

5.2 NO. 192 (LOT: 601, D/P: 65807) STIRLING STREET, PERTH - PROPOSED FEE PAYING CAR PARK (RETROSPECTIVE APPROVAL) (AMENDMENT TO APPROVED)

Ward: South

Attachments:

1. Consultation and Location Map
2. Minutes of 8 May 2012 Ordinary Council Meeting - Item 9.1.2
3. Previous Development Approval
4. Approved Management Plan

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for Proposed Fee Paying Car Park (Retrospective Approval) (Amendment to Approved) at No. 192 (Lot: 601; D/P: 65807) Stirling Street, Perth, subject to the following condition:

1. All conditions, requirements, advice notes and plans detailed on the development approval 5.2012.54.1 granted on 8 May 2012 continue to apply to this approval except as follows:

1.1 Condition 3 is modified to read as follows:

“3. Land Use

This approval is for Car Park as defined in the City of Vincent Local Planning Scheme No. 2. The use of the land for any other land use may require further development approval subject to the requirements of Local Planning Scheme No. 2.”

1.2 Condition 3.1 is removed;

1.3 The Advice Note is removed; and

1.4 Condition 3.2 is removed and added as Advice Note 1:

“Advice Notes:

1. *The City of Vincent will not become involved in any enforcement action relating to the use of the land as a private parking facility.”.*

PURPOSE OF REPORT:

To consider an application to amend a development approval to retrospectively remove a condition of approval at No. 192 Stirling Street, Perth (subject site).

PROPOSAL:

The application proposes to remove a condition of the development approval. The condition relates to operating as a fee paying car park for a five year period, after which time the car park would need to revert back to operating as a non-fee paying car park. This proposal would permit the car park to continue to operate as a fee paying car park in perpetuity.

The subject site is located at No. 192 Stirling Street, Perth, as shown on the location plan included as **Attachment 1**.

This site has operated as a non-fee paying car park between approximately 1999 and mid-2011. It has operated as a fee paying car park since approximately mid-2011 to present.

At its Ordinary Meeting on 8 May 2012, Council granted development approval retrospectively for the fee paying car park to continue to operate for a five year period.

A copy of the development approval is included as **Attachment 2**. The approved development plans are included as **Attachment 3**.

This application does not propose any changes to the previously approved development plans.

Details of the proposed amendment to a condition of the development approval are set out below.

Fee Paying Car Park

In accordance with Condition 3.1 of the development approval, the term of approval was limited to five years for the fee paying aspect of the car park land use. Condition 3.1 is as follows:

- 3.1. *The approval for the fee paying car park is valid for a period of five (5) years only, following which, the use shall revert back to a non-fee paying car park or further approval to continue the fee paying parking sought from the Council.*

The approval for the fee paying aspect of the car park use lapsed on 8 May 2017 and the car park has operated as a fee paying car park since this time. This is unauthorised as it is inconsistent with this condition of approval.

In accordance with Condition 3.1, the subject site is currently approved for use as a car park. Condition 3.1 time limits the period that the car park could be fee paying and did not time limit the use of the subject site as a car park.

The subject application seeks to delete Condition 3.1 which would remove the time limit restriction for the fee paying aspect of the car park. This would mean that the development approval would not restrict the car park land use from being operated as fee paying.

BACKGROUND:

Landowner:	Scope Property Group Pty Ltd
Applicant:	MGA Town Planners
Date of Application:	15 September 2022
Zoning:	MRS: Urban LPS2: Zone: Mixed Use R Code: R80
Built Form Area:	Mixed Use Area
Existing Land Use:	Car Park
Proposed Use Class:	Car Park
Lot Area:	1221m ²
Right of Way (ROW):	No
Heritage List:	No

Site Context and Zoning

The subject site is bound by Stirling Street to the north-west, Edward Street to the north-east and commercial development to the south-west and south-east.

The subject site and all adjoining properties are zoned Mixed Use R80 under the City's Local Planning Scheme No. 2 (LPS2).

The subject site and all adjoining properties are within the Mixed Use Built Form Area and have a building height standard of four storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

The surrounding context is predominantly commercial development with some medium rise residential development.

Existing Development

The subject site currently accommodates 44 car bays, landscaped areas and visually permeable fencing to both street frontages and advertising signage facing Stirling Street.

The car parking bays are currently leased out for a fee to nearby businesses and workers on an all-day, monthly basis. The leased bays are available to the lessees on a 24/7 basis. The car park is operated by the landowner, Scope Property Group.

The fee paying car park has been operating in accordance with an approved Management Plan, as included in **Attachment 4**. This Management Plan was required in accordance with Condition 4 of the development approval.

The Management Plan details the full operation of the fee paying car park, control of unauthorised parking, access control to the car park so that the general public cannot access the site, and cleaning of the car park.

Site History

The subject site has historically been used as a car park as summarised below.

Date	Comment
9 March 1998	<p>Council at its Ordinary Meeting resolved to approve demolition of an existing building and the construction of a two storey shop/office/warehouse at No. 190 Stirling Street, with car parking for the development located at the subject site.</p> <p>Nos. 190 and 192 Stirling Street formed part of one lot at this time.</p>
21 October 2008	<p>Council at its Ordinary Meeting conditionally approved a four storey mixed use development comprising 16 multiple dwellings, four offices and basement car parking at the subject site. The application included alterations and additions to existing shop/office/warehouse at No. 190 Stirling Street. Nos. 190 and 192 Stirling Street still formed part of one lot and the development was considered in a single application.</p> <p>The approval was issued with the plans showing a staged approach. Stage One of the works comprising alterations and additions to the existing shop/office/warehouse development on No. 190 Stirling Street, and Stage Two involving the construction of the four storey mixed use development on the subject site.</p> <p>A building licence was approved by the City for Stage One and the works were undertaken and completed.</p> <p>The construction of Stage Two for the mixed use portion of the development at the subject site did not proceed due to the onset of the Global Financial Crisis.</p>
7 September 2009	<p>The Western Australian Planning Commission issued conditional approval for freehold (green title) subdivision to create the existing lots.</p> <p>The subdivision application was lodged to enable separate strata subdivision of the existing shop/office/warehouse development associated with Stage One, as well as to facilitate the delivery of Stage Two.</p> <p>Clearance for the conditions of the subdivision approval was lodged in February 2010 and the lots subsequently created.</p> <p>The subdivision resulted in No. 190 Stirling Street and the subject site (No. 192 Stirling Street) being separate and standalone lots.</p> <p>No. 192 Stirling Street was created as a lot through this subdivision with a car park existing on-site.</p>

24 November 2011	<p>Following an inspection on 15 November 2011, the City confirmed that the subject site was being used as a car park with associated signage.</p> <p>A letter was sent by the City to the landowners notifying them that no approval had been issued for a car park or the signage and that both were considered to be unauthorised.</p>
8 May 2012	<p>The applicant lodged a development application to seek approval for the fee paying car park on 14 February 2012.</p> <p>At its Ordinary Meeting on 8 May 2012, Council resolved to approve retrospectively a development application for a fee paying car park at the subject site and subject to conditions. A copy of the minutes for this item from the meeting is included as Attachment 2.</p> <p>Car park was defined under (then) Town Planning Scheme No. 1 (TPS1) that was in effect in 2012 as:</p> <p><i>"Car park" means any land or buildings used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale, and does not include car parking areas provided in compliance with development approvals.</i></p> <p>Details of this development approval is discussed in greater detail below.</p>
18 September 2012	<p>Administration issued an approval under delegated authority for a signage addition (existing unauthorised development) to the car park.</p>

The Subject Site's Relationship with No. 190 Stirling Street

As detailed above, the subject site originally provided car parking for workers at the development located on No. 190 Stirling Street when both sites formed one lot.

The subdivision approval issued in 2009 and the subsequent creation of two separate green title lots at Nos. 190 and 192 Stirling Street means that there is no reliance on the car park at the subject site to meet the parking requirements for the development at No. 190 Stirling Street.

The subject site includes an easement and a right of carriageway along the eastern portion of the site. This provides the adjoining sites at Nos. 180 and 190 Stirling Street with vehicle access to Edward Street, noting that the subject site also has legal vehicle access to Parry Street.

Background on Approval and Previous Parking Policy

The applicant proposed for a fee paying car park to be permanently approved as part of its 2012 development application.

The City's parking policy in place at the time of the previous approval (Policy No. 3.7.1 Parking and Access) contained a provision (Clause 17 or 'Law 17') specifying that the City does not support the use of vacant land or buildings for parking purposes unless it was for occasional parking.

Administration considered the use of the subject site as a car park to be acceptable in accordance with the planning framework. Administration did not support the proposal for the fee paying aspect of the car park to be approved in perpetuity and considered it appropriate to apply a time limited condition to allow the fee paying element of the car park for five years only. Administration recommended a condition that set out that after the five year period, the car park would need to revert back to a non-fee paying car park unless further development approval was sought.

Council resolved to time limit the fee paying aspect of the car park for five years until 8 May 2017 consistent with Administration's recommendation. The following advice note to the approval was also included by Council:

'As the use is not compliant with Law 17 of Policy No. 3.7.1 relating to Parking and Access, the City strongly encourages the Applicant to consider redevelopment options for alternative uses prior to the conclusion of the five (5) year approval.'

Administration does not have record of any discussions with proponents on potential redevelopment of the site following the 2012 approval.

Since the time of the approval, Policy No. 3.7.1 – Parking and Access has been amended and is now the City's Policy No. 7.7.1 – Non-Residential Development Parking Requirements (Non-Residential Development Parking Policy).

The Non-Residential Development Parking Policy does not contain any provisions relating to or restricting the use of vacant land for vehicle parking.

During assessment of the subject application, Administration identified that the landowners have not maintained the landscaping on site in accordance with the approved landscaping plan as required by Condition 5 of the approval. This matter has been referred to the City's Compliance Services team to investigate and action to ensure compliance with the terms of the approval. This is a matter separate to the consideration of this development application.

DETAILS:

Summary Assessment

The existing land use of car park has been approved and is not proposed to change as part of this application. It is not subject to assessment against the Mixed Use zone objectives under LPS2.

The provisions of the Built Form Policy are not applicable to the proposal. This is because there are no modifications proposed to the previously approved plans and there is no built form development proposed.

An assessment of the proposed fee paying aspect of the car park against relevant matters is discussed in the Comments section of this report.

CONSULTATION/ADVERTISING:

Community consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) from 16 November to 29 November 2022. The method of consultation included a notice on the City's website and 11 letters being mailed to owners and occupiers of all adjoining and adjacent properties to the subject site, in accordance with the City's Community and Stakeholder Engagement Policy.

No submissions were received at the conclusion of the consultation period.

Design Review Panel (DRP):

Referred to DRP: No

The application was not referred to the City's Design Review Panel. This is because no modifications are proposed to the previously approved plans and no built form development is proposed.

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 and Stakeholder Engagement Policy.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the Regulations and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Planning and Development (Local Planning Schemes) Regulations 2015

This application has been lodged in accordance with Clause 77(1) and (2) in Schedule 2, Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This permits an owner to make an application to amend an aspect of the development approved after the period within which the development must be substantially commenced.

Delegation to Determine Applications:

This matter is being referred to Council in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because delegation does not extend to the amendment of applications previously approved by Council that would change the impact of a condition imposed.

The proposal seeks to remove Condition 3.1 of a previous approval issued by Council, which would impact the term of the fee paying aspect of the car park that was the subject of the approval.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a development application.

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:

The Environmentally Sustainable Design Provisions of the City's Built Form Policy, which is informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024 are not applicable to this proposal. This is because the application does not propose any built form development on site and so there is no assessment required against the Policy provisions.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:Summary Assessment

In assessing the application, it is recommended for approval. The following key comments are of relevance:

- The use of the site as a car park has been approved by Council. The approved development plans are also not proposed to be modified. The extent of Council's consideration for this application is whether it is acceptable for the approved car park to be fee paying.
- The imposition of the previous time limited condition for the fee paying aspect of the car park was supported by an advice note in Council's decision. This advice note referred to non-compliance with a provision in the City's (then) parking policy. This provision (Clause 17) of Council's policy stated: *'Town of Vincent does not support the use of vacant land or buildings for parking purposes unless occasional parking, as outlined in Clause 16) above, has been approved.'* This clause of the policy has since been deleted.
- There are no requirements under the City's Local Planning Scheme or local planning policies precluding a car park land use from being a fee paying car park.

- The site has operated as a fee paying car park without issue and without detrimentally impacting the amenity of the surrounding area, and has demonstrated it is compatible with its locality.

Acceptability of Proposal

The car park land use for the site is not subject to Council's discretion in determining this application. This is because the 2012 development approval sets out for the site to operate as a car park that is fee paying for five years and a car park that is non-fee paying after the five year period.

The car park land use for the site has been approved and the site's ongoing use remains consistent with the definition of a car park.

There are no changes proposed to the previously approved development plans or new built form proposed. This means that components of the car park site such as landscaping have already been approved, do not form part of this application and are not subject to Council's consideration.

Council is required to only consider the acceptability of removing Condition 3.1 of the previous approval in respect to the fee paying aspect of the car park.

The removal of Condition 3.1 is supported by Administration for the following reasons:

- Applicable Planning Framework: The City's LPS2 and local planning policies including the Non-Residential Development Parking Policy do not provide standards or requirements that relate to the fee paying aspect of the car park land use. The definition of the car park land use under LPS2 also does not make reference to being fee paying or non-fee paying. LPS2 defines a car park as:
'Car Park: means premises used primarily for parking vehicles whether open to the public or not but does not include –
(a) any part of a public road used for parking or for a taxi rank; or
(b) any premises in which cars are displayed for sale'
This means that the current planning framework does not seek to control or restrict the fee paying aspect of the car park land use and it does not preclude a car park from charging a fee;
- Approved Use and Zoning: The subject site has operated for car parking purposes since 1998. The land use was previously considered against the relevant planning framework and objectives of the zone, considered acceptable and approved. The objectives of the Mixed Use zone in which the subject site is located are generally consistent between TPS1 and LPS2; and
- Management of Car Park and Amenity: The car park has been managed in accordance with the approved Management Plan (included as **Attachment 3**) since the development approval in 2012. The applicant has demonstrated that the car park has been well managed, with no complaints being received since its operation as a non-fee paying car park in 1999 as well as a fee paying car park from approximately mid-2011. This demonstrates that the site is capable of operating as a fee paying car park without adversely impacting the amenity of nearby properties and would continue to be compatible with its setting.

Administration recommends that Condition 3.2 of the approval be removed and imposed as an advice note. This is because its purpose is to advise the car park operator that it is not the City's responsibility to require compliance with the terms of use of the car park or to take action in respect to any breach of the car park's parking restrictions. The car park is a privately owned and managed facility, and so this is the operator's responsibility.

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

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission (in care of 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

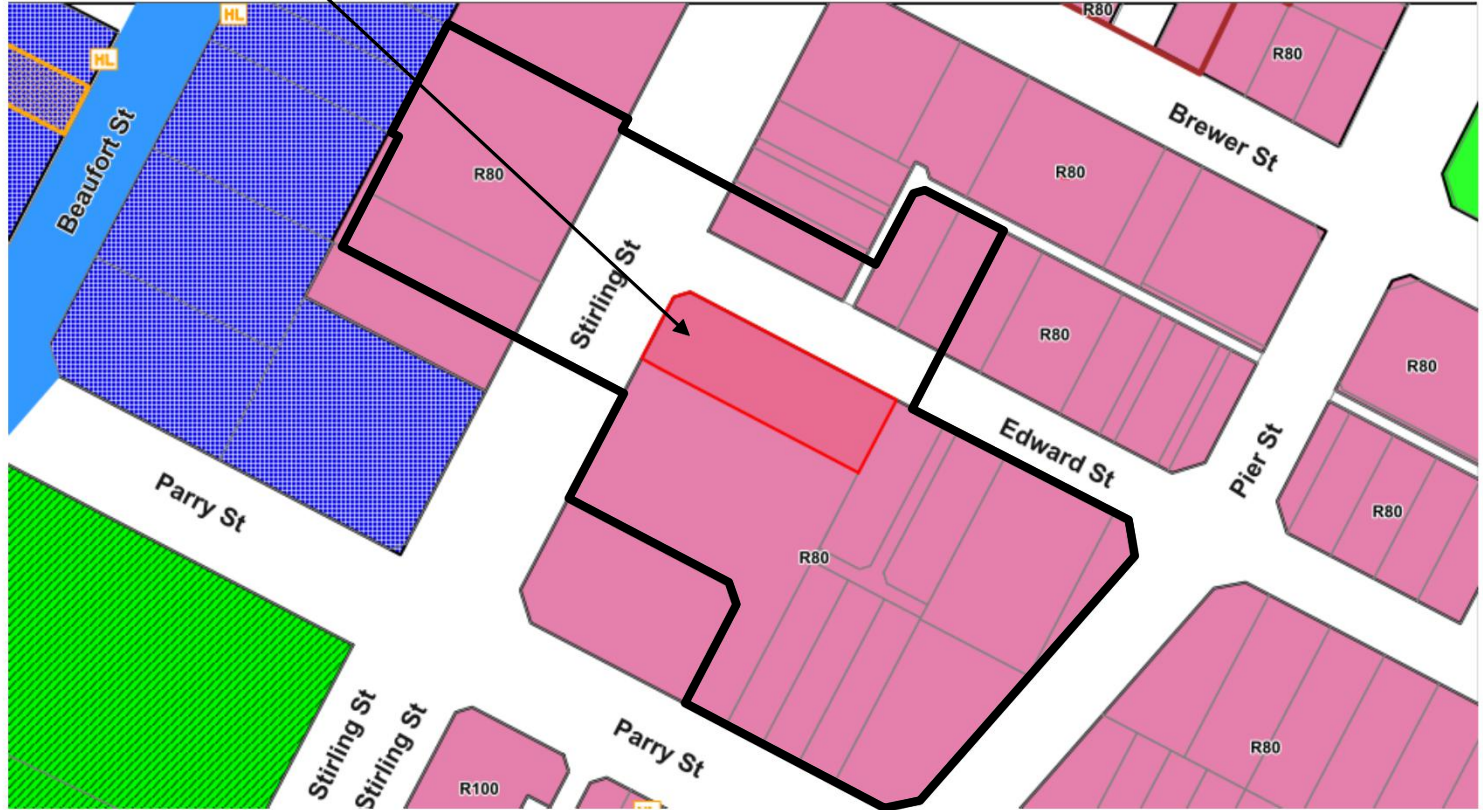
CITY OF VINCENT SCHEME ZONES

- 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 INFORMATION & RESIDENTIAL PLANNING CODES

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

SUBJECT SITE



CITY OF VINCENT

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).

Consultation and Location Map

192 Stirling Street, Perth

Extent of Consultation



**SUBJECT
SITE**



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192 Stirling Street, Perth



9.1.2 No. 192 (Lot 601; D/P: 65807) Stirling Street, corner of Edward Street, Perth – Proposed Fee Paying Car Park (Retrospective Approval)

Ward:	South	Date:	24 April 2012
Precinct:	Beaufort Precinct; P 13	File Ref:	PRO5670; 5.2012.54.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s submission		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council,

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by MGA Town Planners on behalf of the owner, Scope Property Group Pty Ltd for Proposed Fee Paying Car Park (Retrospective Approval) at No. 192 (Lot 601; D/P: 665807) Stirling Street, corner of Edward Street, Perth, and as shown on plans stamp dated 15 February 2012 and amended plans stamp dated 23 April 2012, subject to the following conditions:

1. **Building**

Any new street wall, fence and gate within the Stirling Street and Edward Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City’s Policy provisions relating to Street Walls and Fences;

2. **Signage**

2.1 All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;

2.2 The signage shall not have flashing or intermittent lighting;

2.3 All signage shall be subject to a separate Sign Licence application being submitted to and approved by the City prior to the erection of the signage; and

2.4 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;

3. **Paid Parking**

3.1 The approval for the fee paying car park is valid for a period of five (5) years only, following which, the use shall revert back to a non-fee paying car park or further approval to continue the fee paying parking sought from the Council; and

3.2 The City of Vincent will not become involved in any enforcement action relating to the use of the land as a private parking facility;

4. **Management Plan**

Within twenty-eight (28) days from the date of planning approval, a Car Parking Management Plan shall be submitted and approved by the City. The Car Parking Management Plan shall detail the full operation of the fee paying car park, control of unauthorised parking, access control to the car park so that the general public cannot access the site and cleaning of the car park;

5. **Landscaping and Reticulation Plan**

Within twenty-eight (28) days from the date of planning approval, a detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 5.1 the location and type of existing and proposed trees and plants;
- 5.2 all vegetation including lawns;
- 5.3 areas to be irrigated or reticulated; and
- 5.3 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 5.3 planting of low growing native species/shrubs that would not exceed a height of 0.5 metre within the landscaping beds along the Stirling and Edward Street frontages.

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken and completed within twenty-eight (28) days from the date of the approval of the landscaping plan, and maintained thereafter by the owner(s)/occupier(s); and

6. **Redundant Crossover**

Within twenty-eight (28) days from the date of planning approval, the redundant or 'blind' crossover shall be removed and the verge and kerb made good to the satisfaction of the City's Technical Services.

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr McGrath

That clause 5.1 be amended to read as follows:

- “5.1 the location and type of existing and proposed trees and plants including a new garden bed of a minimum 0.6 metres width along the southern edge of the car park and the provision of one (1) shade tree for every four (4) car parking bays;”

Debate ensued.

Cr Carey departed the Chamber at 6.40pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.41pm.

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was an apology for the Meeting.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr Pintabona

That an Advice Note be inserted as follows:

“ADVICE NOTE:

As the use is not compliant with Law 17 of Policy No. 3.7.1 relating to Parking and Access, the City strongly encourages the Applicant to consider redevelopment options for alternative uses prior to the conclusion of the five (5) year approval.”

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.2

That the Council,

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by MGA Town Planners on behalf of the owner, Scope Property Group Pty Ltd for Proposed Fee Paying Car Park (Retrospective Approval) at No. 192 (Lot 601; D/P: 665807) Stirling Street, corner of Edward Street, Perth, and as shown on plans stamp dated 15 February 2012 and amended plans stamp dated 23 April 2012, subject to the following conditions:

1. Building

Any new street wall, fence and gate within the Stirling Street and Edward Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City’s Policy provisions relating to Street Walls and Fences;

2. Signage

2.1 All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;

2.2 The signage shall not have flashing or intermittent lighting;

2.3 All signage shall be subject to a separate Sign Licence application being submitted to and approved by the City prior to the erection of the signage; and

2.4 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;

3. **Paid Parking**

3.1 The approval for the fee paying car park is valid for a period of five (5) years only, following which, the use shall revert back to a non-fee paying car park or further approval to continue the fee paying parking sought from the Council; and

3.2 The City of Vincent will not become involved in any enforcement action relating to the use of the land as a private parking facility;

4. **Management Plan**

Within twenty-eight (28) days from the date of planning approval, a Car Parking Management Plan shall be submitted and approved by the City. The Car Parking Management Plan shall detail the full operation of the fee paying car park, control of unauthorised parking, access control to the car park so that the general public cannot access the site and cleaning of the car park;

5. **Landscaping and Reticulation Plan**

Within twenty-eight (28) days from the date of planning approval, a detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

5.1 the location and type of existing and proposed trees and plants including a new garden bed of a minimum 0.6 metres width along the southern edge of the car park and the provision of one (1) shade tree for every four (4) car parking bays;

5.2 all vegetation including lawns;

5.3 areas to be irrigated or reticulated;

5.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

5.5 planting of low growing native species/shrubs that would not exceed a height of 0.5 metre within the landscaping beds along the Stirling and Edward Street frontages;

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken and completed within twenty-eight (28) days from the date of the approval of the landscaping plan, and maintained thereafter by the owner(s)/occupier(s); and

6. **Redundant Crossover**

Within twenty-eight (28) days from the date of planning approval, the redundant or 'blind' crossover shall be removed and the verge and kerb made good to the satisfaction of the City's Technical Services.

ADVICE NOTE:

As the use is not compliant with Law 17 of Policy No. 3.7.1 relating to Parking and Access, the City strongly encourages the Applicant to consider redevelopment options for alternative uses prior to the conclusion of the five (5) year approval.

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the proposal relates to an "SA" use in a Residential/Commercial zone.

BACKGROUND:

The subject site is located within the Beaufort Precinct and is currently a car park.

History:

Date	Comment
9 March 1998	The Council at its Ordinary Meeting conditionally approved demolition of an existing building and construction of a two-storey shop/office/warehouse with car parking being located at No. 192 Stirling Street. It is noted that No. 190 and 192 Stirling Street previously formed part of one lot.
11 November 1998	The Western Australian Planning Commission issued conditional subdivision approval.
22 April 2008	The Council at its Ordinary Meeting conditionally approved an additional four-storey mixed use development comprising sixteen (16) multiple dwellings, twelve (12) offices and basement car parking to the existing shop/office/warehouse.
21 October 2008	The Council at its Ordinary Meeting conditionally approved an additional four-storey mixed use development comprising sixteen multiple dwellings, four offices and basement car parking, to existing and approved shop/office/warehouse. Due to the Global Financial Crisis, the construction of the mixed-use development did not proceed.

DETAILS:

Landowner:	Scope Property Group Pty Ltd
Applicant:	MGA Town Planners
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Car Park
Use Class:	Car Park
Use Classification:	"SA"
Lot Area:	1220 square metres
Right of Way:	N/A

The applicant provided the following information:

"The land has been used as a car park for many years, but, more recently, the number of bays has been increased with the closure of a crossover to Edward Street and the removal of some servicing infrastructure allowing additional bays to be added. Plans attached show "before" and "after" layouts to illustrate the change. The number of parking bays is increased from 32 to 44.

The land was the subject of an approval to redevelopment in April 2008, however, this approval was not implemented due to the impacts of the Global Financial Crisis. Continuing weak market conditions have further delayed implementation.

Continuing use of the site as a car park has therefore been enhanced by the modifications illustrated. This development results in no diminution of local amenity, representing an interim arrangement until market conditions have further delayed implementation.

Charging for parking allows the landowner to provide for cleaning, including regular mechanical sweeping, to be undertaken in the car park which is regularly and extensively having rubbish deposited in it from the neighbouring properties, in particular, the nightclub directly across the street. Rubbish regularly found in the car park includes smashed beer bottles, half full bottles of alcohol, syringes, drug implements, used and unused condoms, human faeces and excrement.

The effective orderly management of the site is made possible through charging for parking.

Lighting of the car park is via 3 x 400w flood lights which are on a light sensitive timer this affords users of the car park greater security as well as providing a deterrent to vandals and criminal elements. See the attached lighting specifications, pictures and certification.

The majority of the car parks users are from our neighbouring building.

We understand that the City of Vincent's Car Parking Strategy does address and acknowledge the use of vacant sites as a means to maintain the streetscape when they would otherwise become rundown.

We note the recent approval of paid car parking at 462 Beaufort Street at the council meeting on the 20/12/2011."

The applicant has confirmed that the car park will be leased on an all day monthly basis and that there will be a payment for the lease. The leased bays will be available to the lessees on a 24 hours/7 days basis.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		N/A
Streetscape	N/A		N/A
Front Fence	N/A		N/A
Front Setback	N/A		N/A
Building Setbacks	N/A		N/A
Building Height	N/A		N/A
Building Storeys	N/A		N/A
Open Space	N/A		N/A
Bicycle Parking	N/A		N/A
Car Parking	N/A		N/A
Privacy	N/A		N/A
Solar Access	N/A		N/A

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Type:	Twenty-one (21) days advertising with sign on site and newspaper advertising.
Comments Period:	6 March 2012 to 26 March 2012.
Comments Received:	No submissions were received.

Summary of Comments Received:	Officers Technical Comment:
N/A	N/A

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

LEGAL/POLICY:

- Town Planning Scheme No. 1 and associated Policies;
- City of Vincent Car Parking Strategy;
- Policy 3.7.1 relating to Parking and Access; and
- Policy 3.1.13 relating to Beaufort Precinct.

RISK MANAGEMENT IMPLICATIONS:

If this application is refused the applicant has a right of appeal to the State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue: Reuse	Comment:
The car parking has existed for many years and its continued use is not considered to have any further environmental impact.	

SOCIAL	
Issue: Car Park	Comment:
The car park provides additional parking bays for people working in nearby offices, hence improving convenience.	

ECONOMIC	
Issue Car Parking – Active Use	Comment:
Collection of fees from an underutilised car park.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Ranger and Community Safety Services

The operation of the private car park is solely the responsibility of the land owners and, should unauthorised vehicles make use of the facility, the City will not become involved in any enforcement action. It is suggested that, to avoid the facility being accessed by the general public, the land owners should consider some form of access control on the entry/exit, in the form of a chain, gate, electric barrier, card activated barrier, or pin code activated barrier, etc.

Planning

Car Parking Strategy

Strategic Planning have advised that the car park is supported as the City's Car Parking Strategy addresses and acknowledges the use of vacant sites as a means to maintain the streetscape when they become rundown.

"SA" use and Policy No. 3.7.1 relating to Parking and Access

A car park is classified as an "SA" use under the City of Vincent Town Planning Scheme No. 1, meaning the use is not permitted unless Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 37. Moreover Clause 17 of Policy No. 3.7.1 relating to Parking and Access specifies that the City does not support the use of vacant land or buildings for parking purposes unless occasional parking.

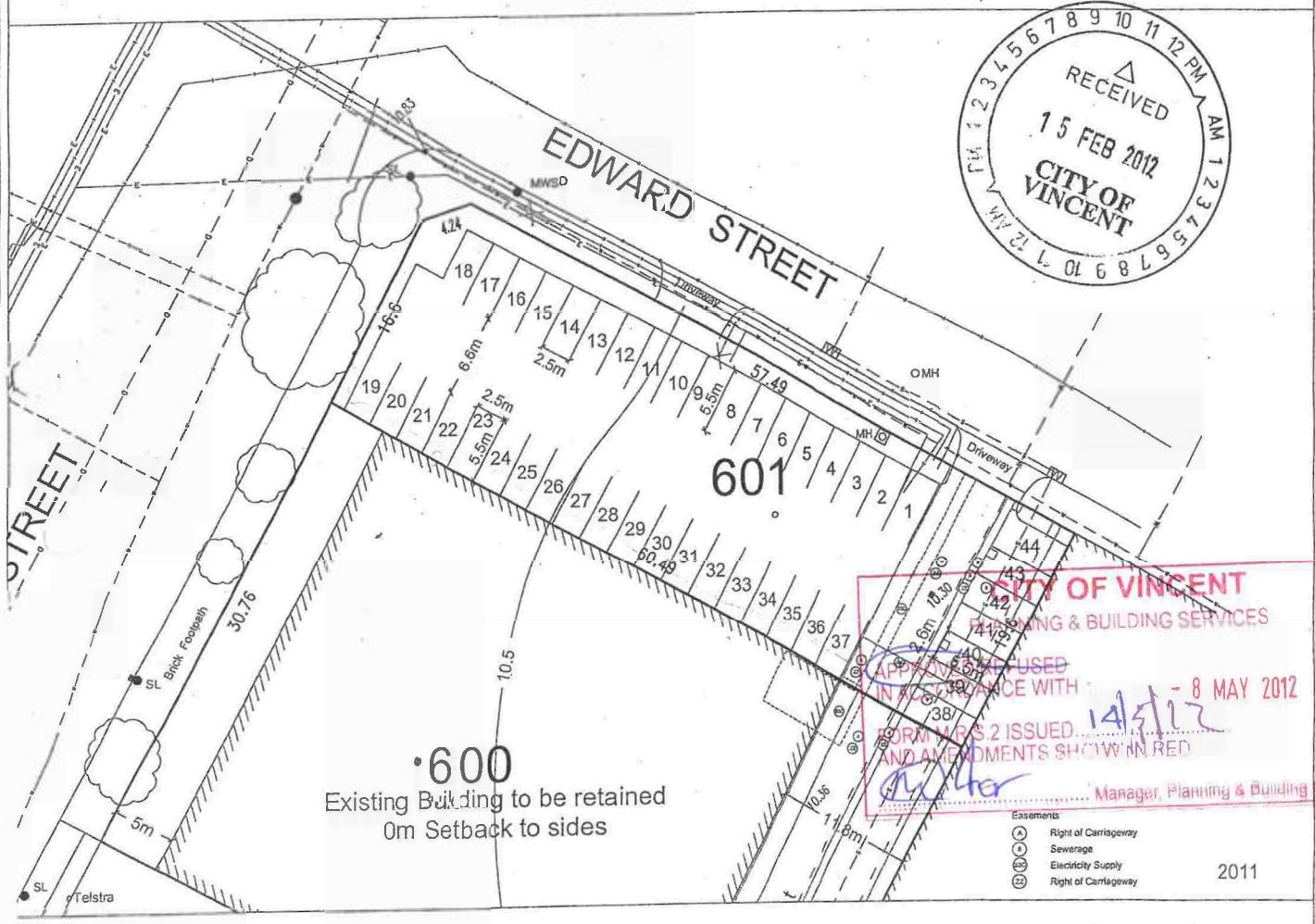
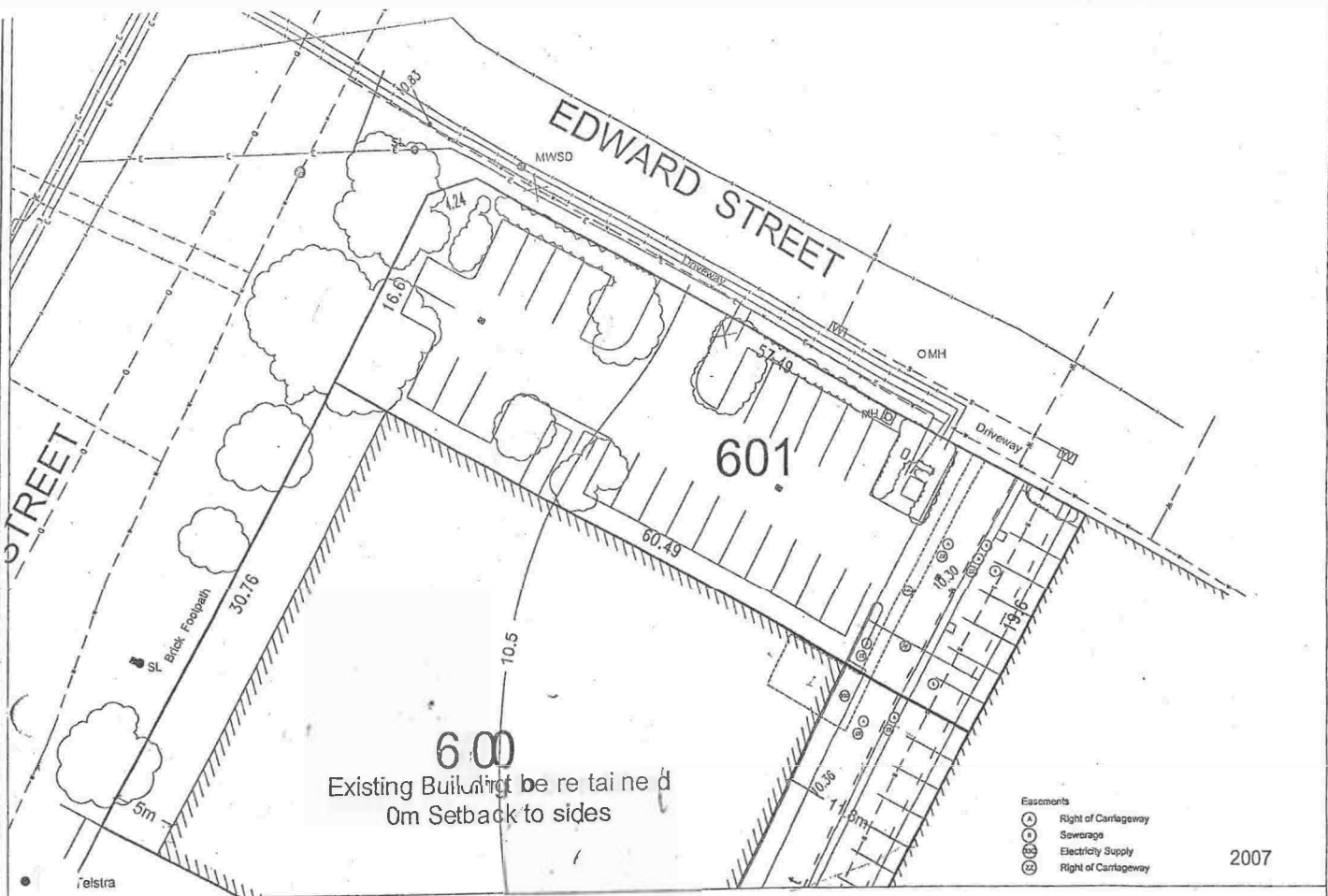
The fee paying car park is supported for the following reasons:

- The subject site has been used as car parking for many years since 1998 as indicated in the history of the site;
- No objections were received for the fee paying car park;
- The car park will be used mostly by employees working in the immediately surrounding office buildings;
- The Wilson car park opposite the site has closed and therefore this car park will provide an alternative car park for the public;
- The car park will not impact any further on the streetscape as the site has been used as car parking for many years; and
- The fee paying car park is consistent with the City's Car Parking Strategy.

Policy No. 3.1.13 relating to Beaufort Precinct

The City's Policy No. 3.1.13 relating to the Beaufort Precinct, encourages mixed use development in the area. The car parking has been existing for many years and therefore the proposal is not for a new use for the subject site. According, it is recommended that in the event this application is approved, the approval should be limited to five (5) years, whereby upon expiration of the five (5) years, the Council will be given the opportunity to reconsider the use of the site for paid car parking into the future.

In view of the above, the application is recommended for approval for a period of five (5) years, subject to standard and appropriate conditions.



25mm at scale

MGA
TOWN PLANNERS
Ph: (08) 9321 3011
Fx: (08) 9324 1981
email: mpa@global.net.au

Metres
0 10
Scale 1:400

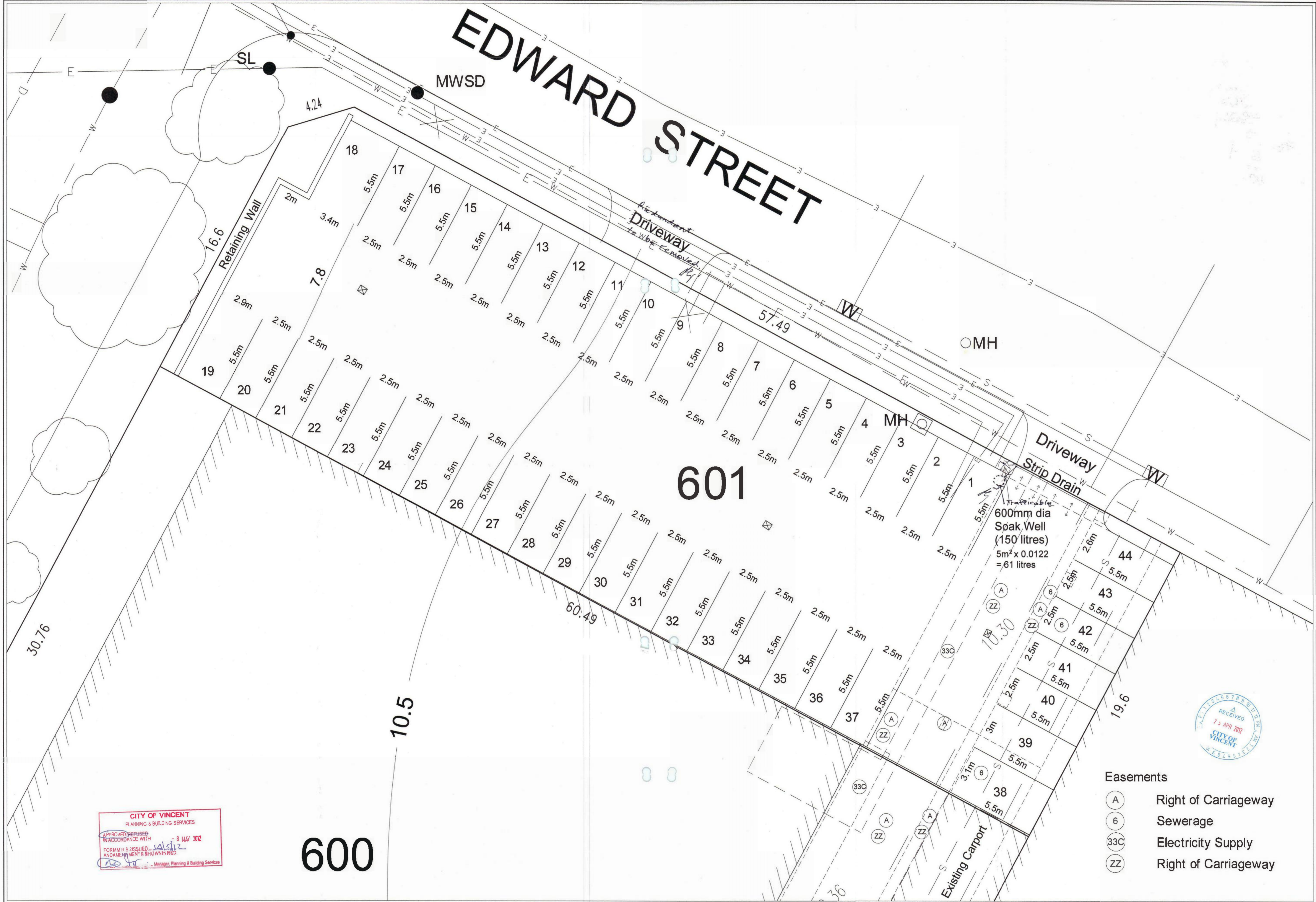
Date: 30 November 2011
Ref: 2554/Before&After/A3PB

A3

All dimensions and areas subject to survey

2007 and 2011 CONFIGURATION OF
LOT 601, (190) STIRLING STREET
PERTH

EDWARD STREET



MWSD

MH

MH

601

600



- Easements**
- (A) Right of Carriageway
 - (6) Sewerage
 - (33C) Electricity Supply
 - (ZZ) Right of Carriageway

CITY OF VINCENT
 PLANNING & BUILDING SERVICES
 APPROVED REFUSED
 IN ACCORDANCE WITH
 FORM 6.5 ISSUED 8 MAY 2012
 AND AMENDMENT 5 SHOWN IN RED
 Manager, Planning & Building Services

192 STIRLING STREET

CAR PARK MANAGEMENT PLAN

The car park located at 192 Stirling Street Perth is managed by Scope Property Management Pty Ltd ATF the Scope Property Management Unit Trust (SPM). The management plan for the car park is as follows:

1. The car park has been fully sealed, line marked and had all 44 car bays numbered.
2. Each car park user completes a formal monthly Car Parking Agreement (CPA) that can be terminated upon either party giving one month's notice.
3. The CPA sets out all of the terms and conditions of use including the dedicated car bay that has been allocated to that user on a 24/7 basis as well as the monthly charges.
4. Unauthorised car parking is managed via a wheel clamping arrangement with a third party wheel clamping organisation. Should any vehicle park in an unauthorised location they will be wheel clamped and have to pay a fine to have the clamp removed.
5. The car park has extensive signage clearly identifying the area as a wheel clamp zone and also details the wheel clamping terms and conditions.
6. The car park is fenced off along the adjoining boundaries, floodlit in the evenings and regularly swept of broken glass and rubbish.
7. The telephone number of SPM is displayed throughout the car park.
8. Regular gardening maintenance is undertaken throughout the car park.
9. General repairs and maintenance are undertaken by SPM as required.
10. All enquires and issues associated with the car park are directed to SPM.