

**SHIRE OF YORK**

**TOWN PLANNING SCHEME NO. 2**

**AMENDMENT NO. 43**

**(OMNIBUS AMENDMENT)**

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

**SHIRE OF YORK**

**TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 43**

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

1. Rezoning Lots 1 to 5 Macartney Street and Lot 342 Grey Street from 'Residential R10/30' to 'Residential R10/40';
2. Rezoning Lot 50 Avon Terrace from 'Residential R10' to 'Residential R40';
3. Rezoning Lots 57 and 143 Osborn Road and Lot 54 Springs Road from 'Recreation and Open Space' to 'Rural Residential';
4. Rezoning Portion of Lot 2 Redmile Road from 'Recreation and Open Space' to 'Residential R5/40';
5. Rezoning Lot 551 Avon Terrace and Lot 552 Lowe Street from 'Public Purposes' to 'Town Centre';
6. Deleted.<sup>1</sup>
7. Rezoning Lot 615 Brook Street from 'Public Purposes' to 'Special Use Zone';
8. Inserting the following 'Special Use Zone 6' to Schedule 3:

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lot 615 Brook Street (Old York Hospital)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Residential, Short Term Accommodation	<ol style="list-style-type: none"><li>1. 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.</li><li>2. 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).</li></ol>

9. Rezone Lot 9 (68) Avon Terrace, York from 'Residential R40' to 'Town Centre'.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2011

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

<sup>1</sup> Refer to Schedule of Modifications.

# 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:** 43

## REPORT

### I. BACKGROUND AND OVERVIEW

This Amendment No. 43 to the Shire of York Town Planning Scheme No. 2 (the 'Scheme') serves as an 'Omnibus Amendment' to rezone a total of 15 properties within the Shire of York to a more appropriate zoning in accordance with their current uses and their location.

### SHIRE OF YORK - PROPOSED SCHEME AMENDMENT 43 - OMNIBUS AMENDMENT - PROPERTY LIST

<u>Property</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>AM</u>	<u>Comment</u>	<u>Area in sqm</u>
<b>Sewer Infill</b>					
Lot 1 (30) Macartney Street	Residential R10/30	Residential R10/40	43	Sewer Infill - Area 1	650
Lot 2 (28) Macartney Street	Residential R10/30	Residential R10/40	43	Sewer Infill - Area 1	650
Lot 3 (26) Macartney Street	Residential R10/30	Residential R10/40	43	Sewer Infill - Area 1	650
Lot 4 (24) Macartney Street	Residential R10/30	Residential R10/40	43	Sewer Infill - Area 1	650
Lot 5 (22) Macartney Street	Residential R10/30	Residential R10/40	43	Sewer Infill - Area 1	650
Lot 342 (8) Grey Street	Residential R10/30	Residential R10/40	43	Sewer Infill - Area 1	4650
Lot 50 (49) Avon Terrace	Residential R10	Residential R40	43	already connected to sewer	1635
<b>Public Purposes/Recreation</b>					
Lot 551 (134) Avon Terrace	Public Purposes	Town Centre	43	Post Office	1611
Lot 552 (11) Lowe Street	Public Purposes	Town Centre	43	Vacant lot next to PO	804
Lot 57 (121) Osborn Road	Recreation and Open Space	Rural Residential	43	former reserve	61093
Lot 54 (2) Springs Road	Recreation and Open Space	Rural Residential	43	former reserve	30349
Lot 143 Osborn Road	Recreation and Open Space	Rural Residential	43	former reserve	4639
Lot 2 (2) Redmile Road	Recreation and Open Space	Residential R5/40	43	Portion only, flood zone	9850 of 27458
Lots 615 and 616 (3) Brook Street	Public Purposes	Special Use Zone (SU6)	43	Old York Hospital	5426 + 264
<b>Townsite Expansion</b>					
Lot 9 (68) Avon Terrace, York	Residential R40	Town Centre	43	Townsite Expansion	1138

Figure 1: Property list for Scheme Amendment 43

The properties can be grouped into three (3) categories (see Table 1):

1. Lots that are connected to sewer, but have not been included in any previous scheme amendments;
2. Lots that are zoned 'Public Purposes' or 'Recreation and Open Space', but are privately owned – to enable a more appropriate zoning; and
3. Townsite expansion - land that is zoned 'Residential' but is included in the townsite expansion area under the Local Planning Strategy. Changing the zoning would enable appropriate landuses for land within the townsite expansion area.

Most of the lots comprised in category '3' have been former reserves, such as the Post Office and the Old York Hospital, but the public use is no longer existent or has been privatised.

The lots connected to sewer are proposed to be rezoned to enable a uniform 'R40' residential density to give them the same zoning/density as the vast majority of the other sewerred lots. The proposal is therefore to rezone these lots to 'Residential R40' or 'Residential R10/40'.

The 'Public Purposes' lots are proposed to be rezoned 'Town Centre' (Post Office), 'Rural Residential' (Osborn Road) and 'Residential R5/40' in accordance with the surrounding zonings.

The Old York Hospital in Brook Street, however, is surrounded by reserves and with its state heritage listing, the most appropriate zoning appears to be a 'Special Use Zone'.

The Scheme includes the following provisions relating to 'Special Use Zones':

*"3.4 Special Use Zones*

*Special Use Zones are set out in Schedule 3 and are in addition to the zones in the Zoning Table. No persons shall use any land or any structure or buildings thereon, in a Special Use Zone except for the purpose set out against that land in Schedule 3 and subject to the conditions set out in Schedule 3 with respect to that land."*

Specific provisions for 'Special Use Zone 6' are therefore proposed to be added to Schedule 3 of the Scheme.

Rezoning land within the townsite expansion area will enable appropriate landuses for the central townsite district while still allowing for residential development should the landowners choose to.



## II. SEWER INFILL LOTS - REZONING TO RESIDENTIAL R40

### 2.1 LOTS 1 – 5 MACARTNEY STREET & LOT 342 GREY STREET

#### 2.1.1 LOCATION AND OVERVIEW

Lots 1 – 5 (Nos. 22 – 30) Macartney Street and Lot 342 (No. 8) Grey Street are located to the west of the York town centre.



Figure 2: Overview over Lots 1 – 5 Macartney Street and Lot 342 Grey Street (Aerial view)

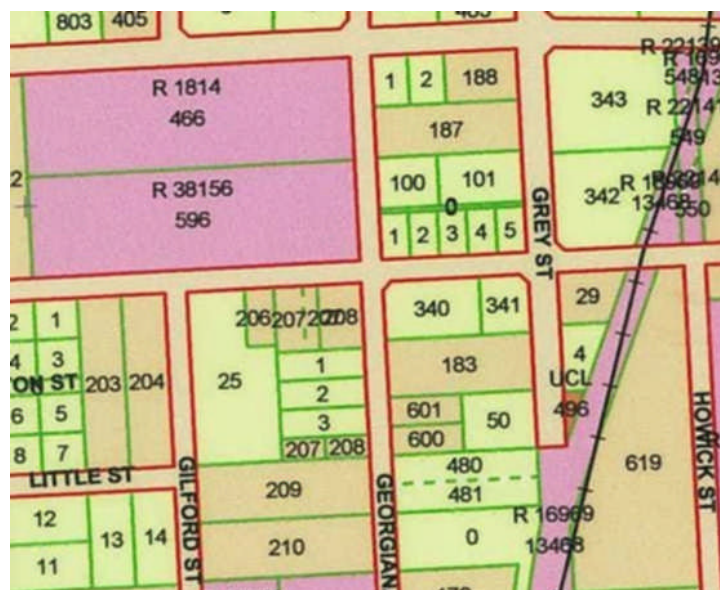


Figure 3: Overview over Lots 1 – 5 Macartney Street and Lot 342 Grey Street (Lot map)

The 6 lots in question have been connected to reticulated sewer as part of the Water Corporation's York Sewer Infill Programme 1 in 2009 (see Figure 4). Other properties in the vicinity are included in Amendment No. 39 to the Shire of York Town Planning Scheme No. 2 which rezones properties connected to deep sewer to a residential density of R40 (minimum lot size 200 m<sup>2</sup>, average lot size 220 m<sup>2</sup>).

Figure 4: Extract from Sewer Infill Plan for Macartney and Grey Streets

When Scheme Amendment No. 39 was finalised, it was proposed to include the 6 lots as a modification but the Department for Planning and Infrastructure advised that this would constitute a major modification to Amendment 39 which was likely to require readvertising. Therefore, these 6 lots are now proposed to be rezoned to 'Residential R10/40' as part of this Omnibus Amendment, Scheme Amendment No. 43.

Lot 342 (8) Grey Street also is a late addition to the York Sewer Infill Programme 1. It is 4,650 m<sup>2</sup> in area and is zoned 'Residential R10/30' as well.

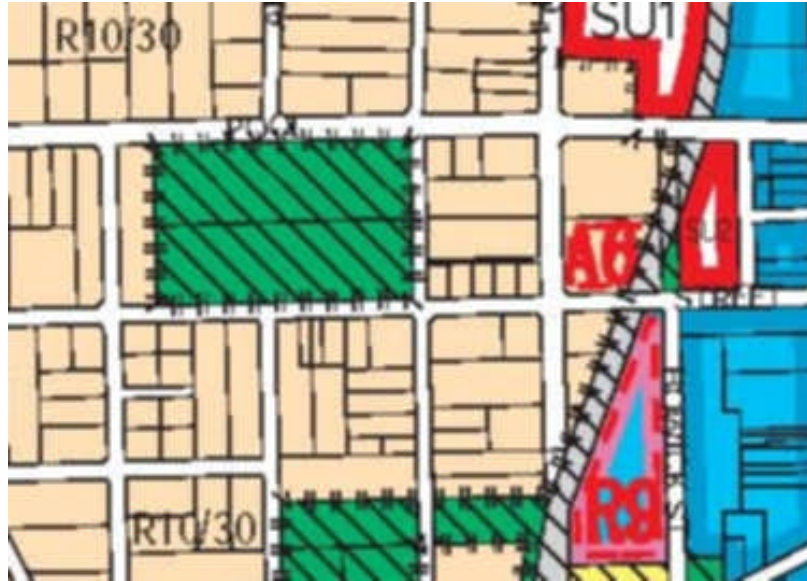


Figure 5: Current Zoning for Macartney and Grey Streets

Lot 342 (8) Grey Street is subject to an additional use (A6 on the Scheme Map, see Figure 5) in the Scheme in accordance with Schedule 2:

PARTICULARS OF LAND	ADDITIONAL OR RESTRICTED USES
Lot 342 of Sub-Lot D Grey Street and McCartney Street, York.	The additional use subject to planning consent being granted by the local government may be craft rooms, printing museum, tearooms, and a printing works which is limited to the scale at the gazettal date.

The additional use is not affected by the rezoning and it is proposed not to change any of the provisions of Schedule 2 of the Scheme.

### 2.1.2 WATER MANAGEMENT

None of the lots proposed to be rezoned as part of the Sewer Infill Programme are affected by flood issues. Stormwater management will be addressed at development application stage.

### 2.1.3 HERITAGE

Lots 3 – 5 Macartney Street are heritage listed under the Shire of York Municipal Heritage Inventory (MHI). Lot 342 Grey Street is not heritage listed. The lots are not located in any heritage precinct. The relevant MHI entries are as follows:



Figure 6: Municipal Heritage Inventory entry for Lot 3 (26) Macartney Street



Date of Photo:  
August 2007

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NAME AND ADDRESS

Current Name: BD Cusack

Current Use: Dwelling

Previous Names/Uses:

Original Name:

Street Address: 26 Macartney Street, York

Lot: 3

Assessment No: A13120

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LISTINGS

Heritage Council of WA: -

National Trust of Australia (WA): -

Australian Heritage Commission: -

Other Listings: -

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DETAILS

Public Accessibility: Privately Owned

Date Built: 1870s/1880s Source of Date: Physical Assessment

Architect/Contractor: -

Historic Theme:

Architectural Style:

Construction:

Integrity: Good Authenticity: Good Condition: Good

Physical Evidence:

*Simple Georgian residence with corrugated iron hipped roof, front verandah and rendered dado, symmetrical form.*

Documentary Evidence:

Significance:

Conservation Category:

3 A place of some cultural heritage significance to Shire of York.

Recommend:

*Encourage retention of the place and document the place (Archival Record Required) if retention is not possible. No particular heritage planning constraints.*

Heritage Precinct: N/A

Date of Assessment: August 2007

Further Research Required: Yes

Further Information available: Not at this time.

Figure 7: Municipal Heritage Inventory entry for Lot 2 (28) Macartney Street



Date of Photo:  
August 2007

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NAME AND ADDRESS

Current Name: LR Squires

Current Use: Dwelling

Previous Names/Uses:

Original Name:

Street Address: 28 Macartney Street

Lot: 2

Assessment No: A6521

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LISTINGS

Heritage Council of WA: -

National Trust of Australia (WA): -

Australian Heritage Commission: -

Other Listings: -

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DETAILS

Public Accessibility: Privately Owned

Date Built: Late 19th Century

Source of Date: Physical Assessment

Architect/Contractor: -

Historic Theme:

Architectural Style:

Construction:

Integrity: Fair Authenticity: Fair Condition: Fair

Physical Evidence:

*Simple brick residence with corrugated iron hipped roof and verandah. Appears to be in Victorian Georgian Style. Symmetrical form.*

Documentary Evidence:

Significance:

Conservation Category:

3 A place of some cultural heritage significance to Shire of York.

Recommend:

*Encourage retention of the place and document the place (Archival Record Required) if retention is not possible. No particular heritage planning constraints.*

Heritage Precinct: N/A

Date of Assessment: August 2007

Further Research Required: Yes.

Further Information available: Not at this time.

Figure 8: Municipal Heritage Inventory entry for Lot 1 (30) Macartney Street



Date of Photo:  
August 2007

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#### NAME AND ADDRESS

Current Name: WD Freestone & TJ Harrington      Current Use: Dwelling  
Previous Names/Uses:  
Original Name:  
Street Address: 30 Macartney Street, York  
Lot: 1      Assessment No: A6520

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#### LISTINGS

Heritage Council of WA: -  
National Trust of Australia (WA): -  
Australian Heritage Commission: -  
Other Listings: -

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#### DETAILS

Public Accessibility: Privately Owned  
Date Built:      Source of Date: -  
Architect/Contractor: -  
Historic Theme:  
Architectural Style:  
Construction:  
Integrity: Good      Authenticity: Good      Condition: Good  
Physical Evidence:  
Documentary Evidence:  
Significance:  
Conservation Category:  
3      A place of some cultural heritage significance to Shire of York.  
Recommend:  
*Encourage retention of the place and document the place (Archival Record Required)  
if retention is not possible. No particular heritage planning constraints.*  
Heritage Precinct: N/A  
Date of Assessment: August 2007  
Further Research Required: Yes  
Further Information available: Not at this time.



## 2.2 LOT 50 (49) AVON TERRACE

### 2.2.1 LOCATION AND OVERVIEW

Lot 50 (49) Avon Terrace is a vacant lot located in the Blandstown area of York. It is the only lot in the area zoned 'Residential R10' and comprises an area of 1635 m<sup>2</sup>.



Figure 9: Overview over Lot 50 (49) Avon Terrace and surrounding lots (Aerial view)

The overview map (Figure 9) for Lot 50 shows the current zoning as well as an aerial view. As indicated, the surrounding lots are either zoned 'Mixed Business' (through Scheme Amendment No. 3 in 1999) or 'Residential R40' (through Scheme Amendment No. 17 in 2007). Lot 50 has not been included in any of those amendments and remains zoned R10.



Figure 10: Overview over Lot 50 (49) Avon Terrace and surrounding lots (Lot map)

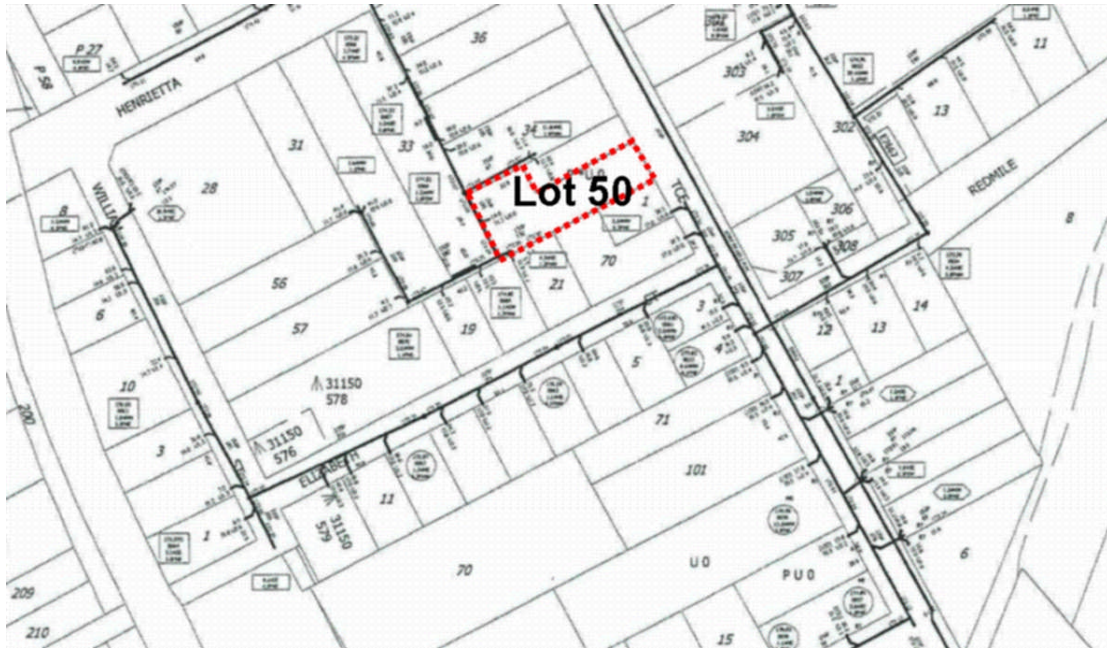


Figure 11: Extract from Water Corporation's York Sewer Plan for Blandstown

Figure 11 shows that the lot is connected to reticulated sewer and therefore is proposed to be rezoned to 'Residential R40'.

Given the adjacent lots to the north are zoned 'Mixed Business', it is proposed to review the 'Mixed Business' zoning in general at a later stage and rezone it to 'Town Centre' as part of a Scheme review. In the meantime and for the fairness towards the landowner, it is proposed to rezone it to 'Residential R40' first to enable the same options as for the adjacent lots in Elizabeth Street.

## 2.2.2 WATER MANAGEMENT

Lot 50 is not affected by any flood issues, as Figure 10 shows which depicts the flood way and 100 year flood line of Bland Brook. A natural drainage line is apparent in Figure 11 to the west of the lot, but does not affect Lot 50 as such. Stormwater management will be addressed at development application stage.

## 2.2.3 HERITAGE

Lot 50 (49) Avon Terrace is currently vacant and not individually heritage listed under the Shire of York Municipal Heritage Inventory (MHI). It is, however, located within the Blandstown Heritage Precinct and subject to the Shire of York Local Planning Policy Heritage Precincts and Places.



### III. RECREATION AND OPEN SPACE/PUBLIC PURPOSES – TOWNSITE

#### 3.1 YORK POST OFFICE (LOTS 551 & 552 AVON TERRACE/ LOWE STREET)

##### 3.1.1 LOCATION AND OVERVIEW

Lot 551 (134) Avon Terrace, the York Post Office, and the rear Lot 552 (11) Lowe Street, are located in the York Town Centre. Lot 551 comprises 1,611 m<sup>2</sup> and Lot 552 804 m<sup>2</sup>.



Figure 10: Overview over Lots 551 and 552 Avon Terrace and surrounding lots

Both lots are currently zoned 'Public Purposes'. The Courthouse complex to the south is zoned 'Public Purposes' as well, while the other lots along Avon Terrace are zoned 'Town Centre' (see Figure 11).

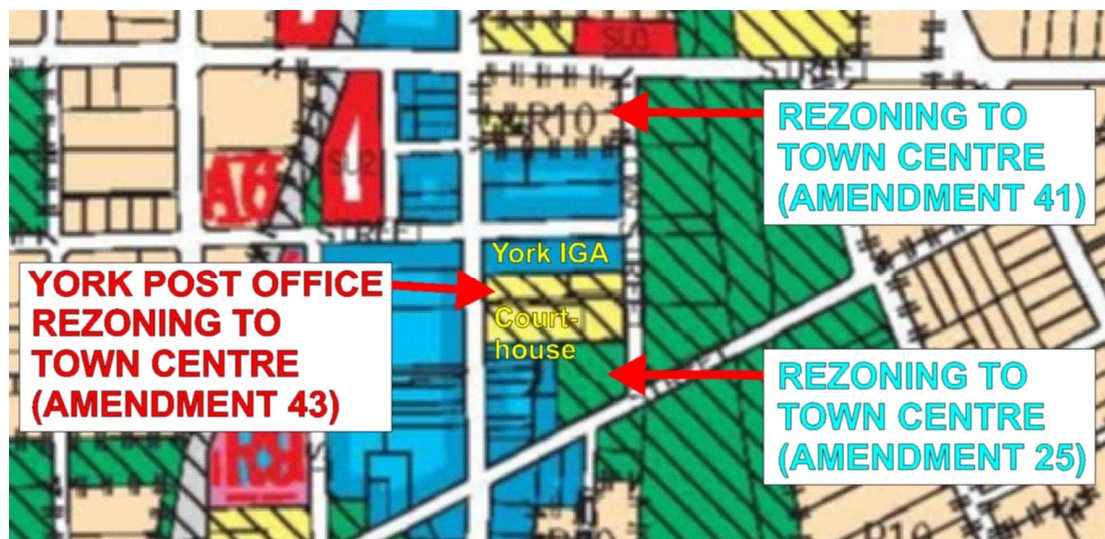


Figure 11: Zoning of Lots 551 and 552 Avon Terrace and surrounding lots (2009)

As shown in Figure 13, most lots around are zoned 'Town Centre' or are in the process of being rezoned to 'Town Centre'. It is therefore the intention to achieve a consistent 'Town Centre' zoning across the actual town centre.

The York Post Office used to be a public use and therefore, the 'Public Purposes' zoning might have been appropriate when the Post Office was actually not a private but a public enterprise, but with the privatisation of Australia Post, this has changed. The entire Post Office and the lots are privately owned with the Post Office being a tenant. Therefore, the proposed 'Town Centre' zoning has been identified as most appropriate.

### 3.1.2 WATER MANAGEMENT AND FLOOD ISSUES

Parts of Lot 551 and the entirety of Lot 552 are located in the 100 year flood area of the Avon River. A portion of Lot 552 is also located in the Avon River floodway (see Figure 14).

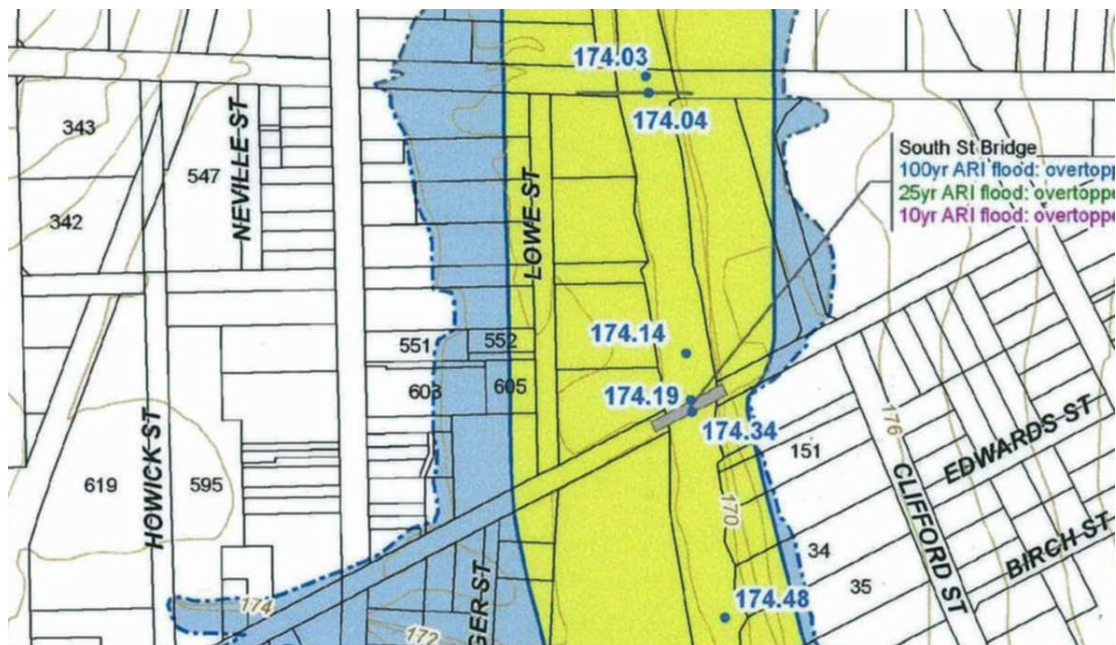


Figure 14: Flood issues affecting Lots 551 & 552 (yellow = floodway; blue = 100 year flood level).

Any proposed new development has to take the relevant floor levels into consideration that have to be achieved for residential development in the 100 year flood zone. As Figure 14, the relevant flood level is 174.14 metres. In accordance with the recommendations from the Department of Water, the minimum habitable floor level for residential use has to be a minimum of 174.64 metres (an additional 500 mm to the prescribed flood level).

Different to other proposals, such as Lot 2 (2) Redmile Road (see further down), it is proposed to include the entirety of both lots in the proposed 'Town Centre' zoning and not excise the portion affected by the floodway in order not to leave a portion of 'Public Purposes' zoned land and achieve consistency with the neighbouring 'Town Centre' zoned lots, such as the IGA (see Figure 13 above).



### 3.1.3 HERITAGE

The York Post Office is heritage listed under the Shire of York Municipal Heritage Inventory (Category 1) and the Heritage Council of Western Australia as a state heritage listed building. It is also located in the Central York Heritage Precinct and has a significant impact on the Avon Terrace streetscape.

Any application for development approval has to be approved by the Heritage Council of Western Australia.

The relevant Municipal Heritage Inventory entry is as follows:

*Figure 15: Municipal Heritage Inventory entry for the York Post Office*



Date of Photo:  
January 2005

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#### NAME AND ADDRESS

Current Name:	York Post Office	Current Use:	Post Office
Previous Names/Uses:			-/Transport
Original Name:			-
Street Address:	134 Avon Terrace, York	Lot:	551
HCWA Assessment No:	2855		

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#### LISTINGS

Heritage Council of WA:	Permanent 09.02.96
National Trust of Australia (WA):	Classified
Australian Heritage Commission:	Permanent 21.03.78
Other Listings:	Restrictive Covenant
	Statewide Post Office Study 01.03.92
	York Municipal Inventory – March 1995

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#### DETAILS

Public Accessibility:	Privately Owned		
Date Built:	1893	Source of Date:	-
Architect/Contractor:	N/A		
Historic Theme:	Communications, Transport and Occupations		
Architectural Style:	Federation		
Construction:	Stone, Brick and Corrugated Iron		
Integrity:	Good	Authenticity:	Good
		Condition:	Good

Physical Evidence:

Federation style building of pleasant proportions of stone and brick quoins. Structurally sound and in good to reasonable order with window hoods as later additions. An integral part of the streetscape of the area.

York Post Office is a two-storey rough cut stone and brick structure with iron roof. The place is significant as the oldest functioning post office location in Western Australia. The attached residence is a demonstration of the status and particular way of life for postmasters and their families that is in danger of being lost in Western Australia.

Documentary Evidence:

Significance:

Management Category:

1A State Registered or on the Assessment Program of the Heritage Council of Western Australia.

A place of exceptional cultural heritage significance for the Shire of York and the State of Western Australia, that is either in the Heritage Council of WA's Register of Heritage Places, or worthy of consideration for entry into the Register.

Recommend: Retain and Conserve the place.

A development application needs to be submitted to Heritage Council of WA for approval for any proposed development prior to it being submitted to Council.

Heritage Precinct:	Central York Precinct
Date of Assessment:	November 2004
Further Research Required:	Yes.
Further Information available:	Heritage Council's Website

## 3.2 OLD YORK HOSPITAL (LOTS 615 AND 616 BROOK STREET)

### 3.2.1 LOCATION AND OVERVIEW

Lots 615 and 616 (3) Brook Street, York, comprise the Old York Hospital and are located east of the Avon River in an eastern extension of the Blandstown Heritage Precinct. Lot 615 comprises 5,426 m<sup>2</sup> and Lot 616, 264 m<sup>2</sup>.



Figure 16: Aerial view of Lots 615 and 616 Brook Street (Old York Hospital) in the centre and the adjacent Residency Museum complex

The land tenure map shows that the lots in question are surrounded by Reserve 30890 which forms the Residency Museum complex. The Old York Hospital was transferred from a public use to a private property without rezoning occurring when it was sold. This omnibus amendment seeks to rectify this matter.

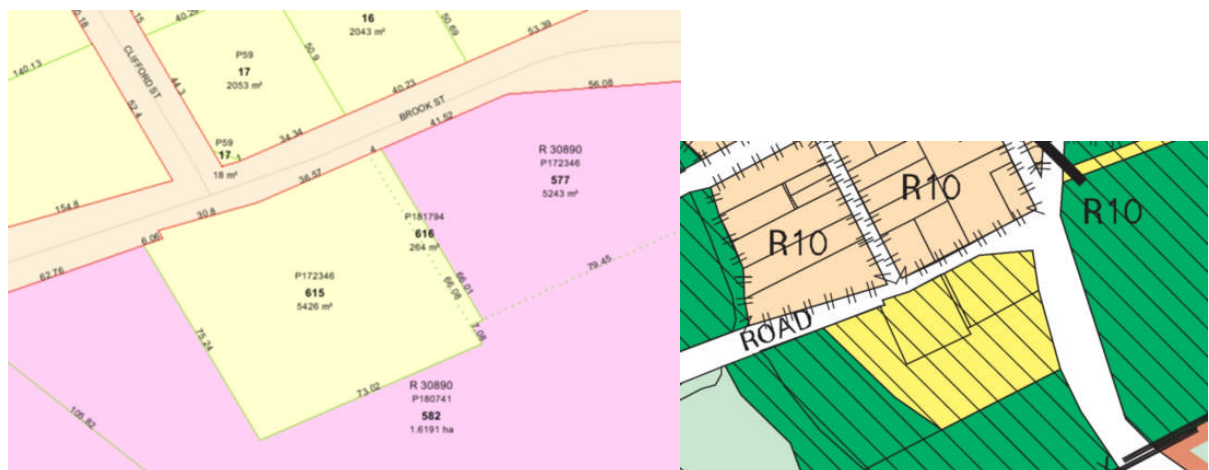


Figure 17: Land tenure and current zoning for Lots 615 and 616 Brook Street

The proposed zoning for Lots 615 and 616 is 'Special Use Zone' to reflect its prominent location and future potentials other than the current use as private residence.

It is proposed to enable potential uses such as function centre, exhibition centre, restaurant, art gallery, residential and short term accommodation by inserting the following schedule into the Town Planning Scheme:

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lot 615 Brook Street (Old York Hospital)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Residential, Short Term Accommodation	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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).</li> </ol>

The Old York Hospital was used as a youth hostel previously and tourism uses are considered the most appropriate future land uses for the building to reflect its location and significance.

### 3.2.2 WATER MANAGEMENT

Lots 615 and 616 are not affected by any flood issues, (see Figure 18). Stormwater management will be addressed at development application stage.

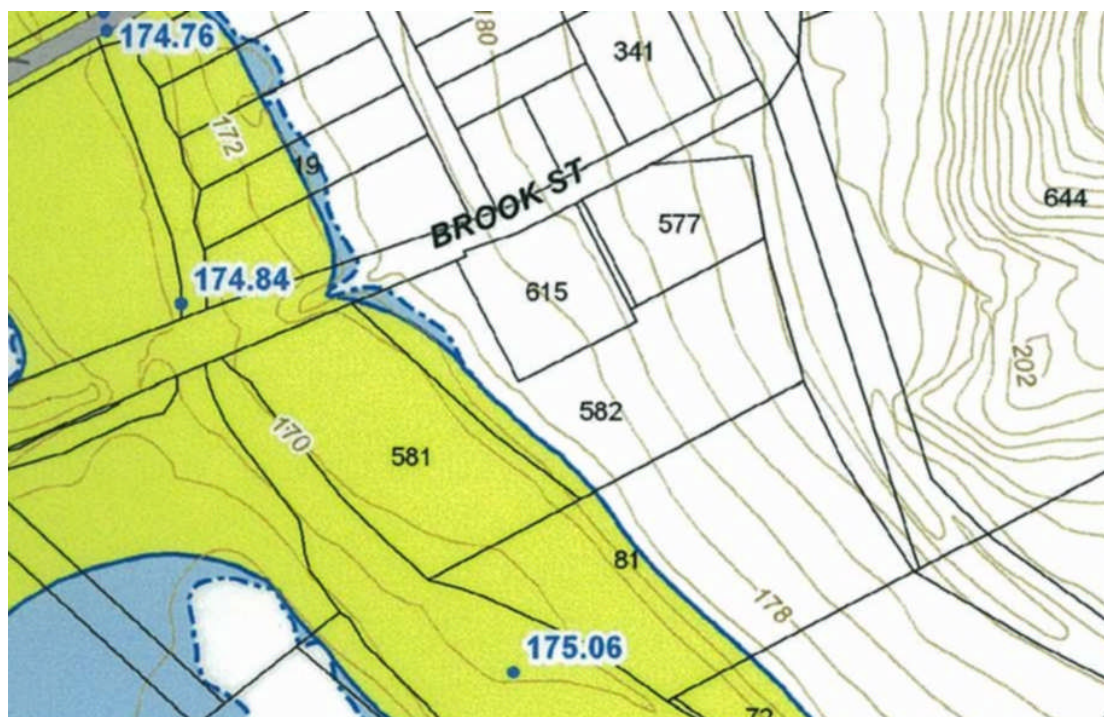


Figure 17: Lots 615 and 616 Brook Street are not affected by flood issues (yellow = floodway; blue = 100 year flood level).



### 3.2.3 HERITAGE

The Old York Hospital is heritage listed under the Shire of York Municipal Heritage Inventory (Category 1) and the Heritage Council of Western Australia as a state heritage listed building. It is also located in the eastern portion of the Blandstown Heritage Precinct.

Any application for development approval has to be approved by the Heritage Council of Western Australia.

The relevant Municipal Heritage Inventory entry is as follows:

*Figure 19: Municipal Heritage Inventory entry for the Old York Hospital*



Date of Photo:  
January 2005

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#### NAME AND ADDRESS

Current Name: A & S Lennon  
Previous Names/Uses:

Current Use: Residence  
Old York Hospital/Hospital/Other buildings  
on the lot have approval for shops.

Original Name: -  
Street Address:  
HCWA Assessment No: 3019

Brook Street, York

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#### LISTINGS

Heritage Council of WA:  
National Trust of Australia (WA):  
Australian Heritage Commission:  
Other Listings:

Permanent 31.05.96  
-  
Registered National Estate 21.03.78  
Heritage Agreement 16.10.98  
York Municipal Inventory – March 1995

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#### DETAILS

Public Accessibility:  
Date Built:  
Source of Date:  
Architect/Contractor:  
Historic Theme:  
Architectural Style:  
Construction:  
Integrity: Good

Privately Owned  
1850 – 1886  
Heritage Council's Website  
-  
Social and Civic Activities  
Victorian/Federation  
Brick and Shingles  
Authenticity: Good Condition: Good

Physical Evidence:

A two storey Federation Arts and Crafts style brick building with a shingled roof and window hoods. It has a two level verandah and prominent chimneys, some centred on pebble-dash infilled gables with vestigial half timbering. Stained glass window in stairwell.

Documentary Evidence:

'York Historical Survey' - National Estate Study, Ray And John Oldham, "George Temple-Poole, Architect Of The Golden Years 1885-1897", U.W.A. Press, 1980.

Significance:

A former hospital of domestic character, which is a good example of the personal Arts and Crafts style of West Australia Public Works Department (WAPWD) Chief Architect, G T Poole. The brickwork and woodwork exhibit fine craftsmanship in keeping with the style of architecture.

Management Category:

1 State Registered or on the Assessment Program of the Heritage Council of Western Australia.

A place of exceptional cultural heritage significance for the Shire of York and the State of Western Australia, that is either in the Heritage Council of WA's Register of Heritage Places, or worthy of consideration for entry into the Register.

Recommend: Retain and Conserve the place.

A development application needs to be submitted to Heritage Council of WA for approval for any proposed development prior to it being submitted to Council.

Heritage Precinct:	Blandstown
Date of Assessment:	January 2005
Further Research Required:	Not at this time.
Further Information available:	Refer to Conservation Plan (available in library)



### 3.3 REDMILE HOUSE (LOT 2 REDMILE ROAD)

#### 3.3.1 LOCATION AND OVERVIEW

Lot 2 (2) Redmile Road, York, known as 'Redmile House' is located west of the Avon River within the Blandstown Heritage Precinct. Lot 2 encompasses a total area of 27,458 m<sup>2</sup>. Adjacent to the north-west is the proposed location of the Balladong Country Estate Aged Care Facility. The aerial view and the land tenure map show that Lot 2 also comprises parts of the Avon River.



Figure 20: Aerial view of Lot 2 Redmile Road (Redmile House)



Figure 21: Land tenure around Lot 2 Redmile Road (Redmile House)

Lot 2 is currently zoned 'Recreation and Open Space' as it comprises parts of the Avon River and is located in the floodway and flood fringe of the Avon River.

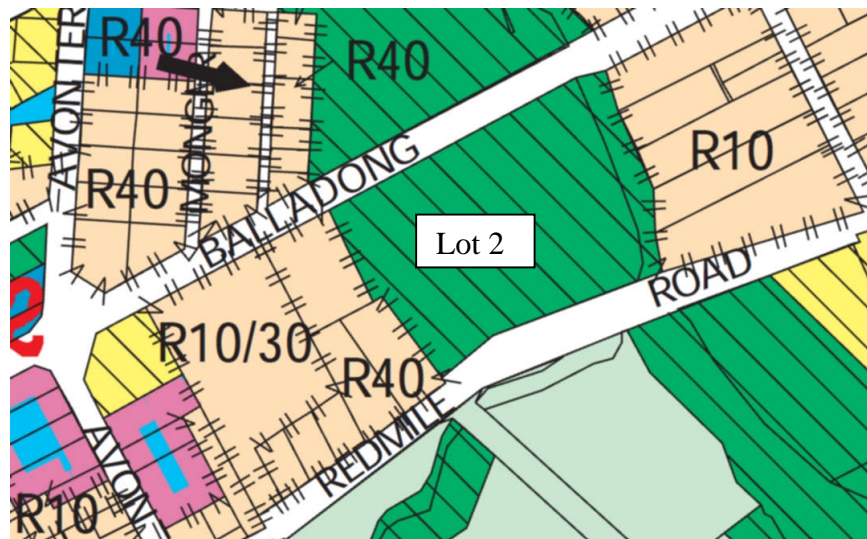


Figure 22: Current zoning of the area around Lot 2 Redmile Road (Redmile House)

#### 4.3.2 WATER MANAGEMENT AND FLOOD ISSUES

The majority of Lot 2 is located in the floodway of the Avon River as it comprises parts of the Avon River as private property (see Figure 23).

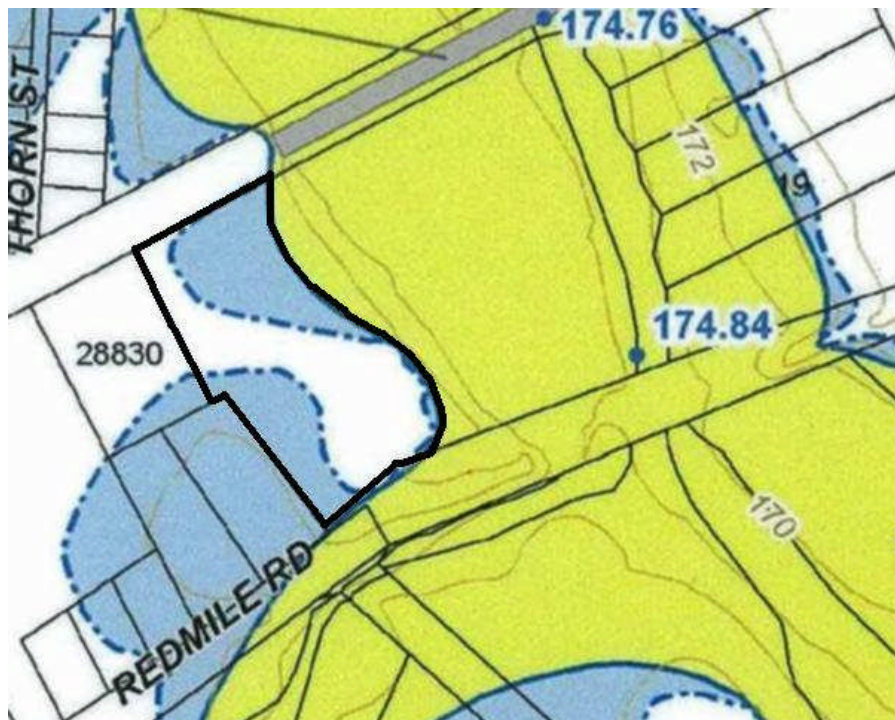


Figure 23: Flood issues affecting Lot 2 Redmile Road (yellow = floodway; blue = 100 year flood level).  
The area proposed to be rezoned is marked by the black line.

No development is to be undertaken within the floodway of the Avon River. Stormwater management and servicing of disposal of sewerage will be addressed at development application stage.



### 3.3.3 HERITAGE

Redmile House is heritage listed under the Shire of York Municipal Heritage Inventory (Category 1B) and is located within the Blandstown Heritage Precinct.

Any development on site is subject to an application for planning consent being lodged to the Local Government in accordance with the Shire of York Local Planning Policy Heritage Precincts and Places.

The relevant Municipal Heritage Inventory entry is as follows:

*Figure 24: Municipal Heritage Inventory entry for Redmile House*



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#### NAME AND ADDRESS

Current Name: Redmile House and Grounds  
Previous Names/Uses: Residence  
Original Name: Redmile House and Grounds  
Street Address: Redmile Road, York  
HCWA Assessment No:

Current Use: Residence

Lot: 2

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#### LISTINGS

Heritage Council of WA:  
National Trust of Australia (WA):  
Australian Heritage Commission:  
Other Listings:

-  
-  
Registered National Estate 31.03.78  
York Municipal Inventory – March 1995

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#### DETAILS

Public Accessibility: Privately Owned  
Date Built: 1853 and 1870  
Architect/Contractor: -

Source of Date: -

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Historic Theme: Settlement and Mobility

Architectural Style: Victorian

Construction: Brick made on site and Corrugated Iron (used to be a shingled roof)

Integrity: Fair                      Authenticity: Fair                      Condition: Good

Physical Evidence:

Two red brick houses now with corrugated iron roofs replacing original shingles, constructed on high ground above the river.

Documentary Evidence:

-

Significance:

Two separate buildings forming part of the same house, significant architecturally as examples of early housing, the 1853 house to the east demonstrating the typical range of single depth rooms accessible from a protective verandah, and the later 1870s house demonstrating the development to square plan with front verandah and rear lean-to.

The house together with reconstructed outbuildings and original well is significant as a demonstration of early life style in a farming community.

The place is important for its association with early settlers and for its environmental setting surrounded by mature trees in paddocks on the banks of the Avon River. The house was established by S Redmile. O Sargeant, a Botanist was a later occupant.

Management Category:

1B      A place of considerable cultural heritage significance to Shire of York that is worthy of recognition and protection through provisions of the Shire of York's Town Planning Scheme.

Recommend: Retain and Conserve the place.

Planning application needs to be submitted to Shire of York for any proposed development. Full consultation with property owner prior to making the recommendation.

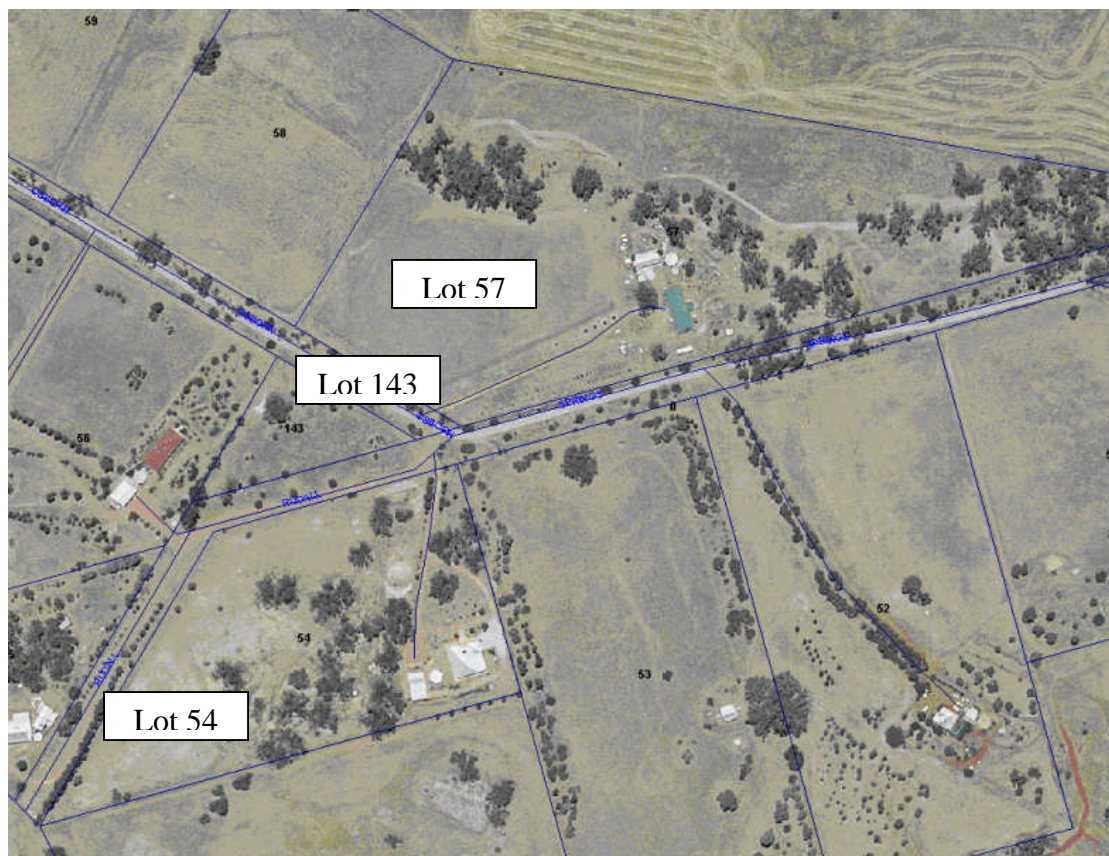
Heritage Precinct:	Blandstown
Date of Assessment:	December 2004
Further Research Required:	Not at this time.
Further Information available:	Refer to Blandstown Conservation Plan (available in library)

## IV. RECREATION AND OPEN SPACE TO RURAL RESIDENTIAL (MOUNT HARDEY)

### 4.1 LOTS 57 & 143 OSBORN ROAD AND LOT 54 SPRINGS ROAD

Lot 57 (134) Osborn(e) Road comprises 61,093 m<sup>2</sup>, Lot 143 Osborn Road 4,639 m<sup>2</sup> and Lot 54 (2) Springs Road 30,349 m<sup>2</sup>. All lots are zoned 'Recreation and Open Space'.

The lots in question used to be Reserves and were disposed of by State Land Services in the late 1990s and converted into green title lots. Lots 54 and 57 are occupied by single houses in a rural residential setting while Lot 143 is currently vacant. To date, no rezoning has been undertaken to reflect the actual land use and the land use of the locality.



*Figure 25: Aerial view of Lots 54, 57 and 143*

The Shire of York Local Planning Strategy depicts the area as the existing and future 'Mount Hardey Rural Residential Area' (see Figure 28). The adjoining blocks are proposed to be rezoned from 'General Agriculture' to 'Rural Residential' in the context of Scheme Amendment No. 28 to the Shire of York Town Planning Scheme No. 2.

Osborn Road is in the process of being renamed 'Osborn' Road to reflect a connection to a pioneering family in the locality.



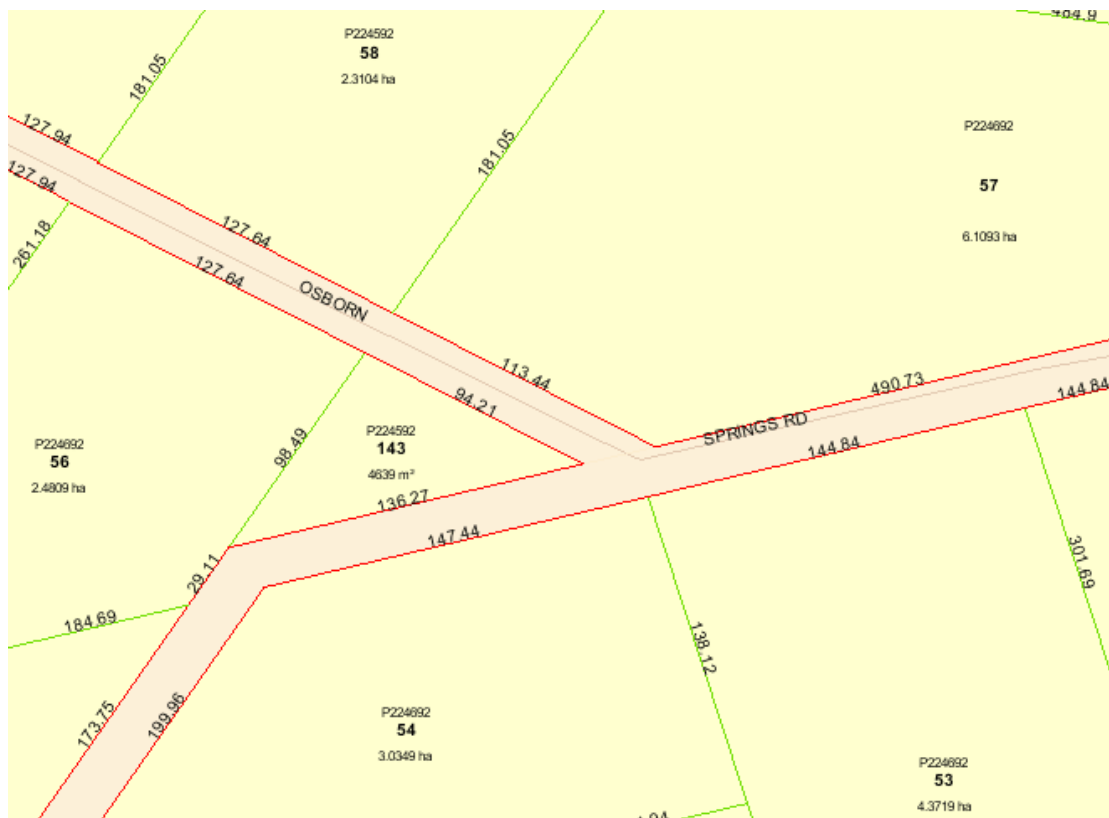


Figure 26: Land tenure plan of Lots 54, 57 and 143

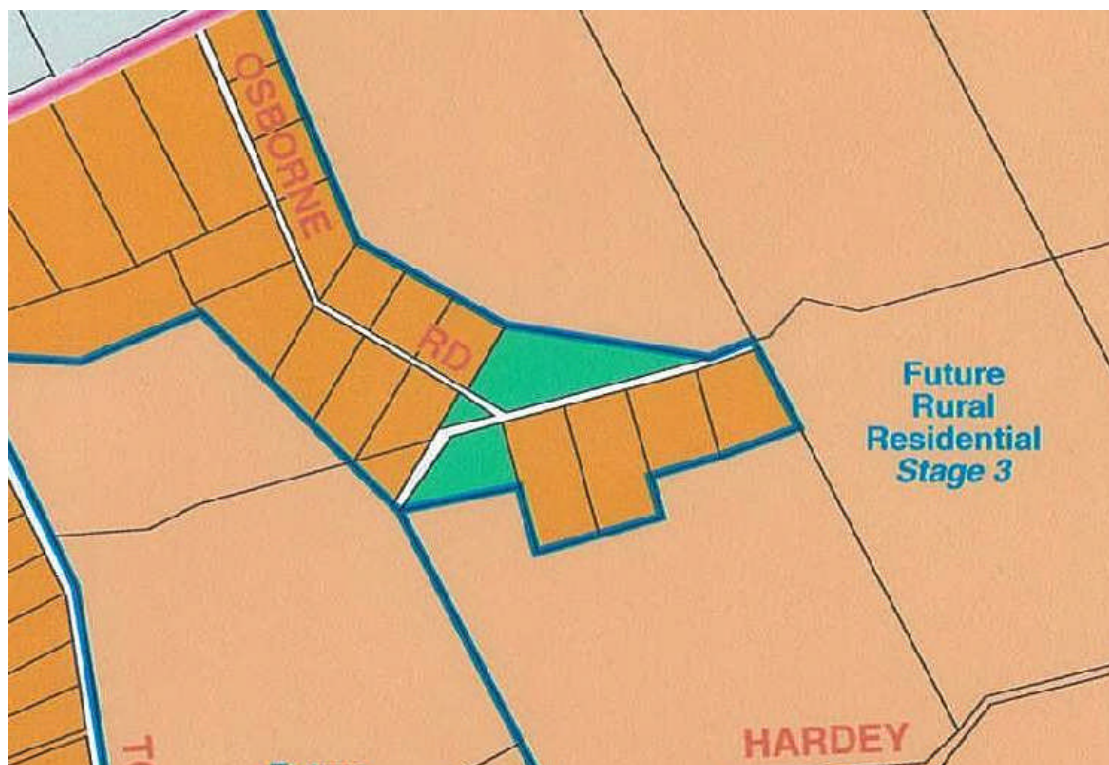


Figure 27: Current zoning of Lots 54, 57 and 143

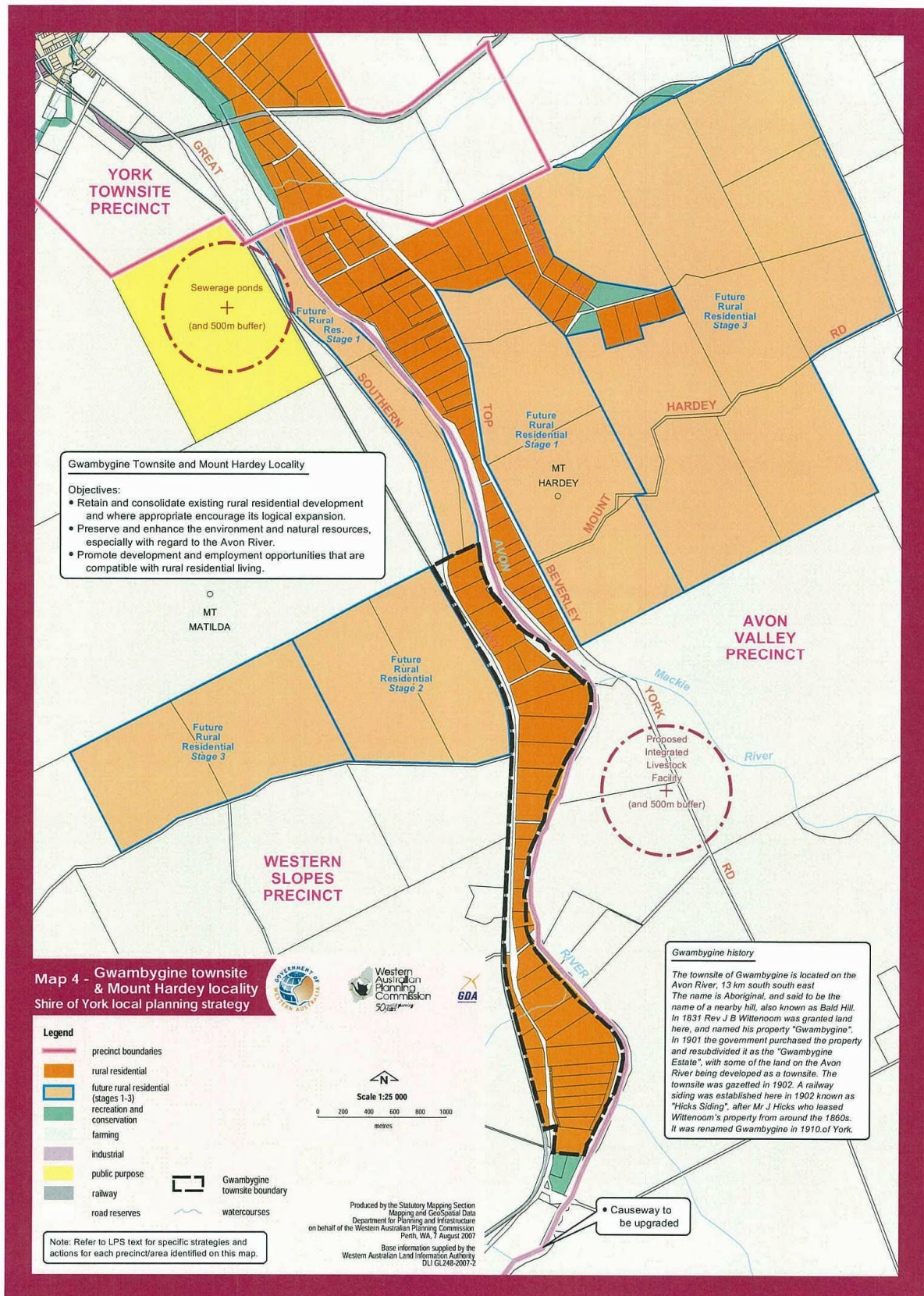


Figure 28: Map 4 of the Shire of York Local Planning Strategy



## V. TOWNSITE EXPANSION - REZONING RESIDENTIAL R40 TO TOWN CENTRE

### 5.1 LOT 9 (68) AVON TERRACE, YORK

Lot 9 (68) Avon Terrace comprises 1,138m<sup>2</sup> and is zoned 'Residential R40'.

The lot in question is situated within the future townsite expansion area as detailed in the recent amendments to the Shire of York's Local Planning Strategy.

Rezoning of land within the townsite expansion area (as depicted in the amendments to the Local Planning Strategy) will accommodate a wide range of commercial enterprise whilst still allowing residential development.

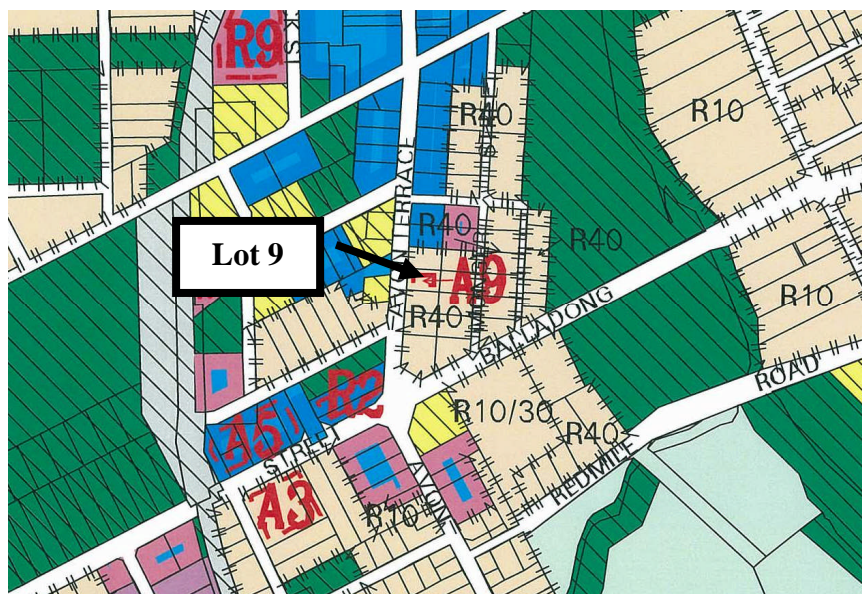


Figure 28: Current zoning of Lot 9

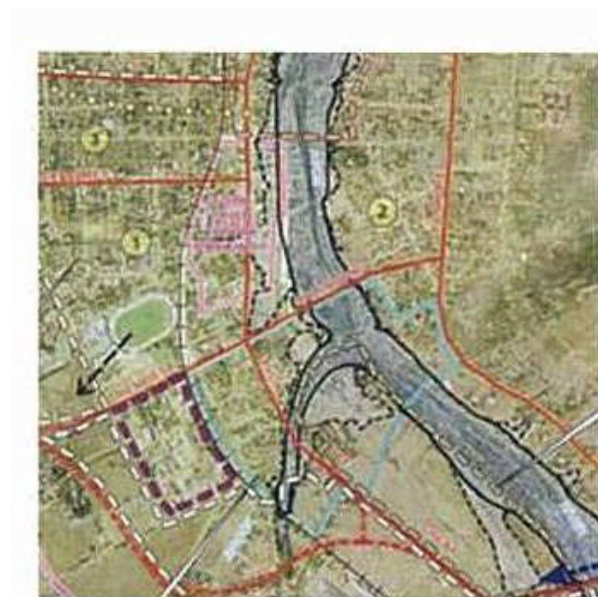


Figure 29: Future Townsite Expansion (Local Planning Strategy)



Further rezoning of land within the proposed townsite expansion area (as per the amendments to the Local Planning Strategy) will be covered by another Omnibus amendment.

## 6.2 WATER MANAGEMENT

Part of Lot 9 (approximately half) is located in the 100 year flood area of the Avon River. (see Figure 31).

There is an existing building on Lot 9 and should further development to proposed for Lot 9, stormwater and water management will be dealt with at the development and building stage.

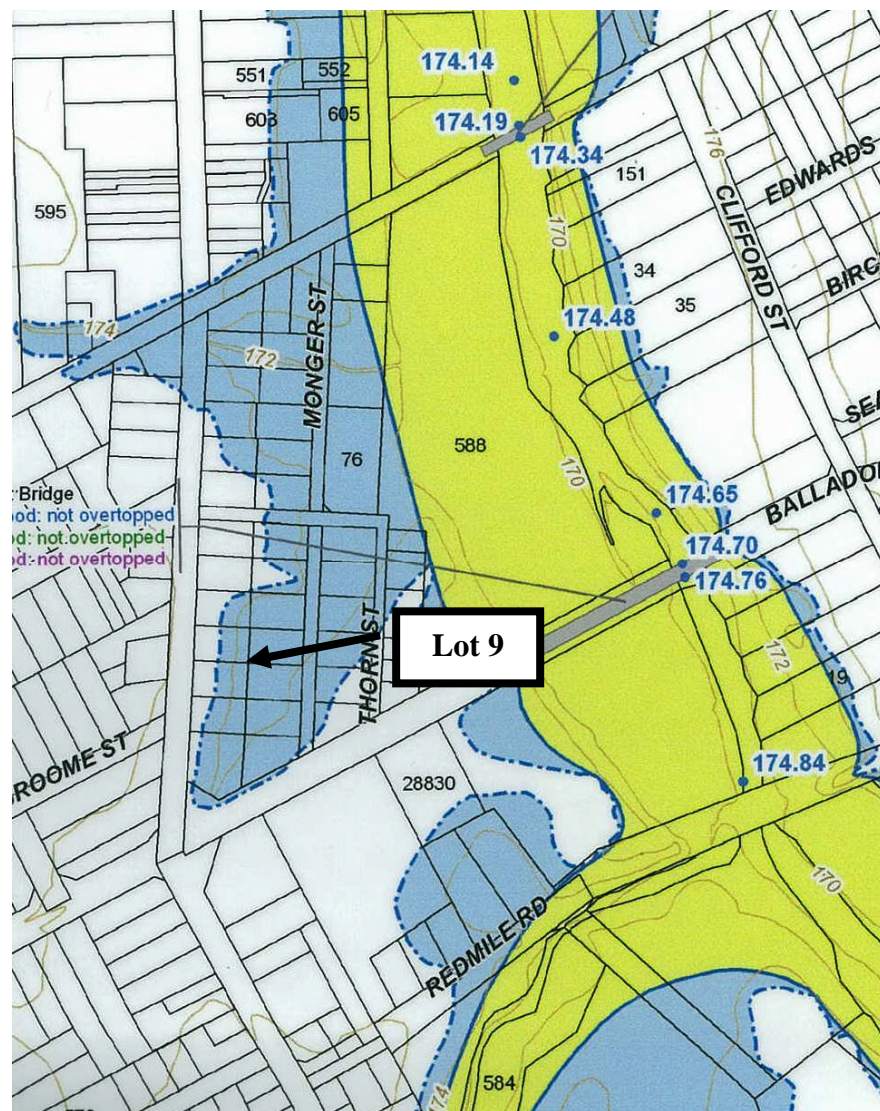
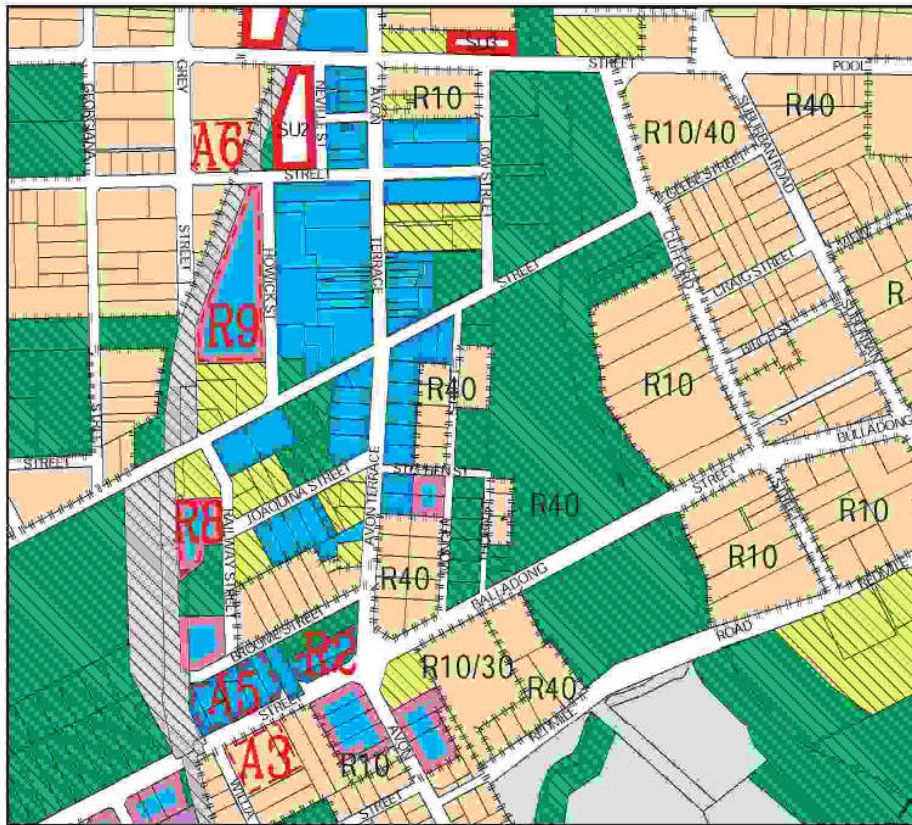


Figure 30: Flood issues affecting Lot 9.



EXISTING ZONING

## LEGEND

York Z 2

- ROAD
- RECREATION AND OPEN SPACE
- RESIDENTIAL
- SPECIAL USE
- RAILWAY
- TOWN CENTRE
- PUBLIC PURPOSES
- MIXED BUSINESS
- GENERAL AGRICULTURE
- RURAL RESIDENTIAL
- INDUSTRIAL



Government of Western Australia  
Department for Planning and Infrastructure

SHIRE OF YORK

TOWN PLANNING SCHEME NO 2

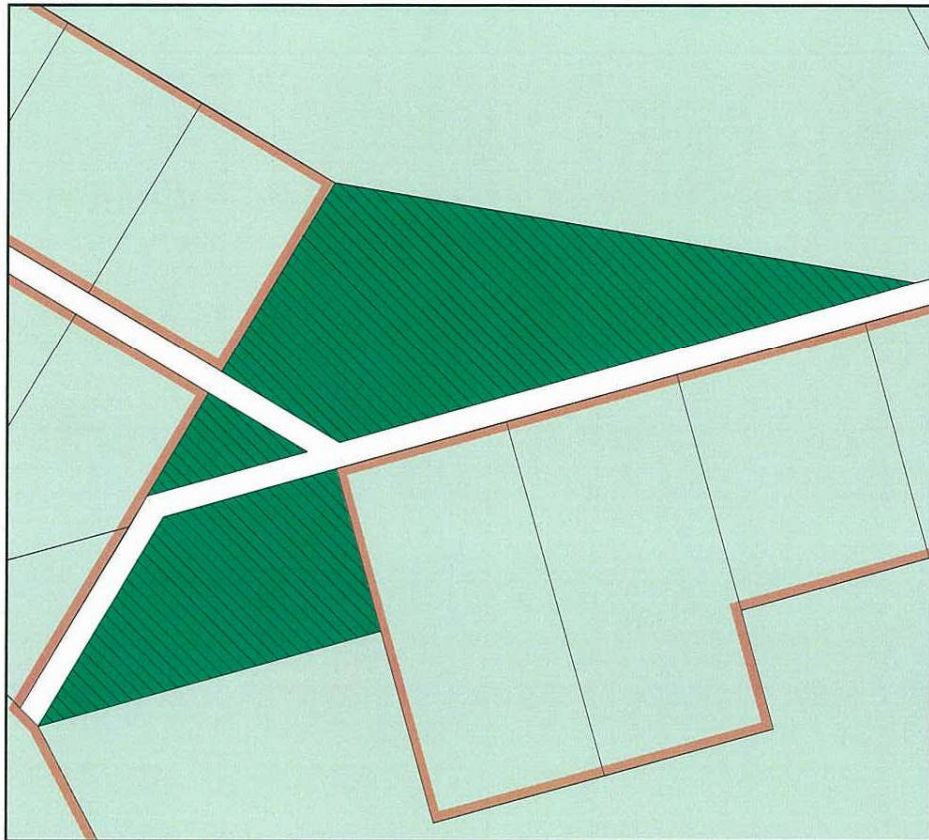
AMENDMENT NO. 43



Scale 1:9000

0 125 m










EXISTING ZONING

## LEGEND

York Z 2

-  GENERAL AGRICULTURE
-  RURAL RESIDENTIAL
-  RECREATION AND OPEN SPACE
-  ROAD
-  Corporate Cadastre



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SHIRE OF YORK

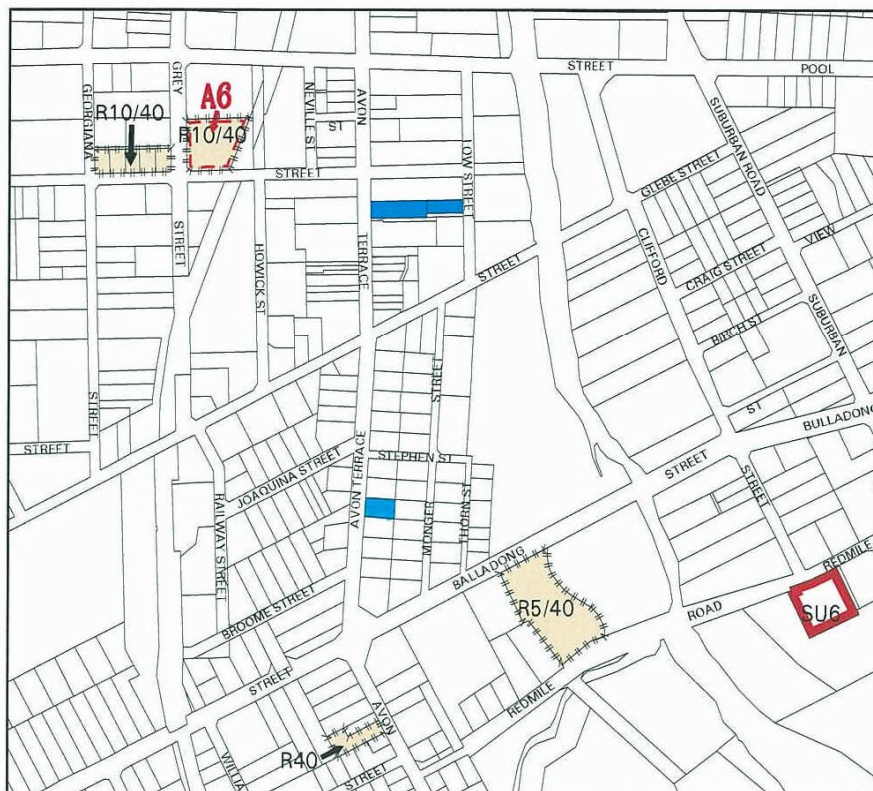
TOWN PLANNING SCHEME NO 2

AMENDMENT NO. 43



Scale 1:6000

0  50m



SCHEME AMENDMENT MAP

## LEGEND

-  LPS Cadastre - Capture data
- York Z 2
-  RESIDENTIAL
-  TOWN CENTRE
-  SPECIAL USE
-  TPS Amendment Rcodes
-  SPECIAL USE AREA
-  TPS Amendment Additional, Restricted & Special Additional Use



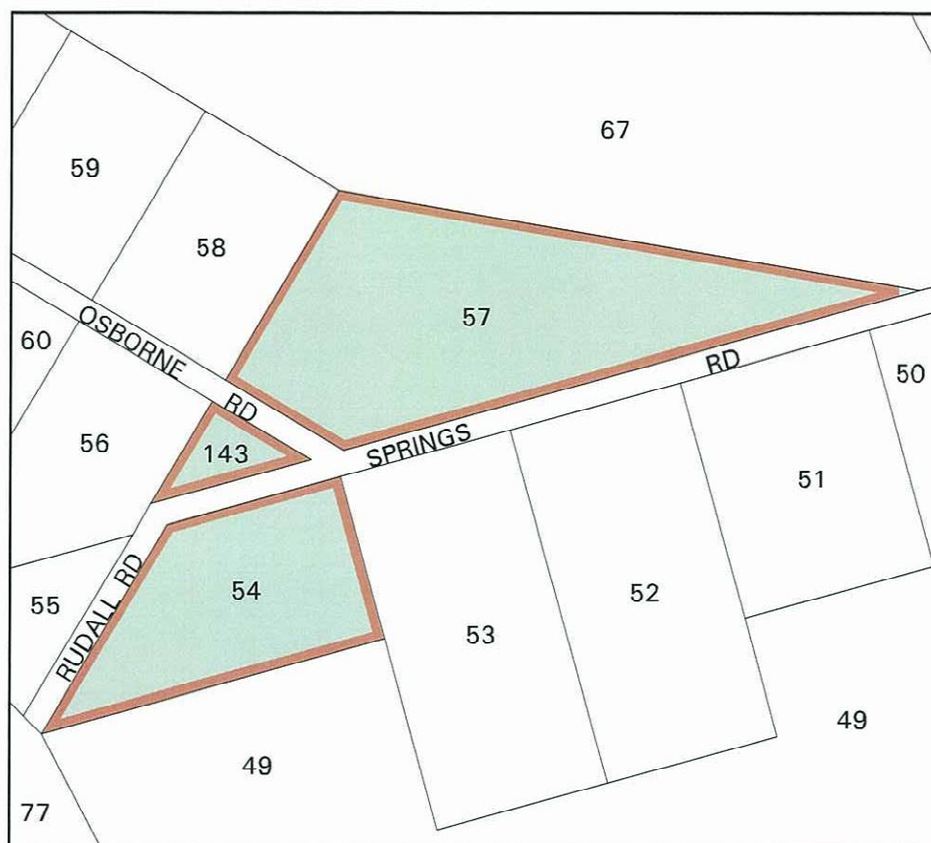
Government of Western Australia  
Department for Planning and Infrastructure

SHIRE OF YORK  
TOWN PLANNING SCHEME NO 2  
AMENDMENT NO. 43



Scale 1:9000

0 125 m



SCHEME AMENDMENT MAP

## LEGEND

 Corporate Cadastre

York Z 2

 RURAL RESIDENTIAL

 TPS Amendment Additional, Restricted & Special Additional Use



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SHIRE OF YORK

TOWN PLANNING SCHEME NO 2

AMENDMENT NO. 43



Scale 1:6000

0  50 m

## PLANNING AND DEVELOPMENT ACT 2005

### SHIRE OF YORK

#### TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 43

The Shire of York Council, 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 Lots 1 to 5 Macartney Street and Lot 342 Grey Street from 'Residential R10/30' to 'Residential R10/40';
2. Rezoning Lot 50 Avon Terrace from 'Residential R10' to 'Residential R40';
3. Rezoning Lots 57 and 143 Osborn Road and Lot 54 Springs Road from 'Recreation and Open Space' to 'Rural Residential';
4. Rezoning Portion of Lot 2 Redmile Road from 'Recreation and Open Space' to 'Residential R5/40';
5. Rezoning Lot 551 Avon Terrace and Lot 552 Lowe Street from 'Public Purposes' to 'Town Centre';
6. Rezoning Lot 615 Brook Street from 'Public Purposes' to 'Special Use Zone';
7. Inserting the following 'Special Use Zone 6' to Schedule 3; and

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lot 615 Brook Street (Old York Hospital)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Residential, Short Term Accommodation	<ol style="list-style-type: none"><li>1. 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.</li><li>2. 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).</li></ol>

9. Rezoning Lot 9 (68) Avon Terrace, York, from 'Residential R40' to 'Town Centre'.

## **SHIRE OF YORK**

### **TOWN PLANNING SCHEME NO. 2 – AMENDMENT NO. 43**

#### **SCHEDULE OF MODIFICATIONS**

1. Removal of Lots 500 and 501 Bayly Road from the rezoning proposal as a result of the advice received from the Department of Regional Development and Lands dated 19 July 2011 advised that these lots have been cancelled. Lands comprising these lots were (i) partly sold by amalgamation into adjoining freehold lots, and (ii) partly reserved as Lot 504 for 'Emergency Access Lane', as Reserve 50319 under management of the Shire of York.

## RESOLUTION TO AMEND SCHEME

Adopted by resolution of the Council of the Shire of York at the Ordinary Meeting of the Council held on the .....day of.....2011.

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
SHIRE PRESIDENT

## RESOLUTION TO ADOPT AMENDMENT TO SCHEME

Adopted by resolution of the Council of the Shire of York at the Ordinary Meeting of the Council held on the ..... day of .....20.....

(a) that the amendment to the Scheme be adopted ~~with or~~ without modification;

~~(b) that it does not wish to proceed with the amendment to the Scheme,~~  
(delete whichever is not applicable)

The Common Seal of the Shire of York was hereunto affixed  
by authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
SHIRE PRESIDENT

Recommended/Submitted for Final Approval

\_\_\_\_\_  
DELEGATED UNDER s. 16 OF  
THE PD ACT 2005

Date: \_\_\_\_\_

Final Approval Granted

\_\_\_\_\_  
MINISTER FOR PLANNING

Date: \_\_\_\_\_



**SCHEDULE OF SUBMISSIONS**

**PROPOSED SCHEME AMENDMENT NO. 43  
OMNIBUS AMENDMENT**

<b>Submitter</b>	<b>Submission Received</b>	<b>Applicant's Comments</b>	<b>Officer Comments</b>
Western Power	No objections.	N/a	Noted.
Department of Regional Development & Lands	Lots 500 and 501 Bayley Road were cancelled about two years ago. Lands comprising these lots were (i) partly sold by amalgamation into adjoining freehold lots, and (ii) partly reserved as Lot 504 for 'Emergency Access Land', as Reserve 40319 under management of the Shire of York. This is the 'final' form of the reserve and no further amendment of, or excision from, this reserve is proposed or envisaged.	N/a	Scheme Amendment documents originally prepared prior to cancellation of lots. Scheme Amendment documents amended accordingly to delete all references to these lots.
Water Corporation	<ol style="list-style-type: none"> <li>1. <u>Rezoning Lots 1 to 5 McCartney Street and Lot 342 Grey Street from 'Residential R10/30' to 'Residential R10/40'</u>. Lots 1 to 5 are currently connected to water and sewerage. Future redevelopment of Lots 1 to 5 and density development on Lot 342 may require the developers to fund extensions and upgrades to the local water and sewerage pipes.</li> <li>2. <u>Rezoning Lot 50 Avon Terrace from 'Residential R10' to 'Residential R40'</u>. Lot 50 is vacant. Water and wastewater services are available to the site.</li> <li>3. <u>Rezoning Lots 50 and 143 Osborn Road and Lot 54 Springs Road from 'Recreation and Open Space' to 'Rural Residential'</u>. No objections. No servicing implications.</li> <li>4. <u>Rezoning portion of Lot 2 Redmile Road from 'Recreation and Open Space' to 'Residential R5/40'</u>. It is noted that the proposal is to rezone the 9,850m2 developable portion of Lot 2 outside</li> </ol>	Noted advice particularly with regards to point 4.	Noted.

	<p>the floodway of the Avon River. Development of this land to R40 density will require the extension of the water and sewerage services to the site at the developer's cost. The subject land is relatively low-lying and will be difficult to service with sewerage. It is likely that the site will need to be substantially filled in order to achieve the required fall in order to achieve the required fall to the nearest sewer. The Council is requested to liaise with the Corporation's Asset Planner as early as possible prior to planning and designing development of this site.</p> <p>5. <u>Rezoning Lot 551 Avon Terrace and Lot 552 Lowe Street from 'Public Purposes' to 'Town Centre'</u>. No objections. Sewer and water services are available to these lots.</p> <p>6. <u>Zoning Lots 500 and 501 Bayley Road (closed road reserve) 'Rural Residential'</u>. No objections. No servicing implications.</p> <p>7. <u>Rezoning Lot 615 Brook Street from 'Public Purposes' to 'Special Use Zone'</u>. No objections. Water services are available to this land. Sewerage is not available in the vicinity.</p> <p>8. <u>Rezoning Lot 9 (68) Avon Terrace, York from 'Residential R40' to 'Town Centre'</u>. No objections. Water and sewerage services are available to the site.</p>		
Department of Education	No objections.	N/a	Noted.
Department of Mines and Petroleum	Geological Survey of Western Australia, a division of Department of Mines and Petroleum has briefly assessed the area for mineral potential and has no access concerns regarding mineral resources.	N/a	Noted.
Heritage Council of Western Australia	It is considered that the omnibus scheme amendment will not have a detrimental impact on the affected heritage places, and as such we have no objection to the proposal. We are generally supportive of amendments that enable appropriate uses for heritage places. State Planning Policy 3.5 Historic Heritage Conservation states that 'conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use'. We are therefore supportive of point 8 of the amendment concerning the Old	N/a	Noted.

	York Hospital, which falls within the York Hospital Precinct (Place No. P0319) as it will allow for tourism uses in addition to its current residential use.		
Department of Water	<p>The Department of Water has no objection to the proposal provided the following is considered at relevant development stages:</p> <ul style="list-style-type: none"> <li>• Drainage systems shall be designed and constructed consistent with the Stormwater Management Manual for Western Australia.</li> <li>• The Avon River Flood Study shows that some of the proposed lots are located within the floodway and/or flood fringe of the Avon River and are affected by flooding during major river flows with the estimated 100 year Average Recurrence Interval flood levels varying within the townsite from 174.84m AHD at the Avon's confluence with Blands Brook to 172.5m AHD adjacent to the York Racecourse.</li> </ul> <p>The Department's floodplain management strategy for the area is:</p> <ul style="list-style-type: none"> <li>• Proposed development 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 estimated 100 Year Average Recurrence Interval flood level for any proposed development site is recommended to ensure adequate flood protection.</li> <li>• Proposed development that is located within the floodway and is considered to be obstructive to major flows is not acceptable as it would increase flood levels upstream. No new buildings are acceptable in the floodway.</li> </ul>	Noted.	<p>Noted. Comments consistent with Clause 5.4 of the York Town Planning Scheme No. 2.</p> <p>All new development to be referred to the Department of Water for assessment.</p>
Main Roads Western Australia	<p>MRWA has reviewed the proposed Amendment and provides the following comments:</p> <p><u>Lots 1-5 (Nos. 22-30) Macartney Street and Lot 342 (No. 8) Grey Street.</u> These lots are not on the MWRA network and further development of the land should not provide any adverse impact to the network. Therefore the MRWA has no comments to provide with</p>	N/a	Noted, particularly with regards to the Old York Hospital and Redmile House.



	<p>respect the rezoning.</p> <p><u>Lot 50 (49) Avon Terrace.</u> This lot is on the MWRA controlled Northam-Cranbrook Road (Avon Terrace). Any development of the lot will need assessment by MWRA to ensure that our access requirements and other standards are met.</p> <p><u>Closed Road – Bayly Road.</u> The rezoning of this portion of land does not provide a determinable adverse impact to the MWRA network, therefore we have no comments to provide with respect the rezoning.</p> <p><u>Lots 551 and 552 Avon Terrace/Lowe Street (York Post Office).</u> These lots are not on the MWRA network and rezoning of the land should not provide any adverse impact to the network. Therefore MWRA has no comments to provide with respect the zoning.</p> <p><u>Lot 615 &amp; 616 Brook Street (Old York Hospital).</u> The use prescribed under the rezoning of these lots has the potential to impact the MWRA network at two intersection locations, depending on the traffic generated. Any development proposal should address traffic generation and provide management plans as required.</p> <p><u>Lot 2 Redmile Road (Redmile House).</u> This lot has frontage along the Northam-Cranbrook Road (Balladong Road) with current access from Redmile Road. Any future development of the lot will need to be accessed from Redmile Road. Where ever possible, access should be from a local road as it is not the purpose of main roads to provide access to developments. The section of this lot having frontage to the Northam-Cranbrook Road is also impacted by the proximity of Bridge 290, over the Avon River, and the conflict risk associated with through traffic.</p> <p><u>Lots 57 &amp; 143 Osborn Road and Lot 54 Springs Road.</u> These lots are not on the MWRA network and further development of the land should not provide any adverse impact to the network. Therefore MWRA has no comments to provide with respect the rezoning.</p>		
Public Transport Authority	The Public Transport Authority would like to make the following comments in relation to land which abuts the rail corridor, in	N/a	Issues raised to be considered at development stage when planning

	<p>particular Lot 342 Grey Street:</p> <ul style="list-style-type: none"> <li>• No stormwater runoff from development of this lot is to run into the rail corridor, all stormwater to be retained within the development.</li> <li>• There is to be no access from the lot to or across the rail corridor.</li> <li>• Prior to development at the corner of Grey and Macartney Road the proposal must be reviewed for interference to the line of sight for train movements.</li> <li>• Proposed pedestrian mazes to be installed at the cost of the Shire of York.</li> <li>• Any development must meet the State Noise Policy Guidelines and noise mitigation measures, including noise walls and graffiti management, to be at the cost of the developer.</li> </ul>		<p>application is received.</p>
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