

HARDEY PARK, CLASS A RESERVE 12237, SUBMISSION NO 18 OF 2000

Motion for Disallowance

HON J.A. SCOTT (South Metropolitan) [11.08 am]: I move -

That submission No 18 of 2000 - Proposal to grant a land exchange between portion of Class "A" Reserve 12237 "Hardey Park" and portion of Swan location 33 being Lot 712 tabled in the Legislative Council on 23 May 2000 under section 42(4)(a) of the Land Administration Act 1997 be and is hereby disallowed.

I move this motion for disallowance because I have a number of serious concerns about the proposed land swap and the related developments affecting the community's access to the parks and recreation areas close to the river in Belmont. Hardey Park, the subject of the land swap with block at lot 712, is situated between the old St John of God Hospital site near Great Eastern Highway and the Sandringham Hotel. This is a very high block with an outlook to the city, but the access to the river is via a reasonably steep bank. The council has said that it would be better for people in the future to have access to the river via the block at lot 712, which is on much lower land and is in fact on the flood plain to the east of Hardey Park. Lot 712 is part of the area that was redeveloped with Ascot Waters and was under the planning control of the Ascot Waters developers, the Western Australian Planning Commission and the Belmont City Council. Lot 712 had single-dwelling homes when the area was taken over by that group and was then designated as a parks and recreation zone. The council at that time indicated that it wanted to use that area for parks and recreation. However, the block lost its parks and recreation zoning and was rezoned urban before its current owner purchased it only a few years ago. I am concerned about why the council allowed a block which was designated parks and recreation to be sold and is now doing a land swap for another parks and recreation area to get it back into parks and recreation again; it seems a strange thing to have occurred. It was not a great piece of planning if the council wanted the block for parks and recreation.

The council officers, Neville Teague and Bruce Genoni, have said that lot 712 will be provided with underpasses and will be more accessible by the community, whereas Hardey Park is not very accessible at this time. Hardey Park is at the end of Hardey Road, which has a T-junction. Although there is an entrance into the Sandringham car park, which adjoins it, some nerve is required to get in and out of that area. The roads in that area are to be changed. The highway will have an access road built for the proposed development that will occur if the land swap goes ahead. The council and the Government seem to be prepared to give access for the development but not for the park as it currently is, which also seems strange.

It has also been said that lot 712 is important because of the improved access to the Swan River. One must look at the site to see that it is already set back from the river and is not on the river's edge. There is a great deal of access to the river because the parks and recreation area that already exists goes down the western side and the river side of that block. Lot 712 would be only an addition to the back; it does not give extra access to the river. It provides more land where there is already access to the river.

Hon Ken Travers interjected.

Hon J.A. SCOTT: That is there already. I am concerned that the Swan River Trust had sought 30-metre setbacks and had been controlling the land that far back. The Swan River Trust has planning control over lot 712. Prior to the land swap arrangement being put in place, the developers of lot 712 proposed to put commercial multi-story buildings on the site. The Swan River Trust recommended against that proposal and it was knocked back by the council. The council said it wanted an open area with a view from the highway to the river. This is counteracted by the adjoining lot 600 which, it turns out, is owned by the council and is also being redeveloped. That piece of land will have a seven-story building on the western corner which, because of the way the road curves around that area, will make it difficult for people to get views for more than a few seconds from the highway as they drive past. A redevelopment on the council's land will block the views to the river.

The land swap is being pushed more quickly because the council is concerned that the Swan River Trust is in the process of rationalising its land holdings along the river's edge and will cede its planning control over a number of blocks which are not designated as parks and recreation. Lot 712 is not zoned for parks and recreation and the Swan River Trust will cede control of it. I rang the Swan River Trust and asked whether lot 712 was part of the ceding of control of planning by the trust. I was told by the trust that it was surprised that that was the case. When the person I spoke to looked it up, I was informed that the decision to cede control of the lot had been ticked off by the minister and was being drafted. That is not necessarily a fait accompli, because that decision would have to be tabled in Parliament and anybody who did not want a seven-story building on the lot could bring objections to the Parliament and it may be disallowed.

If this land is supposedly going back to parks and recreation after the swap with Hardey Park, why on earth are the Swan River Trust and the minister signing off on this document to cede control of the lot? It is not parks and recreation. It would be better to have waited until this decision had passed through Parliament and, once it was again parks and recreation, the trust would not have to do anything; it could maintain its control. The trust will have to regain control of it later - it seems strange. Conspiracy theorists may feel that there is more to this issue than meets the eye.

Another problem is that the adjoining lot will increase in value if it has lovely parkland beside it rather than commercial development. Of course, the council owns that land and will be a financial beneficiary of this land swap, but it will not improve access to the river for the community. That lot has its boundaries within six metres of the water's edge. How did the Western Australian Planning Commission, the Belmont City Council and the Ascot Waters developers, which had complete planning control of that area, manage to make such a mess of it that they did not leave sufficient land for people to move easily along the river's edge? Why did the Swan River Trust not object at the time? I am amazed that such poor planning occurred in that area.

My discussions with council officers revealed that they have undertaken to move the boundary of that block back 11 point something metres from the previous six-metre mark. Therefore, five metres were added to the river set-back of block 600 to allow access for pedestrians and cyclists. This area is flood plain. In future, as we see global warming, the six metres of the flood plain will almost certainly disappear under water, and the 11 metres now being offered will be very minimal indeed. It is very poor planning.

Hon Derrick Tomlinson interjected.

Hon J.A. SCOTT: Yes.

The PRESIDENT: Hon Derrick Tomlinson should make his interjection better heard if he wants a response.

Hon J.A. SCOTT: During the community consultation phase of this land swap, people were concerned that no accurate descriptions were provided. Concerns are held for the entire redevelopment area. The City of Belmont has assured me that it is happy to provide council officers to speak at public meetings to clarify what will happen to not only lot 712, but also to the entire redevelopment area to the Parry Fields Baseball Stadium and the kilns. The community is concerned that plans are afoot to have wall-to-wall development along the river's edge to maximise profits, rather than to look after the area in perpetuity; the concern is for the people of the entire city and not only those of Belmont, as this is an important area. Unless these matters are cleared up, and the river set-back arrangements are sorted out in a way that makes the community part of the planning process, we will see very big mistakes made that will not benefit people in the future.

In conclusion, Hardey Park is not unimportant for the heritage of this State. It was donated by Robert Hardey, the son of John Hardey, who was one of the Tranby group which arrived months after the first settlement in Western Australia. They settled where Tranby House stands on the opposite side of the river. John Hardey crossed the river and established a farm called Roe farm, which covered the area to Parry Fields. The area he owned covered most of the now City of Belmont. His son Robert built Belmont House where the Sandringham Hotel now stands, and he bequeathed a park next to the hotel. I am told by people from the National Trust of Australia (WA) that this is a very significant heritage area for our State. It should not be treated lightly when determining land swaps and the like. The Burra charter provides guidelines for heritage registration, and Hardey Park meets those guidelines well and is being considered by the Heritage Council of Western Australia for classification.

Finally, the land was granted as a perpetual trust, and my investigations reveal that the perpetual trust does not allow this process to occur as it involves removing the class A designation. A letter to the City of Belmont outlines the situation more precisely as follows -

... the original trust must still be dealt with and it appears the Crown would be obliged to satisfy the requirements of the Charitable Trusts Act 1962 in preparing a scheme under the Charitable Trusts Act for approval by the Attorney General and the Supreme Court. ...

In the circumstances, unless Parliament is prepared to legislate to overcome the trust, it appears it will be necessary to refer the matter to the Attorney General for his consideration as a scheme under part III of the Act.

Other processes need to be undertaken before this land can be made part of a land swap; otherwise, its legitimacy could be challenged. I am not happy with many circumstances associated with this land swap. There is more to it than I am told, and not all interests being served are those of the local community. Although I agree that lot 712 provides an area with better access to the river, Hardey Park could continue to be part of the community's facilities and heritage for many reasons. An awful lot more genuine consultation with the community should have occurred than that undertaken so far. I commend my motion.

HON NORM KELLY (East Metropolitan) [11.29 am]: The Australian Democrats also have concerns about this land exchange of Hardey Park with lot 712 in Belmont. I appreciate the work of a couple of local residents, particularly Mick Ryan, in raising this issue in recent months. They have pointed out some apparent inconsistencies in the little public debate involved and in the dealings of the City of Belmont in this land exchange.

First, the process of dealing with the motion, unfortunately, has depended upon lifting its position on the Notice Paper so it could be dealt with today.

Perhaps we could also debate motion No 12 on today's Notice Paper as that would obviate any problem with a future motion for disallowance of amendments to class A reservations under the Land Administration Act. However, I leave those arguments to another day.

Part of the future planned use of Hardey Park is a widening of Great Eastern Highway. An area of 3 500 square metres will be excised from Hardey Park to allow for that road widening, which is due to be completed in 2003-04. However, that road widening is obviously on the backburner of this Government and not even on Main Roads' 10-year plan. It is a pity, given the inevitable increase in traffic through that area because of the Graham Farmer Freeway and the new bridge across the Swan River, that we have simply moved the bottleneck a little further down the road so that it will occur around Kooyong Road, Rivervale where the Great Eastern Highway reduces from six to four lanes. It is a pity that the Government has not given a degree of certainty to the future of the road widening and upgrading of the highway along Hardey Park. If the development of Hardey Park goes ahead, a vacant part of the reserve will still be unable to be developed but will have to wait for Main Roads to widen the road in the future, hopefully sooner rather than later.

Hon Derrick Tomlinson: There are three large Moreton Bay figs right across it.

Hon NORM KELLY: In the land exchange of Hardey Park and lot 712, the council states that if the Hardey Park area is taken into account, it equates exactly to the size of lot 712 but does not include the area needed for roads. An excision of about 1.5 hectares is proposed from Hardey Park for an access road not only for the subdivision but also for the future development of the old St John of God Hospital site.

The accessibility of public open space in this area is limited by the Great Eastern Highway running close to the Swan River. A narrow strip of residential development runs from the new freeway through to the Sandringham Hotel with limited areas of public open space. Consequently, Hardey Park is of benefit to the local residents and to residents on the southern side of the highway as it gives them an area to kick a football or run their dogs and the like. It is not a particularly attractive park, especially the side close to the highway, because of its high volume of traffic. However, the area close to the river is very peaceful, particularly the area with the huge Moreton Bay fig trees.

Hon Derrick Tomlinson: Along the strip that you say will remain vacant.

Hon NORM KELLY: Yes, some of those Moreton Bay fig trees will be retained as they will be part of the public open space. I was talking about the area of the park along the road reservation.

Hon Derrick Tomlinson: That is where the Moreton Bay fig trees are.

Hon NORM KELLY: Yes, there are Moreton Bay fig trees along the edge of the highway and also on the Hardey Park side close to the river. As one gets closer to the river one finds a more pleasant outlook that is reasonably accessible to residents in the nearby area around which there is also a high degree of commercial development. The residents who live in the narrow strip between the Sandringham Hotel and the freeway will receive little, if any, benefit from public open space on lot 712. The fact that it is a steep walk up the hill from lot 712 to those residential areas is a deterrent to the residents to that form of activity.

I also refer to a change in the type of leisure activity that will occur in those two areas. The City of Belmont is talking about using lot 712 as a passive recreational area, whereas Hardey Park lends itself to more active leisure pursuits. The valuations of these two pieces of land are in question and I have had great difficulty trying to get them from the City of Belmont. I will quote from a letter of 7 January to me from the City of Belmont -

There have been a number of market valuations carried out for portion of Hardey Park and Lot 712 and a decision was reached to deem both parcels of land as of equal value. In the case of Hardey Park, it was assumed that the land will be subdivided as shown in Plan 3 and Council will be responsible for implementing the subdivision. There is an argument that Lot 712 is more valuable than portion of Hardey Park because of the location of Lot 712 and with it being close to the Ascot Waters development.

However, there is also an argument that lot 712 is less valuable than the Hardey Park site. It is difficult to take that matter any further as I have been unable to get those valuations.

Hon Derrick Tomlinson: Hon Jim Scott has seen the valuations.

Hon NORM KELLY: I know the land exchange has had the support of the council for a number of years and one or two councillors are now raising their concerns. However, one must question the amount of information those councillors have been given when forming their views on this issue. The level of consultation between the council and the local residents is deplorable. A few years ago the council issued a pamphlet stating that 60 per cent of the public open space would be retained. It now looks as though the residents will be lucky to have 40 per cent of the public open space retained in that Hardey Park site. I am talking about mainly the escarpment area, which should be retained. However, with virtually all of that open leisure area taken up with development, I would rather see the City of Belmont be more responsive when dealing with residents' concerns and see it consult and inform residents about the amendments to the original proposals that it intends to carry out. That lack of response has been a failure of the council. I hope it takes heed of that comment as down the road from Hardey Park it will be confronted by the even bigger planning and heritage question of the Ascot brick kilns. Some of the correspondence I have read between the city and residents on that issue causes me concern also about the council's ability to properly negotiate and consult with its residents. Therefore, a number of issues are difficult to answer in regard to this land exchange.

We must trust that, if this land exchange does go ahead, the City of Belmont will take heed of the residents' concerns and act accordingly.

HON TOM HELM (Mining and Pastoral) [11.41 am]: As members are aware, it is unusual for me to talk about things metropolitan. I would be lucky to find Great Eastern Highway, let alone Hardey Park. However, I have decided to make a contribution because I know this part of the State well. I pass through the area frequently going to and from the airport on my travels to the north or Kalgoorlie.

I was surprised to get a call from an activist in the area who told me about his concerns. The more I heard, the more I became concerned. If people need to live in a city, they could not choose a better city than Perth. Everyone who lives out of the city can understand the pride felt by city dwellers. We as Western Australians should feel proud that our city is one of the best in the world, never mind in Australia.

It always surprised me that the development from the airport to the central business district was average. The changes made to that entrance statement as a result of the Burswood development and to the highway from Burswood through to the causeway make me feel proud. Until that development, our efforts to showcase our city were, at best, ordinary.

Hon M.D. Nixon: The park was developed on the other side of the road long before that.

Hon TOM HELM: The area has wonderful open space and the view of the river, as small as it is, is a good statement. The development on the other side of the highway does not detract from what one would expect when visiting Perth. It shows Perth as a clean and neat city; although some of the light industrial areas and the car hire premises could do with a bit of a clean-up. Nonetheless, we have made a serious attempt from the Burswood development into Perth to show people what they can expect to see during their visit.

The view of the river is seen only on the journey into Perth. We should be careful how we develop the area, if we develop it at all. It is not for me to say whether it should be developed, because I am talking as a visitor rather than as a resident of the metropolitan area.

Hon N.D. Griffiths: Where do you live?

Hon TOM HELM: I live in the area now. I probably travel that route to and from the airport as often as anyone else in the world.

Hon N.D. Griffiths: You do it more often than Hon Norm Kelly does.

Hon TOM HELM: Maybe so. I will not make any statements about how this will affect the residents of the area and the recreation value of those pieces of land. I speak only from the point of view of aesthetics.

The resident who asked for my assistance and support in preventing the land swap has had his concerns raised in this place and they are on the record. I do not understand most of the arguments, but I am concerned about how we present our city. I hope that these issues are considered before the land swap and the development go ahead. I worry about access to the river and the distance between the riverfront and the proposed development. However, that is a secondary concern. My major concern is the view people get coming from the airport into the CBD. We should try to enhance it. There is room for improvement and any development should showcase what people can expect when they get to our CBD.

Debate adjourned, on motion by Hon J.A. Cowdell.

Hon PETER FOSS: How does that adjournment accord with the motion passed by the House at an earlier stage?

The PRESIDENT: I do not have a copy of the motion in front of me. It had three parts, and the first was that motion No 9 be now taken. Should any debate be in progress one hour from the time appointed for this day's sitting, the debate would be interrupted and the question determined immediately after that interruption. We were not speaking on the matter one hour after the House began sitting and a member has taken the opportunity to adjourn the debate.

Had there been an attempt to seek leave to withdraw the motion, I intended to make some comments about the interpretation of section 43 of the Land Administration Act. That does not appear to be necessary at this stage. I understand from what has been said that members are looking for certainty; that is, resolution of this matter. Seeking leave to withdraw the motion would not have achieved certainty or what I believe members were trying to achieve; that is, to expedite the matter so the minister can take certain action in respect of this land. However, that will now be a matter for another day.