



City of Bayswater
Town Planning Scheme No. 24

Amendment No. 90

**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'.**

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PLANNING AND DEVELOPMENT ACT 2005

FORM 2A

Planning and Development Act 2005

**RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEME**

CITY OF BAYSWATER LOCAL PLANNING SCHEME No.24

AMENDMENT No.90

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. 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
2. Amend the Scheme Maps accordingly.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- 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.

Dated this 22nd day of December 2020


(Chief Executive Officer)

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PROPOSAL TO AMEND A SCHEME

Local Authority:	City of Bayswater
Description of Scheme:	Town Planning Scheme No. 24
Type of Scheme:	District Town Planning Scheme
Serial No of Amendment:	Amendment No. 90
Proposal:	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'.

SCHEME AMENDMENT REPORT

1. INTRODUCTION

The purpose of this Scheme Amendment is to amend the City of Bayswater's Town Planning Scheme No.24 (TPS No.24) to include the following:

1. Change the current zoning classification for Lot 539 and a portion of Lot 211 Swan Bank Road, Maylands from 'Medium and High Density Residential R40' to 'Local Public Open Space'.

2. BACKGROUND

In April 2017 the Heritage Directorate of the Department of 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 meeting held 5 December 2017 Council considered a modified Maylands Brickworks 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 Brickworks 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 reactivate 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")."*

At its Ordinary Council Meeting held on 24 March 2020, Council resolved to initiate Amendment No.90 to the City of Bayswater's Town Planning Scheme No.24 (TPS No.24) to rezone the amendment area from 'Medium and High Density Residential R40' to 'Local Public Open Space' zone.

The purpose of this scheme amendment is to:

- i) Provide a zoning classification over both lots (i.e. 'Local Public Open Space' zoning) that reflects the current use of the site;
- ii) Reinforce the Brickworks Lake area's status as public open space, irrespective of any future reactivation of the Maylands Brickworks;
- iii) Rezone the land as generally indicated in Concept F of the Maylands Brickworks Feasibility Study report dated May 2019.
- iv) Maintain the current use of the land, which is currently used as open space by the local community;
- v) Ensure any future development does not interfere with its current use as public open space;
- vi) Ensure TPS 24 is consistent with the objectives of the City's draft 'Public Open Space Strategy'; and
- vii) Provide the appropriate statutory framework to ensure the appropriate management of the land.

2.1 Location

The site (also referred to as Brickworks Reserve) is located within the central portion of the Maylands Peninsula, with frontage to both Swan Bank Road and Peninsula Road. The subject site is located just north of Lake Bungana and east of the Maylands Brickworks. The site is approximately 1.8km south-west of the Maylands Activity Centre. The land has multiple direct road frontages to Peninsula Road along its eastern boundary and the termination of Watervista Place at its northern boundary. The site also has access to Swan Bank Road via the Brickworks site.



Figure 1 - Site Location Plan

2.2 Site Area & Surrounding Land uses

The subject land consists of Lot 539 and a portion of Lot 211 Swan Bank Road, Maylands, with a combined area of 1.84ha.

Lot 539 and a portion of Lot 211 form part of Brickworks 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, east and south (partially), while the former Maylands Brickworks and associated car parking bounds the subject land to the west. The site is perceived by the public to be part of the adjoining Lake Bungana Reserve to the south. Lots 539 and 211 are separated by a City drainage easement that runs south-east through the reserve.

The site is currently used for public open space purposes by the local community and surrounding residents.



Figure 2 - Site Aerial Plan

2.3 Ownership/Land Description

Lot 539 and 211 have not been strata titled and are both currently owned by the City of Bayswater.

2.4 Physical Characteristics

The subject land contains areas of remnant native vegetation, well-kept 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. Part of the site (Lot 211) including Brickworks Lake is located within a flood prone area, as the lake areas are relatively low lying. Lot 539 slopes down westwards towards Lot 211 and the Brickwork Lake, falling approximately 2-2.5m. The northern portion of Lot 211 is relatively flat, the remainder of the lot falls slightly around the lake's edges.

3. PLANNING CONTEXT

3.1 State & Regional Planning Context

3.1.1 Metropolitan Region Scheme

Lots 539 and 211 are currently classified 'Urban' zone under the provisions of the Metropolitan Region Scheme (MRS). It should be noted that the zones and reservations prescribed by the MRS are broad categories only that are intentionally not precisely defined or limited in order to enable a flexible approach to strategic planning in the Perth Metropolitan Region.

The following definition is provided as a guide to the stated purpose/s of the land's current 'Urban' zoning classification under the MRS:

***"Urban Zone** - Areas in which a range of activities are undertaken, including residential, commercial recreational and light industry."*

The proposed scheme amendment to rezone the subject land to 'Local Public Open Space' is consistent with the defined intent of the land's current 'Urban' zoning classification under the MRS and may therefore be approved.

3.1.2 Perth & Peel @ 3.5 Million

The Perth and Peel @ 3.5 million 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 @ 3.5 million 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.

The proposal will enhance the existing green network identified by the Framework by providing future green connections to other key destinations and green spaces on the Maylands Peninsula. It also aligns with the Framework's objective to preserve and protect existing green spaces that cater for a wide range of uses.

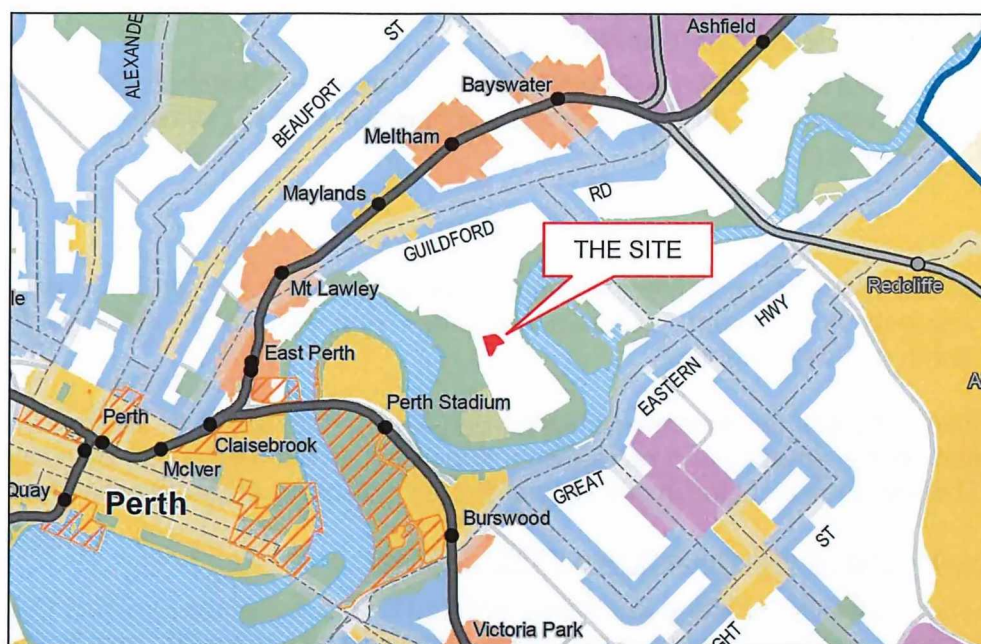


Figure 3 – Extract from *Perth & Peel @ 3.5 Million*.

3.2 Local Planning Context

3.2.1 City of Bayswater Town Planning Scheme No.24

Town Planning Scheme No.24 (TPS 24) currently zones Lots 539 and 211 as 'Medium and High Density Residential' with the R40 residential density code (Figure 4 – Zoning Map). Both lots are located within a core area which allows for multiple dwellings to be built on R40 coded land under the provisions of TPS 24.

Rezoning of the subject land to a 'Local Public Open Space' zoning will enable the City to maintain and formalise the current use of the land for recreational purposes.

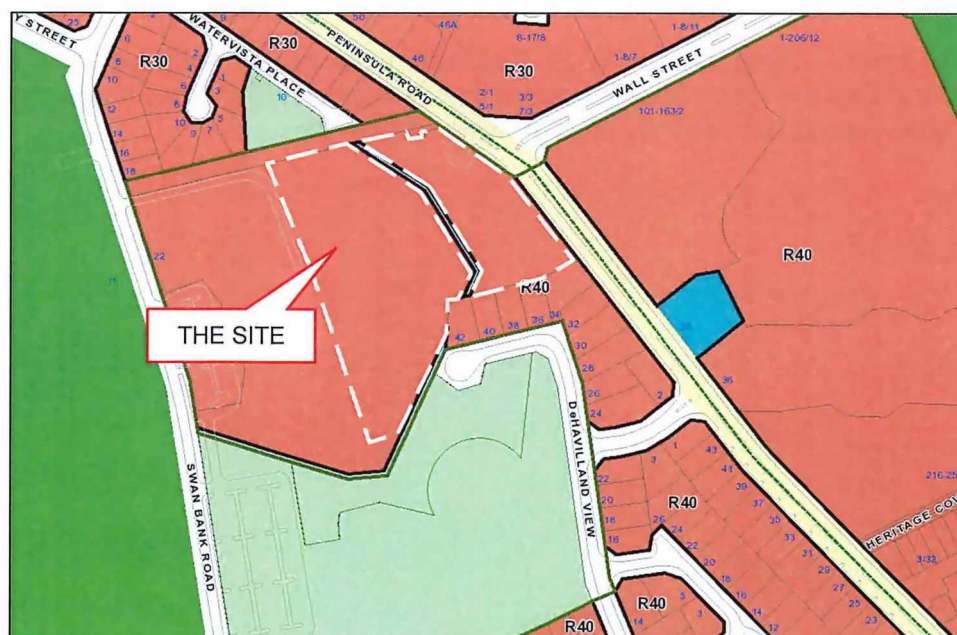


Figure 4 – Zoning Map from TPS 24

3.2.2 City of Bayswater Draft Local Planning Strategy

In April 2019, the City finalised the draft 'Local Planning Strategy' to set out the strategic vision for the future planning and development within the City. The draft document is now with the Western Australian Planning Commission (WAPC) for consent to advertise.

The City's vision is:

"A vibrant city with growth focused around revitalizing centres and corridors. A city which encourages high quality built form, respects our heritage, protects our green spaces and provides good connectivity throughout the City and to the wider region."

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. The site is not included in any special strategic planning areas identified by the draft LPS.

3.2.3 City of Bayswater Draft Public Open Space (POS) Strategy

The City has prepared a draft 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.

The site is included within the designated area for Recreation Spaces as seen below in Figure 5. The proposed zoning will formalise the area identified as public open space within the Strategy, ensuring that it continues to provide green space and amenity for a growing community.

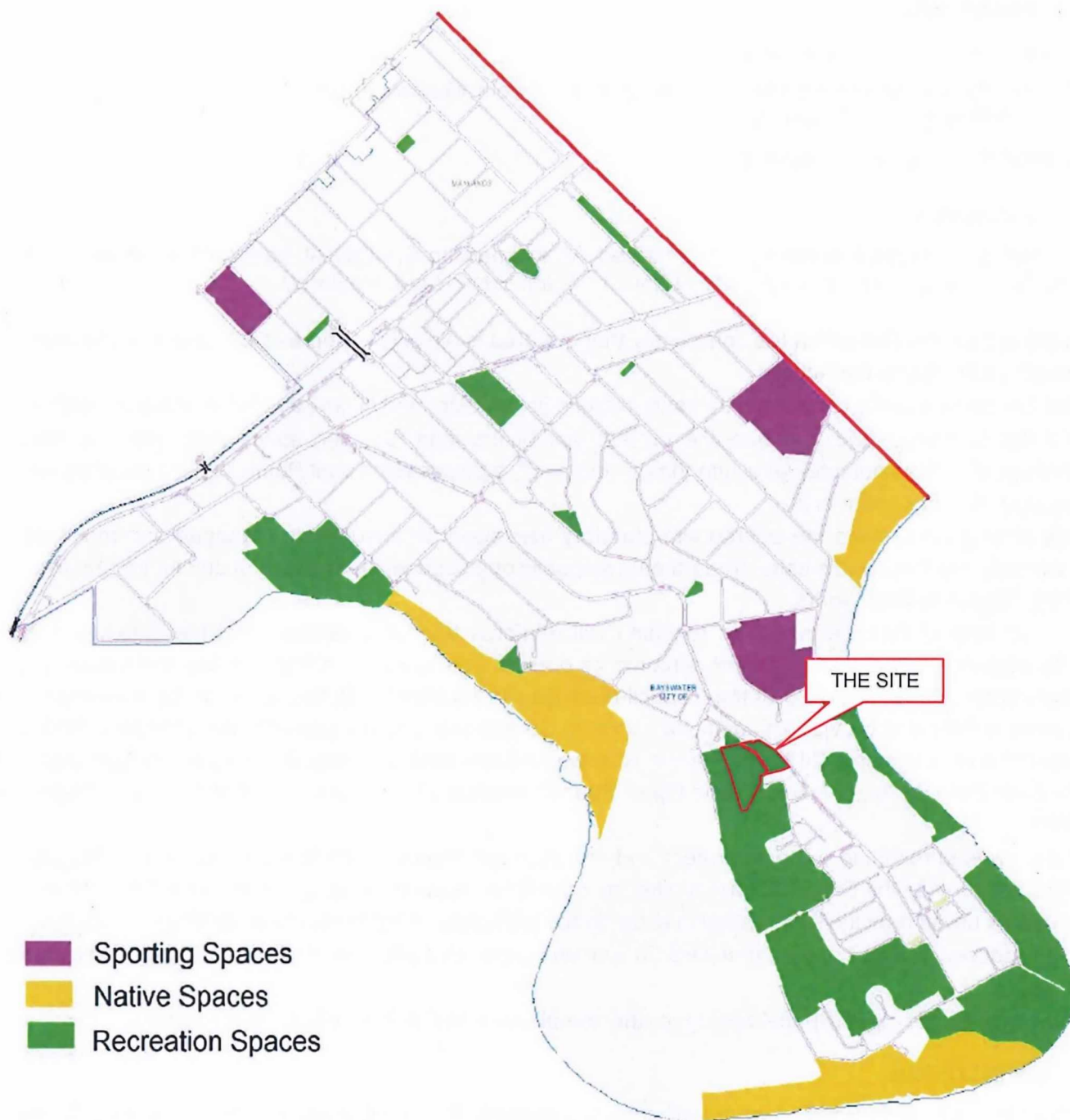


Figure 5 – Public Open Space in Maylands by Function

4.0 PROPOSAL

The scheme amendment proposes to:

1. Change the zoning of the subject site under TPS 24 from 'Medium and High Density Residential R40' to 'Local Public Open Space'; and
2. Amend the scheme map accordingly.

4.1 Justification

The following justification supports the proposed Amendment to the City of Bayswater's Local Planning Scheme No.24 for Lot 539 and a portion of Lot 211 Swan Bank Road, Maylands:

- There is a perception within the community that the area is already zoned 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.
- In order to protect and formalise the current use of the land for open space purposes and ensure development does not intervene with the green space, a consistent 'Local Public Open Space' zoning is required over the entire site.
- This zoning will provide the appropriate statutory framework to ensure it is managed and maintained, reinforcing the Brickworks Lake area's status as public open space, irrespective of any future reactivation of the Maylands Brickworks.
- 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, that Council 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 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.
- The proposed zoning ensures that TPS 24 remains consistent with the City's draft 'Public Open Space Strategy'.
- The 'Local Public Open Space' zoning for the site aligns with the State planning framework.

5.0 CONCLUSION

In light of the above information and justifications provided, it is considered that the proposed Scheme Amendment to rezone Lot 539 and a portion of Lot 211 from 'Medium and High Density Residential R40' to 'Local Public Open Space' be supported.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

CITY OF BAYSWATER LOCAL PLANNING SCHEME No.24

AMENDMENT No.90

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- The amendment is not a complex or basic amendment.

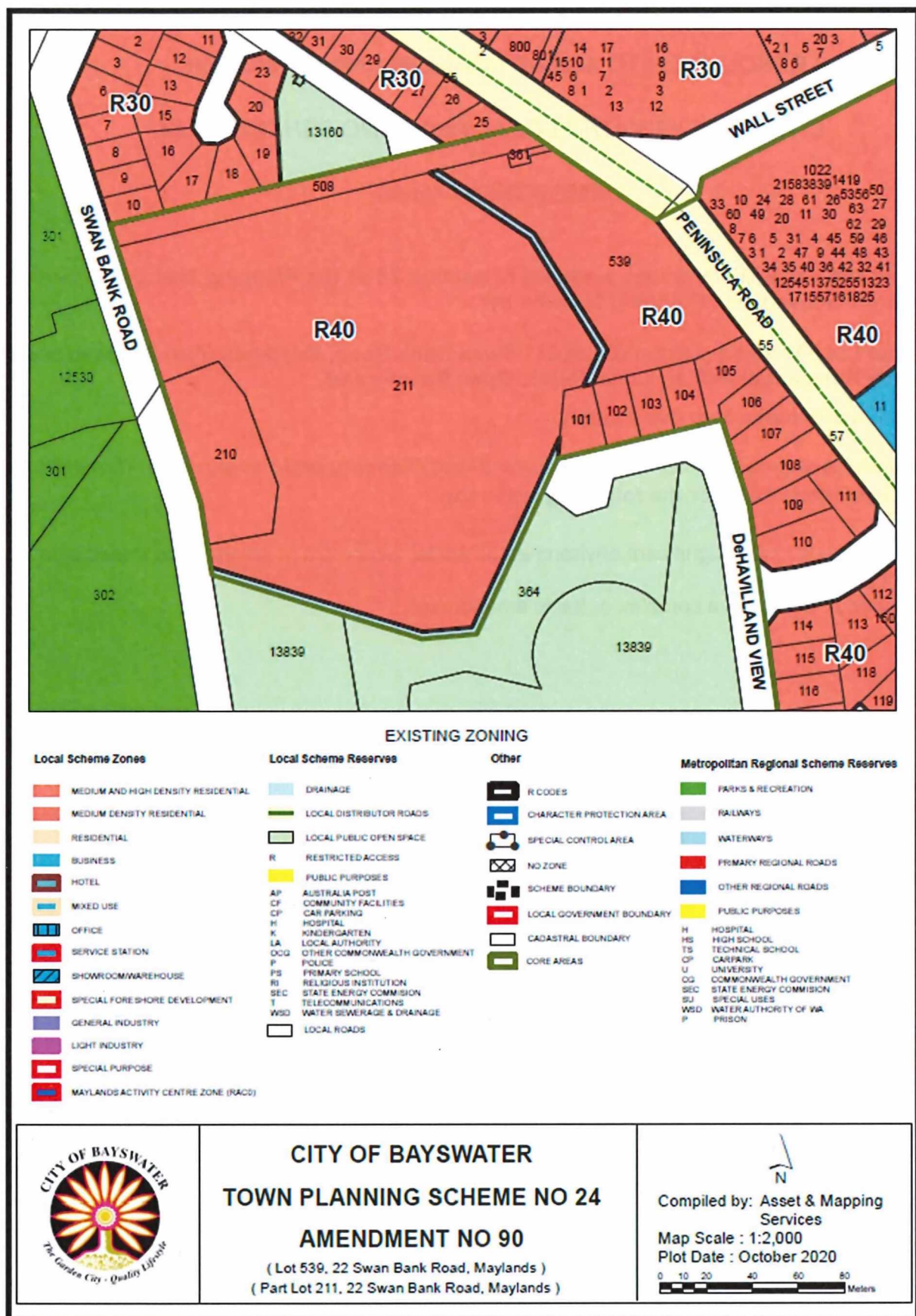


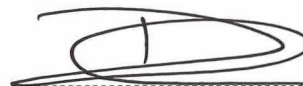
Figure 6 – Scheme Map



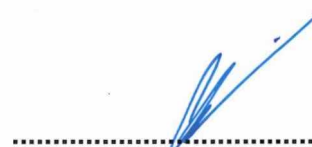
Figure 7 – Scheme Amendment Map

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Bayswater at the Ordinary Council Meeting held on the 24 day of March 2020.



MAYOR



CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Bayswater at the Ordinary Council Meeting held on the 24 day of March 2020, proceed to advertise this Amendment.



MAYOR



CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for approval by resolution of the City of Bayswater at the Ordinary Council Meeting held on the _____ day of _____, 20____ and the Common Seal of the City of Bayswater was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

.....
**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....