



# SHIRE OF YORK

## TOWN PLANNING SCHEME No. 2

### AMENDMENT No.51

9<sup>th</sup> November 2012

**HEAD OFFICE:**

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TOWN PLANNING

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION TO AMEND A TOWN PLANNING SCHEME

SHIRE OF YORK  
TOWN PLANNING SCHEME No. 2  
AMENDMENT No.51

RESOLVED that the Council, in pursuance of Part 5 of the Planning & Development Act 2005, amend the above Town Planning Scheme by:

*Rezoning Lots 103–107 inc., 800 & 801 Avon Terrace and Lot 46 Christie Retreat, York from “Residential R2.5” and “Special Use 3” to “Town Centre”, and amending the Scheme Map accordingly.*

Dated this \_\_\_\_ day of \_\_\_\_\_ 2012

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Chief Executive Officer

## 1.0 INTRODUCTION

This report presents a proposal to initiate a Town Planning Scheme Amendment to the Shire of York Town Planning Scheme No.2. The proposal seeks to rezone Lots 103–107 inc., 800 & 801 Avon Terrace and Lot 46 Christie Retreat, York (Subject Land) from Residential R2.5 and Special Use 3 (SU3) to Town Centre. Whelans Town Planning act on behalf of the land owners of Lot 107 being R.V. & A. Burton and Joaquina Pty Ltd, who in turn have the written support of the other land owners within the Subject Land.

The scheme amendment will facilitate a better use of land than at present, it is a logical expansion of the existing Town Centre zone and will provide flexibility for future commercial or residential development.



Plate 1. Looking NE across Subject site with existing RSL building in view



Plate 2. Looking South along Avon Terrace from Subject site



Plate 3. Looking South along Avon Terrace with Lots 103 & Lot 105 of Subject Land in view.



Plate 4. Looking North from Christie Retreat over Lot 46 of Subject site.

## 2.0 SITE DETAILS AND LAND OWNERSHIP

The Subject Land is freehold land. The table below indicates the tenure details and individual areas of the total site:

Lot	Area	Certificate of Title	Deposited Plan No.
46	2695m <sup>2</sup>	1965/511	D84180
103	2155m <sup>2</sup>	1533/24	D55322
104	4m <sup>2</sup>	1533/24	D55322
105	1018m <sup>2</sup>	1533/24	D55322
106	4m <sup>2</sup>	1533/24	D55322
107	1.2558ha	1878/143	D78330
800	1328m <sup>2</sup>	2775/148	P58559
801	1416m <sup>2</sup>	2775/149	P58559

The subject land has a total area of 2.118ha, with frontage to Avon Terrace with the closest intersection being Christie Retreat. Lots 46 and 107 back onto the Avon River and as such the rear portion of these blocks are affected by the Avon River floodway. The Subject Lands improvements are:

- residential housing,
- the local RSL hall,
- sheds,
- office space;

and abuts the northern boundary of the Town Centre zone.



Figure 1 is a location plan showing the general location of the subject site. Figure 2 Figure shows an extract from Shire of York Town Planning Scheme No.2.

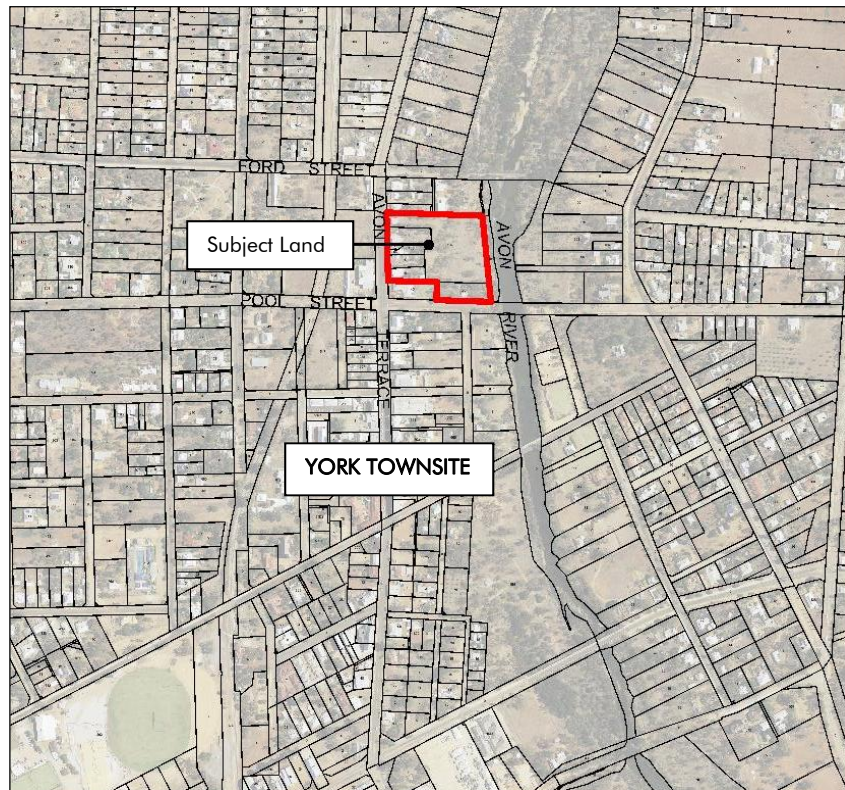


Figure 1. Location Plan

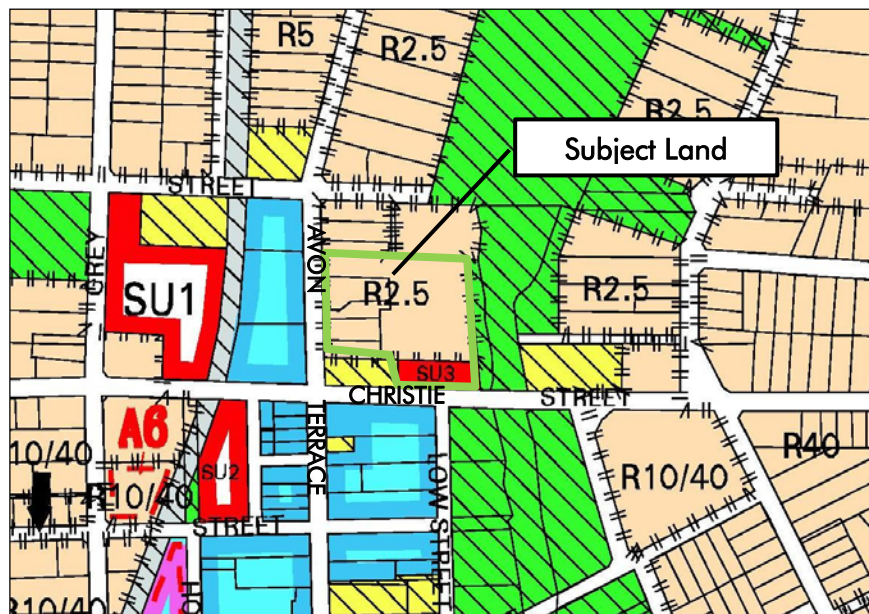


Figure 2. Extract from Shire of York Town Planning Scheme No.2

### 3.0 SURROUNDING LAND USE AND DEVELOPMENT

The Subject Land is within the town of York located just north of the Town Centre. The Subject Land is bound by Avon Terrace to the west residential land to the north and lying east is the Recreation and Open Space reserve covering the Avon River and foreshore. At the closest intersection of Avon Terrace and Christie Retreat is a Public Purposes Reserve that contains a church.

Across Avon Terrace and South of Christie Retreat the land is predominantly Town Centre zone.

Figure 3 is an aerial view of the site.



Figure 3. Aerial Photograph (Source: York Townsite February 2011)

## 4.0 TOWN PLANNING FRAMEWORK

### 4.1 SHIRE OF YORK TOWN PLANNING SCHEME NO. 2

The Subject Land site is mainly zoned Residential R2.5 with Lot 46 currently 'Special Use 3' zone under the Shire of York Town Planning Scheme No. 2 (TPS2). The proposal is to rezone the Subject Land to Town Centre. This will provide flexibility and better use of land abutting the town centre zone.

Currently under TPS2 the only Permissible use for Residential R2.5 is 'Single House'. The SU3, over Lot 46, indicates that this lot is able to be used for 'Residential and Restaurant'.

The Permissible uses for 'Town Centre' are 'Consulting Rooms', 'Medical Centre', 'Office', 'Restaurant' and 'Shop'. With 'Grouped Dwelling', 'Residential Building' and 'Single House' being 'AA' uses meaning that the use is not permitted unless the local government has exercised its discretion by exercising planning consent.

Rezoning the Subject site from 'Residential R2.5' and 'SU3' to 'Town Centre' will interconnect the two land uses to a use more in keeping with the location. It would also provide for commercial development close to the town centre while still providing the opportunity to increase residential density adjacent to an activity centre in an integrated urban format

### 4.2 RATIONALE FOR CHANGE OF LAND USE DENSITY

The following points are made to justify the proposed rezoning:

#### 4.2.1 Proximity of land-use zones

Presently the Subject Land comprises two land uses that ad hoc and not in keeping with the surrounding land use zones. To the west and south exists land that is Town Centre zone. This integrated land use zone is best supported with land to accommodate a higher density residential zone.

The Subject Land forms part of the northern approach to the Town Centre via Avon Terrace. Extending the 'Town Centre' zone affords the opportunity for this site to accommodate a better commercial interface and entry point is to the town. Also reflecting the zone east of Avon Terrace.

Changing the land use of that part of the Subject site that is 'Residential R2.5' to 'Town Centre' will also provide the opportunity to create residential development at R40 density which is better suited with the surrounding zones.



The 'SU3' land use ('Residential or Restaurant') will be replaced converting the land use to 'Town Centre', 'Restaurant' is Permissible under 'Town Centre', while 'Residential' is a discretionary use.

#### **4.2.2 Shire of York Local Planning Strategy**

Under the Shire of York's Local Planning Strategy provision has been made for the creation of a Town Centre Outline Development Plan (ODP). As yet no ODP exists, however the key objectives are set out. The proposed change of zone of the Subject site is in line with these planning framework objectives.

Section 2.2.1 *strategies (a)i – Provision for retail, mixed use and tourist development to complement the existing town centre on Avon Terrace.*

- The Subject Land as 'Town Centre' zone will accommodate these uses in close proximity to the existing town centre precinct along Avon Terrace.

Section 2.2.1 *strategies (a)iv – Provision for residential uses including aged persons housing*

- The Subject Land as 'Town Centre' zone will accommodate residential uses, including aged persons housing, within close proximity to community services within the town.

#### **4.2.3 Shire of York Growth and Development**

The 'Shire of York Growth and Development Information Sheet' outlines the Shire's forecasts with regard to population increase and ongoing development. The expansion of the 'Town Centre' zone will facilitate expansion of commercial uses to service the ongoing projected population increases.

#### **4.2.4 Draft Town Centre Outline Development Plan**

This document has been used as a guide to direct the ongoing development and strategy of York's town centre development. Several points support this scheme amendment.

##### **7.5 Town Centre Issues**

- *Town Centre needs an increased injection of capital;*

The opportunities for development and capital injection are greatly increased by the change of zone to 'Town Centre' of the subject land.

##### **7.5 Town Centre Opportunities**

- *Reinvigoration of Town through new endeavors;*

The change of zone of the Subject site to 'Town Centre' will have a positive effect by allowing increased commercial opportunities along Avon Terrace and providing a location for infill residential development in close proximity to the existing town centre.

##### **7.7 Other Opportunities**

- *Making York attractive to families as well as older people would benefit the town;*
- *More housing for the elderly to take advantage of excellent medical and care facilities.*



The amendment will address both these points by providing a location for R40 residential within close proximity to the town centre. There could also be the opportunity to designate the residential R40 portion of the 'Town Centre' zone as a location for over 55's housing with convenient access to the river foreshore.

#### **4.2.5 Commercial vision for Avon Terrace**

Our client has expressed interest in developing a commercial strip to form an active edge on Avon Terrace. This will facilitate strip shopping with the possibility of a 'piazza' set back from the terrace. This would place shops in an enclave surrounding an open courtyard area which could be used on weekends as an area for market stalls. Such a development is still under investigation, however it is impossible to consider under the present land use zone.

#### **4.2.6 Proximity to Public Open Space**

Lots 107 and 46 of the Subject site back onto a Reserve for 'Recreation and Open Space'. This Reserve covers the Avon River and foreshore. Both 107 and 46 are impacted by the Avon River floodway and flood fringe. The intention for development under the land use of 'Town Centre' is no construction of buildings in the floodway area. Improvements in the flood fringe will be required to have fill to raise building finished floor levels to approved heights.

Please refer to Appendix 1 for the engineer's initial report on development in this area.

#### **4.2.7 Services and Infrastructure**

Further development per the amendment will require the construction of a sewer main extension for dispersal of effluent. A civil engineer's report is attached that determines that this is achievable

Please refer to Appendix 1 for the sewer main extension feasibility plan.

## **5.0 CONCLUSION**

This report presents a proposal to initiate a Town Planning Scheme Amendment to the Shire of York's Town Planning Scheme No. 2.

The proposal seeks to change the land uses on a section of Avon Terrace, York from Residential R2.5 and Special Use 3 to Town Centre. This should be considered a practical and flexible use of the Subject Land.

The proposed amendment provides a land use that is in keeping with the surrounding land uses and will rationalise existing land uses that are conflicting or redundant.

The 'Town Centre' zone will facilitate the expansion of the York activity centre and provide for residential dwellings up to the maximum permissible RCode of R40.

Any development will be subject to engineering constraints, due to the existing flood fringe, and cost of a sewer main extension. The cost of which will be offset by the potential R40 coding that the 'Town Centre' land use allows.

**Appendix 1:** Engineers initial report – Sewer Extension Lot 107 (174) Avon Terrace, York & General Arrangement Sewer Extension Feasibility plan

Your Ref:  
Our Ref: 12022

March 19, 2012

Welans Town Planning,  
PO Box 99,  
Mount Hawthorn  
WA 6915

Att, Mr A. Frankcombe

Dear Sirs,

**SEWER EXTENSION – LOT107 (174) AVON TERRACE, YORK**

Please find attached preliminary drawing no 12022 C01 showing two options with regard to the sewer extension at the above site. I apologise for the delay caused.

Irrespective of other site requirements, from a sewer perspective the minimum fill levels required on site for the proposed sewer would be approximately 173.15mAHD and 173.6mAHD for Options 1 and 2 respectively.

However, the site lies within a flood plain / fringe of the Avon River and the Floodplain Development strategy for the area states:-

- 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 dwellings are acceptable within the floodway.
- Proposed development (ie filling, building, etc) that is located outside the floodway (flood fringe) is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 0.50 metre above the adjacent 100 year flood level is generally recommended. The flood level adjacent to the site is 174.04mAHD therefore we would recommend the minimum site fill level is brought up to 174.55mAHD.

Development of the site can only be taken up to the edge of the “floodway” defined by the Department of Water. A retaining wall or protective surface would be required on the embankment which would be up approximately 3.5m high.

Two options for servicing the site are suggested and the route chosen will depend upon:-

- How the land is assembled.
- Number and placement of land owners participating in the project.
- Final land Tenure (Green title lots/Strata lots).



If only Lot 107 is to be developed (Option 1), the entire lot can be served providing the whole site is filled to 174.55mAHD. The sewer will have to be brought through Lot 45 or 46 Pool Street from the sewer manhole ref 0021. This will require approximately 158m of 150mm diameter sewer and 3 maintenance shafts. The cost of construction would be in the order of \$75,000 to \$90,000 plus GST, and will depend on the time of year the work is done.

If the land up to Ford Street was developed as separate green title lots, the sewer can be extended through Lot 107 as shown in the Option 2 route. The fill level will not increase in height. The cost of the additional will be less as it will be outside the road reserve and in open ground. It will also allow cost sharing with the benefiting lots for the Option 1 sewer.

Sewer installation costs for either option are subject to completing Water Corporation liaison to determine the specific requirements, if additional requirements are added costs can vary significantly.

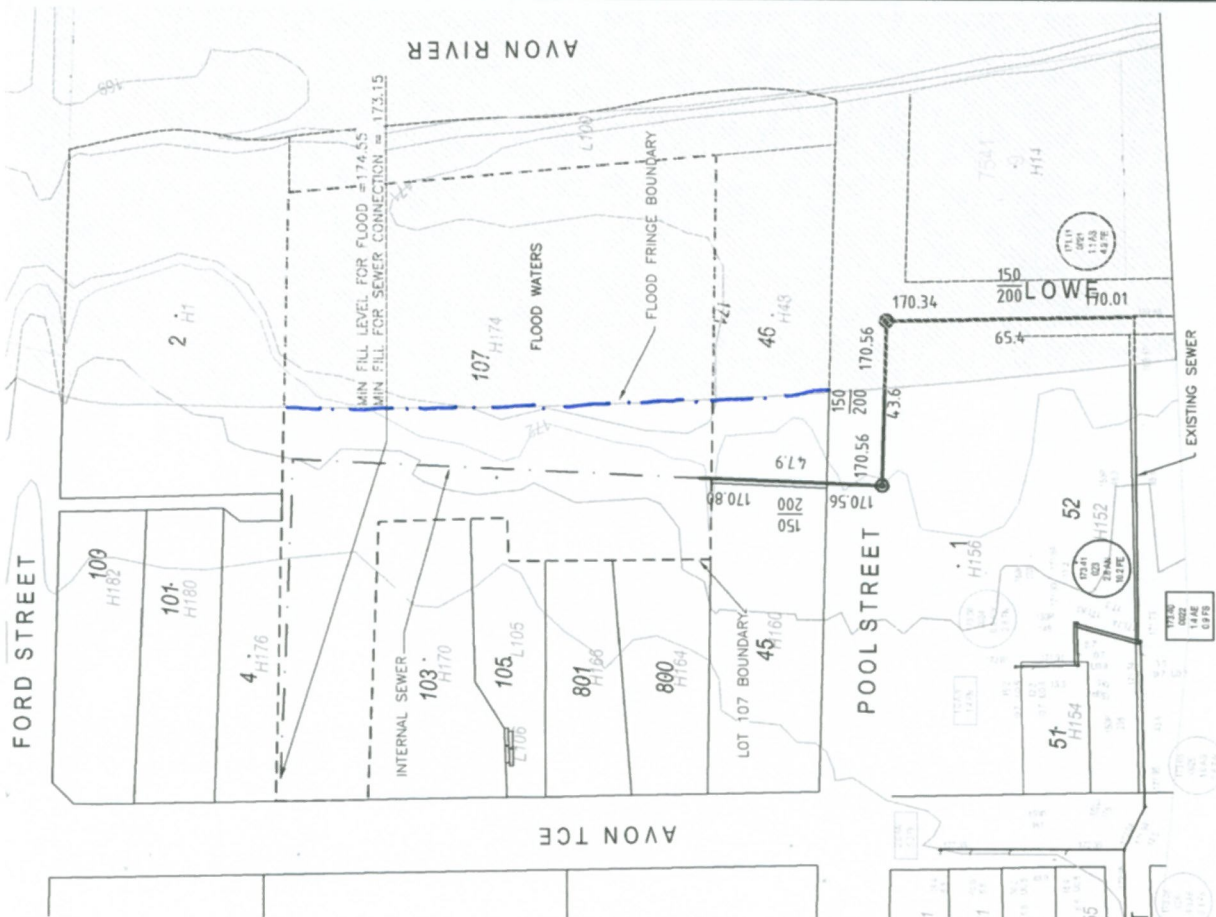
Should you require any further information or assistance, would you please contact me on (08) 9330 3033 or 0417 770 075.



DAVID WILLS AIT(Civil) GradDipB MIE Aust CP Eng  
**David Wills and Associates**

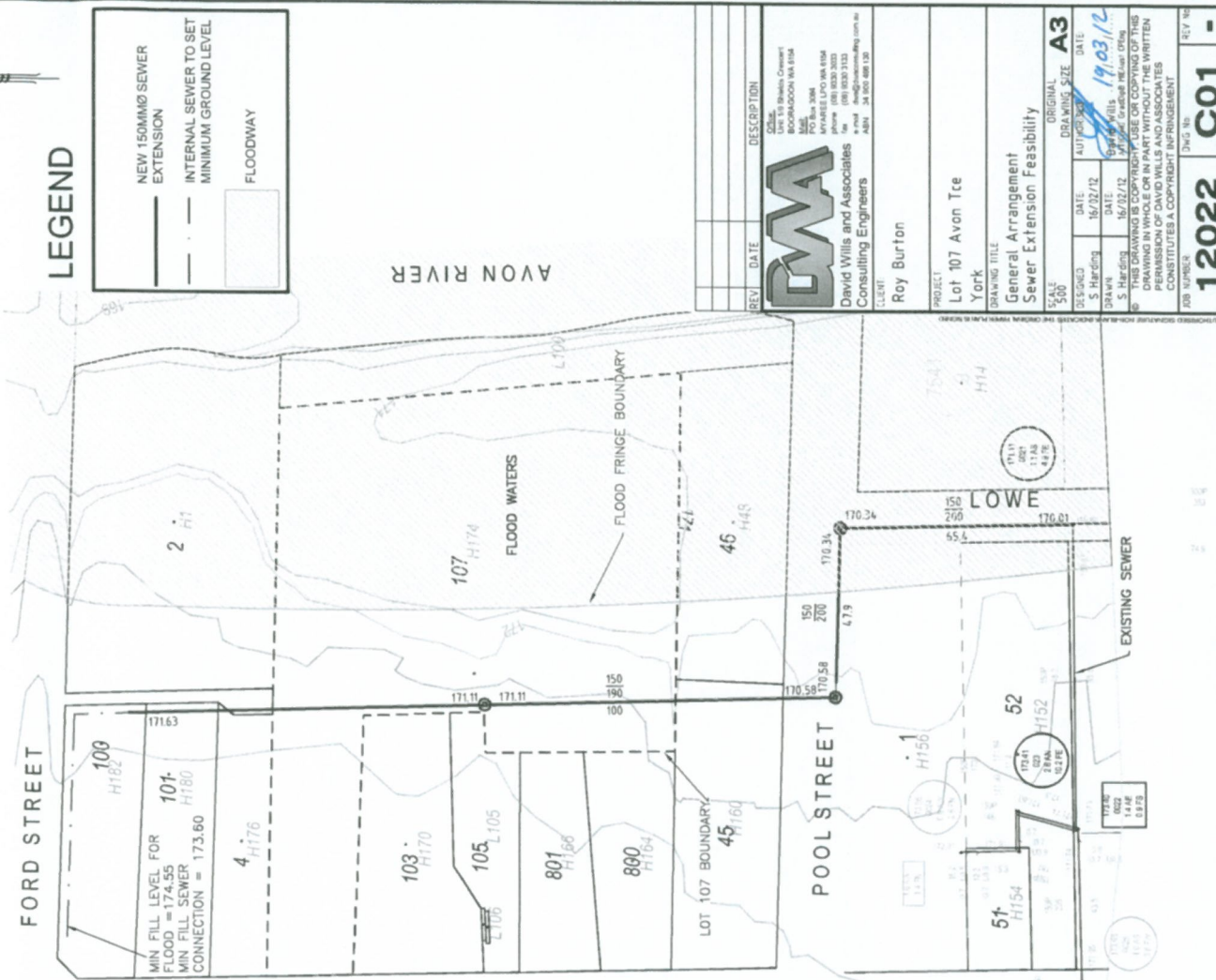
## Option 1

sewer to be extended from Lowe St/Pool st  
and into Lot 107



## Option 2

sewer to be extended from Lowe St/Pool st  
and through Lot 107



### LEGEND

- NEW 150MMØ SEWER EXTENSION
- INTERNAL SEWER TO SET MINIMUM GROUND LEVEL
- FLOODWAY

REV	DATE	DESCRIPTION

**DWA**  
David Wills and Associates  
Consulting Engineers

CLIENT: Roy Burton

PROJECT: Lot 107 Avon Tce York

DRAWING TITLE: General Arrangement Sewer Extension Feasibility

SCALE: 500

DESIGNED: S Harding DATE: 16/02/12

DRAWN: S Harding DATE: 16/02/12

CHECKED: S Harding DATE: 16/02/12

APPROVED: S Harding DATE: 16/02/12

DATE: 19/03/12

DRAWING SIZE: A3

12022 C01

**PLANNING & DEVELOPMENT ACT 2005  
RESOLUTION TO AMEND A TOWN PLANNING SCHEME**

**SHIRE OF YORK  
TOWN PLANNING SCHEME NO.2  
AMENDMENT NO.51**

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 town planning scheme by:

*Rezoning Lots 103–107 inc., 800 & 801 Avon Terrace and Lot 46 Christie Retreat, York from “Residential R2.5” and “Special Use 3” to “Town Centre”, and amending the Scheme Map accordingly.*

**ADOPTION**

ADOPTED by resolution of the Council of the Shire of York at the Council Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013

\_\_\_\_\_  
Chief Executive Officer

Date:

## **FINAL APPROVAL**

ADOPTED for final approval by resolution of the Shire of York at the Council Meeting held on \_\_\_\_\_ day of \_\_\_\_\_ 2013.

THE COMMON SEAL of the Shire of York was hereunto affixed by authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

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## **Recommended/Submitted for Final Approval**

Date:

\_\_\_\_\_  
Delegated under S.16 of the PD Act 2005

## **Final Approval Granted**

Date:

\_\_\_\_\_  
Minister for Planning

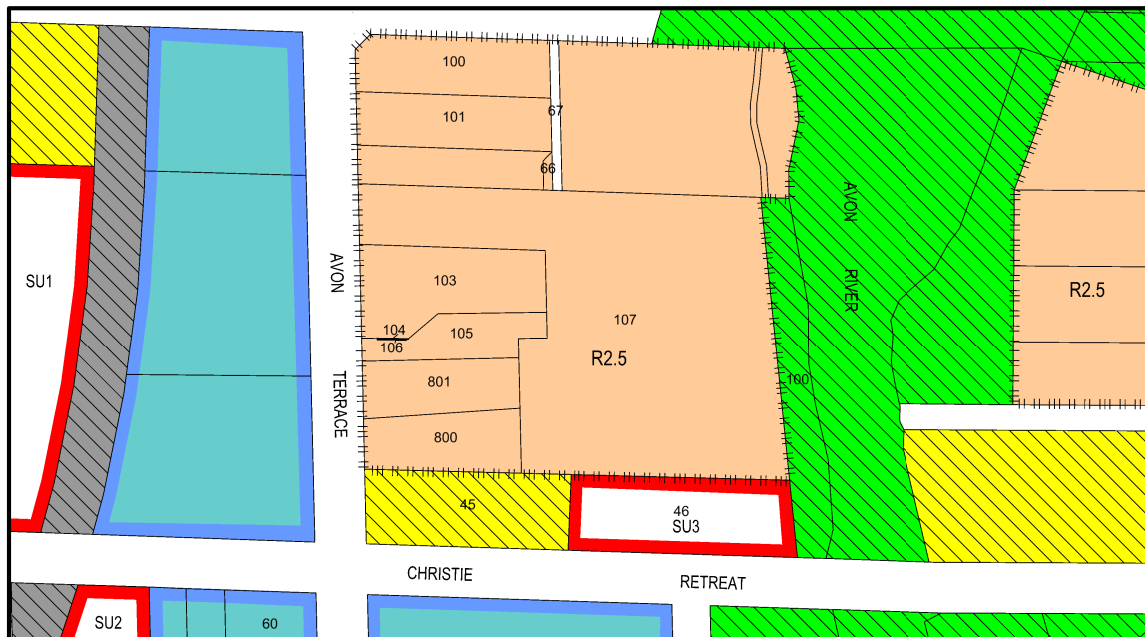


# SHIRE OF YORK

## TOWN PLANNING SCHEME No. 2

Section 75, Planning and Development Act 2005 (as amended)

-Amendment No.



EXISTING ZONING



SCHEME (AMENDMENT) MAP

### LEGEND

#### LOCAL SCHEME RESERVES

- Public Purposes
- Railway
- Recreation and Open Space
- Road

#### ZONES

- Residential
- Town Centre

#### OTHER

- R Codes
- Special Use (see Scheme Text)

SCALE 1:3000



## SCHEME AMENDMENT NO. 51 – AVON TERRACE

### SCHEDULE OF SUBMISSIONS

No.	Name Address	Description of Affected Property	Summary of Submission	Council's Recommendation
1.	Telstra Corporation Limited	N/a	At present, Telstra Corporation Limited has no objection.	Noted.
2.	Department of Education	N/a	The Department of Education has reviewed the proposal to rezone the above property and advises that it has no objection to this Amendment.	Noted.
3.	Department of Water	N/a	<p>The Department of Water (DoW) in carrying out its role in floodplain management provides advice and recommends guidelines for development in floodplains with the object of minimising flood risk and damage. Therefore the DoW would like to offer the following advice:</p> <p>The Avon River Flood Study shows that a portion of the lots is affected by flooding during major river flows with the 100 year ARI flood level estimated to vary from 174.03 AHD at the upstream (southern) end of the lots to ~174.0m AHD at the downstream (northern) end. Based on our floodplain management strategy for the area:</p> <ul style="list-style-type: none"> <li>Proposed development (i.e. filling, building, etc) that is located outside of the floodway is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 0.5m above the 100 year ARI flood level is recommended to ensure adequate flood protection.</li> <li>Proposed development (i.e. filling, building, etc) that is located within the floodway 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>The recommendations from DoW are consistent with the provisions of Clause 5.4 of the York Town Planning Scheme No. 2.</p>

			<p>Consequently the proposed rezoning (Scheme Amendment 51) is considered acceptable with respect to major flooding. However it should be noted that a significant portion of Lots 46 and 107 is located within the floodway (shown in yellow on the attached plan – see Appendix 3), in which development is not considered acceptable. Any future subdivision of the lots will need to take this into account (i.e. by allowing sufficient land outside of the floodway on each lot for a building envelope).</p> <p>Please note that a failure to properly adhere to these recommendations will result in a greater exposure of risks of flood damage.</p>	
4.	Main Roads WA	N/a	<p>In assessing the proposed amendment, MWRA have determined that subject land does not abut a MRWA controlled road and that proposed rezoning will not impact the MWRA road network.</p> <p>Therefore MWRA has no objection to the proposed amendment.</p>	Noted.
5.	Water Corporation	N/a	<p>The Corporation has no objection to the amendment. The following advice in relation to the amendment is provided for your information.</p> <p>All lots are current served by a water supply. Development to Town Centre may require a mains extension from Lowe Street to Avon Street for supply security.</p> <p>No lots are currently served with a wastewater service, but can be served in accordance with the Consulting Engineer's advice appended to the amendment documents. Extension is to be funded by the developer.</p> <p>A plan showing the extent of existing services is attached for your information (see Appendix 4).</p>	Noted. The applicant is aware of the requirement to extend the services.
6.	The York Society	Central York Heritage Precinct	<p>The York Society (inc) has no objections to the zone changes to lots 103-107, 800 &amp; 801 Avon Tce and lot 46 Christie Retreat to town centre.</p>	Noted.

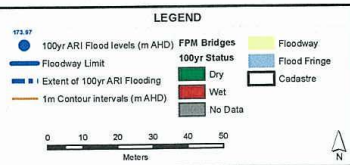
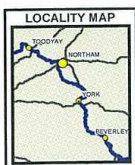
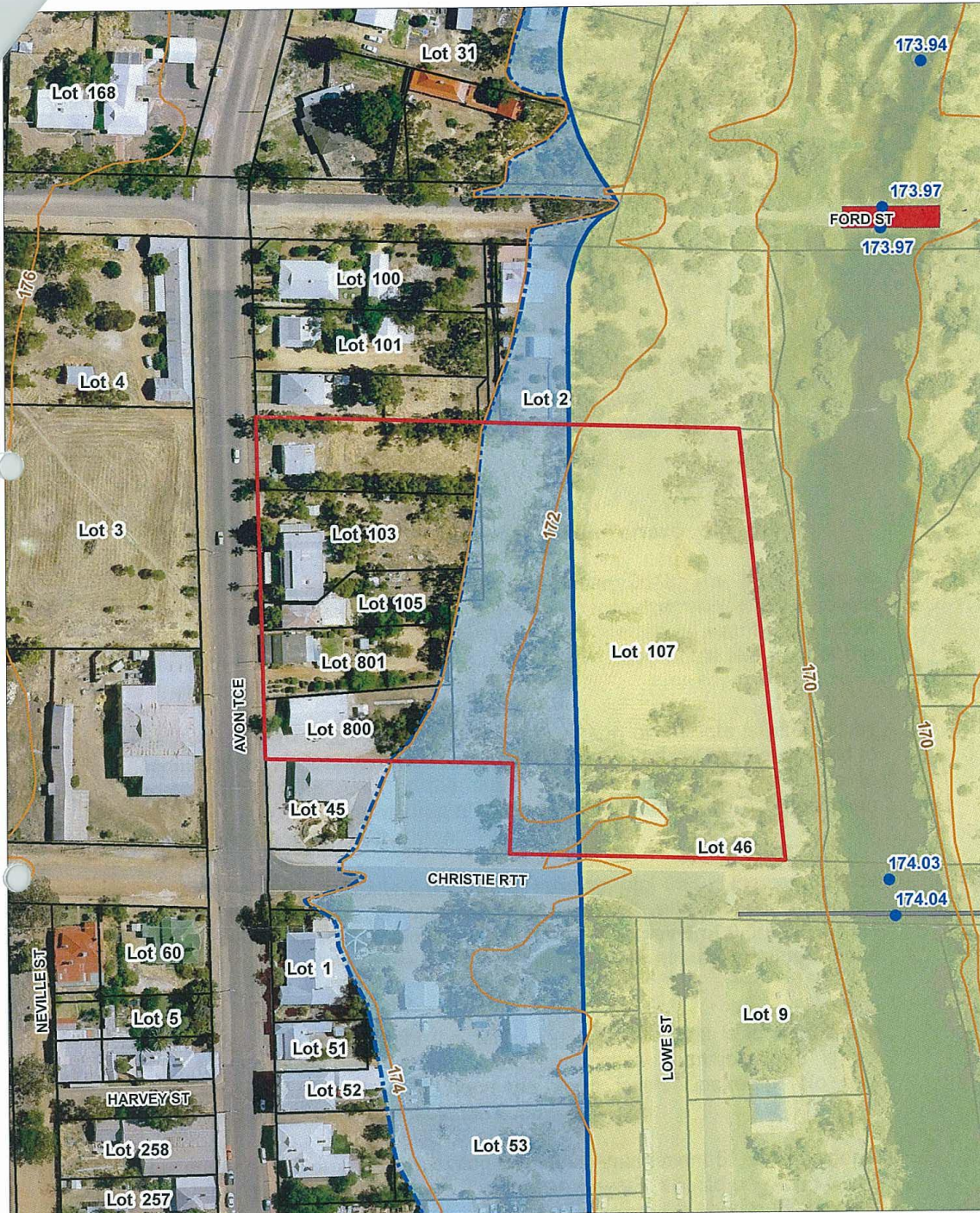


			We would however like to provide comment when and if a development proposal is received.	
7.	Department of Health	N/a	<p>The DoH provides the following comment:</p> <p><b>1. Waste Water Disposal</b></p> <p>The DoH has no objection to the rezoning proposal provided that sewer extension to the subject land is achieved in order to comply with the provisions of the draft <i>Country Sewerage Policy</i>.</p> <p><b>2. Public Health Impact</b></p> <p>The Shire of York should use this opportunity to minimise potential negative impacts of increased density development, such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately addressed at this stage.</p> <p>You may also wish to consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles into 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>Agree with point 1 that connection to deep sewerage is a must to enable the rezoning.</p> <p>However, it is disagreed that a public health impact is specifically required. The uses permitted in the town centre zone are unlikely to produce land use conflict and any impacts such as noise and odour can be adequately managed through the planning approval process.</p>
8.	Department of Planning – Tourism	N/a	<p>Thank you for your correspondence on the 14 January 2013 and referring the abovementioned amendment to Policy Development for comment on the tourism aspects of the proposal.</p> <p>The proposed amendment is for the rezoning of Lots 103-107, 800 and 801 Avon Terrace, and Lot 46 Christie Retreat, York to 'Town Centre'. The subject lots are zoned 'Residential R2.5' while Lot 46 is zoned 'Special Use' allowing for 'Residential and Restaurant'. Under the 'Town Centre' zoning 'Restaurant' is a permitted use while 'Residential' is a discretionary use. The surrounding uses include 'Residential R2.5', 'Public Purposes', 'Recreation and Open Space' and 'Town Centre'. The lots form a part of the northern approach to the Town Centre via Avon</p>	Noted.

			<p>Terrace. By extending the 'Town Centre' zone it provides the opportunity to accommodate a better commercial interface and entry point to the town.</p> <p>As the lots are not currently zoned for tourism use and are not proposed to be rezoned specifically for tourism purposes, Policy Development has no objections to the proposed amendment. Future development of the site should consider any abutting and/or surrounding tourism uses so as to alleviate any potential conflicts before they arise.</p> <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 (DoP) or a formal position of the Western Australian Planning Commission (WAPC), which may need to be consulted on this amendment.</p>	
9.	Department of Environment & Conservation	N/a	<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>The Department of Environment and Conservation has no objections to the proposed amendments.</p> <p>DEC advises that based on currently available information, this application for subdivision is unlikely to cause any impact to known significant biodiversity values. This advice should not be interpreted as endorsing or supporting the proposed works.</p>	Noted.

ITEM 9.1.1  
APPENDIX C  
DEPARTMENT OF WATER  
FLOOD MAPPING

Lots 103-107 & 800-801 Avon Terrace and Lot 46 Christie Retreat  
YORK



**Datum and Projection Information**  
Vertical Datum: AHD71  
Horizontal Datum: GDA94 MGA550  
Projection: UTM  
Spheroid: Geocentric Reference System (GRS80)

**Project Information**  
Client: Toni Smythe  
Map Author: Savannah Buttenworth  
Task ID: B1305  
Compilation date: 30/01/2013  
Edition: Version 1

**SOURCES**

The Department of Water acknowledges the following datasets and their custodians in the production of this map:

Avon River Toodyay to Beverley Dec 05 Mosaic - Landgate - 08/12/2009  
Spatial Cadastre Database - Landgate - 01/11/2012  
Railways - Landgate - 05/02/2010  
Road Centrelines, DU - Landgate - 26/09/2012  
Western Australian Towns - Landgate - 12/07/2001

**Government of Western Australia  
Department of Water**

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Screen bh34/27.33 YORK Date Printed: 08/02/13 12:43:21 Coordinate System: MGA94 Zone 50 Height Datum: AHD

ITEM 9.1.1  
APPENDIX D  
WATER CORPORATION  
MAPPING