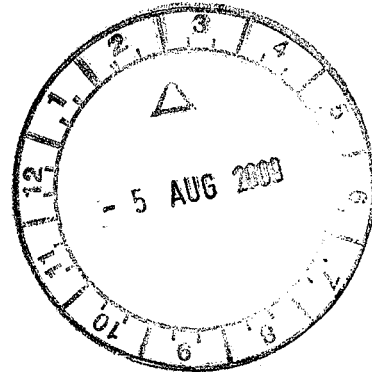




Minister for Planning; Culture & the Arts
Government of Western Australia

Our ref: 33-02749

Hon Brain Ellis MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000



Dear Mr Ellis

PETITION NO.19 – CONSTRUCTIONS OF SHOWROOMS ON LOTS 1,2,3,4,13 AND 15 EWEN STREET, WOODLANDS

Thank you for your predecessor's letter of 6 May 2009 regarding a proposed development comprising the construction of a single two-storey building containing three showrooms as above. I apologise for the delay in responding.

The subject land is zoned 'Central City Area' under the Metropolitan Region Scheme (MRS) and is affected by a Clause 32 resolution (No.59 - Stirling and Glendalough Station Precincts) under the MRS. The land is also in the 'Stirling City Centre Scheme' area as designated in the City of Stirling Town Planning Scheme No.38 (TPS No.38). Any development of the land requires the approval of the Western Australian Planning Commission (WAPC) in addition to the approval of the local government which separately determines the proposal under the local scheme.

It is noted that the principal petitioner has been the recipient of ministerial correspondence on this matter before. On 29 July 2008, the Office of the former Minister for Planning and Infrastructure wrote to Councillor Elizabeth Re, advising that both the City of Stirling and the WAPC had granted their separate approvals for the development of showrooms and offices on the site and that the Minister was unable to intervene to overturn these planning approvals.

With regard to the petitioner's current request that a mixture of accommodation, restaurants and offices be constructed on the site as opposed to the approved showrooms and offices, the situation remains the same today. Although sympathetic to the Councillor's situation, I am unable to intervene to overturn the planning approvals that have been issued and there are no third party rights-of-appeal.

The petitioner requests that traffic utilising Ewen Street should be permitted to directly enter and exit Scarborough Beach Road to enable an improved and safer method of traffic control and distribution. In this regard, the WAPC considered that the intersection modifications that formed part of the WAPC approval for the amalgamation of the subject lots would rationalise and improve the safety of the Ewen Street and Odin Road intersections with Scarborough Beach Road by combining them into one.

Having further regard to the submission of the principal petitioner, the town planning scheme which includes the subject site allows for a mixture of 'preferred uses' that includes the approved development. The site is located within Precinct 6: '*Mixed Us / Service Commercial Ewen Street Precinct*' of the Stirling City Centre Scheme, which provides for a range of preferred land uses including showrooms, offices, service stations, restaurants, car park and accommodation. Within the precinct no one of these uses is preferred over the others. Any proposed development within this zone would also need to comply with the other requirements of TPS No.38 including height, scale, appearance and orientation of development.

Within Precinct 6 of TPS No.38, development is limited to two storeys, and is to be of a scale and design commensurate with the site's proximity to nearby residential development. Non-residential development on sites fronting Scarborough Beach Road is required to be orientated to Scarborough Beach Road, with extensive landscaping areas where the site adjoins residential properties, for all associated car-parking to be accommodated on site and to be set back 10 metres from residential property boundaries. The proposed development is compliant with these provisions, with extensive landscaping, the required pedestrian and cycle permeability and facilities, and the building being set back not less than 22 metres from the rear boundary of the nearest residents in Hakea Street.

With further regard to plans that apply to the area in question, the City of Stirling considered a proposal for an Outline Development Plan (ODP) for Precinct 6 of TPS No.38, covering the area of Ewen Street, Woodlands and Scarborough Beach Road, Innaloo on 21 February 2006. The proposed ODP included a showroom development over part of the site and the Council sought public comments on the proposal. The Council refused the initial showroom proposal on the site due to concerns about the use; height, scale, appearance and orientation of the development; right of way widening; design and landscape guidelines; and adherence to TPS No.38 and the Stirling Regional Precinct Plan. The consideration and determination of the ODP under the Town Planning Scheme provisions was the responsibility of the City of Stirling, and the applicant was given an opportunity to address the concerns raised by Council.

On 18 July 2006, after further public advertising and the required consultations had taken place, the Stirling City Council approved an ODP for the portion of the precinct that is south of Scarborough Beach Road, which proposed showrooms, offices/professional suites, a child care centre and associated car parking on the land. This ODP required the closure and realignment of a portion of Ewen Street, which a meeting of the full Council had approved on 15 May 2007.

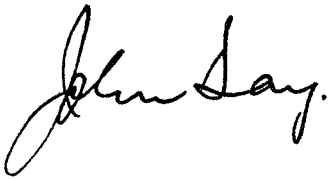
In September 2007, the City of Stirling referred a development application to the WAPC for determination that proposed a showroom and office development on the land, and on 28 December 2007, the City granted conditional approval to the same proposal.

The WAPC assessed the regional planning implications of the development application, including the traffic impact. It concluded that the proposal was consistent with the uses identified in the City's adopted ODP, that the traffic impacts were not significant and that the proposal would result in increased employment, which is consistent with the regional objectives for the Glendalough and Stirling Station Precincts under Clause 32 of the MRS. The WAPC granted conditional approval to the application on 7 May 2008.

With regard to future options for local residents, in July 2008, the Stirling City Centre Alliance was formally established as a working arrangement between the City of Stirling, the then Department for Planning and Infrastructure, Main Roads WA, the Public Transport Authority and Landcorp. This was for the purpose of achieving a comprehensive review of the Stirling City Centre Structure Plan to help facilitate the future development of the centre. It has to date produced a Structure Plan Framework, within which the subject land is in the 'Southern Precinct'. This precinct, located around the existing Innaloo Shopping Centre, is seen as the main shopping area of the city centre. It is the intention of the Alliance to plan with communities and to manage growth by sharing responsibility between industry, communities and government.

The principal petitioner is encouraged to take advantage of the opportunity existing now to ensure that her views and those of other local residents are taken into consideration in the formulation of a new structure plan for the city centre area.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Day', written in a cursive style.

**JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS**

- 3 AUG 2009