

5.5 AMENDMENT 8 TO LOCAL PLANNING SCHEME NO. 2 (NO. 26 BRENTHAM STREET, LEEDERVILLE)

- Attachments:**
1. **Form 2A - Amendment 8 to Local Planning Scheme No. 2**
 2. **Surrounding Public Open Space**
 3. **Map of Surrounding Landholdings**

RECOMMENDATION:

That Council PREPARES Amendment 8 to Local Planning Scheme No. 2, included as Attachment 1, pursuant to section 75 of the *Planning and Development Act 2005*, to reclassify a portion of Lot: 37 (No. 26) Brentham Street, Leederville from Public Open Space to Residential R60, for community consultation pursuant to Section 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

PURPOSE OF REPORT:

To consider Amendment 8 to Local Planning Scheme No. 2 (LPS2) to reclassify a portion of Lot 37 (No. 26) Brentham Street, Leederville from Public Open Space reserve to Residential zone with a density code of R60.

BACKGROUND:

The Institute of Sisters of Mercy of Australia and Papua New Guinea (Sisters of Mercy), own under the name of McAuley Property Limited (MPL), the land comprising Aranmore Catholic Primary School (School). The School is located adjacent to the Land on the southern side.

Rosewood Care Group Inc own the land comprising Rosewood Aged Care Leederville (Rosewood), a residential aged care facility providing accommodation for approximately 120 residents. Rosewood is located adjacent to the Land on the eastern side.

At its December 2018 Meeting (Item 11.5), Council agreed in principle to the exchange of a portion of Lot 100 (No. 20) Brentham Street, Leederville, and Lot 37 Brentham Street, Leederville, (both formerly owned by MPL) for an equal portion of Brentham Street Reserve (portion formally City-owned), subject to the requirements of section 3.58(3) of the *Local Government Act 1995*. The land exchange was proposed to formalise the agreement of the ownership of the land to reflect its actual use, and to reduce the liability and maintenance risks for the City, the School and MPL. The City provided local public notice of the land exchange and initiated a scheme amendment to facilitate the future use of the land. Council requested a report following the public notice period, to present the submissions received in response to the public notice, and to determine whether the City enters into a contract with MPL for the exchange of the land.

At its May 2019 Meeting (Item 11.3), Council approved the City and MPL entering into a contract to exchange a portion of Lot 100 (No. 20) Brentham Street, Leederville, and Lot 37 Brentham Street, Leederville, for an equal portion of Lot 75 Brentham Street, Leederville (Brentham Street Reserve).

At its April 2020 Meeting (Item 12.3), Council requested the Chief Executive Officer consult with the community, including on-site signage, regarding the potential sale of Lot 37 on Plan 2554 (No 26) Brentham Street, Leederville (residential lot portion of the Land), and portion of Lot 75 on Plan 10804, Brentham Street Reserve, Brentham Street, Leederville, adjacent to 26 Brentham Street (rear pocket park portion of the Land).

At the same Meeting, Council noted that any submissions received as a result of the community consultation would be presented to Council for consideration, and determination of the timing and method of any sale, which would be in accordance with sections 3.58 or 3.59 of the *Local Government Act 1995*, as appropriate. Council also noted that a scheme amendment would be prioritised and undertaken for the portion of Lot 75 prior to sale and that the proceeds of the land sale would be held in reserve, to be determined by Council when the 2020/21 budget is adopted.

As a result of the land exchange, the City acquired 1,784 square meters of land comprising a vacant residential lot with an area of 539 square meters zoned Residential R60. The land to the rear of this

residential lot forms a 1,245 square meters pocket park which is zoned Public Open Space – Restricted. The residential lot and the rear pocket park section together make up the Land on one lot, as demonstrated in **Attachment 1**. The Land is Lot 37 on Plan 2554 (No. 26) Brentham Street, Leederville.

Community consultation on the potential sale of 26 Brentham Street was carried out as requested by Council. The purpose of the consultation was to gather community feedback on the potential sale of the Land, prior to any decision being made. The consultation was open between 17 August 2021 and 8 October 2021. The project page had a total of 258 visits during the consultation period.

There were 73 Imagine Vincent survey responses, and a further 14 responses were submitted to Administration directly by email. A total of 87 submissions were received with 82 (94 percent) responses against the potential sale of No. 26 Brentham Street.

At its 14 December 2021 Meeting (Item 9.14), Council noted:

- the public submissions received in response to the community consultation;
- that Administration will investigate the interest of adjoining landholders in the land;
- that any decision to sell the land would require a scheme amendment which includes further public advertising; and
- that Administration will provide further advice in March 2022 regarding any interest from adjoining landowners and a recommended approach regarding the existing play equipment.

DETAILS:

The City has prepared Amendment 8, included at **Attachment 1**, to reclassify the subject site from Public Open Space reserve to Residential zone with and density code of R60.

The subject site is situated in an area where there is significant public open space, as shown in **Attachment 2**. Given the proximity of this land to Brentham Street Reserve (28,900 square meters) and Britannia Reserve (157,700 square meters), it is deemed surplus to the City's Public Open Space (POS) requirements in this area. Sale of this land with a 'Residential' zoning would allow for acquisition of land for public open space where shortfalls have been identified in the City's *Public Open Space Strategy* and/or improvement of existing parks and open spaces.

Following a land swap requested by McAuley Property Limited in 2020, two of the access points to the subject site are now fenced, private land. As shown in **Attachment 3**, the subject site is separated from the majority of Brentham Street Reserve by private landholdings.

The intent of Amendment 8 is to reclassify the subject site to expand the types of uses that may be permitted. This includes residential dwellings, home offices, and aged or dependent persons dwellings. Amendment 8 proposes a residential density code of R60, which would match the density of the surrounding residential area and development.

The R60 density code allows for the development of houses, units and apartments, which sets a deemed-to-comply height of three storeys and plot ratio of 0.8. In the case of the potential development of grouped dwellings on the site, a maximum of 11 dwellings could be permitted across the entirety of Lot 37 (1,784 square meters), however site constraints would likely limit this further.

CONSULTATION/ADVERTISING:

If Council resolves to prepare the amendment, a notice would be sent to relevant public authorities, including the Environmental Protection Authority (EPA). Subject to the approval of the EPA, the amendment would then undergo 42 days of public advertising, in accordance with section 47(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In accordance with section 76A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City's Community Engagement Framework, the proposed amendment would be advertised:

- On the City's website;
- At the City's Administration and Civic Centre;
- With a sign on site;

- An advertisement in a local newspaper; and
- Email to previous submitters;
- Via letter drop to owners and occupiers of directly adjoining and opposite properties.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- State Planning Policy 7.3 – Residential Design Codes (R-Codes);
- Local Planning Scheme No. 2;
- Community Engagement Framework; and
- Policy No. 7.1.1 – Built Form.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to reclassify and zone Residential a lot that the City owns.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

The reclassification of the subject site to Residential would not contribute to any environmental sustainability outcomes considered in the City's *Sustainable Environment Strategy 2019-2024*. The proposed Amendment would enable the option for the City to progress residential development on the site that decreases the amount of vegetation on Lot 37. However, the sale of the lot may allow the City to purchase land to create higher quality public open space, and result in a net increase of vegetation in the long-term.

Potentially removing the trees from the site would not affect the canopy targets noted in the City's *Sustainable Environment Strategy 2019-2024*. The City is 2-3 years ahead on planting targets to increase tree canopy. If the sale does go ahead, the City could plant a number of trees in the surrounding City-owned land to replace them.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of advertising and progressing the proposed Amendment would be met through the City's existing operating budget.

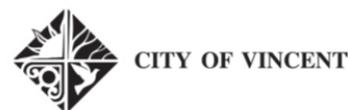


CITY OF VINCENT

LOCAL PLANNING SCHEME NO. 2

Amendment No. 8

Standard amendment to reclassify a portion of Lot 37 (26) Brentham Street,
Leederville from 'Public Open Space – Restricted' to 'Residential R60'.

**FORM 2A**

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF VINCENT LOCAL PLANNING SCHEME NO. 2
AMENDMENT NO. 8

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005* (as amended), amend the above Local Planning Scheme to:

1. Reclassify the portion of Lot 37 (26) Brentham Street, Leederville currently reserved for 'Public Open Space – Restricted' to 'Residential' zone;
2. Apply the 'R60' density code overlay to the entirety of Lot 37 (26) Brentham Street, Leederville.

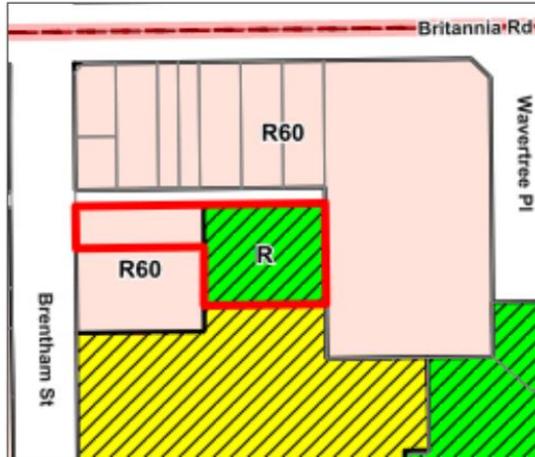
The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- It is an amendment to the scheme map that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
- It is an amendment is not a complex or basic amendment.

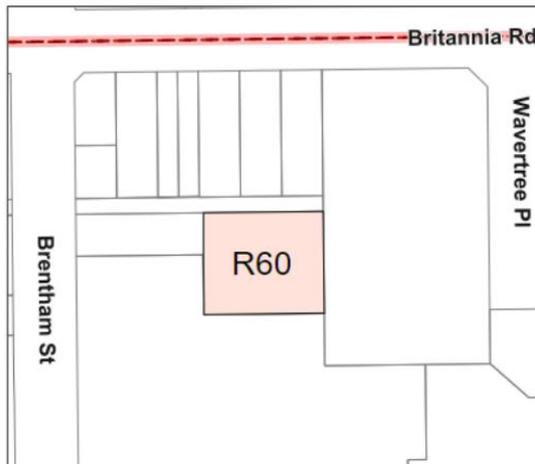


Modifications 1 and 2 – Scheme Map

Existing:



Proposed:



= Amendment area

Dated this **day** of **2022**

CHIEF EXECUTIVE OFFICER

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 5 - MT HAWTHORN**

LEGEND

METROPOLITAN REGION SCHEME RESERVES
Note: The Western Australian Planning Commission, care of the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION**
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION**
- OTHER REGIONAL ROADS RESERVATION**
- RAILWAYS**
- PUBLIC PURPOSES**
Particular use denoted as follows:
 - H Hospital
 - HS High School
 - TS Technical School
 - CP Car Park
 - U University
 - CG Commonwealth Government
 - SU Special Use
 - WSC Water Authority of Western Australia
 - P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

- PUBLIC OPEN SPACE**
- R Restricted
- PUBLIC PURPOSES**
Particular use denoted as follows:
 - PS Primary School
 - CP Car Park
 - CU Civic Uses
 - HS High School
 - I Institute for the Deaf
 - W Water Supply Sewerage and Drainage
 - TS Technical School

CITY OF VINCENT SCHEME ZONES

- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**
Particular use denoted as follows:
 - CP Car Park
 - CU Community Use
 - FC Function Centre
 - HC Hall and Non Residential Club
 - H Hotel
 - PW Place of Worship
 - S Service Station
- ADDITIONAL USE**

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**



LOCAL PLANNING SCHEME NO. 2

Amendment No. 8

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the City of Vincent at the Ordinary Meeting of the Council held on the _____ and the Common Seal of the City of Vincent was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

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

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

