3.1 PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - RECLASSIFY PART OF LOT 9332 HAMERSLEY ROAD, CAVERSHAM (FORMER RIVERBANK DETENTION CENTRE) FROM 'PARKS AND RECREATION' TO 'RURAL'

Ward: (Swan Valley/Gidgegannup Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

KEY ISSUES

- The Western Australian Planning Commission (WAPC) has requested the City's comment on a proposal to amend the Metropolitan Region Scheme (MRS) to reclassify a portion of Lot 9332 Hamersley Road, Caversham from 'Parks and Recreation' to 'Rural'.

- This proposal was prepared by Whelans on behalf of LandCorp and seeks to apply one consistent 'Rural' zone over the portion of Lot 9332 that the decommissioned Riverbank Detention Centre is situated upon. It is understood that this will facilitate the State's disposal of the whole of this disused asset that is surplus to the Department of Corrections requirements.

- From a planning perspective the merits of the proposal are easily recognisable; the existing perimeter fence has excluded public access to that portion of the disused centre reserved 'Parks and Recreation' and there is no compelling recreational need or demand to require more land for recreation. Using the perimeter fence to redefine the area zoned 'Rural' will better reflect the historical use of the land and enable a wider potential of future uses.

- Should the proposed MRS amendment be approved, the Council will have 90 days to initiate an amendment to Local Planning Scheme No.17 (LPS17) to reclassify the subject portion of Lot 9332 from 'Parks and Recreation' and 'Public Purpose' reservations of the site to a zoning classification consistent with the 'Rural' MRS zoning. The applicant recommends that the MRS 'Rural' area be rezoned to 'Swan Valley Rural' in LPS17, which is a zone that applies to unreserved land in the immediate surrounding area.

- The particulars of a local planning scheme amendment does not need to be determined at this time and will be the subject of a future report to Council. All that needs to be said at this time is that the site could be reused for rural residential, private recreation, low scale tourist or rural related activities and it is possible for these future uses to occur within a compatible rural zone that has regard to the Swan Valley Planning Act 1995 and Swan Valley Development Plan.

It is recommended that the Council advise the Western Australian Planning Commission that it does not object to a proposed amendment to the Metropolitan Region Scheme to reclassify a portion of Lot 9332 Hamersley Road, Caversham from 'Parks and Recreation' to 'Rural'.

AUTHORITY/DISCRETION

The Council’s resolution is required because staff do not have delegation to make comment on proposed amendments to the Metropolitan Region Scheme.

BACKGROUND

Applicant: Whelans (Australia) Pty Ltd acting on behalf of LandCorp

Location: Lot 9332 Hamersley Road, Caversham is located within 'Area B' of the Swan Valley Planning Act 1995 and is located approximately 8km from the Midland town centre and approximately 17km from the Perth CBD.

Land Use: Approximately 1.5578 hectares of Lot 9332 is occupied by the disused detention centre with the remaining 3.204 hectares being undeveloped Crown land with established trees and forms part of a foreshore reserve to the Swan River.

The proposal area was developed for the use as the Riverbank Detention Centre with a main building, several associated outbuildings and a perimeter fence. This detention centre has since been decommissioned and is considered a surplus government asset to the Department of Correctional Services.

Surrounding Land Uses: Surrounding non-reserved land parcels to the north and west of the subject site are used for rural purposes including horse stables and viticulture. The Swan River abuts the eastern boundary.

Access: Vehicles access the site from Hamersley Road which is a sealed gazetted road; however the southern portion of the road is not sealed and is only a limestone track.

Local Planning Scheme No.17 Zoning: Lot 9332 is subject to two classifications. 'Local Reserve - Public Purposes' applies to the portion of land that is 'Rural' in the Metropolitan Region Scheme with the balance of the land parcel classified as 'Regional Reserve - Parks and Recreation'.

APPLICANT'S SUBMISSION

The following extracts are from Whelan's Amendment Request Report (Version 1, Ref: 20890) and are relevant in supporting their request:

"A change to the ‘Rural’ zone will amend an anomaly in the zone boundary that saw a portion of the former detention centre situated over the ‘Parks and Recreation’ reservation.

The subject site was developed for the use as a detention centre with a main building and several associated out buildings, it has since been decommissioned and is a surplus government asset.

This amendment will create the opportunity to allow the land to be sold as appropriately zoned ‘Rural’ zoned land.

With the amendment to the MRS, it is the intention to have the same area of the Subject site converted to the ‘Swan Valley Rural’ zone.
The amendment of the Subject site to increase the area of the ‘Rural’ zone will not affect the viability of agricultural land as the abutting land is reserved ’Parks and Recreation’. It is acknowledged that the potential use of low-impact tourism or commercial development would not be incidental to onsite rural uses such as viticulture it would however, provide these uses within close proximity to other rural landholdings. It will also provide an opportunity for an unused heritage building to be developed for low scale tourism or commercial purposes and enhance the built form to match the existing character of the surrounding rural land.”

DETAILS OF THE PROPOSAL

Before initiating an amendment to the Metropolitan Region Scheme (MRS), the WAPC seeks the City's position on a request to reclassify part of Lot 9332 Hamersley Road, Caversham (former Riverbank Detention Centre) from 'Parks and Recreation' regional reservation to a 'Rural' zone. It proposes to increase the portion of Lot 9332 zoned 'Rural' in the MRS to 1.56 hectares and leave the remaining 3.2 hectares in the current 'Parks and Recreation' regional reservation.

Through this proposal LandCorp seek to apply one consistent 'Rural' zone over the decommissioned Riverbank Detention Centre as to facilitate the State's disposal of that disused facility. As such this proposal is considered to be more of an administrative exercise to address an anomaly in the MRS and can be supported because:

- A MRS 'Rural' zone already applies to part of the land that the decommissioned Riverbank Detention Centre is situated upon.

- The existing perimeter fence has excluded public access to that portion of the disused centre reserved 'Parks and Recreation'. As such the using the perimeter fence to redefine the area zoned 'Rural' will better reflect the historical use of the land and enable the facility to be sold together, as opposed to being divided by the MRS.

- There is and will be a 30-33 metre wide setback distance between the eastern-most perimeter fence and Lot 9332's common boundary with the Swan River. This area is open to the public to access the Swan River. City staff considered the existing area is sufficient for public access, use and enjoyment. As such there is no compelling recreational need or demand to suggest that more land needs to be opened up for public recreation in this location.

For these reasons it is recommend that Council advise the WAPC that it has no objection to the proposed amendment.

Implications to Local Planning Scheme No.17 (LPS 17)

If the proposed Metropolitan Region Scheme (MRS) Amendment is initiated, advertised and approved, the Council will have 90 days to initiate an amendment to Local Planning Scheme No.17 (LPS 17) to reclassify the subject portion of Lot 9332 from 'Parks and Recreation' and 'Public Purpose' reservations of the site to a zoning classification consistent with the 'Rural' MRS zoning.
The applicant's request indicates that they would be satisfied if the subject portion of Lot 9332 was reclassified from 'Parks and Recreation' and 'Public Purpose' to a 'Swan Valley Rural' zone. There is merit in this proposed local zone as 'Swan Valley Rural' applies to surrounding un-reserved land and this is consistent with what is envisaged in the draft Swan Valley Development Plan.

The particulars of a local planning scheme amendment do not need to be determined at this time and will be the subject of a future report to Council. This is because the proposed Metropolitan Region Scheme has yet to be initiated by the WAPC and the applicant has not yet submitted a local planning scheme amendment request to rezone the portion of Lot 9332 that is already 'Rural' in the MRS.

All that needs to be said at this time is that:

- The site could be reused for rural residential, private recreation, low scale tourist or rural related activities and it is possible for these future uses to occur within a compatible rural zone that has regard to the Swan Valley Planning Act 1995 and Swan Valley Development Plan.

- Without prejudicing Council's future consideration it is acknowledged that if the land was reclassified in the MRS and disposed of by the State the current 'Local Reserve - Public Purpose' reservations in LPS17 will need to be reviewed.

**OPTIONS AND IMPLICATIONS**

**Option 1:** Council may resolve to provide comments as per the staff's recommendations.

**Implications:** The Western Australian Planning Commission will consider the City’s comments and make a decision on whether or not to initiate the proposed Metropolitan Region Scheme (MRS) amendment. Once/if initiated and approved by the EPA, the MRS amendment will be advertised to the public and Council will have the opportunity to comment.

This is the recommended option.

**Option 2:** Council may resolve to inform the Western Australian Planning Commission (WAPC) that it will defer making comment on the proposed initiation of Metropolitan Region Scheme amendment because the Council believes it is up to the WAPC to decide whether or not it deems it suitable to initiate an MRS Amendment before or after the Swan Valley review process is complete.

**Implications:** The Western Australian Planning Commission will make a decision on whether or not to initiate the proposed Metropolitan Region Scheme (MRS) amendment without the City's comments. Once/if initiated and approved by the EPA, the MRS amendment will be advertised to the public and Council will again have the opportunity to comment.

This is not the recommended option.
The applicant has indicated that they would be satisfied if the subject portion of Lot 9332 (approx. 1.56 ha) was rezoned to 'Swan Valley Rural'. This is a zone that applies to surrounding un-reserved land and is consistent with what is envisaged in the draft Swan Valley Development Plan. Furthermore the existing perimeter fence has excluded public access to that portion of the disused centre reserved 'Parks and Recreation' and there is no compelling recreational need or demand to require more recreation land in this location. As such there is no benefit in withholding the City's comments.

ATTACHMENTS

Location map
Feature plan
Proposed Changes to the Metropolitan Region Scheme Map
Current Metropolitan Planning Scheme (MRS) Map
Current Local Planning Scheme (LPS17) Map

STATUTORY IMPLICATIONS

Under s.124(3) of the Planning and Development Act 2005, if a region planning scheme is amended and is inconsistent with a local planning scheme, the local government is required to initiate an amendment to the local planning scheme to ensure that this inconsistency is corrected.

If the WAPC initiates and advertises an amendment for the site which is ultimately gazetted, the City of Swan will have 90 days from the date of Gazettal to initiate an amendment to LPS17 to rezone the subject area to ensure that it is consistent with the objectives of the ‘Rural’ zone under the MRS.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority
RECOMMENDATION

That the Council resolve to:

1) Notify the Western Australian Planning Commission (WAPC) that the Council:

   1. Has no objection to a proposed amendment to the Metropolitan Region Scheme (MRS) to reclassify a portion of Lot 9332 Hamersley Road, Caversham from 'Parks and Recreation' to 'Rural' because the existing perimeter fence has excluded public access to that portion of the disused detention centre reserved 'Parks and Recreation' and there is no compelling recreational need or demand to require more land to be open for public recreational purposes. This makes part of the existing 'Parks and Recreation' regional reserve redundant where it lies within decommissioned Riverbank Detention Centre.

   2. Advise that Council will consider initiating an amendment to Local Planning Scheme No.17 (LPS17) to reclassify the subject portion of land once a MRS Amendment come into effect or at the request of the landowner. Without prejudicing Council's future consideration it is acknowledged that if the land was reclassified in the MRS and disposed of by the State the current 'Local Reserve - Public Purpose' reservations in LPS 17 will need to be reviewed.

2) Advise LandCorp and their consultant Whelans of Council's decision in writing.
MOTION that the Council resolve to:

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2. Advise that Council will consider initiating an amendment to Local Planning Scheme No.17 (LPS17) to reclassify the subject portion of land once a MRS Amendment come into effect or at the request of the landowner. Without prejudicing Council’s future consideration it is acknowledged that if the land was reclassified in the MRS and disposed of by the State the current 'Local Reserve - Public Purpose' reservations in LPS 17 will need to be reviewed.

2) Advise LandCorp and their consultant Whelans of Council’s decision in writing.

3) Write to the Western Australian Planning Commission and request that they cede (at no cost) the southern portion of Lot 9332 reserved for Parks and Recreation to the City of Swan.

4) Record the reason for changing the staff recommendation is to enable the City to provide additional community recreation area.

(Cr Trease – Cr Henderson)
RESOLVED UNANIMOUSLY TO:

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Proposed MRS Amendment - Reclassify part of Lot 9332 Hamersley Rd, Caversham (former Riverbank Detention Centre) from 'Parks and Recreation' to 'Rural'

Amendment area