



City of Nedlands

Planning and Development Reports


Committee Consideration – 14 July 2015

Council Resolution – 28 July 2015

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PD33.15 Metropolitan Region Scheme Amendment 1275/57 – Central Districts Omnibus 4 – Various Lots – Request for Comment

Committee	14 July 2015
Council	28 July 2015
Applicant	Western Australian Planning Commission
Owner	Various
Officer	Jennifer Heyes – Manager Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	PLAN-IRC-00031
Previous Item	Nil

1.0 Executive Summary

The Western Australian Planning Commission (WAPC) is seeking comment on an Omnibus Amendment to the Metropolitan Region Scheme (MRS). An Omnibus Amendment combines a number of minor amendments and processes them together for convenience.

This Omnibus Amendment proposes 33 minor amendments to various properties across the Central Districts, and covers 12 different Councils areas. Five (5) of the amendments relate to sites within the City of Nedlands.

The first 4 amendments (Proposals 19-22) generally seek to fix an error or anomaly in the scheme and these amendments are supported, however, part of Proposal 23 do not correspond with the current use and ownership of the land, or the recent state policies and as such is not supported.

1.1 Recommendation to Committee

Council advises the Western Australian Planning Commission that it:

1. **Supports** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 19** to transfer Lot 100 Vix Street, Nedlands, from the Parks and Recreation reserve to the Urban zone, subject to a concurrent local scheme amendment to Residential with Coding R12.5; and
2. **Supports** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 20** to transfer a portion of Lot 1 Railway Road from the Parks and Recreation reserve to the Public Purposes (Special Use) reservation; and

3. **Supports** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 21** to transfer Lot 12241 John XXIII Avenue, Mount Claremont from the Public Purpose (Hospital) reservation to the Urban zone, as the Council resolved in 2013 to support the change in-principal prior to undertaking a local scheme amendment for the site to be Special Use – Storage Facility; and
4. **Supports** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 22** to transfer a portion of Lot 8001 Jutland Parade, Dalkeith from the Urban zone to the Parks and Recreation reservation; and
5. **Does not support** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 23 (part of)** to transfer Lots 9358, 9073 and 7961 Selby Street, Shenton Park from the Urban zone to the Public Purposes (Special Use) reservation, as the reservation zoning would be unduly more restrictive and the current zoning of the land is appropriate given the current use and ownership of the land; and
6. **Supports** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 23 (part of)** to transfer Lots 10149 and 10162 Bedbrook Place, Shenton Park from the Urban zone to the Parks and Recreation reservation and designate the same as a Bush Forever area as studies have shown that the sites have ‘good condition’ remnant vegetation which will contribute to the surrounding Bush Forever sites; and
7. **Supports** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 23 (part of)** to transfer Lot 9585 Bedbrook Place, Shenton Park from the Public Purpose (Hospital) reservation to the Public Purposes (Special Use) reservation, subject to further designation to clarify the permitted use of the site; and
8. **Supports** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 23 (part of)** to transfer Lots 11329, 12829 and 12830 Bedbrook Place and Lot 9866, 11605 and 12496 Lemnos Street, Shenton Park from the Public Purpose (WSD) reservation to the Public Purpose (Special Use) reservation, subject to further designation to clarify the permitted use of each of the sites; and
9. **Supports** Metropolitan Region Scheme Amendment 1275/57 – **Proposal 23 (part of)** to transfer Lot 3741 Lemnos Street, Shenton Park from the Public Purpose (Commonwealth Government) reservation to the Public Purpose (Special Use) reservation, subject to further designation to clarify the permitted use of the site; and
10. **Notes and advises** that the proposed amendments under Metropolitan Region Scheme Amendment 1275/57 – **Proposal 23**, are inconsistent with the Perth & Peel @3.5 million document which identify the lots as redevelopment corridor; and
11. **Requests** that the proposed amendments under Metropolitan Region Scheme Amendment 1275/57 – **Proposal 23** are reconciled with the Perth & Peel @3.5

million document and if changes are proposed that they are referred to Council for further comment.

1.2 Strategic Community Plan

KFA: Natural and Built Environment

KFA: Governance and Civic Leadership

This report addresses the Key Focus Areas of Natural and Built Environment and Governance through adherence to the requirements of Town Planning Scheme No. 2 (TPS 2) and the Metropolitan Region Scheme (MRS).

3.0 Legislation / Policy

- *Planning and Development Act 2005 (Act).*
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Draft Perth and Peel @ 3.5 Million - Western Australian Planning Commission

4.0 Consultation Process

The proposal is currently being advertised for preliminary comment by the WAPC, which includes advertising to affected landowners and relevant stakeholders such as the City of Nedlands.

5.0 Budget / Financial Implications/Risk management

Nil.

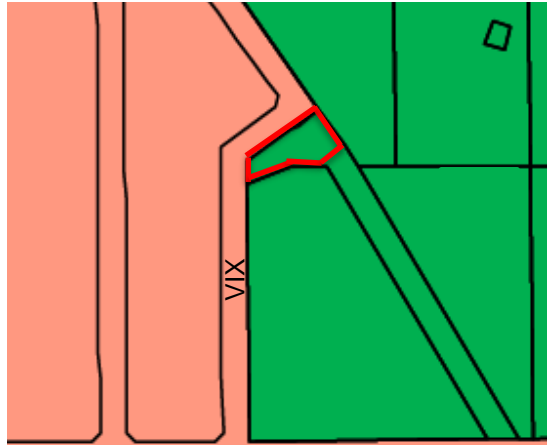
6.0 Discussion

The WAPC has recently released an Omnibus Metropolitan Scheme Amendment for comment. Five (5) of the proposals affect the City of Nedlands. These 5 proposals are set out below with Administration comments and recommendations provided.

Proposal 19:

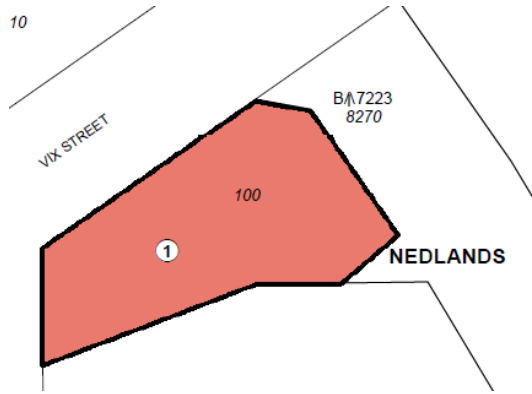
Lot 100 (No. 2) Vix Street, Nedlands – to transfer from Parks and Recreation reserve to the Urban zone

Existing Zoning



Parks and recreation
 Urban
 Subject property

Proposed Zoning



Proposed Amendment:

1 Urban zone

Aerial Photograph



Administration Comment

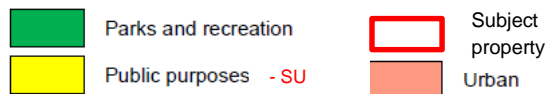
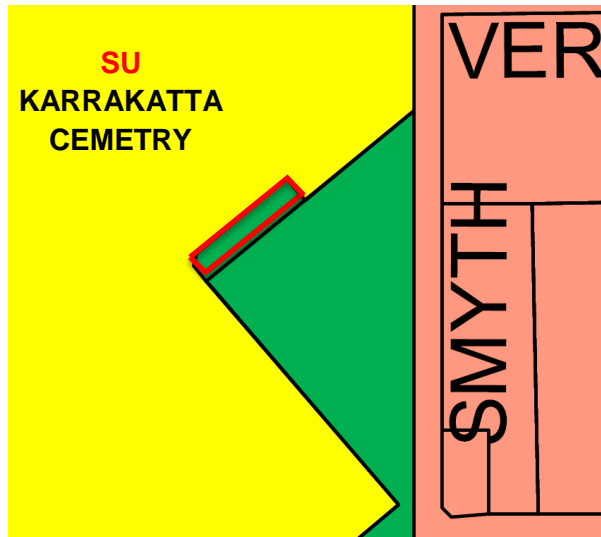
The property is privately owned and currently contains a single dwelling and as such does not function as part of the abutting Parks and Recreation reservation containing the Nedlands Golf Club.

The current zoning appears to be a historical error and as such this proposal to rectify the zoning is **supported**.

Proposal 20:

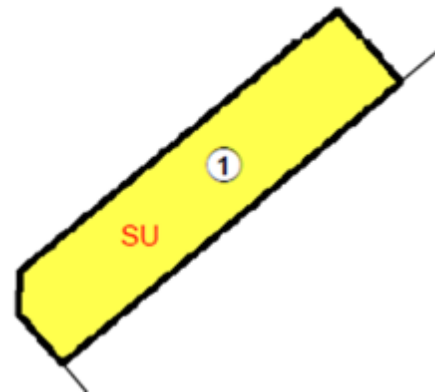
Lot 1 (No. 500) Railway Road, Nedlands – to transfer a portion from Parks and Recreation reserve to the Public Purposes (Special Use) reservation

Existing Zoning



Proposed Zoning

KARRAKATTA



Proposed Amendment:



Aerial Photograph



Administration Comment

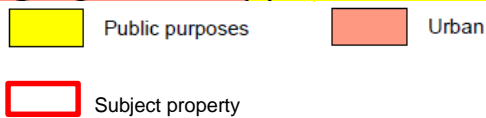
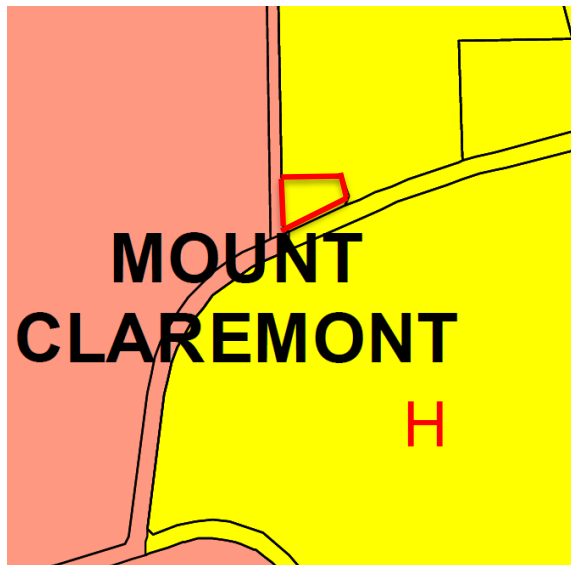
The property is currently zoned the same as the adjoining bushland, but actually forms part of the Karrakatta Cemetery and as can be seen from the aerial photograph, has been used as part of the cemetery for quite some time as grave sites are present.

Therefore, the proposal to amend the reservation of the site to the same reservation as the remainder of the cemetery is **supported**.

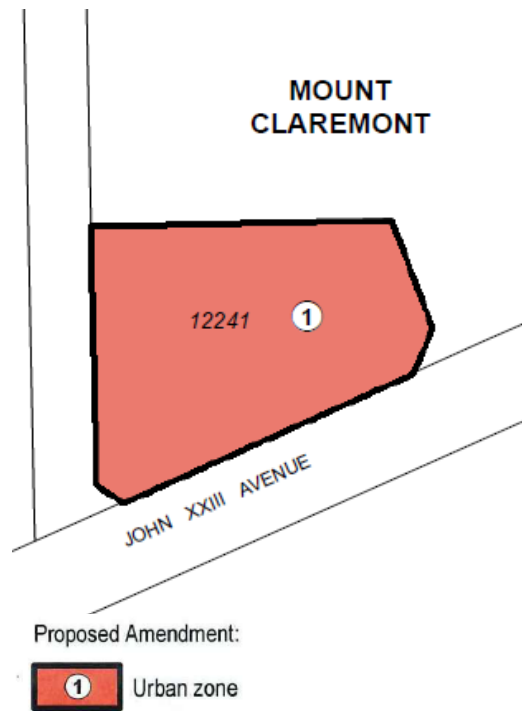
Proposal 21:

Lot 12241 (No. 17) John XXVIII Avenue, Mount Claremont – to transfer from Public Purpose (Hospital) reservation to Urban zoning

Existing Zoning



Proposed Zoning



Aerial Photograph



Administration Comment

The property contains buildings and associated car parking bays previously used by Alinta Gas as its depot, but has been sold to a private landowner.

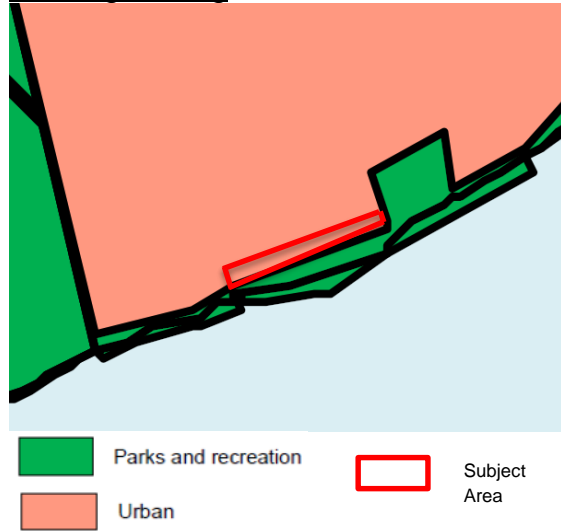
The scheme amendment document states that “In-principle support for the reclassification of the land was given by WAPC in December 2005” following submissions to an adjoining structure plan process at the Mt Claremont Sports Precinct. The support was conditional on ensuring the detailed planning was integrated into the wider planning of the adjacent land.

	<p>In 2010, Council resolved it did not support the MRS rezoning to Urban due to the sites proximity to the Graylands Hospital, Brockway Transfer Station and Wastewater Treatment Plant and existing lack of wider planning for the area.</p> <p>Then in 2013, the owners made a further application to amend the zoning of the site, this time to amend the Town Planning Scheme zoning (in lieu of the MRS) to “Special Use – Storage Facility”, the Council resolved that they had no objection to this change in principle but needed to wait until the MRS was amended in order to initiate the amendment to Town Planning Scheme No.2. The Council agreed in-principle to an MRS amendment, conditional on the subsequent Town Planning Scheme amendment to Special use – Storage Facility.</p> <p>On this basis, the current MRS amendment is supported.</p>
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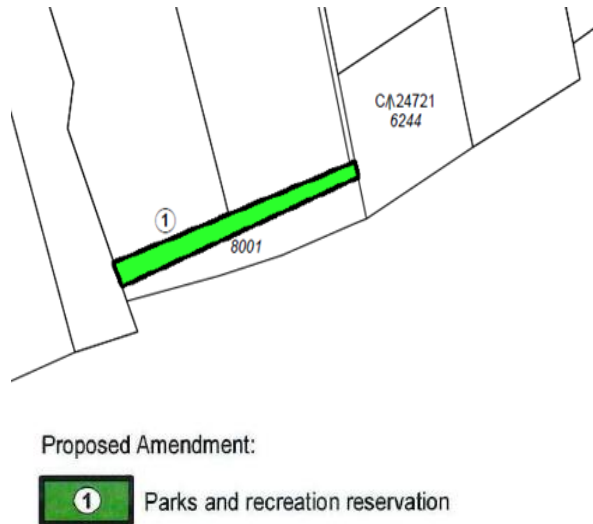
Proposal 22:

Lot 8001 (No. 64) Jutland Parade, Dalkeith – to transfer a portion from the Urban zone to the Parks and Recreation reservation

Existing Zoning



Proposed Zoning



Aerial Photograph



Administration Comment

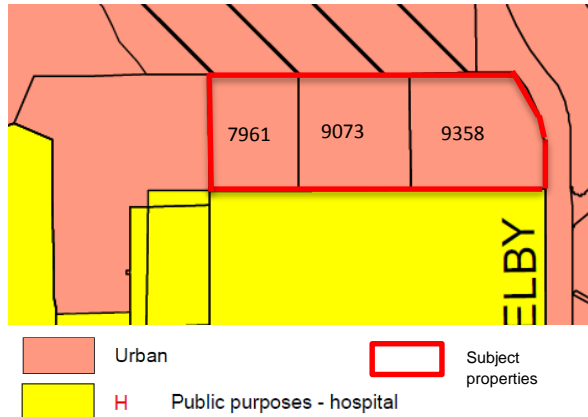
The whole of Lot 8001 has been set aside for the purposes of widening the Parks and Recreation zone. This land was taken as part of the subdivision process when the site was split into 5 blocks several years ago. The Lot has already been vested in the City of Nedlands for Parks and Recreation.

This proposal is reconciling a recent change to the ownership of the land via the subdivision process, and therefore is **supported**.

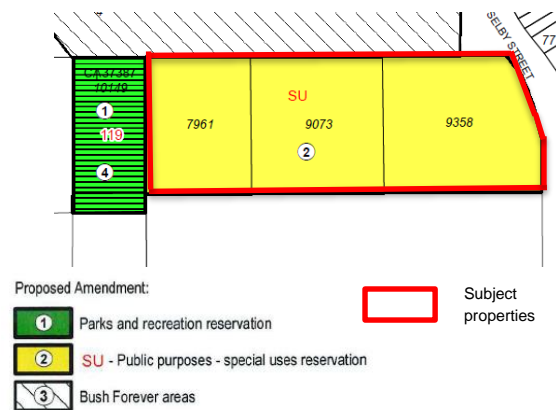
Proposal 23: (Part of)

Lots 9358, 9073 and 7961 Selby Street, Shenton Park – To transfer from Urban zone to Public Purpose (Special Use) reservation

Existing Zoning



Proposed Zoning



Aerial Photograph



Administration Comment

These properties are currently owned by Spine and Limb Foundation. They are currently zoned Urban under the MRS and 'Development' under the City of Nedlands TPS2. This means that if the owners wish to redevelop the land they are required to submit a detailed plan (ODP) for the area, to be approved by Council.

The WAPC has not provided any justification for changing the zoning of these sites to a more restrictive public purpose reservation.

The current zoning of the site provides for redevelopment of the sites, subject to Council approval. There does not seem to be any valid reason why this zoning should change to a more restrictive reservation which will effectively restrict the use of the site to 'Special Use' and move the determination of any application on the sites from the Council, to WAPC.

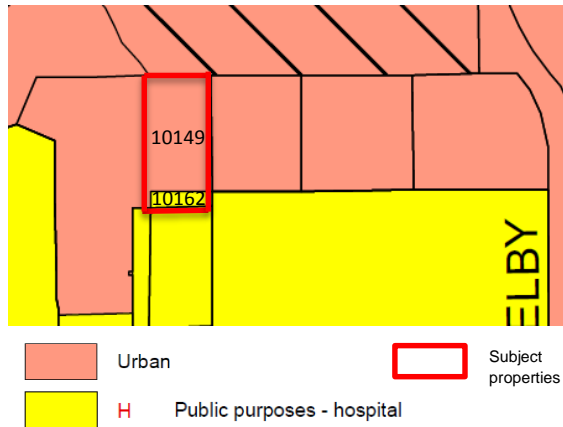
In addition, these sites have been identified in the Perth & Peel @3.5 million document as part of a future urban corridor for redevelopment. This is contrary to what is proposed as part of this amendment.

For these reasons, this part of Proposal 23 is **not supported**.

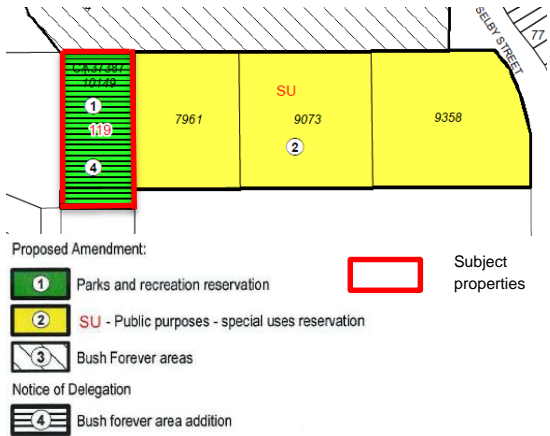
Proposal 23: (Part of)

Lots 10149 and 10162 Bedbrook Place, Shenton Park – to transfer from the Urban zone to Parks and Recreation and designate the same as a Bush Forever area

Existing Zoning



Proposed Zoning



Aerial Photograph



Administration Comment

Lots 10149 and 10162 Bedbrook Place are vacant and contain native vegetation. Lot 10149 is owned by Civilian Maimed and Limbless and Lot 10162 is owned by the State of WA but utilised by Westcare Inc.

The WAPC has not provided any justification to amend the zoning to Parks and Recreation and designate it as Bush Forever – however, the site has been identified in several studies as having remnant vegetation in good condition, and would complement the adjoining bushland to the north and Shenton Bushland to the south of the site.

For these reasons, the proposal to amend the zoning of these lots is supported.

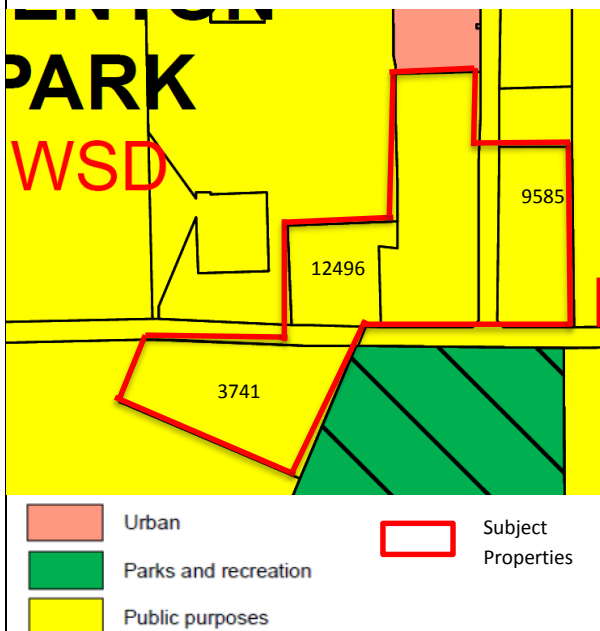
Notwithstanding this, these sites have been identified in the Perth & Peel @3.5 million document as future urban corridors for redevelopment. It is recommended the two documents are amended to align, and if the zoning is proposed to be changed to Urban, the amendment be readvertised for comment.

Proposal 23: (Part of)

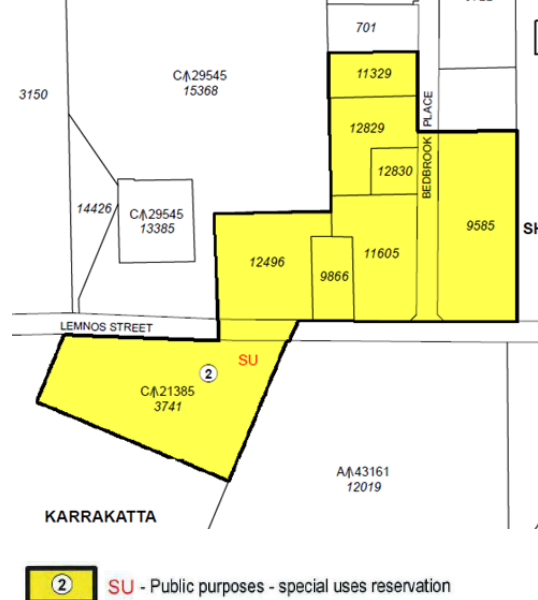
To transfer:

- Lot 9585 Bedbrook Place, Shenton Park from the Public Purpose (Hospital) reservation to the Public Purposes (Special Use) reservation; and
- Lots 11329, 12829 and 12830 Bedbrook Place and Lots 9866, 11605 and 12496 Lemnos Street, Shenton Park from the Public Purpose (WSD) reservation to the Public Purpose (Special Use) reservation; and
- Lot 3741 Lemnos Street, Shenton Park from the Public Purpose (Commonwealth Government) reservation to the Public Purpose (Special Use) reservation.

Existing Zoning



Proposed Zoning



Aerial Photograph



Administration Comment

These lots are currently zoned Public Purpose reservation but have not historically been identified correctly in relation to the actual use of each site.

For example, the Dog Refuge site shows on the map as being Commonwealth Government reservation, the same as the UWA land directly adjoining to the west. Similarly, the sites owned by the Cat Haven, Arthritis Foundation and Alzheimers to the southwest of Bedbrook Place, all have Water Corporation reservation status, and

	<p>WorkCover to the southeast of Bedbrook Place, has Hospital status. These appear to have all been incorrectly mapped by not having a specific delineation from the adjoining sites. A specific relevant designation should be assigned for each site.</p> <p>The amendment seeks to rectify this situation. The WAPC has recommended they remain as Public Purpose reservation but are designated with 'Special Use' status in lieu of the existing incorrect designations.</p> <p>This part of Proposal 23 is supported, subject to further designations being assigned to indicate the permitted use for each site i.e Public Purpose – Special Use – Dog Refuge</p> <p>Notwithstanding this, similarly to the remaining lots in Lemnos Street and Bedbrook Place under this Omnibus amendment, the Perth and Peel @3.5 million document identifies the sites as potential urban corridors for redevelopment. For this reason, it is recommended, the two documents are amended to align, and if the zoning is proposed to be changed to Urban, the amendment be readvertised for comment.</p>
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8.0 Conclusion

In general the proposed amendments are supported as they fix errors or anomalies in the current scheme maps. However, in relation to the lots owned by Spine & Limb Foundation (Part of Proposal 23), these lots are already zoned Urban and require a detailed plan (ODP) to be approved by Council prior to any further development. There does not appear to be any need to change the zoning of these lots to Public Purpose, which will potentially further restrict the development of the sites and remove the decision making from Council to the WAPC.

In addition, it is recommended WAPC provide further clarification in relation to the Public Purpose amendments which will have Special Use designation. Rezoning of a lot Public Purpose (Special Use) does not provide sufficient clarification as to what is permitted on the site. It is requested the permitted use is also designated in the zoning. For example Public Purpose (Special Use) – Dog Refuge. This will clarify what special use is intended for the site. Although, it is obvious on many of the sites because of the existing use of the site, there are some sites which are currently vacant i.e one of the sites owned by Alzheimers Association, and as such it will be difficult to know what is intended/permitted under the zoning without any specific designation, other than the 'Special Use'.

In relation to Lot 100 Vix Street being amended to Urban zoning, it is recommended the WAPC undertake an appropriate concurrent scheme amendment in liaison with the City, to ensure the City of Nedlands Town Planning Scheme reflects the intent of the rezoning.

Finally, it is noted that the proposed amendments to the lots in Bedbrook Place, Lemnos Street and Selby Street (Proposal 23), are inconsistent with the Perth & Peel @3.5 million document released by the WAPC earlier this year. These lots are shown in the Perth & Peel document as potential urban corridors for redevelopment. It is recommended that WAPC reconcile the proposed amendment and this document and if changes are proposed that they are advertised for further comment.