

appendices



Elected Members Briefing Session
7 November 2017

And

Ordinary Meeting of Council
14 November 2017

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11.1 Re-advertising of Amendment No.56 to Town Planning Scheme No.1 as modified by the Minister for Planning – Lots 1002-1005 on South Eastern Side of Roberts Road and Miller Street Adjacent to Miller’s Crossing, East Victoria Park and Carlisle

10101907 Metropolitan Region Scheme Minor Amendment 1193/57 – Call for Submissions

File Ref:		In Brief Metropolitan Region Scheme Minor Amendment 1193/57 has been released for public comment; The submission period closes on Friday 22 October 2010; The proposed amendment is an omnibus amendment for the South East and South West districts and includes three (3) proposals located within the Town; Two of the proposed amendments were requested by the Town and are supported whereas the third proposal is conditionally supported.
Appendices:	No	
DA/BA or WAPC Ref:	1193/57	
Date:	13 October 2010	
Reporting Officer:	J Birmingham	
Responsible Officer:	R Lavery	

TABLED ITEMS:

Copy of the Government Gazette No. 162 of Tuesday 17 August 2010 including the Call for Public Submissions and the Amendment Report;
Minutes of previous Council decision dated 7 April 2009.

BACKGROUND:

At the Ordinary Council Meeting on 7 April 2009 Council resolved the following:

“The Western Australian Planning Commission be requested as part of the next Omnibus Amendment to the Metropolitan Region Scheme, to consider the following proposals:

- 1. Lots 3529 and 996 (Street Nos. 2 and 4) Read Street, East Victoria Park (Reserves 27212 and 24212) be transferred from ‘Urban’ zone to ‘Public Purposes – Technical School’ reservation; and*
- 2. A portion of Lot 9788 (G.O. Edwards Park), Burswood Road, Burswood (Reserve 35275) be transferred from ‘Urban’ zone to ‘Parks and Recreation’ reservation.”*

These proposed changes had the intent to align the zoning/ reservation of the land with the current ownership and intended usage of the land.

DETAILS:

Council has received notification of the Call for Public Submissions for the South East and South West Districts Omnibus Amendment to the Metropolitan Region Scheme. The proposed amendment includes three proposals for modifications to zonings and reserves for land located within the Town of Victoria Park.

“Proposal 1

To rezone portion of Lot 9788 Burswood Road, Burswood (Crown Reserve: 35275) from urban zone to the parks and recreation reservation. (Fig. 1)

The majority of the G. O. Edwards Park is reserved for Parks and Recreation under the MRS, however portion of the site containing public parking and toilet facilities is zoned urban. This proposal rationalises all of G. O. Edwards Park within the Parks and Recreation reservation in the MRS.

Proposal 2

To rezone Lots 3529 & 4125 Read Street, East Victoria Park (Crown Reserve: 24212) from urban zone to public purposes (TS) reservation. (Fig. 2)

The subject land is owned by the Minister for Education and currently contains existing buildings used by the Carlisle College of TAFE.

Having regard to the ownership and usage of the land, it is considered logical that all properties occupied by the Carlisle TAFE campus be reserved for public purposes (TS) under the MRS.

Proposal 3

To rezone (i) Lots 1002, 1003, 1004 & 1005 Beatty Avenue, portion of Rutland Avenue, Raleigh Street and Bishopsgate Street from the other regional roads reservation to the urban zone; (ii) To rezone portion of the railway reservation from the other regional roads reservation to the railways reserve. (Fig. 3)

- (i) Lots 1002 – 1005 are owned by the Western Australian Planning Commission and are reserved as other regional roads (ORR). The public Transport Authority has since constructed the railway overpass and the ORR reservation between Bishopsgate Street and Beatty Avenue can be rationalised to reflect the constructed road and bridge.*
- (ii) It is appropriate that the ORR reservation within the railway alignment which is surplus to the requirements be reserved as railways under the MRS.”*

Council has been invited to make a submission on the above amendment to the Metropolitan Region Scheme. The submission period closes on 22 October 2010.

Legal Compliance:

The first step in amending the Metropolitan Region Scheme is the initiation of an Amendment by the Western Australian Planning Commission which is normally based on advice and recommendation from the relevant Local Authority.

Following initiation of the amendment by the WAPC and under Part 4, Clause 38 of the Planning and Development Act 2005, the proposed amendment is referred to the Environmental Protection Authority (EPA) for an environmental review. Following the outcome of the environmental review the WAPC submits the amendment to the Minister for Planning to request consent for public submissions to be sought, after which the

amendment undergoes a public advertising period during which consultation is undertaken with the relevant public authorities. The WAPC considers all submissions lodged.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Rezoning of the land surplus to the road reserve to “Urban” under the Metropolitan Region Scheme has the potential for this land to be rezoned to “Residential” under the local Town Planning Scheme. This would result in the loss of public open space available to local residents who live in a medium density area. It is considered that the land should be retained as parkland and therefore be reserved for “Parks and Recreation” under Town Planning Scheme No. 1.

Cultural Issues:

Nil

Environmental Issues:

Loss of parkland would have an impact on the available green space within the Town.

COMMENT:

Council has been invited to comment on the South East and South West Districts Omnibus Amendment to the Metropolitan Region Scheme. Proposals 1 and 2 are considered to be acceptable as Council had requested the Western Australian Planning Commission to consider initiating the proposals as part of the next omnibus amendment. The Council Resolution dated 7 April 2009 is tabled.

Proposal 3 however has been included without prior discussion with Council officers and therefore requires Council to establish a formal position and make a submission to the Western Australian Planning Commission. It is furthermore considered that Council should request a hearing on this matter.

The proposal relates to the land on the southern side of Miller’s Crossing railway overpass between Beatty Avenue and Bishopsgate Street as shown on the attached plan. The land is currently part of the “Other Regional Roads” reservation of Miller Street and Roberts Road. Since construction of the Miller’s Crossing overpass has been completed the land is now surplus to the Other Regional Roads reservation and is proposed to be rezoned to “Urban” under the MRS.

Council’s Planning Services have generally no objection to the land being rezoned to “Urban” under the Metropolitan Region Scheme. However, the proposed rezoning is only supported on the basis that the land is reserved for “Parks and Recreation” under the local Town Planning Scheme No. 1. Any rezoning to “Residential” under Town Planning Scheme No. 1 is not supported.

The subject land is currently used by the Town’s residents as part of the public open space network and has been landscaped and maintained by the Town since completion of the Miller’s Crossing railway overpass in 2004. As a result there is a community expectation that the land continues to be available as public parkland.

Council's Draft Local Planning Strategy identifies the Kent Street, Miller Street and Roberts Road link as a recreation corridor, linking major sports and recreation facilities within the Town via a landscaped boulevard. It is considered important to retain the landscaped character of this link in accordance with the Draft Local Planning Strategy.

Lot 1002 has frontage to Beatty Avenue and Miller Street and is located abutting John Bisset Reserve and has been landscaped and is being used in conjunction with that reserve. John Bisset Reserve is a small reserve of only 7071m² located adjacent to a school playground which is completely fenced off and not accessible to the public. As a result the reserve plays a significant role in the open space network of the local area.

Given the residential densities within the area of R30, R40 and R60 it is considered important that sufficient public open space is available for residents in medium density areas to compensate for the loss of traditional backyards. The metropolitan planning strategy Directions 2031 which was released in August 2010 requires Council to identify areas suitable for higher density development. Council has been working with the Department of Planning to achieve the dwelling targets set by State government. It is important therefore to compensate for these areas of higher residential densities by providing a usable network of public open space and green links to connect them.

If Lot 1002 was to be rezoned to "Residential" under Town Planning Scheme No. 1, the park would effectively be reduced in size by almost half, leaving less open space for nearby residents to enjoy. This would reduce a significant local amenity to a small and insignificant park which is wedged between private properties. The park would lose its attraction as a major open space and a usable park for local residents.

Other parks and recreation reserves within the area include Lathlain Oval and Tom Wright Reserve. However, these parks have limited use by the general public as Lathlain Oval is the home ground of the Perth Demons WAFL team and may become the home of the Westcoast Eagles AFL club in the future. This limits the use of the park for the general public as passive open space.

Tom Wright Reserve is a small park located between residential properties and the former Lathlain Carlisle Bowling Club. The future of the bowling club site is yet to be decided. However, it is likely that the site will be unavailable for use by local residents as passive open space as it is currently under consideration for development of a multi-use sporting facility.

Linking the existing parks and recreation facilities by a landscaped boulevard in an open and green setting along Kent Street, Miller Street and Roberts Road has been identified as an important strategy within the Draft Local Planning Strategy. It is therefore considered that the surplus road reserve land should be rezoned to "Urban" under the Metropolitan Region Scheme only on the basis of the land being reserved for "Parks and Recreation" under the Town of Victoria Park Town Planning Scheme No. 1.

There is no objection to the change in reserve from Other Regional Roads to "Railways" for that portion of the land located within the railway alignment.

RESPONSIBLE OFFICER RECOMMENDATION:

The Western Australian Planning Commission be advised of Council's position in regards to Metropolitan Region Scheme Minor Amendment 1193/57 South East and South West Districts Omnibus as follows:

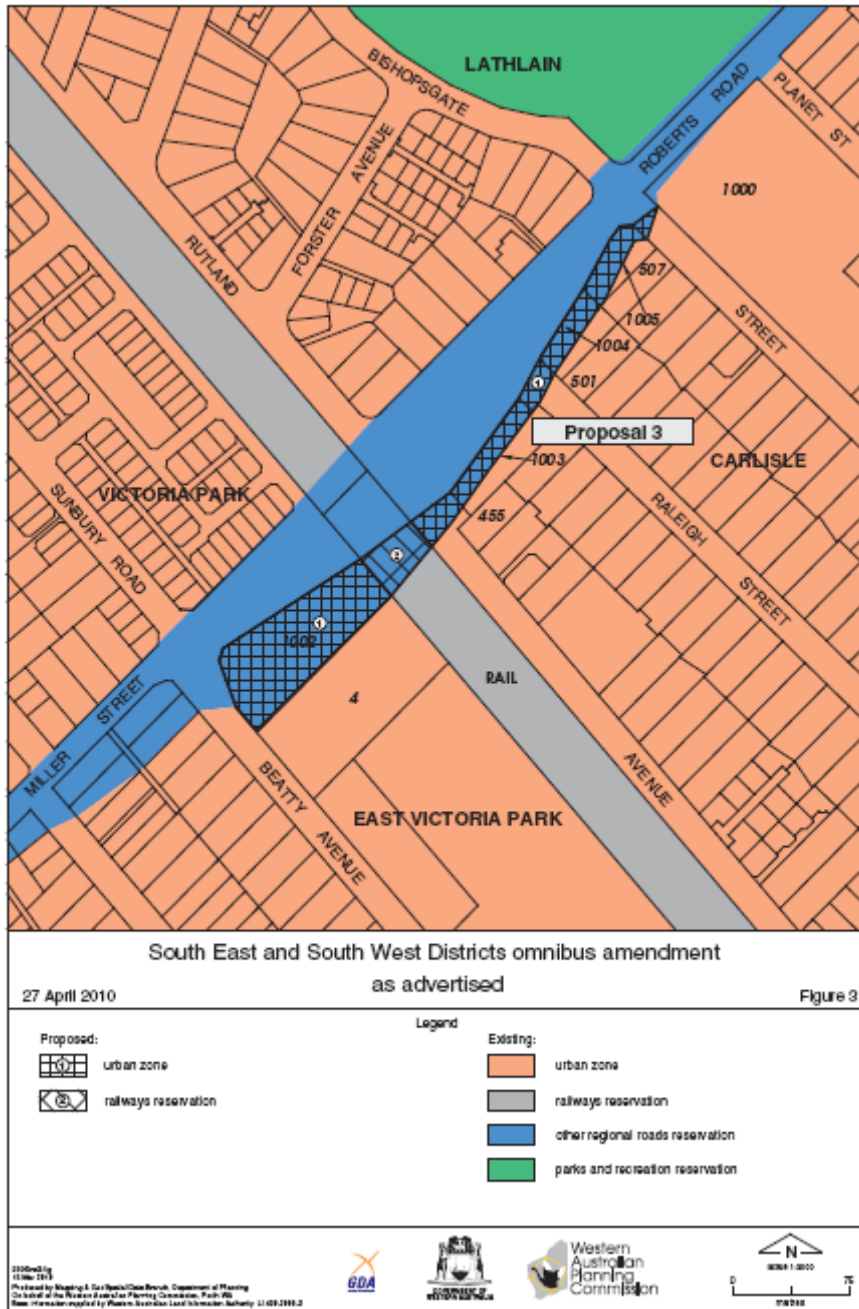
1. Council supports Proposals 1 and 2;
2. With regard to Proposal 3:
 - (i) Council supports the proposal to rezone the land from Other Regional Roads reservation to "Urban" zone only on the basis that the land is being reserved for "Parks and Recreation" under the Town of Victoria Park Town Planning Scheme No. 1. Council is strongly opposed to the land being available for residential development and would be opposed to the proposed "Urban" zoning if the land was proposed to be used for residential purposes for the reasons outlined in the report of the Director Future Life and Built Life Programs.
 - (ii) Council supports the change in reservation of the land located within the railway alignment from "Other Regional Roads" to "Railways".
3. Council requests a hearing on Proposal 3.

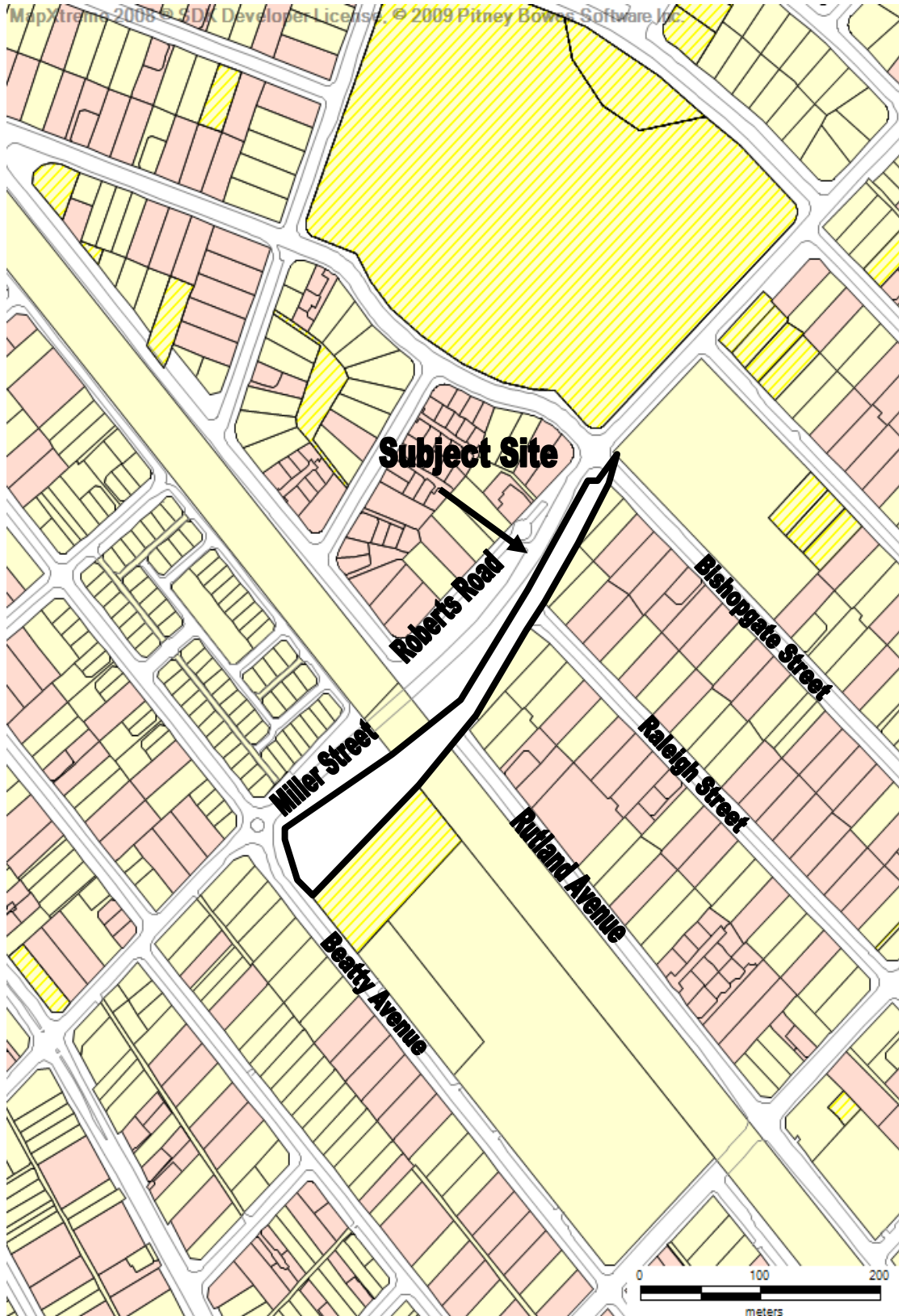
RESOLVED:

Councillor moved Councillor seconded

The recommendation be adopted.

CARRIED ()





**12.3 Proposed Amendment No 56 to Town Planning Scheme No 1 –
Reservation of Lot 1002 Beatty Avenue, East Victoria Park,
and Lots 1003 & 1004 Raleigh Street & Lot 1005 Bishopsgate
Street, Carlisle for Parks and Recreation**

File Ref:	PLA0003/56	In Brief <ul style="list-style-type: none"> • The Minister approved an amendment to the Metropolitan Region Scheme on 5 August 2011 involving the transfer of Lots 1002, and portions of Lots 1003, 1004 and 1005 from the 'Other Regional Roads' reserve to the 'Urban' zone as it was surplus to the Roberts Road and Miller Street road reservation requirements. • The subject Amendment proposes the reservation of this land for 'Parks and Recreation' under Town Planning Scheme No. 1 to ensure its continued use as parkland for surrounding residents and a landscaped corridor connecting major recreation facilities. • Recommended that Council initiate an amendment to Town Planning Scheme No. 1.
Appendices:	No	
DA/BA or WAPC Ref:	N/A	
Date:	20 October 2011	
Reporting Officer:	L Parker	
Responsible Officer:	R Cruickshank	

TABLED ITEMS:

- Correspondence from Western Australian Planning Commission dated 2 August 2011;
- Metropolitan Region Scheme Amendment 1193/57 South East and South West Districts Omnibus Report dated July 2010; and
- Minutes of the Ordinary Council Meeting held on 19 October 2010 relating to Council's submission in respect to the Metropolitan Region Scheme Amendment.

BACKGROUND:

On 19 October 2010 the Council resolved to advise the Western Australian Planning Commission of its support in regards to Metropolitan Region Scheme Amendment 1193/57 South East and South West Districts Omnibus, which proposed the rezoning of several parcels of land within the Town. In relation to the proposed transfer of Lots 1002, 1003, 1004 and 1005 from the 'Other Regional Roads' reserve to the 'Urban' zone, the Council resolved the following:

“Council supports the proposal to rezone the land from Other Regional Roads reservation to “Urban” zone only on the basis that the land is being reserved for “Parks and Recreation” under Town of Victoria Park Town Planning Scheme No. 1. Council is strongly opposed to the land being available for residential development and would be opposed to the proposed “Urban” zoning if the land was proposed to be used for residential purposes for the reasons outlined in the report of the Director Future Life and Built Life Programs.”

On 2 August 2011, Council received a letter from the Western Australian Planning Commission advising that the amendment to the Metropolitan Region Scheme to transfer the balance of Lots 1002, 1003, 1004 and 1005 from the ‘Other Regional Roads’ reserve to the ‘Urban’ zone had been approved and that Council should now initiate an Amendment to Town Planning Scheme No. 1 to reserve or zone the land under its Scheme.

DETAILS:

The Western Australian Planning Commission and the Minister have approved Metropolitan Region Scheme (MRS) Amendment 1193/57 South East and South West Districts Omnibus, which includes the transfer of Lot 1002 (No. 2-8) Beatty Avenue, East Victoria Park, and the balance of Lots 1003 and 1004 (Nos. 6 & 7) Raleigh Street and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the ‘Other Regional Roads’ reserve to the ‘Urban’ zone. The remaining balance of Lots 1003, 1004 and 1005 are currently zoned ‘Urban’ under the Metropolitan Region Scheme and ‘Residential R30’ under Council’s Town Planning Scheme No. 1. The MRS amendment also included the transfer of several portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street road reserves to the ‘Urban’ zone.

The subject land was formerly part of the ‘Other Regional Roads’ reservation of Miller Street and Roberts Road. The land was surplus to the ‘Other Regional Roads’ reservation following construction of the Miller’s crossing railway overpass.

The subject land is currently used by the Town’s residents as part of the public open space network and has been landscaped and maintained by the Town since completion of the Miller’s crossing railway overpass in 2004.

Legal Compliance:

Where the Metropolitan Region Scheme has been amended, Section 124 of the Planning and Development Act 2005 requires the local government of the district in which the affected land is located, to prepare an amendment to its local planning scheme which is in accordance with and consistent with the Metropolitan Region Scheme.

The Scheme Amendment process includes a public submission period of at least 42 days. Display advertisements are required to be placed in the West Australian newspaper at the commencement of the public submission period.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

As the subject land has been transferred to the 'Urban' zone under the Metropolitan Region Scheme, there is potential for this land to be rezoned for residential purposes under Town Planning Scheme No. 1 consistent with the surrounding residential area and the remaining balance of the affected lots in the case of Lots 1003, 1004 and 1005, which are zoned 'Residential R30' under Council's Town Planning Scheme No. 1. However, this would result in the loss of a recreational corridor connecting major sports and recreation facilities within the Town and the availability of public parkland for residents of the surrounding medium density residential area.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Council's Draft Local Planning Strategy identifies the Kent Street, Miller Street and Roberts Road link as a recreation corridor, linking major sports and recreation facilities within the Town via a landscaped boulevard. It is considered important to retain the landscaped character of this link in accordance with the Draft Local Planning Strategy.

Lot 1002 has frontage to Beatty Avenue and Miller Street and is located abutting John Bissett Reserve and has been landscaped and is being used in conjunction with that reserve. John Bissett Reserve is a small reserve of only 7071m² located adjacent to a school playground which is completely fenced off and not accessible to the public. As a result the reserve plays a significant role in the open space network of the local area.

Given the residential densities within the area of R30, R40 and R60 it is considered important that sufficient public open space is available for residents in medium density areas to compensate for the loss of traditional backyards. It is important to compensate for these areas of higher densities by providing a usable network of public open space and green links to connect them.

If Lot 1002 was to be rezoned to 'Residential' under Town Planning Scheme No. 1, the park would effectively be reduced in size by almost half, leaving less open space for nearby residents to enjoy. This would reduce a significant local amenity to a small and insignificant park which is wedged between private properties.

Other parks and recreation reserves within the area include Lathlain Oval and Tom Wright Reserve, however, Lathlain Oval has limited use by the general public as Lathlain Oval is the home ground of the Perth Demons WAFL team, which limits its use by the general public as passive open space.

Linking the existing parks and recreation facilities by a landscaped boulevard in an open and green setting along Kent Street, Miller Street and Roberts Road has been identified as an important strategy within the Draft Local Planning Strategy.

In view of the above it is recommended that the whole of Lots 1002, 1003, 1004 and 1005 be reserved for 'Parks and recreation' under Town Planning Scheme No. 1, to ensure their continued use as a recreational corridor and passive open space for residents of the surrounding medium density residential area. It is also recommended that the portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street road reserves which were transferred from the 'Other Regional Roads' reserve to the 'Urban' zone, be zoned 'Residential R30' consistent with the zoning of the substantive portions of these roads. It is recommended that Council initiate proposed Amendment No. 56 to Town Planning Scheme No.1.

RESOLVED:

Moved: Councillor Hayes

Seconded: Councillor Potter

1. **Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment No. 56 to amend the Town of Victoria Park Town Planning Scheme No. 1 as follows:**
 - 1.1 **Classify No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park as Town of Victoria Park Scheme Reserve "Parks and Recreation";**
 - 1.2 **Modify the Town Planning Scheme No. 1 Precinct Plan P10 Shepperton Precinct accordingly;**
 - 1.3 **Classify Nos. 6 & 7 (Lots 1003 and 1004) Raleigh Street and No. 45 (Lot 1005) Bishopsgate Street, Carlisle as Town of Victoria Park Scheme Reserve "Parks and Recreation";**
 - 1.4 **Classify the portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street road reserves that were formerly part of the Roberts Road "Other Regional Roads" reservation as "Residential R30" zone; and**
 - 1.5 **Modify the Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct accordingly.**
2. **The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 56 documents.**
3. **Amendment No. 56 be referred to the Department of Environment and Conservation prior to the commencement of advertising of the Amendment.**

CARRIED (8-0)



12.3

12.3

13.1 Commemorative Recognition Policy