



SCHEME AMENDMENT NO. 48

PROPOSED REZONING OLD LAWN TENNIS CENTRE

JUNE 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 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 day of 2012.

.....
CHIEF EXECUTIVE OFFICER

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

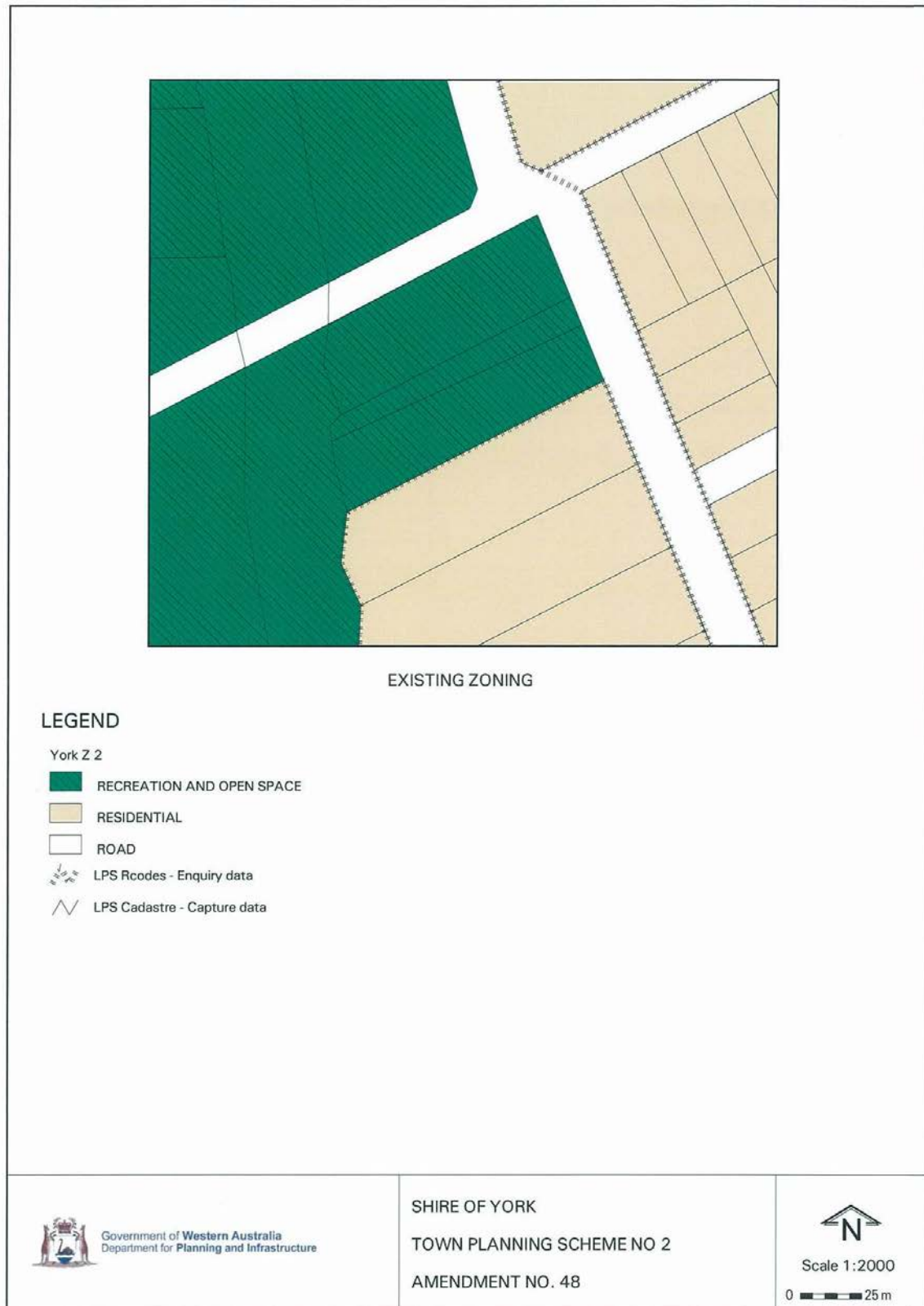
Adopted by resolution of the Council of the Shire of York at the
Meeting of the Council held on the day of 2012.

.....
SHIRE PRESIDENT

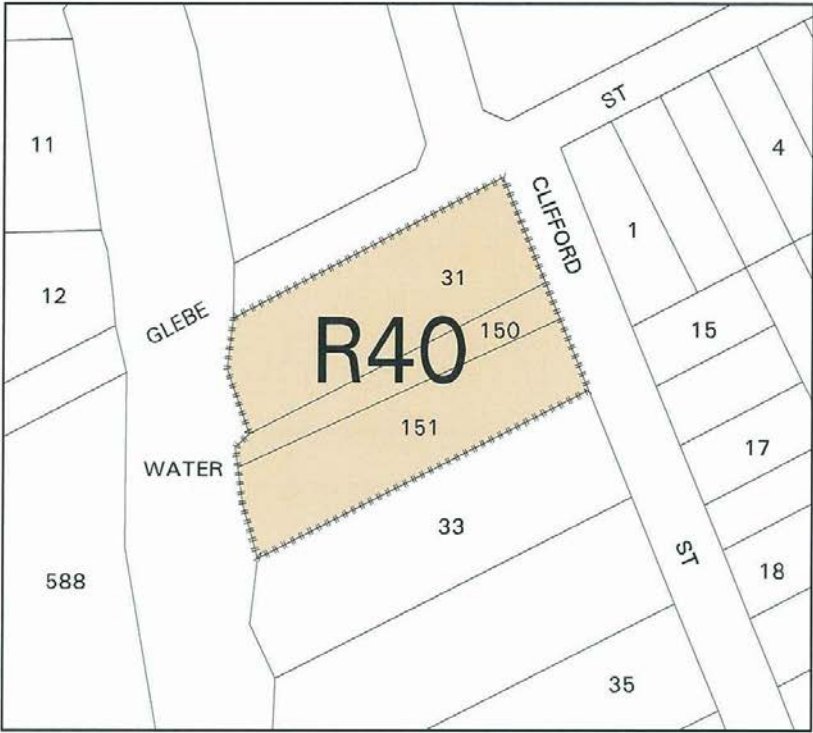
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CHIEF EXECUTIVE OFFICER

SHIRE OF YORK TOWN PLANNING SCHEME NO. 2




EXISTING ZONING



PROPOSED ZONING



LEGEND

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



Government of Western Australia
Department for Planning and Infrastructure

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 48



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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 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 (m²)
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 400m² in area to be created, or for theoretically a maximum of 34 dwellings to be constructed at an average area of 220m². (Note: These figures have been calculated without the exclusion of the flood affected area of the site.)

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.

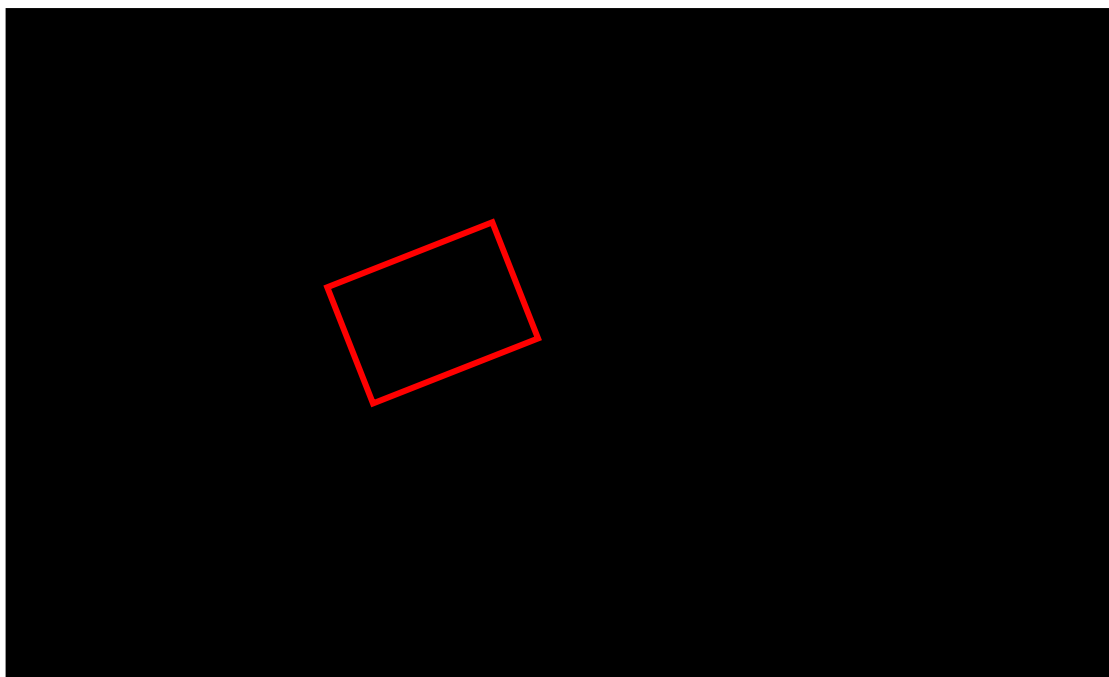
Overall, the intent is to retain as much storm water runoff on the property as possible and reduce the discharge into the river.

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. 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 should be maintained as part of any development. Public open space contributions may be appropriate to achieve this.

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 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 would need maintained to the river and an open space contribution may be applicable.
- 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 will 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 400m² in area to be created, or for theoretically a maximum of 34 dwellings to be constructed at an average area of 220m². (Note: These figures have been calculated without the exclusion of the flood affected area of the site.)

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 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) ($c = a \times 2 + b$)
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.