



SCHEME AMENDMENT NO. 52

PROPOSED REZONING

FOREMAN, LEWIS & RED SWAMP PRECINCT

JANUARY 2014

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF YORK

TOWN PLANNING SCHEME NO. 2

AMENDMENT NO. 47

RESOLVED that Council pursuant to Section 75 of the Planning and Development Act 2005 (as amended), initiate a Town Planning Scheme Amendment to the Shire of York Town Planning Scheme No. 2 by:

1. Rezoning the Foreman, Lewis and Red Swamp Road Precinct from Rural Residential to;
 - Residential R2.5 for properties abutting the Avon River (Lot 72 Red Swamp Place; Lots 73, 74, 75, 76 and 77 Foreman Road; and Lots 78 and 79 Lewis Road);
 - Residential R5 for all other properties (Lots 67 and 68 Lewis Road; and Lots 69, 70 and 71 Foreman Road); and
 - Reserve (Recreation and Open Space) for the portion of land vested in the Shire between the Avon River and the Precinct.
2. Amending the Scheme Map accordingly.

ADOPTED by resolution of the Shire of York at the Ordinary Council Meeting dated this _____ day of _____ 2014.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

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. 52
4. **PURPOSE:** To rezone the Foreman, Lewis & Red Swamp Precinct from Rural Residential to Residential R2.5 and Residential R5 zone as depicted on the scheme amendment plan.
5. **REPORT BY:** Shire of York

SHIRE OF YORK
TOWN PLANNING SCHEME AMENDMENT NO. 52 REPORT

CONTENTS

1. Introduction	1
1.2. Existing Zoning	1
1.3. Amended Zoning	2
2. Site Analysis.....	4
2.1. Location.....	4
2.2. Current Land Uses.....	5
2.3. Surrounding Land Uses	5
2.4. Topography.....	5
2.5. Drainage.....	6
2.6. Road Network.....	6
2.7. Services.....	6
2.8. Remnant Vegetation	7
2.9. Fire Management.....	7
3. Local Planning Strategy	8
4. Foreman, Lewis and Red Swamp Precinct History.....	9
5. Proposed Scheme Amendment.....	10
5.1. Planning Rationale.....	10
6. Developer Contributions.....	11
7. Conclusion	12

1. Introduction

On 2 October 2013, Council received a request to initiate a scheme amendment to rezone Lot 69 Lewis (Cnr Foreman) Road from Rural Residential to Residential R5/R10 to facilitate subdivision.

The Shire of York considered it more appropriate to rezone the Precinct in preference to a single lot or 'spot' rezoning. Initial consultation with the landowners in the Precinct indicates that the majority of landowners are in favour of an overall rezoning.

This Scheme Amendment proposes to amend the York Town Planning Scheme No. 2 (TPS2) by;

1. Rezoning the Foreman, Lewis and Red Swamp Precinct from Rural Residential to;
 - Residential R2.5 for properties abutting the Avon River (Lot 72 Red Swamp Place; Lots 73, 74, 75, 76 and 77 Foreman Road; and Lots 78 and 79 Lewis Road);
 - Residential R5 for all other properties (Lots 67 and 68 Lewis Road; and Lots 69, 70 and 71 Foreman Road); and
 - Reserve (Recreation and Open Space) for the portion of land vested in the Shire between the Avon River and the Precinct.
2. Amending the scheme map accordingly.

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.

1.2. Existing Zoning

The subject Areas A and B, identified in Map 1 are currently zoned Rural Residential under the Shire of York's Town Planning Scheme No. 2 (TPS2).

The portion of land that is vested in the Shire is also currently zoned Rural Residential. This is a Local Planning Scheme anomaly which will be corrected with this amendment.

1.3. Amended Zoning



Map 1: Area A, B and C of the Precinct.

The amended zoning for this area can be distinguished by the three different areas identified on the above map; area 'A' and area 'B' and area 'C'. It is proposed that the area be rezoned Residential R2.5, Residential R5 and Reserve (Recreation and Open Space), respectively. These areas have been zoned according to the site requirements and existing cadastral patterns within York.

The following table outlines the relevant general development requirements, in accordance with the Residential Design Codes that have been taken into consideration.

R-Code	Minimum Site area per Dwelling (m ²)	Minimum Frontage (m)	Minimum Setbacks (m)		
			Primary Street	Secondary Street	Other/Rear
R2.5	4000	40	15	7.5	7.5
R5	2000	30	12	6	*/6

*subject to table 2a and 2b of the R-Codes

Table 1: Provisions of the Residential Design Codes.

Area A is located on a gentle slope abutting the Avon River. Whilst current mapping from the Department of Water indicates that the properties are not affected by flooding, it is considered that the site requirements for an R5 property would not be appropriate for this area, particularly the minimum site area per dwelling.

Area B is located at the highest point of the precinct, sloping towards the eastern boundary that is Red Swamp Place. Based on the three different road frontages as well as its location next to the York Estates boundary, it is considered that an R5 coding is appropriate as a transitional area towards Area B as well as the Rural Residential zone east of Red Swamp Place. Whilst York Estates is allocated as a dual code based on future connection to sewer, it is considered that Foreman, Lewis and Red Swamp Precinct does not necessitate a dual

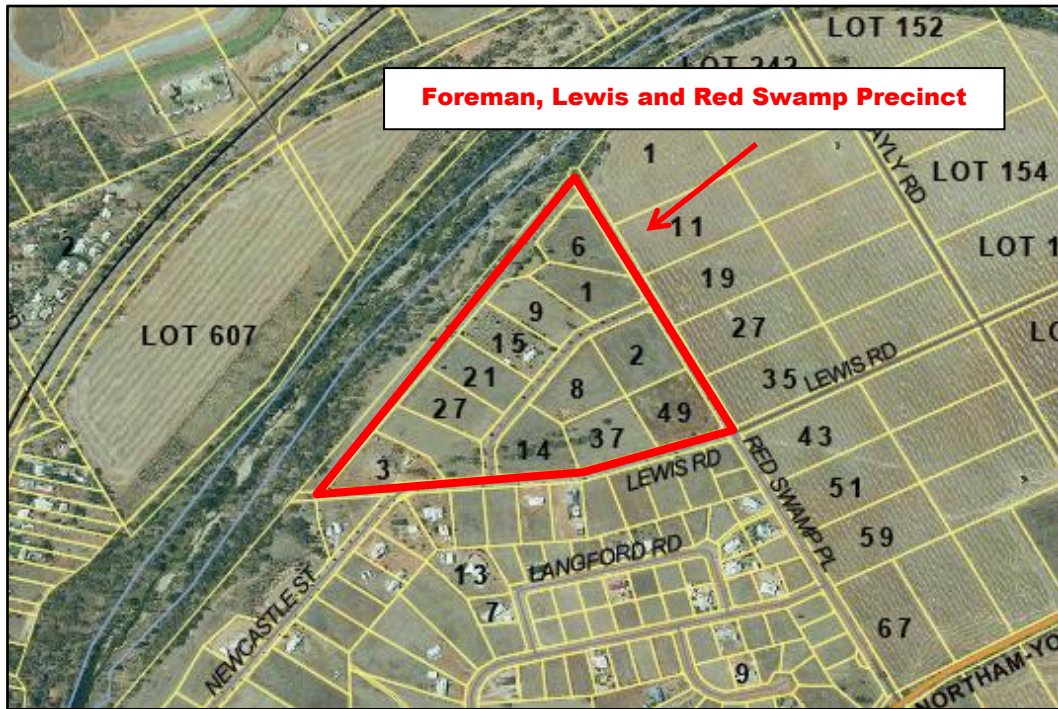
code based on its role as a transitional area toward the Rural Residential area. It is unlikely that this particular Precinct will experience demand for higher density development than an R5 coding unless York experiences unprecedented population growth.

Area C has been identified as an anomaly within the current Scheme which will be corrected by allocating the area to Reserve for Recreation and Open Space.

2. Site Analysis

2.1. Location

The Foreman, Lewis and Red Swamp Precinct is an area bounded by Red Swamp Place, Lewis Road, Foreman Road and the Avon River, on the north-eastern side of the townsite.



Map 2: The Foreman, Lewis and Red Swamp Precinct.

The area comprises of thirteen existing lots – Lots 69, 70, 71, 73, 74, 75, 76 and 77 Foreman Road; 67, 68, 78 and 79 Lewis Road; and 72 Red Swamp Place. The area has a cumulative total of 16 hectares with the individual Lot and Road sizes shown in the table below.

	Lot No.	Street No.	Road.	Size (m ²)	Size (ha)
Area A	72	6	Red Swamp Place	9,792	0.98
	73	1	Foreman Road	10,206	1.02
	74	9	Foreman Road	10,006	1.00
	75	15	Foreman Road	10,107	1.01
	76	21	Foreman Road	10,108	1.01
	77	27	Foreman Road	10,038	1.00
	78	17	Lewis Road	10,707	1.07
	79	3	Lewis Road	10,138	1.01
Total Area A				81,102	8.1ha
Area B	69	14	Foreman Road	10,794	1.08
	70	8	Foreman Road	11,426	1.14
	71	2	Foreman Road	12,220	1.22
	67	49	Lewis Road	11,754	1.17
	68	37	Lewis Road	11,202	1.12
Total Area B				57,396	5.73ha
Roads	Red Swamp Place			7,350	0.73
	Lewis Road			9,678	0.97
	Foreman Road			5,635	0.56
Total Roads				22,663	2.26ha
Total Area				161,161m²	16.09ha

Table 2: Lot and Road sizes.

Theoretically, approximately 20 lots could be created in Area A whilst another 28 could be created in area B, resulting in a potential 48 new lots as a result of this scheme amendment. However, due to the existing cadastral pattern of development and environmental constraints the lot yield is expected to be much less. The release of lots would expect to occur over an extended period of time (i.e. 10 – 15 years).

2.2. Current Land Uses

In the Foreman, Lewis and Red Swamp Precinct, only two out of the thirteen properties contain dwellings. The rest of the properties, whilst privately owned, are all vacant of development.

No properties within this Precinct contain livestock or run any semi-rural activities associated with the Rural Residential zone. The two lots that contain dwellings are used predominantly for residential/lifestyle purposes.

2.3. Surrounding Land Uses

On the north-eastern side of Red Swamp Road, land is zoned Rural Residential however is used predominantly for agriculture purposes. In the past, this area was zoned General Agriculture and was rezoned and subdivided for Rural Residential purposes. The subdivision has not physically taken effect and is owned by one landowner who continues to use the area for farming purposes.

On the north-western side of the Precinct is the Avon River as well as a portion of land vested in the Shire of York. As with most waterways, this area is subject to flooding however the Precinct is not located within any floodway or flood fringe.

The portion of land vested in the Shire is located between the River and the Precinct which could potentially become an area for trails and/or public open space.

On the southern side of Lewis Road is an area of land known as the 'York Estates'. This area is zoned Residential with a coding of R5/R10. Lot sizes range from around 2,000m² through to approximately 12,000m² reflecting the intermittent development and subdivision that is occurring.

2.4. Topography

The land within the Precinct is relatively high at Lewis Road in comparison to most areas within York with some areas elevated to approximately 190 metres AHD. The area slopes gently north, dispersing towards the Avon River and Red Swamp Place to land as low as 174 metres AHD.

The earth is generally sandy with moderate to heavy soils with evidence of exposed rocks on the higher ground. The assessment of any future subdivision will need to take into consideration the location of future dwellings to minimise earthworks and the location of on-site sewerage management facilities.

Assessment of the suitability of the type of on-site sewerage facility will be required prior to construction of any habitable development. This is subject to the requirements of the Draft Country Sewerage Policy as well as the Local Government and may be the financial responsibility of the developer.

2.5. Drainage

The Precinct is within a catchment leading to discharge points into the Avon River, specifically the retention basin at the edge of Lot 73 Foreman Road, within Area C. All drainage runs from the high point adjoining the York Estates northwards towards the Avon River

The most evident area of drainage is along the roadsides, particularly Red Swamp Place where some erosion has occurred. This may require further investigation in the future.

Drainage is an issue that will be addressed as the area is subdivided or developed. An overall drainage management plan is not required however over time as landowners develop, individual assessments will need to take into consideration the overall impact of the development on the drainage in the whole area. Drainage management provisions will be implemented where and when required including, but not limited to obtaining drainage easements and/or planting of vegetation. Measures do not need to be expensive but will need to be implemented strategically to be effective.

Overall, the intent is to retain as much storm water runoff on the properties as possible or implement measures to divert the water toward the Avon River and/or retention basin. The cost of site specific drainage requirements, as assessed by the Local Government, will largely be borne by the developers.

2.6. Road Network

There is a basic road network surrounding the Foreman, Lewis and Red Swamp Precinct with the main access point being the corner of Lewis and Foreman Road, accessed via Newcastle Street leading out of the townsite.

The roads are constructed with bitumen to a rural standard which are relatively narrow road pavements and open drains on both sides of the road. Some erosion has occurred, particularly along Red Swamp Road where water runs down from the Northam-York Road and the York Estates.

Upgrading of the roads may be required by Council in order to improve road safety and drainage but is not a necessity at this stage.

Upon subdivision, developers will be required to contribute financially in accordance with the Local Planning Policy *Contributions for Road & Footpath Construction & Infrastructure*.

2.7. Services

The Precinct is serviced by scheme water and below-ground electricity. No reticulated sewerage is currently available within the area with the nearest connection point being over two kilometres away. Connection the reticulated sewer is unlikely within the next ten to twenty years.

In accordance with the draft Country Sewerage Policy, any newly created lots as a result of this scheme will equal or exceed 2,000m² to ensure capability for on-site sewerage management.

The type of on-site sewerage management facility will be assessed individually, at the development stage, for the specifics of each site and in accordance with the Draft Country

Sewerage Policy and the Local Government. Costs associated with on-site management systems are the responsibility of the landowner.

Any new systems will require a setback from any natural drainage lines to reduce the risk of pollution to the Avon River.

2.8. Remnant Vegetation

In the Foreman, Lewis and Red Swamp Precinct there is sparse natural vegetation with most of the properties being open country. There are however, a number of trees near the Lewis and Foreman Road intersection which may require protection as they are beneficial to the Precinct from practical and aesthetical point of view.

Area C contains some existing vegetation which will remain unaffected by this rezoning. Future revegetation of this area may occur.

Landowners will be encouraged to apply water sensitive urban design principles to all development including revegetation and protection existing vegetation along natural water lines and watercourses.

2.9. Fire Management

The threat of bushfire must also be considered in the development of the Precinct. The threat of damage to the properties in the Foreman, Lewis and Red Swamp Precinct would primarily be from bushfires that may start or pass through the area of land between the Avon River and the Precinct boundary; Area C. However it should be noted that this area is actively managed to reduce the threat of bushfire by the Shire of York in conjunction with the Fire and Emergency Services Authority of WA.

The property on the eastern side of Red Swamp Place, whilst not densely vegetated, is privately owned and is the responsibility of the landowner to maintain correct firebreaks.

3. Local Planning Strategy

The Foreman, Lewis and Red Swamp Precinct whilst located within the townsite boundaries, is in an area that is not specifically identified in the Strategy. However, the general principles of the area are similar to the intentions of those identified as *Future Residential Development (east of the Avon River)*. The relevant objective of this area is:

- *“To ensure any further residential development is compatible with existing development patterns and does not compromise the short and long term residential objectives for west of the Avon River.”*

The relevant Strategy is to:

- *“Support residential development that is consistent with existing zoning and draft Country Sewerage Policy provisions.”*

Furthermore, the relevant general objectives of the Strategy are as follows;

- *“Ensure that the York townsite is the major settlement within the Shire, is sustainable and well planned with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space and has a transport network that is efficient and safe.*
- *Manage growth and development of other existing settlements in response to the social and economic needs of the community and in recognition of relevant environmental values and constraints.*
- *Coordinate new development with the efficient, economic and timely provision of infrastructure and services.”*

The relevant Strategies are as follows:

- *“The Shire, and its Council, will seek sustainable development by endeavouring to meet the needs of current and future generations through integrating environmental protection, social advancement and economic prosperity considerations into its decision-making.”*

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 Foreman, Lewis and Red Swamp Precinct to allow for flexibility for landowners in developing their land.

Notwithstanding this, issues such as drainage and access will be planned and managed on a site specific basis through plans and developer contributions, taking into consideration the drainage requirements of the entire Precinct.

Individual ODP’s will be required for subdivision that will result in the creation of more than three (3) lots in accordance with the provisions of the Strategy as well as the Scheme.

4. Foreman, Lewis and Red Swamp Precinct History

At its Ordinary Meeting held on 21 October 2013, Council resolved to support, in principle, a Scheme Amendment for the rezoning of Lot 69 Lewis Road, York. A notation was made to send letters to neighbouring properties giving them the opportunity to 'opt in' to the proposal. Following the response of these letters it was concluded that seven out of the thirteen total properties (including Lot 69 Lewis Road) would support, in principle, the rezoning of their land to Residential.

At its Ordinary Meeting held on 16 December 2013, Council resolved the following;

"That Council:

- 1. Request Council's Planners to prepare the scheme amendment documentation required to rezone the Foreman, Lewis and Red Swamp Precinct from Rural Residential to Residential R5/R10.*
- 2. That the affected landowners be advised of the resolution and be advised that the amendment once initiated will be advertised for community comment.*
- 3. That a further report be received to formally initiate the scheme amendment for the Precinct.*
- 4. Not to prepare scheme amendment documentation for rezoning proposals associated with single lots or multiple lots in single ownership or lots that are not identified in the York Local Planning Strategy."*

5. Proposed Scheme Amendment

The proposal is to amend TPS2 by:

1. Rezoning the Foreman, Lewis and Red Swamp Precinct from Rural Residential to;
 - Residential R2.5 for properties abutting the Avon River (Lot 72 Red Swamp Place; Lots 73, 74, 75, 76 and 77 Foreman Road; and Lots 78 and 79 Lewis Road);
 - Residential R5 for all other properties (Lots 67 and 68 Lewis Road; and Lots 69, 70 and 71 Foreman Road); and
 - Reserve (Recreation and Open Space) for the portion of land vested in the Shire between the Avon River and the Precinct.
2. Amending the scheme map accordingly.

5.1. Planning Rationale

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

- The proposal conforms with the general objectives and intent of the Local Planning Strategy;
- The low density designation implies unsewered development with lot sizes upwards of 2000m². As the proposal is for an R2.5 and R5 coding, the proposed lot sizes are consistent with the provisions of the Draft Country Sewerage Policy;
- The land subject of the rezoning is adjacent to an existing urban area, on the north-eastern side of the York Estates, and therefore represents the logical expansion of the urban area.
- Allocating the land vested in the Shire to Reserve for Recreation and Open Space will provide freedom to develop trails and public open spaces in the future.
- Lot sizes of a minimum of 4000m² and 2000m² will provide a suitable transition area between the townsite and the Rural Residential area on the eastern side of Red Swamp Place.
- Initial consultation with the landowners shows that the majority are in favour of the rezoning.
- Any subsequent subdivision application would need to consider the scenic landscape values of the area. Vegetation planted by owners of the new lots would complement the existing landscape.
- Urban water management and road upgrades will be addressed through individual development applications and application of the Local Planning Policy *Contributions for Road & Footpath Construction & Infrastructure*.

6. Developer Contributions

Road contributions will be in accordance with the existing Local Planning Policy No. 10 *Contributions for Road and Footpath Construction and Upgrading*. All construction costs for internal roads, including drainage and other associated works, within a subdivision will be the responsibility of the developer.

Developers may also be required to contribute towards drainage works where a direct nexus can be established. 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 will be required in accordance with relevant adopted State or local policy. Open space may be contributed for drainage purposes. A cash-in-lieu contribution may be negotiated, where applicable.

7. Conclusion

The rezoning of this Precinct is in accordance with the York Local Planning Strategy. The lot sizes proposed are consistent with other residential properties located along the Avon River as well as within the York Estates on the southern side of Lewis Road.

Urban water management and retention of native vegetation are environmental issues that will need to be considered and may constrain subdivision of some lots. On-site sewer management facilities will be assessed by Local Government in accordance with the Draft Country Sewerage Policy.

Contributions by developers will be required at the stage of subdivision and in accordance with the Local Planning Policy *Contributions for Road & Footpath Construction & Infrastructure*.

Theoretically approximately 48 lots could be created as a result of this scheme amendment. However due to the existing pattern of development and potential site constraints, the lot yield is expected to be much less. The release of lots would likely occur over an extended period of time (i.e. 10 to 15 years).

The majority of landowners in the Foreman, Lewis and Red Swamp Precinct support, in principle, the rezoning of the Precinct from Rural Residential to Residential in order to enable subdivision of the existing lot sizes. This amendment will enable landowners the opportunity in the future to subdivide and sell all or part of their properties.

PLANNING AND DEVELOPMENT ACT 2005
SHIRE OF YORK TOWN PLANNING SCHEME NO. 2
AMENDMENT NO. 52

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 local planning scheme by:

1. Rezoning the Foreman, Lewis and Red Swamp Road from Rural Residential to;
 - Residential R2.5 for properties abutting the Avon River (Lot 72 Red Swamp Place; Lots 73, 74, 75, 76 and 77 Foreman Road; and Lots 78 and 79 Lewis Road);
 - Residential R5 for all other properties (Lots 67 and 68 Lewis Road; and Lots 69, 70 and 71 Foreman Road); and
 - Reserve (Recreation and Open Space) for the portion of land vested in the Shire between the Avon River and the Precinct.
2. Amending the Scheme map accordingly.

ADOPTION

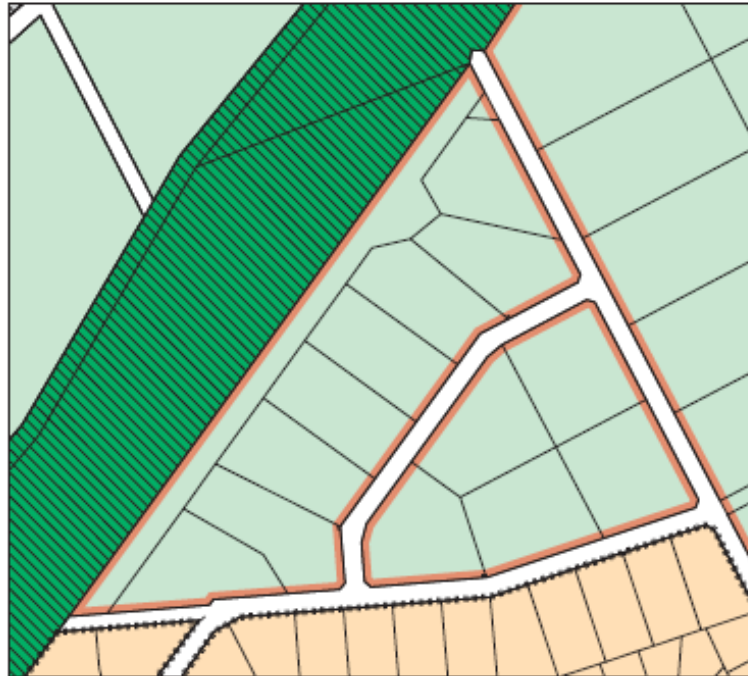
Adopted by resolution of the Council of the Shire of York at the Ordinary Meeting of the Council held on the _____ day of _____ 2014.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

SHIRE OF YORK TOWN PLANNING SCHEME NO. 2









EXISTING ZONING



EXISTING ZONING

LEGEND

York Z 2

-  RAILWAY
-  GENERAL AGRICULTURE
-  RURAL RESIDENTIAL
-  RESIDENTIAL
-  ROAD
-  RECREATION AND OPEN SPACE
-  LPS Rcodes - Enquiry data
-  LPS Cadastre - Capture data



Government of **Western Australia**
Department of **Planning**

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 52



Scale 1:6000





0 50 m

PROPOSED ZONING



SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  RECREATION AND OPEN SPACE
-  RESIDENTIAL
-  TPS Amendment Rcodes



Government of Western Australia
Department of Planning

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 52



Scale 1:6000

0 50 m

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of York at the Ordinary Meeting of the Council held on the ___ day of _____ 2014 and the Common Seal of the Shire of York was hereunto 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