



**SCHEME AMENDMENT NO. 48**

**PROPOSED REZONING  
OLD LAWN TENNIS CENTRE**

**SEPTEMBER 2012**

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**  
**SHIRE OF YORK**  
**TOWN PLANNING SCHEME NO. 2**  
**AMENDMENT NO. 48**

**RESOLVED** that Council pursuant to Section 75 of the Planning and Development Act 2005 amend the above local planning scheme by:

1. Rezoning a portion of Lot 31 Glebe Street and Lots 150 and 151 Clifford Street, York from Reserve (Open Space and Recreation) to Residential R40; and
2. Amend the Scheme Map accordingly

Dated this 13<sup>th</sup> day of September 2012.

  
.....  
CHIEF EXECUTIVE OFFICER

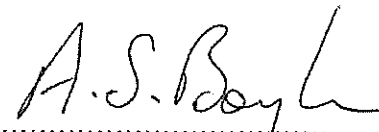
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**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**  
**SHIRE OF YORK**  
**TOWN PLANNING SCHEME NO. 2**  
**AMENDMENT NO. 48**

The Shire of York under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above planning scheme by:

1. Rezoning a portion of Lot 31 Glebe Street and Lots 150 and 151 Clifford Street, York from Reserve (Open Space and Recreation) to Residential R40; and
2. Amend the Scheme Map accordingly.

**ADOPTION**

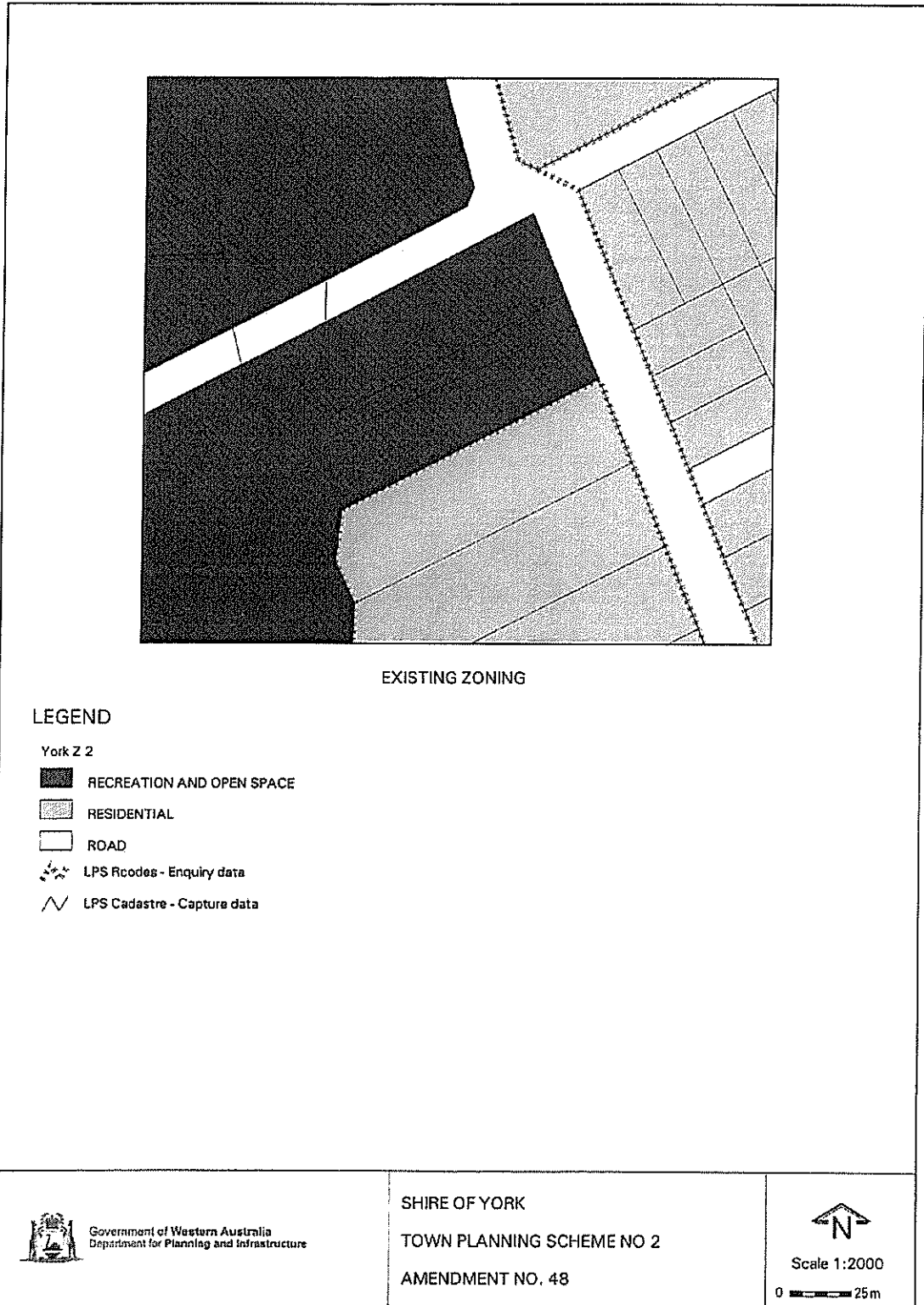
Adopted by resolution of the Council of the Shire of York at the Ordinary  
Meeting of the Council held on the 17<sup>th</sup> day of September 2012.

  
.....  
SHIRE PRESIDENT

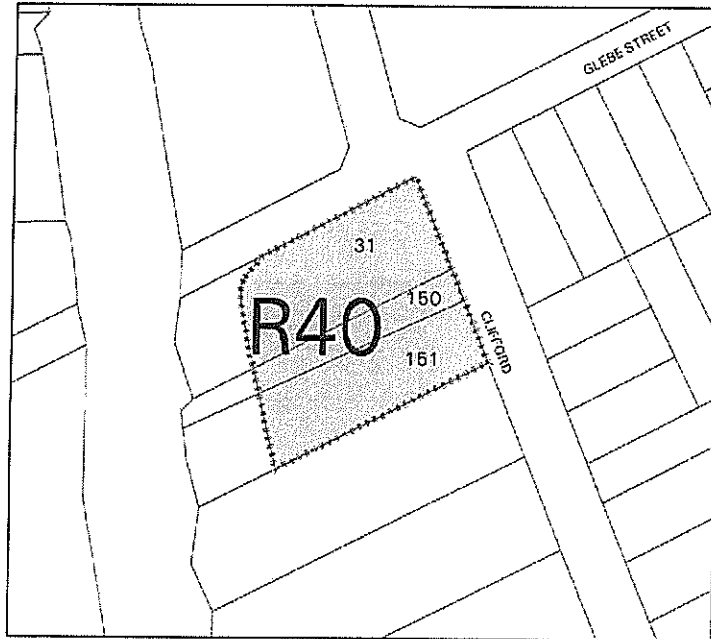
  
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CHIEF EXECUTIVE OFFICER

# SHIRE OF YORK TOWN PLANNING SCHEME NO. 2

## EXISTING ZONING








# PROPOSED ZONING



SCHEME AMENDMENT MAP

## LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  RESIDENTIAL
-  TPS Amendment Rcodes

 <p>Government of Western Australia Department of Planning</p>	<p>SHIRE OF YORK TOWN PLANNING SCHEME NO 2 AMENDMENT NO. 48</p>	 <p>Scale 1:2000 0 25 m.</p>
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## PROPOSAL TO AMEND A TOWN PLANNING SCHEME

1. LOCAL AUTHORITY: Shire of York
2. DESCRIPTION OF TOWN PLANNING SCHEME: Shire of York  
Town Planning Scheme No. 2
3. SERIAL NUMBER OF AMENDMENT: Amendment No. 48
4. PURPOSE: To rezone a portion the old Lawn Tennis Centre from Open Space and Recreation to Residential R40 zone as depicted on the scheme amendment plan.
5. REPORT BY: Shire of York

## SHIRE OF YORK

### TOWN PLANNING SCHEME AMENDMENT NO. 48 REPORT

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# **1. Introduction**

On 20 February 2012 Council resolved to initiate a scheme amendment to rezone the old Lawn Tennis Centre from 'Open Space and Recreation' to 'Residential R40'.

The York Tennis Club is being relocated to the new Forrest Oval Recreation Complex that co-locates a number of sporting groups to a single venue.

A number of redevelopment options have been investigated, including commercial and tourist uses, and it has been determined that residential development is the most suitable.

The purpose of this report is to provide a planning rationale and justification for that proposal and demonstrate that it will be both beneficial and without adverse impacts.

## **1.1 Existing Zoning**

The subject area is currently reserved Open Space and Recreation under the Shire of York's Town Planning Scheme No. 2 (TPS2).

## **1.2 Existing Scheme Text**

Section 2.1 of the Scheme states:

"The land shown as Scheme Reserves on the Scheme Map, hereinafter called "Local Reserves", are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.

PUBLIC PURPOSE

RECREATION AND OPEN SPACE

STATE FOREST

RAILWAY

ROAD"

It is not proposed to amend/change the scheme text. Only the mapping will be amended.

# **2. Site Analysis**

## **2.1 Location**

The site is located on the corner of Clifford and Glebe Streets, York and consists of three (3) lots – Lot 31 Glebe Street, Lots 150 and 151 Clifford Street.



Individual lot areas are shown in the table below.

No.	Lot No.	Street	Size (m <sup>2</sup> )
1	31	Glebe Street	3,593.98
2	150	Clifford Street	1,290
3	151	Clifford Street	2,706
Total			7,589.98

The location of the site is shown on the plan below.



The proposed R40 coding would enable theoretically a maximum of 19 lots at 400m<sup>2</sup> in area to be created, or for theoretically a maximum of 34 dwellings to be constructed at an average area of 220m<sup>2</sup>. (Note: These figures have been calculated without the exclusion of the flood affected area of the site that will remain reserved for Recreation and Open Space purposes.)

## 2.2 Current Land Uses

The land is currently used as a lawn tennis centre and contains six (6) tennis courts and a clubhouse. A new facility is being constructed at Forrest Oval as part of the co-location sports facility that will provide the Tennis Club improved facilities.

## 2.3 Surrounding Land Uses

The site is bounded by the Avon River on the west and residential dwellings on the east and south. On the north is the Croquet Club, which is currently in discussions

about relocating to the Forrest Oval Recreation Complex and in the future the site may also be rezoned to Residential.

## 2.4 Topography

The natural topography of the site was altered during construction of the tennis centre and falls away significantly at the western end of the complex to the river.

## 2.5 Drainage

The site is located within a catchment leading to discharge points into the Avon River.

If the site is developed for higher density residential, drainage will need to be managed to ensure no impacts on the river or river banks. Detention basins and other drainage management options will need to be incorporated into the design of the site.

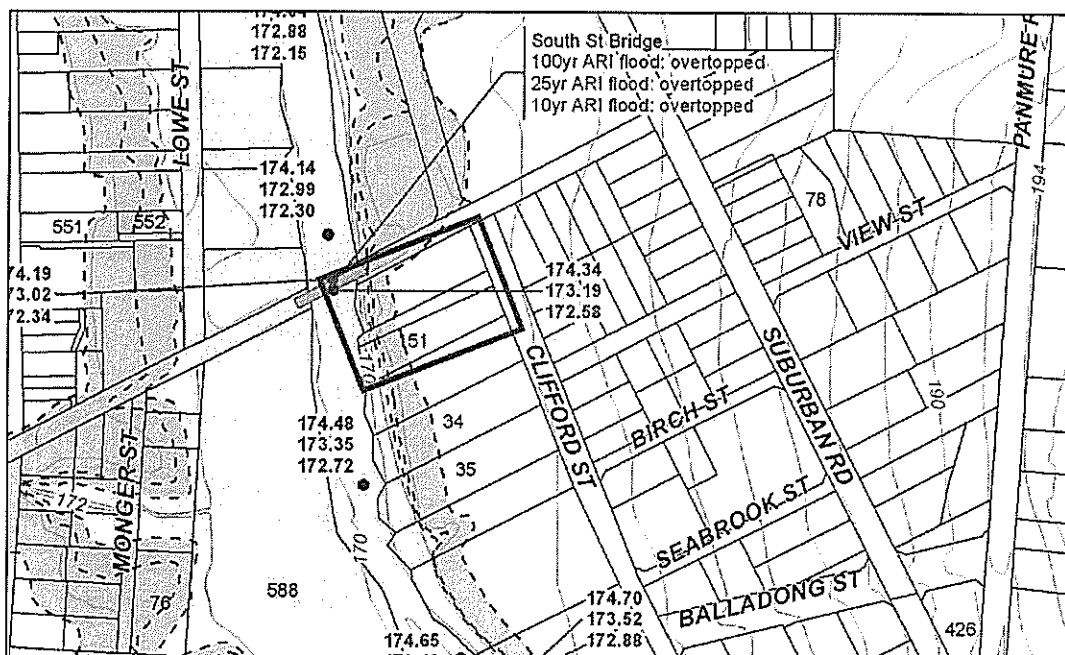
Overall, the intent is to retain as much storm water runoff on the property as possible and reduce the discharge into the river.

It is proposed to share the cost of drainage works amongst the landowners/developers through developer contributions as discussed later in this report.

## 2.6 Flooding

The site adjoins the Avon River and the Department of Water Flood Mapping indicates that approximately 25-30 metres of the site is located in the floodway and flood fringe.

An excerpt from the Department of Water Flood Maps is reproduced below:



In accordance with Clause 5.4 of the York Town Planning Scheme No.2, the portion of the site located in the floodway cannot be built upon and will remain reserved for Recreation and Open Space purposes. The area within the 1 in 100 year (flood fringe) may be built upon for residential purposes if the habitable flood level is constructed 500mm above that level.

Any development will also need to consider potential opportunities for environmental improvements and rehabilitation.

## 2.7 Road Network

The site is bounded by Glebe (South) Street and Clifford Street. Both streets are fully constructed roads with kerb and gutter.

Depending on the development intensity, upgrading of the roads and/or intersection may be a requirement of the Council in order to improved road safety and drainage.

It is proposed to share the cost of new roads or road upgrades amongst the landowners/ developers through developer contributions as discussed later in this report.

## 2.8 Services

The Precinct is serviced by scheme water, reticulated sewerage and above-ground electricity. There are no service issues relating to this proposal.

## 2.9 Remnant and Riparian Vegetation

The site is generally cleared, with the exception of the overgrowth along the river bank.

A full assessment of the impacts of any development along or near the riverbank will be required during the assessment of a planning application.

Public access to the river will be maintained as part of any development by retaining a 30 metre buffer as reserve for Recreation and Open Space purposes.

## 2.10 Heritage

The York Tennis Club has occupied the site since the 1970's and the clubhouse building is dated around that time, although it appears much older particularly with the inclusion of the grass tennis courts.

However, the significant heritage aspect of the site is the grapevines covering the arbor that is on the Glebe Street entrance that were planted in the early 1900's by the Houghton's (now located in the Swan Valley). It will be recommended that the vines be incorporated into any new development, or if possible relocated to community land.

### 3. Local Planning Strategy

The site is located in an area identified in the Strategy as 'Future Residential Development (east of the Avon River)'.

The Objective of the area is:

*"To ensure any further residential development is compatible with existing development patterns and does not compromise the residential objectives for west of the Avon River."*

The relevant Strategies are as follows:

- d. *Any rezoning of recoding proposal for land within the precinct are to address the following criteria in the Scheme Amendment report:*
- *Land subject of the rezoning is adjacent to an existing urban area and represents the logical expansion of the urban area;*
  - *Site analysis and assessment of the capability of the land to accommodate the proposed development and use;*
  - *Risk assessment of the impact of development on the land and water, including flooding, soil erosion, landslip, drainage, vegetation and any other form of environmental impact and appropriate provisions to ensure these are minimised and addressed;*
  - *Appropriateness of the intended size of the amendment area and justification for the number of lots, including:*
    - *Analysis of other residential land that may be available within York*
    - *Population projections to support the number of lots proposed*
    - *Provision for local employment*
    - *Outline development plan incorporating staging of development and developer contributions*
  - *Availability for essential services including:*
    - *The capacity of the existing sewerage system to be able to accommodate additional load;*
    - *Viability of extension of sewer into the precinct;*
    - *Viability of extension of reticulated water;*
    - *Viability of extension of power (including underground power)*
  - *The scenic landscape values of the area, and the developments integration with these, particularly along the Great Southern Highway and the visual impact of development on the main entry to York.*
  - *The interface between the urban expansion area and the adjoining rural land uses.*
- e. *Support residential development that is consistent with existing zoning and draft Country Sewerage Policy provisions.*

- f. *Residential intensification development that is consistent with existing zoning and draft Country Sewerage Policy provisions.*

The relevant Action is:

49. *Amend the scheme to make provision for such planning when development is proposed including provisions for the preparation of an Outline Development Plan and developer contributions."*

This report has been prepared taking into consideration the provisions of the Strategy. It is not the Shire's intention to prepare an overall Outline Development Plan for the site as previous experience has indicated that the landowners want flexibility in developing their land.

## **4. Proposed Scheme Amendment**

The proposal is to amend TPS2 by:

- Rezoning a portion of Lot 31 Glebe Street and Lots 150 and 151 Clifford Street, York from Reserve (Open Space and Recreation) to Residential R40; and
- Amend the Scheme Map accordingly.

### **4.1 Planning Rationale**

The following planning rationale is provided in support of the proposal:

- The proposal conforms to the intent of the Local Planning Strategy, which identifies the site within the Future Residential Development (east of the Avon River).
- The land subject of the rezoning is within an existing predominantly residential area and the proposed coding is consistent with lots within the Shire of York that have ability to connect to the reticulated sewerage system.
- Any subsequent subdivision application would need to consider the aesthetic and environmental values of the Avon River.
- Public access will be maintained to the river through retaining a portion of the site as reserved land.
- Urban water management and road upgrades can be addressed through developer contributions.

## **5. Outline Development Plan (Structure Plan)**

The York Local Planning Strategy was amended recently to enable the requirement for preparation of an Outline Development Plan (ODP) to be waived in the case of subdivisions resulting in the creation of not more than three lots, if in the opinion of the Council, the proposal:

- Is unlikely to have any significant environmental impact; and

- Does not require and is unlikely to create the requirement for additional services and infrastructure; and
- Does not prejudice the subsequent preparation and adoption of an Outline Development Plan; and
- Is consistent with the objectives and provisions of the zone.

It is expected that this development will be undertaken by a single developer and that an Outline Development Plan will be prepared in accordance with the provisions of the York Town Planning Scheme No. 2. However, it may also be appropriate to develop the site as an overall strata-type development and in this case an ODP will not be required.

## **6. Developer Contributions**

Road contributions will be required for costs towards new roads or for existing road upgrading and/or widening by any landowner applying for subdivision within the precinct. All construction costs for internal roads, including drainage and other associated works, within a subdivision will be the responsibility of the developer.

Developers will also be required to contribute towards drainage works where appropriate. Contributions may be ceding of land to the Shire or as an easement, or monetary towards construction costs, depending on the circumstances.

A contribution towards public open space may be required and is considered an appropriate mechanism to protect the river and maintain public access.

A Developer Contributions Plan has been prepared. Refer to Appendix 1.

## **7. Conclusion**

The rezoning is in accordance with the York Local Planning Strategy and the coding is consistent with other residential properties located on the eastern side of Northam-York Road (Panmure Road).

Urban water management, bushfire management and retention of native vegetation will be environmental issues that will need to be considered and may constrain subdivision of the land adjacent to the river.

The proposed R40 coding would enable theoretically a maximum of 19 lots at 400m<sup>2</sup> in area to be created, or for theoretically a maximum of 34 dwellings to be constructed at an average area of 220m<sup>2</sup>. (Note: These figures have been calculated without the exclusion of the flood affected area of the site that will remain reserved for Recreation and Open Space purposes.)

It is not considered that a commercial use would be suitable for the site for the following reasons:

- The site is surrounded by residential development and would possibly result in land use conflict; and

- The site would result in fragmentation of the existing town centre and would be an illogical expansion due to the division by the Avon River. Any expansion should be north and south to utilise existing car parking areas and other services, and emphasise the historical significance of Town Centre and specifically Avon Terrace and which would include such buildings as the Town Hall, The Mill and Sandalwood Yards.

**FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of York at the Meeting of the Council held on ..... day of ..... 2012 and the Common Seal of the Shire of York was hereto affixed by the authority of a resolution of the Council in the presence of:

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

**Recommended/Submitted for Final Approval**

Delegated under S16 of the Planning and Development Act 2005

.....  
For CHAIRPERSON OF WESTERN AUSTRALIAN PLANNING COMMISSION

DATE .....

**Final Approval Granted**

.....  
MINISTER FOR PLANNING

DATE .....



# APPENDIX 1

## DEVELOPER CONTRIBUTIONS PLAN

This Development Contribution Plan applies to Lot 31 Glebe Street and Lots 150 and 151 Clifford Street, York known as the old Lawn Tennis Centre that is zoned Residential R40 and will continue to apply to any new lots that are the subject of amalgamation or subdivision.

Other than for minor proposals or as otherwise determined by Council, the Council will require developers/subdividers to meet or contribute to off-site infrastructure, services and facilities as a result of impacts and/or demands arising from their proposal. The Council may include a condition of a development approval, request a condition for a subdivision approval or negotiate an agreement (or similar) through a scheme amendment, structure plan or development guide plan, a requirement for the provision of:

- land to be dedicated to the Council;
- infrastructure works;
- monetary payment (either a cash payment or other means acceptable to Council e.g. bank guarantee).

### State Planning Policy 3.6 – Development Contributions for Infrastructure

The SPP sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas.

The objectives of the policy are:

- *“To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;*
- *To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;*
- *To ensure consistency and transparency in the system for apportioning, collecting and spending development contributions;*
- *To ensure the social well-being of communities arising from, or affected by, development.”*

Appendix 1 of the Policy provides standard development contribution requirements that have been utilised in formulating this Policy.

### York Town Planning Scheme No. 2

Part VI of the York Town Planning Scheme No. 2 provides for the Shire of York to make agreements and recover expenses incurred in order to implement, enforce and give effect to the scheme.

Development contributions may be made for standard infrastructure such as roads, water, power, sewer and public open space through the subdivision process.

In the case of the subject site, it is proposed to levy development contributions for standard infrastructure for:

- a. Land and monetary contributions – public open space, roads and road widening; and
- b. Infrastructure works and monetary contributions – drainage, roads and other traffic works, footpaths, pedestrian accessways and dual-use paths, road upgrades, construction and widening.

Development contributions will relate only to the provision of infrastructure and not for the ongoing maintenance of the said infrastructure.

It is intended that the Shire of York will request imposition of conditions on any subdivision approval issued by the Western Australian Planning Commission requiring development contributions.

## 1. ROAD CONTRIBUTIONS

### 1.1 *Land contributions*

- 1.1.1 Land may be required and ceded free of cost for widening existing roads, where the proposal induces additional traffic movements and/or benefits from it; land for new local streets required; land for district distributor roads in new development areas that expand urban front or where linkages to these areas is justified; and/or land for primary distributor roads, including primary regional roads and railway reserves where justified by the subdivision.

### 1.2 *Infrastructure works*

- 1.2.1 All roads and traffic works required within the subdivision and linked to a constructed public road. These roads provide access to individual lots and allow utility services to be reticulated in the road reserves.
- 1.2.2 Footpaths, pedestrian access ways and shared paths, where required.
- 1.2.3 Upgrading, construction and widening of existing roads and laneways to accommodate additional traffic generated by a subdivision and/or development; and/or new district distributor roads including earthworks for the whole road reserve, the construction of one carriageway comprised of two lanes and associated drainage works.

### 1.3 *Policy provisions*

- 1.3.1 When determining a development application, if in the opinion of Council the development generates the requirement for a road and/or footpath upgrade, the Council will seek a financial contribution to be made towards the upgrading of the road and/or footpath network.

- 1.3.2 In making recommendations to the Western Australian Planning Commission on applications for subdivision where at least one additional lot will be created from the parent lot(s), the Council will consider seeking a financial contribution to be made towards the upgrading of the road and/or footpath network.
- 1.3.3 When determining a development application, if in the opinion of Council the development generates the requirement for a road and/or footpath upgrade, the Council will seek a financial contribution to be made towards the upgrading of the road and/or footpath network.
- 1.3.4 Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table 1 of this Policy. The standards will be reviewed as necessary.
- 1.3.5 The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table 1, based on the per kilometre / per metre frontage of the parent lot(s) to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street frontage, however the Council will take into account traffic movements and existing rights of entry.
- 1.3.6 If a subdivision requires that the created lots be provided with constructed road access that does not currently exist, this policy shall not supersede any requirements for the developer to pay full construction costs to provide this road access.
- 1.3.7 Nothing in this policy shall prohibit Council from seeking the construction of a footpath (or dual-use path if applicable) network within a subdivision at the developer's expense.
- 1.3.8 In terms of expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
- 1.3.9 Should the applicant not construct the road, the construction/upgrading of the road(s) will occur in accordance with the approved Shire Works Program; and
- 1.3.10 The upgrading of the footpath network shall occur within three (3) years following completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.
- 1.3.11 The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the subdivision or development.

## 2. DRAINAGE CONTRIBUTIONS

### 2.1 *Land contributions*

- 2.1.1 Developers may also be required to contribute towards drainage works where appropriate. Contributions may be ceding of land to the Shire or as an easement, or monetary towards construction costs, depending on the circumstances.

## 2.2 *Infrastructure contributions*

2.2.1 Infrastructure for on-site and off-site drainage works, including capital works that are necessary to, or contribute to, the subdivision and/or development, and the planning and implementation of urban water requirements.

## 2.3 *Policy provisions*

2.3.1 When determining a development application, if in the opinion of Council the development generates the requirement for the establishment of a drainage system and/or upgrade, the Council will seek a financial contribution to be made towards the upgrading of the drainage system.

2.3.2 In making recommendations to the Western Australian Planning Commission on applications for subdivision where at least one additional lot will be created from the parent lot(s), the Council will consider seeking a financial contribution to be made towards the upgrading of the local drainage network.

2.3.3 When determining a development application, if in the opinion of Council the development generates the requirement for a drainage upgrade, the Council will seek a financial contribution to be made towards the upgrading of the drainage network.

2.3.4 Contributions towards the upgrading of the drainage network will be based on the standards contained in Table 2 of this Policy. The standards will be reviewed as necessary.

## 3. OPEN SPACE CONTRIBUTIONS

Public open space equivalent to 10 per cent of the gross subdivisible area, or alternatively, a cash-in-lieu contribution, in accordance with WAPC policies and the *Planning and Development Act 2005*.

It is considered appropriate that dedication of a negotiated area of land adjacent to the river will meet the public open space contribution requirements.

## TABLE 1 – ROAD CONTRIBUTIONS

### 1. Contributions for sealed roads in Residential areas

Re-Seal of Road (occurs every 15 years)	\$28,000 per km (a)
Reconstruction of road every forty years (Includes removal and replacement of kerbing)	\$140,000 per km (b)
Total Whole of Life Road Works (For the purposes of a subdivision, whole of life is the cost of upgrading works over a 40 year period)	\$196,000 per km (c) (c = a*2 + b)
Total Road Works per lineal metre	\$196 per metre

In calculating the contribution for residential lots, it will be 50% of the lineal metre calculation based on the frontage of the property to the road, where there is an opportunity for subdivision on the opposite side of the road. Each year this figure is to be revised for CPI increases and changes to the cost of materials.

### 2. Contributions per lineal metre for footpath upgrading

Construction of standard residential dual use path (hot mix construction with one-coat seal)	\$90 per lineal metre**
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\*\* This figure is for a standard residential dual use path only. This figure does not apply to situations where a footpath may be constructed of some other material (i.e. brick paving) or where a higher standard of footpath is required (i.e. in the case of industrial areas where a higher standard of footpath is required to carry heavy loads). Where a footpath requires a higher standard of construction, other than a residential dual use path, the Shire will calculate the appropriate per lineal metre cost based on the construction standards required.



## SCHEME AMENDMENT NO. 48 – OLD LAWN TENNIS CENTRE

### SCHEDULE OF SUBMISSIONS

No.	Name	Submission	Council's Recommendation	Commission's Recommendation
1.	Western Power	There are no objections, however, there are overhead powerlines, adjacent to or traversing across the proposed area of works.	Noted.	
2.	Telstra	At present, Telstra Corporation Limited has no objection.	Noted.	
3.	Main Roads	In assessing the application, the MRWA have determined that subject land does not abut a MRWA controlled road. Therefore MRWA has no objection to the proposed amendment.	Noted.	
4.	State Heritage Office	The proposed Scheme Amendment has been considered for its potential impact on heritage places within the Scheme. There is no objection to the proposal.	Noted.	
5.	Department of Water	<p>The Department of Water (Dow) has no objections to be proposal, although would like to provide the following advice:</p> <p><b>Flood Advice</b></p> <p>The DoW in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.</p> <p>The Avon River Flood Study through York shows a portion of the Lots are affected by flooding during major river flows with the 100 year ARI flood level estimated to be 174.4 m AHD.</p> <p>Our floodplain management strategy for the area states:</p>	<p>Noted. The scheme amendment mapping shows that the proposed rezoning is not within the floodway and that the rezoning aligns with the 1 in 100 year ARI mapping provided by the DoW.</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>ITEM 9.1.2 APPENDIX B</b> </div>

		<ul style="list-style-type: none"> <li>Proposed development (ie, filling, building, etc) that is located outside the floodway is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 174.9 AHD is recommended to ensure adequate flood protection.</li> <li>Proposed development (ie, filling, building, etc) that is located within the floodway and is considered obstructive to major flows is not acceptable as it would increase flood levels upstream. No new buildings are acceptable in the floodway.</li> </ul> <p>Consequently, the following comments are provided on the proposed amendment within respect to major flooding on the Avon River:</p> <ul style="list-style-type: none"> <li>The proposed rezoning of the land within the floodway (ie, yellow shaded area on attached plan) is not considered acceptable.</li> <li>The proposed rezoning of the portions of Lots outside of the Avon River floodway (ie, not within the yellow shaded area) is considered acceptable.</li> <li>Minimum habitable floor levels of 174.9 are recommended to ensure adequate flood protection.</li> </ul>	
		<p>The Department of Education has reviewed the proposal to rezone the above property and advises that it has no objection to this Amendment.</p>	6.
	<p>Noted.</p>	<p>A GIS desktop assessment of this application has been undertaken based on the information provided and information from Department of Environment and Conservation (DEC) databases.</p> <p><b>1. Buffer distances</b></p> <p>The Avon River is designated as an Environmentally Sensitive Area (ESA) (see Figure 1). Lots 31, 150 &amp; 151 are located adjacent to the Avon River. No</p>	7.
	<p><b>1. Buffer distances</b></p> <ul style="list-style-type: none"> <li>30 metre buffer being provided.</li> <li>Proposal is for Residential R40 development.</li> <li>Keeping of stock not</li> </ul>		



	<p>known threatened and / or priority flora and / or fauna, threatened ecological community, DEC-managed Nature Reserve are known to occur on and / or in close proximity to this lots (see Figure 1).</p> <p>The proximity of the two above-mentioned lots to the Avon River may increase the risk of waste and effluent impacts arising from rural-residential development on this sensitive ecosystem, both within a site specific and overall cumulative Avon River context. The local groundwater discharge dynamics of this area is unfortunately not known. A proposed buffer of at least 30 metres for the boundaries of the lots from the Avon River is recommended given the ecological sensitive nature of the Avon River system. A larger buffer would be preferred, but this may be unrealistic given the small size of Lots 31, 150 &amp; 151. The small size of the lots and close proximity to the Avon River may also require a number of restrictions to be placed (and strictly enforced) on the lots such as no livestock (including Horses) to be kept on these lots. This proposed buffer distance and associated restrictions could assist in reducing the risk associated with ecological impacts arising from rural residential development on a floodplain.</p> <p>The Avon River also contains a number of Deep Pools (Priority Ecological Community 1) which, although not is close proximity to Lots 31, 150 &amp; 151, is particularly vulnerable to offsite and downstream sedimentation and other types of pollution associated with increased runoff and nitritification.</p> <p>It is recommended that the 1:100 year flood line be used as the boundary for the proposed landuse change and the riparian vegetation not be disturbed or included in the proposal.</p>	<p>applicable.</p> <ul style="list-style-type: none"> <li>1 in 100 year flood line used to delineate property boundary.</li> </ul> <p><b>2. Management of drainage and waterway</b></p> <ul style="list-style-type: none"> <li>Department of Water consult (see comments in item 5).</li> <li>Noted.</li> </ul> <p><b>3. Additional considerations</b></p> <ul style="list-style-type: none"> <li>Proposal is for Residential R40 development.</li> <li>Department of Water comments sought and have not recommended for the preparation of a Local Water Management Strategy prior to rezoning.</li> </ul>	
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		<p><b>2. Management of drainage and waterway</b>  The Department of Water is the most appropriate authority to comment on drainage management. DEC advice is that drainage should prevent the discharge of litter to the Avon River and installation of associated infrastructure should avoid disturbing native vegetation and not create erosion.</p> <p><b>3. Additional considerations</b>  The public safety aspects associated with rural residential development on a floodplain in close proximity to a major watercourse (within the Wheatbelt context) should also be considered by the Shire as part of the overall risk assessment for this TPS amendment.</p> <p>The Shire of York should also request comments from the Department of Water office in Victoria Park regarding the development of an appropriate and integrated Local Water Management Strategy, which includes sustainable waterway / riparian management prescriptions.</p>		
8.	Department of Planning – Tourism Division	<p>The land is currently used as a lawn tennis centre which includes 6 tennis courts and a clubhouse. The York Tennis Club is being relocated to the new Forrest Oval Recreation Complex that co-locates a number of sporting groups in a single location/facility. The proposal states that a number of redevelopment options have been investigated, including commercial and tourist uses, and it has been determined that residential is the most suitable use for the site. Under the Shire of York's Local Planning Strategy the site has been identified as 'Future Residential Development (east of the Avon River)'. Surrounding land uses are predominantly residential.</p> <p>As the site is not specifically zoned for tourism purposes Policy development has no objections to the proposed amendment on tourism grounds.</p>	Noted.	

		<p>Please note that this is a response to tourism planning issues only and does not reflect comments of other branches of the Department of Planning or a formal position of the Western Australian Planning Commission, which may need to be consulted on this proposal.</p>	
9.	Water Corporation	<p>The Water Corporation has no objection to the proposed rezoning.</p> <p>The property is serviced by reticulated water and wastewater services. Any subsequent subdivision and development will be required to connect to these services.</p>	<p>Noted. Servicing availability reflects and is consistent with proposed R40 coding.</p>
10.	Department of Health	<p><b>1. Waste Water Disposal</b> Developments to R40 density code are required to connect to scheme water and reticulated sewerage by the draft Country Sewerage Policy.</p> <p><b>2. Health Impact Assessment</b> You may also wish to consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process. Issues related to air quality; dust nuisance and/or potential health impacts from neighbouring activities such as odour or noise should be considered.</p>	<p><b>1. Waste Water Disposal</b> Any future development can be connected to scheme water and reticulated sewerage. Refer to comments above.</p> <p><b>2. Health Impact Assessment</b> There are no identified health impacts associated with this proposal or known in the locality. It is not considered necessary to complete a HIA or PHA.</p>