

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
--------------------------	----	-------------------------------------	-----

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.