



SHIRE OF YORK

TOWN PLANNING SCHEME NO. 2

SCHEME AMENDMENT NO. 53

SUB-OMNIBUS AMENDMENT

PLANNING & DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

SHIRE OF YORK TOWN PLANNING SCHEME NO. 2 – AMENDMENT NO. 53

Resolved that the Council, in pursuance of the Planning and Development Act 2005 amend the above local planning scheme as per the Scheme Amendment documentation by:

1. Rezoning Lots 18 and 207 Broome Street, York from Residential (R40) to Town Centre to enable appropriate development of the site for a mix of commercial, tourism and residential uses;
2. Rezoning Lot 619 Howick Street, York from Mixed Business (R9) to Town Centre and deleting the Restricted Use (R9) to enable appropriate development of a site within the town centre;
3. Rezoning Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre to enable appropriate development of a site within the town centre; and
4. Inserting 'Special Use Zones 6', as follows, to Schedule 3 to enable appropriate development of the site:

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lots 1 & 2 (18) Panmure Road (Laurelville)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Education Establishment, Residential, Short Term Accommodation	All development (including change of use) shall be subject to application for approval by the Heritage Council of Western Australia and in accordance with an approved conservation plan. All development (including change of use) shall be subject to application for the local government's planning consent and in accordance with the Shire of York Local Planning Policy Heritage Places and Precincts (as amended).

5. Amending the Scheme map accordingly.

Dated this _____ day of _____ 2014

CHIEF EXECUTIVE OFFICER

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SCHEME AMENDMENT REPORT

- | | |
|--|----------------------------|
| 1. LOCAL AUTHORITY: | SHIRE OF YORK |
| 2. DESCRIPTION OF TOWN
PLANNING SCHEME: | TOWN PLANNING SCHEME NO. 2 |
| 3. TYPE OF SCHEME: | DISTRICT ZONING SCHEME |
| 4. SERIAL NUMBER OF
AMENDMENT: | 53 |
| 5. REPORT PREPARED BY: | SHIRE OF YORK |

PURPOSE

Scheme Amendment No. 53 contains four (4) rezoning proposals formerly contained in Scheme Amendment No. 50 that now need to be progressed independently due to delays associated with the former amendment as a result of the SITA landfill proposal to ensure timely approval for the affected landowners.

These proposals are located in the York townsite and relate to 2 Broome Street, 6 Howick Street, 55 Avon Terrace and 44 Balladong Road, and 18-20 Panmure Road. All proposals will enable commercial use of the subject properties.

BACKGROUND

Scheme Amendment No. 50 was initiated by the Shire of York on 19 November 2012 for the purpose of modifying both the Scheme Text and Map to correct a series of minor Map anomalies and updating Text provisions.

This amendment was part of a continuing program of amendments to the Shire of York Town Planning Scheme No. 2 aiming to ensure that the Scheme catered to the needs of the community, facilitate sustainable economic development and to protect the cultural and built heritage of York.

The Omnibus amendment was also being utilised to progress proposals of a minor nature within the Shire of York, rather than progressing them as individual amendments. Four (4) of these

amendments, as follows, proposing to rezone private properties are now being pursued independently due to delays associated with the approval of Amendment 50:

1. Rezone Lots 18 and 207 Broome Street, York from Residential (R40) to Town Centre to enable appropriate development of the site for a mix of commercial, tourism and residential uses;
2. Rezone Lot 619 Howick Street, York from Mixed Business (R9) to Town Centre and deleting the Restricted Use (R9) to enable appropriate development of a site within the town centre;
3. Rezone Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre to enable appropriate development of a site within the town centre; and
4. Inserting ‘Special Use Zone 6’, as follows, to Schedule 3 to enable appropriate development of the site:

	No	Particulars of Land	Special Use	Conditions
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STRATEGIC CONTEXT

YORK LOCAL PLANNING STRATEGY

SECTION 2.1 GENERAL OBJECTIVES

The proposals contained in this amendment will enable better use of the properties for commercial purposes consistent with the Economic Objectives of the LPS, which are as follows:

1. *Encourage the development and diversification of businesses that will strengthen and broaden the economic base of the Shire and provide employment opportunities for the community.*
2. *Encourage tourism that is complementary to the character of the shire and is compatible with the lifestyle and aspirations of the community.*

3. *Protect broad acre agricultural areas from inappropriate development and intrusion by urban and semi-rural uses.*

The Heritage and Cultural objectives, as follows, are also relevant to the proposed amendments:

1. *Protect and promote objects and places of outstanding natural, historical, architectural, scientific, indigenous and cultural significance, in consultation with the local community, the State and Federal governments.*
2. *Ensure that York's status as one of the designated historic towns is sustained and its heritage values recognised by the wider community.*

York Town Centre

Proposals 1, 2 and 3 are located in the York Town Centre identified in the LPS where the objective is to *“Develop a cohesive and vibrant town centre through the preparation of a planning framework to guide future development and service provision”*.

The rezoning of these properties is consistent with the objective and will provide additional opportunities for retail, mixed use and tourist development in the designated town centre. The locations of the properties provide for a logical expansion of the town centre within the designated boundary, and will not result in fragmentation or dilution of the commercial centre of York.

York Townsite Precinct

Proposal 4 is located in the sub-precinct known as the ‘Future Residential Development (east of the Avon River)’. The objective of the sub-precinct is *“To ensure any future residential development is compatible with existing development patterns and does not compromise the residential objectives for west of the Avon River”*.

The proposed Special Use zone will not compromise the objective or any future residential development and will facilitate future sustainable use of a significant historic property.

YORK STRATEGIC COMMUNITY PLAN

The York SCP was adopted in 2012 and aims to manage growth, economically and socially, in supporting a progressive vibrant community to achieve the community’s vision of York being ‘The Rural Gateway’.

Goals of the SCP are divided into social, environmental and economic and these amendments are consistent with these goals, particularly the economic goals that aim to:

- *Build population base through economic prosperity.*
- *Value, protect and preserve our heritage and past.*
- *Grow the economic base and actively support local businesses and service provision.*

PROPOSED AMENDMENTS

PROPOSAL 1: 2 BROOME STREET, YORK

It is proposed to rezone Lots 207 and 18 known as 2 Broome Street, York from Residential R40 to Town Centre. The Town Centre zoning will enable appropriate future development of the site for a mix of commercial and residential purposes.

The site currently contains a dwelling on Lot 18 (front lot) and a shed on Lot 207 (rear lot) and is accessed from Broome Street.

Location

The site is located at the southern end of the York town centre on the corner of Avon Terrace and Broome Street. It is adjacent the Salvation Hall and a residential dwelling.

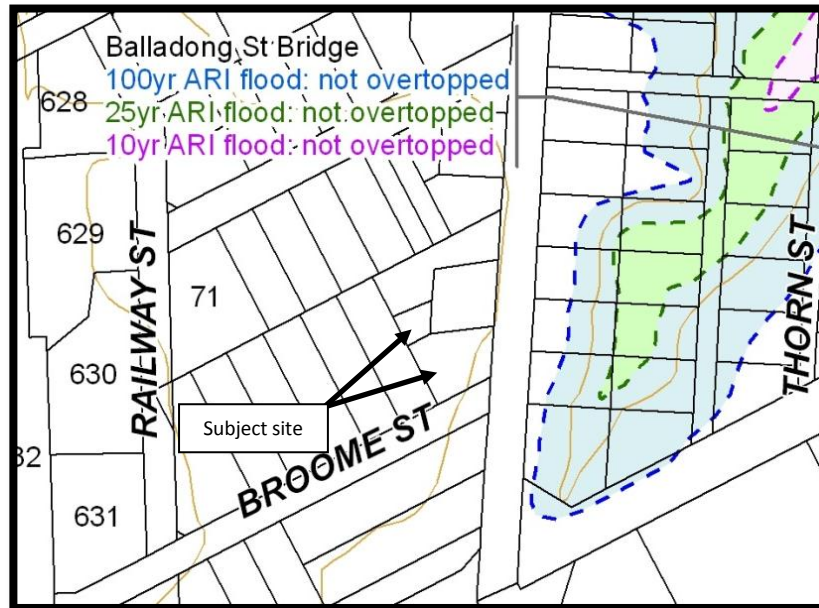


Heritage

It is estimated that the dwelling on Lot 18 was constructed between 1915 and 1940. However, due to the number of alterations and loss of authenticity, is not listed on the Municipal Heritage Inventory. Notwithstanding this, the site is located within the Central York Heritage Precinct and any development must be consistent with the provisions of the Scheme and the Local Planning Policy – Heritage Precincts and Places.

Flooding

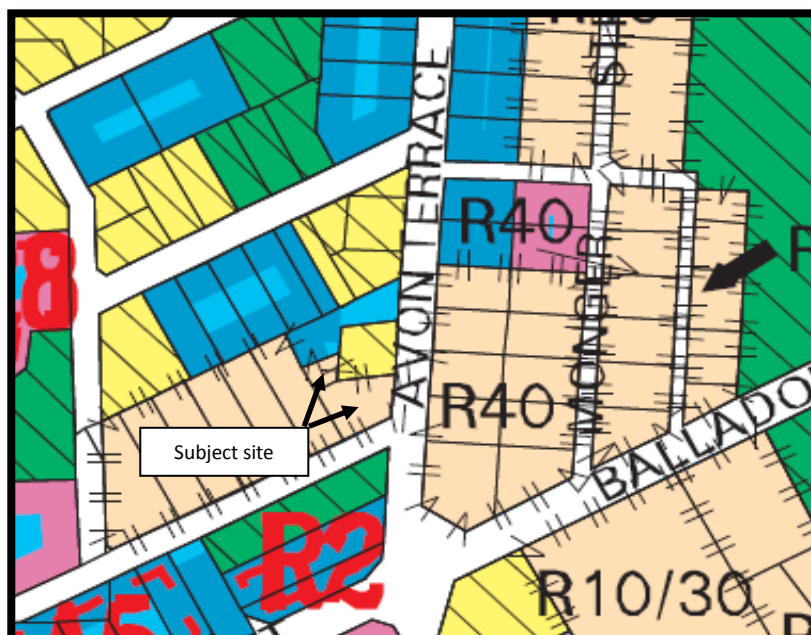
The site is not located within the flood prone area as indicated by the Department of Water mapping.



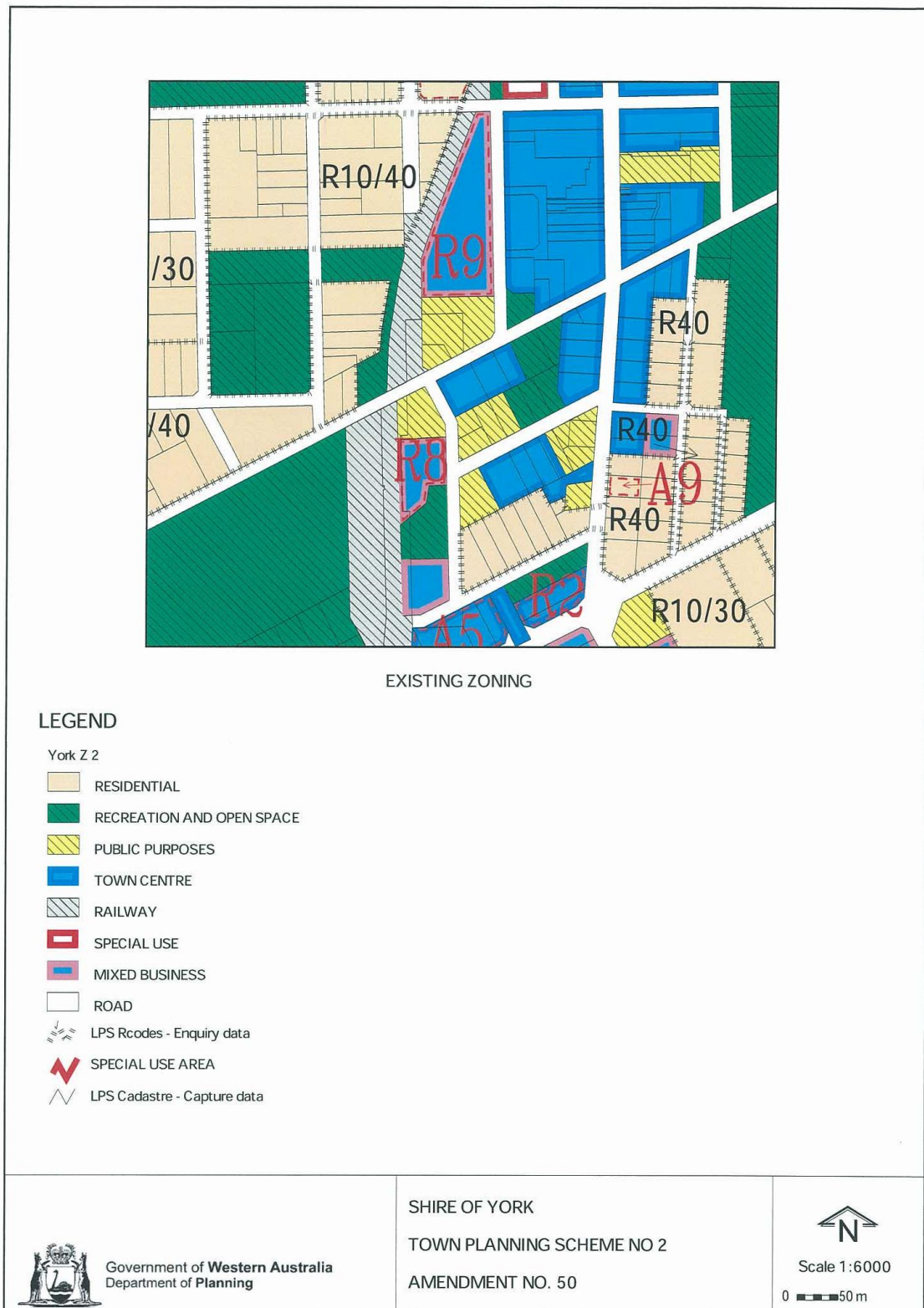
Zoning

The site is currently zoned Residential R40 and can be connected to deep sewerage. It is proposed to rezone the property to Town Centre to enable offices to be constructed on the Avon Terrace frontage. The York Town Planning Scheme No. 2 provides for properties in the Town Centre zone to utilise the R40 coding.

The York Local Planning Strategy identifies the property within the Town Centre Precinct and a scheme amendment will be initiated in the near future to rezone properties, where appropriate, identified in the Town Centre Precinct to Town Centre.



EXISTING ZONING PLAN






PROPOSED ZONING PLAN



SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  TOWN CENTRE
-  PUBLIC PURPOSES



Government of Western Australia
Department of Planning

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 50



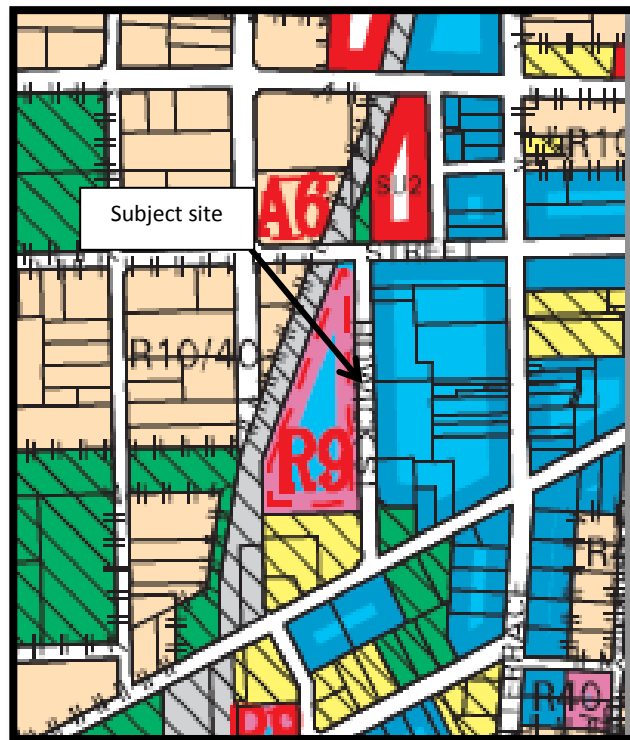
Scale 1:6000



centre. Additionally, the restricted uses ensure that the site is not used for any potentially contaminating purpose to protect the heritage and cultural significance of the site.

The zoning of this site as Mixed Business is not appropriate for the growth of York and the Town Centre zoning is more appropriate to facilitate the development of the site as part of the commercial core of York and is consistent with the prohibitions in the current restricted use.

Any future development would need to be sensitive to the heritage and cultural significance of the remainder of site and ideally located for additional commercial, business or community uses.



Heritage

The place is state heritage listed by the Heritage Office of WA and is a category 1 place on the York Municipal Inventory. The Heritage Council's website describes the place as:

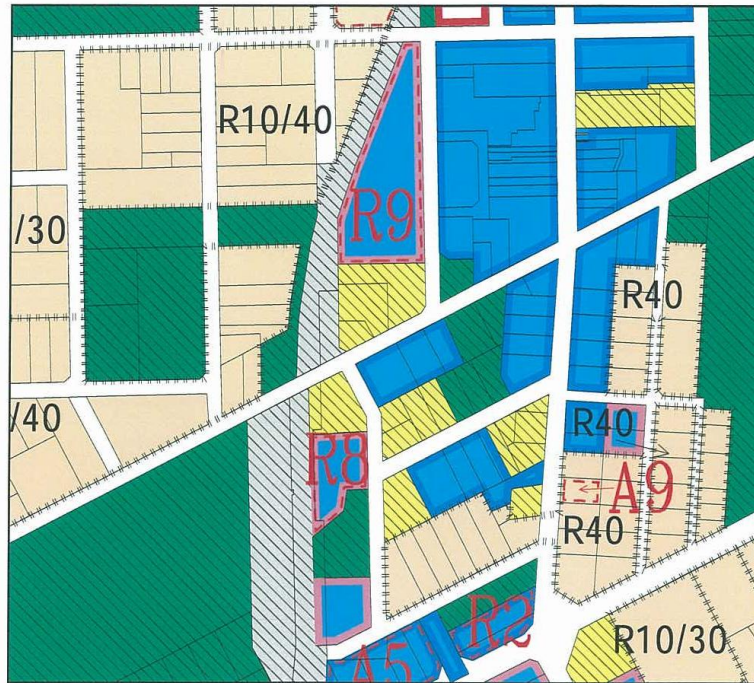
“York Primary School, comprising a single story brick structure with a corrugated iron roof, designed in the Victorian Rustic Gothic Style and constructed in stages, and the former Principal's Quarters, a single story brick building with a hipped corrugated iron roof designed and built at the end of the nineteenth century has cultural heritage significance for the following reasons:

- *the place is a good example of a school designed by the Public Works Department in various stages between the 1880s and 1950s;*
- *the highly intact nineteenth century sections of the school are examples of the work of chief architect George Temple Poole;*
- *the use of a limited palette of materials and forms gives the place a strong and unified aesthetic character despite its staged construction over many years while its early northern end has aesthetic significance for its materials, massing of its roofs, interior volumes and early details;*

- *the place represents the development and provision of public education in a country town in Western Australia;*
- *the place is the site of the first purpose built school in the York district;*
- *the place provides an integrated design incorporating buildings of various periods united by a commonality of form, purpose and materials;*
- *the northern end of the main building is both rare as and representative of Western Australian Government hall and gallery schools constructed from the 1890s to world War One, while the place as a whole is representative of a progressive development of schools established in the nineteenth century to cater for increased populations and new methods of teaching in the twentieth century;*
- *the former principal's quarters are significant as an example of on-site accommodation provided to teaching staff in the late nineteenth century and early twentieth century at government schools; and,*
- *the place makes a positive contribution to the late 19th and 20th century townscape of York.*

The 1970s toilet block addition adjoining the rear of the main building is of little cultural heritage significance, as is the library building, lunch pavilion and toilet block located on the primary school grounds.”

EXISTING ZONING PLAN



EXISTING ZONING

LEGEND

York Z 2

-  RESIDENTIAL
-  RECREATION AND OPEN SPACE
-  PUBLIC PURPOSES
-  TOWN CENTRE
-  RAILWAY
-  SPECIAL USE
-  MIXED BUSINESS
-  ROAD
-  LPS Rcodes - Enquiry data
-  SPECIAL USE AREA
-  LPS Cadastre - Capture data



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

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 50



Scale 1:6000



0  50 m

PROPOSED ZONING PLAN



SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  TOWN CENTRE
-  PUBLIC PURPOSES



Government of Western Australia
Department of Planning

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 50



Scale 1:6000

0 50 m

PROPOSAL 3: 58 AVON TERRACE & 44 BALLADONG RD, YORK

It is proposed to rezone Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre. The Town Centre zoning will enable sustainable future development of the site for appropriate commercial uses.

Location

The site is located within the boundary of the Town Centre as identified in the York Local Planning Strategy and York Town Planning Scheme No. 2 and within the Central York Heritage Precinct.



The site is considered a strategic town entry site located on the intersection of Avon Terrace and Balladong Road, which is the main entry point to York from Perth and from the eastern and southern towns of the Wheatbelt (e.g. Beverley and Quairading).

On the opposite corner is located the Gull Service Station, the recently demolished tyre service site and the historic York cemetery. Nearby are the Balladong Country Estate, a local transitional retirement village, and east of historic Blandstown.

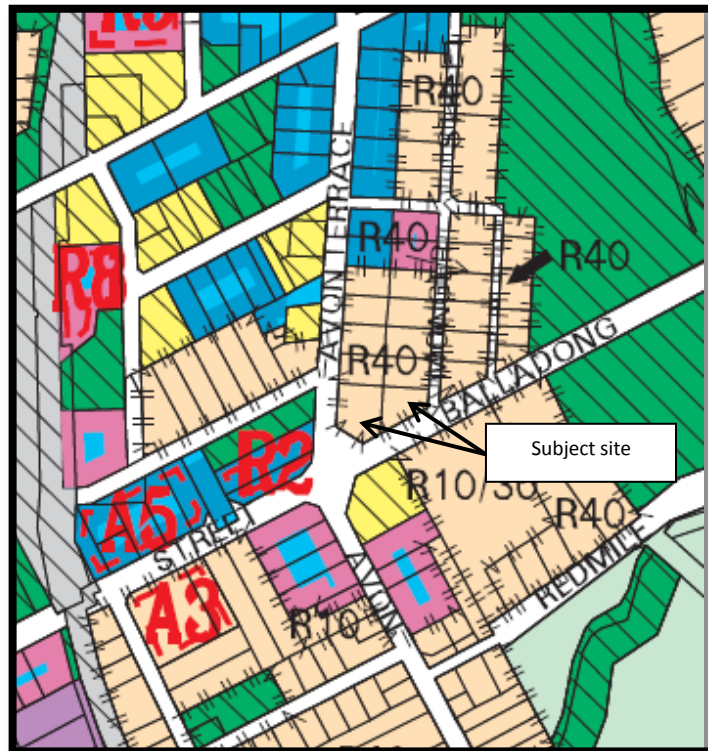
Zoning

The lots are currently zoned Residential R40 and Lot 100 contains a single dwelling and ancillary outbuildings.

It is proposed to rezone the lots to Town Centre, which is consistent with the York Local Planning Strategy. The Strategy identifies the lots within the town centre boundary and is consistent with the objective of consolidating, not expanding, the town centre.

The rezoning will permit a wide variety of appropriate development, including commercial, residential or a mix.

Below is an excerpt from the York TPS 2 mapping:



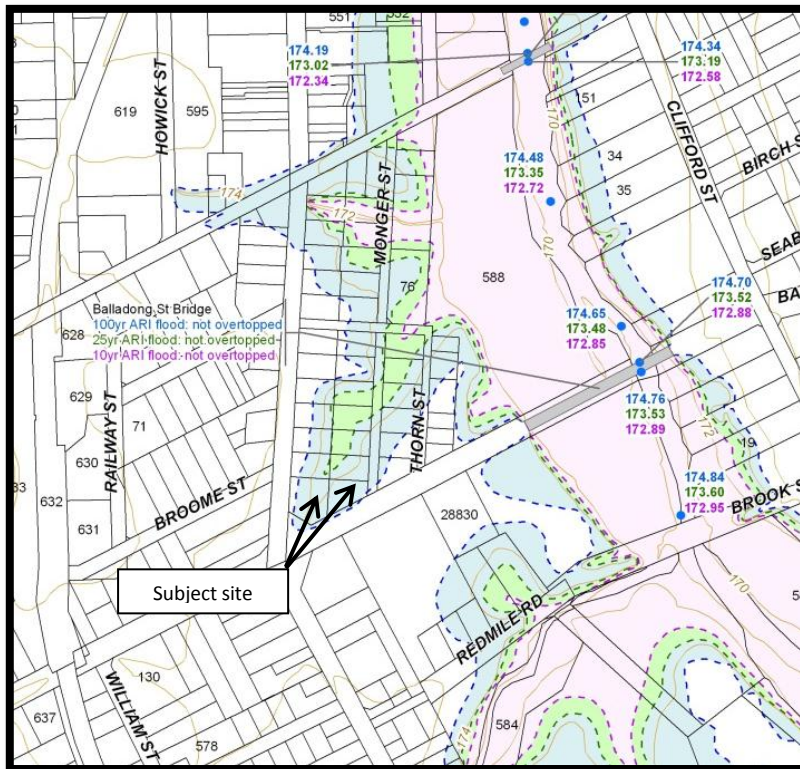
Heritage

The site is located within the York Central Heritage Precinct as designated in the adopted Local Planning Policy – Heritage Precincts and Places. The dwelling itself is not listed on the Municipal Heritage Inventory and therefore, any new development would need to take into consideration the provisions of the policy.

Flooding

The lots are currently identified on the Department of Water mapping as being affected by a 1 in 100 year ARI flood level. It should be noted that drainage works are being carried out by the Shire of York in the near future that may reduce this potential impact.

Clause 5.4 of the York Town Planning Scheme No. 2 requires habitable floor levels for residential development are constructed 500 mm above the 1 in 100 year ARI flood level and that commercial floor levels are constructed 300 mm above the 1 in 100 year ARI flood level. Below is an excerpt from the Department of Water mapping:



Contamination

Lot 100 (58) Avon Terrace, York is identified as 'Contaminated – Remediation Required'. However, no Regulatory Notices have been issued by the Department of Environment and Conservation to date.

The Department of Environment and Conservation's Contaminated Site Database provides the following information with regards to contamination on the site:

Address: 58 Avon Terrace, York WA 6302

Lot on Plan Address: Lot 100 on Diagram 78638

Classification: 09/09/2009 - Contaminated - remediation required

A hydrocarbon plume in groundwater exists under 63 and 22 Avon Terrace (the Source Site). The plume has migrated in an East-North-East direction beneath the adjoining Avon Terrace road reserve and 58 Avon Terrace.

Nature and Extent of Contamination:

Restrictions on Use: Other than for analysis or remediation, groundwater abstraction is not permitted at this Site because of the nature and extent of groundwater contamination.

Reason for Classification: This Affected Site was reported to the Department of Environment and Conservation (DEC) under section 11 of the 'Contaminated Sites Act 2003', which commenced on 1 December 2006. The Affected Site classification is based on information submitted to DEC by August 2009.

This Site (the Affected Site) is affected by contamination which has migrated from 63 and 22 Avon Terrace, York (the Source Site).

The Source Site is used as a service station, a land use that has the potential to cause contamination, as specified in the guideline 'Potentially Contaminating Activities, Industries and Land uses' (Department of Environment, 2004).

A number of contamination assessments were conducted on the Source and Affected Sites since 2003. DEC understands that soil investigations have been undertaken at the Site. However, at the time of classification a soil investigation report has not been submitted to DEC.

Free-phase hydrocarbons were detected on the surface of the groundwater under the Source Site.

Groundwater monitoring undertaken between August 2003 and February 2009 identified hydrocarbons (such as from petrol) were present in groundwater at concentrations exceeding Australian Drinking Water Guidelines, as published in 'Assessment Levels for Soil, Sediment and Water' (Department of Environment, 2003) and exceeding criteria published in 'Contaminated Sites Reporting Guideline for Chemicals in Groundwater' (Department of Health, 2006) which is the relevant assessment level for the use of groundwater for garden irrigation and other non-potable uses. In addition, hydrocarbons exceeded Groundwater Intervention Values (Netherlands Ministry for Housing, Spatial Planning and Environment, 2000) and Phase Separated Hydrocarbons (PSH) are also present on the surface of the groundwater.

The hydrocarbon contamination plume has migrated from the Source Site in an East-North-East direction, beneath Avon Terrace and 58 Avon Terrace.

Further groundwater investigations are required to delineate the full lateral and vertical extent of the groundwater impact.

A Screening Risk Assessment has indicated that groundwater beneath the Source Site is not suitable for any beneficial use, due to the contamination present. Further Risk Assessment is required to determine the potential risk posed by the substances of concern at the Site to human health, the environment and other environmental values.

As free-phase hydrocarbons are present in the groundwater, which are acting as a significant source of dissolved phase groundwater contamination, which presents a risk to human health, the environment, or environmental values, the Affected Site is classified as 'Contaminated - Remediation Required'.

Under the 'Contaminated Sites Act 2003', the person responsible for the remediation of a Source Site is also responsible for remediation of any related Affected Sites.

Other than for analysis or remediation, groundwater abstraction is not permitted at this Affected Site because of the nature and extent of groundwater contamination.

DEC, in consultation with Department of Health, has classified this Affected Site based on the information available to DEC at the time of classification. It is acknowledged that the contamination status of the Affected Site may have changed since the information was collated and/or submitted to DEC, and as such, the usefulness of this information may be limited.

Certificate of Title Memorial: Under the Contaminated Sites Act 2003, this Site has been classified as "Contaminated - remediation required". For further information on the contamination status of this Site, please contact the Contaminated Sites section of the Department of Environment & Conservation.

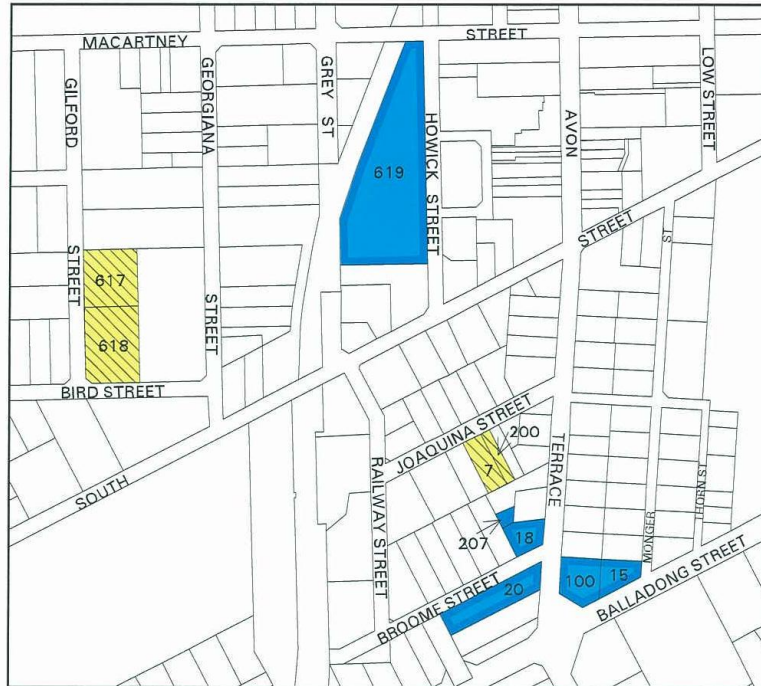
(Source: DEC (WA). Date: 31/10/2012.)

The contamination status should not affect the proposed rezoning and that prior to any development, the contamination issue will need to be resolved to the satisfaction of the DEC.

EXISTING ZONING PLAN



PROPOSED ZONING PLAN



SCHEME AMENDMENT MAP

LEGEND

 LPS Cadastre - Capture data

York Z 2

 TOWN CENTRE

 PUBLIC PURPOSES



Government of **Western Australia**
Department of Planning

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 50



Scale 1:6000

0  50 m

PROPOSAL 4: LAURELVILLE – LOTS 1 & 2 PANMURE ROAD, YORK

It is proposed to add the subject property to the Special Use Zone to allow a variety of tourist related uses, similar to other larger historic properties, such as Faversham House (Scheme Amendment No. 3) and the old York Hospital (Scheme Amendment No. 43) as follows:

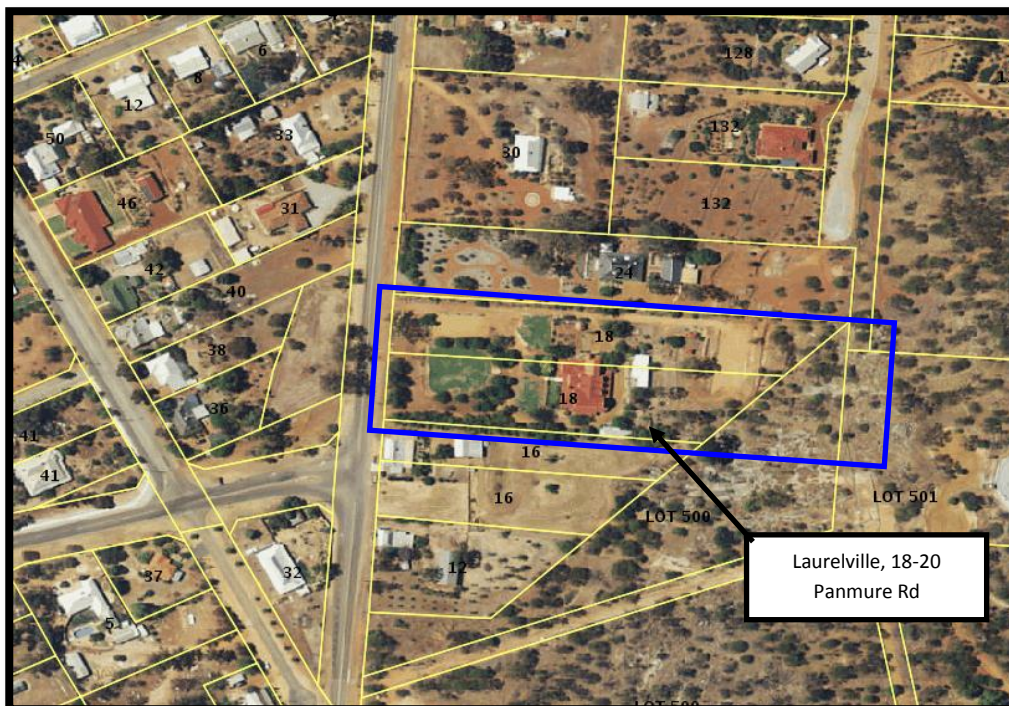
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Background

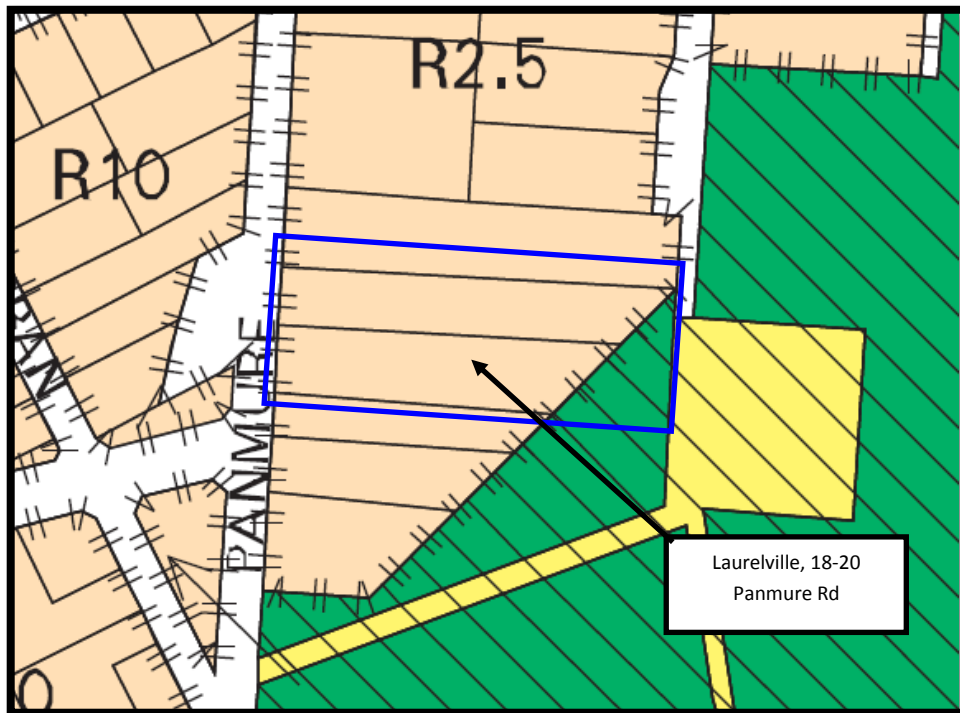
The subject property is currently used as a residence, bed and breakfast, lodging house, and wedding reception centre.

It is located on the eastern side of the town centre within a residential area of varying lot sizes and is currently zoned Residential with a coding of R2.5 that provides for a minimum lot size of 4,000m².

Location Plan



Zoning Plan



Heritage

Laureville is a Category 2 municipal heritage listed property and is described on the Heritage Council's database as follows:

*"Laureville is set in 1.5ha of beautiful garden. The large house is set back a good distance from Panmure Road, on the slopes of Mount Brown. Warren and Jenny Marwick landscaped the whole area in 1986 to their own design. The front has a large sunken garden of lawn, the banks have thousands of bulbs, mostly daffodils, bluebells and jonquils planted on the slopes. The outer bank is a walkway and further out is a collection of deciduous trees which make a lovely splash of colour in the autumn. Flowering plum, white flowering peach, liquidambar, Chinese tallow, claret ash, desert ash, crab apple and others. There is one lovely blue cedar. The southern driveway has very old peppercorn trees and the northern driveway is lined with many varieties of bougainvillea, poplars and old fashioned roses collected from the gardens of pioneer families in York. There are about 500 rose bushes in the garden and about 10,000 bulbs of all varieties available in Australia. There is one section of the garden full of heritage roses with a rotunda, walkway, statues and a birdbath. **Construction date: 1896.**"*

Current Approvals

In January 2011, the current owners applied to obtain planning approval to conduct weddings at Laureville in conjunction with the accommodation traditionally offered.

A temporary conditional approval was granted in April 2011 and the owners have been offering their premises for weddings on weekends resulting in approximately 15-20 events being held annually during Autumn and Spring. The temporary conditional approval was granted to trial the

use to gauge the impacts (if any) on the local amenity. There have been intermittent complaints from nearby residents regarding noise levels. These complaints have been investigated and managed by Council's Environmental Health Officer and the landowners.

The current temporary planning approval has been extended twice (to date) awaiting approval of Scheme Amendment No. 50, which has caused difficulties for the owners who generally have bookings for up to 2 years in advance.

Rationale

At present, the York Town Planning Scheme No. 2 does not define this land use and must therefore be considered as a 'use not listed', which is not good or proper planning as it does not provide Council, the landowners or neighbouring property owners sufficient information in decision making.

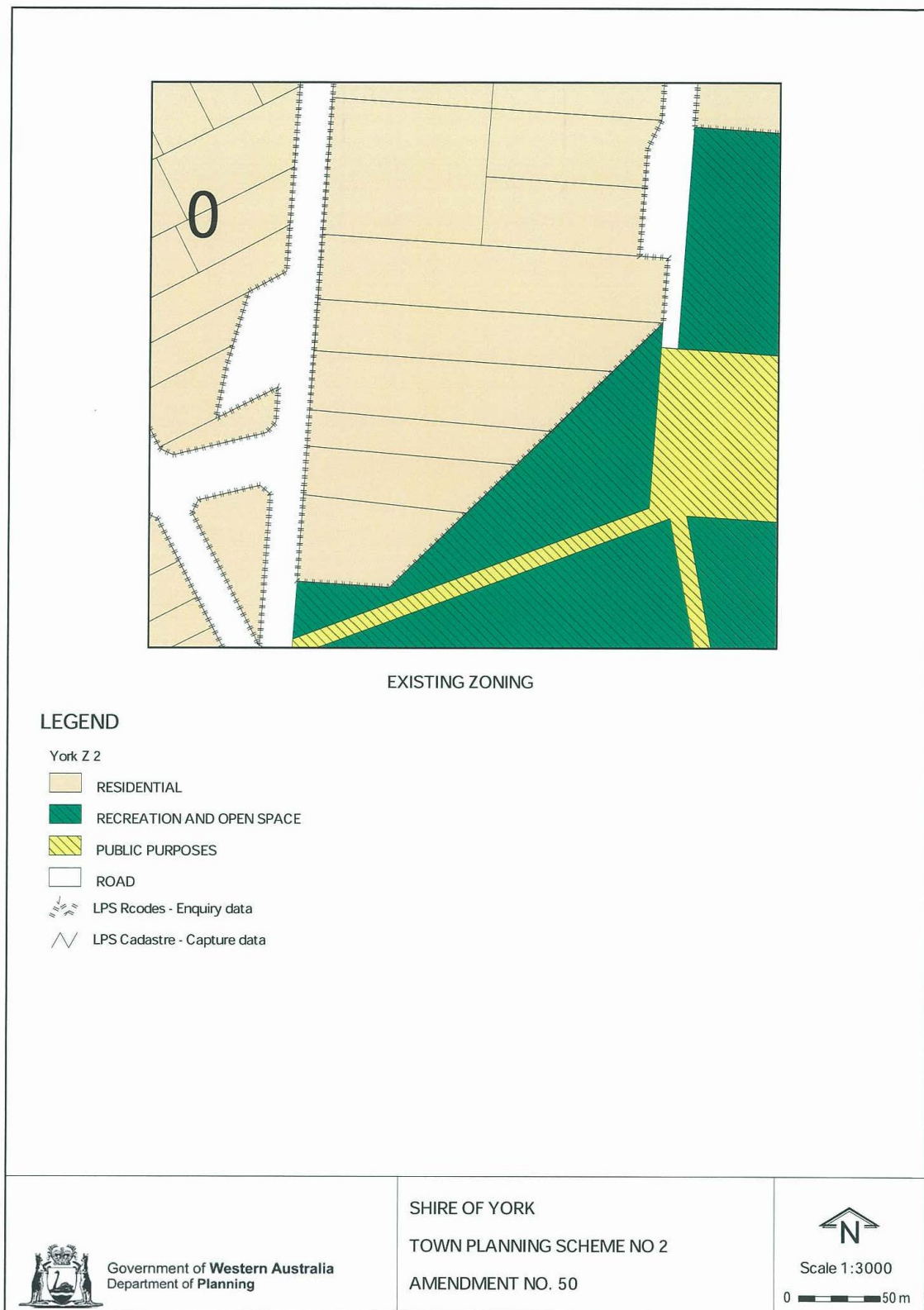
It is proposed to provide the ability for the owners of this significant property flexibility is permitted uses, subject to planning approval, to complement the current tourist-related uses that may be acceptable in a residential area consistent with the Special Use Zones for Faversham House and the old York Hospital.

The protection and sustainability of heritage places is heavily reliant on the financial capability of the landowner to maintain and develop the place. By providing ability for a variety of owners through permitted land uses, it is hoped that it will assist in the preservation of the place.

Photograph



EXISTING ZONING PLAN






PROPOSED ZONING PLAN



SCHEME AMENDMENT MAP

LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  SPECIAL USE
-  SPECIAL USE AREA



Government of Western Australia
Department of Planning

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 50



Scale 1:3000



PLANNING AND DEVELOPMENT ACT 2005
SHIRE OF YORK
TOWN PLANNING SCHEME NO. 2 – AMENDMENT NO. 53

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2. Rezoning Lot 619 Howick Street, York from Mixed Business (R9) to Town Centre and deleting the Restricted Use (R9) to enable appropriate development of a site within the town centre;
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5. Amending the Scheme map accordingly.

ADOPTION

Adopted by resolution of the Council of the Shire of York at the Ordinary/Special Meeting of the Council held on the _____ day of _____ 201__.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of York at the Ordinary/Special Meeting of the Council held on the _____ day of _____ 201__ 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 S.16 OF THE PD ACT 2005
DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING
DATE.....