# 9.5 OUTCOME OF ADVERTISING - 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. Map Showing Nearby Public Open Space
- 3. Map Showing Private Landholdings
- 4. Summary of Submissions Amendment 8

#### **RECOMMENDATION:**

That Council SUPPORTS Amendment 8 to Local Planning Scheme No. 2, included as Attachment 1, without modification for submission to the Western Australian Planning Commission, pursuant to section 75 of the *Planning and Development Act 2005*.

#### PURPOSE OF REPORT:

To consider submissions on Amendment 8 to Local Planning Scheme No. 2 and to determine whether to support the Amendment with or without modifications, or not to support the Amendment.

#### **BACKGROUND:**

At its Ordinary Meeting of <u>8 March 2022</u>, Council determined to prepare Amendment 8 to Local Planning Scheme No. 2 (included as **Attachment 1**) 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.

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 <u>Public Open Space Strategy</u> 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.

# **DETAILS:**

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, or facilities associated with those uses. 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:**

The proposed Amendment 8 was advertised for 42 days via the City's website, a notice in a local newspaper, letter drop to adjoining owners and occupiers, a sign on site, and an email to everyone who previously commented on the proposed sale of the site (99 people).

The City received 12 submissions from members of the public. 10 of these submissions objected to the proposal, one supported the rezoning on the condition that the land was used for a dementia garden, and one fully supported the rezoning. **Attachment 4** contains all comments in full, including a response from City staff.

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The main issues raised by submitters and Administration's responses are as follows:

1. The removal of trees is not supported

While this Amendment itself does not result in the removal of mature trees on the site, it is likely that a future use under the Residential zone (whether it is a residential building, dementia garden, or other use) would result in at least the partial loss of the trees on the site. Protecting trees on public and private land is identified as an important objective in the City's Greening Plan. However, the sale of the land may allow the City to purchase land to create higher quality POS, 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. The City will consult with the community regarding a landscape plan within the Brentham Street Reserve green space (comprising new play equipment, extension of footpath and lighting through to Bourke Street, additional trees, and landscaping) to be constructed using part proceeds of a sale not exceeding \$299,000.

2. The space is well used by children

The Aranmore Catholic Primary School children do use the play equipment. Outside of this, there is very little usage by the broader community. Part of the 8 March 2022 decision was to use up to \$299,000 of the potential land sale to relocate play equipment elsewhere on Brentham Street Reserve so that it could be used by both Aranmore Catholic Primary School children and children in the broader community.

3. There are parking issues in the area so residential should not be supported as it would likely exacerbate the issue, but a dementia garden could be acceptable.

The traffic and other service needs from any development of this one property at R60 could be accommodated by the existing infrastructure and services in the area, which includes close proximity to several town centres, public transport options and other amenities.

4. Something community oriented in the space would be a better outcome than private property.

A community-oriented development is preferred. In the interest of transparency, equity and compliance with the *Local Government Act 1995*, the City is required to consider any proposals received. Under a residential zoning, this could include a private residential development.

It is recommended that Council supports Amendment 8, included as Attachment 1.

Council may determine whether to make modifications to the proposed Amendment, and whether to support or refuse the Amendment. Major modifications may require a period of readvertising.

Following a Council decision, the City would forward the relevant documents to the Department of Planning, Lands and Heritage for determination.

#### 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 to reclassify the subject site from Public Open Space to Residential R60. The actual use of the land will be subject to a separate Council decision following the receipt of any proposals.

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#### STRATEGIC IMPLICATIONS:

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

#### Enhanced Environment

Our parks and reserves are maintained, enhanced and well utilised.

#### Innovative and Accountable

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

#### **SUSTAINABILITY IMPLICATIONS:**

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

This does not contribute to any environmental sustainability outcomes. This activity may have some negative environmental impacts.

While the proposed rezoning itself would not result in loss of canopy cover or green space, it does enable a future decision to do so. While this could lead to a permanent loss of green space, it would enable better, more efficient management or enhancement of other existing spaces.

#### **PUBLIC HEALTH IMPLICATIONS:**

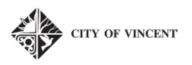
This does not contribute to any public health outcomes in the City's Public Health Plan 2020-2025.

From a public health perspective, the rezoning of this property would have a negligible impact. The core basis for this decision was that there is a surplus of public open space in the area. Any activities that are currently occurring on the property can be supported by other nearby public open spaces.

# FINANCIAL/BUDGET IMPLICATIONS:

This rezoning has no impact on the City's budget. The City's operating budget allows for the processing of the proposed Amendment. A future report around the sale of land will provide further details around budget implications.

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# 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

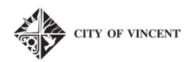
CITY OF VINCENT LOCAL PLANNING SCHEME NO. 2 AMENDMENT NO. 8

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:

- 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.

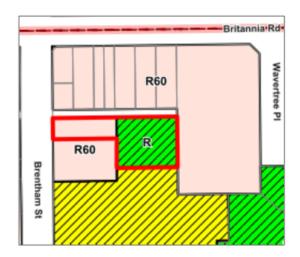
The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- 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.

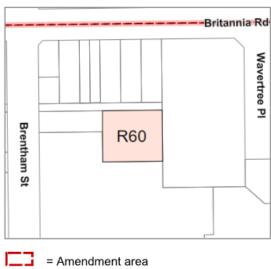


## Modifications 1 and 2 - Scheme Map

#### **Existing:**

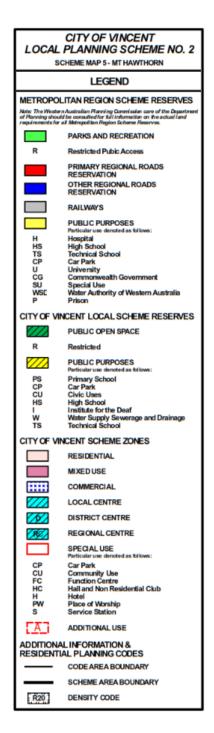


# Proposed:



Dated this day of 2022

CHIEF EXECUTIVE OFFICER



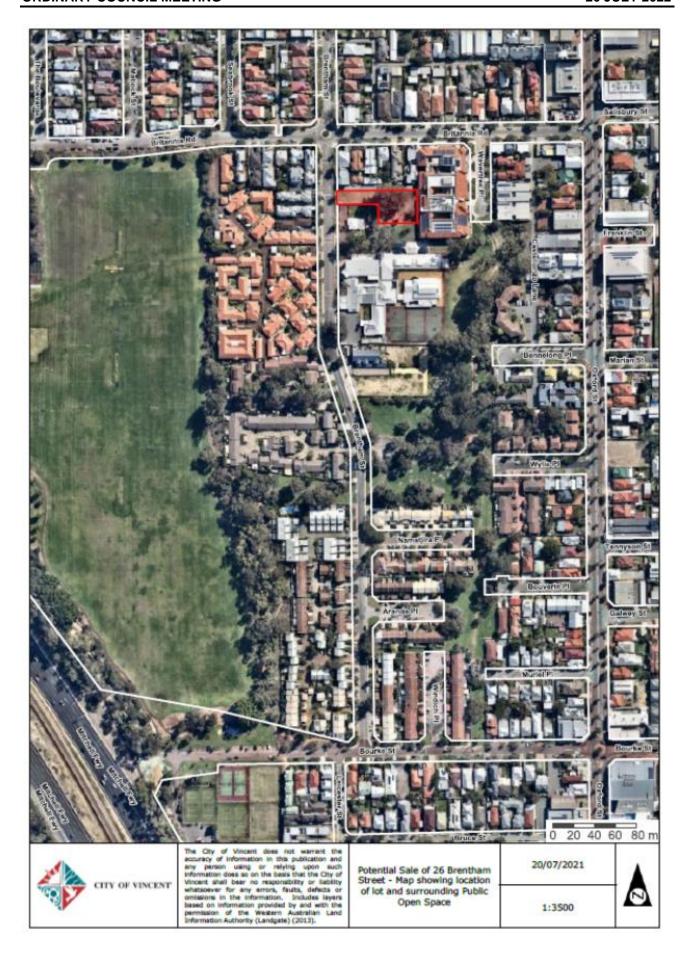


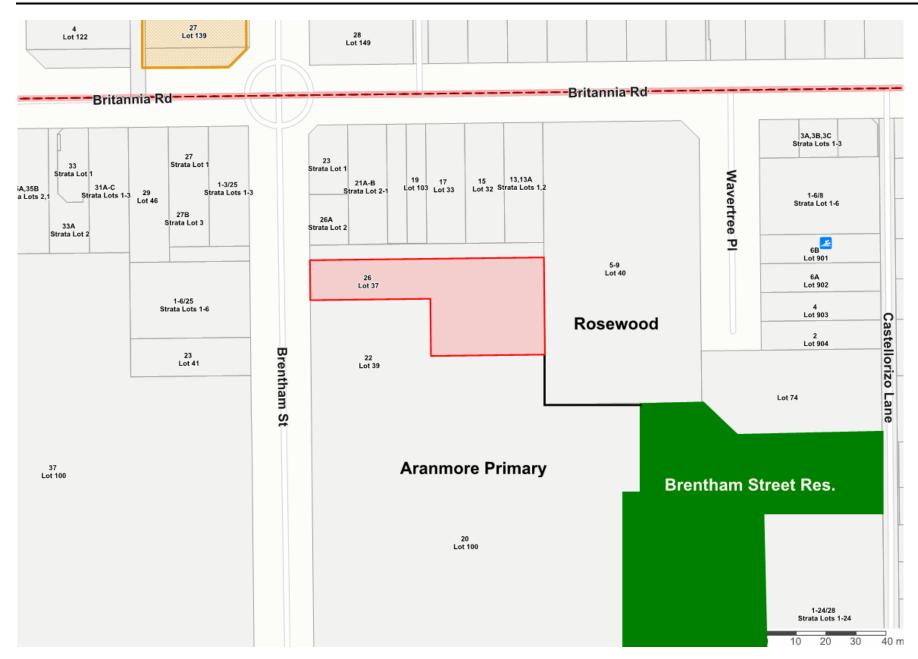
# **LOCAL PLANNING SCHEME NO. 2**

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		
THE <i>PLANNII</i>	DELEGATED UNDER S.16 OF NG AND DEVELOPMENT ACT 2005	
	DATE	
APPROVAL GRANTED		
S.87 OF THE <i>PLANNII</i>	MINISTER FOR PLANNING NG AND DEVELOPMENT ACT 2005	
	DATE	





# **Summary of Submissions:**

Submission	Administration Comment:
I am vehemently opposed to this proposal this area is already DRASTICALLY over populated, especially that road, which, justifiably is busy due to the school.  I live locally and see that playground used regularly by local kids and the school kids, it's madness to squeeze yet another residential dwelling into what is safe and patronised public space.  I urge you to reconsider this, as it just looks like a money grab from where I'm sitting	Administration's opinion is that the area is not 'overpopulated'. The traditional residential areas of Leederville and Mount Hawthorn mainly consist of single dwellings, duplexes and small one or two storey blocks of units. The approximate gross residential density is 30 dwellings per net residential hectare or one dwelling per 331sqm. Despite the area being coded R60 (approx. 60 dwellings per hectare), the density in the area is closer to R30.  Being an inner-city location close to several town centres, public transport options and other amenities, the development of this one property at R60 is not likely to have a noticeable impact on traffic and other services, even if
The olding in	developed to its theoretical maximum potential.
	Brentham Street does get very busy, but this is only at peak times for less than half an hour. In an inner-urban area like Vincent, it's the City's opinion that a desire to keep congestion low would not be sufficient reason to deny the supply of new residential land.
	Separate to the rezoning process, the City is investigating options for upgrading the remainder of Brentham Street reserve, including the potential to relocate or add new play equipment for the local children.
I'm writing to express my concern about the sale and potential construction of 11 dwellings on this site.	Yes, staff have been to the site to investigate traffic flows. The findings were that, at the busiest pick up time, the intersection at Britannia Road and Brentham Street had approximately a 30 second to 1 minute wait time. Staff
Has anyone actually been at this site during school drop off and pick up? It is absolute chaos and that is without residents living there.	from Aranmore appeared to manage traffic flow very effectively.  In an inner-urban area like Vincent, it's the City's opinion that a desire to keep
Brentham Street already has too many units and apartments down the entire street	congestion low would not be sufficient reason to deny the supply of new residential land.
The City of Vincent should be embracing Aranmore PS and the community culture it provides to the area and keeping the playground there for the children of Aranmore to use and enjoy.	Administration's opinion is that the area does not have too many dwellings because the majority of the R60 properties in the area could accommodate more but have not yet been developed to their full potential.
It will be a very sad day for the school and the surrounding residents if this proposal is to go ahead	Separate to the rezoning process, the City is investigating options for upgrading the remainder of Brentham Street reserve, including the potential to relocate or add new play equipment for the local children.
I am writing on behalf of my family, long-term Leederville residents and regular users of the Brentham Street park in question. Our preference is strongly opposed to rezoning the land and we would support any plan to develop this area as green space with preservation of the eucalypts.	Thank you for your comment.
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# **Summary of Submissions:**

Submission	Administration Comment:
Whilst I am not bothered about the change from public open space to residential, there are some large trees on this site which would definitely need to be removed to allow for residential development. Does this mean that the Council is supportive of their removal and would not require replacement trees to be planted on the site? If it was not for these trees, I really don't think the rezoning would have any detrimental impact on the surrounding properties, but they have come to expect the retention of these given the current zoning of this land.	The City is supportive of retaining the trees, if possible. The City's Built Form Policy also includes provisions to encourage retention of mature trees for new developments. Council would consider the retention of existing trees as part of the sale process. The rezoning itself will not result in the removal of the trees.
I would support the space remaining as public open space as it is currently well utilised by children playing and I think it would be a shame to lose this use.	Thank you for your comments. Rosewood currently sits on land zoned Residential R60, so the proposed dementia garden would be possible under the Residential R60 zone as well.
I however would be more open to it being rezoned as land for ie the rosewood dementia garden proposal or smaller residential (ie non-3 storey residential).	The City could have proposed a new zone that only permitted aged care land uses; however, this would result in an arrangement that only suited one neighbouring landowner instead of an open and competitive sale process.
It seems most likely that if sold as such a sizeable block of land with potential for 3 storey dwelling it would be developed as apartments which I feel would have a significant negative impact on the already dire parking situation on the street. Due to the primary school, for at least an hour per day people are almost constantly illegally stopped over our driveway and blocking the street out passed the roundabout. In my experience living in apartment/unit complexes they rarely provide adequate parking for residents + visitors and this tends to spill out into the neighbouring block.	Residential developments are currently required to provide parking for their residents. However, this can only be assessed if we receive a proposal for a residential development. Similarly with visual privacy and overshadowing, these would need to be assessed once an application is received.  Regarding community benefit, the City's opinion is that a Residential zone could provide more diverse housing types in the area, meaning more diversity of people and increased activity. The potential proceeds of sale would be used in upgrading other existing parks.
Something like the dementia garden idea would be a unique addition to the community filling an unaddressed need. I don't think that replacing a playground with a block of units would provide much benefit to the community and the construction + following tenant parking would make an already bad road situation worse.	in upgraumg other existing parks.
Also the notion of a three storey residential building overlooking/overshadowing a primary school playground + after school care is less than ideal in general if you have other alternatives.	
I purchased my house on Brentham St based on the amount of Open space in and around the street. The street is already so dense with townhouses. I'd like it to stay as open space.	Thank you for your comment.

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# **Summary of Submissions:**

Submission	Administration Comment:
I do not like the idea of private property being created in the place of Public Open Space. I understand that this Public Open Space may be being overlookedI am open to the idea of something community-oriented being created in the Space to uplift/activate the area. Funding that would have gone to the creation of private property instead dedicated to commissioning an interactive sculptural work, or a community garden, for example. I am also concerned about the potential removal of the mature trees on the land of this Public Open Space. They provide shade and cooling in hot months for the surrounding houses. Brittania Park is mostly used as a recreational & sport place; 26 Brentham St could be utilised as a Nature Space since the two are located near one another.	Converting the property from public to private space would result in significant funds for the City to undertake upgrades and improvements to other existing parks. Sculpture and community gardens could be considered once we have prepared a draft landscape plan for the remainder of Brentham Street Reserve.  The City is supportive of retaining the trees, if possible. The City's Built Form Policy also includes provisions to encourage retention of mature trees for new developments. Council would consider the retention of existing trees as part of the sale process. The rezoning itself will not result in the removal of the trees.
This is an essential public space. We do not need more residential living. It both offers more green for the residents in the community and an area where members of the community can meet.	Thank you for your comment.
"1 MISLEADING ADVERTISING  Firstly, I feel the signage on the block and the reference to 26 Brentham Street in the flyer sent to residents is misleading as the rezoning does not apply to the vacant block but the parkland behind it. People are likely to think its ok to rezone the residential block (which is already R60) Only those who bother to go to the website get the full details.	Apologies if you found this unclear. The plan included on the sign showed the portion of land already zoned R60 and the portion proposed to be zoned R60.
2 NO REZONING  The suggestion that following the rezoning any use of the land for other than maximum residential units is laughable The only need to rezone the block is to sell and develop it. Why the land needs to be rezoned to match surrounding blocks is irrelevant. The decision to sell land to undisclosed buyer leads to a suspicion the City of Vincent already has decided and the potential buyers known to them.	2. Given the irregular shape and difficult access to the block, it is unlikely that it would be developed to its theoretical maximum potential. The City has received interest from Rosewood in operating a dementia garden on the site as well. There will be no undisclosed buyers in this process. The Council resolution of 8 March 2022 was to invite offers from Aranmore and Rosewood directly. These proposals would then need to be advertised. If Council determined not to proceed, only then would the sale go out to a public tender.
3 PUBLIC OPEN SPACE FOR THE PUBLIC	3. Noted, thank you.
I am against any selling off or rezoning of Public Open Space on principle. Public open space is just that – space for the public. As inner city development and urban infill continue, these breathing spaces become more and more valuable. Previous surveys indicate that the majority of responses were against the selling and rezoning of the land.	

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#### Summary of Submissions:

#### Submission

#### TREES

People like living and working in Leederville not just for inner city convenience but for the pleasant green spaces and the trees which open spaces provide for — an overlooked amenity. Open spaces, trees and the shade and amenity they offer has been recognized by city planners for thousands of years — it's only recently, at a time when it couldn't be less that crowded dwellings take preference.

What a terrible message to give to the students of the adjacent school!

Significant mature trees are located on the rear section. These MUST BE RETAINED The public open space section should not be sold to anyone. History shows that private ownership leads to development of the land. Should the land be sold to the school or the aged care home, it should be with the caveat that the trees are to be retained in any development. Also, they should not get the land at a bargain price and then be able to on-sell to their developer mates.

This seems to be in direct contradiction to the stated policy: Vincent's Public Open Space Strategy 2018(External link) has the objective of increasing parks and open space across Vincent. This is critical as we respond to the impacts of development and population growth.

#### 5 RATEPAYERS MISS OUT

In 2020, the land was transferred to the City of Vincent as part of an equal land exchange with Aranmore Catholic Primary School, to provide the school with a more cohesive and fully fenced primary school site.

a) I don't see that the land swap was equal. One 540 sq m block was not an equal swap for all the land the school acquired.

Where land sales are considered, any proceeds would be held in a Public Open Space Reserve for the purpose of buying land for new parks or improving existing park facilities.

Purchasing land elsewhere would be of little direct benefit to local ratepayers

"The rear section is currently used as an additional play space by Aranmore Catholic Primary School. It does not have clear access to the public, is tucked 'out of sight' and is not connected to the Brentham Street Reserve. As a result, it is not widely used by the public."

#### **Administration Comment:**

4. The City is supportive of retaining the trees, if possible. The City's Built Form Policy also includes provisions to encourage retention of mature trees for new developments. Council would consider the retention of existing trees as part of the sale process. The rezoning itself will not result in the removal of the trees.

 The land swap subject to Council's decision on 28 May 2019 was equal.
 It included 2,300sqm of the City's land for the 539sqm lot plus an extra 1,761sqm of school land.

The proceeds of a land sale would be reserved for Public Open Space upgrades. Some of the proceeds will be spent to upgrade public open space in the nearby area, while some will be spent to acquire land in other areas where public open space is lacking. With all income the City receives, whether rates, grants or land sales, it is the City's responsibility to ensure expenditure is in the best interest of the City as a whole. That means that sometimes money collected from one area can be spent within another area if there is a greater need. In this case, the Council decision of 8 March 2022 requires a maximum of \$299,000 of the proceeds be spent on Brentham Street reserve.

Acknowledge your comments about the park being frequented more since the demolition of the house at 26 Brentham Street. The City's findings are that the park and playground equipment is mainly used

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# **Summary of Submissions:**

Submission	Administration Comment:
Since the demolition of the house that was on 26 Brentham Street, it is now visible and arguably since the last submissions re selling 26 Brentham street, the park is more frequented as more residents became aware of its existence; with improvements to the block, it would be more frequented by locals, school families before and after school as well as the use it currently gets from the school and the After school Centre.  Access was available from Brentham Reserve but this was fenced off by the school, thus cutting off access for residents to Oxford Street and the reserve. Many I have spoken to have been annoyed by this restriction as going around makes for a longer trip.  If the land sale process goes ahead, the City would consult with neighbouring properties, Aranmore Catholic Primary School and Rosewood Care Group, to see if there is interest in purchasing the land for private open space for the benefit of students or residents.	around pick up times by the school children, and during play times within school hours. Play equipment could be considered as part of a future landscaping plan for Brentham Street reserve, subject to a separate consultation process.  Acknowledge your comments about access as a result of the land swap. This proposal would have no further impact on access since that was part of the previous land swap decision. There are pedestrian connections between Brentham Street and Oxford Street at Bennelong PI, Wylie PI, Bouverie PI and Muriel PI.
Any development of the land will inevitably lead to more traffic congestion in a street which already had parking and traffic problems. Obviously potentially more than thirty additional residents, plus the trades providers and delivery drivers with increase traffic in the area, particularly at peak times. Will people really want to live that close to the school?  Rezoning the area means the trees are at risk of being chopped down. There are many birds and bats that live in those trees and I strongly object to losing our local wildlife and trees.	Being an inner-city location close to several town centres, public transport options and other amenities, the development of this one property at R60 is not likely to have a noticeable impact on traffic and other services, even if developed to its theoretical maximum potential.  Brentham Street does get very busy, but this is only at peak times for less than half an hour. In an inner-urban area like Vincent, it's the City's opinion that a desire to keep congestion low would not be sufficient reason to deny the supply of new residential land.  The City is supportive of retaining the trees, if possible. The City's Built Form Policy also includes provisions to encourage retention of mature trees for new developments. Council would consider the retention of existing trees as part of the sale process. The rezoning itself will not result in the removal of the trees.

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# **Summary of Submissions:**

Submission	Administration Comment:
I would like to express my opinion on the rezoning query of 26 Brentham street.  I had seen in the local paper the suggestion of Rosewood Aged care purchasing the land & creating a specialized state of the art dementia sensory garden. I think this is a wonderful idea & really hope it comes to fruition. This way the aged care residents & the children of Aranmore primary school could share the use of the land and integrate the young with the elderly which would benefit the community.	A community-oriented development is preferred, however, in the interest of transparency, equity and compliance with the <i>Local Government Act 1995</i> , the City is required to consider any proposals received. Under a residential zoning, this could include a private residential development.
My own mother is a resident at the rosewood facility, and the one thing she misses so much is her garden. I can imagine a lot of the residents would also miss their outdoor gardens & yards.  I feel this idea for the land would help the community & help local residents to	
not feel hemmed in with yet another squeezed in block of apartments.  A sensory garden would look great and keep the nature scape which I think the area needs. Plus letting local residents enjoy the land together.	
I fully support the proposed rezoning.	Thank you for your comment.

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