

TOWN OF BASSENDEAN
LOCAL PLANNING SCHEME 10
AMENDMENT 9

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

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1. Local Authority: Town of Bassendean
2. Description of Scheme: Local Planning Scheme No. 10
3. Type of Scheme: District Local Planning Scheme
4. Serial No. of Amendment: Amendment No. 9
5. Proposal:
 1. Rezoning Lots 14 and 15 Surrey Street, Bassendean from “Residential with a density code of R20” to “Parks and Recreation.
 2. Zoning a portion of the Bridson Street road reserve intended to become a recreation reserve (Lot 354 on Plan 071636) “Parks and Recreation”
 3. Zoning a portion of the Eighth Avenue and River Street road reserves intended to become a recreation reserve (Lot 500 on Plan 069914) to “Parks and Recreation” and Rezoning Reserve 43398, Anzac Terrace Bassendean from “Residential with a density code of R20” to “Parks and Recreation”.
 4. Rezoning Reserve 32920 Hamilton Street and the adjoining drainage reserves 178279, 29953, 29953 Reid Street from “Residential with a density code of R20” to “Parks and Recreation”
 5. Rezoning Reserve 47865 Watson Street from “Residential with a density code of R20” to “Parks and Recreation”.
 6. Rezoning Lots 162 and 163 Anstey Road from “Residential with a density code of R25” to “Parks and Recreation”
 7. Rezoning Lots 4289, 4763, and 7102 forming Reserve 30297 Third Avenue Bassendean from “Residential with a split

density code of R20/40” to “Parks and Recreation”.

8. Rezoning Lots 268 Prospector Loop, 293 Perway Lane, forming Reserve 49929 and Lot 280 Atlantic Bend, forming Reserve 49930 from “Residential with a split density code of R20/30/60” to “Parks and Recreation”.
9. Rezoning Lot 41 Guildford Road from “Residential with a density code of R20” to “Parks and Recreation”
10. Rezoning Part Lot 271 Hamilton Street from “Residential with a density code of R20 and R25” to “Parks and Recreation”
11. Rezoning Lot 20 Hanwell Way from “Parks and Recreation” to “Light Industry”
12. Removing additional use No 12 from Schedule 2 additional uses of the Local Planning Scheme.(Hotel /Tavern Lot 3 Gallagher Street Eden Hill)
13. Deleting the numbers and words “1. Prior to the subdivision of the land, the existing single storey dwelling facing Nurstead Avenue shall be demolished; and 2. and replacing “all” with “All” from additional use No 3 in Schedule 2 additional uses of the Local Planning Scheme.(Lots 1,2,3,4,5 and 6 Earlsferry Court, Bassendean)
14. Applying a residential zoning with a density code of R10 to the unzoned portion of Lot 6 Earlsferry Court Bassendean;
15. Applying a residential zoning with a spit density code of R20/40 to the unzoned portion of Lot 9 Water Road East;

Dated thisday of2017.

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Chief Executive Officer

Purpose

The purpose of this amendment is to:

- Reserve additional land for Parks and Recreation, including 2 new recreation reserves that are in the process of being created (proposals 1 -10);
- Rezone one property in the industrial area from parks and recreation to light industry;(proposal 11)
- Deleting an additional use that is no longer required, and updating a second additional use (proposals 12 & 13); and
- Applying a residential zoning to two discrete portions of land that are now not zoned under the Scheme as a result of Amendments to the Metropolitan Region Scheme(proposals 14 & 15)

While the Local Planning Scheme No 10 is a district wide Scheme, three of the proposals (proposals 2, 6 &10) are affected by the Town Planning Scheme No 4A, which is a guided and resumptive development scheme relating to Ashfield Flats, Bindaring/Pickering Park and a number of smaller ancillary areas in the Town of Bassendean.

Amendment No 17 to the 4A Scheme will be initiated which will be included together with this amendment to ensure consistency between the two schemes

The proposals

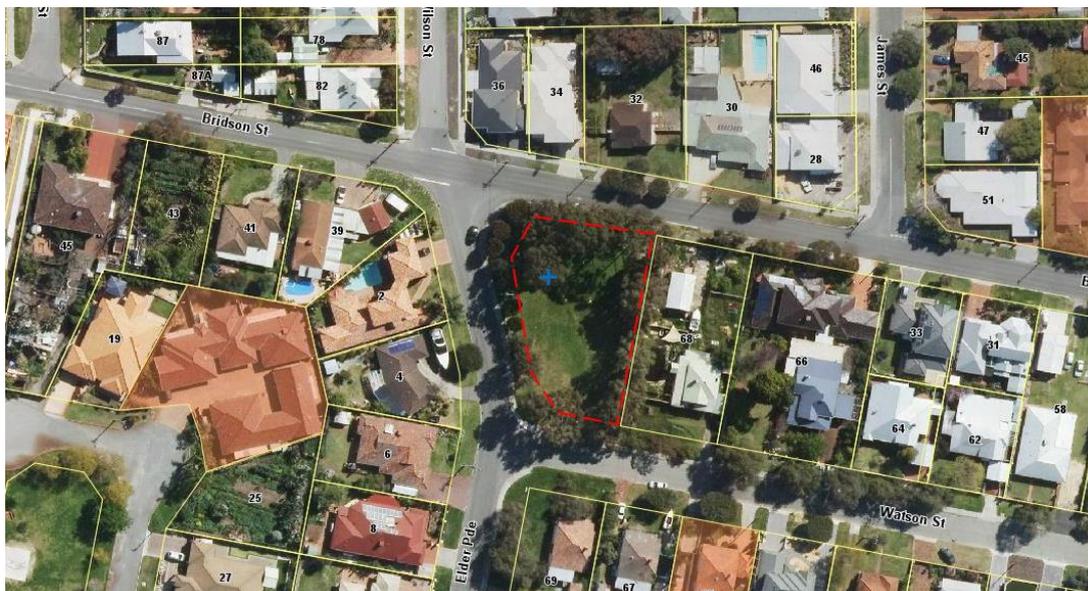
Proposal 1 - Rezoning Lots 14 and 15 Surrey Street, Bassendean from “Residential with a density code of R20” to “Parks and Recreation.

This site is owned in freehold by the Town of Bassendean and comprises two lots each with an area of 542.29m². The land was gifted to the Town in 1939 by Mrs Christie, and it is considered to be appropriate to reserve the land for parks and recreation purposes under the Scheme.



Proposal 2 - Zoning a portion of the Bridson Street road reserve intended to become a recreation reserve (Lot 354 on Plan 071636) “Parks and Recreation”

This site is located on the south east corner of Bridson Street and Elder Parade with an area of 1,448m². Council has initiated a road closure with a view to creating a recreation reserve to be vested in the Town. It is considered that the reserve should be reserved for Parks and Recreation under the Scheme.



Proposal 3 - Zoning a portion of the Eighth Avenue and River Street road reserves intended to become a recreation reserve (Lot 500 on Plan 069914) to “Parks and Recreation” and Rezoning Reserve 43398, Anzac Terrace Bassendean from “Residential with a density code of R20” to “Parks and Recreation”.

Council has initiated a road closure with a view to creating a recreation reserve to be vested in the Town.

On completion of the road closure, the reserve which is known locally as Kelly Park will have an effective area of approximately 3,204m² however, only 352m² is currently reserved for Parks and Recreation under the Local Planning Scheme.

The Reserve also contains two Eucalyptus rudis(flooded gums) which are listed on the Town’s Significant Tree Register.



Proposal 4 - Rezoning Reserve 32920 Hamilton Street and the adjoining drainage reserves 178279, 29953 Reid Street from “Residential with a density code of R20” to “Parks and Recreation”

Reserve 3290 Hamilton Street has a Management Order in favour of the Town as a recreational reserve. This site has an area of 2184m². The adjoining reserves have a Management Order in favour of the Water Corporation, and have a combined area of 3662.56m². The whole of the land is currently zoned residential with a density code of R20.

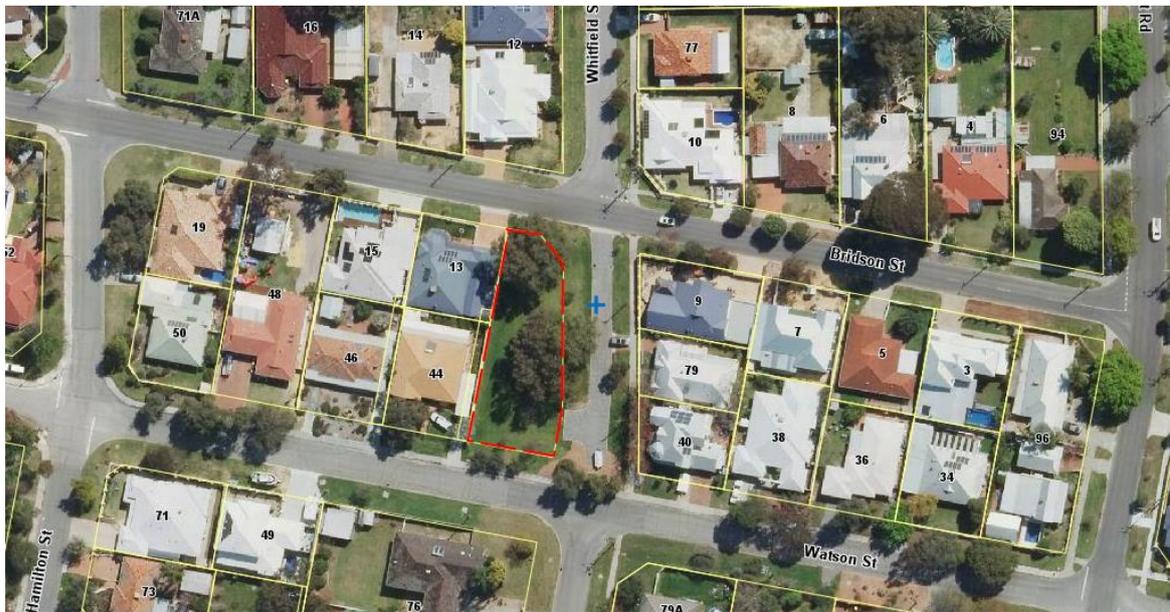
The Town is committed to make the zoning under the Local Planning Scheme consistent with its reserved purpose and is interested in pursuing a proposal with the Water Corporation in converting the open drain into a living stream and extending the area of the recreation reserve.



Proposal 5 - Rezoning Reserve 47865 Watson Street from “Residential with a density code of R20” to “Parks and Recreation”.

Reserve 47865 Watson Street has a Management Order in favour of the Town as a recreational reserve. This site has an area of 863m².

The Town is committed to make the zoning under the Local Planning Scheme consistent with its reserved purpose.



Proposal 6 - Rezoning Lots 162 and 163 Anstey Road from “Residential with a density code of R25” to “Parks and Recreation”

Lots 162 and 163 Anstey Road are owned in freehold by the Town of Bassendean. This site has a combined area of 2024m². While the properties are currently zoned for residential purposes the land is considered to be valued by the local community as local open space.

A geotechnical investigation undertaken in March 2006 found uncontrolled fill at various location across Lots 162 and 163 such as fragments of concrete and bricks at depths of 0.3m to 0,6m, and the site has been declared a potentially contaminated site by the Department of Environment Regulation.

The uncontrolled disposal of waste is an action that has the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites' (DER, 2014).

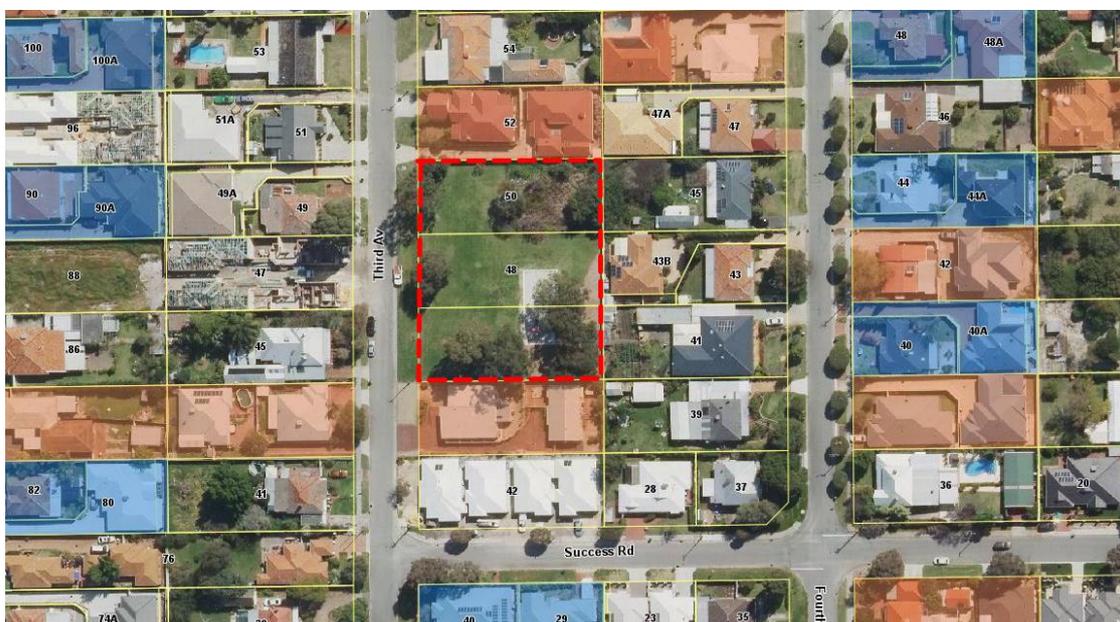
Having regard to the above it is proposed to reserve the land for Parks and Recreation purposes.



Proposal 7- Rezoning Lots 4289, 4763, and 7102 forming Reserve 30297 Third Avenue Bassendean from “Residential with a split density code of R20/40” to “Parks and Recreation”.

Reserve 30297 Third Avenue has a Management Order in favour of the Town as a recreational reserve. This site has an area of 3029m². The land is currently zoned residential with a split density code of R20/40.

The Town is committed to make the zoning under the Local Planning Scheme consistent with its reserved purpose.



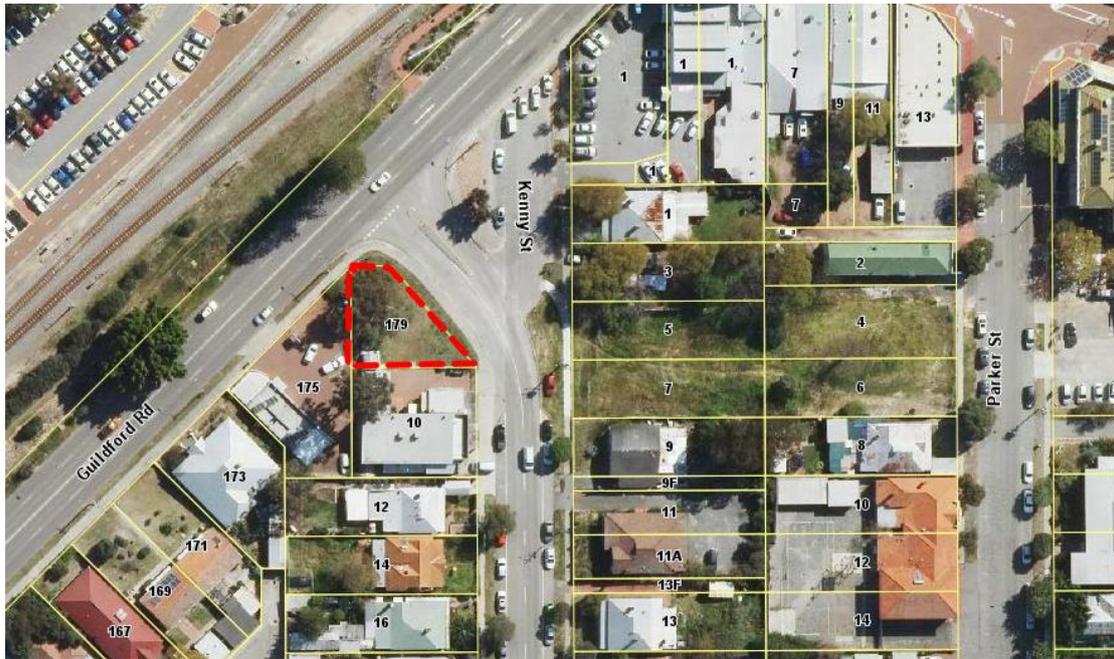
Proposal 8 - Rezoning Lots 268 Prospector Loop, 293 Perway Lane, forming Reserve 49929 and Lot 280 Atlantic Bend, forming Reserve 49930 from “Residential with a split density code of R20/30/60” to “Parks and Recreation”.

Reserves 49929 and 49930 were created as part of the subdivision of the Park Estate and have Management Orders in favour of the Town as recreational reserves. The reserves have a combined site area of 9381m². The land is currently zoned residential with a split density code of R20/30/60.



Proposal 9 - Rezoning Lot 41 Guildford Road from “Residential with a density code of R20” to “Parks and Recreation”

This site is owned freehold by the Town and has an area of 371m² and adjoins the Returned Services League Hall in Kenny Street. The land functions as local open space for the adjoining Hall. This land is currently zoned residential with a density code of R20.



Proposal 10 - Rezoning Part Lot 271 Hamilton Street from “Residential with a density code of R20 and R25” to “Parks and Recreation”

Lot 271 Hamilton Street is owned freehold by the Town of Bassendean and has an area of 8128m². At present approximately 3786m² is reserved for parks and recreation and 4342m² is zoned for residential purposes: Of the residential component of the land 2422m² has a density code of R25 and 1920m² has a density code of R20.

The north-west corner of the site contains a stand of Eucalypts and the land is valued by the community as open space.

A geotechnical investigation undertaken in March 2006 found uncontrolled fill at various locations across the site. The uncontrolled disposal of waste is an activity that has the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites' (DER, 2014).

The geotechnical investigation found evidence of uncontrolled fill, such as fragments of concrete, asphalt, metal and plastic at depths of 0-1.4 metres below ground level across the site.

Detailed site investigations were undertaken in 2015 to assess the site's suitability for residential landuse. Soil investigations confirmed the presence of uncontrolled fill material across the site at varying depths to a maximum of 1.5 metres below ground level.

While the site could be remediated to make the site suitable for residential use, it is the Town’s preference that the western and northern portion site with an area of approximately 2482.4m² be reserved for Parks and Recreation, to preserve the stand of Eucalypts and to provide additional open space.



Proposal 11 - Rezoning Lot 20 Hanwell Way from “Parks and Recreation” to “Light Industry”

Lot 20 Hanwell Way has an area of 5120.00m² and is reserved for Parks and Recreation by the Local Planning Scheme No 10. While the property was formerly owned by the Town of Bassendean, it was sold to the Ukrainian Association in 1995. The property is now owned by Morley Baptist Church incorporated and operates as a church and function centre. Having regard to the above and the fact that the Town has absolutely no interest in acquiring the property as a recreation reserve, it is appropriate to zone the land light industry, similar to adjacent land to the west. A church and a function centre are discretionary uses on land zoned light industry.



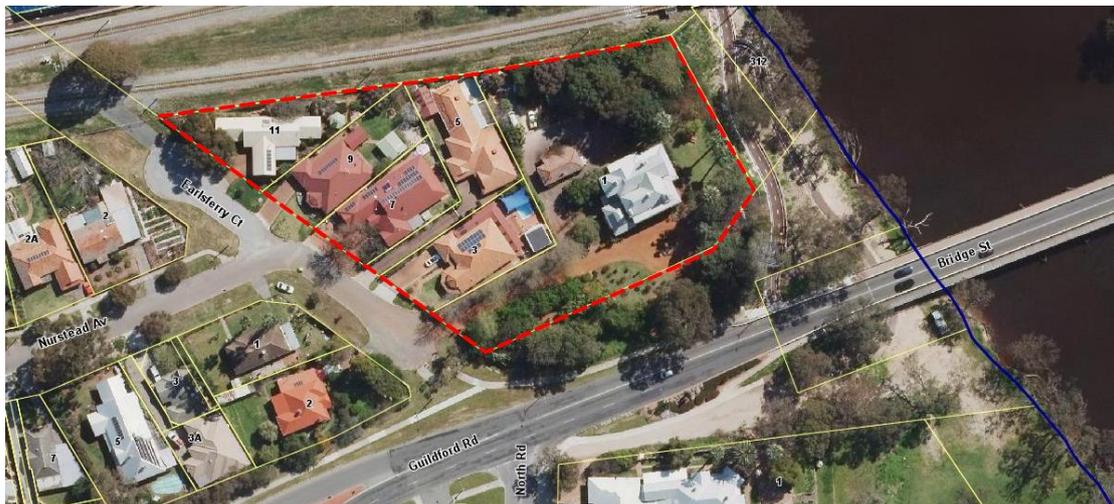
Proposal 12 - Removing the additional use No 12 from Schedule 2 additional uses of the Local Planning Scheme.(Hotel /Tavern Lot 3 Gallagher Street Eden Hill)

This site is zoned residential with a split density code of R20/30 by the Local Planning Scheme No 10: it also enjoys an additional use for a Hotel/Tavern as there was a Tavern on the site at the time of gazettal of the scheme in 2008. The former Tavern was demolished in 2014 and the additional use is no longer required, as the site is now developed largely with single houses.



Proposal 13 - Deleting the numbers and words “1. Prior to the subdivision of the land, the existing single storey dwelling facing Nurstead Avenue shall be demolished; and 2. and replacing “all” with “All” from additional use No 3 in Schedule 2 additional uses of the Local Planning Scheme.(Lots 1,2,3,4,5 and 6 Earlsferry Court, Bassendean)

This proposal relates to Earlsferry House and the adjoining dwellings that were created out of the subdivision of the property in 1999. The current additional use for the property requires development to conform with Council’s Local Planning Policy No 5 – Earlsferry House Design Guidelines, which is still appropriate, but also requires the demolition of a structure, which has been demolished. This requirement should be removed from the additional use requirements.



Proposal 14 - Applying a residential zoning with a density code of R10 to the unzoned portion of lot 6 Lot 6 Earlsferry Court, Bassendean.

This portion of lot 6 Lot 6 Earlsferry Court, Bassendean was formerly affected by a small portion of a Primary Regional Roads reservation which Main Roads WA considered to be surplus to requirements. The land is now zoned urban under the Metropolitan Region Scheme as a result of Amendment 1213/57 Eastern Districts Omnibus 8, which was gazetted in May 2012, but is now unzoned under the Local Planning Scheme No 10.

This portion of the lot has an area of approximately 1032m².

It is proposed to zone the land Residential with a density code of R10, which is the zoning and density code that applies to the remainder of of Lot 6 Earlsferry Court, Bassendean.

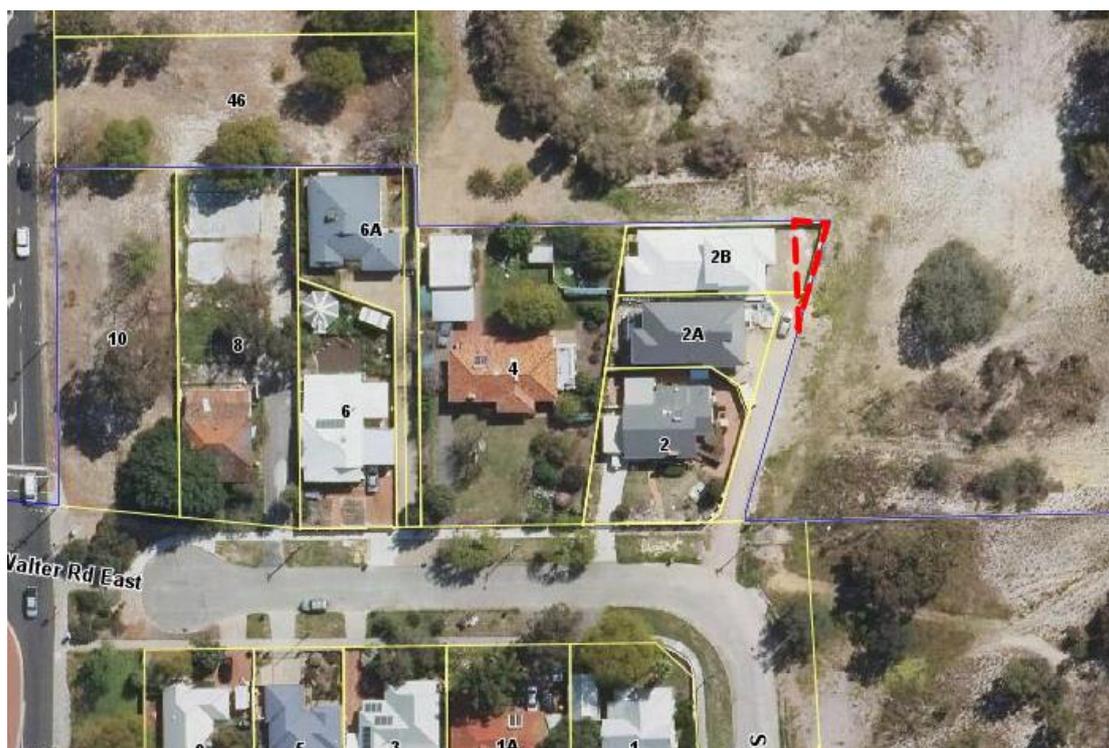


Proposal 15 - Applying a residential zoning with a split density code of R20/40 to the unzoned portion of Lot 9 Water Road East.

This portion of Lot 9 Water Road East, Bassendean was formerly affected by a small portion of Metropolitan Region Scheme Hospital reservation. The land is now zoned urban under the Metropolitan Region Scheme as a result of Amendment 1275/57 Central Districts Omnibus 4 , which was gazetted in July 2016, but is now unzoned under the Local Planning Scheme No 10.

This portion of the lot has an area of approximately 70m²

It is proposed to zone the land Residential with a split density code of R20/40, which is the zoning and density code that applies to the remainder of of Lot 9 Water Road East, Bassendean.



PLANNING AND DEVELOPMENT ACT 2005

TOWN OF BASSENDEAN

LOCAL PLANNING SCHEME 10

AMENDMENT 9

The Bassendean Town Council under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act, 2005, hereby amends the above local planning scheme by:

1. Rezoning Lots 14 and 15 Surrey Street, Bassendean from “Residential with a density code of R20” to “Parks and Recreation.
2. Zoning a portion of the Bridson Street road reserve intended to become a recreation reserve (Lot 354 on Plan 071636) “Parks and Recreation”
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15. Applying a residential zoning with a spit density code of R20/40 to the unzoned portion of Lot 9 Water Road East;

ADOPTION

Adopted by resolution of the Council of the Town of Bassendean at the Ordinary Meeting of the Council held on the day of , 2017.

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MAYOR

.....
CHIEF EXECUTIVE
OFFICER

FINAL APPROVAL

Adopted by Resolution of the local government of the Town of Bassendean at the Ordinary Meeting of Council held on the ____ day of _____, _____, and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE
OFFICER

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

Date.....

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

Date.....