

TOWN OF CLAREMONT SCHEME AMENDMENT

TOWN PLANNING SCHEME 3 – SCHEME AMENDMENT 134

REZONING AND RESERVING OF LAND IN THE VICINITY OF LAKE CLAREMONT

NOVEMBER 2016



Planning and Development Act 2005

Resolution Deciding to Amend a Town Planning Scheme

Town of Claremont

Town Planning Scheme 3

Amendment 134

Resolved that Council, in accordance with Section 75 of the *Planning and Development Act 2005*, amend Town Planning Scheme 3 as follows:

1. Zone the unzoned portions of the following lots to 'Educational':

- Lot 1 on D6269
- Lot 400 on P33694
- Lot 151 on D30924

All of which form part of the Scotch College campus at 31 Shenton Road, Swanbourne.

2. Modify the portions of the following lots that are currently zoned 'Educational' to 'Local Reserves – Recreation':

- Lot 900 on P48900
- Lot 11098 on P016084 (R40523)

which are located immediately north of The Cedus, Swanbourne.

3. Remove the present "Local Reserves - Recreation' from the portion of Lot 1063 on P222328 that is intended to be formalised as a road reserve and that forms the intersecting area of Devon Road, Mitford Street and Fern Street.

4. Modify the following lots from 'Residential' to 'Local Reserves – Recreation:

- Lot 440 on P59604 (R49882)
- Lot 441 on P59604 (R49882)

Which are adjacent to Swanway Crescent, Swanbourne.

5. Remove the present 'Residential' zone from the following road reserves within the Lakeway Estate, Swanbourne:
 - Swanway Crescent
 - Glenway Crescent
 - Eastway Crescent
 - Aceway Lane
 - Melway Lane

6. Zone the unzoned portion of Lot 63 on PS002835 (88 Davies Road, Claremont) 'Residential' and apply a density code of 'R30'.

Dated this 15th day of November 2015.

S Goode

Chief Executive Officer

Scheme Amendment Report

Proposal to Amend a Town Planning Scheme

Local authority:	Town of Claremont
Description of Town Planning Scheme:	Town Planning Scheme No.3
Type of scheme:	Local Planning Scheme
Serial number of amendment:	Amendment No.134
Proposal:	Rezoning and Reserving of Land in the Vicinity of Lake Claremont
Report By:	Town of Claremont

Summary

Scheme Amendment No. 134 proposes minor changes to the scheme maps to land surrounding Lake Claremont.

The amendment is in response to the recently approved Metropolitan Region Scheme (MRS) Amendment No. 1275/57 which altered the MRS Parks and Recreation Reserve and in part applied an Urban MRS zone over land in locality, which now requires a zone to be applied under TPS3.

Council supported the MRS amendment at its meeting on 18 March 2014 and made a commitment to review several related zoning issues once the MRS amendment was finalised.

The MRS Amendment was gazetted on 8 July 2016 and TPS3 now requires modifications.

Previous Decisions of Council

Ordinary Council Meeting 18 March 2014, Resolution No. 33/14:

In addition to supporting MRS Amendment No. 1275/57 Council determined the following:

3. *Upon finalisation of the Metropolitan Region Scheme Central Districts Omnibus Amendment No. 4, Council is to consider an amendment to Town Planning Scheme No. 3 to include the following:*
 - a) *Rezoning the Reserve for Recreation contained on Lot 11098 on Plan 16084 directly north of The Cedus as Local Reserves – Recreation.*
 - b) *Define the road reserve in the vicinity of the junction of Mitford Street, Fern Street and Devon Road and add and remove associated remnant land developed as public open space surrounding the junction of these roads.*
 - c) *The removal of Lot 90 (39) Fern Street from the residential zone and add the lot to Local Reserves for Recreation to preserve the natural bushland and amenity of the property as an adjunct to the Lake Claremont parklands for the future benefit and enjoyment of the local community.*

Statutory Considerations

The MRS amendment 1275/57 was gazetted on 8 July 2016. Council is required to initiate action to amend TPS3 to reflect the changes contained in the MRS amendment in accordance with section 124 of the *Planning and Development Act 2005* (PDA). Section 126(1) of the PDA automatically gives effect to inclusion of the new reservations in TPS3. Where the MRS amendment zones land 'Urban', a new zone or local reserve is required to be applied to TPS3 over the 'Urban' MRS zones.

Amendments are required to be undertaken in accordance with Part 5 of the new *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs).

This amendment is classed as 'standard' based on the following criteria as set out in the LPS Regs:

- a) The amendment will make the scheme consistent with a region planning scheme, and is not a basic amendment
- b) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment
- c) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Discussion

The proposed changes to the TPS3 maps include:

1. Zone parts of the Scotch College playing fields from 'unzoned' to 'Educational'.
2. Rezone the 'Educational' zoned playing fields to the north of The Cedus to 'Local Reserves - Recreation'.
3. Remove the zone and reserve portions over the road reserve at the intersection of Devon Road, Mitford Street and Fern Street to reflect its use as a local road.
4. Rezone the bushland to the north of the Lakeway Estate from 'Residential R20' to 'Local Reserves - Recreation'.
5. Remove the Residential zone over the road reserves within the Lakeway Estate.
6. Zone the unzoned portion of 88 Davies Road 'Residential' and apply a density code of 'R30' to match the remainder of the site.

In addition, there is discussion on Lot 90 Fern Street, Swanbourne and several road reserves affected by MRS Amendment 1275/57. It is not proposed to change the zoning of these areas.

1 - Scotch Playing fields

The MRS 'Parks and Recreation' reserve boundary for the Scotch College playing fields has been realigned to match the lot boundaries. This is simply a tidying of boundaries and is not intended to have any effect on the use or development of the land. The resultant unzoned land is proposed to be zoned 'Educational' to match the remainder of the affected lots. The land is owned by Scotch College. The affected lots are:

- Lot 1 on D6269
- Lot 400 on P33694
- Lot 151 on D30924.

2 – The Cedus

Land to the north of the Cedus was originally zoned 'Educational' as part of the development of that estate. The intent was to retain part of the old oval as a school playing field and to ensure the land was retained as open space. The land is owned by the Town and while school sports may be played on the land there are no restrictions on its use by the public and therefore it is more appropriate to reserve the land as 'Local Reserves - Recreation' under TPS3. The affected lots are

- Lot 900 on P48900
- Lot 11098 on P016084 (R40523)

3 – Devon Road Mitford Street and Fern Road Intersection

The as-constructed intersection of Devon Road, Mitford Street and Fern Street is not reflected in the zoning or cadastral boundaries of the land. The majority of the intersection is zoned under TPS3 as 'Local Reserves - Recreation'.

The MRS amendment extended the MRS boundary up to what should be the eastern edge of the road reserve in this location. It is proposed to un-zone the land that the road is built on, leaving approximately 400m² of parkland (Local Reserve – Recreation) to the south of the intersection.

It is intended to formally dedicate the land used as a road reserve at some point in the future. The proposed reserve boundaries reflect this future arrangement and will clarify the intended use of the land in the mean time. The boundaries of the reserve are based on drawings by the Town's Engineering Services and the Department of Lands.

4 – Lakeway Estate Bushland

The bushland to the north of the Lakeway Estate is currently zoned 'Residential'. It contains high quality native vegetation and serves a drainage function for the area. The existing 'Residential' zoning of this land resulted from the change of use from the old drive-in-theatre that used to occupy the site. When the land was redeveloped by the Town the whole site was zoned 'Residential' with a 'R20' coding, so as not to constrain the final design. Now that the development of the estate is complete, reserving this land as 'Local Reserves - Recreation' under TPS3 is recommended to reflect its environmental qualities.

5 – Lakeway Estate Roads

Similar to point 4 above, the roads within the Lakeway Estate should be unzoned now that the development of the estate is complete.

6 – Lot 66 (88) Davies Road

An anomaly exists in that the majority of this property is currently unzoned under TPS3. The lot is 3586m² in area and approximately 2150m² of this is unzoned with the remainder being 'Residential' with an 'R30' coding. The property has been developed with 10 grouped dwellings, despite this anomaly. It is proposed to zone the unzoned portion of this lot 'Residential' with a density code of 'R30' to match the remainder of the lot. This density code is comparable to the existing density of the development.

Unzoned Road Reserves

Several streets were removed from MRS reserves by the MRS Amendment No. 1275/57. As road reserves are generally unzoned under local planning schemes, it is proposed to leave the affected parts of the following streets unzoned and not apply a zoning under TPS3:

- Shenton Place
- Davies Road
- Lapsley Road

- Elliot Road (all formerly 'Parks and Recreation' Reserve); and
- Guger Street (formerly 'Railways' Reserve)

Lot 90 Fern Street

Rezoning of Lot 90 (39) Fern Street from 'Residential R20' to 'Local Reserves - Recreation' may also be considered by Council in accordance with Council's resolution 33/14 dated Meeting 18 March 2014 to preserve the natural bushland and amenity of the property as an adjunct to the Lake Claremont parklands for the future benefit and enjoyment of the local community.

Lot 90 Fern Street is owned by the Town in freehold. It appears that the land was acquired for the purpose of allowing a road connection through to Mitford Street however was ultimately not required for this, and the road was constructed under its present alignment to the immediate west. The land has been treated as public open space by local residents and contains a number of mature trees. The site is valued by members of the local community, many of whom have successfully sought to retain the site as vacant land when Council previously considered its sale.

The lot is 685m² in area and has a likely value of in the order of \$1m if sold on the open market (a formal valuation has not been sought).

Reserving this lot as 'Local Reserves - Recreation' would mean the lot will remain as parkland in the future. In determining whether to include this lot into the amendment, Council should consider the relative benefits to the community of retaining the land as is or selling it and using the proceeds to improve other facilities in the Town. There may however be some potential for this land to be swapped with other State owned land. This would require detailed investigation and could be considered in the future should Council wish to pursue the application of a Local Open Space reservation on the land at another time.

No rezoning of this land is proposed.

Summary

Scheme Amendment No. 134 is required to zone the portions of the Scotch College playing fields that have been left unzoned under TPS3 by the recent MRS amendment 1275/57. The additional changes will resolve a number of zoning issues surrounding Lake Claremont but are not expected to lead to changes in the development or use of the affected land.

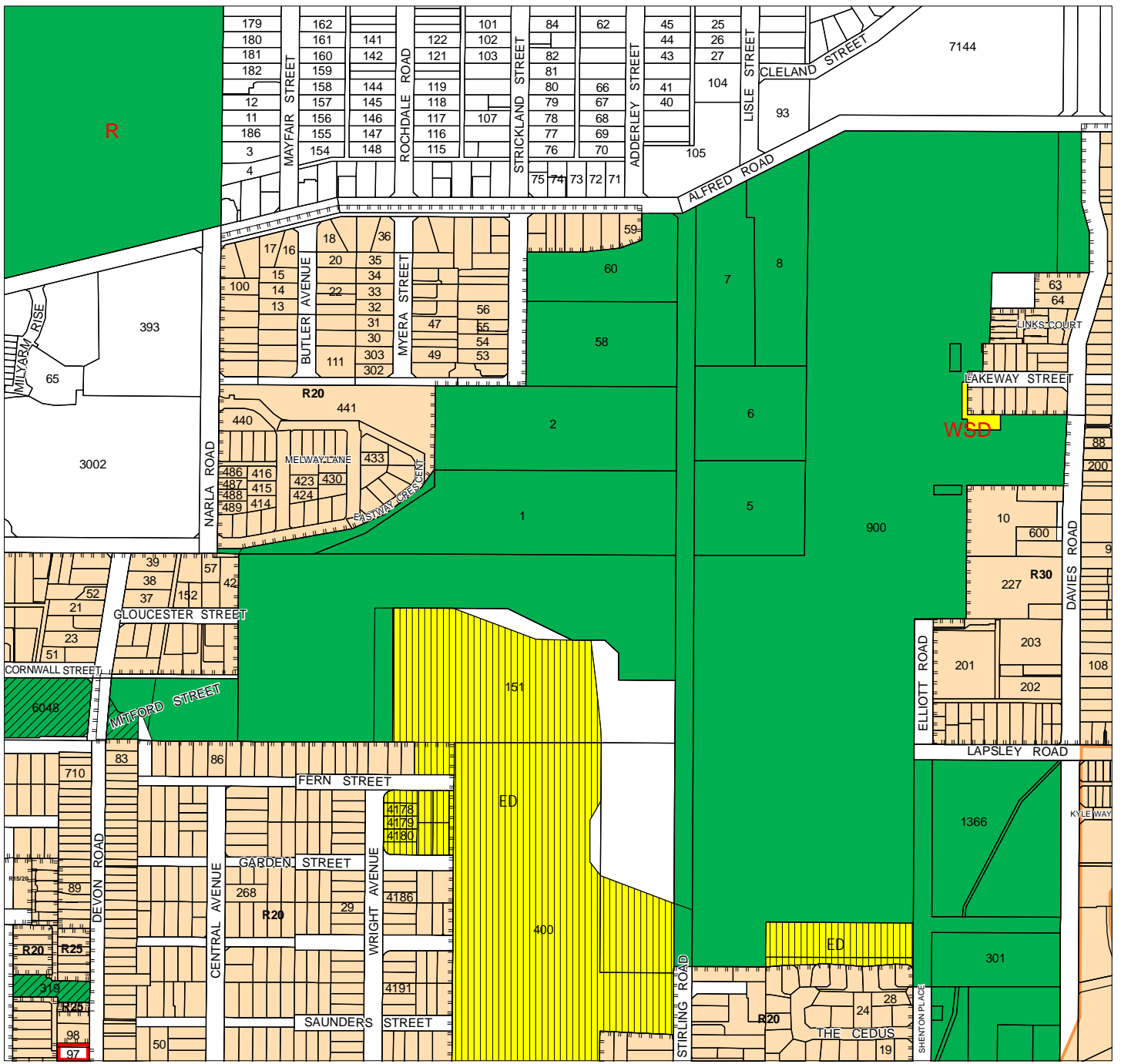
Planning and Development Act 2005

Town of Claremont Town Planning Scheme 3

Amendment 134

The Town of Claremont 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:

[insert amendment text once Council has adopted following advertising]



EXISTING SCHEME MAP

Legend

- Cadastre with Lot number
- R Codes
- LPS Zones**
- Development
- ED Educational
- Residential
- Special zone - restricted use
- LPS Reserves**
- Local reserves - recreation
- Existing Region Scheme Reserves**
- Parks and recreation
- Public purposes - Water Authority of WA



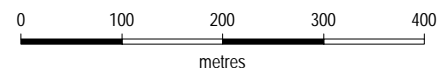
Department of Planning

Town of Claremont

Town Planning Scheme No. 3

Amendment No. 134

Produced by GeoSpatial Research and Modelling,
 Department of Planning, Perth WA
 Base Information supplied by Western Australian
 Land Information Authority LI 782-2015-3





PROPOSED SCHEME AMENDMENT MAP

Legend

Cadastre with Lot number

R Code amendments

LPS Zones and Reserves Amendments

Educational

Local reserves - recreation

No zone

Residential



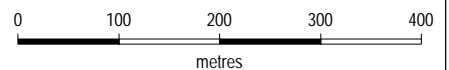
Department of Planning

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Town Planning Scheme No. 3

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Adoption

Adopted by resolution of the Council of the Town Claremont at the Ordinary Meeting of Council held on 15 November 2016 .

J Barker

Mayor

S Goode

Chief Executive Officer

Final Approval

Amendment supported by resolution of the Town of Claremont at the Ordinary Meeting of Council held on _____. The seal of the Town of Claremont was hereunto affixed by the authority of a resolution of the Council in the presence of:

J Barker

Mayor

S Goode

Chief Executive Officer

[Town of Claremont Seal]

Recommended/submitted for final approval

The Western Australian Planning Commission (Delegated under s.16 of the Planning and Development Act 2005)

Final Approval Granted