



City of Nedlands

# Technical Services Reports

**Committee Consideration – 12 March 2013**


**Council Resolution – 26 March 2013**

## Table of Contents

Item No.		Page No.
TS05.13	Proposed New Reserve for Purposes of “Public Recreation” and “Rights of Way” – Lot 415 on Deposited Plan 71165, Mt Claremont .....	1

<b>TS05.13</b>	<b>Proposed New Reserve for Purposes of “Public Recreation” and “Rights of Way” – Lot 415 on Deposited Plan 71165, Mt Claremont</b>
----------------	---

<b>Committee</b>	12 March 2013
<b>Council</b>	26 March 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Andrew Dickson – Manager Parks Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	TPN/104, ST1/L12040, WAPC/131108, WAPC/131109
<b>Previous Item No’s</b>	Items 13.1 and 13.2 – Council Minutes – 19 May 2009 Items 13.1 and 13.2 – Council Minutes – 21 July 2009 Item 8.1 report D58.10 – Council Minutes – 10 August 2010 Item 12.2 report PD18.12 – Council Minutes – 22 May 2012
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Purpose**

To seek Council’s conditional acceptance of the management order for the proposed newly created reserve for “Public Recreation” and “Right of Way” located at lot 415 on deposited plan 71165, Mt Claremont.

**Recommendation to Committee**

**Council**

**1. Instructs Administration to advise State Land Services that Council accepts the management order for Lot 415 on deposited plan 71165, Mt Claremont conditional to:**

- a. negotiating an arrangement with the Department of Regional Development and Lands for the transfer of title of 648 square metres of crown land at lot 375 on deposited plan 82163 to the City of Nedlands as freehold land, or another such arrangement, to Council’s satisfaction, to allow the raising of capital funds for the development of the reserve to a ‘high level’ of aesthetic and functionality;

**alternatively;**

- b. the acceptance of surrounding property owners bounded by St Johns Wood Boulevard to the north, John XXIII College to the east, Mooro Drive to the south and Montgomery Avenue to the West to a “Special Area Rates” of \$500, payable over two years, to raise the necessary capital funds allowing for the development of the reserve to a ‘moderate level’ of aesthetic and functionality; and**
- c. in the event an arrangement as described in item a. and/or b. above is unable to be secured, Council will defer a decision on accepting the management order until it is able to secure suitable financial arrangements, to its satisfaction, allowing for development of the reserve.**

### **Strategic Plan**

KFA 1: Infrastructure

- 1.3 Provide and maintain quality passive and active recreational and leisure facilities and open space to meet community needs.

KFA 4: Community Wellbeing

- 4.2 Encourage, support and provide for a range of recreation and leisure opportunities, both active and passive.

### **Background**

The City has received written notification from the Department of Regional Development and Lands (DRDL), through State Land Services (SLS), that it intends to create a new public reserve in Mt Claremont. The subject land is a 2482 square metre parcel of crown land adjacent to the Old Swanbourne Hospital site, on the western side, located on St Johns Wood Boulevard (refer to Attachment 1).

The land was ceded to the State of Western Australia via the Western Australian Planning Commission (WAPC) subdivisional process as a result of the recent north and south wing residential development. There has been no contribution to development of the proposed reserve by the previous owner and developer of the subject land.

SLS has enquired of the City’s interest in accepting the management order for the new reserve, or if there are any objections to this proposal proceeding. The City has responded by advising that it supports the proposal, however there are no available funds at present to develop the land as a reserve. The City has advised SLS that due to the financial implications it would require a decision by Council whether to accept the management order.

Key Relevant Previous Decisions:

Items 13.1 and 13.2 – Council Minutes – 19 May 2009

Council Resolution (excerpt)

That Council advises the Western Australian Planning Commission that it does not support the proposed seven-lot green title subdivision application, dated 1 April 2009, at Lot 12040 St Johns Wood Boulevard Mt Claremont,

Item 13.1 and 13.2 – Council Minutes – 21 July 2009

Council Resolution: (excerpt)

That Council advises the Western Australian Planning Commission that it has reconsidered the proposed seven lot green title subdivision application as requested on 29 June 2009 and supports the Commission's decision to refuse the subdivision proposal dated 1 April 2009 at Lot 12040 St Johns Wood Boulevard Mt Claremont,

Item 8.1 report D58.10 – Council Minutes – 10 August 2010

Council Resolution: (excerpt)

1. in principle supports the proposed Outline Development Plan submitted on 21 May 2010 for referral and statutory advertising only,

Item 12.2 report PD18.12 – Council Minutes – 22 May 2012

Council Resolution:

Council accepts the Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, Lot 12040 St Johns Wood Boulevard, Mt Claremont, approved by the Western Australian planning Commission (WAPC) on 26 July 2011 with the final document endorsed on 27 March 2012 and requests the WAPC to add the following provision:

Vehicle movement: any service road providing access to Montgomery Hall shall include provision for public parking.

### **Proposal Detail**

Subject to acceptance of the management order and the level of capital funds made available, the City proposes to develop the subject land as a reserve in accordance with the Swanbourne Hospital Outline Development Plan (SHODP) recommendations. A copy of the SHODP landscaping recommendations for the subject land is included as an attachment (refer to Attachment 2).

**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Subject to any outcome of negotiations with DRDL for assistance to develop the newly created reserve, community consultation will be required to determine the level of support for ‘Special Area Rates’ to fund development of a reserve. Community consultation in regard to any future development project would be undertaken in accordance with the City’s Community Engagement procedures.

**Legislation**

- *Local Government Act 1995*
- *Planning and Development Act 2005*

**Budget/financial implications**

Budget:

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

Financial:

There are no available funds allowing the development of the subject land as a reserve within the current financial year budget. Dependant on the level of service agreed upon by Council, Administration estimates a cost of \$150,000 to \$300,000 (excluding GST) to develop the land as a reserve in accordance with the SHODP recommendations.

As part of the current Integrated Strategic Planning process, the Parks Services department has drafted a 10 year capital forward works program. This proposed program has been specifically designed to address Council’s strategic focus for the renewal of existing ageing Parks infrastructure. Without finding alternative sources of funding, the diversion of existing funds from the Parks capital forward works program, to new projects such as this proposal, will impact Administration’s ability to successfully deliver this strategic outcome.

In addition there would be an increase in the Parks operational budget to maintain a newly developed reserve. If developed, dependant on the level of service, this is estimated at between \$15,000 and \$30,000 annually.

## Risk Management

Category	Risks	Control Measures
Financial	<ul style="list-style-type: none"> <li>• Parks capital works program - may impact delivery of Council's strategic focus for renewal of existing parks infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>• Investigate / negotiate alternative funding options as proposed as the first preference.</li> </ul>
Health	<ul style="list-style-type: none"> <li>• Community wellbeing adversely affected by a decision to refuse the management order with land remaining in current undeveloped and poorly maintained state.</li> </ul>	<ul style="list-style-type: none"> <li>• Propose to accept the management order conditional to negotiating funding arrangements that do not divert funding from delivery of other services.</li> </ul>
	<ul style="list-style-type: none"> <li>• The development of the proposed reserve has the potential to negatively affect community wellbeing if carried out inappropriately / poorly.</li> </ul>	<ul style="list-style-type: none"> <li>• Preparation of a landscape design with appropriate community consultation and that aligns with the recommendations of the SHODP.</li> </ul>
Reputation	<ul style="list-style-type: none"> <li>• Development of the land as a reserve is impeded or inappropriate and the negative outcome affects the City's reputation.</li> </ul>	<ul style="list-style-type: none"> <li>• Refer above control measures.</li> </ul>
	<ul style="list-style-type: none"> <li>• Lack of appropriate community consultation leads to diminished trust in the City and anger from community.</li> </ul>	<ul style="list-style-type: none"> <li>• Community engagement plan to be developed and implemented in accordance with the Community Engagement policy.</li> </ul>
Service Interruption	<ul style="list-style-type: none"> <li>• Allocation of funds from Parks capital works program has the potential to delay resolving functionality and useability issues in already established parks with historically low levels of service.</li> </ul>	<ul style="list-style-type: none"> <li>• Investigate negotiating funding arrangements that do not divert funding from delivery of strategic programs designed to address historically insufficient service levels.</li> </ul>
Environment	<ul style="list-style-type: none"> <li>• No consideration of sustainability principles applied to the development of the reserve.</li> </ul>	<ul style="list-style-type: none"> <li>• Plan for water efficiency through careful consideration of plant selection and irrigation design</li> <li>• Consider new sustainable technologies were practicable.</li> </ul>

Regulatory	<ul style="list-style-type: none"> <li>• The required groundwater necessary to support development and maintenance of the reserve results in breaches of the City's groundwater allocation which is currently fully allocated.</li> </ul>	<ul style="list-style-type: none"> <li>• Design irrigation with hydrozoning and water efficient components.</li> <li>• Use water efficient plant and turf species.</li> <li>• Integrate dry climate plantings within landscape.</li> </ul>
------------	---	--

**Discussion**

It is general practice during the subdivisional process of land that the developer completes the development of newly created reserve land prior to ceding this back to the State. Subsequently when a management order is placed, the local government takes on the management of an established reserve.

In this particular situation the WAPC made a decision not to enforce this obligation on the developer. The developer has not made a contribution to the City in lieu of not developing the reserve. Therefore the land will be 'disposed of' to the City of Nedlands in its 'raw form' and will require initial development in addition to ongoing management.

In response to SLS's request to advise of the City's interest in accepting the management order, Administration enquired of the possibility of a financial contribution from the State to assist with development of the reserve. SLS responded by advising they could not offer financial assistance.

The development of the proposed reserve requires a significant upfront capital investment and allocation of future maintenance funds. Administration has identified two possible options for raising capital funds for development of the reserve. It is Administration's preference to initially pursue alternative funding options in order to minimise the impact of allocating funds from the proposed Parks capital forward works program.

**Option 1:**

The City intends to approach the DRDL with a proposal to transfer to the City a parcel of Crown land on St Johns Wood Boulevard, Mt Claremont that is currently used for public open space purposes. However, this lot is zoned residential under the City's Town Planning Scheme. In its current state, the parcel of land provides little value to the community and is rarely utilised for recreational purposes. The City proposes to negotiate an outcome with DRDL that would see the funds for the development of the reserve come from the sale of this parcel of Crown land.

Lot 375 has an area of 648m<sup>2</sup> and although it is an unusually long narrow lot it has potential for development as a residential lot and would therefore expect to sell at market rates.

This option has the potential to allow for development of the reserve to a 'high level' of functionality and aesthetic, and is Administration's preferred option.

#### Option 2:

Administration is asking that Council consider approving consultation with surrounding property owners to ascertain their level of support for contributing to the development of the reserve. The development of the reserve will add a significant community asset within this area of Mt Claremont.

There are approximately 293 properties in the area bounded by St Johns Wood Boulevard to the north, John XXIII College to the east, Mooro Drive to the south and Montgomery Avenue to the West. These properties and their residents would stand to benefit from the development of the reserve. A contribution of \$500 from property owners in the surrounding area would raise approximately \$146,500 allowing for development of the reserve to a 'moderate level' of functionality and aesthetic.

If neither agreement can be secured, Council may wish to fund development of the reserve by allocating funds from the proposed Parks Forward Works capital program. This approach will have an impact on the delivery of the City's proposed renewal program for existing ageing Parks infrastructure.

#### **Conclusion**

It is recommended that Council instructs the City to advise State Land Services it accepts the management order for the proposed reserve at Mt Claremont on condition the Department of Regional Development and Lands agrees to the proposed transfer and sale of adjacent Crown land, or a similar arrangement, to facilitate development of the reserve to a 'high level'.

Alternatively Council may approach surrounding property owners to seek support for a 'Special Area Rates' to facilitate development of the reserve to a 'moderate level'.

#### **Attachments**

1. Location of Proposed new reserve – Lot 415 on deposited plan 71165, Mt Claremont.
2. Swanbourne Hospital Outline Development Plan recommendations for Lot 415 on deposited plan 71165, Mt Claremont.
3. Building Envelope, Lot 375 St Johns Wood Boulevard, Mt Claremont

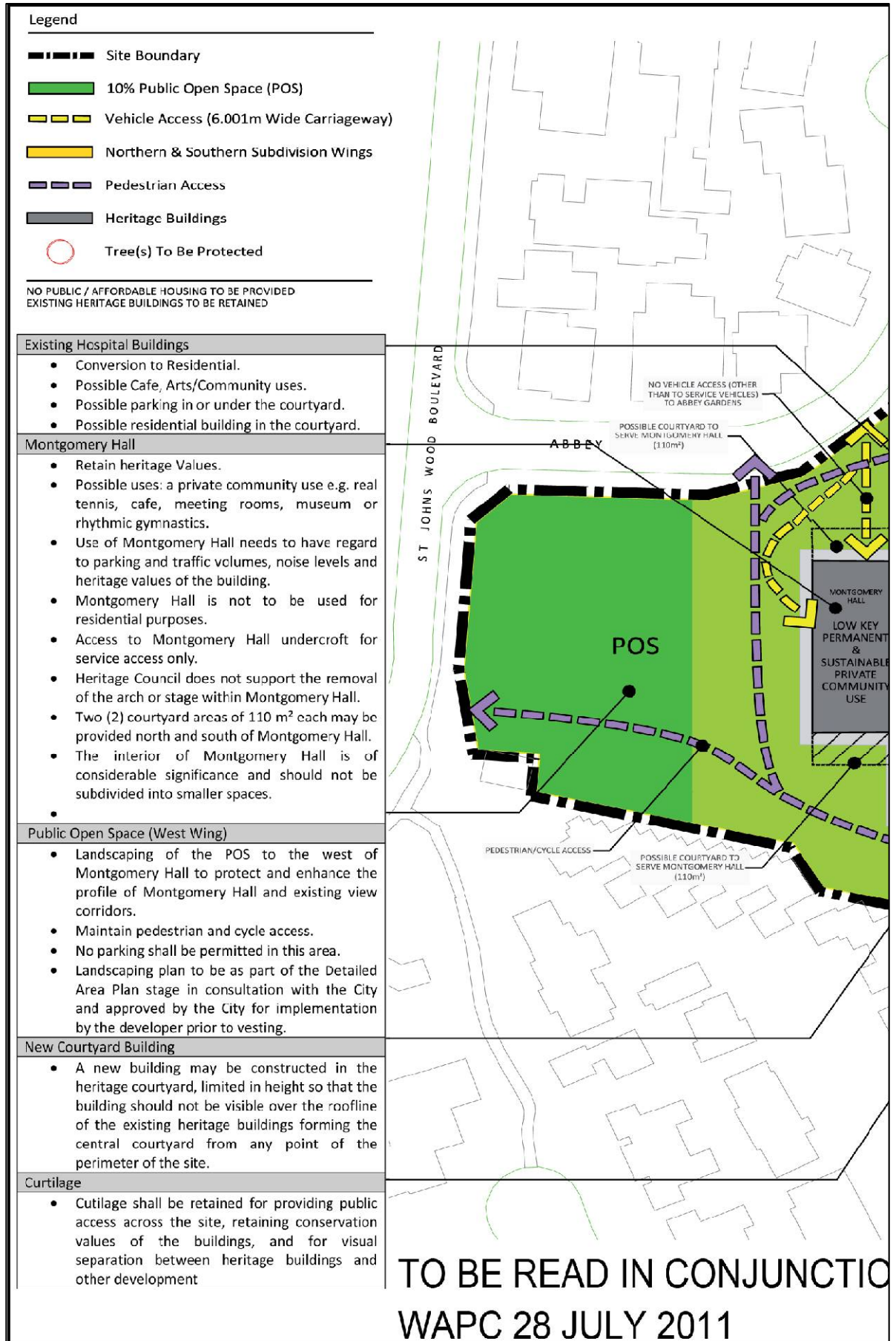


**Attachment 1 – Location of Proposed new reserve – Lot 415 on deposited plan 71165, Mt Claremont.**



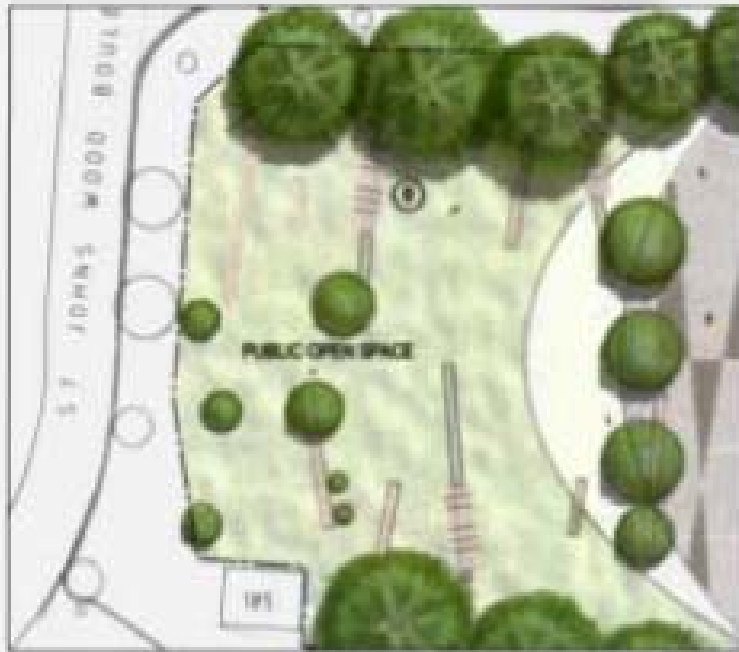






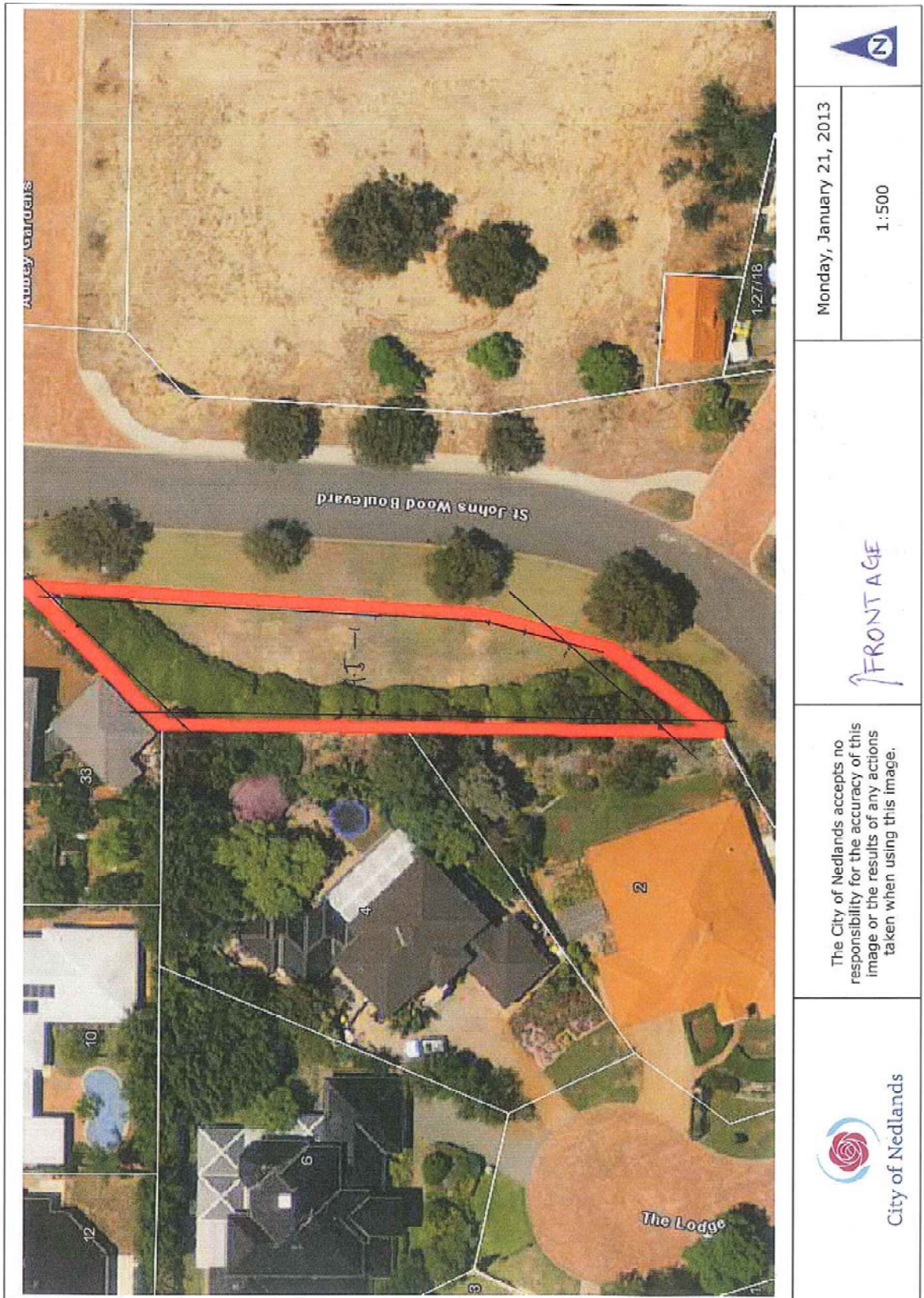
<p>Public and Private Open Space</p>	<p>A total contribution of 2482 m2 of Public Open Space is to be provided as part of the subdivision approvals granted in 2010 for the northern and southern subdivision wings.</p> <p>All Public Open Space shall be ceded free of cost to the Crown under Section 152 of the <i>Planning and Development Act 2005</i> with the intention that the land will become a reserve for which the City will have care, control and management.</p> <p>All Public Open space must be landscaped to a high standard to protect and enhance the profile of Montgomery Hall and existing view corridors in accordance with plans approved by the City.</p> <p>The Public Open Space is to provide for pedestrian/cycle access and landscaping, lighting and public art and may incorporate things such as a playground.</p> <p>No parking shall be permitted in this area.</p> <p>A landscape plan for the Heritage Buildings area including the Public Open Space located to the west of Montgomery Hall must be prepared in consultation with the City and the Heritage Council of WA as part of the Detailed Area Plan stage. The landscaping plan is to be prepared to the satisfaction of the WAPC. The approved detailed landscaping plan is to be implemented by the Developer to the satisfaction of the City as a condition of development approval.</p> <p>The landscape plan must indicate what treatments (i.e. plantings, “hard” landscaping) are proposed for the curtilage areas, any private open space areas within the site, and for road verges bounding the site. The verge planting for Abbey Gardens must be such that it prevents parking within the road verge.</p> <p>High quality open space treatments are required, commensurate with the quality of the redevelopment of the heritage buildings. An indication of the type of landscaping considered appropriate to elements of the site are included overleaf.</p> <p>REFER FIGURE 4 – PUBLIC OPEN SPACE WEST OF MONTGOMERY HALL</p>
--------------------------------------	---

FIGURE 4 - PUBLIC OPEN SPACE WEST OF MONTGOMERY HALL





**Attachment 3 – Building Envelope, Lot 375 St Johns Wood Boulevard, Mt Claremont**



Monday, January 21, 2013

1:500

FRONTAGE

The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image.



-47m long