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6 September 2017

The Honourable Matthew Swinbourn MLC
Legislative Council Committee Office
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn,

RE: PETITION No 002 - Proposal to sell Midland Recreation Ground Reserve

I refer to your letter dated 17 August 2017 regarding the petition you have received entitled the 'Selling of Midland Recreation Ground Reserve'. Thank you for providing the City with the opportunity to provide comment on the matter.

Midland Oval, originally known as the Midland Junction Recreation Ground, was formally opened in October 1901, and has had a proud history as a place for sports and community activity since then.

The first recorded decision relating to the redevelopment of Midland Oval goes back as far as 1968. Since this time, Council has seen many proposals for the precinct. In 2011, Council made the decision to actively lead out in the planning for the site.

This letter outlines the process taken by the City and the matters you sought to be addressed.

- **The planning process relevant to the proposed development, including its current status**

In 1968, the Town Planning Scheme No. 1 Report suggested for the first time a possible redevelopment of Midland Recreation Ground given:

'The facilities at present at the oval are limited, and incapable of expansion either in additional ovals or car parking areas'.

The site had been identified as being inadequate and unsuitable for athletic and other sporting purposes, having no room for expansion or to accommodate the required parking bays. Sporting activities thus began being relocated to alternative sites in the 1980s and 90s. Purpose-built establishments development in this time include Midland Sports Complex, Swan Park Leisure, Midland Speed Dome, Ron Jose Oval, Jack Williamson Oval, Ray Marshall Oval and Lilac Hill with an approximate cost of \$100m contributed by the City over the past 20 years.



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Midland is a **Strategic Metropolitan Centre** which is principally a centre for retail, commercial, community, entertainment, residential and employment to a large hinterland catchment. The *Directions 2031 and Beyond* and *State Planning Policy 4.2 Activity Centres for Perth and Peel* require Midland to host a diverse mix of community, commercial, civic and residential development.

Perth and Peel @ 3.5 million is the State Government's strategy for ensuring proper and orderly planning for Perth and Peel in order to accommodate a forecasted population of 3.5 million by 2050. The framework aims to promote employment opportunities and increase the number of people who live and work within the sub-region, with a focus on employment within the Midland strategic metropolitan centre and key strategic industrial centres, while maximising use of existing infrastructure.

The City has been involved in a range of studies and exercises which relate to the revitalisation of the Midland CBD, including the Midland Oval precinct. Key studies include *Midland's Revitalisation Charrette* and the 2007 Enquiry by Design process entitled *Midland 2017 – The Challenge*. Over time, through such activities as those listed above, the oval precinct had become increasingly recognised as a catalyst for the re-invigoration of the entire Midland CBD. The numerous proposals received in the past 49 years have either not been supported or had the impetus to become successful. The City identified that while the precinct had such a fragmented ownership it would become too onerous to gain the consensus of all participants for any development. The City of Swan recognised the social economic benefits for the wider area of Midland and chose to actively seek to acquire land within the precinct.

In July 2015, Council launched its draft Masterplan. Following public consultation, the Masterplan was endorsed in November 2015. Though endorsed, the Council identified a need to consult further on the public open space aspects of the proposal. As a result, in 2016, the City of Swan conducted extensive consultation with the local community, the wider municipality and other key users and visitors of Midland. Through its consultation, a revised plan was put forward.

In January 2017, Council after much deliberation, resolved to adopt a Masterplan which was seen to address the public open space concerns raised during community consultation and that would show the community and potential investors that the City is committed to the redevelopment of Midland Oval. The new plan now offers over 19,000m² of open space back to the community, approximately the same area offered in the existing oval, returning it to the community in a new and more usable space for the growing town centre.

The design of the Masterplan makes careful attempt to link the somewhat fragmented town centre. Similarly, the continuation of Cale Street into the Precinct will link the Midland Workshops, Midland Hospital, future university, train station, and Midland Gate into the original town centre. With food, beverage and entertainment land use encouraged along the length of Cale Street, this will become the new 'Main Street' of Midland. Furthermore, the continuation of Cale Street will strengthen the linkage between Midland Oval Precinct and the Midland original town centre via The Avenue and The Crescent.

In summary, the precinct will encompass commercial, retail and residential components to encourage round-the-clock activity and employment within the Midland area. At a state level the Masterplan responds to WAPC planning policies *Directions 2031* and *Activity Centre* outcomes providing higher densities close to public transport and amenity. At a district level it responds to development requirements, urban form, heights and densities within the Midland Activity Centre Structure Plan.

The Midland Oval Redevelopment Masterplan is consistent with the strategic and statutory planning framework for the Midland Town Centre. The layout of the precinct has been incorporated into the City of Swan's *Midland Activity Centre Structure Plan* and associated amendment to *Local Planning Scheme No. 17* (Amendment 119), both of which have been endorsed by Council and currently sit with the Western Australian Planning Commission for consideration.

This decision to endorse the Masterplan has given City staff the direction to move forward with detailed designs for the precinct.

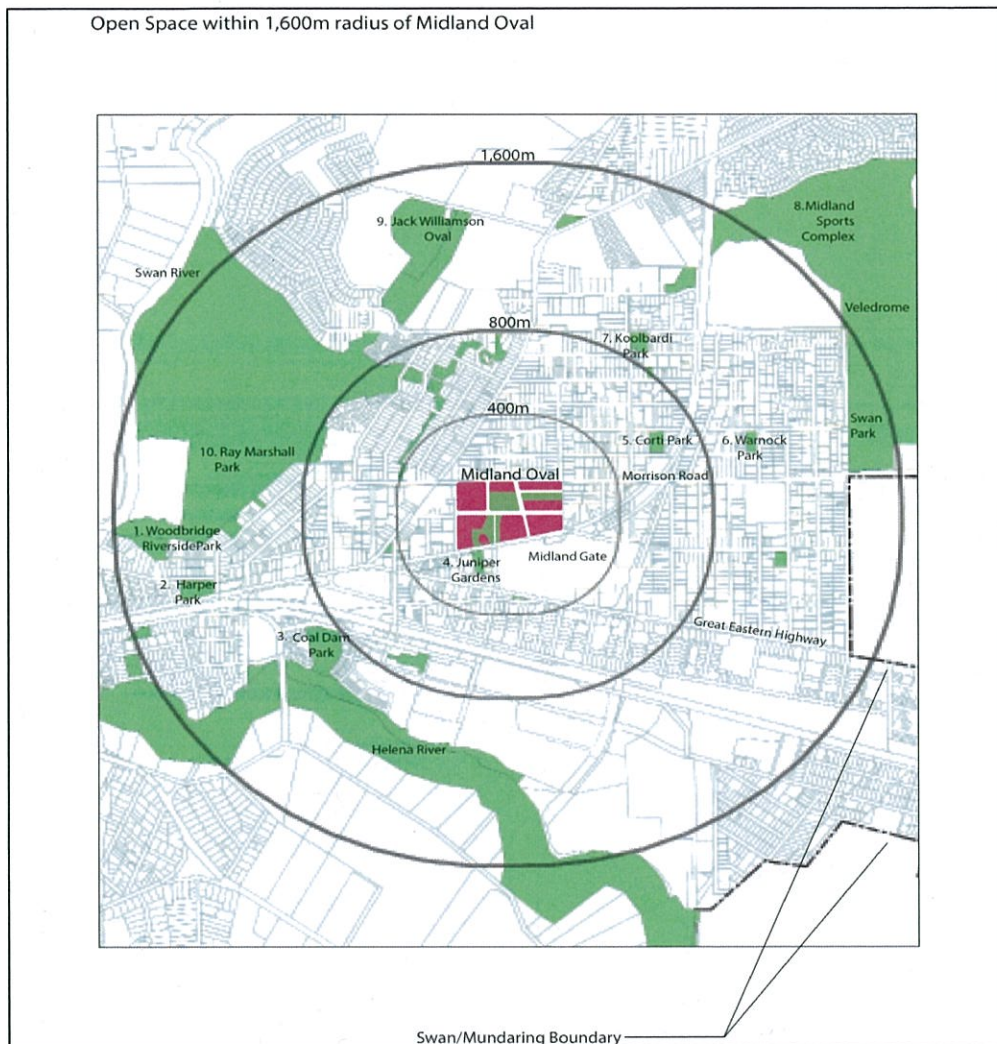
- **Compliance with provisions of the Local Planning Scheme that require that the land is used and preserved for a use compatible with the purpose for which it is reserved.**

There never has been a Midland Recreation Ground "Reserve". The land (Lot 216) has always been held in fee simple, including by the previous owner. The previous owner sold that land to the City for a fair value, it was not bequeathed. The City owns the fee simple freehold title in Lot 216 (the lot that is being referred to as the Midland Recreation Ground Reserve). The subject site is zoned 'City Centre - Commercial Deferred' in Local Planning Scheme No.17 and 'Midland Strategic Regional Centre' in Amendment No.119.

- **Allocated public open space within the development and its compliance with planning requirements**

The following table provides a summary of the open space calculations for Midland and its surrounds prior to and following build out of the Activity Centre including land within the Midland Oval precinct. These calculations do not include foreshore reserve or sporting fields as outlined in the following image (refer next page). In summary, the calculations indicate that following post 2050 development targets more than 10% is achieved in both the Midland suburb and the Midland Oval Precinct.

| | CURRENT | AFTER COMPLETION OF MIDLAND REDEVELOPMENT |
|--|-----------------|---|
| MIDLAND OVAL REDEVELOPMENT PRECINCT | 1.9ha 17.2% | 1.9ha 17.2% |
| MIDLAND ACTIVITY CENTRE | 9.98ha 8.3% | 9.98ha 8.3% |
| MIDLAND (SUBURB) | 33.1ha 12.6% | 33.1ha 12.6% |



It is also noted that, as part of responsible planning, the City undertook a playing fields audit in 2010 to identify any gaps and a Midland Playing Fields Strategy was developed and endorsed by Council in December 2010. The Playing Fields Strategy's key findings identified \$1M of capital works required for Swan View and Farrall Ovals and the development of a Masterplan for the Swan Park Precinct.

I wish to also highlight that at no stage through the 48 year planning process has the oval been earmarked for retention in its full or original form. Between the years of 1968 to 2011 numerous conceptual drawings were developed and plans such as *Midland's Revitalisation Charrette* commits to less open space than that proposed within the endorsed Midland Oval Masterplan (approximately 1ha).

From all the concepts that the City has on record, the largest amount of open space within the precinct was the 1996 Concept at 1.34ha. The *Midland Revitalisation Charrette* also commits to the retention of at least one hectare as public park, generally in the form of an oval but with an informal recreation or passive use. The *Midland Oval Masterplan* commits to a much larger 1.9ha of open space, exploring the opportunity for more functional usage of these spaces, where people of all ages can feel safe and included.

- **The petitioners expressed concern about the sale of a land package to a developer without going to public tender**

In relation to land in the Midland Oval precinct that is not privately owned:

- The land is either crown land (road reserve) or is freehold land held in fee simple (freehold) by the City
- The freehold land held in fee simple by the City includes Lot 216 which was the former recreation ground.
- The City is entitled to develop, transfer, amalgamate or subdivide freehold land without restriction.

Any development, transfer, amalgamation or subdivision would be as a result of a Council resolution and in accordance with the *Local Government Act 1995*.

In relation to the divestment of Lot 4 The Avenue, Midland, on 12 August 2015 Council resolved unanimously to:

- 1) *Give notice concurrently for public comment in accordance with sections 3.59 and 3.58 of the Local Government Act 1995 the Business Plan for the sale of Lot 4 The Avenue, and portions of Lots 30, 32, 34, 36, 38 & 216 The Avenue, Midland attached to this report; and*
- 2) *Note that following the public submission period, a report considering any submissions made will be presented to Council where Council may decide to proceed with the undertaking of the Business Plan and disposal of property.*

On advice from City lawyers, Jackson McDonald the City followed s3.59 of the *Local Government Act 1995*, specifically suited for large scale property developments, to achieve the best outcome for commercial property developments. Although not technically required given the value of the proposal, Council considered it prudent to advertise the Business Plan, to allow the public 6 weeks to comment, rather than the two week comment period under s3.58. The proposal included a "First Right of Refusal" for land Parcel 2, which may be exercised in the future, requiring a new valuation, further advertising and public comment before proceeding. In accordance with the resolution of Council on 12 August 2015, the one submission received was presented for Council consideration, in determining whether to proceed or not to proceed with the advertised Business Plan.

The site was sold in accordance with section 3.58 of the *Local Government Act 1995* via Private Treaty to an adjoining landowner. The value of the transaction included the option over the site on the northern side of The Avenue, which may be in the vicinity of \$10m, requiring the state-wide advertising of a Business Plan in accordance with section 3.59 of the *Local Government Act 1995*. As a result, this was included in the Business Plan process at that time. Section 3.58 of the Act provides a mechanism for Council to dispose of land in this way.

On 25 November 2015, Council resolved to:

- 1) *Note the submission, being an alternative Offer and Acceptance (O&A) for Parcel 1 of \$4,500,000 (ex GST).*
- 2) *Proceed with the Business Plan, as advertised on 22 and 25 August 2015.*

- 3) *Record the reason for changing the staff recommendation is to note the alternative O&A, and record that the Business Plan produces a superior outcome to an alternate tender or auction. The Business Plan provides certainty over the development, guarantees control as City approval is required before a Development Application is lodged to the Development Assessment Panel and provides confidence to community on the redevelopment of Midland Oval.*

- **Community consultation**

In August 2011, Council established a vision for the redevelopment of the precinct and gave direction to proceed with the project after considering the numerous conceptual plans developed over the many years and the accompanying community feedback. The vision was for a mix of uses and activities built around an event space and public open space (POS). The precinct was to be lively and safe and have a strong sense of place. A core principle for the development has been that this area integrates with the rest of the Midland CBD. For this reason the events space has been planned for the southern edge of the Precinct. This new civic identity will give Midland a new 'heart'.

The five key principles that have informed the design of the Midland Oval Precinct are a New Civic Identity, Iconic Heart, Sticky Edges, Woven Context, and the Economic Viability. The first two revolve around giving Midland a new civic identity and a new centre. The design has been driven around the creation of a strong public realm with a variety of large and small active spaces befitting a town centre.

The Midland Oval Redevelopment Masterplan was formed through careful consideration of previous conceptual plans, past community feedback, plans and reports such as *Directions 2031* and *Perth and Peel @ 3.5million*, and some key community stakeholder engagement exercises including the 1997 *Midland's Revitalisation Charrette* and the 2007 Enquiry by Design process entitled *Midland 2017 – The Challenge*. The *Midland Oval Masterplan* acknowledges key outcomes of these exercises and attempts to meet identified aspirations noting that, 20 years forward, Perth is dealing with unforeseen population growth and property prices.

Public consultation was carried out for 42 days from 1 August 2015 till 14 September 2015 with the City writing to a total of 1,166 landowners, residents and businesses within Midland CBD. During this period the Midland Oval Masterplan was displayed at all City Libraries, on the City's website and at the Administration Office and City officers ran an open question booth in Midland Gate Shopping Centre during this period. This together with media releases over the period provided extensive communications to the greater community.

In the 2015 consultation exercise, there were a total of 59 submissions received, comprising 19 (1/3) objections and 40 (2/3) letters of no objection. Council subsequently endorsed the Masterplan in November 2015. However, with a view to further addressing community concerns, the resolution directed further public consultation to be undertaken at the detailed design stage of the public open space (POS).

POS workshops were conducted in May 2016 to identify a Place Vision and the look and feel for the open space. The City held workshops in May, attended shopping centres (Midland Gate, Ballajura, Ellenbrook, Altona), made contact with public and private schools within the area, distributed the information via newsletter to Place Areas as well as in the Swan Biz News, met with Midland businesses, had information displayed at the library and leisure centres, and attended the Gidgegannup Small Farm Field Day and the Bullsbrook Residents and Ratepayers Association.

The Place Vision identified as "harnessing the energy that's built a strong region, Midland Oval will unite its people and places and celebrate the local way of life. Signalling a new urban dimension for Perth's eastern gateway, it will be a place to make a home, kick a ball, do business, rest a while and visit with family and friends."

In consideration of character, the City is also currently preparing a Place Making Strategy which aims to record the precincts 'place story' by providing a unique context and history of Midland by identifying the way the place has been historically and is currently used, its people, environment and long-established businesses. This will be carried out through desktop studies and community workshops. While the Midland Oval Masterplan is conceptual in nature, highlighting and encouraging exemplar development aspirations for the precinct, the work of the Place Making Strategy will be key to informing the detailed design of the precinct. This work will inform design guidelines for the urban form within the precinct and shall be carried through into the design of the public open space. In order to create a place that acknowledges the characteristics and aspirations of the community, it will be of utmost importance that future designs incorporate such elements identified through this work.

The themes identified at these workshops for Public Open Space were 1. connections and crossroads, 2. big backyard, and 3. built by hand.

Results of these workshops were 21 in support, 12 objections, and 21 with mixed views. This feedback was analysed and a 'check-in' workshop was conducted with community to ensure Council had heard what community was saying.

The results of this 'check-in' workshop was 25 objections and 13 supporting.

Overall, the total number of responses was relatively minor given the Swan population, however, officers believe the consultation undertaken was extensive.

All results are prepared and presented to Council for their decision making process.

August 2015 - Key themes:

- Desire for more greenery, kick-about and playground areas
- Some concern on loss of oval
- Some concern on building heights/density
- Strong support for Piazza; Midland revitalisation, vibrancy and enhancement to economy;
- Connection to Midland Gate and the traditional town centre

May 2016 - Key Themes:

- Support sporting, railway, local history
- Support for the piazza & proposed activities
- Mixed views on the open space component with a focus on type, size and use
- Some support for oval retention
- Strong support to retain library in its existing location

August 2016 - Key themes:

- Concern on loss of oval
- Concern on roads through oval
- No sporting facilities provided
- Size (too small)
- Concerns about anti-social behaviour

The output from those Place Making Strategy will be used to inform the Design intent – that being - green, soft scaping in balance with urban scape spaces, consolidated open space symbolic reflection of former users and functions, focus on comfortable, unpretentious and inclusive spaces, interpretive elements, Midland DNA – river, scarp, food, valley's, wine, cycling and other recreation. Community connections. Visual connection to green from town centre, activity and nature/water/adventure play. Preliminary work has commenced on the detailed designs.

Following Council's consideration of public comments as outlined above in addition to a public meeting held on 23 November 2016, the City of Swan Annual Meeting of Electors 2016 (07/12/2016) and a Special Meeting of Council on 30 January 2017, Council resolved to endorse a modified Masterplan which provided a near match in the percentage of POS to be provided within the precinct as that which is currently bound by the existing oval cycle path.

- **Heritage value of the site**

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the *Heritage of Western Australia Act 1990*, the City has completed a review of its current Heritage List and the Local Government Inventory.

Currently the City of Swan's Local Government Inventory lists properties of cultural heritage significance in four different categories of significance. The City's Heritage List consists of places categorised as 'of Exceptional Significance' and 'of Considerable Significance' to the locality (highest two categories).

The review was conducted by the appointed heritage consultant – TPG + Place Match, assisted by the City's staff. A public comment period was held in May-June of 2017 for a period of 21 days.

Midland Oval was newly nominated for inclusion on the Local Government Inventory by a resident concerned for the future of the site. As a new nomination, it was assessed by the heritage consultant and was proposed to be listed as Category 3 (not on Heritage List). Twelve submissions were received during the public consultation, either supporting the listing and emphasising the importance of the place or requesting the listing to be a higher, Category 2 (on the Heritage List). A great volume of historic information, in particular connected with the Midland Oval sporting history was received during the consultation. The well-researched and passionate responses demonstrated that the Oval has a high social and historic value for Midland community.

The consultant's assessment found that the place should be protected and its history interpreted in future. It suggested that the Oval's significance needs to be retained through the future redevelopment of the site. The consultant considered that the recently adopted Midland Oval Redevelopment Masterplan and Place Making Strategy build on the story of Midland Oval as a sporting and social heart of Midland community. It can be argued that the City has already made substantial inroads into honouring and preserving the spirit and the history of the 100 years+ old space, which clearly plays an important part in Midland's collective history. The final consideration nominated Midland Oval on the Local Government Inventory as a Category 3 - Some/Moderate Significance.

In addressing public comments, the final versions of revised Heritage List and Local Government Inventory (LGI) were presented to Council for formal adoption on 30 August 2017, where Council resolved unanimously to include Midland Oval as Category 3 in the Local Government Inventory.

In closing, the value of new construction by the City and private industry in the Precinct will be in the order of \$450M. The construction and operation phase of the project are expected to generate economic benefits in the order of \$1.38B at full build out. The estimated output contribution to the economy is \$800M; with 3,400 new jobs and \$691M economic impact during the build out phase, as well as direct and indirect impact during this build out in the order of \$1.07B. Job creation during the build out is estimated at 1317 FTE with a flow on effect of 2541 FTE.

Continued development of a high quality public realm with strong amenity will attract redevelopment within Midland. The residential areas, with their quiet, leafy streets, pedestrian scale, access to parks and conveniences will become particularly treasured. Amenity is improving in the town centre with tree lined streets, protected pedestrian foot paths, good lighting, shops and cafes at ground floor level and high quality built form. This high quality environment, combined with excellent accessibility, encourages businesses to locate within the area. The earmarked civic building will spill out onto the original oval site which is proposed to be redeveloped into a green, circular piece of open space with form and embellishment providing a nod to the oval and sporting past.

If you have any queries, please contact Ms Kylie Cugini, Manager Business and Tourism Services, on 9267 9612 or kylie.cugini@swan.wa.gov.au.

Yours faithfully,



M J Foley
Chief Executive Officer

Enc: *Council Minutes (OCM 25 November 2015)*
Council Minutes (Special Meeting - 30 January 2017)
Council Minutes (OCM 30 August 2017)
Minutes Public Meeting (23 November 2016)
Minutes Annual Meeting of Electors (07 December 2016)