Swan Valley Planning Scheme No.1

Amendment No.3

Rezoning of Lot 501 (No.130) Hamersley Road, Caversham from the Priority Agriculture zone and Parks and Recreation reserve to the Special Use zone

Swan Valley Planning Act 2020

RESOLUTION TO PREPARE AMENDMENT TO THE SWAN VALLEY PLANNING SCHEME NO.1

Amendment No.3

Resolved that the Western Australian Planning Commission pursuant to section 16 (1)(b) of the *Swan Valley Planning Act 2020*, amend the above Swan Valley Planning Scheme by:

 Amending Schedule 4 - Special Use Zones by introducing a new Special Use (SU2) to Lot 501 (No.130) Hamersley Road, Caversham as follows -

lo. Description of land	Special Use	Conditions
Lot 501 (No.130) Hamersley Road, Caversham	Special Use Art Gallery (P) Brewery, Cidery or Distillery (A) Cafe (D) Caretaker's Dwelling (D) Cinema / Theatre (A) Civic Use (A) Club Premises (A) Community Purpose (D) Educational Establishment (D) Exhibition Centre (D) Food and Beverage Production (D) Market (A) Office (D) Reception Centre (A) Recreation - Private (A) Restaurant (A) Shop (I)	Conditions Schedule 5 subdivision requirements for the Priority Agriculture zone apply to the land, along with subdivision requirements applicable to all zones.

 Amending the Scheme Map to transfer Lot 501 (No.130) Hamersley Road, Caversham from the Priority Agriculture zone and Parks and Recreation reserve to the Special Use zone as per the proposed scheme amendment map.

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

1. The amendment is considered to have a minimal impact on land in the scheme area that is not the subject of the amendment, thus satisfying standard amendment criteria (e) under r.34 of the Regulations.

- 2. The amendment is not considered likely to result in any significant environmental, social, economic or governance impacts on land in the scheme area, thus satisfying standard amendment criteria (f) under r.34 of the Regulations.
- 3. The amendment does not reasonably satisfy the criteria for a complex or basic amendment under r.34 of the Regulations.

Dated this FIFTH day of AUGUST 20 22

WAPC CHAIRMAN

1.0 INTRODUCTION

An amendment to the Swan Valley Planning Scheme No.1 (the Scheme) is proposed to rezone Lot 501 (No.130) Hamersley Road, Caversham (subject land) from the Priority Agriculture zone and Parks and Recreation reservation to the Special Use zone. Such an amendment will establish appropriate land use permissibility arrangements for the former Riverbank Detention Centre site, to support its heritage preservation and the freehold divestment of this Crown land.

2.0 BACKGROUND

Lot 501 (No.130) Hamersley Road, Caversham (the subject site) comprises a total land area of 15,731m² (1.57 hectares), with a frontage width of approximately 62m to Hamersley Road. Along with adjacent Lot 500 to the south, it forms part of Crown Reserve 33481 established for the purpose of a 'Prison Site and Training Facility' and managed by the Department of Justice (DoJ).

The subject site contains the former Riverbank Detention Centre facility which is no longer operational. The DoJ has confirmed the reserve is surplus to its requirements, and accordingly, the Department of Planning, Lands and Heritage's (the Department) Land Divestment Team are preparing the site for divestment in freehold. Separately, adjacent Lot 500 is planned to be vested with the City of Swan for 'Recreation' purposes.

The majority of the subject site is currently zoned Priority Agriculture under the Swan Valley Planning Scheme No.1 (the Scheme), with a narrow portion along the southern and eastern boundaries reserved for Parks and Recreation. This partial reservation of the site appears to be a misalignment of zone and lot boundaries, resulting from previous region and local planning scheme amendments and crown land subdivision.

The State Government of WA acquired the subject land (and adjacent property to the south) in 1957 for the purposes of a reformatory, and constructed the Caversham Boys Reformatory School in 1960. The reformatory operated until 1997, and then operated as a prison for vulnerable male adults between 1998 and 2001. In 2010 it reopened as a Community Work Management Unit offering rehabilitation programs for adult and young offenders, running until 2013. The site has remained unoccupied since 2013.

A series of planning proposals have been determined in recent years, associated with the process of preparing the property for disposal. These are summarised as follows:

Month / Year	Decision
August 2019	Finalisation of Metropolitan Region Scheme Amendment 1132/41, transferring a 0.19 hectare portion of land in the rear portion of the site (then comprising part of former Lot 9332) from the Parks and Recreation reservation to the Rural zone.

May 2020	Gazettal of Amendment No.183 to the City of Swan Local Planning Scheme No.17 (LPS17), transferring approximately 14,918m ² of former Lot 9332 from the Public Purpose reservation to the Swan Valley Rural zone.		
March 2021 Crown land subdivision of former Lot 9332 to create Lots 500 and 501.			
August 2021	Gazettal of Swan Valley Planning Scheme No.1, replacing LPS17 within the Swan Valley Planning Act 2020 area, and applying a Priority Agriculture zoning to the majority of Lot 501.		
August 2021	Development approval granted by Commission for demolition of a Visitor Centre building, previously located in front (west) of the main detention centre building.		

In preparing Crown Land for divestment, the Department works to ensure the land is appropriately deconstrained, having regard for its highest and best use. In the case of the subject site, the following considerations are relevant in determining its highest and best use:

- Heritage The former detention centre facility is registered on both the State Heritage Register and Local Heritage List. The Heritage Conservation Management Plan prepared for the site states that "it is essential to the survival of the place that it has an ongoing appropriate use" and recommends consideration be given to educational, tourism and hospitality uses which are compatible with the significance of the place.
- Contamination The property is classified as 'possibly contaminated investigation required' under the Contaminated Sites Act 2003. Contamination and
 risk assessments found that the site is suitable for commercial/industrial land use,
 but further assessment of potential contamination should be undertaken before
 any change to a more sensitive land use (e.g. residential, childcare etc).
- Sewerage connection Distinct from the majority of other properties in the locality, the subject site has a reticulated sewerage connection (which would have been necessary to cater for the former detention centre facility and number of persons accommodated there). This infrastructure connection makes it potentially capable of accommodating activities that would otherwise be difficult to accommodate with on-site effluent disposal systems.
- Existing development The subject site contains numerous existing buildings
 and other improvements, including the main detention centre building, staff house,
 garage, auto repair shop, swimming pool and a cluster of olive trees. The size and
 distribution of such features, along with their heritage protection status, prevents
 the subject site from accommodating domestic or rural land uses permissible under
 the land's Priority Agriculture zoning.
- Surrounding land use and development Lot 500 bounds the subject site to the south and east, and is reserved for Parks and Recreation under the Scheme. Other surrounding properties to the north and west are zoned Priority Agriculture, range in size from 2,000m² to six hectares, and contain a mix of land uses including residential dwellings, hobby farms, wineries and a cafe.

It is considered that the current Priority Agriculture zoning of the site does not reasonably reflect its highest and best use, noting:

- The site has no capacity to accommodate agricultural land uses, given its heritage protection requirements, contamination status and nature of existing built form.
- Survival of the heritage place requires an ongoing appropriate land use that activates and preserves the existing heritage features. Given the nature of existing built form on site, such uses are likely to be commercial or institutional in nature, rather than residential or agricultural.
- The contamination status of the land supports commercial land use, but does not currently support sensitive land uses (e.g. residential, child care).
- The site is serviced by a reticulated sewerage connection, making it uniquely capable of accommodating commercial/institutional activities that otherwise may not be feasible.
- The site interfaces with Lot 500 to the south and east, which is planned for future 'Recreation' purposes and could appropriately interface with more commercial forms of land use/development compared with domestic/rural uses.

Accordingly, it is proposed to amend the Scheme to apply a Special Use zoning (SU2) to the site, described further in the 'Proposal' section of this report.

3.0 PLANNING CONTEXT

Perth and Peel @ 3.5 Million / North-East Sub-Regional Planning Framework

The North East Sub-regional Planning Framework (the Framework) forms part of the Perth and Peel @ 3.5 Million strategic suite of planning documents. The Framework designates the subject site and surrounds as 'Rural', reflecting the prevailing 'Priority Agriculture' zoning of the locality.

Notwithstanding the land's 'Rural' classification under the Framework, a rezoning to 'Special Use' is consistent with the character and heritage principles of the Framework, which acknowledge that:

- The sub-region contains heritage places and landscapes where future development needs to be carefully planned to protect heritage values.
- There are benefits and opportunities that come with the adaptive reuse of heritage properties, including sustainability benefits through retention of existing buildings and reduced demolition waste.
- Adaptive reuse, where it can be achieved while respecting the heritage values of a place, is actively supported by the Heritage Council of Western Australia.

State Planning Policy 2.10 - Swan Canning River System (SPP2.10)

SPP2.10 provides guidance and performance criteria for future land use and development along the Swan Vanning River System. The policy identifies the subject site and broader Swan Valley locality within the 'Middle Swan' precinct, where "there are several historic and interesting buildings along the foreshore as well as tourist facilities and wineries that contribute to the distinctive landscape character of the area".

The proposed amendment is broadly consistent with SPP2.10, including the following specific policy provisions applicable to the Middle Swan precinct:

- ensuring that development complements the valley landform and makes a positive contribution to its cultural landscape;
- protecting places of cultural significance, in particular places on the State Heritage Register; and
- promoting sustainable tourism and commercial development.

State Planning Policy 3.5 - Historic Heritage Conservation (SPP3.5)

SPP3.5 sets out the planning principles for the conservation and protection of Western Australia's historic heritage. It seeks to conserve places and areas of historic heritage significance, and ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.

The subject site, along with adjacent Lot 500 to the south, are registered on both the State Heritage Register (Place 18404: Riverbank Detention Centre, Caversham) and the local government Heritage List. A Heritage Conservation Management Plan has been prepared for the site, along with a draft Heritage Agreement. A future contract of sale will include a condition binding the future purchaser to the terms of the Heritage Agreement.

SPP3.5 requires the Commission to have regard to heritage places and areas in the formulation of planning schemes and amendments, with care taken to minimise the extent to which land use zoning and other controls conflict with, or undermine, heritage conservation objectives. It advocates for flexibility and the use of incentives (including land use provisions) within planning controls to realise positive heritage outcomes. The proposed scheme amendment is consistent with SPP3.5 objectives and requirements, introducing land use permissibility arrangements that more closely align with heritage protection objectives for adaptive reuse of the place.

In accordance with section 19 of the Swan Valley Planning Act 2020, the Commission will refer the proposed scheme amendment to the Heritage Council for advice as soon as practicable after preparing the scheme amendment.

SPP3.5 does not apply to the conservation of Aboriginal heritage, which is protected by the *Aboriginal Heritage Act 1972* and *Aboriginal Cultural Heritage Act 2021*. One registered Aboriginal Heritage Place (No.3758 - Helena River) extends over the subject land. In recognising the importance of having reliable Aboriginal information on land and the values attached to it, the Amendment will be referred to the Department's Heritage Property Services division and/or South West Aboriginal Land and Sea Council (SWALSC) for comment.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

The subject site and surrounding properties are classified as 'Bushfire Prone' pursuant to SPP3.7 (refer **Attachment 3** - Bushfire Prone Areas Plan).

A Bushfire Management Plan was prepared for the subject site in 2019 in support of previous scheme amendments, demonstrating that compliance with bushfire protection criteria can be achieved in subsequent planning stages (i.e. development application stage).

Consistent with SPP3.7 requirements, the assessment:

- Included the results of a Bushfire Hazard Level (BHL) assessment, confirming the site predominantly has a moderate hazard rating.
- Produced an indicative Bushfire Attack Level (BAL) contour map for the site, showing the majority of the site as having acceptable BAL ratings (BAL-29 or less) but with higher ratings (BAL-40 and BAL-FZ) around the periphery of the site.
- Identified bushfire hazard issues arising from the assessment, primarily the presence of remnant vegetation along the river corridor and adjacent the site to the south.
- Demonstrated that compliance with bushfire protection criteria can be achieved in subsequent planning stages, through further bushfire management planning, preparation of an emergency evacuation plan, implementation of vegetation hazard management measures, and provision of adequate access/egress and water supply.

State Planning Policy 5.1 - Land Use Planning in the Vicinity of Perth Airport (SPP5.1)

SPP5.1 applies to land in the vicinity of Perth Airport which is, or may in the future, be affected by aircraft noise. It is predicated on the Australian Noise Exposure Forecast (ANEF), and establishes policy measures for land within the 20 ANEF noise contour.

The front (western) portion of the subject land falls within the ANEF 20-25 noise exposure zone, where the policy requires zoning and associated development control provisions to take into consideration the level of noise exposure forecast for the area. Appendix 1 of the policy notes that noise sensitive building types/land uses such as schools, dwellings and other forms of accommodation are conditionally acceptable within the ANEF 20-25 zone, while commercial and industrial land uses are acceptable.

Consistent with SPP5.1, the Scheme applies a Perth Airport Special Control Area (SCA) to land within the 20 ANEF noise contour, including the front portion of the subject site. The SCA applies additional development requirements and controls to affected land, to ensure alignment with SPP5.1 provisions and prevent land use conflict.

The proposed amendment does not affect any of the existing SCA requirements applicable to the site, and the list of permissible land uses in the proposed Special Use zone are all acceptable or conditionally acceptable in the ANEF 20-25 zone, consistent with SPP5.1.

Draft Development Control Policy 4.3 - Planning for High Pressure Gas Pipelines (DC4.3)

Draft DC4.3 provides guidance for planning near high-pressure gas pipelines across the State at all levels of the planning system.

The western portion of the subject site is located within the trigger distance area associated with the Parmelia Gas Pipeline, and the entirety of the site falls within the trigger distance area associated with the Dampier-Bunbury Natural Gas Pipeline. Consistent with draft DC4.3, consultation can be undertaken with pipeline owners / operators as part of the scheme amendment process.

Government Sewerage Policy (2019)

The Government Sewerage Policy (GSP) sets the State Government's position on how sewerage services are to be provided in Western Australia through the planning and development of land.

The subject site and surrounds is located within a 'sewage sensitive area' as defined and mapped by the GSP, due to its location within an estuary catchment of the Swan Coastal Plan and within one kilometre of significant wetlands. While the majority of surrounding properties are unsewered (with subdivision and development limited by the capacity of on-site effluent disposal systems), the subject site is uniquely serviced by a reticulated sewer connection consistent with SPP5.1.

4.0 PROPOSAL

As previously noted, the current Priority Agriculture zoning of the site does not reasonably reflect its unique characteristics, opportunities and constraints, nor facilitate its 'highest and best use, noting that:

- The site has no capacity to accommodate agricultural land uses, given its heritage protection requirements, contamination status and nature of existing built form.
- Survival of the heritage place requires an ongoing appropriate land use that
 activates and preserves the existing heritage features. Given the nature of existing
 built form on site, such uses are likely to be commercial or institutional in nature,
 rather than residential or agricultural.
- The contamination status of the land supports commercial land use, but does not currently support sensitive land uses (e.g. residential, child care).
- The site is serviced by a reticulated sewerage connection, making it uniquely capable of accommodating commercial/institutional activities that otherwise may not be feasible.
- The site interfaces with Lot 500 to the south and east, which is planned for future 'Recreation' purposes and could appropriately interface with more commercial forms of land use/development compared with domestic/rural uses.

Accordingly, it is proposed to amend the Scheme to apply a Special Use zoning (SU2) to the entirety of the site, with the following new entry added to Schedule 4 - Special Use Zones of the Scheme:

No.	Description of land	Special Use	Conditions
2	Lot 501 (No.130) Hamersley Road, Caversham	Art Gallery (P) Brewery, Cidery or Distillery (A) Cafe (D) Caretaker's Dwelling (D) Cinema / Theatre (A) Civic Use (A) Club Premises (A) Community Purpose (D) Educational Establishment (D) Exhibition Centre (D) Food and Beverage Production (D) Market (A) Office (D) Reception Centre (A) Recreation - Private (A) Restaurant (A) Shop (I) Small Bar (A) Tavern (A)	Schedule 5 subdivision requirements for the Priority Agriculture zone apply to the land, along with subdivision requirements applicable to all zones.

The list of permissible land uses for the proposed Special Use zone has been informed by the following considerations:

- The Heritage Conservation Management Plan, which recommends adaptive reuse of the heritage place for educational, tourism and hospitality uses.
- The contamination status of the place, which supports commercial activities but does not support residential or other sensitive land uses.
- The nature of existing built form, and its capacity to accommodate various land uses.
- The compatibility of proposed land uses with surrounding Priority Agriculture zoned properties, and the neighbouring Parks and Recreation reserved site to the south.

A more detailed examination of each of the proposed special uses is provided in the table below:

Land use	Permi	ssibility	Analysis	
	Current	Proposed		
Art Gallery	I	Р	 Land use is potentially well suited for adaptive reuse of existing heritage built form. Considered unlikely to generate significant amenity, environmental or other off-site impacts. Not capable of being 'incidental' to a predominant agricultural land use, given site constraints. 	
Brewery, Cidery or Distillery	1	A	 Potential adaptive reuse of existing built form. May have amenity/off-site impacts requiring careful consideration and warranting mandatory community consultation. 	
			 Not capable of being 'incidental' to a predominant agricultural land use, given site constraints. 	
Cafe	1	D	 Well suited for adaptive reuse of existing built form, likely in combination with other activities. Not capable of being 'incidental' to a predominant agricultural land use, given site constraints. 'D' use in Swan Valley Rural and Village zones. 	
Caretaker's Dwelling	D	D	 No change in land use permissibility sought or proposed. An on-site caretaker may reasonably be required depending on the nature/mix of land uses ultimately proposed. 	
Cinema / Theatre	I	A	 Unlikely to be the sole predominant land use of land, but could form part of a mix of uses. 'A' use in Village zone. Not capable of being 'incidental' to a predominant agricultural land use, given site constraints. 	
Civic Use	А	Α	 No change in land use permissibility sought or proposed. 'A' use in all other zones except Residential zone. 	
Club Premises	1	Α	Existing built form could potentially accommodate a Club Premises.	

Land use	Permissibility		Analysis		
	Current Proposed				
N.		¥:	An 'A' discretionary use classification requiring mandatory advertising is necessary given the potential scale/range of activities capable of consideration.		
Community Purpose	Х	D	 Well suited to adaptive reuse of existing heritage built form formerly used for corrective/detention purposes. 		
			'A' use in Swan Valley Rural, Rural Residential and Village zones.		
			Advertising may or may not be necessary depending on nature/scale of proposal.		
Educational Establishment	Х	D	Potentially well suited to adaptive reuse of existing heritage built form formerly used for corrective/detention purposes.		
			 Not well suited for a 'school', but better suited to other forms of education and training activity. 		
			'A' use in Village and Enterprise zones.		
			 Advertising may or may not be necessary depending on nature/scale of proposal. 		
Exhibition Centre	ı	D	Existing heritage listed built form could be well suited to adaptive reuse as an Exhibition Centre, displaying materials of an artistic, cultural or historical nature (including a museum).		
		N	Advertising may or may not be necessary depending on nature/scale of proposal.		
Food and	D	D	No change in land use permissibility sought or proposed.		
Beverage Production			Already a 'D' use in Priority Agriculture and Swan Valley Rural zones.		
Market	1	Α	 Potentially suitable depending on scale and nature of proposal. 		
			'A' use in Swan Valley Rural and Village zones.		
			 Not capable of being 'incidental' to a predominant agricultural land use, given site constraints 		
Office	Х	D	 Potentially well suited for adaptive reuse of existing heritage built form, depending on nature/scale of proposal, and likely in combination with other activities. 		
Reception Centre	Î	A	 Potentially well suited for adaptive reuse of existing heritage built form, depending on nature/scale of proposal. 		
			 Currently limited to 'I' use in Priority Agriculture and Swan Valley Rural zones, but not capable of being 'incidental' to a predominant agricultural land use given the unique site constraints. 		
			Sewerage connection supports this land use.		
			 Given potential amenity/off-site impacts associated with reception events, recommend mandatory advertising as an 'A' use. 		
Recreation - Private	Ì	Α	 Certain private recreational activities could potentially be accommodated on-site / within existing heritage listed buildings. 		

Land use	Permi	ssibility	Analysis		
	Current Proposed				
			 An 'A' discretionary use classification requiring mandatory advertising is necessary given the potential range and scale of activities capable of consideration. Not capable of being 'incidental' to a predominant 		
			agricultural land use given the unique site constraints.		
Restaurant	1	A	 Potentially well suited for adaptive reuse of existing heritage built form, likely in combination with other activities. 		
			An 'A' use in the Swan Valley Rural zone.		
			 Not capable of being 'incidental' to a predominant agricultural land use given the unique site constraints. 		
Shop	Х	1	 Potentially suitable for adaptive reuse of existing built form, in support of / combination with other activities. 		
			Site location and lack of passing trade exposure does not naturally favour standalone retail activities.		
			Not a 'D' use in any other zone. Only an 'A' use in the Village zone.		
			 Recommend 'I' classification, only permissible when deemed incidental to the predominant use of the land. 		
Small Bar	х	Α	Potentially suitable for adaptive reuse of existing heritage built form, likely in combination with other activities.		
			'A' use in the Village zone.		
			 May have amenity/off-site impacts requiring careful consideration and warranting mandatory community consultation. 		
Tavern	ı	Α	 Potentially suitable for adaptive reuse of existing heritage built form, likely in combination with other activities. 		
			'A' use in the Swan Valley Rural zone.		
			 May have amenity/off-site impacts requiring careful consideration and warranting mandatory community consultation. 		

Given the unique heritage protections applicable to the site, and the nature of existing development, further prescriptive development requirements (e.g. setbacks, building height and site coverage) are not proposed to be included as Schedule 4 conditions. Rather, such matters would be considered on their individual merits having regard for the requirements of the Heritage Conservation Management Plan and the matters listed in clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

It is noted that through the scheme amendment process, including liaison with key stakeholders and external agencies, additional conditions may be identified as being necessary to guide and support future development proposals.

5.0 CONCLUSION

An amendment to the Swan Valley Planning Scheme No.1 is proposed to rezone Lot 501 (No.130) Hamersley Road, Caversham from the Priority Agriculture zone and Parks and Recreation reservation to the Special Use zone. Such an amendment will establish appropriate land use permissibility arrangements for the former Riverbank Detention Centre site, to support its heritage preservation and the freehold divestment of this Crown land.

A condition of the land's Special Use zoning will ensure the subdivision requirements of the Priority Agriculture zone continue to apply to the land, while future development will be assessed on its individual merit, guided by the Heritage Conservation Management Plan and matters to be considered under clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

Swan Valley Planning Act 2020

RESOLUTION TO AMEND THE SWAN VALLEY PLANNING SCHEME NO.1

Amendment Number 3

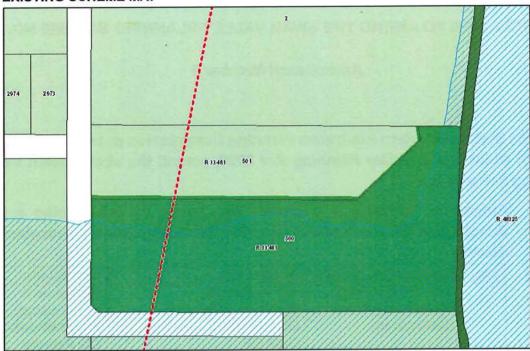
Resolved that the Western Australian Planning Commission pursuant to section 16 (1)(b) of the *Swan Valley Planning Act 2020*, amend the above Swan Valley Planning Scheme by:

 Amending Schedule 4 - Special Use Zones by introducing a new Special Use (SU2) to Lot 501 (No.130) Hamersley Road, Caversham as follows -

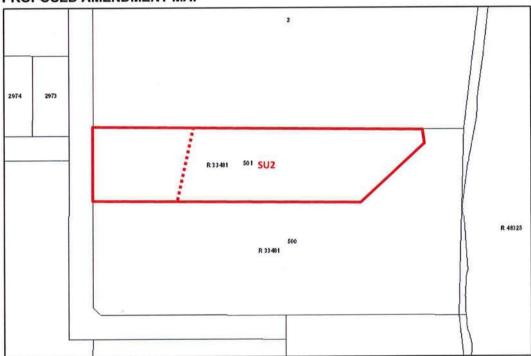
No.	Description of land	Special Use	Conditions
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2. Amending the Scheme Map to transfer Lot 501 (No.130) Hamersley Road, Caversham from the Priority Agriculture zone and Parks and Recreation reserve to the Special Use zone as per the proposed scheme amendment map.

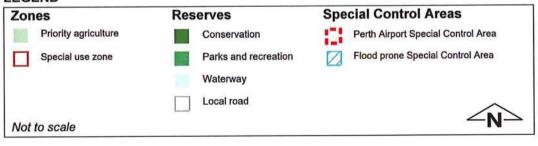
EXISTING SCHEME MAP



PROPOSED AMENDMENT MAP



LEGEND



SWAN VALLEY STATUTORY PLANNING COMMITTEE ADOPTION

	eeting of the Committee held on the 28 th WAPC CHAIRMAN
SWAN VALLEY PLANNING COMMITTEE	E RESOLUTION TO ADVERTISE
	nning Committee at the meeting of the June, 2022, proceed to advertise this WAPC CHAIRMAN
SWAN VALLEY STATUTORY PLANNING	G COMMITTEE RECOMMENDATION
the Committee held on the day	Planning Committee at the meeting of of
WAPC ENDORSEMENT (r.63)	WAPC CHAIRMAN
	DELEGATED UNDER S.34 AND S.35 OF THE SVP ACT 2005
	DATE
APPROVAL GRANTED	MINISTER FOR PLANNING
	DATE