

TOWN OF CAMBRIDGE

LOCAL PLANNING SCHEME NO. 1

AMENDMENT NO. 40

Lot 547 (No. 69) McCourt Street, West Leederville



Prepared by:

**CF Town Planning & Development
Planning & Development Consultants**

MINISTER FOR PLANNING
PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

1. **Local Authority:** **Town of Cambridge**

2. **Description of Local Planning Scheme** **Local Planning Scheme No. 1**

3. **Type of Scheme:** **District Zoning Scheme**

4. **Serial No of Amendment`** **40**

5. **Proposal:**
 1. Inserting an entry in Schedule B entitled 'Additional Uses' by including an additional use right over Lot 547 (No. 69) McCourt Street, West Leederville for the purposes of 'Liquor Store' and 'Take Away Food Outlet'; and
 2. Amend the Scheme Map accordingly.

FORM 2A

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

TOWN OF CAMBRIDGE LOCAL PLANNING SCHEME NO. 1

AMENDMENT NO. 40

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Inserting an entry in Schedule B entitled 'Additional Uses' by including an additional use right over Lot 547 (No. 69) McCourt Street, West Leederville for the purposes of 'Liquor Store' and 'Take Away Food Outlet' as shown below:

| No. | Land Particulars | Additional Uses | Development Standards/Conditions |
|------------|---|---|---|
| A10 | Lot 547 (No. 69) McCourt Street, West Leederville | Liquor Store – "A" Take Away Food Outlet – "A" | Nil |

2. Amend the Scheme Map accordingly;

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

1. It is consistent with the Local Planning Strategy that has been endorsed by the WAPC;
2. It is an amendment that would have a minimal impact on land in the scheme area that is not the subject of the amendment;
3. The amendment is not a basic or complex amendment.

Dated this 25 day of May 2021



JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER

PLANNING AND DEVELOPMENT ACT 2005
TOWN OF CAMBRIDGE
LOCAL PLANNING SCHEME NO. 1 - AMENDMENT NO 40
SCHEME AMENDMENT REPORT

1.0 INTRODUCTION

The purpose of this Scheme Amendment is to amend the Town of Cambridge's Local Planning Scheme No.1 (LPS No.1) to include the following:

1. Inserting an entry in Schedule B entitled 'Additional Uses' by including an additional use right over Lot 547 (No. 69) McCourt Street, West Leederville for the purposes of 'Liquor Store' and 'Take Away Food Outlet'; and
2. Amend the Scheme Map accordingly.

2.0 BACKGROUND

The subject land has historically been developed with a traditional single storey house with attached shop addressing the street corner (i.e. a traditional corner store). The Town of Cambridge has established that the corner store type building on the subject land is visible on Landgate's aerial photo of the Perth Metropolitan Area dated 27 November 1953. The existing shop on the subject land has been used for a number of years as a liquor store (trading as The Wine Thief).

In addition to the above, the southern part of the subject land (fronting McCourt Street) has recently been altered to accommodate a food and beverage operation, known as 'The Coffee Thief'. This aspect of the business operating on the subject land includes a small amount of seating area between the building and McCourt Street verge.

As identified by the Town (through reviewing past records), the subject land has operated in some commercial manner since at least 1967, most recently as a 'Liquor Store' and 'Take Away Food Outlet'.

The subject land contains a number of physical improvements associated with the current development and use on the land including a single storey building of masonry construction, various outbuildings, a sealed crossover along the land's Woolwich Street frontage and boundary fencing (see Figure 2 - Aerial Site Plan). Historically, the existing commercial development on the land did not provide on-site car parking. As such it is concluded that any demand for car parking generated by the commercial use on the land has been fulfilled through the use of on-street parking within the adjoining road reserves.

It is significant to note that the subject land is classified 'Residential' zone under the Town of Cambridge's current operative Local Planning Scheme No.1 (LPS No.1) with a density coding of R30. Under the terms of the Town's LPS No.1, the use of land within the 'Residential' zone for the 'Liquor Store' and/or 'Take Away Food Outlet' purposes is identified as being not permitted ("X").

At its Ordinary Council Meeting held on 15 December 2020, Council resolved to support (in principle) an amendment to the Town of Cambridge's Local Planning Scheme No.1 (LPS No.1) to amend the Scheme Text by inserting an entry in Schedule B entitled 'Additional Uses' by including an additional use right over Lot 547 (No. 69) McCourt Street, West Leederville for the purposes of 'Liquor Store' and 'Take Away Food Outlet'.

The purpose of this scheme amendment is to allow for the current and historical use of the land to be formalized and enable the Town of Cambridge to grant relevant approvals to establish the current use and facilitate any future upgrade of the existing business. The amendment will also provide some certainty for the current landowner/business operator.

Location

The subject land is located within the western part of the West Leederville locality, on the south-western corner of the intersection of Woolwich Street and McCourt Street. The land is located approximately 500 metres north-west of the Subiaco Activity Centre, in close proximity to the West Leederville Activity Centre and approximately 180 metres northern of Cambridge Street, which comprise a high frequency public transport route (i.e. bus route) (see Figure 1 – Location Plan).

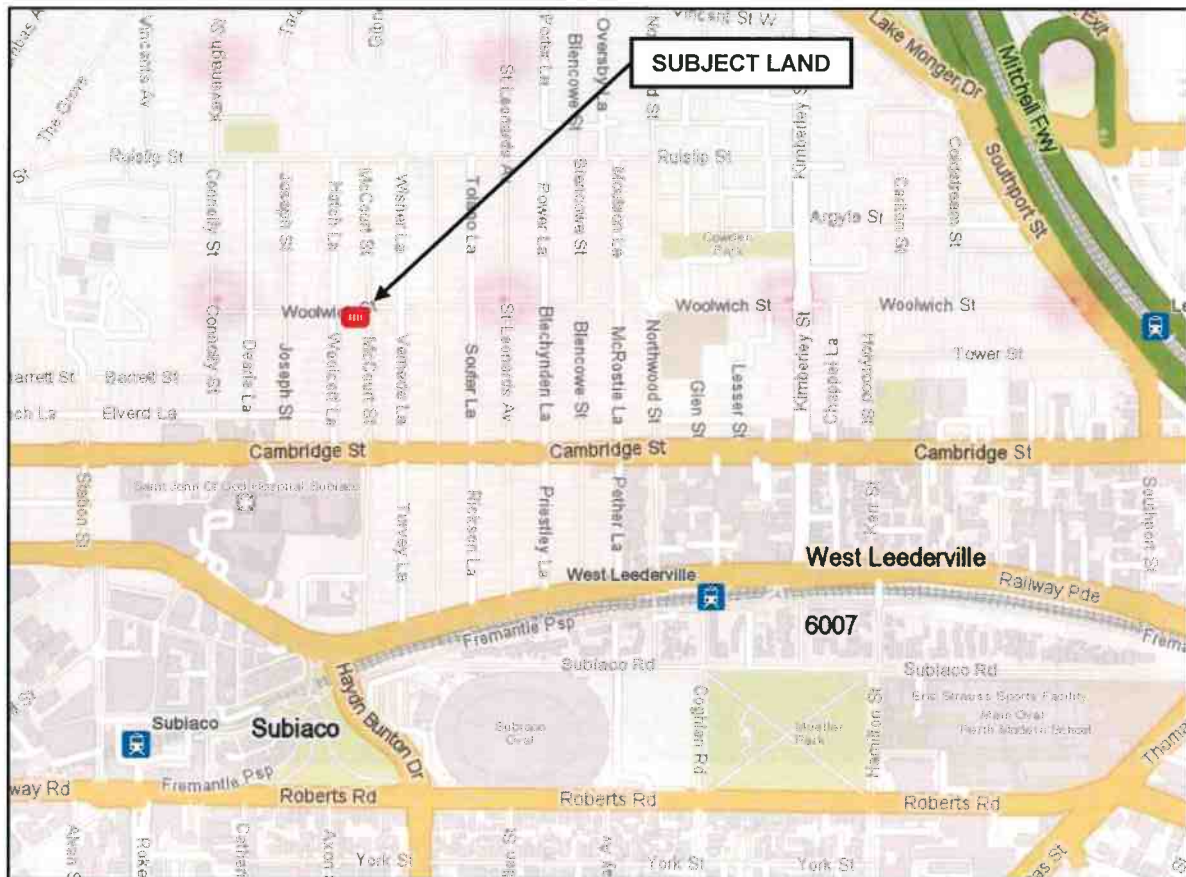


Figure 1 - Location Plan

The subject land is also located within close proximity and comprises convenient access to the following key nodes:

- A high frequency train station (i.e. West Leederville Train Station);
- High frequency bus routes along Cambridge Street;
- A regional road network (easy access to the Mitchell Freeway and Graham Farmer Freeway);
- A comprehensive bicycle and pedestrian footpath network;
- Convenient access to the Subiaco, Leederville, West Leederville and Wembley Activity Centres; and
- Various medical centres and St John of Gods Hospital.

Given the above, the subject land is well serviced by various amenities and infrastructure. As such, the proposed amendment to the Town of Cambridge's Local Planning Scheme No.1 to formalize the current use on the land and including a further use on the land has merit.

Physical Characteristics & Existing Land Uses

The subject land is rectangular in shape, covers a total area of 549.847m², has been cleared of any significant vegetation and can generally be described as being relatively flat throughout (see Figure 2 – Aerial Site Plan).



Figure 2 - Aerial Site Plan

Lot 547 has historically been development and used for commercial purposes and contains a number of physical improvements associated with its current approved usage including a commercial/residential building of masonry construction, various outbuildings and boundary fencing (see Figure 2 - Aerial Site Plan). The current use of the land is for 'liquor store/take away food outlet' purposes.

Existing adjoining and nearby land uses are broadly described as follows:

- North: Woolwich Street road reserve with a public open space reserve beyond;
- West: Right of Way with low density residential development (i.e. single house) beyond;
- South: Lower density residential development (i.e. single house) beyond; and
- East: McCourt Street road reserve with low density residential development (i.e. single house) beyond (see Plan 2, Aerial Site Plan).

Planning Framework

Lot 547 is classified 'Residential' zone under the Town of Cambridge's current operative Local Planning Scheme No.1 (LPS No.1) with a density coding of R30. According to Town's Local Planning Policy No.3.1 entitled 'Streetscape', the subject land is located within the 'West Leederville Precinct' (P5).

Under the terms of LPS No.1, the use of land classified 'Residential' zone for the 'Liquor Store' and/or 'Take Away Food Outlet' purposes are identified as an "X" use, meaning the use is not permitted within the zone. The inclusion of an entry within Schedule B of the Town's LPS No.1 to include the uses of 'Liquor Store' and 'Take Away Food Outlet' will facilitate the current use to be formalised on the land, whilst allowing for some certainty and flexibility for the existing commercial business on the land to continue operating in the future.

Schedule A of the Scheme provide the following definitions for the aforementioned land uses:

Table 1 – Land Use Definitions

| Land use | Definition |
|------------------------------|---|
| Liquor Store | <i>"Means any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Control Act 1988 (as amended)".</i> |
| Take Away Food Outlet | <i>"Means any land or buildings used for the preparation, sale, and serving of food and beverages to customers in a form ready to be consumed without further preparation primarily off the premises but does not include a Take Away food outlet (drive through)."</i> |

Council's stated objectives for all land classified 'Residential' zone under LPS No.1 are as follows:

- i) *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- ii) *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- iii) *To provide for a range of non-residential uses, which are compatible with and complimentary to residential development.*

It is contended that the use of the land is consistent with the stated objectives of the 'Residential' zone in that it provides for a non-residential use that is compatible and provides a service to the surrounding residential area. It is significant to noted that the Town of Cambridge have concluded that the use of the land is consistent with the objectives of the zone.

3.0 PROPOSAL

The scheme amendment proposes to:

1. Inserting an entry in Schedule B entitled 'Additional Uses' by including an additional use right over Lot 547 (No. 69) McCourt Street, West Leederville for the purposes of 'Liquor Store' and 'Take Away Food Outlet' as shown below:

| No. | Land Particulars | Additional Uses | Development Standards/Conditions |
|-----|---|---|----------------------------------|
| A10 | Lot 547 (No. 69) McCourt Street, West Leederville | Liquor Store – "A" Take Away food Outlet – "A" | Nil |

2. Amend the Scheme Map accordingly;

The proposed aforementioned scheme amendment proposal will:

- a) Formalise the current/historical use of the land for commercial purposes;
- b) Enable the Town of Cambridge to grant relevant approvals to establish the current use and

facilitate any future upgrade of the existing business; and'

- c) Provide certainty to the current landowners/business operation.

Once the rezoning process has been completed, a development application will be lodged with the Town of Cambridge to formally change the use of the land. In addition to formalising the use of the land, a development application will provide an opportunity to explore options to provide some on-site parking within the western part of the subject land.

4.0 CONCLUSION

The proposed Scheme Amendment for the subject land will assist with formalising the current use of the land for commercial purposes and allow for future expansion and upgrade of the existing commercial development on the land.

In light of the above information and justifications, we respectfully request the necessary approvals from the Town of Cambridge, the Environmental Protection Authority, the Western Australian Planning Commission and the Minister for Planning to amend the Town of Cambridge Local Planning Scheme No.1 in accordance with the proposals contained in the scheme amendment documentation.

Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME
TOWN OF CAMBRIDGE LOCAL PLANNING SCHEME No.1
AMENDMENT No.40



TOWN OF CAMBRIDGE LOCAL PLANNING SCHEME No. 1

Planning and Development Act 2005



LEGEND

LOCAL SCHEME RESERVES

-  LOCAL ROADS
-  PARKS AND RECREATION

LOCAL SCHEME ZONES

-  RESIDENTIAL

OTHER CATEGORIES

(see scheme text for additional information)

-  R30 R CODES
-  A10



COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Town of Cambridge at the Ordinary Council Meeting held on the ____ day of _____ 2021.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Town of Cambridge at the Ordinary Council Meeting held on the ____ day of _____ 2021, proceed to advertise this Amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for approval by resolution of the Town of Cambridge at the Ordinary Council Meeting held on the _____ day of _____, 20__ and the Common Seal of the Town of Cambridge was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....