

<b>Presented to</b>	Ordinary Meeting of Council 15 March 2022
<b>Related to Item</b>	<b>Motion with Notice - Scheme Amendment to rezone 13 Parks and Reserves, Cr Mair</b>
<b>Submitted by</b>	Manager Strategic Urban Planning, G Ponton
<b>Attachments</b>	N/A

This Advice Note has been prepared in response to a Notice of Motion requesting a scheme amendment to rezone 13 parks and reserves from residential to public open space, that will be considered by Council at the 15 March 2022 Ordinary Meeting of Council.

**Background:**

Amendment 10 to Local Planning Scheme 6 sought to amend the zoning of 20 existing parks/reserves from “Residential” to “Public Open Space”. The amendment was supported by Council at its meeting held 17 August 2021 and forwarded to the Western Australian Planning Commission (WAPC) for approval.

The Minister Planning has since determined the amendment and in doing so has required that the amendment be modified to remove 13 parks, owned by the State Government.

Communications from the Minister’s office has established that the requirement to remove the 13 sites from the amendment was to enable further consideration/examination of the need for the sites as parkland. Further advice has indicated that these investigations would require review under the City’s Public Spaces Strategy. The amendment documentation including the required modifications has been returned to the WAPC.

The Minister for Planning is yet to make a final decision on the amendment. The Minister is aware of considerable community and Council opposition to the removal of the 13 parks from the amendment.

*Proposed Amendment to Local Planning Scheme 6:*

The Notice of Motion seeks the commencement of an amendment to enable reconsideration of a Public Open Space zoning for the 13 parks required to be removed from Amendment 10.

There is no procedural impediment to the Council initiating a fresh amendment however, advice from the Minister’s office indicates that the amendment would need to be supported by evidence obtained through a review of the City’s Local Open Space Strategy.

It is estimated that the required review would involve approximately six months and necessitate consultancy fees and staff resources in the order of \$50,000. These costs could be included in the 2022/2023 Budget.



*Continued*

Initiation of the proposed amendment is not recommended for the following reasons:

- The final decision on the amendment is not yet known and there is still possibility that the Minister may not require the removal of the 13 parks from the proposal.
- If there is a need to revisit the zoning of the 13 parks, then this is best undertaken as part of the review of Local Planning Scheme 6. Conducting a separate amendment process introduces additional cost and inefficiencies. Prioritising this work now will impact on the progress of the review of LPS6.
- Each of the 13 parks, are recognised and used as parks. The sites are also C Class Crown Reserves vested in the City for the Purpose of Recreation. Accordingly, the ongoing use of these sites is protected. There is also no indication of State government proposals to dispose of or develop the sites.

The objective to achieve a Public Open Space zoning for the 13 parks is supported. Initiation of a separate amendment to seek to achieve this zoning is however not recommended. Depending on the Ministers decision the additional step may not be required. If a further amendment is required then it is best progressed as part of the review of LPS6.

#### **Legislative and Policy Alignment**

Not Applicable.

#### **Financial Implications**

Not Applicable.