendment 9 to LPS2, Council is to consider its acceptability with respect to consistency with the existing Urban zoning under the Metropolitan Region Scheme (MRS), the City's Local Planning Strategy, objectives of the Commercial zone under LPS2, , and the extent it would have a minimal impact on the surrounding area and would not result in any significant environmental, social, economic or governance impacts on the subject site or surrounding area. This is detailed below.

MRS Urban zone, Local Planning Strategy and Commercial zone

The MRS Urban Zone is an area in which a range of activities are undertaken, including residential, commercial, recreational and light industry. The City's Local Planning Strategy outlines that the Commercial zoning for the existing commercial area between Brady and Eucla Streets is appropriate for that purpose and the expansion of the commercial area into residential areas is not appropriate. The amendment would not represent an expansion of the commercial area into residential areas because:

- The subject site has never been used for residential purposes and was approved for use as and continues to operate as a commercial car park since 1991;
- The amendment would provide consistent zoning over the entire landholding and would better reflect the long-standing approved commercial use of the subject site;
- Commercial development is already permissible, existing and extends further south along Eucla Street than the subject site. The adjacent property on the opposite side of Eucla Street to the east at No. 249 Scarborough Beach Road has operated as approved consulting rooms since 1988. This property extends further south than the subject site and could be redeveloped under the current planning framework to accommodate a four storey mixed use development with commercial uses;
- The works component for any future commercial development at the subject site would require a development application to be approved by the City prior to commencement. The built form of any future development would be assessed against the City's Built Form Policy to ensure that it responds to the surrounding context;
- There are 21 additional land uses that could be contemplated for the site under the proposed Commercial zoning and that would form part of any such development application for works. All but three of these uses would need the City to exercise its discretion in approving the land use and all of the additional land uses that could be contemplated are already permissible at the adjoining property to the north. The potential additional impact of the current proposal on the streetscape and surrounding area would not be significant in this way; and
- The property owner has indicated that the intent of the proposed amendment is to facilitate the continued operation of CDM Australia from the adjoining property to the north and the subject site by allowing the consideration of a warehouse/storage land use on the broader site and car parking and storage to continue at the subject site.

Orderly and Proper Planning

In the instance that the property owner had fulfilled the terms of the 1993 development approval and amalgamated the subject site with Nos. 251-257 Scarborough Beach Road, it would have created one lot. It is likely that the subject site would have been rezoned from Residential R30 to Commercial when LPS2 was gazetted in 2018, as it would have formed one landholding with the Commercial zoned portion to the north. This means that the entire amalgamated lot would have been zoned Commercial.

Parking and Traffic

Amendment 9 to Local Planning Scheme No. 2 (LPS2) would not in itself approve any changes to the existing built form or business operations on the subject site and so would have no impact on the traffic and parking in the area.

The subject site currently has approval as a car park, but also contains two storage containers that do not have approval. The use of these storage containers would be classified as a 'warehouse/storage' land use, which is an 'X' use in the Residential zone under the City's LPS2. This means that it is not permitted. A warehouse/storage use class is a 'D' use in the Commercial zone which means that it is permissible but requires the exercise of discretion and development approval from the City.

The owner of the subject site has advised the City that if Amendment 9 is approved it would seek development approval for the two storage containers on the site to remain to store pallets of computers before they are taken into the adjacent buildings at Nos. 251-257 Scarborough Beach Road for assembly, with deliveries occurring once a month. The owner has advised that removal of the two remaining containers would result in increased use of off-site storage which would require an additional four to five deliveries to the site per day.

This or any other changes to the existing built form or business operations on the subject site would require a development application which would include assessment of parking, traffic generation and potential impacts on the surrounding area in accordance with the Western Australian Planning Commission's Transport Impact Assessment Guidelines Volume 4.

It is recommended that Council supports Amendment 9, included as **Attachment 1**.



LOCAL PLANNING SCHEME NO. 2

Amendment No. 9

Standard amendment to rezone a portion of Lot 1001, No. 251 Scarborough Beach Road, Mount Hawthorn from 'Residential R30' to 'Commercial'.



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. 9

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. Rezone the portion of Lot 1001, No. 251 Scarborough Beach Road, Mount Hawthorn currently zoned 'Residential R30' to 'Commercial'.

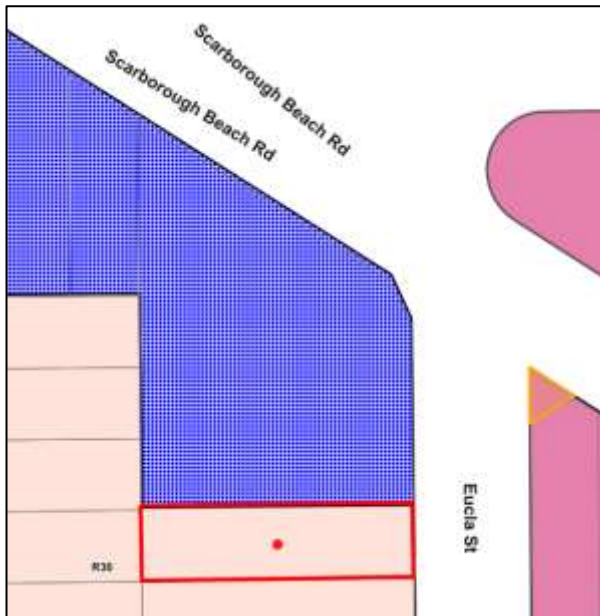
The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- It is consistent with the City's Local Planning Strategy on the basis that it does not represent an expansion of the commercial area into the residential area given that it provides consistent zoning over the entire landholding and better reflects the long-standing approved commercial use of the subject site;
- It is consistent with the intent of the Urban zone under the Metropolitan Region Scheme to provide for a range of commercial and residential activities;
- It would have minimal impact on land in the scheme area that is not the subject of the amendment as a future commercial development would be assessed against the relevant planning framework to ensure that it responds to the surrounding context appropriately;
- 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.

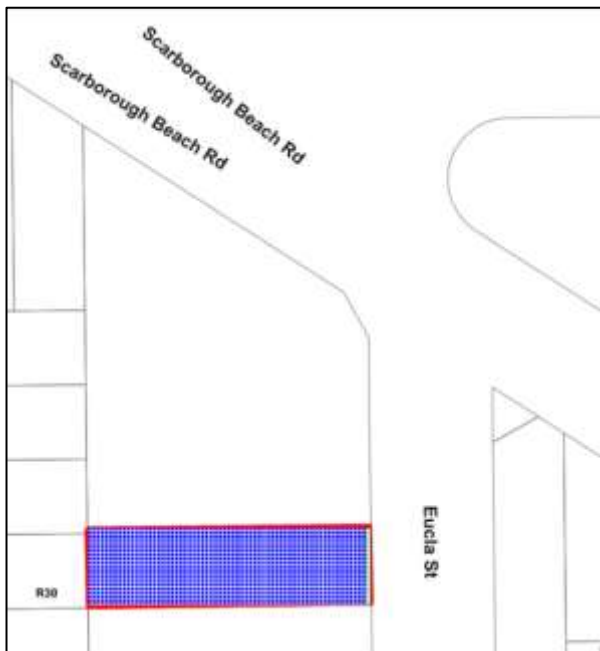


Modifications 1 and 2 – Scheme Map

Existing:



Proposed:



= Amendment area

Dated this **day** of **2022**

CHIEF EXECUTIVE OFFICER

CITY OF VINCENT LOCAL PLANNING SCHEME NO. 2 SCHEME MAP 5 - MT HAWTHORN	
LEGEND	
METROPOLITAN REGION SCHEME RESERVES	
<i>Note: The Western Australian Planning Commission care of the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.</i>	
	PARKS AND RECREATION
R	Restricted Public Access
	PRIMARY REGIONAL ROADS RESERVATION
	OTHER REGIONAL ROADS RESERVATION
	RAILWAYS
	PUBLIC PURPOSES Particular use denoted as follows:
H	Hospital
HS	High School
TS	Technical School
CP	Car Park
U	University
CG	Commonwealth Government
SU	Special Use
WSC	Water Authority of Western Australia
P	Prison
CITY OF VINCENT LOCAL SCHEME RESERVES	
	PUBLIC OPEN SPACE
R	Restricted
	PUBLIC PURPOSES Particular use denoted as follows:
PS	Primary School
CP	Car Park
CU	Civic Uses
HS	High School
I	Institute for the Deaf
W	Water Supply Sewerage and Drainage
TS	Technical School
CITY OF VINCENT SCHEME ZONES	
	RESIDENTIAL
	MIXED USE
	COMMERCIAL
	LOCAL CENTRE
	DISTRICT CENTRE
	REGIONAL CENTRE
	SPECIAL USE Particular use denoted as follows:
CP	Car Park
CU	Community Use
FC	Function Centre
HC	Hall and Non Residential Club
H	Hotel
PW	Place of Worship
S	Service Station
	ADDITIONAL USE
ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES	
	CODE AREA BOUNDARY
	SCHEME AREA BOUNDARY
	DENSITY CODE



LOCAL PLANNING SCHEME NO. 2

Amendment No. 11

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 _____ 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.....

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE**

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission and the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION**
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION**
- OTHER REGIONAL ROADS RESERVATION**
- RAILWAYS**
- PUBLIC PURPOSES**
Particular use denoted as follows:
- H Hospital
- HS High School
- TS Technical School
- CP Car Park
- U University
- CG Commonwealth Government
- SU Special Use
- WSD Water Authority of Western Australia
- P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

- PUBLIC OPEN SPACE**
- R Restricted
- PUBLIC PURPOSES**
Particular use denoted as follows:
- PS Primary School
- CP Car Park
- CU Civic Uses
- HS High School
- I Institute for the Deaf
- W Water Supply Sewerage and Drainage
- TS Technical School

CITY OF VINCENT SCHEME ZONES

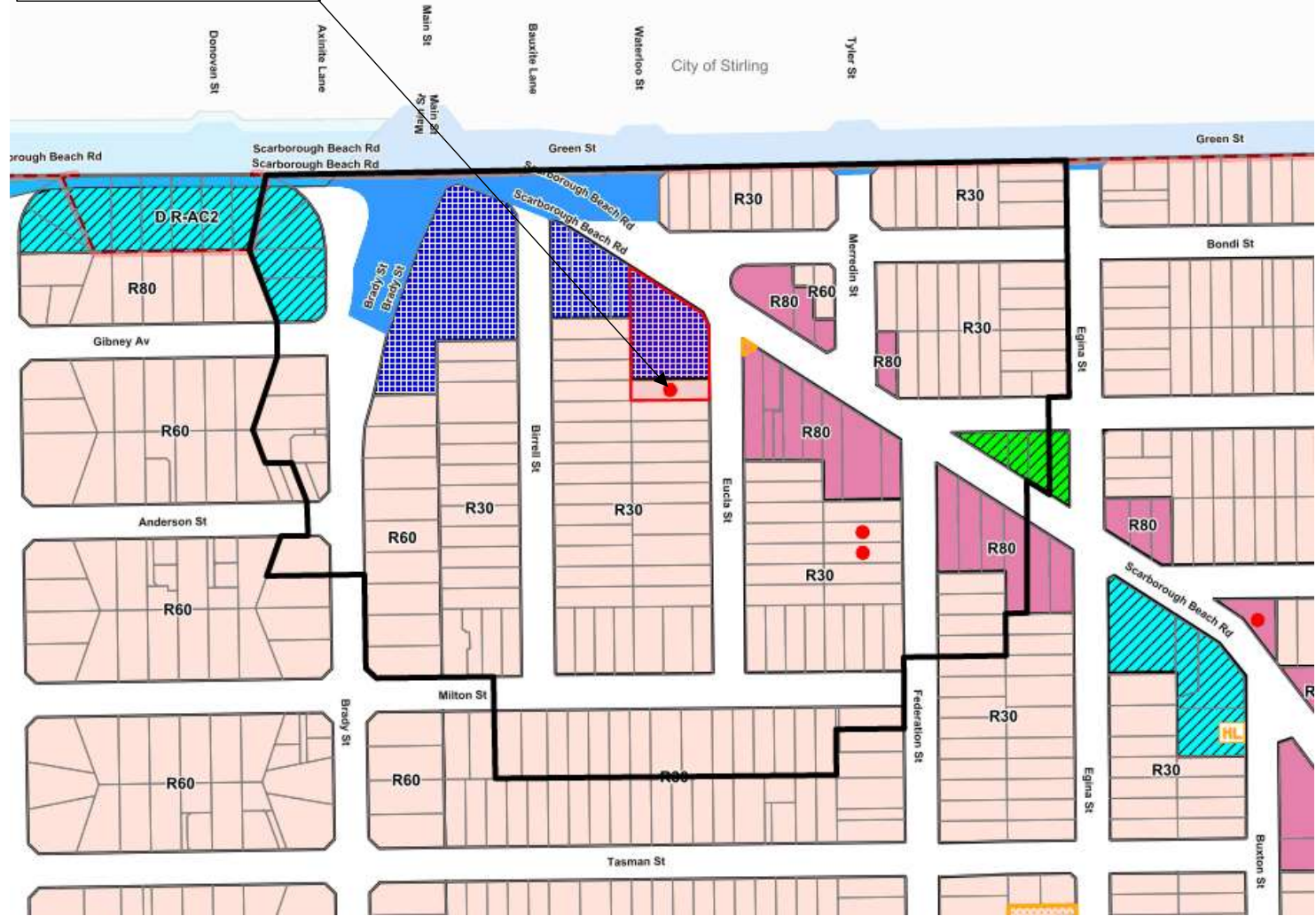
- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**

SUBJECT SITE



The City of Vincent does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Vincent shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Includes layers based on information provided by and with the permission of the Western Australian Land Information Authority (Landgate) (2013).

Location Map
No. 251 Scarborough Beach Road, Mount Hawthorn (formerly No. 21 Eucla Street and Nos. 251-257 Scarborough Beach Road)





**SUBJECT
SITE**

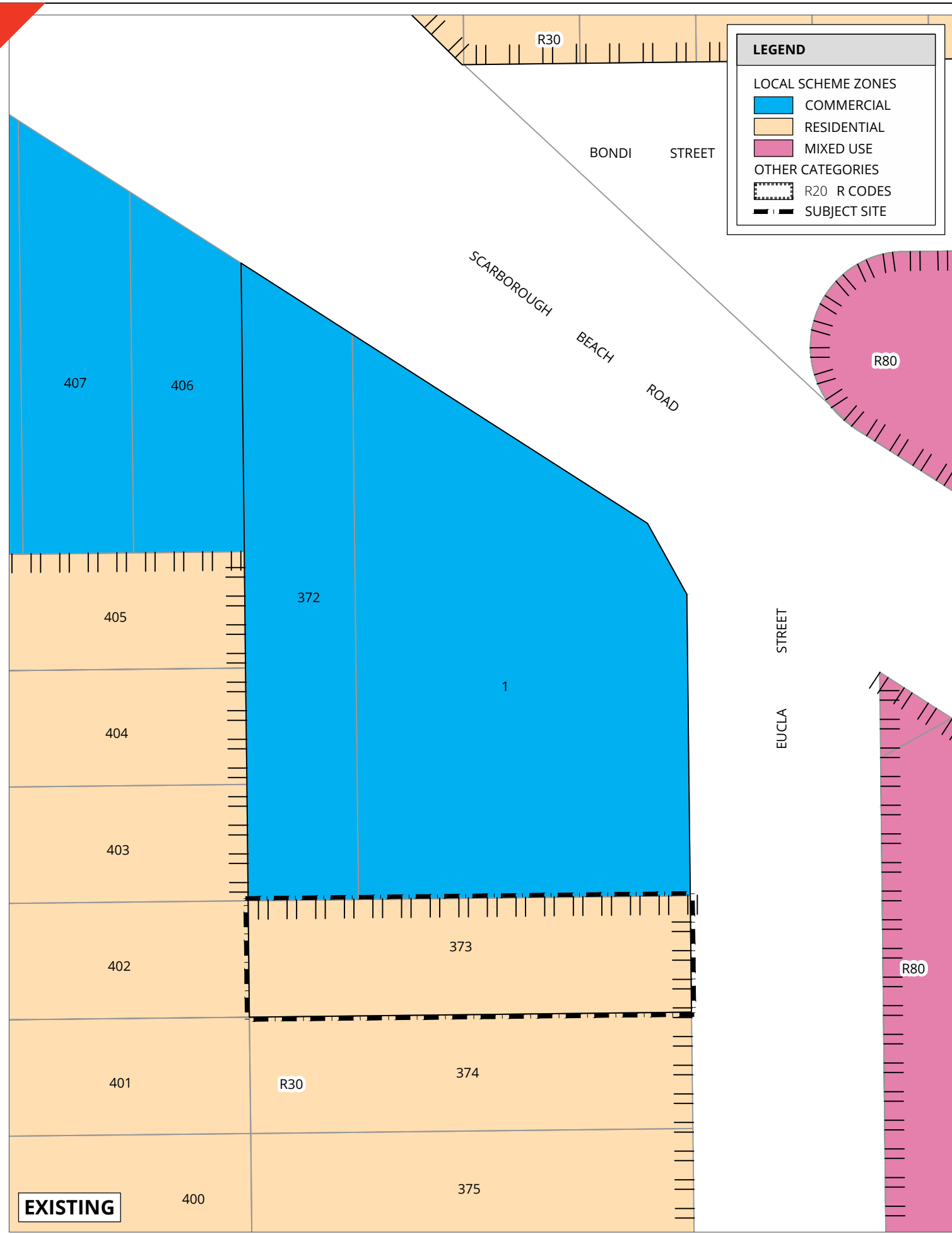


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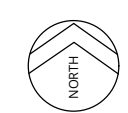
No. 251 Scarborough Beach Road, Mount Hawthorn (formerly No. 21 Eucla Street and Nos. 251-257 Scarborough Beach Road)



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LOCAL PLANNING SCHEME NO. 2 AMENDMENT
 LOT 373 EUCLA STREET
 MOUNT HAWTHORN



0 50 m
 SCALE @ A3: 1:500
9437-FIG-02-A



9437-FIG02A_20211129 Mount Hawthorn (LPS amendment) - DRAWN: W. CLEMENTS - DATE CREATED: 2021.11.30 - PROJECTION: MGA50 GD494 -



Job Ref: 9437
30 November 2021

Chief Executive Officer
City of Vincent
244 Vincent Street
LEEDERVILLE WA 6007

Attention: Planning Services

Dear Sir/Madam

**Scheme Amendment Request – Rezoning
Lot 373 (No.21) Eucla Street, Mount Hawthorn**

Rowe Group acts on behalf of the landowner of Lot 373 (No. 21) Eucla Street, Mount Hawthorn (the 'subject site') with respect to the above. We have been requested to lodge a Scheme Amendment Request with the City of Vincent to rezone the southern portion of the lot from 'Residential' to 'Commercial' at the subject property. Further information in support of our request is detailed below.

The subject site is legally described as:

- Lot 373 on Plan 1939 Certificate of Title Volume 1036 Folio 373.

Refer **Attachment 1 – Certificate of Title**

BACKGROUND

History prior to 1991

The subject lot forms part of an overall landholding together with the following:

- Lot 1 (formerly Lots 369, 370 and 371) Scarborough Beach Road
- Lot 372 Scarborough Beach Road

The subject site has a total area of 1,652m². The subject site is occupied by an existing commercial premises, comprising office, warehouse and showroom land uses. The commercial premises consists of several interconnected warehouses and office buildings, together with associated car parking.

A review of historical information and aerial imagery for the site outlines that the use of the subject site as a car park associated with commercial premises on the above lots dates back to at least March 1965. Approvals granted

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

between 1972 and 1981 indicates that the above lots were used for various commercial activities including a Service Station, Retail Store, Showroom, Warehouse and Office.

1991 approval to use of Lot 373 as a car park

An application was submitted on 30th October 1990 for the use of the subject site as a car park. The application was lodged with the (former) City of Perth, which was the operative Local Authority for the site at the time.

A report was prepared for consideration by Council at its February 1991 meeting. An extract from the staff report to Council stated as follows:

"It seems that the site has never been used for residential purposes. The Council's land use records indicate that at least since 1967 the property has been used for service industry, industry, car park and entrance to Scarborough Beach Road properties. Furthermore, should the property be used in future (after approval for any purpose other than car parking, a new application would be required. It would seem that approval of this situation would rationalise a long standing on-site situation."

Within the report, it was noted that a 'car park' was an 'X' use within the Residential zone, however Clause 26 of the operative Planning Scheme provided the ability for Council to approve an 'X' use subject to the prior written authority of the Minister for Planning. At the meeting, Council resolved to forward the application to the Hon. Minister to seek his written consent to determine the application.

In response, the Hon. Minister refused to grant consent and following consideration of this at its July 1991 meeting, Council resolved to request that the Hon. Minister reconsider his decision.

The Minister subsequently responded that he had "...reconsidered his previous decision and was now prepared to give consent to Council to approve the use of Lot 373 Eucla Street, Mount Hawthorn for car parking." The advice was presented to Council's October 1991 Council meeting, where it resolved to grant approval to the application.

Historical material associated with the 1991 approval to the use of the subject site as a car park, including the submitted application and extracts from Council minutes referenced above, is included at Attachment 2.

1993 approval for expansion of Showroom and Warehouse activities

A further application was submitted to the City of Perth in 1993 for the expansion of the existing showroom and warehouse on Lots 1 and 372. Approval was granted by the City of Perth on 25 November 1993 ('1993 Approval').

Aerial imagery indicates that construction works were undertaken between 6 February 1995 and 24 February 2000. The constructed extension departed from the 1993 Approval, with a nil setback to Eucla Street and a setback of approximately 2.5m to the southern boundary.

Recent communication with City of Vincent

The property owner was contacted by the City's Compliance team in March 2021 regarding the positioning of sea containers within the subject site for storage purposes, which displaced car parking bays within this space. As part of this process it was also identified that the development at Lots 1 and 372 was constructed in a form which departed from the 1993 approval. Following communication involving the City's Executive Director, written advice from the City dated 25th June 2021 instructed the property owner to undertake the following:

- 1) Lodgement of an application for retrospective approval for unauthorised works;
- 2) Lodgement of an application to amalgamate Lots 1, 372 and 373 into a single lot; and
- 3) Lodgement of a request to amend the City of Vincent Local Planning Scheme No.2 as it relates to the subject Lot 373.

With respect to the above:

- The application for retrospective approval was submitted, with the City issuing its approval in correspondence dated 30th September 2021; and
- An application to amalgamate the identified lots was lodged with the WA Planning Commission and approved in correspondence dated 10th November 2021.

Accordingly, the proposed amendment to the City's LPS2 to rezone Lot 373 to 'Commercial' represents the final component of the City's instruction and will reflect the long standing use of the lot.

Refer **Attachment 2 – Historical material associated with the 1991 approval to the use of the subject site as a car park.**

TOWN PLANNING CONSIDERATIONS

Metropolitan Region Scheme

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

City of Vincent Local Planning Scheme No.2

Under the provisions of the City of Vincent Local Planning Scheme No.2 ('LPS 2'), the subject site is zoned 'Commercial' and 'Residential' with a density coding of R30.

The objectives of the 'Commercial' Zone as outlined in LPS 2 are as follows (underlined for emphasis):

- To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.
- To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design energy efficiency and water conservation.

- To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

The zoning table within LPS 2 identifies the current use 'warehouse' as a 'D' use within the 'Commercial' zone but is a 'X' use under the 'Residential' zone. The proposed Scheme Amendment is to ensure formality of the approved use at the subject site within the LPS2.

PROPOSED SCHEME AMENDMENT

This Scheme Amendment seeks to rezone Lot 373 (No. 21) Eucla Street, Mount Hawthorn from 'Residential' to 'Commercial' in LPS 2. Should the amendment be finalised as proposed, it would result in a consistent zoning over the entire landholding which reflects the long-standing commercial use of the premises.

The amendment consists of a modification to the Scheme Map to remove the 'Residential' zoning and associated R30 density coding, which is to be replaced with the 'Commercial' zoning as depicted in Figure 1. No further amendments to the text within the City's LPS 2 are proposed.

Refer **Figure 1 - Plan showing existing and proposed zoning**

RATIONALE, PLANNING JUSTIFICATION AND ASSESSMENT

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

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

To assist the City of Vincent, the Applicant is of the view that the proposed Scheme Amendment is a standard amendment for the following reasons:

- The amendment is consistent with the City of Vincent Local Planning Strategy.
- The amendment would have minimal impact on land in the scheme area that is not the subject of this amendment.
- The amendment does not result in any significant environmental, social, economic or governance impacts on the land in the scheme area.

City of Vincent Local Planning Strategy

The Local Planning Strategy was endorsed by the Western Australian Planning Commission on 8 November 2016. The Strategy sets out the long-term strategic direction and rationale for the zones and other provisions

outlined within LPS 2. The Strategy should be considered throughout the review of the scheme amendment request as it provides the planning context for the zones, reservations and statutory provisions contained in the Scheme.

The commercially zoned land identified at the site is subject to the Scarborough Beach Road Activity Corridor ('Corridor'). The Corridor project is an overarching transport and land use concept to be implemented overtime to improve the form and function of Scarborough Beach Road and its surrounds into the future. The scheme amendment to rezone the proposed use from residential to commercial is consistent with the following recommendation outlined within the Strategy.

Ensure that uses along Scarborough Beach Road are consistent with the principles of an Activity Corridor / Urban Corridor, with the concentration of mixed use and commercial development on the key nodes, and compatible commercial and residential use outside of the key nodes;

The subject site is located along Scarborough Beach Road east of the Mount Hawthorn Town Centre area. Mount Hawthorn is mostly characterised by low to medium density homes. The residential area located to the south of the subject is envisioned to be retained and remain the main dwelling type within Mount Hawthorn area. The larger lots which can accommodate additional housing and infill will be considered. The vision for housing density and urban design for Mount Hawthorn is outlines as;

'Mount Hawthorn has retained its family-friendly feel and has maintained and enhanced its existing housing stock, density and streetscapes. New developments respect the current buildings and built forms, whilst embracing the principles of sustainability. Carefully designed, higher density residential developments in the town centre offers additional housing choices. Climate-sensitive designs combine with appropriate landscaping to provide award-winning, sustainable urban design.'

It is therefore noted that the proposed scheme amendment does not adversely impact and change the intent of the residential zoned land to the south of the subject site as outlined within Strategy. The proposed scheme is consistent with the intent of the commercial development nodes along Scarborough Beach Road.

Objectives of the Zone

As outlined above the subject site is currently used for car parking in association with commercial activities within a broader landholding. The 'Commercial' zone under LPS 2 reads as follows (underlined for emphasis):

- To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.
- To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design energy efficiency and water conservation.
- To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

The Scheme Amendment for the rezoning of the 'Residential' land to 'Commercial' is consistent with the objectives described above for the following reasons:

- The inclusion of the use would be consistent with the objective of the current operating business and use within the zone;
- The continued operation of the 'Commercial' use does not detrimentally affect the amenity of the area through aspects such as vehicle traffic, noise or parking.
- The amendment does not change the current operations of the subject site.
- The amendment ensures compliance with the City's LPS 2.

Suitability of Use

As previously noted, the Scheme Amendment was requested by the City. The Scheme Amendment will provide consistency with the prior approval to the use of the site, the current operating and ongoing operations of the subject site. The proposed amendment will assist in formalising the commercial activities occurring within the landholding which are to be amalgamated into one (1) green title lot.

CONCLUSION

This Scheme Amendment Request seeks approval to rezone the portion of 'Residential' zoned land at Lot 373 (No. 21) Eucla Street, Mount Hawthorn from 'Residential' to 'Commercial'. The proposed Scheme Amendment is considered to be consistent with the objectives of the 'Commercial' zone of City of Vincent Local Planning Scheme No.2 and the City of Vincent Local Planning Strategy and will not adversely impact upon the amenity of the surrounding residential land.

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

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

Yours faithfully,



Jeremy Hofland

Rowe Group

Attachment Two

Historical material associated with the 1991 approval to the use of the subject site as a car park



30 October 1990

Officer-in-Charge
Planning Services
City of Perth
P O Box C120
PERTH W A 6001

DESIGN AND
DRAFTING
CONSULTANT

SUITE NINE
20 GIBBERD RD.
BALCATT A 6021
WESTERN
AUSTRALIA
TEL: 345 4540
FAX: 345 4108

Dear Sir/Madam

Re: LOT 373 EUCLA STREET, MT HAWTHORN

I am writing this letter of behalf of the owners of 372 Scarborough Beach Road, Lot 1 Cnr. Scarborough Beach Road and Eucla Street and Lot 373 Eucla Street, Mt Hawthorn.

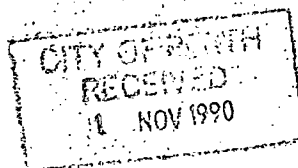
They request that Lot 373 be approved for carparking only. The owners would also like to eventually have this site amalgamated with lots 1 and 372 so as to give these lots more building area for future development.

Since procuring this site in 1982 they have been using it for carparking and some occasional storage. They had a 1.800M high brick wall erected on the front boundary line so as to screen the parking from the street.

The two carpark areas on Lot 1 & Lot 372 Scarborough Beach Road are rarely used as exiting on to this busy road over the brow of a hill is hazardous and is avoided by most employees.

Yours sincerely

B. M. JACKSON
Managing Director



SUBURB/LOCATION: Western side of Eucla Street south
of Scarborough Beach Road
WARD: North Perth
FILE REF: KB/wr; CP 5.4; B/Eucla
REPORTING OFFICER: K Baguley
DEPARTMENT: Planning
DATE: 22 February 1991

**DEVELOPMENT APPLICATION - USE OF VACANT LAND FOR CAR
PARKING AT LOT 373 (NO. 21) EUCLA STREET, MOUNT HAWTHORN
(90/1627)**

BACKGROUND:

The City Planner reports as follows in regard to the
abovementioned application.

LANDOWNER: C Della-Maddalena

APPLICANT: B J Drafting Service

ZONING: Metropolitan Region Scheme - Urban
City Planning Scheme - Residential R30

DETAILS:

An application has been submitted seeking approval to use a vacant lot for car parking.

The car park is located next to a General Commercial zone which fronts Scarborough Beach Road. It will provide parking for 15 vehicles. In support of the proposed car park, the applicant has stated:-

"The two carpark areas on Lot 1 and Lot 372 Scarborough Beach Road are rarely used as exiting onto this busy road over the brow of a hill is hazardous and is avoided by most employees.

Since procuring this site in 1982, they (the owners) have been using it for car parking and some occasional storage. They had a 1.800 metre high brick wall erected on the front boundary line so as to screen the parking from the street.

They (the owners) request that Lot 373 be approved for car parking only. The owners would also like to eventually have this site amalgamated with Lots 1 and 372 so as to give these lots more building area for future development."

To the south of the property is a single residence with a 'super-six' fence constructed along the common boundary. Opposite the site is a consulting room and unit. The remainder of the area (apart from the commercial properties fronting Scarborough Beach Road) is characterised by single residential development.

COMMENTS:

Table No. 1 of the Scheme shows that a car park is an 'X' use in a Residential zone, that is, it is not permitted. It is, however, possible to approve of 'X' uses. Under Clause 26 of the Scheme, the Council may, with the prior written authority of the Minister and subject to the requirements of Clause 37 having been first complied with, approve an 'X' use if it is satisfied by an absolute majority that:-

- (a) the proposal will be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) the use will not have any adverse effect upon the occupiers or users of the development or upon property in or the inhabitants of the locality or the likely future development of the locality.

The applicant has successfully undertaken the advertising procedure in accordance with Clause 37 of the Scheme. The closing date for submissions is 26 February 1991. To date two written submissions have been received from the public. Any others received will be tabled at the Town Planning Committee meeting. One submission received objected to the proposal on the grounds that it should remain residential and would be used in the future for the expansion of the Scarborough Beach Road businesses. The other submission stated that although there were no real objections to the proposal, street parking in the area was a problem. The submission also raised other matters which are not related to this specific site but rather to the commercial properties on Scarborough Beach Road.

It seems that the site has never been used for residential purposes. The Council's land use records indicate that since at least 1967 the property has been used for service industry, industry, car park and entrance to Scarborough Beach Road properties. Furthermore, should the property be used in future (after approval) for any purpose other than car parking, a new application would be required. It would seem that approval of this application would rationalise a long standing on-site situation.

In view of the above, the Town Planning Committee is requested to give consideration to the course of action outlined in the recommendations of this report.

The City Planner therefore recommended that:-

- (i) the report of the City Planner dated 22 February 1991 regarding the application submitted by B J Drafting Service on behalf of C Della-Maddalena to use vacant land for a car park at Lot 373 (No. 21) Eucla Street, Mount Hawthorn, as shown on plans dated 1 November 1990, be received;
 - (ii) consideration be given to the following alternative recommendations:-
 - (a) that the application be forwarded to the Hon Minister for his written consent to the proposal;
- OR
- (b) that the application be refused.

DISCUSSION:

During discussion at the Town Planning Committee meeting held on 28 February 1991 members agreed to seek the Hon Minister's authority to determine the application.

Resolved that:-

- (i) ***the report of the City Planner dated 22 February 1991 regarding the application submitted by B J Drafting Service on behalf of C Della-Maddalena to use vacant land for a car park at Lot 373 (No. 21) Eucla Street, Mount Hawthorn, as shown on plans dated 1 November 1990, be received.***

- (ii) ***the application be forwarded to the Hon Minister for his written consent to determine the proposal.***

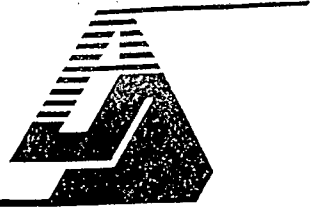
ALL CORRESPONDENCE
TO BE ADDRESSED TO
CHIEF EXECUTIVE

REPLY PLEASE QUOTE

YOUR REF

OUR REF

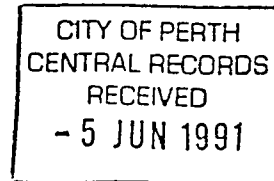
853-2-1-2
CP 5.4
Ms L Baxter:CS



DEPARTMENT OF
PLANNING AND URBAN DEVELOPMENT

May 31, 1991

Town Clerk
City of Perth
27-29 St Georges Terrace
PERTH WA 6000



Dear Sir

REQUEST FOR MINISTERIAL AUTHORITY TO DETERMINE DEVELOPMENT APPLICATION
- USE OF VACANT LAND FOR CAR PARK AT LOT 373 (NO 21) EUCLA STREET,
MOUNT HAWTHORN

I refer to your letter dated March 7, 1991 and advise that the Hon Minister for Planning has resolved that permission pursuant to Clause 26(2) of the City of Perth City Planning Scheme, to the proposed use of Lot 373 Eucla Street, Mount Hawthorn as car parking serving adjoining commercial premises, be refused for the following reasons:

1. The lot concerned is within a residential zone having frontage to a street servicing predominantly residential properties and the proposed use for car parking would continue to detract from the residential amenity and character of the street and other surrounding residential properties.
2. The proposal if permitted, would result in a precedent for the further encroachment of commercial activities from Scarborough Beach Road, a major regional road, into residential side streets which compound the problems of concentrated commercial development alongside major traffic routes.
3. The proposal is expressed to be with the ultimate intention of amalgamating the lot with other adjoining commercial zoned lots to increase redevelopment potential of the land with the adverse results described in the foregoing reasons 1 and 2.
4. Approval to the proposal would result in a de facto rezoning of the land for commercial purposes which will impact adversely on the amenity of the nearby residential properties.

Yours faithfully


SARAH ARTHUR
SECRETARY
COMMITTEE FOR STATUTORY PROCEDURES

WPADPLAN/4046

- 30 -

SUBURB/LOCATION: Near western corner of Eucla Street
and Scarborough Beach Road, Mount
Hawthorn
WARD: North Perth
FILE REF: KB/wr; CP 5.4; B/Eucla
REPORTING OFFICER: K Baguley
DEPARTMENT: Planning
DATE: 26 June 1991

**TP68/91 DEVELOPMENT APPLICATION - USE OF VACANT LAND
FOR CAR PARKING AT LOT 373 (NO. 21) EUCLA
STREET, MOUNT HAWTHORN (90/1627) (NORTH PERTH)**

BACKGROUND:

The City Planner reports as follows in regard to the
abovementioned application.

LANDOWNER: C Della-Maddalena
APPLICANT: BJ Drafting Service
ZONING: Metropolitan Region Scheme - Urban
City Planning Scheme - Residential R30

In November 1990, an application was submitted to the
Council seeking approval to use a vacant lot adjoining
commercial premises for car parking.

According to Table No. 1 of the City Planning Scheme, a
car park is an 'X' use (not permitted) in a Residential
zone. Under Clause 26 of the Scheme however, 'X' uses
may be approved by the Council if an advertising
procedure is undertaken and written authority from the
Minister for Planning is received.

The proposal was advertised in accordance with Clause 37
of the Scheme and was considered by the Town Planning
Committee at its meeting held on 28 February 1991. The
Committee resolved that the Minister's written authority
to approve the application should be sought.

DETAILS:

As a result the Planning Department wrote to the Minister
to request authority for the Council to determine the
application. On 5 June 1991, a response from the
Minister was received. The letter stated:-

"...the Hon Minister for Planning has resolved that permission pursuant to Clause 26(2) of the City of Perth City Planning Scheme, to the proposed use of Lot 373 Eucla Street, Mount Hawthorn as car parking serving adjoining commercial premises, be refused for the following reasons:

1. The lot concerned is within a residential zone having frontage to a street servicing predominantly residential properties and the proposed use for car parking would continue to detract from the residential amenity and character of the street and other surrounding residential properties.
2. The proposal if permitted, would result in a precedent for the further encroachment of commercial activities from Scarborough Beach Road, a major regional road, into residential side streets which compound the problems of concentrated commercial development alongside major traffic routes.
3. The proposal is expressed to be with the ultimate intention of amalgamating the lot with other adjoining commercial zoned lots to increase redevelopment potential of the land with the adverse results described in the foregoing reasons 1 and 2.
4. Approval to the proposal would result in a de facto rezoning of the land for commercial purposes which will impact adversely on the amenity of the nearby residential properties."

COMMENTS:

When the application was assessed by the Planning Department, it was considered that the proposal could be supported. The Council's records indicate that the site has never been used for residential purposes and since at least 1967, has been used for service industry, industry, car park and entrance to adjoining Scarborough Beach Road properties. Approval of the application would rationalise a long-standing situation.

The Minister's decision is disappointing and his letter raises a number of issues which require clarification. The Minister's letter states that approval of the car park would continue to detract from the residential amenity and character of street. It is considered that by approving the car park, it would be possible to impose conditions, such as landscaping and screening, which would improve the existing situation. The car parking would act as a buffer between the commercial uses and adjacent residences.

The letter from the Minister further states that if the car park was permitted, it would create a precedent for further encroachment of commercial activities into residential side streets. The subject lot adjoins a commercial property which, like many properties fronting Scarborough Beach Road, has vehicular access from a side street. Therefore, Eucla Street, near Scarborough Beach Road, already has non-residential traffic entering it. In addition, that commercial building has doors which open directly onto the subject lot. Approving an existing car park could in no way be considered as setting a precedent for commercial encroachment.

The applicants stated in their application that it was intended to amalgamate this lot with the adjoining lots to allow for future development. It is unlikely that the amalgamation of this lot with the commercial land on Scarborough Beach Road would have any adverse impacts. Given the situation on-site, the amalgamation should possibly have been undertaken several years ago when extensions were approved. Amalgamating the subject lot with the adjoining property does not change the zoning or the approved use of the land.

Approval of an 'X' use under Clause 26 of the Scheme is not a de facto rezoning. If anything, it is more akin to the creation of a non-conforming use. The car park, which has been in existence for at least 24 years, does not appear to have had an adverse impact on the amenity of nearby residential properties. The Council's records do not reveal any complaints concerning the car park.

If approved, the use of the property, like the adjoining land would be subject to all the normal planning controls. Therefore, the amenity of the area could be protected from any other undesirable uses of the property.

In view of the Minister's stated reasons to refuse the Council the authority to approve the application and given the above comments, it is therefore recommended that the Minister be requested to reconsider the application. The Minister's attention should also be drawn to the points raised in this report.

Resolved that the Hon Minister for Planning be:-

- (i) advised of the Committee's disappointment concerning his decision to refuse the Council the authority to approve the application submitted by B J Drafting Services on behalf of C Della-Maddalena for the use of vacant land as a car park at Lot 373 (No. 21) Eucla Street, Mount Hawthorn, as shown on plans dated 1 November 1990;***
- (ii) requested to reconsider his decision regarding the above application in view of the comments contained in the report of the City Planner dated 26 June 1991.***

WPADPLAN/4556

TP - 13 -

Moved by Cr Torre, seconded by Cr Pelczar

SUBURB/LOCATION: Western corner of Eucla Street and
Scarborough Beach Road, Mount
Hawthorn
WARD: North Perth
FILE REF: KB/wr; CP 5.4; B.Eucla
DEPARTMENT: Planning
DATE: 31 October 1991

**1682/91 DEVELOPMENT APPLICATION - USE OF VACANT LAND
FOR CAR PARKING AT LOT 373 (NO. 21) EUCLA
STREET, MOUNT HAWTHORN (90/1627) (NORTH PERTH)**

BACKGROUND:

The City Planner reports as follows in regard to the abovementioned application.

LANDOWNER: C Della-Maddalena
APPLICANT: CDM Australia Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
City Planning Scheme - Residential R30

DETAILS:

In November 1990, an application was submitted to the Council seeking approval to use a vacant lot adjoining commercial premises for car parking.

According to Table No. 1 of the City Planning Scheme, a car park is an 'X' use (not permitted) in a Residential zone. Under Clause 26 of the Scheme however, 'X' uses may be approved by the Council if first an advertising procedure is undertaken and written authority from the Minister for Planning is received. The proposal was advertised in accordance with Clause 37 of the Scheme and was considered by the Town Planning Committee at its 28 February 1991 meeting. The Committee resolved that the Minister's written authority to approve the application should be sought.

As a result of the 28 February 1991 meeting, the Planning Department wrote to the Minister to request authority for the Council to determine the application. On 5 June 1991, a response from the Minister was received. The request was refused on four grounds including detracton from residential amenity, encroachment into residential area, de facto rezoning and increasing redevelopment potential.

The Minister's decision was reported to the Town Planning Committee meeting held on 1 July 1991. It was considered that a number of issues raised in the Minister's letter required clarification and that the decision was disappointing. Approval of the application would have rationalised a long-standing situation. In view of this, the Town Planning Committee resolved to request that the Minister reconsider his decision and draw attention to the issues disputed by the Council.

COMMENTS:

On 10 October 1991, the Planning Department received a response from the Minister. The letter stated:-

"...It is advised that the Hon Minister for Planning has reconsidered his previous decision and is now prepared to give consent to Council to approve the use of Lot 373 Eucla Street, Mount Hawthorn for car parking."

It is considered that the car park (for 15 vehicles) will not have any adverse impact on the amenity of the adjoining residential properties and would be consistent with the orderly and proper planning of the locality. The Council's land use records indicate that the site has never been used for residential purposes and since at least 1967, has been used for service industry, industry, car park and entrance to adjoining Scarborough Beach Road properties.

The City Planner therefore recommended that in accordance with the provisions of the City Planning Scheme and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by CDM Australia Pty Ltd on behalf of C Della-Maddalena for the use of vacant land as a car park at Lot 373 (No. 21) Eucla Street, Mount Hawthorn, as shown on plans dated 1 November 1990, subject to the submission of a detailed landscaping plan to the Council's satisfaction.

DISCUSSION:

During discussion at the Town Planning Committee meeting held on 4 November 1991 members considered that the requirement for landscaping was excessively onerous and unnecessary.

That in accordance with the provisions of the City Planning Scheme and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by CDM Australia Pty Ltd on behalf of C Della-Maddalena for the use of vacant land as a car park at Lot 373 (No. 21) Eucla Street, Mount Hawthorn, as shown on plans dated 1 November 1990.

**COUNCIL
MINUTES**

**18 NOVEMBER
1991**

WPADPLAN/4556

TP - 15 -

Carried by an absolute majority

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with Applicant's response to each comment.

Comments Received in Objection:	Applicant's Response:
<p><u>Traffic</u></p> <ul style="list-style-type: none"> • CDM Australia who occupy the subject site proposed for rezoning and the adjoining commercial site to the north already create a serious traffic and parking problem for the residents on Eucla Street. Any further commercial zoning will exacerbate this existing problem. • Much of the traffic generated by CDM Australia is large trucks which are not suitable for a small residential street. These trucks block Eucla Street when entering and existing the subject site. 	<ul style="list-style-type: none"> • The proposed rezoning to 'Commercial' would not in itself result in any impact to perceived parking and access issues in this location. The proposed Scheme Amendment is not intended to facilitate more intensive development on site. Rather, it was prepared and submitted under instruction from the City of Vincent as part of an overall approach to addressing compliance matters at the site and enable the continuation of existing operations, including: <ul style="list-style-type: none"> – Rectification works to ensure compliance with the relevant standards from the National Construction Code; and – Amalgamation of all lots associated with the enterprise. • The site has operated as a commercial carpark associated with various commercial activities at Nos. 251-257 Scarborough Beach Road since at least 1965. These activities have included a service station, shop, showroom, warehouse and office.
<p><u>On-street Car Parking Availability</u></p> <ul style="list-style-type: none"> • On-street car parking spaces are full on both sides of Eucla Street from Monday to Friday between 8:00am and 5:00pm as a result of CDM Australia employees and people commuting to the City for work. • CDM Australia employees currently park on Eucla Street because the space originally planned for employee parking has become a busy warehouse operation with multiple large truck deliveries. • Concerns that the proposal to increase the amount of commercial property in the area and encroach on the residential area will exacerbate the existing on-street car parking availability issues on Eucla Street. • In 2020 Eucla Street residents were given assurances that three hour on-street car parking restrictions would be introduced along Eucla Street to address concerns regarding all day parking by employees of CDM Australia and people commuting to the City but at this stage, no changes have been implemented. • Concerns that two hour on-street car parking restrictions along Eucla Street will not solve the on-street car parking availability issue. The CDM Australia employees already come and move their cars around during the day if they have had to park on the side of the street already restricted. • Concerns that even if parking restrictions do deter parking along Eucla Street this will only push the issue to another nearby street that does not 	<ul style="list-style-type: none"> • The comments raised in submissions which relate to suggested parking restrictions along Eucla Street or parking issues within the street and broader locality are not relevant to the subject Scheme Amendment. Notwithstanding this, in response to the comments raised CDM has advised as follows: <ul style="list-style-type: none"> – Employees park on the unrestricted side (right hand side when entering off Scarborough Beach Rd); – Customers sometimes park in the restricted portion but only at the commercial end; – Employees are not permitted to leave work to move their cars around and consequently they do not park in the restricted parking zone; – No.21 Eucla Street incorporates staff car parking and also a driveway which is used for access by commercial vehicles to the premises. • As previously noted, the purpose of the proposed Scheme Amendment is to bring the zoning of the subject lot into conformity with the overall site and to recognise the historic use of No.21 for parking, loading and access purposes. It is not intended to accommodate a new and/or more intensive redevelopment of the site, however it is important to consider that if any development were to be proposed in future, it would be subject to separate consultation and assessment prior to any determination being made.

Summary of Submissions:

Comments Received in Objection:	Applicant's Response:
<p>have restrictions. Suggest that CDM Australia are forced to solve this issue by providing adequate parking for their employees.</p>	
<p><u>Impact of Commercial Development on Amenity of Residential Properties</u></p> <ul style="list-style-type: none"> The initial City of Perth decision to refuse an application for the use of the subject site as a car park in the 1990's raised concerns that it would have an adverse impact on the nearby residential properties, detract from street character and lead to commercial activities encroaching on the surrounding residential area. This is exactly what has played out since the car park approval was granted. The rezoning of the subject site in favour of further commercial space won't do anything to solve the significant impacts that CDM Australia is currently having on Eucla Street residents. If anything, the problems will only increase if they have a green light to further expand their operations. 	<ul style="list-style-type: none"> The application for use of the site as a commercial car park was supported by the then City of Perth on two separate occasions and ultimately approved by the Hon. Minister for Planning on reconsideration in October 1991. Within the report on the matter to Council's November 1991 meeting, the following advice was provided: <i>"It is considered that the car park (for 15 vehicles) will not have any adverse impact on the amenity of the adjoining residential properties and would be consistent with the orderly and proper planning of the locality. The Council's land use records indicate that the site has never been used for residential purposes and since at least 1967, has been used for service industry, industry, car park and entrance to adjoining Scarborough Beach Road properties."</i> <p>In issuing the above approval almost 31 years ago, the long-term use of the site for car parking was recognised. The use of the site as a carpark for commercial activities fronting Scarborough Beach Road represents an alternative access arrangement providing for safe manoeuvring for customers, employees and delivery vehicles, where residential properties situated in proximity to the intersection are likely to have a reduced level of amenity in comparison to properties located a greater distance from commercial activities and transport routes in the locality.</p> <ul style="list-style-type: none"> We reiterate that CDM Australia has no redevelopment intentions for the site, with the proposed Scheme Amendment intended to facilitate continued operations at the request of the City. If any development was proposed in future, it would be subject to separate consultation and assessment prior to any determination being made.

Note: Submissions are considered and assessed by issue rather than by individual submitter.

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with Administration's response to each comment.

Comments Received in Objection:	Administration Comment:
<p><u>Traffic</u></p> <ul style="list-style-type: none"> • CDM Australia who occupy the subject site proposed for rezoning and the adjoining commercial site to the north already create a serious traffic and parking problem for the residents on Eucla Street. Any further commercial zoning will exacerbate this existing problem. • Much of the traffic generated by CDM Australia is large trucks which are not suitable for a small residential street. These trucks block Eucla Street when entering and exiting the subject site. 	<p>The subject site has been approved for and used as a commercial car park associated with CDM Australia since 1991.</p> <p>Amendment 9 to Local Planning Scheme No. 2 (LPS2) would not in itself approve any changes to the existing built form or business operations on the subject site.</p> <p>Any future changes to the built form or business operations on the subject site would likely require further planning approval which would include assessment of traffic generation and potential impacts on the surrounding area in accordance with the Western Australian Planning Commission's Transport Impact Assessment Guidelines Volume 4.</p>
<p><u>On-street Car Parking Availability</u></p> <ul style="list-style-type: none"> • On-street car parking spaces are full on both sides of Eucla Street from Monday to Friday between 8:00am and 5:00pm as a result of CDM Australia employees and people commuting to the City for work. • CDM Australia employees currently park on Eucla Street because the space originally planned for employee parking has become a busy warehouse operation with multiple large truck deliveries. • Concerns that the proposal to increase the amount of commercial property in the area and encroach on the residential area will exacerbate the existing on-street car parking availability issues on Eucla Street. • In 2020 Eucla Street residents were given assurances that three hour on-street car parking restrictions would be introduced along Eucla Street to address concerns regarding all day parking by employees of CDM Australia and people commuting to the City but at this stage, no changes have been implemented. • Concerns that two hour on-street car parking restrictions along Eucla Street will not solve the on-street car parking availability issue. The CDM Australia employees already come and move their cars around during the day if they have had to park on the side of the street already restricted. • Concerns that even if parking restrictions do deter parking along Eucla Street this will only push the issue to another nearby street that does not have restrictions. Suggest that CDM Australia are forced to solve this issue by providing adequate parking for their employees. 	<p>In accordance with action 3.3.4 of the City's Accessible City's Strategy 2020-2030, the City will be implementing 3P on-street car parking restrictions from 8:00am to 6:00pm Monday to Friday along Eucla Street within the next 1 to 4 months (pending lead in times needed for the parking sign orders).</p> <p>The existing 2P restrictions in Eucla Street would also change to 3P restrictions so that it is the same restriction the length of the street.</p> <p>The 3P restriction allows businesses and residents to have some surety of parking turnover and availability by eliminating commuters from parking all-day.</p> <p>Where restrictions are installed, residents are eligible for e-permits which will provide them with exemptions to the parking restrictions.</p> <p>Whilst Amendment No. 9 to LPS2 only relates to the rezoning of the subject site, the future implementation of on-street car parking restrictions along both sides of Eucla Street would assist with addressing community concerns regarding on-street car parking availability in the area.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p data-bbox="103 212 1032 236"><u>Impact of Commercial Development on Amenity of Residential Properties</u></p> <ul data-bbox="103 272 1032 608" style="list-style-type: none"><li data-bbox="103 272 1032 456">• The initial City of Perth decision to refuse an application for the use of the subject site as a car park in the 1990's raised concerns that it would have an adverse impact on the nearby residential properties, detract from street character and lead to commercial activities encroaching on the surrounding residential area. This is exactly what has played out since the car park approval was granted.<li data-bbox="103 456 1032 608">• The rezoning of the subject site in favour of further commercial space won't do anything to solve the significant impacts that CDM Australia is currently having on Eucla Street residents. If anything, the problems will only increase if they have a green light to further expand their operations.	<p data-bbox="1032 272 2112 424">The subject site has never been used for residential purposes and was approved for use as and continues to operate as a commercial car park since 1991. The two storage containers on site do not have planning approval but, according to the business operator, reduce the number of delivery vehicles that need to access the car park from Eucla Street from one per month to an additional four to five deliveries to the site per day.</p> <p data-bbox="1032 456 2112 544">The currently development approvals for the site do not restrict the number of deliveries to the site, manage the use of on street car parking or traffic from the development in any way.</p> <p data-bbox="1032 576 2112 727">The owner of the subject site has advised the City that if Amendment 9 is approved it would seek development approval for the two storage containers on the site to remain, which would allow for delivery, access, parking and traffic requirements to be placed on the business that seek to minimise the existing impact of the business on the surrounding residential streets.</p> <p data-bbox="1032 759 2112 911">Any other changes to the existing built form or business operations on the subject site would also require a development application which would also include assessment of parking, traffic generation and potential impacts on the surrounding area in accordance with the Western Australian Planning Commission's Transport Impact Assessment Guidelines Volume 4.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.