

**NOTICE OF MOTION - CR ASHLEY WALLACE - LOCAL PLANNING SCHEME NO. 2
AMENDMENT REGARDING SERVICE STATIONS**

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

That Council:

1. **PREPARES** an amendment to Local Planning Scheme No. 2 pursuant to section 75 of the Planning and Development Act 2005 (as amended) to:
 - 1.1 **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’;**
 - 1.2 **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 to a Residential or Mixed use zone’; and**
2. **CONSIDERS** Amendment No. 12 to Local Planning Scheme No. 2 as a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 - 2.1 **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;***
 - 2.2 **It is consistent with the intent of the Urban zone under the Metropolitan Region Scheme to provide for a range of commercial activities;**
 - 2.3 **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 uses (‘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;**
 - 2.4 **It does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
 - 2.5 **It is not a complex or basic amendment.**

REASON

The City’s Local Planning Scheme 2 is currently out of step with community expectations on the location and control of service station developments.

Fossil-fuel use and internal-combustion engines are in decline and the build-out of further infrastructure in support of those, particularly within sensitive areas, is in contravention with a number of objectives of the Strategic Community Plan and the Accessible City Strategy.

Service stations are a leading cause of soil, groundwater and air contamination within the City and on a number of occasions have resulted in human and environmental health impacts outside their respective lots. Volatile organic compounds such as Benzene, along with a suite of other common contaminants in petrol and diesel, are mobile within groundwater and move with it beneath our community. The volatility of those substances can result in measurable air quality impacts some distance from the contaminant source.

These proposed changes will not prohibit the construction of service stations within Vincent, however will restrict new stations from areas where their amenity and health impacts would be most felt.

ADMINISTRATION COMMENTS

Supported.

The City's Local Planning Scheme No. 2 (LPS2) includes the land use 'Service station' which means:

'premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles'*

The LPS2 includes the land use 'Service station' as an:

- 'X' use in the Residential zone;
- 'A' use in the Mixed Use zone; and
- 'D' use in the Local Centre, District Centre, Regional Centre and Commercial zones.

The proposed Scheme Amendment would result in the use class 'service station' only being considered in the Commercial zone, with a clear provision stating that in this zone, 'service stations' should not be approved on lots adjoining or adjacent to a Residential or Mixed Use zone.

The proposed Scheme Amendment would protect those areas where residential uses are fundamental, such as in the Residential, Mixed use and centre zones, from the amenity, health and nuisance impacts caused by 'service stations'. This align with the first objective of the City of Vincent Local Planning Strategy:

- (a) To promote and safeguard the health, safety and convenience and general welfare of the inhabitants of the City.*

By prohibiting the 'service station' use from zones that prioritise or rely on residential development, the proposed Scheme Amendment would align with the second aim of LPS2:

- (b) to protect and enhance the health, safety and general welfare of the City's inhabitants and the social, environmental and cultural environment;*

The proposed Scheme Amendment also aligns with the objectives of each zone in LPS2, which set out to ensure that commercial land uses (such as 'service station') are compatible with residential uses and are not detrimental to the amenity of adjoining owners or residential properties in the locality.

All of the existing 'service stations' in the City of Vincent have permanent approval. Under this Scheme Amendment all of these 'service stations' would either continue as permissible uses, where they are located in the Commercial zone, or enjoy non-conforming use rights, meaning that they could continue to operate in perpetuity provided their use as a 'service station' did not cease for more than 6 months. Non-conforming uses can also expand with development approval.

By ensuring the continued operation of existing 'service stations' but not allowing their proliferation, the proposed Scheme Amendment would align with Clause 1.4.4 of Local Planning Strategy:

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

and the long term objective of the City's Accessible City Strategy 2020-2030 (ACS):

Promote environmentally friendly and healthy transport modes and initiatives;

It is recommended that the Scheme Amendment form part of the City's upcoming Scheme Review process. However, Administration would support the proposed Scheme Amendment if Council seek to initiate it now.



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 **2022**

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 2022 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.....