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# DC Policy 5.3

- Use of Land Reserved for Parks and Recreation and Regional Open Space

## Development Control Policy 5.3

### – Use of Land Reserved for Parks and Recreation and Regional Open Space

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## 1. Citation

This is a Development Control Policy prepared under Section 14(b)(ii) of the *Planning and Development Act 2005*.

This policy may be cited as *Development Control Policy 5.3: Use of Land Reserved for Parks and Recreation and Regional Open Space* (DC 5.3).

## 2. Policy intent

This policy establishes the Western Australian Planning Commission's (WAPC) position regarding the use and development of land reserved for Parks and Recreation in the Metropolitan Region Scheme (MRS) and Regional Open Space in the Greater Bunbury and Peel Region Schemes (GBRS and PRS).

The policy also sets out the procedure for handling requests from sporting clubs and community groups for the use of reserved land.

## 3. Background

The purpose of this policy is to outline the circumstances under which the WAPC may approve the use and development of land reserved for Parks and Recreation and Regional Open Space for different purposes. Specific additional guidance is provided where the land is in the ownership of the WAPC.

Over 112,000 hectares has been reserved for Parks and Recreation under the MRS and over 55,000 hectares has been reserved for Regional Open Space under the GBRS and PRS. This land is either Crown land vested in a public authority or land owned by the WAPC or owned privately.

Under Clause 13 of the MRS, Clause 24 of the GBRS and Clause 18 of the PRS approval of the WAPC is required for any development on land reserved for Parks and Recreation or Regional Open Space. The WAPC or local government as the case may be in its determinations about developments on reserved land must ensure that the intent of the reservations is not prejudiced by inappropriate development.

Where the WAPC is the landowner specific guidance is required to ensure that applications for the use of WAPC owned land can be dealt with consistently and in harmony with the reserve purpose.

Subject to this policy, the WAPC accepts that there will be occasions when it may be appropriate to permit incorporated clubs, community groups and in some circumstances private business to locate on land reserved for Parks and Recreation or Regional Open Space, provided that the applicant demonstrates that:-

- (i) the nature and scale of the proposal is compatible with the use and zoning of surrounding land, the nature and purpose of the reserved land and the environmental character of the location;
- (ii) there is a community need for the proposed facility in the proposed location;
- (iii) the community and local government(s) support the proposal;
- (iv) the proposal can be integrated with other planned facilities and sharing of facilities by more than one incorporated club, community group or private business; and
- (v) the proposal is consistent with existing and/or proposed land use and management plans.

This policy was originally adopted by the WAPC in 1999. The policy is amended from time to time to reflect refinements and revisions to other WAPC policies and region schemes.



## 4. Policy objectives

- To provide guidance on development which may be permitted on land reserved for Parks and Recreation under the MRS and Regional Open Space under the GBRS & PRS.
- To set out procedures for obtaining approval for the use and development of land reserved for Parks and Recreation or Regional Open Space.
- To provide specific guidance where the land is owned by the WAPC.

## 5. Policy measures

The use and development of land reserved for Parks and Recreation under the MRS or Regional Open Space under the GBRS or PRS shall be restricted to that which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.

The use and development of land reserved for Parks and Recreation or Regional Open Space for purposes inconsistent with the purpose of the reserve will not be supported.

The use and development of land reserved for Parks and Recreation or Regional Open Space for commercial purposes ancillary and or compatible

to the purpose of the reserve and likely to enhance the public access to and enjoyment of the reserve may be supported.

The use and development of land reserved for Parks and Recreation or regional space which would result in restrictions to public access, notwithstanding the possible benefit which could be derived from the use and development to the general community or to a specific educational or religious group within the community, will not be supported.

Land reserved for Parks and Recreation or Regional Open Space may be used for:

- passive recreation;
- active sporting pursuits;
- cultural and or community activities;
- activities promoting community education of the environment; and/or
- uses that are compatible with and or support the amenity of the reservation (i.e. cafe, restaurant) where specific facilities for such purposes have been approved by the WAPC.

## 6. Implementation procedures

The process for assessing proposals for land reserved for Parks and Recreation or Regional Open Space consists of three steps:

1. Sporting and social clubs and community groups wishing to establish/develop within a Parks and Recreation or Regional Open Space reserve should seek support from the respective local government in the first instance. Under Clause 29 of the MRS, Clause 34 of the GBRS and Clause 28 of the PRS, a Form 1 application for approval to commence development should be lodged with the local government which forwards the application and its recommendation to the WAPC for determination. In the case of sporting facilities it is desirable for the proponent to consult with the Department of Sport and Recreation at this stage. Where leasing arrangements are required it is also desirable to consult with the Department of Lands at this stage.
2. The application may be referred to any relevant agency by the WAPC for its comment and recommendation(s).
3. The WAPC makes a decision on the application based on a planning assessment and the comments of the local government and other referral agencies.



The WAPC may grant its approval only where:

1. The proposal is consistent with the planning framework.
2. The proposal is suitably planned and designed. Plans should clearly show information about the planning context including the setbacks of buildings, impacts on adjoining land uses, location of playing fields, landscaping and car parking requirements. If located in a bushfire prone area, BAL assessments and/or a Bushfire Management Plan should be submitted with the application demonstrating the proposal is of low risk or measures can be implemented to ensure that it is classified as such.
3. The use of reserved land is restricted to:
  - (a) incorporated sporting clubs and/or community groups, which:
    - (i) have a constitution which does not restrict membership (by way of sex, race or creed);
    - (ii) provide public access to sporting facilities;
    - (iii) includes provision for finance and membership of club/ organisation; and
  - (iv) includes wind up provisions for the club; and
  - (b) private businesses, which:
    - (i) are in accordance with a management plan endorsed by the WAPC;
    - (ii) are open to and provide services for the public; and
    - (iii) have a purpose which is ancillary and incidental to the primary purposes of the reservation.
4. Building plans include access for the disabled and siting complements other facilities in the complex, e.g. public access to 5 toilets from the outside and sharing of parking facilities and playing fields.
5. The design of the building is consistent with the building standard applied to other buildings in the complex.
6. The sporting grounds and facilities, when not in club use, are available to the public (with prior agreement where necessary with the sporting and social groups).
7. No development should commence unless and until all planning approvals have been obtained and conditions met.

## 7. Matters to be covered by lease agreement

Unless special circumstances determine otherwise, it is expected that all WAPC owned land to be used by sporting and social clubs and community groups will be leased to the relevant local government with power to sub-lease to sporting, social clubs or organisations and in certain circumstances private businesses. This will allow the local government to allocate grounds buildings and facilities for each entities use. The lease will cover the following matters:-

- (a) Sub-letting:
 

There should be no sub-letting by the sports, social club or organisation and private business to others without prior written approval by the local government and the WAPC.
- (b) Development:
 

The development of sporting fields will be the responsibility of the club and local government. The general principle in the development of sporting fields is that the club or organisation develops and maintains the playing fields, provided that some assistance may be given by the local government. This needs to be resolved and agreed between club officials and local government officials before development proceeds. The



construction of permanent buildings on WAPC owned land will generally become the property of the WAPC.

(c) Financing:

The financing, construction and maintenance costs of any building will be the responsibility of the club, organisation or business subject to any, grant assistance which may be available. Under no circumstance will the WAPC be involved in financing buildings for clubs.

(d) Supply of Services:

The supply of services (water, sewerage, electricity and telephone) to a recreation complex should be the responsibility of the club, organisation or business and the local government and payment for such should be as agreed between the club and local government.

(e) Insurance and Security:

The club, organisation or business and local government will be responsible for general insurance and day to day security for buildings and playing fields. The WAPC should be indemnified against any claim for damage or injury that may occur on the land.

(f) Maintenance Standard:

The standard of maintenance should be determined by the local government, Health Department of Western Australia and the WAPC. The club, organisation or business should be obliged to keep a high standard of maintenance as outlined by the relevant authority.

(g) Liquor Licence:

Where liquor is likely to be involved, the granting of liquor licence should comply with the relevant provisions of the Liquor Act, and be subject to support from the local government. The licence should stipulate the type and purpose and should also be subject to WAPC approval. The liquor licence cannot be transferred without prior approval by the WAPC.

(h) Social Functions:

The staging of social functions and the associated repercussions, such as noise, crowds, bands and hours of operation, should comply with relevant provisions of the Liquor Act and local government requirements.

(i) Other:

All of these conditions, and any other relevant conditions, should be included in the Lease Agreement between the local government and the club, organisation or business.