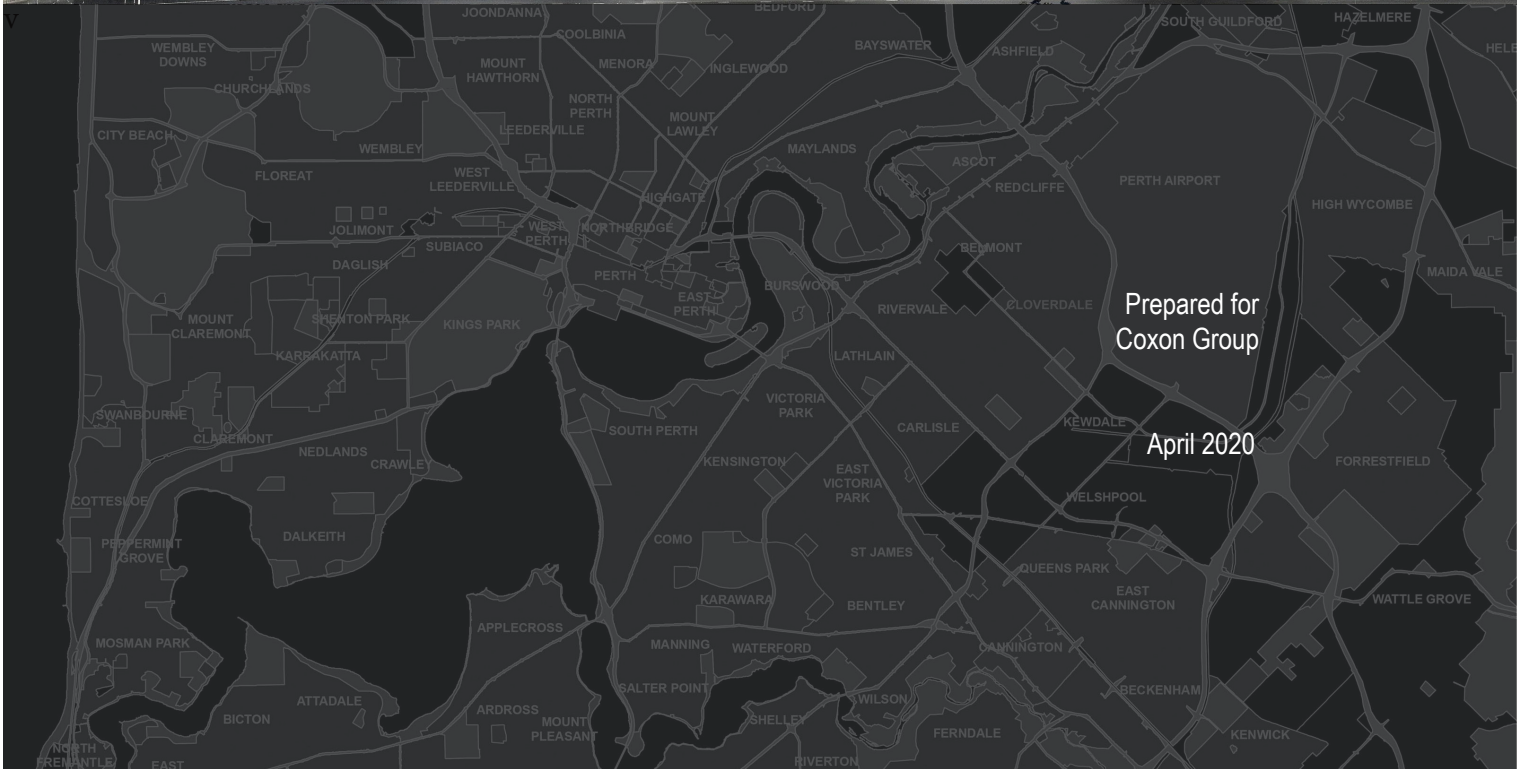


Scheme Amendment Report

Marshall Road Local Centre,
Myaree, WA

PLANNING SOLUTIONS
URBAN & REGIONAL PLANNING



Prepared for
Coxon Group

April 2020

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1 Preliminary

1.1 Introduction

This report has been prepared by Planning Solutions on behalf of Carrooda Pty Ltd & Sansom Nominees Pty Ltd, the registered proprietor of Lot 801 (No. 208) Leach Highway and Lot 802 (No. 1) Marshall Road, Myaree. Planning Solutions has prepared the following report in support of a request to amend the City of Melville (**City**) Local Planning Scheme No. 6 (**LPS6**) to expand the range of land uses capable of approval within the Marshall Road Local Centre, being the area currently subject to a Centre (C4) zoning and Restricted Use (R2) classification under LPS6.

The proposed scheme amendment seeks to remove the Restricted Use (R2) classification from the Marshall Road Local Centre, and add an Additional Use (A19) classification. Such a modification is necessary to ensure commercially viable and contextually appropriate land uses are capable of being approved in this location. The site's Centre (C4) zoning will continue to apply to the site, with land use permissibility in accordance with the zoning table and Additional Use (A19) provisions of LPS6 (consistent with the strategic planning framework and planned activity centres hierarchy).

This report will discuss various issues pertinent to the proposal, including:

- Site details.
- Town planning considerations.
- Proposed scheme amendment.

We respectfully seek the support of the City, WA Planning Commission (**WAPC**) and Minister for Planning for the proposed scheme amendment, having due regard for the provisions of relevant state and local planning frameworks.

2 Site details

2.1 Land description

The subject site comprises those properties collectively referred to as the 'Marshall Road Local Centre', and subject to the Centre (C4) zoning and Restricted Use (R2) classification under LPS6. Each of the affected properties is described in **Table 1** below:

Table 1: Subject Properties

Address	Lot Details	Lot Area	Existing development	Ownership
208 Leach Highway, Myaree*	Lot 801 on Plan 33665	21,203m ² (2.12ha)	Bunnings Warehouse.	Carrooda Pty Ltd & Sansom Nominees Pty Ltd
1 Marshall Road, Myaree	Lot 802 on Plan 33665	13,597m ² (1.36ha)	'Melville Central', comprising various large format retail tenancies, restaurants, fast food outlets, market / specialty food retailers and liquor store.	Carrooda Pty Ltd & Sansom Nominees Pty Ltd
9 Marshall Road, Myaree	Lot 35 on Diagram 61855	5,182m ² (0.52ha)	McDonald's Fast Food Outlet	McDonald's Properties (Australia) Pty Ltd
11 Marshall Road, Myaree	Lot 36 on Diagram 61855	5,182m ² (0.52ha)	Summit Homes office and 'Style Studio'	Summit Development Corporation Pty Ltd

*Only a small portion of Lot 801 falls within the LPS6 Centre (C4) zone and Restricted Use (R2) area.

Certificates of Title for all affected properties are provided at **Appendix 1**.

Numerous easements and encumbrances are registered on the titles for Lots 801 and 802, however, are not materially relevant to this proposed scheme amendment.

2.2 Location and site context

2.2.1 Regional context

The subject site is located within the suburb of Myaree and the local government area of the City of Melville. It is situated approximately 11 kilometres southwest of the Perth city centre, 6.5 kilometres east of the Fremantle strategic metropolitan centre, and 2 kilometres south west of the Booragoon secondary centre (Garden City). It is also approximately 2.5 kilometres north west of the Murdoch University specialised activity centre.

The subject site is bounded by Leach Highway to the south and North Lake Road to the west. Leach Highway is a major arterial road providing a regional road link between Fremantle to the west and Tonkin Highway to the east, while North Lake Road provides an important link between Canning Highway to the north and Cockburn Central / Beeliar Drive to the south.

2.2.2 Local context, land use and topography

The Marshall Road Local Centre is surrounded by, and effectively forms part of, the wider Myaree Mixed Business precinct – an industrial area containing a range of diverse land uses, including almost all of the bulky goods floor-space in the City of Melville.

Properties surrounding the Marshall Road Local Centre (north of Leach Highway) are generally characterised as a mix of large format / bulky goods retailers (e.g. Bunnings) and light industrial / commercial activities (e.g. service station, self-storage facility and auto repairs). To the south of the subject site and Leach Highway is the Robert Street Park, along with low density residential development.

As previously noted, the subject site comprises four privately owned freehold lots, with existing development and activities described as follows:

- Lot 801 – Bunnings Warehouse (contained entirely within the adjacent ‘Service Commercial’ zone, and only a small portion of the car park and vehicle access aisles falling within the ‘Centre C4’ zone / ‘Restricted Use R2’ area).
- Lot 802 – A variety of Fast food outlets, restaurants, a liquor store, fresh food market and specialty food retailers, along with some vacant retail tenancies arranged in multiple buildings.
- Lot 35 – McDonald’s Fast Food Outlet;
- Lot 36 – Summit Homes head office and ‘Style Studio’.

The subject site benefits from two vehicle crossovers to Leach Highway, and a single crossover to North Lake Road. Vehicle access is also available from Hayden Court to the rear (north) of the subject site. A series of internal easements within Lots 801 and 802 ensure that shared access is available across the subject site and to/from existing crossovers.

Frequent bus services are available in immediate proximity to the subject site, with bus stops on Leach Highway adjacent of Lot 802. Bus route 502 provides regular services between Fremantle and Bull Creek railway stations.

The subject site is generally flat, ranging in level between approximately 14m AHD and 17m AHD. Existing vegetation is limited to landscaping strips along road frontages, and shade trees within car parking areas. The subject site is not classified as ‘Bushfire Prone’ according to the DFES Map of Bush Fire Prone Areas.

Refer **Figure 1** – Aerial Site Plan.



3 Proposed scheme amendment

3.1 Background and key issues

The subject site initially formed part of the wider Myaree Mixed Business Precinct, and was zoned Mixed Business under the City of Melville Community Planning Scheme No.5 (CPS5).

On 3 December 2014, the Minister for Planning approved Amendment No.47 to CPS5, which saw the subject site rezoned to Community Centre and further restricted use and additional use classifications also applied. The following land uses were capable of approval on the subject site under CPS5, following approval of Amendment No.47:

- Amusement Parlour
- Betting Agency
- Child Minding Centre
- Civic Use
- Consulting Rooms
- Convenience Store
- Educational Establishment
- Garden Centre
- Large Format Retail
- Lunch Bar
- Office
- Recreation - Private
- Restaurant
- Service Station
- Shop
- Storage
- Take Away Food Outlet

Two and a half years later, in May 2016, the City of Melville Local Planning Scheme No.6 was gazetted, and CPS5 revoked. This saw the subject site zoned as Centre (C4), and classified as Restricted Use (R2) with land use permissibility strictly limited to the following:

- Amusement Parlour
- Betting agency
- Child care premises
- Civic use
- Consulting rooms
- Educational establishment
- Exhibition centre
- Fast food outlet / lunch bar
- Garden centre
- Industry – light
- Office
- Recreation – private
- Restaurant/café
- Service station
- Shop
- Small bar
- Warehouse / storage

This limited range of permissible land uses within the LPS6 'Restricted Use R2' area presents numerous issues for affected landowners, described as follows:

- The gazettal of LPS6 resulted in the prohibition of Convenience Store and Large Format Retail activities, which had been permissible under CPS5 following Amendment 47, and are well suited in this location given its unique context and interface with other large format retail activities.
- Some of the land uses capable of approval on the land are not commercially viable under current market conditions, including specialist food/grocery retailers. However, the ability to support such uses in the future if/when market conditions change, consistent with the site's Local Centre classification, needs to be retained.
- Despite their commercial viability and/or consistency with zone objectives, many LPS6 land uses are prohibited and cannot be approved on the land at present (e.g. Bulky Goods Showroom, Convenience Store, Liquor Store, Market, Medical Centre, Tavern).

- The Marshall Road Local Centre is surrounded by Service Commercial zoned land to the west, north and east, and clearly operates within the context of a significant large format retail precinct. The prohibition of Bulky Goods Showroom and other forms of large format retailing on the land is in stark conflict with the site context and character of the locality.
- The current configuration of the 'Melville Central' retail centre does not effectively integrate with the other neighbouring Marshall Road Local Centre sites. Redevelopment of the Melville Central site presents opportunities to improve the interrelationship and connectivity with neighbouring sites and drive greater patronage across them.

In order to expand the range of permissible uses, and address the issues outlined above, an amendment to LPS6 is required.

3.2 Proposed amendments to LPS6

In order to maximise the permissibility of appropriate commercial land uses on the subject site, and hence provide the requisite level of flexibility for land owners to secure commercially viable tenants, it is proposed to retain the existing Centre (C4) zoning under LPS6, and replace the Restricted Use (R2) classification with an Additional Use (A19) classification. Under such a proposed arrangement, land use permissibility would be as per the underlying Centre (C4) zoning, with the following additional uses also capable of approval on the land, acknowledging its unique context and interface with the surrounding Service Commercial zoned precinct:

- Bulky Goods Showroom
- Liquor Store - Large
- Industry – light
- Trade Supplies
- Warehouse / Storage

The merits and advantages of the proposed amendment are outlined as follows:

- The underlying Centre (C4) zoning is maintained, consistent with the strategic planning framework including the City's Local Planning Strategy and planned activity centres hierarchy.
- The existing range of permissible land uses remain capable of approval and are not compromised. The ability to deliver such land uses on the subject site, including shop-retail activities, at a future time when market conditions improve is retained.
- Of the proposed Additional Uses, Industry – Light and Warehouse / Storage are already capable of approval on the subject site under the Restricted Use (R2) classification.
- The proposed Additional Uses (Bulky Goods Showroom, Liquor Store – Large, Industry – Light, Trade Supplies and Warehouse / Storage) land uses are entirely appropriate in this location, given the land's MRS Industrial zoning and unique context within a wider large format retail / service commercial precinct. They also remain consistent with the Centre (C4) zone objectives, which support *"a mix of varied but compatible land uses such as... offices, showrooms, shops... which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents"*.

The following sections of this report consider the strategic and statutory planning frameworks as relevant to the subject site, and their alignment with the proposed scheme amendment.

4 Strategic planning framework

4.1 Perth and Peel @ 3.5 Million

Perth and Peel @3.5million is a strategic suite of documents setting out the vision future growth and a mechanism to manage increased urban consolidation and promote connectivity and development of employment areas, making efficient use of infrastructure.

The suite of documents includes a series of sub-regional planning frameworks that seek to define the urban form for the next 30 years, limit urban sprawl and encourage greater diversity of housing types. The framework identifies the subject site as forming part of an 'Industrial Centre', and not served by any high-frequency public transit routes. Refer **Figure 2** below. The framework also identifies Leach Highway as a secondary freight road within the metropolitan freight movement network.

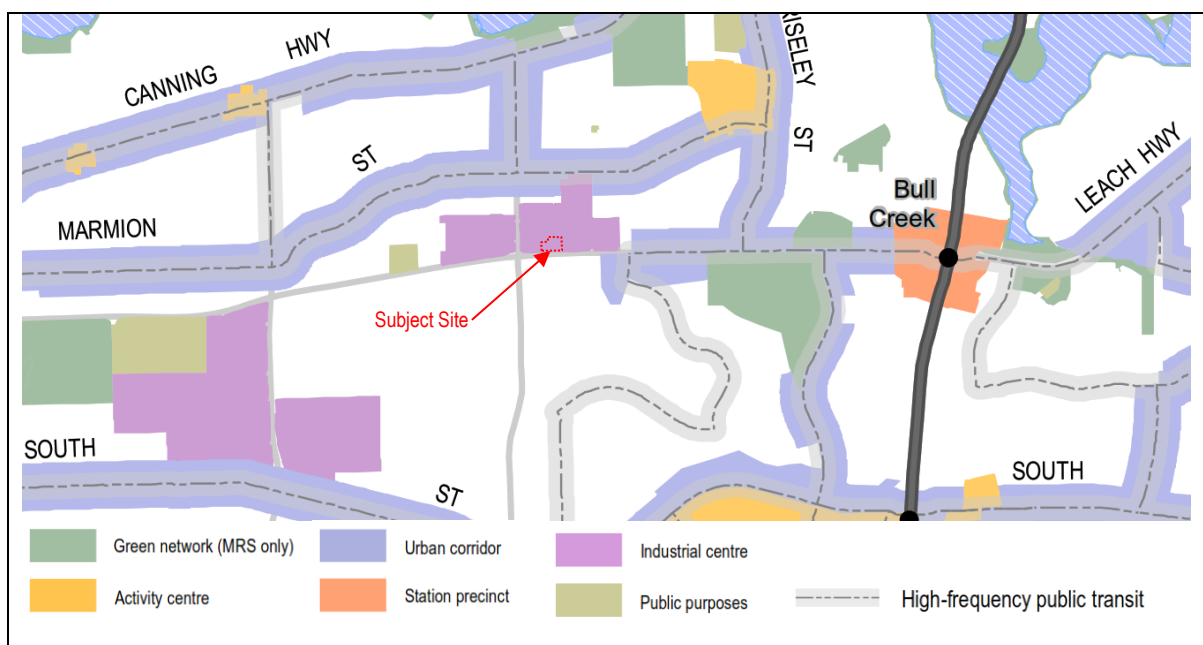


Figure 2: Central sub-regional planning framework

The framework promotes the “current and proposed supply of industrial centres as key employment nodes and prevent incompatible residential encroachment on these areas”, with associated strategic directions/priorities including:

- Promote growth in diversity and density of employment and residential development, where appropriate, in the employment network of activity centres and industrial centres.
- Encourage the ongoing preparation of local economic development strategies aligned with the framework.
- Protect employment land from uses inconsistent with the employment objective by planning for ultimate development with limited interim uses.
- Protect strategic industries and land classified for this purpose, together with their buffers, from the encroachment of non-strategic and/or incompatible land uses.
- Improve employment self-sufficiency to reach target.

The proposed scheme amendment, seeking to expand the range of employment generating land uses capable of approval on the subject site, is consistent with the Central sub-regional planning framework and its objectives.

4.2 State Planning Policy 4.2 – Activity Centres for Perth and Peel

SPP4.2 is a state planning policy for the planning and development of activity centres throughout Perth and Peel. It specifies broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel.

The policy establishes a hierarchy of activity centres, with local centres forming the lowest level of activity centre, supplementing Neighbourhood centres and typically having a shop-retail floorspace of under 1,500m² net lettable area. Local centres are typically expected to provide for day-to-day needs of local communities, but do not serve the same function as Neighbourhood centres which are important local community focal points providing for the main daily to weekly shopping and community needs.

Clause 5.6.2 of SPP4.2 addresses commercial uses in industrial zones, and states:

Shops and office development should only be permitted on land zoned industrial under region and local planning schemes where:

- *shops provide a local convenience service predominantly for people employed in the locality and are confined to a local centre.*
- *offices are ancillary to the predominant industrial use of the premises or are confined to a local or small-scale centre that services industrial developments.*

SPP4.2 generally seeks to avoid the provision of bulky goods retail activities in industrial zones, and instead recommends that they be directed to selected Mixed Business or equivalent zones with suitable road and public transport access. The subject site and surrounding precinct is unique in its configuration and range of land uses, with large format retail and showroom activities forming a significant component of the land use mix, particularly along Leach Highway. The subject site's designation as a local centre in the local planning framework occurred only after it had been functioning as part of a large format retail area, with shop-retail activities establishing themselves within and alongside showroom and other commercial activities.

The proposed scheme amendment is consistent with SPP4.2 for the following reasons:

- There is no proposed prohibition or restriction of shop-retail land uses beyond their current level of permissibility, hence, the local centre is still capable of accommodating such activities consistent with the expectations of SPP4.2 (i.e. convenience retail activities serving day to day needs, but not weekly shopping needs of the surrounding catchment).
- Removal of the Restricted Use (R2) classification provides for a greater range of permissible uses in accordance with the LPS6 zoning table, including activities that are commonly provided in local centres but are also compatible with surrounding service commercial activities. Such land uses include Liquor Store - Small, Convenience Store, Medical Centre and Market.
- The Marshall Road Local Centre is unique in its configuration and context, providing a local convenience function for the surrounding precinct, which is characterised by large format retail / showroom land uses (particularly along Leach Highway). It does not benefit from high frequency public transport services, is not particularly walkable for the majority of its catchment, and is inherently unsuitable for any mixed use or residential land uses. The range of proposed permissible land uses (including additional uses) simply seeks to maximise the range of employment generating land uses capable of being delivered, and appropriately provided in this unique location.

4.3 City of Melville Local Commercial and Activities Centre Strategy

The City of Melville Local Commercial and Activities Centre Strategy (**LCACS**) was prepared for the City in 2013 in response to the policy requirements of *State Planning Policy 4.2: Activity Centres for Perth and Peel (SPP4.2)*, and to provide a framework for the planning and development of activity centres and commercial development.

The LCACS identifies the subject site as the “Marshall Road Local Centre”, sitting within the wider Myaree Mixed Business Precinct. The LCACS describes the broader precinct as follows:

Myaree Mixed Business Precinct is a former light industrial area, which has evolved into a precinct hosting a range of bulky goods retail, convenience retail, large format retail and light industrial land uses. The amount of retail floorspace within Myaree Mixed Business Precinct is currently over 60,000m² and like Booragoon Secondary Centre, has a catchment extending far into the Perth Metropolitan Region.

The proposed scheme amendment does not seek to restrict or prevent the subject site from fulfilling its role/function as a Local Centre serving the broader employment area, and simply seeks to expand the range of permissible land uses to include activities that are inherently compatible and appropriate in the context of the wider Mixed Business Precinct. In this respect, the proposed scheme amendment is consistent with the City’s LCACS.

4.4 City of Melville Local Planning Strategy

The City of Melville Local Planning Strategy was endorsed by the WAPC in April 2016 and is the key strategic urban planning document for the City of Melville, to be read in conjunction with the City’s Local Planning Scheme No.6 (LPS6).

The Local Planning Strategy identifies the subject site as the Marshall Road Local Centre, sitting within the broader context of the Myaree Industrial / Mixed Business area. Refer **Figure 3** below:

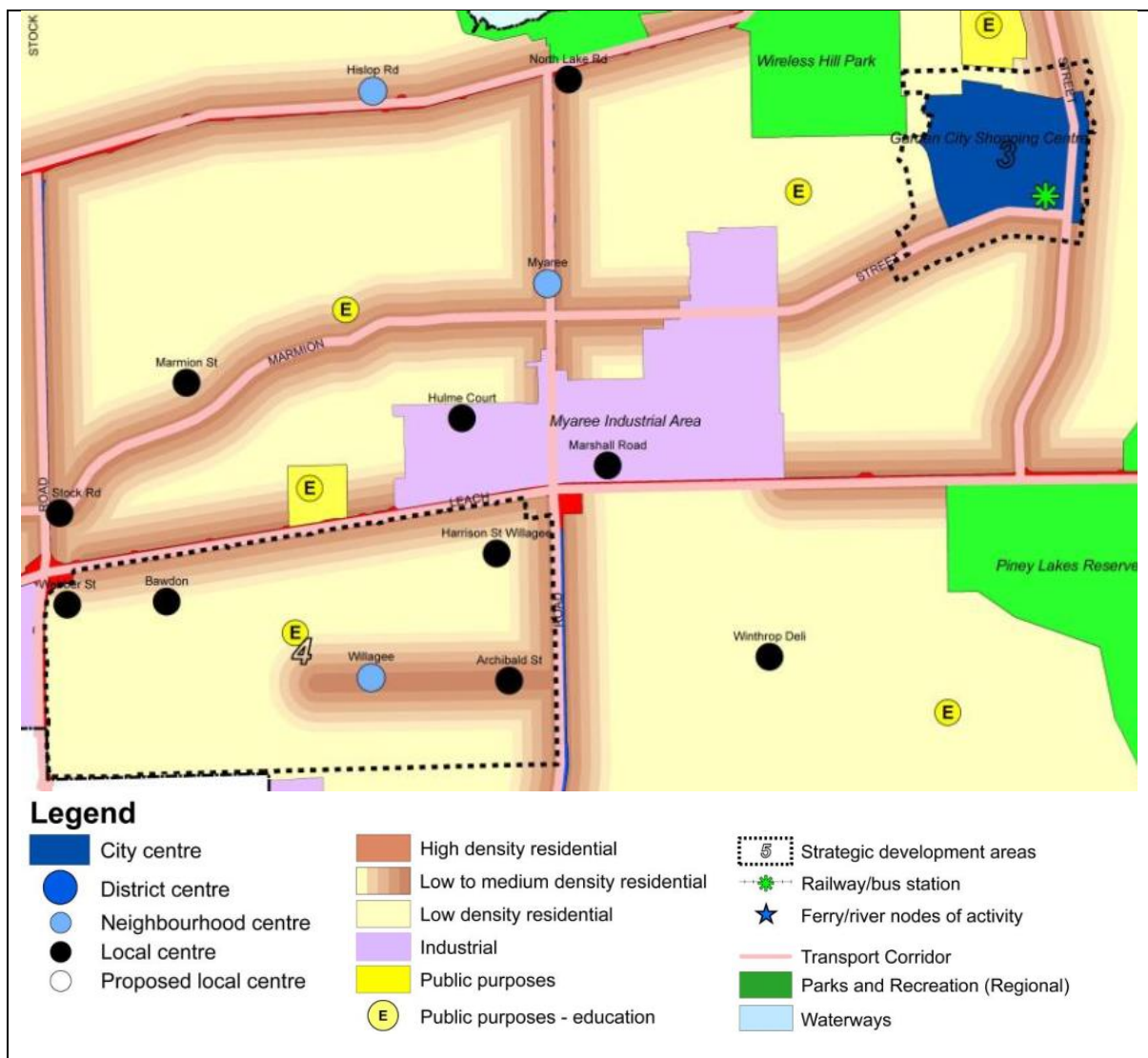


Figure 3: Local Planning Strategy extract

The Local Planning Strategy places a strong focus on the transition from a suburban environment to a mix of urban areas and promoting new business development. With respect to the subject site and surrounding mixed business area, the LPS makes the following key statements (with emphasis added):

- *... the protection of the industrial areas from infiltration of more urban commercial uses is an important part of the planning for these areas. The focus will be on protecting the light industrial and service industries that support the local economy and service the local community whilst also recognising the need to accommodate larger format retail and showrooms. Myaree will continue to be the focus for service type industries, showrooms and large format retail with the more intense industries being focussed in Palmyra and Kardinya industrial areas. Heavy industry will not be encouraged.*
- *Two locations at Hulme Court and Marshall Road in Myaree have attracted smaller retail and food based establishments that service the local mixed business area as well as the local residential areas. Recognition of these locations as local centres is considered as a method of reducing the pressure for these types of services to spread further into the mixed business area.*
- *Myaree Mixed Business Precinct is an industrial centre that currently hosts a diverse range of land uses, including almost all the bulky goods floorspace in the City of Melville. The future vision for Myaree as an activity centre will need to be determined, as there appears to be pressure for the centre to host other retail and office uses.*
- *Promote opportunities for new business development through working with the Chamber of Commerce, local traders and other community leaders, recognising the changing nature of business precincts such as the Myaree Mixed Business precinct.*
- *The Myaree Mixed Business area is the only true multi-purpose commercial activity centre in the City of Melville and is considered a zone in 'transition' like many other inner-city industrial zones. Myaree is currently zoned for Industrial purposes under the Metropolitan Region Scheme. The City is planning to enhance the diversity and range of uses available within the area. Future planning for the Myaree Mixed business area proposes the introduction of two local centre zones to recognise two distinct areas of retail that have emerged and provision for large format retail, car sales yards and large showrooms along the highway.*

From the above statements, it is clear that the broader Myaree Mixed Business Precinct serves an important multi-purpose industrial and commercial function for the City, and is changing in nature over time with greater demand for large format retailing and showroom activities. The Marshall Road Local Centre has been identified in the strategy as a location where additional retail activities have emerged, serving the local employment area as well as nearby residential areas.

The proposed scheme amendment is consistent with Local Planning Strategy objectives and aspirations for the area, and provides further opportunities for suitable employment land uses to occur. Importantly, the scheme amendment does not seek to further restrict or limit the subject site's ability to accommodate retail activities such as Shop, consistent with its Local Centre classification under the Local Planning Strategy.

5 Statutory planning framework

5.1 Metropolitan Region Scheme

The subject site and surrounding precinct is zoned Industrial under the Metropolitan Region Scheme (**MRS**). Leach Highway and a portion of North Lake Road are reserved under the MRS as a Primary Regional Road.

The subject site's Centre (C4) zoning under LPS6 is already in place, and thus deemed to be consistent with the MRS Industrial zoning. The range of proposed Additional Uses under LPS6 are also consistent with the MRS Industrial zoning of the land, and in this respect, the proposed amendment warrants approval.

5.2 City of Melville Local Planning Scheme No.6

LPS6 was gazetted in May 2016, and is the principal statutory planning instrument used to regulate land use and development in the City of Melville.

5.2.1 Zoning and other classifications

The Marshall Road Local Centre is currently zoned Centre (C4) and classified as Restricted Use (R2) under LPS6. Surrounding properties north of Leach Highway are zoned Service Commercial under LPS6. Refer **Figure 4 – Existing Zoning (LPS6)**.

The stated objectives of the 'Centre C4' zone under LPS6 are:

- *To designate land for future development as a city centre or activity centre.*
- *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning policy.*
- *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- *To allow for the development of a mix of varied but compatible land uses such as housing, offices, show-rooms, shops, amusement centres, and eating establishments which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*
- *To provide for Neighbourhood and Local Centres to focus on the main daily to weekly household shopping and community needs and focus for medium density housing.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*
- *To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.*

The proposed scheme amendment seeks to remove the Restricted Use (R2) classification which prohibiting numerous land uses that are otherwise permissible under the LPS6 zoning table, consistent with the stated zone objectives. The proposed Additional Use (A19) classification reflects the site's unique context and inherent unsuitability for residential/mixed use development. Notably, the zone objectives expressly acknowledge showrooms as a potentially suitable land use, which in this case (along with Liquor Store – Large, Industry – Light, Trade Supplies and Warehouse/Storage) is clearly compatible with surrounding business land uses. There are no residential land uses immediately adjacent the subject site, hence, no compatibility / nuisance issues with respect to the proposed additional uses.

Refer **Figure 5 – Proposed Zoning (LPS6)**.

5.2.2 Land Use Permissibility

The Restricted Use (R2) classification under LPS6 designates a strictly limited range of land uses that are permissible on the subject site. The only land uses capable of approval in the Restricted Use (R2) area, as stipulated in Table 5 of LPS6, are listed as follows:

- Amusement Parlour
- Betting agency
- Child care premises
- Civic use
- Consulting rooms
- Educational establishment
- Exhibition centre
- Fast food outlet / lunch bar
- Garden centre
- Industry – light
- Office
- Recreation – private
- Restaurant/café
- Service station
- Shop
- Small bar
- Warehouse / storage

The proposed scheme amendment seeks to remove the Restricted Use (R2) classification, effectively defaulting to the underlying land use permissibility of the Centre (C4) zone, with the proposed Additional Use (A19) classification providing for five (5) additional uses that are considered appropriate in this particular location. Each of these additional uses are discussed in further detail below:

- Bulky Goods Showroom – Bulky Goods Showrooms are permissible in the surrounding Service Commercial zoned area, and were permissible on the subject site (under a ‘Large Format Retail’ land use classification) prior to the introduction of LPS6. As acknowledged in the City’s strategic planning framework, the Myaree Service Commercial precinct hosts a range of bulky goods retail, convenience retail, large format retail and light industrial land uses, and in this respect, Bulky Goods Showroom is an entirely appropriate land use in the context of the subject site. It is also consistent with the Centre (C4) zone objective to provide a mix of varied but compatible land uses such as showrooms.
- Liquor Store – Large – Large format liquor stores with a net lettable area of more than 300m² are typically not permissible within local centres, where a finer grain of retail activity and development is encouraged. However, in the case of the subject site, the unique circumstances and context support the potential provision of a large format liquor store. The Marshall Road Local Centre isn’t well suited to traditional ‘main street’ design treatments, and is situated within a broader precinct that supports extensive large format retail activities. It is also consistent with the Centre (C4) zone objective to provide a mix of varied but compatible land uses.
- Industry – Light – This land use is already permissible under the land’s Restricted Use (R2) classification, and is consistent with the site’s MRS Industrial zoning. It is consistent with the character and function of the surrounding area, and not considered detrimental to local amenity noting that the LPS6 definition for ‘Industry – Light’ requires that any “*impacts on the amenity of the area... can be mitigated, avoided or managed*”.
- Trade Supplies – Trade Supplies is a relatively new land use classification, introduced via the *Planning and Development (Local Planning Schemes) Regulations 2015* and implemented in LPS6. Prior to LPS6, the sale of tools and equipment used in automotive repairs/servicing, building repair/maintenance and landscape gardening would have typically fallen under a Showroom, Large Format Retail or other similar land use classification. Trade Supplies activities are consistent with the function/character of the area (noting that such a classification would apply to the adjacent Bunnings store), and consistent with the zone objectives to provide a mix of varied and compatible land uses.
- Warehouse / Storage – Like ‘Industry – Light’, the ‘Warehouse / Storage’ land use is already permissible under the land’s Restricted Use (R2) classification, and is consistent with the site’s MRS Industrial zoning. It is consistent with the character and function of the surrounding area, particularly noting the presence of other similar activities in close proximity to the subject site.

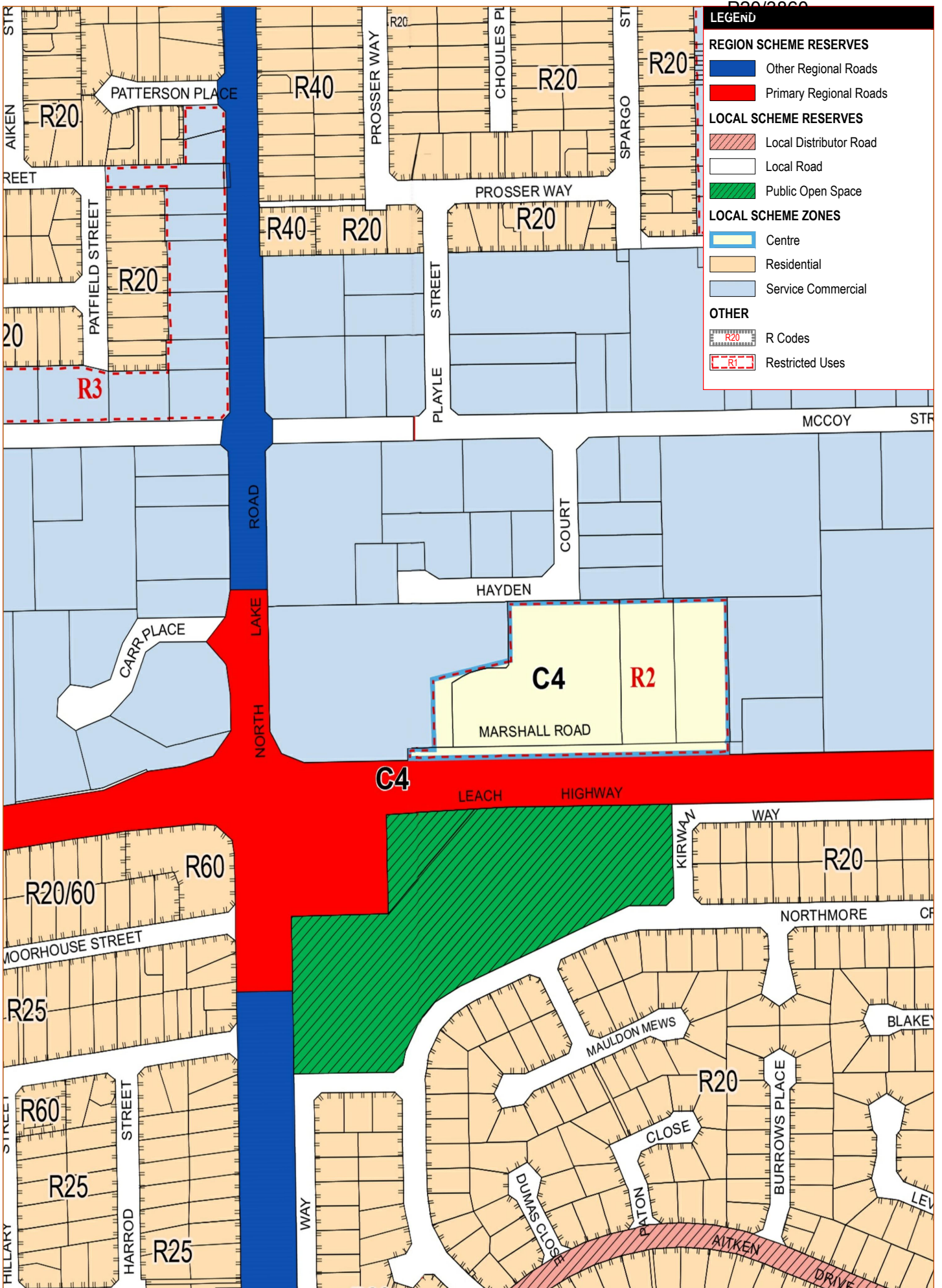
5.2.3 Development standards

Development standards currently applicable to the Centre (C4) zone are detailed in Table 7 (Additional site and development requirements) of LPS6, and address matters including setbacks, building heights, building bulk and open space. There are no proposed modifications to such standards, which will remain applicable following the proposed amendment.

Table 5 of LPS6 identifies the subject site as Restricted Use (R2), with the following condition applicable:

Office and Small Bar Development (including use) may be subject to a specific Scheme provision and/or policy which may impose restrictions with reference to site suitability criteria, positioning on site or the amount or proportion of land or floorspace allocated to the particular use.

The proposed scheme amendment would see the site's Restricted Use (R2) classification removed, along with the abovementioned condition. The removal of such a condition does not present any particular issues, as the condition does not impose any specific standards or restrictions, and its deletion does not remove the statutory head of power to draft separate scheme provisions or policies in any event.



LEGEND

REGION SCHEME RESERVES

- Other Regional Roads
- Primary Regional Roads

LOCAL SCHEME RESERVES

- Local Distributor Road
- Local Road
- Public Open Space

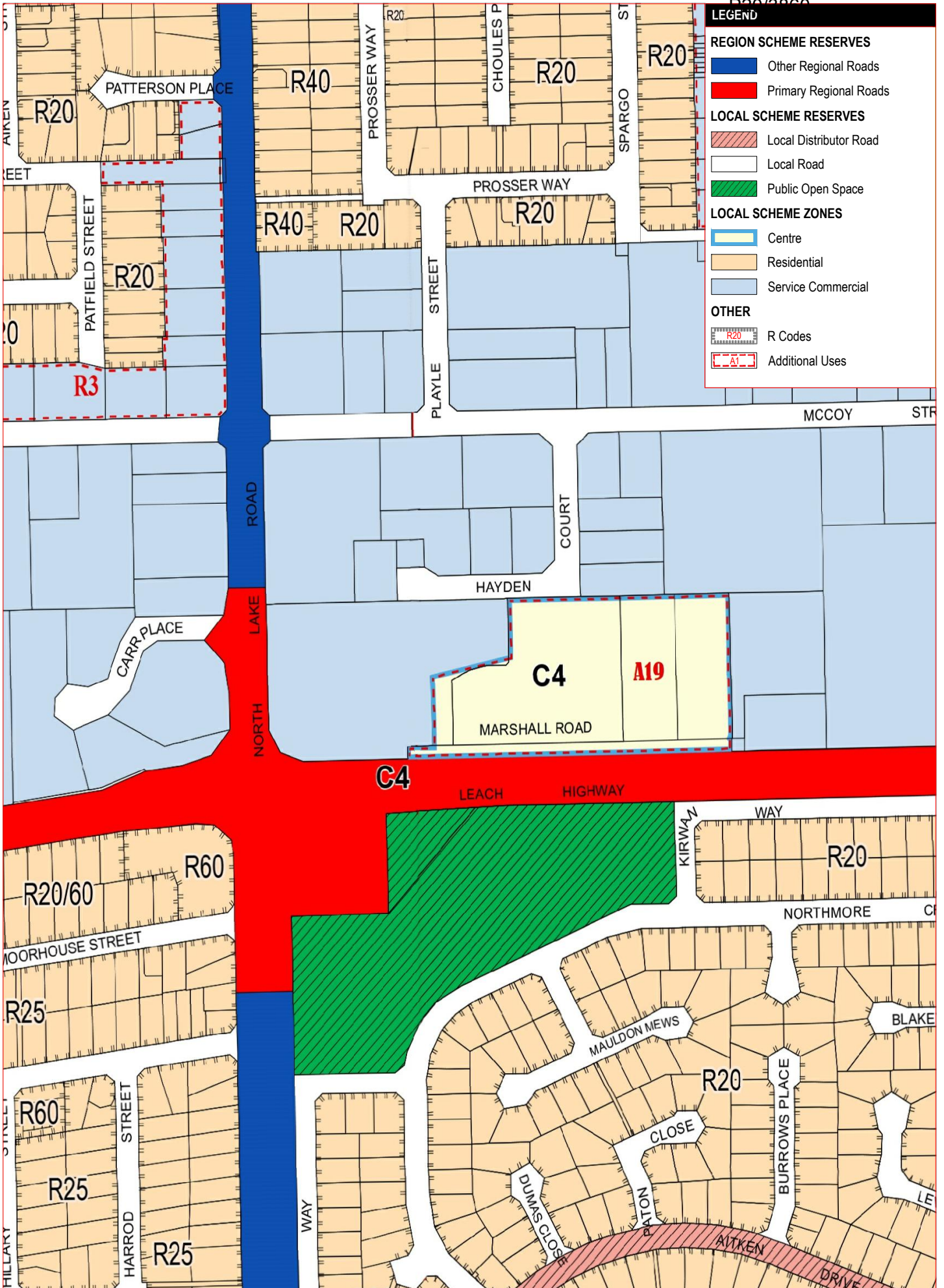
LOCAL SCHEME ZONES

- Centre
- Residential
- Service Commercial

OTHER

- R Codes
- Restricted Uses

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6 Conclusion

On behalf of the landowner of Lot 801 (No. 208) Leach Highway and Lot 802 (No. 1) Marshall Road, Myaree, Planning Solutions respectfully requests that the City of Melville Local Planning Scheme No. 6 be amended to expand the range of land uses capable of approval within the Marshall Road Local Centre.

The proposed scheme amendment seeks to remove the Restricted Use (R2) classification currently applicable to the Marshall Road Local Centre, and replace this with an Additional Use (A19) classification providing for a limited range of uses that are uniquely appropriate in this location. Such a modification is necessary to ensure commercially viable and contextually appropriate land uses are capable of being approved in this location. The site's Centre (C4) zoning will continue to apply consistent with the strategic planning framework and planned activity centres hierarchy.

We respectfully seek the support of the City, WA Planning Commission and Minister for Planning for the proposed scheme amendment, having due regard for the provisions of relevant state and local planning frameworks.

Appendix 1
Certificates of Title

WESTERN



AUSTRALIA

REGISTER NUMBER

801/DP33665DUPLICATE
EDITION**3**

DATE DUPLICATE ISSUED

21/3/2013

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
2769FOLIO
266

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 801 ON DEPOSITED PLAN 33665

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

CARROODA PTY LTD OF UNIT 1, 199 ABERNETHY ROAD, BELMONT
SANSOM NOMINEES PTY LTD OF 5 MILL STREET, PERTH
AS TENANTS IN COMMON IN EQUAL SHARES

(AF L446277) REGISTERED 6/10/2010

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. C315297 EASEMENT BENEFIT SEE SKETCH ON DEPOSITED PLAN 33665 REGISTERED 4/3/1982.
2. C315297 EASEMENT BURDEN SEE SKETCH ON DEPOSITED PLAN 33665. REGISTERED 4/3/1982.
3. C601453 EASEMENT BURDEN SEE SKETCH ON DEPOSITED PLAN 33665 REGISTERED 12/8/1983.
4. C747811 EASEMENT BENEFIT SEE SKETCH ON DEPOSITED PLAN 33665. REGISTERED 10/4/1984.
5. C747811 EASEMENT BURDEN SEE SKETCH ON DEPOSITED PLAN 33665. REGISTERED 10/4/1984.
6. D443882 EASEMENT BURDEN SEE SKETCH ON DEPOSITED PLAN 33665 REGISTERED 26/3/1987.
7. D443884 EASEMENT BENEFIT SEE SKETCH ON DEPOSITED PLAN 33665. REGISTERED 26/3/1987.
8. H519787 EASEMENT BENEFIT SEE SKETCH ON VOL.2199 FOL 578. REGISTERED 7/8/2000.
9. H519788 EASEMENT BENEFIT SEE SKETCH ON VOL 2199 FOL 578. REGISTERED 7/8/2000.
10. EASEMENT BURDEN CREATED UNDER SECTION 27A OF T. P. & D. ACT - SEE SKETCH ON DEPOSITED PLAN 33665 AS CREATED ON DIAGRAM 100373 TO WATER CORPORATION.
11. I628559 LEASE TO BUNNINGS BUILDING SUPPLIES PTY LTD OF LEVEL 11, 40 THE ESPLANADE, PERTH EXPIRES: SEE LEASE. REGISTERED 16/9/2003.
12. EASEMENT BENEFIT FOR RIGHT OF CARRIAGEWAY PURPOSES. SEE SKETCH ON DEPOSITED PLAN 33665 AND INSTRUMENT L614021
13. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE DEPOSITED PLAN 33665 AND INSTRUMENT L614022.
14. EASEMENT BURDEN FOR RIGHT OF CARRIAGEWAY PURPOSES. SEE SKETCH ON DEPOSITED PLAN 33665 AND INSTRUMENT L614023
15. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE SKETCH ON DEPOSITED PLAN 33665 AND INSTRUMENT L618199
16. *M901107 MORTGAGE TO WESTPAC BANKING CORPORATION REGISTERED 2/2/2015.

END OF PAGE 1 - CONTINUED OVER

REGISTER NUMBER: 801/DP33665

VOLUME/FOLIO: 2769-266

PAGE 2

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP33665
PREVIOUS TITLE: 2199-578
PROPERTY STREET ADDRESS: 208 LEACH HWY, MYAREE.
LOCAL GOVERNMENT AUTHORITY: CITY OF MELVILLE

NOTE 1: L578869 SECTION 138D TLA APPLIES TO CAVEAT G686529
NOTE 2: L602302 SECTION 138D TLA APPLIES TO CAVEAT H770766
NOTE 3: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING
M901107

WESTERN



AUSTRALIA

REGISTER NUMBER

802/DP33665DUPLICATE
EDITION**4**

DATE DUPLICATE ISSUED

11/12/2013

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
2769FOLIO
267

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REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 802 ON DEPOSITED PLAN 33665

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

CARROODA PTY LTD
SANSOM NOMINEES PTY LTD
BOTH OF PO BOX 447 WELSHPOOL DC WA 6986
AS TENANTS IN COMMON IN EQUAL SHARES

(AF L446277) REGISTERED 6/10/2010

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. C315297 EASEMENT BENEFIT SEE SKETCH ON DEPOSITED PLAN 33665 REGISTERED 4/3/1982.
2. C315297 EASEMENT BURDEN SEE SKETCH ON DEPOSITED PLAN 33665. REGISTERED 4/3/1982.
3. C601453 EASEMENT BURDEN SEE SKETCH ON DEPOSITED PLAN 33665 REGISTERED 12/8/1983.
4. C747811 EASEMENT BENEFIT SEE SKETCH ON DEPOSITED PLAN 33665. REGISTERED 10/4/1984.
5. C747811 EASEMENT BURDEN SEE SKETCH ON DEPOSITED PLAN 33665. REGISTERED 10/4/1984.
6. *G459925 LEASE TO HUNGRY JACK'S PTY LTD OF BUILDING A, THE GARDENS OFFICE PARK, 255 SCARBOROUGH BEACH ROAD, OSBOURNE PARK AS TO PORTION ONLY. EXPIRES: SEE LEASE. REGISTERED 29/4/1997.
 - *M428629 EXTENSION OF LEASE G459925. REGISTERED 11/10/2013.
 - *M428629 THE ADDRESS OF THE LESSEE IS NOW LEVEL 1, BUILDING A, THE GARDEN OFFICE PARK, 255 SCARBOROUGH BEACH ROAD, OSBORNE PARK REGISTERED 11/10/2013.
 - *N568521 EXTENSION OF LEASE G459925. REGISTERED 3/3/2017.
 - *N568521 THE ADDRESS OF THE LESSEE IS NOW OF LEVEL 6/100 WILLIAM STREET WOOLLOOMOOLOO NEW SOUTH WALES 2011 REGISTERED 3/3/2017.
7. H519787 EASEMENT BENEFIT SEE SKETCH ON VOL.2199 FOL 578. REGISTERED 7/8/2000.
8. H519788 EASEMENT BENEFIT SEE SKETCH ON VOL 2199 FOL 578. REGISTERED 7/8/2000.
9. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE DEPOSITED PLAN 33665 AND INSTRUMENT L614020.
 - *M938539 EASEMENT L614020 PARTIALLY SURRENDERED. SEE DEPOSITED PLAN 70870 REGISTERED 13/3/2015.
10. EASEMENT BURDEN FOR RIGHT OF CARRIAGEWAY PURPOSES. SEE SKETCH ON DEPOSITED PLAN 33665 AND INSTRUMENT L614021

END OF PAGE 1 - CONTINUED OVER

P20/3860

WESTERN



AUSTRALIA

REGISTER NUMBER 35/D61855	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1774 FOLIO 965

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 35 ON DIAGRAM 61855

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

MCDONALD'S PROPERTIES (AUSTRALIA) PTY LTD OF 33 WATERLOO ROAD, NORTH RYDE, NEW SOUTH WALES

(A D527942) REGISTERED 30/7/1987

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- 1. C747811 EASEMENT BENEFIT SEE SKETCH ON VOL 1774 FOL 965. REGISTERED 10/4/1984.
- 2. C315297 EASEMENT BENEFIT SEE SKETCH ON VOL 1774 FOL 965. REGISTERED 4/3/1982.
- 3. C315297 EASEMENT BURDEN SEE SKETCH ON VOL 1774 FOL 965. REGISTERED 4/3/1982.
- 4. C601453 EASEMENT BURDEN SEE SKETCH ON VOL 1774 FOL 965. REGISTERED 12/8/1983.
- 5. C747811 EASEMENT BURDEN SEE SKETCH ON VOL 1774 FOL 965. REGISTERED 10/4/1984.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1774-965 (35/D61855)
 PREVIOUS TITLE: 1664-780
 PROPERTY STREET ADDRESS: 9 MARSHALL RD, MYAREE.
 LOCAL GOVERNMENT AUTHORITY: CITY OF MELVILLE

REGISTER NUMBER: 802/DP33665

VOLUME/FOLIO: 2769-267

PAGE 2

11. EASEMENT BENEFIT FOR RIGHT OF CARRIAGEWAY PURPOSES. SEE SKETCH ON DEPOSITED PLAN 33665 AND INSTRUMENT L614023
12. *M901107 MORTGAGE TO WESTPAC BANKING CORPORATION REGISTERED 2/2/2015.
13. *N058067 LEASE TO AUSTRALIAN LIQUOR GROUP LTD OF 800 TOORAK ROAD HAWTHORN EAST VICTORIA EXPIRES: SEE LEASE. AS TO PORTION ONLY. REGISTERED 10/7/2015.
14. *N096138 LEASE TO THE CHEESECAKE SHOP (WA) PTY LTD OF 2 LISBON STREET VILLAWOOD NEW SOUTH WALES EXPIRES: SEE LEASE. AS TO PORTION ONLY. REGISTERED 19/8/2015.
15. *N134142 LEASE TO ZAMBRERO PROPERTY GROUP PTY LTD OF LEVEL 24/1 ALFRED STREET SYDNEY NEW SOUTH WALES EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 29/9/2015.
16. *O009503 LEASE TO 8T8 BROADWAY PTY LTD OF SHOP 39 88 BROADWAY NEDLANDS WA EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 17/10/2018.
17. *O155684 CAVEAT BY DOMINO'S PIZZA ENTERPRISES LIMITED AS TO PORTION ONLY LODGED 21/5/2019.

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-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

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SKETCH OF LAND: DP33665
 PREVIOUS TITLE: 2199-578
 PROPERTY STREET ADDRESS: 1-7 MARSHALL RD, MYAREE.
 LOCAL GOVERNMENT AUTHORITY: CITY OF MELVILLE

NOTE 1: L578869 SECTION 138D TLA APPLIES TO CAVEAT G686529
 NOTE 2: L602302 SECTION 138D TLA APPLIES TO CAVEAT H770766
 NOTE 3: M875782 DEPOSITED PLAN (INTEREST ONLY) 70870 LODGED
 NOTE 4: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING M901107

P20/3860

WESTERN



AUSTRALIA

REGISTER NUMBER 36/D61855	
DUPLICATE EDITION 3	DATE DUPLICATE ISSUED 23/4/2008

RECORD OF CERTIFICATE OF TITLE
 UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1774 FOLIO 966

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REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 36 ON DIAGRAM 61855

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

SUMMIT DEVELOPMENT CORPORATION PTY LTD OF 242 LEACH HIGHWAY, MYAREE
(AN K561308) REGISTERED 9/4/2008

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- C315297 EASEMENT BENEFIT REGISTERED 4/3/1982.
D527943 EASEMENT MODIFIED BY SURRENDER D527943. REGISTERED 1/1/1987.
- C315297 EASEMENT BURDEN SEE SKETCH ON VOL 1774 FOL 966. REGISTERED 4/3/1982.
- D394950 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 9/1/1987.

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-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

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SKETCH OF LAND: 1774-966 (36/D61855)
 PREVIOUS TITLE: 1613-60
 PROPERTY STREET ADDRESS: 11 MARSHALL RD, MYAREE.
 LOCAL GOVERNMENT AUTHORITY: CITY OF MELVILLE