

10.4 Community and Development Directorate Reports**10.4.1 Proposed Amendment to Town Planning Scheme No. 24 to Rezone Lot 539 and a portion of Lot 211 Swan Bank Road, Maylands**

Responsible Branch:	Strategic Planning and Place	
Responsible Directorate:	Community and Development	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	Nil	
Refer:	Item 10.4.3: OCM 28.05.2019 Item 9.1.6: PDSC 7.11.2017 Item 13.3.3: OCM 23.5.2017 Item 11.3.2.2: OCM 28.5.2013 Item 13.1.4: OCM 23.8.2011	

SUMMARY

On 28 May 2019, Council resolved to request that the Chief Executive Officer provide a report to Council regarding the preparation of a scheme amendment to rezone the Brickworks Lake area from 'Medium and High Density Residential R40' to 'Local Public Open Space'.

The area to be rezoned is as generally indicated in Concept F of the Maylands Brickworks Feasibility Study report dated May 2019.

The proposed amendment will reinforce the Brickworks Lake area's status as public open space, irrespective of any future reactivation of the Maylands Brickworks.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That:

- Council initiates Amendment No. 90 to the City of Bayswater Town Planning Scheme No. 24 to:**
 - Rezone Lot 539 and a portion of Lot 211 Swan Bank Road, Maylands from 'Medium and High Density Residential R40' to 'Local Public Open Space'; and
 - Amend the Scheme Maps accordingly.
- Council considers Amendment No. 90 to be 'standard' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - The amendment is not a complex or basic amendment.
- The scheme amendment documentation is forwarded to the Department of Water and Environmental Regulation for assessment, and the Department of Planning, Lands and Heritage - Heritage Directorate for comment.**
- Upon the Notice of Assessment from the Department of Water and Environmental Regulation being received (and issues raised being complied with), the proposed scheme amendment be advertised for public comment.**

5. The proposed amendment is referred to Council for further consideration following public advertising.

CR CATHERINE EHRHARDT MOVED, CR ELLI PETERSEN-PIK SECONDED

CARRIED UNANIMOUSLY: 10/0

BACKGROUND

Planning History

In April 2017 the Heritage Directorate of the Department Planning, Lands and Heritage (DPLH) (formerly the State Heritage Office) approached the City to assist in reactivating the Maylands Brickworks by preparing concept plans and a feasibility study in relation to the enhancement and redevelopment of the site.

At the 23 May 2017 Ordinary Council Meeting, Council considered a report on the DPLH's offer, and resolved as follows:

"That:

- 1. Council supports initiation of the preparation of concept plans and feasibility study in relation to the enhancement and redevelopment of the Maylands Brickworks site (Stage 1) by the State Heritage Office.*
- 2. A Community Engagement Plan be prepared by the State Heritage Office and reported to the Planning and Development Services Committee that considers how the City, stakeholders and community will be involved in the preparation of the concept plans and feasibility study for the enhancement and redevelopment of the Maylands Brickworks site."*

At the Planning and Development Services Committee held 5 December 2017 Council considered a modified Maylands Brickwork Reactivation Community Engagement Plan and resolved as follows:

"That Council approves the modified Community and Stakeholder Engagement Plan: Maylands Brickworks as included in Attachment 1 to this report."

In February - March 2018 the DPLH undertook, in collaboration with the City, community engagement to ascertain the level of local support for the reactivation of the Maylands Brickworks. During this consultation period, the DPLH noted that a significant number of respondents expressed a view that the surrounding parkland environment and open space would be threatened by the Brickworks' reactivation, especially by any residential development.

In May 2019 the DPLH released the Maylands Brickwork Feasibility Study. The study investigated six options for the reactivation of the Brickworks and considered them in relation to financial feasibility, outcomes of the community consultation and the project principles. Concept F was developed partly in response to these comments and included a proposal to rezone Brickworks Lake and Lot 539 facing Peninsula Road from Medium and High Density Residential R40 to Public Open Space.

At the 28 May 2019 Ordinary Council Meeting, Council considered the above study and the outcomes of the community consultation, and resolved as follows:

"That Council:

- 1. Notes the Maylands Brickworks Feasibility Study report dated May 2019.*
- 2. Does not support proceeding with Concept F - Golf course clubhouse adaptation of the Brickworks Kiln with works to Pugmill / Drying Shed to be deferred as recommended in the Maylands Brickworks Feasibility Study report.*
- 3. Terminates the Reactivation of the Maylands Brickworks project with the Heritage Directorate of the Department of Planning, Lands and Heritage.*

4. Requests the Chief Executive Officer to consider alternate uses to reactivate the Maylands Brickworks, and considers an allocation of funds to undertake further studies relating to these investigations as a part of the 2020/21 budget process.
5. Requests the Chief Executive Officer to investigate external sources of funding to undertake the remaining conservation works identified in the Maylands Brickworks Conservation Management Plan and the further studies to consider alternate uses to reactive the Maylands Brickworks.
6. Requests the Chief Executive Officer to provide an additional report to Council to prepare a scheme amendment to the City's Town Planning Scheme 24 to rezone the Brickworks Lake area as generally indicated in Concept F of the Feasibility Study to "Local Public Open Space" (instead of "Medium and High Density Residential R40")."

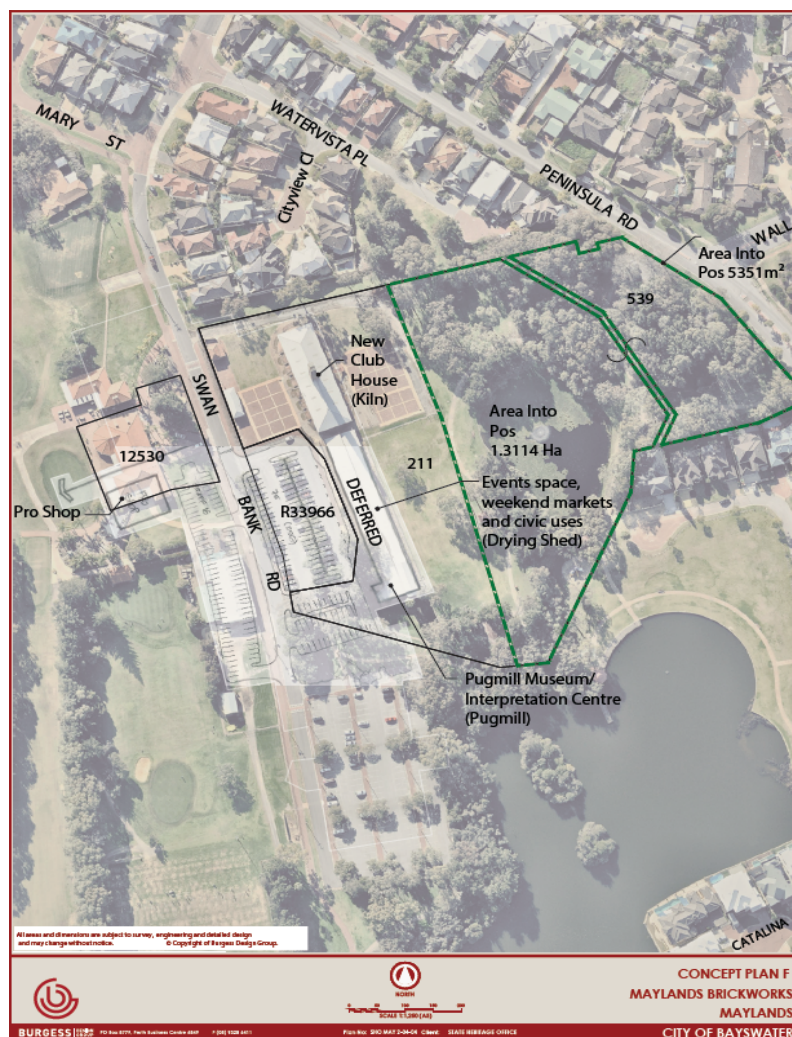
The Maylands Brickworks Feasibility Study can be downloaded via the following link:

<https://www.bayswater.wa.gov.au/development/heritage/municipal-heritage-inventory>

The proposed amendment was not included within the City's program of works at the time of the above resolution. Although the proposed amendment has not yet been initiated, as the land is City-owned, there was little risk of its development in the intervening period.

Physical Context

The subject land consists of Lot 539 and a portion of Lot 211 Swan Bank Road, Maylands, with a combined area of 1.84ha, as identified in the below Concept F of the Feasibility Study.



Lot 539 and the portion of Lot 211 form part of Lake Bungana Reserve. Both lots contain areas of remnant native vegetation, lawns and footpaths. Lot 539 also contains a small car park, while the portion of Lot 211 contains the Brickworks Lake and a playground by its south-eastern boundary. The reserve is surrounded by residential development to the north and east, while the former Maylands Brickworks stands to the west. The reserve continues to the south, beyond the boundary of Lot 211.



Strategic Planning Framework

Perth and Peel @ 3.5 million

The Perth and Peel @ 3.5million document suite provides a framework for the development of the Perth and Peel regions as the population reaches an estimated 3.5 million by 2050.

The Perth and Peel @3.5million suite of documents includes sub-region planning frameworks for the Central, North-West, North-East and South Metropolitan Peel sub-regions. The sub-regional frameworks are mechanisms for managing urban growth and achieving increased urban consolidation to accommodate the anticipated population growth. The subject lots are within the Central Metropolitan Sub-Regional Framework, which notes that population growth and higher density living need a high-quality interconnected green network of public and private open spaces.

The Framework also notes that the remaining green network is distributed across neighbourhood and district open spaces, sports fields associated with educational facilities, and foreshore beach reserves.

The Framework highlights that there is an increasing need to protect and enhance green network spaces and cater for recreation, sport, environmental and biodiversity values as urban density is increased.

Draft City of Bayswater Local Planning Strategy (LPS)

The City has prepared a draft LPS which was endorsed by Council at the Ordinary Council Meeting held 30 April 2019. The draft document is now with the Western Australian Planning Commission (WAPC) for consent to advertise. The LPS sets out the local government's objectives for future planning and development, such as activity centre planning, residential densities and building heights and includes a broad framework by which to pursue those objectives. The draft LPS identifies potential for increased housing densities in Maylands, to the north of the subject lots, which will depend on the amenity and recreational opportunities afforded by an extensive network of public open space.

City of Bayswater Public Open Space (POS) Strategy

The City has prepared a POS Strategy which was adopted by Council at the Ordinary Council Meeting held 26 March 2019, for the purpose of public consultation concurrent with the draft Local Planning Strategy.

The draft POS Strategy notes that the City's population is projected to significantly increase by 2026, with Maylands expected to see a 25% increase in population between 2016 and 2026. In particular, Maylands is projected to have a significant increase in the percentage of 35-54 year old residents.

Often, when planning POS, this age group is not specifically targeted when considering the types of spaces provided. To ensure POS in Maylands meets the needs of this age group more emphasis should be placed on engaging this age range during community engagement processes. The POS Strategy identifies the potential requirement for more Recreation Spaces in Maylands to meet the needs and expectations of the growing 35-54 year old population. Additionally, the document acknowledges that the Maylands and Bayswater town centres are anticipated to have significant increases in population, which will increase the pressure on their existing areas of POS.

Statutory Planning FrameworkMetropolitan Region Scheme (MRS)

Under the MRS the subject lots are zoned as 'Urban'.

City of Bayswater Local Planning Scheme No. 24 (TPS 24)

TPS 24 currently zones Lots 539 and 211 as 'Medium and High Density Residential' with the R40 residential density code.



EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter. In the event that Council initiates the proposed amendment, the amendment will be advertised for at least 42 days in accordance with the requirements of Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* by way of:

- Letters being sent to landowners within 400m of the subject land;
- Notification being published in the Eastern Reporter newspaper;
- The relevant public authorities being notified in writing of the amendment details;
- Information being placed on the City's engagement website; and
- Hard copies of the scheme amendment documentation being made available for inspection at the City's Civic Centre and libraries.

OFFICER'S COMMENTS

As shown on the location map above the subject area is currently developed and used by the local community as POS. There is a perception within the community that the area is already zoned reserved as POS and that the land will remain as POS into the future. The City has no plans to develop the land, despite its 'Medium and High Density Residential' zoning.

It is considered that the proposed rezoning will reinforce the City's position that the area will not be redeveloped and will formalise and reinforce its present use as POS, in line with the preference of the local community and point 6 of the Council resolution of 28 May 2019.

The proposed rezoning will also protect and enhance a component of the green network in Maylands, which will provide the City with opportunities to cater for recreation, sport, environmental and biodiversity values as urban density is increased in accordance with present State and local strategic directions.

LEGISLATIVE COMPLIANCE

Section 75 of the *Planning and Development Act 2005* permits a local government to amend its local planning scheme. Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for amending a local planning scheme.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	<p>That:</p> <ol style="list-style-type: none"> 1. Council initiates Amendment No. 90 to the City of Bayswater Town Planning Scheme No. 24 to: <ol style="list-style-type: none"> (a) Rezone Lot 539 and a portion of Lot 211 Swan Bank Road, Maylands from 'Medium and High Density Residential R40' to 'Local Public Open Space'; and (b) Amend the Scheme Maps accordingly. 2. Council considers Amendment No. 90 to be 'standard' under the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for the following reasons: <ol style="list-style-type: none"> (a) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
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	<p>(b) The amendment is not a complex or basic amendment.</p> <p>3. The scheme amendment documentation is forwarded to the Department of Water and Environmental Regulation for assessment, and the Department of Planning, Lands and Heritage - Heritage Directorate for comment.</p> <p>4. Upon the Notice of Assessment from the Department of Water and Environmental Regulation being received (and issues raised being complied with), the proposed scheme amendment be advertised for public comment.</p> <p>5. The proposed amendment is referred to Council for further consideration following public advertising.</p>	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that this option has a moderate community and stakeholder risk, as there may be objection from community members who wish to see further residential development occur on land adjacent to the Maylands Brickworks.	

Option 2	That:																					
	1. Council initiates Amendment No. 90 to the City of Bayswater Town Planning Scheme No. 24, with other modification(s) as determined by Council.																					
	2. Council considers Amendment No. 90 to be 'standard' under the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for the following reasons:																					
	(a) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and																					
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	3. The scheme amendment documentation is forwarded to the Department of Water and Environmental Regulation for assessment and the Department of Planning, Lands and Heritage - Heritage Directorate for comment.																					
4. Upon Notice of Assessment from the Department of Water and Environmental Regulation being received (and issues raised being complied with), causes the proposed scheme amendment documentation to be advertised for public comment.																						
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<table><tr><th>Risk Category</th><th>Adopted Risk Appetite</th><th>Risk Assessment Outcome</th></tr><tr><td>Strategic Direction</td><td>Moderate</td><td rowspan="8">Dependent on the other modification(s) determined by Council.</td></tr><tr><td>Reputation</td><td>Low</td></tr><tr><td>Governance</td><td>Low</td></tr><tr><td>Community and Stakeholder</td><td>Moderate</td></tr><tr><td>Financial Management</td><td>Low</td></tr><tr><td>Environmental Responsibility</td><td>Low</td></tr><tr><td>Service Delivery</td><td>Low</td></tr><tr><td>Organisational Health and Safety</td><td>Low</td></tr></table>			Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	Strategic Direction	Moderate	Dependent on the other modification(s) determined by Council.	Reputation	Low	Governance	Low	Community and Stakeholder	Moderate	Financial Management	Low	Environmental Responsibility	Low	Service Delivery	Low	Organisational Health and Safety	Low
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Organisational Health and Safety	Low																					
Conclusion	It is considered that the risks of this option are dependent on the other modification(s) determined by Council.																					

Option 3	That Council does not initiate Amendment No. 90 to the City of Bayswater Town Planning Scheme No. 24.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that this option has moderate reputational and community and stakeholder risks as the community members have previously objected to the retention of the Medium and High Density Residential zone, which could facilitate the development of the subject land for residential purposes.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Scheme amendment advertisement

Asset Category: N/A **Source of Funds:** Municipal

LTFP Impacts: This item is not itemised in the LTFP

Notes: Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$400	-	-	-	-	-	\$14,000

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment

Aspiration: A quality and connected built environment.

Outcome B3: Quality built environment.

Theme: Our Community

Aspiration: An active and engaged community.

Outcome B3: A strong sense of community through the provision of quality services and facilities.

It is considered that rezoning the subject land would reinforce its present use as POS, in line with the preference of community members.

CONCLUSION

Lot 539 and a portion of Lot 211 Swan Bank Road are currently used as POS by the local community the community believe that the land will remain POS into the future. Further, the City has no plans to develop the land, despite its 'Medium and High Density Residential' zoning, and it is considered the proposed amendment will reinforce its status as POS, irrespective of any future reactivation of the Maylands Brickworks. In light of this it is recommended that Council initiates proposed Amendment No. 90 for public advertisement.