



City of Stirling


Ordinary Meeting of the 40th Council

15 August 2023

Minutes

To: The Mayor and Councillors

Here within the Minutes of the Ordinary Meeting of Council of the City of Stirling held Tuesday 15 August 2023 in the City of Stirling Council Chamber, 25 Cedric Street, Stirling.

Ingrid 

Ingrid Hawkins | Acting Chief Executive Officer

Our Vision, Mission and Values

Vision

A sustainable City with a local focus.

Mission

To serve our community by delivering efficient, responsive and sustainable service.

Values

The City of Stirling's core values are:

- Approachable
- Responsive
- Transparent
- Innovative.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF TUESDAY 15 AUGUST 2023 HELD IN CITY OF STIRLING
COUNCIL CHAMBER, 25 CEDRIC STREET, STIRLING**

1. OFFICIAL OPENING

The Presiding Member declared the Ordinary Meeting of Council open at 6.31pm.

2. ATTENDANCE AND APOLOGIES

ATTENDANCE

Mayor

Mark Irwin

Deputy

Councillor Stephanie Proud JP

Councillors

Councillor Andrea Creado
Councillor Michael Dudek
Councillor Felicity Farrelly
Councillor Chris Hatton
Councillor Tony Krsticevic
Councillor David Lagan
Councillor Suzanne Migdale
Councillor Teresa Olow
Councillor Karlo Perkov
Councillor Elizabeth Re
Councillor Lisa Thornton

Employees

Acting Chief Executive Officer - Ingrid Hawkins
Director Community Development - Michael Quirk
Director Infrastructure - Andrew Murphy
Director Planning and Development - Stevan Rodic
Acting Director Corporate Services - Jon Morellini
Manager City Future - Giovanna Lumbaca
Manager Development Services - Amanda Sheers
Manager Engineering Services - Paul Giamov
Manager Facilities, Projects and Assets - Paul Kellick
Manager Governance - Jamie Blanchard
Manager Recreation and Leisure Services - Cheyne Cameron
Acting Manager Parks and Sustainability - Clayton Chipper
Service Lead Council & Civic - Candice D'Castro
Community and Engagement Coordinator - James Murphy
Coordinator Environmental Health - Jason Jenke
Media and Corporate Affairs Coordinator - Issy Rule
Coordinator Property Services - Alice Kavanagh
Principal Building Surveyor - Joseph Rowe-Martin
Lead Governance Officer - Regan Clyde
Specialist Strategic Planner - David Jack
Senior Governance Officer - Daniel Govus
Senior Governance Officer - Jackson Mawby
Senior Strategic Planning Officer - Gareth Glanville
Business Improvement Officer - Remo Formato
Communications Content Officer - Scott Stirling

Public

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Press

0

APOLOGIES

Chief Executive Officer - Stuart Jardine PSM

3. APPROVED LEAVE OF ABSENCE

Councillor Joe Ferrante (granted a leave of absence for the period 14 August 2023 to 20 August 2023 inclusive).

Councillor Bianca Sandri (granted a leave of absence for the dates 15 August 2023 and 29 August 2023).

Councillor Tony Krsticevic (granted a leave of absence for the period 28 August 2023 to 17 October 2023 inclusive).

4. DISCLOSURES OF INTEREST

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the City of Stirling and its community.

Planning and Development Committee - 8 August 2023

Nil.

Council - 15 August 2023

Councillor Suzanne Migdale disclosed an Impartial Interest in Item 14.5 as she is a JDAP member.

5. PETITIONS

5.1 EPETITION - IMPROVEMENTS FOR BALGA DOG PARK

Councillor Andrea Creado tabled the following ePetition containing 109 verified signatures:

“We, the undersigned, do respectfully request that the Council consider the following improvements to the Balga Dog Park:

1. *Improved Lighting: while the adjacent soccer club and skate park are well lit, the Balga Dog Park is located in a dark corner of the reserve and does not benefit from this lighting. Especially in the cooler months, park users need improved lighting in the carpark and parks in order to extend the time they can access the dog park and ensure their furry friends get enough exercise in the mornings and/or evenings, while still feeling safe.*
2. *Shelters: a shelter for fur-parents to gather during wet or hot weather would improve the amenity of the park for all, and provide more opportunities to make use of the park year round.*
3. *An additional water fountain and dog water bowl on the outside edge of the park would be much appreciated by all thirsty pups.*

This petition was created through a poll of more than 100 users of the Balga Dog Park on the park's Facebook group. These three requests were consistently mentioned and voted as the highest priority.”

The ePetition has been forwarded to the Recreation and Leisure Business Unit for consideration and the appropriate action.

Council Resolution

0823/027

Moved Councillor Thornton, seconded Councillor Migdale

That Council RECEIVES the petition tabled at the Council meeting held Tuesday, 15 August 2023 and the petition be REFERRED to the Chief Executive Officer for the appropriate action.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

All petitions will have an update available in due course on the Petition Status Update page of the City's website which can be accessed [here](#).

6. RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

All Public Question Time responses from the previous Council meeting were published in the minutes of that meeting.

Nil.

7. PUBLIC QUESTION TIME

Public Question Time is included in the live stream. Members of the public are only required to state their name and suburb when addressing the meeting.

Members of the public who wish to ask question/s at the Council meeting are requested to submit these through the City's online Public Question Time submission form ([click here](#)).

7.1 PUBLIC QUESTION TIME - J RYAN

The following questions were submitted by J Ryan, North Beach WA 6020, at the Council Meeting held Tuesday 15 August 2023.

- Q1. *"This is regarding Mister D'Arcy's Café Restaurant. Clause 5.1.2 of the Acoustics Report and Management Plan for Mister D'Arcy's requires the use of table talkers throughout the alfresco area to remind patrons to limit their noise and respect the neighbouring residences and for the venue staff to monitor dispersed patrons after closing and manage any noise issues arising. We are dealing with noise from people leaving the bar late at night, waiting for public transport, speaking loudly, calling out, laughing with no regard to local residents and no attempt by venue staff to manage the noise with signage or in person. How does the Council intend to manage this issue to protect local residents?"*
- A1. The Manager City Future advised City Officers are continuing to work with Mister D'Arcy to achieve compliance with the relevant regulations. The City is monitoring the implementation of the recommendations of the Noise Management Plan and the noise emissions related to the operation of the venue. The Noise Management Plan provided several recommendations for the business to implement, including the use of table talkers in the Alfresco area to encourage patrons to limit noise and respect to neighbouring residences. Officers are continuing to work with the proprietor to address these issues.
- Q2. *"But how is it being monitored?"*
- A2. The Mayor advised that one of the issues is that the process is completely legislated. Once there is a noise notice, the business always has an opportunity to present a Noise Management Plan. That has happened, and the City will continue working with it to make sure all those things are ticked off, understanding there are frustrations, and it does take time. Unfortunately, the only other action that can be taken is legal action, and then nothing happens for anyone. So, this is a much better outcome, but the City will continue to work with the business and is happy to continue receiving any feedback from the residents to try to work out how to proceed.

7.2 PUBLIC QUESTION TIME - J SMITH

The following questions were submitted by J Smith, North Beach WA 6021, at the Council Meeting held Tuesday 15 August 2023.

- Q1. *“Are Councillors aware that when the City approved the destruction of the Cedric Street Wetland, it agreed to create a series of interconnected wetlands to replace the ecological, hydrological and social functions of the Cedric Street Wetland and the damp land to the south of the wetland, subject to the conditions detailed in Ministerial Statement 522 - Relocation of the Cedric Street Wetland?”*
- A1. The Acting Manager Parks and Sustainability advised that the Osborne Park Ward Councillors sit on the Roselea Integrated Catchment Management Working Group and are aware of this matter. The Cedric Street Wetland Function Replacement Masterplan was produced in 2004 and this plan detailed the wetland values which needed to be installed at three locations including Roselea Lake, Princeton Lake, and Telford Crescent.
- Q2. *“Are Councillors aware that the Telford Crescent wetland, the Roselea Lakes wetland, and the Estate wetland (formerly Hamilton Lakes) were and continue to be subject to stringent design, construction, management and ongoing maintenance conditions as detailed in Ministerial Statement 522?”*
- A2. The Acting Manager Parks and Sustainability advised that Osborne Park Ward Councillors are aware of these conditions. The Cedric Street Wetland Function Replacement Masterplan sets out a series of requirements to install wetland functions at each of the three locations. The City undertakes regular maintenance, and the Water Corporation undertakes maintenance as required.
- Q3. *“Are Councillors aware that the City commissioned Parsons Brinckerhoff to develop ‘The Cedric Street Wetland Function Replacement Masterplan - Telford Crescent Wetland Conceptual Design’ as a condition precedent to Ministerial Statement 522?”*
- A3. The Acting Manager Parks and Sustainability advised in the affirmative. The Offset for the Cedric Street Wetland was initially going to be Telford Crescent. To achieve this, the Cedric Street Relocation Environmental Management Plan was produced in 1999. Subsequently, it was decided the wetland function of the Cedric Street Wetland would be achieved through the creation of wetland sites within three areas: Roselea Lake, Princeton Lake and Telford Crescent. As part of this, the Cedric Street Wetland Function Replacement Masterplan was produced in 2004.

7.3 PUBLIC QUESTION TIME - T CARTER

The following questions were submitted by T Carter, Stirling WA 6021, at the Council Meeting held Tuesday 15 August 2023.

- Q1. *“Are Councillors aware that the City is unable to provide any evidence that it complied or continues to comply with the conditions of Ministerial Statement 522 when it developed the Telford Crescent Wetland?”*
- A1. The Acting Manager Parks and Sustainability advised that the Cedric Street Wetland Function Replacement Masterplan was produced in 2004. As noted earlier, this Plan detailed the wetland values which need to be installed at the three locations including Telford Crescent. The requirements were to install an Open Water zone, an Emergent zone, a Damp zone, and Ephemeral bush zone, and these were all completed. Some of the Ephemeral zone at Telford Crescent was recently disturbed as part of the Stephenson Avenue works.
- Q2. *“Are Councillors aware that the City is unable to provide evidence that the developer of the Roselea Lakes wetland and the developer of Princeton Lakes wetland complied with the design and construction requirements of Ministerial Statement 522?”*
- A2. The Acting Manager Parks and Sustainability advised the Cedric Street Wetland Function Replacement Masterplan 2004 details what functional wetland components need to be installed at Roselea and Princeton lakes. The requirements of what was needing to be achieved, which was an Open Water zone, an Emergent Zone and a Damp zone are present on site. Therefore, the City can provide evidence.
- Q3. *“Is Council aware that the City is unable to provide any evidence that it has complied and continues to comply with the management and ongoing maintenance conditions detailed in Ministerial Statement 522 in regard to the Roselea Lakes wetland and the Princeton Estate wetland?”*
- A3. The Acting Manager Parks and Sustainability advised there was a query by the Roselea Integrated Catchment Management Group regarding the submission of water quality results to the EPA circa 2005. The City did make queries with the EPA, but neither were able to find any explicit records. However, the City has complied with water quality monitoring requirements, having a Water Quality Sampling and Analysis Plan since 2006, and has done regular annual water sampling.

The Mayor further advised he is happy to set up a meeting with Mr Carter and City Officers. As Ward Councillors have been following up on this, the City will do a post meeting catch up regarding these issues.

7.4 PUBLIC QUESTION TIME - S DI NUCCI

The following questions were submitted by S Di Nucci, Tuart Hill WA 6060, at the Council Meeting held Tuesday 15 August 2023.

- Q1. *“In regard to the Safe Active Street Project, the Community Engagement Report presented by the City of Stirling indicated that two letters were sent out to about 2,250 residents within 400m of Hector Street and 2,150 emails sent to the wider community to initiate public comment. Only 188 people responded, i.e. 8%, and only 50 of those actually lived on Hector Street. This is about less than 2% of the population of those surveyed. The community consultation phase held in May, to which only about 200 people were invited, was limited, and only saw roughly about 25 people attend the public meetings. This is less than half a percent.*

The lack of community response strongly suggests that most people in the Tuart Hill area are largely unaware of the project, and most certainly are unaware of the massive changes the project's going to bring to Hector Street. Also of concern is the fact that the initial public surveys were conducted without any design plans available for anyone to see before the surveys. So, in essence, we believe the survey was flawed.

So, our first question is, given the lack of public knowledge about the project and the lack of detailed public consultation, will the City consider delaying further progress on the project and take some serious action and steps to ensure greater publicity of the project, ensure further community consultation and ensure that more time is made available for public feedback to the project?”

- A1. The Director Infrastructure advised the project had an extensive consultation process. The Director confirmed that the report is no longer scheduled to be presented to the Community and Resources Committee meeting to be held 22 August 2023 because the City has listened to some of those concerns and is happy to continue dialogue with the residents that have those concerns.
- Q2. *“The plan, Safe Active Street designed for Hector Street will have a massive and lasting impact on residents of Hector Street, which involves the closures of many streets’ intersections. The streets are going to be narrowed by at least a metre and speed limits will be reduced to 30km/h and there'll be curb side parking. Our understanding is the project is to be substantially funded by government grants. So, the question is, were other alternative designs investigated or proposed for the project, and would the Council be prepared to revamp the designs so that they were less intrusive and less impactful on the community?”*
- A2. The Director Infrastructure stated a number of options were considered and the City is happy to look at the current design again based on this feedback.

Q3. *“The proposed plan ‘involves some very serious disruption to traffic flow’ and the feasibility studies indicate that Hector Street has volumes of traffic at about 1500 vehicles a day compared to other streets, but there’s no real data provided as to how many cyclists use this route on a weekly basis or daily basis. After 35 years in the suburb, our observations would indicate that there are very few cyclists utilising this route. Yet, the City plans to develop Hector Street to favour a handful of cyclists over substantial number of vehicles. Our experience is that most cyclists utilise Cape Street, as it is a preferred route because it’s flatter and easier to navigate. Hector Street on the other hand, is very steep between Main and Stoneham Street, and this deters many cyclists. So, the is what data has the City collected regarding the current use of Hector Street by cyclists and are there any projections of the number of cyclists that are expected to use this route in the future?”*

A3. The Director Infrastructure advised this question would be taken on notice and a written response provided.

Q4. *“Safe Active Street design calls for parallel parking in various zones along Hector Street. At the public consultation meeting, issues were raised that Grenville Oval often has dozens of cars, sometimes buses included, and trucks parked on the verge. Many of them are waiting to pick up students after school from Servite and St. Kieran’s, and then there are frequent sporting events, and at other times, the oval is just used recreationally, and some days it’s actually packed out. It’s clear that the new parallel parking design would not accommodate the volume of cars that currently visits the oval on a daily basis. We did raise this at the public consultation meeting. So, the question is, what plans or modifications have been made to accommodate parking issues in Hector Street adjacent to Grenville Oval should the project go ahead?”*

A4. The Mayor advised this question would be taken on notice and a written response provided.

The Mayor further advised that the City is familiar with some of the issues raised and the obvious answer to this question is the City needs to conduct more public consultation. The Safe Active Streets are based on data that’s not specific to that area. So, they’re based on providing safe networks for cyclists to go through there. Safe Active Street designs are fairly set because that’s how the state government funds them. So, there are certain requirements and that’s not always conducive to the feedback the City receives. It’s important that the City takes a long process and ensures it can solve this and get it right for the neighbourhood.

Additional Information

A2. It is also important to know that the project is funded by the Department of Transport, and it has well-established guidelines on the design elements for Safe Active Street projects. The designs are also subject to independent peer reviews to ensure they comply with the Department’s guidelines, and also provide a safe and accessible environment for all road users.

- A3. The City acknowledges that the project will impact on traffic flows along Hector Street, and this is considered to be a positive step to improve the road environment. Hector Street is a much preferred option over Cape Street, as it carries a significantly lower volume of vehicle traffic, and provides the best environment for cyclists and pedestrians. The City does not have current or projected volumes of cyclists for Hector Street, but would reiterate that current usage is not the reason that Hector Street was chosen as the preferred route for this project.
- A4. The City acknowledges that parking activities are occurring along the Hector Street frontage of Grenville Reserve, however, this occurs in a less than ideal manner. Based on observations, it is a common occurrence for vehicles to drive over the footpath (illegally) and then park in a manner that obstructs the footpath, which impacts on the safe movement of pedestrians. The proposed treatment would provide a reasonable number of formalised parking bays, and ensure that the footpath remains unobstructed.

At 6.50pm, in accordance with Clause 5.2(14) of the City of Stirling's Meeting Procedures Local Law 2021, the Presiding Member ruled that Public Question Time be EXTENDED.

7.5 PUBLIC QUESTION TIME - R HADLEY

The following questions were submitted by R Hadley, Woodlands WA 6018, at the Council Meeting held Tuesday 15 August 2023.

Q1. *“When will the report of the \$22,000 recent trip to China, by the Mayor, Councillor Proud and a staff member be published on the City’s website? Ratepayers must be dying to know.”*

A1. The Mayor advised that the report would be up by next week.

Q2. *“The quality of development art displayed in parks to me is sadly lacking. The photograph shown in the Perth Voice of six metal poles in Hamer Park is a prime example, and ratepayers must wonder who approves these strange items. If these six poles were rearranged into a bench, I think half the ratepayers would welcome it.*

However, my question refers to the Mayor’s proposal to defer for one year, the financial contribution for development art. He believes that the poverty-stricken developers are having a lean time. Very sad, very tragic. They have to pay a token amount for developments over \$5 million and slightly more for developments up to \$50 million. So what you’re effectively saying is the Council will defer or waive this fee so the developer could quickly push on and commence building. To me, if a developer has \$15 million, \$30 million or \$45 million, would he be concerned about a token fee of \$40,000 or \$50,000? It is not a very good image for yourself Mr Mayor.”

A2. The Mayor advised that the report is asking for information on implications of what Mr Hadley has queried. The amounts aren’t insignificant and figures up to a million dollars for some of the developments that have happened in Stirling are put aside for a Public Art Policy that are then set in a reserve that never gets spent. The issue isn’t whether the City develops public art in the public realm, it is that these costs currently are creating a situation where developments aren’t breaking ground. There hasn’t been a new significant development start in the City of Stirling for over a year and it is contributing to the affordable housing glut that we currently have.

Q3. *“I would disagree on that one. I don’t think the ratepayers would be very much concerned about the poor developers, but probably more concerned about a Mayor advocating financial support for developers.*

Has the Mayor and Councillors updated their record of declared interest in properties, family members linked to the City’s contracts for tree lopping, supply of vehicles, panel beating, legal companies etc etc? Where can ratepayers local this record, this conflict of interest register?”

A3. The Mayor advised that this is updated every year by Councillors. The Manager Governance will provide you the link in writing.

Additional Information

- A3. The City's Disclosure of Financial Interests/Interests Affecting Impartiality form is completed where an interest has been identified relating to an item to be discussed at a Committee or Council meeting. Information including the item number and details, type of interest and the nature of interest are declared in the form. This disclosure is also minuted in the City's [Committee and Council meeting minutes](#).

Additionally, section 5.75 and 5.76 of the *Local Government Act 1995* set out the requirements for elected members, Chief Executive Officer and delegated employees to complete a Primary Return within three months of their start date and an annual return by the 31 August of each subsequent year.

A primary return is a snapshot of personal financial information as it exists upon the relevant person's start date. An annual return retrospectively discloses any changes to the information previously disclosed in the primary return or new interests accumulated for the period since completing the primary return or last annual return.

The City's [Primary and Annual Return register](#) is published on the City's website as per section 5.96A(1)(i) of the *Local Government Act 1995*.

The City also maintains an [electoral](#) and a [gift register](#) on its website.

Local government reform which is expected to come into force later in 2023 or early 2024 will focus on providing greater transparency and accountability. There will be a requirement for all local governments to publish an **Interest Disclosure Register** which collates all disclosures made by elected members about their interests related to matters considered by Council.

7.6 PUBLIC QUESTION TIME - P ELLIS

The following questions were submitted by P Ellis, Carine WA 6020, at the Council Meeting held Tuesday 15 August 2023.

- Q1. *“Why is there such an increase in employee costs? On page 204 of the 2021/2022 Annual Report, it lists employee costs for 2021 at \$84,298,287.00 and for 2022 as \$90,545,522.00, and in the agenda list of Council meeting 4 July 2023 it lists actual cost on page 307 of \$112,916,632.00.”*
- A1. The Acting Chief Executive Officer advised that there are a few different items that impact the difference between Financial Year 2021 and 2022. The main ones are the pay award that was provided to staff. There is a superannuation change which will continue for a number of years. The City also filled vacancies which had been held during COVID-19. There is also a corresponding reduction in the materials and contracts works because the City moved work from contractors back to in-house as this was providing value for money. In terms of the \$112 million, that is within the budget for 2023/2024 against the financial statements which have \$90 million, which are not comparable figures due to labour recoveries to capital projects. There will be an increase again through pay awards and superannuation increases. When the next annual report is produced, that figure will be in there.
- Q2. *“From the Council meeting held 30 May 2023, listed in additional information, where it states verbatim ‘routine practice at large metropolitan local governments and other leading organisations’. Can you please supply me with the names and addresses of the organisations referred to?”*
- A2. The Mayor advised that the question would be taken on notice and a written response provided.
- Q3. *“Does the CEO certify that the minutes of the previous Council minutes are a true and correct record of that meeting, when he presents a signed copy of the previous Council minutes to Council members?”*
- A3. The Mayor advised that he certifies the previous minutes after Council confirms these at the meeting.

Additional Information

- A2. The standard WALGA Contract for local government CEOs includes the following provision:

6.4 Professional development

- 6.4.1 *In this clause, ‘**conference**’ includes workshop, forum or similar event.*
- 6.4.2 *The Local Government supports, as part of Your performance of the Functions, the membership of LG Professionals WA and/or other professional bodies by agreement, including attendance at appropriate conferences and events.*
- 6.4.3 *The Local Government must pay the costs associated with Your membership of mutually agreed professional bodies and attendance at conferences and events identified on appointment, agreed at the annual Performance Review or otherwise agreed in consultation with, and approved by, the [Mayor or President] as relevant to Your performance of the Functions, up to the maximum amount prescribed in item 10 of Schedule 2.*
- 6.4.4 *In addition, where the Council (or, if the Council so resolves, the [Mayor or President]) believes that it is in the interests of the Local Government, the Local Government may also pay the costs of other conference attendances by You for purposes relevant to the Functions.*

The names and contact details for all local governments in Western Australia are available at <https://walga.asn.au/your-local-government/local-government-directory>

7.7 PUBLIC QUESTION TIME - G BELL

The following questions were submitted by G Bell, North Beach WA 6020, at the Council Meeting held Tuesday 15 August 2023.

Q1. *"I think I know where some of those costs went up because I walk Star Swamp Reserve every morning, rain, hail or snow. They're spraying that place. The thing is, they're spraying it with Fusilade, they're all herbicides, but they're also spraying glyphosate like there's no tomorrow. We smell it walking around. I wonder about all the animals and the birds and of course it's a slope down into the swamp. So eventually it will get down into the swamp, it's probably already there now. I'm just wondering whether anyone's looked at using something different rather than the glyphosate."*

A1. The Mayor advised that the City has considered alternatives. The Council has a policy to reduce glyphosate usage by over 80% and is on target to have this reduced by 2025 and replaced with steam weeding. There are certain exceptions to that and most of those are in bushland reserves where the bushland management requires those herbicides to be able to manage the reserves.

Q2. *"Is the City of Stirling working towards Smart Cities or 15-minute Cities?"*

A2. The Director Planning and Development advised that through its planning frameworks, the City is looking to consolidate the urban development along the activity corridors, which would support the principles of the 15-minute City.

Q3. *"Is that following the UN agenda?"*

A3. The Director Planning and Development advised that it was not.

Additional Information

A3. As part of the City's Strategic Community Plan objective to 'Create unique and liveable neighbourhoods' the City aims to "strategically plan for growth in activity centres and corridors and support the '15-minute City' concept to ensure our community has access to their daily needs close by".

This is an urban planning concept and is not following any agenda by the United Nations. In this regard, the City will consider planning outcomes that enable residents to have access to some essential services, public open space, retail and entertainment within a 15 minute walking distance of their home. This will help support vibrant, liveable and sustainable neighbourhoods for our community.

7.8 PUBLIC QUESTION TIME - C BERTILONE

The following questions were submitted by C Bertilone, Churchlands WA 6018, prior to the Council Meeting held Tuesday 15 August 2023.

- Q1. *“I have recently started looking at Council meeting agendas and minutes. In the expenditure lists for May and June 2023, I have noted that around \$140,000-\$160,000 in total is categorised as PETTYCSH. This seems to be the same for previous months as well. Some of the individual amounts listed are very small but most are quite significant i.e. \$15,000 to \$20,000. This surely can't reflect recoups of individual petty cash floats which are normally small amounts of no more than \$500 and are used for minor purchases. Can this please be explained?”*
- A1. The majority of the petty cash spend is related to fulfilling cash requirements for the Container Refund Centre in Balcatta. In May and June, this amounted to \$141,984 and \$159,712 respectively. The City transferred management of this scheme to Good Sammy with effect from 1 August 2023, so from August 2023 onwards, the petty cash requirements will significantly reduce.

7.9 PUBLIC QUESTION TIME - S WHEELER

The following questions were submitted by S Wheeler, Scarborough WA 6019, prior to the Council Meeting held Tuesday 15 August 2023.

Q1. *“Under the `Theme 3: Greater transparency and accountability` section of the explanatory notes to the proposed changes to the Local Government Act 1995 Section 3.3 `Clearer guidance for meeting items that may be confidential` it is noted:*

Proposed provisions for managing confidential items at council meetings (and preventing councils from unreasonably using confidentiality provisions to avoid public scrutiny) have been refined to:

- *clarify that only a limited part of a meeting specific to confidential information (e.g., receiving legal advice) may be closed.*
- *specify that certain matters (town planning and development applications, budgeting, major land transactions, leases of local government property) must be held in full public view.*
- *specify that certain matters (CEO appointment, management of behavioural complaints about elected members, local government cyber security) must be held confidentially.*
- *require that any other matters proposed to be considered confidentially will require the prior approval of the inspector.*

<https://www.dlqsc.wa.gov.au/department/publications/publication/full-reform-proposals#3>

Why is something as broad and important as the City's Land Asset Plan being held behind closed doors?”

A1. The *Local Government Act 1995* provides a specific power to the City to close a meeting in relation to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Local Government (Administration) Regulation provides a specific power to the City to close a meeting in relation to the “determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter.”

At the Planning and Development Committee, the minutes show that the Committee resolved to consider the item behind closed doors as it related to a contract entered into or which may be entered into, by the local government and a matter that if disclosed would reveal information that has a commercial value to a person. The second reason was an error and should have been a reference to the determination by the local government of a price for the sale or purchase of property. This error will be corrected.

The City does not wish to disclose property valuations and contractual intent for its entire property portfolio as to do so may erode the commercial value of that portfolio and undermine the City's negotiating position.

Local Government reform has indicated that the legislation will change so that more decisions will be required to be made in public. However, this is unlikely to have a significant impact on the City of Stirling. Tender decisions are included in the public agenda at the City of Stirling, along with matters that are routinely dealt with behind closed doors at other local governments. The City is still waiting for the draft regulations to see the full detail of the proposed changes.

Q2. *“Why could the LAP not be debated in public with any confidential items included under confidential cover (this is a generic plan, what contracts or sensitive data would need to be discussed or could not be anonymised)?”*

A2. See A1 above.

Q3. *“What parameters does the plan include that could trigger the potential for future land sales?”*

A3. Any potential future land sales will require further consideration and decision by Council.

8. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

9. CONFIRMATION OF MINUTES

Council Resolution

0823/028

Moved Councillor Olow, seconded Councillor Hatton

That the Minutes of the Ordinary Meeting of Council of 1 August 2023 be confirmed as a true and correct record of proceedings.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

10. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

11. UNRESOLVED BUSINESS FROM PREVIOUS MEETING

Nil.

12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

12.1 PLANNING AND DEVELOPMENT COMMITTEE - 8 AUGUST 2023

12.1/DS2 DRAFT OPERATIONAL POLICY 2.3 - PLANNING FOR PUBLIC OPEN SPACE - PROPOSED SUBMISSION

Business Unit:	Development Services	Service: Planning Services
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Role

Legislative - *Making local laws, policies and planning instruments.*

Council Resolution

0823/029

Moved Councillor Migdale, seconded Councillor Olow

That Council ENDORSES the submission to the Department of Planning, Lands and Heritage on the 'Draft Operational Policy 2.3 - Planning for Public Open Space', as shown in Attachment 1.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

That Council ENDORSES the submission to the Department of Planning, Lands and Heritage on the 'Draft Operational Policy 2.3 - Planning for Public Open Space', as shown in Attachment 1.

Officer's Recommendation

That Council ENDORSES the submission to the Department of Planning, Lands and Heritage on the 'Draft Operational Policy 2.3 - Planning for Public Open Space', as shown in Attachment 1.

Purpose

To consider the City's submission on the Draft Operational Policy 2.3 - Planning for Public Open Space, prepared by the Department of Planning, Lands and Heritage (DPLH).

Details

On 9 June 2023, the DPLH released the Draft Operational Policy 2.3 – Planning for Public Open Space (Draft OP 2.3). The policy has been prepared to reinforce the existing Public Open Space (POS) policy requirement for a minimum 10% POS provision in all residential areas.

The draft policy is part of a wider review of POS policy from the DPLH. Draft OP 2.3 will seek to replace the existing Development Control Policy 2.3 – Public Open Space in Residential Areas (DCP 2.3), Position Statement – Expenditure of Cash in Lieu of Public Open Space and will supplement the Liveable Neighbourhoods policy. The design, functionality and calculations relating to POS provision shall continue to be contained within Liveable Neighbourhoods (until a replacement new Neighbourhood Design Policy is finalised).

The existing DCP 2.3 policy establishes the requirement for 10% of the gross subdivisible area of a conditional subdivision be given up free of cost by the subdivider for public open space and vested in the Crown as a Reserve for Recreation (s3.1.1). The 10% requirement is derived from the recommendations contained in the 1955 Stephenson-Hepburn Plan, a foundational document in the planning of the Perth metropolitan area.

Comment

Draft Operational Policy 2.3 - Planning for Public Open Space

On 9 June 2023, the DPLH published Draft OP 2.3 on their website. This draft policy sets out the general principles and requirements that will be used by the Western Australian Planning Commission (WAPC) to provide consistency in decision making for the provision of public open space. It also aims to provide guidance on the collection, expenditure and management of cash-in-lieu contributions for the benefit of communities.

The DPLH are seeking submissions from affected stakeholders on the advertised Draft OP 2.3 with comments due 25 August 2023. The DPLH have prepared a questionnaire seeking specific feedback on key elements of the Draft OP 2.3. The City's submission to DPLH (refer Attachment 1) has been formulated in response to each of the questions contained within the questionnaire.

It should be noted since publication of the draft policy on 9 June 2023, the WAPC has determined that, as the draft policy is likely to generate a wide range of differing views, the status of the policy should be changed to "draft – public consultation. Not intended for decision making". Accordingly, the published version of the draft policy is now demarcated as such (refer Attachment 4).

The key documents in which provision of POS in Western Australia is enacted through the WA planning framework are contained within Attachment 5.

The aims of the Draft Policy have been made to better respond to contemporary planning and community needs. These include:

- A focus on providing POS contributions for specific circumstances within established (infill) suburbs;
- A review on the POS contribution rate with consideration to strata subdivision applications, mixed-use proposals and in regional areas;
- Ensuring local planning strategies identify community needs for POS (land provision, facilities and upgrades to existing POS) in both residential and non-residential areas; and
- Providing a more consistent framework for POS contributions for residential subdivisions (including all strata subdivision) over three lots.

Existing Development Control 2.3 - Public Open Space

The 10% POS contribution was derived from the Stephenson-Hepburn Plan Report. A uniform density of 30 persons per hectare and standard contribution of 10% of the gross residential area for POS has been applied since 1956. DCP2.3 states this requirement remains valid, as gross residential densities have remained much the same since that time, with smaller lot sizes being offset by declining household occupancies.

Draft OP 2.3 recognises this methodology is over 50 years old. As suburbs are being redeveloped with more housing (infill) and with a greater mix of housing types, there is a need to review and revisit the existing POS provisions under DCP 2.3 and ensure demands and community expectations of POS continue to be met into the future.

City of Stirling Public Open Space Strategy 2021-2031

At its meeting held 10 May 2022 (Council Resolution Number 1221/007), Council resolved to adopt the 'City of Stirling Public Open Space Strategy 2021-2031' (POS Strategy, refer Linked Documents).

The POS Strategy aims to create a network of resource efficient quality POS across the City to satisfy current and future recreational needs in an equitable and sustainable manner. The POS Strategy highlights the complexities of POS planning and the importance of providing access to quality spaces which offer a range of functions and benefits for the community.

The City's POS functions have been identified as sporting spaces, recreational spaces and nature spaces. A summary of the POS classifications are contained in Attachment 6.

The POS Strategy identifies the City's 30 suburb profiles and its current and future provision of POS to 2031. The POS Strategy is broken down into heat maps, POS (square metres per person) and POS percentage of suburbs over and under the 10% requirements.

In line with the WAPC's method of determining adequate POS provision, the City's POS Strategy provides a table which shows the percentage of POS within each suburb against the gross subdivisible area (GSA). The POS area has also been assessed against the equivalent 33.6m² per person measure in line with the population census statistics prepared under the Strategy (ABS, 2016).

In line with the above, the suburbs are broken down as follows (to note, Herdsman is excluded given the suburb has no GSA):

Standard	Suburbs
<ul style="list-style-type: none"> ✓ Percentage ✓ Area per person 	<p>7 Suburbs</p> <hr/> <p>Balcatta, Balga, Carine, Hamersley, Karrinyup, Menora, Stirling</p>
<ul style="list-style-type: none"> ✓ Percentage ✗ Area per person 	<p>6 Suburbs</p> <hr/> <p>Churchlands, Dianella, Innaloo, Mirrabooka, Nollamara, Woodlands</p>
<ul style="list-style-type: none"> ✗ Percentage ✗ Area per person 	<p>17 Suburbs</p> <hr/> <p>Coolbinia, Doubleview, Glendalough, Gwelup, Inglewood, Joondanna, Mount Lawley, North Beach, Osborne Park, Scarborough, Trigg, Tuart Hill, Watermans Bay, Wembley, Wembley Downs, Westminster, Yokine</p>

Thirteen of the City’s suburbs (43%) have more than 10% of POS when compared against GSA within their respective suburb boundaries. However, when considering the area per person standard (33.6 square metres), only seven suburbs (2%) provide above the required amount.

Identifying the surplus and shortfall of POS within the Strategy has enabled the City to plan to meet growing community needs as well as focusing on areas needing improved POS quality. Furthermore, the Strategy identifies cash-in-lieu contributions where required, based on evidence reporting.

POS Contributions

DCP 2.3 states that a POS contribution for five lots or less is not normally required (item 3.1.5) where demonstrated by the applicant, local government or WAPC. However, in some cases, the WAPC may impose a POS contribution condition where there is an existing or potential deficiency of POS identified through an adopted POS Strategy. In past cases, the contribution is up to 10% of the subdividable area. Contributions can be in the form of ceding land for the purpose of POS, or where this isn’t achievable, a cash-in-lieu contribution to the City can be applied, based on the land value of the subject site, and demand of POS within the locality. There is currently no time frame for funds to be paid, however this is generally close to the time of a subdivision clearance application being lodged with the City.

Draft OP 2.3 has provided several concessions for POS contributions (less than 10%) for certain residential subdivision proposals (policy measure 5.4.3 Residential Subdivision sections ‘a-e’). Concessions vary from a minimum 2.5% (if one lot is proposed) to a maximum 10%, and largely varies depending upon the local government having an approved POS strategy or LPS in place.

A summary of the proposed applicable rate of contribution towards POS is tabled below:

Proposed POS Contribution	Comment
Between 5 to 10%	<ul style="list-style-type: none"> The contribution varies depending on the percentage being justified and determined in an approved local planning strategy, scheme, structure plan or development contribution plan.
5%	<ul style="list-style-type: none"> Applies where there is no approved planning instrument (as detailed above) which can determine the percentage.
2.5%	<ul style="list-style-type: none"> Applies where only one additional lot is proposed in the subdivision and no approved planning instrument to determine the percentage is in place.
<u>Strata (Including Built Strata) and Community Title Scheme</u> Between 5 to 10%	<ul style="list-style-type: none"> Applies where there is privately owned POS (such as a communal open space area) provided which is unrestricted and accessible to the public; The remainder of POS contribution is to be via land or cash-in-lieu.
<u>Mixed Use Development</u> Between 5 to 7.5%	<ul style="list-style-type: none"> Concessions applicable due to not being a wholly residential building; The percentage is based on density coding and height of development (5% for up to R80, 7.5% exceeding R80).

Two lot subdivision applications are exempt from a POS cash-in-lieu contribution as stated under Draft OP 2.3.

City officers have provided specific comment to the above POS contribution rates within the submission to DPLH (refer Attachment 1).

Cash-in-lieu contributions

In accordance with Section 153 of the *Planning and Development Act 2005*, the WAPC can impose a condition of subdivision requiring POS to be provided as cash-in-lieu of setting aside a portion of land. The value of cash-in-lieu is determined as a percentage of the market value of the parent lot from which the subdivision occurs. The percentage relates to the equivalent percentage of land that would otherwise be provided as POS. Section 155 of the *Planning and Development Act 2005* sets out provisions in relation to valuation of land.

The provision of POS and/or cash-in-lieu contributions for residential areas is governed by DCP 2.3, which will be superseded by Draft OP 2.3 (should the policy be adopted as is). Draft OP 2.3 policy states that expenditure of cash-in-lieu should:

- Be informed by an approved local planning strategy (LPS), or equivalent document that has been through public consultation;
- Developing POS to service community needs such as improved access and safety;
- Be utilised on sites which are wholly accessible for the public, and not utilised for POS indoor or enclosed recreation facilities where usage fees are charged; and
- Occur within the suburb or adjoining suburb, in which it was collected unless variations are identified in an approved LPS.

Draft OP2.3 recommends that expenditure of cash-in-lieu should be publicly transparent and plan to be utilised within five years of the contribution collection date. City officers have provided specific comment to this within the submission to DPLH (refer Attachment 1).

State Administrative Tribunal Findings

The State Administrative Tribunal (SAT) has made numerous findings in relation to POS since the gazettal of Draft OP 2.3. The SAT has upheld the validity of the 10% contribution sought in accordance with Draft OP 2.3; key findings are included in Attachment 7.

Recommended Action

The aims and objectives of Draft OP 2.3 are generally supported, with the following improvements and opportunities to the Draft OP 2.3 Policy having been identified:

- A further review into the POS calculations and percentages based on development type, due to the limited rationale provided for these calculations;
- The removal of reducing POS contributions for strata and community title scheme subdivisions which provide publicly accessible privately owned space;
- Further guidance and a review surrounding the cash-in-lieu expenditure for local governments, including revisiting the five year requirement for expenditure;
- Criteria being introduced into the policy for imposition of condition-setting to development applications (if applicable) and a relevant provision introduced in the *Planning and Development Act 2005* to facilitate this change;
- Recognising that not all development will be the subject of subdivision and implications for delivering on quality POS (i.e. build-to-rent schemes) and ensuring the Draft OP 2.3 reviews these scenarios; and
- Refining the policy document to improve legibility for readers.

A draft submission addressing these opportunities is contained in Attachment 1.

Financial Assessment and Implications

There are no direct financial implications from the City making a submission on the Draft Operational Policy 2.3 – Planning for Public Space.

The DPLH has acknowledged this is a draft policy for public comment and not intended for decision making, therefore, the policy will not be adopted following public consultation.

However, the adoption of any future policy relating to POS contributions will have financial implications for the City such as the processing and management of cash-in-lieu POS contributions and maintenance of additional POS land.

Stakeholder Engagement

The formal consultation period for providing feedback on the draft policy to the DPLH closes on 25 August 2023.

Relevant Policies, Legislation and Council Resolutions

Policies and Legislation

- [Local Government Act 1995](#)
- [Planning and Development Act 2005](#)
- [Draft Operational Policy 2.3 Planning for Public Open Space](#)
- [Development Control Policy 1.3 Strata Titles](#)
- [Development Control Policy 2.2 Residential Subdivision](#)
- [Development Control Policy 2.3 Public open space in residential areas](#)
- [Development Control Policy 4.1 Industrial Subdivision](#)
- [Liveable Neighbourhoods January 2009 \(update 02\)](#)
- [Operational Policy 1.1 Subdivision of Land General Principles](#)
- [Planning Position Statement - Expenditure of cash-in-lieu of public open space](#)
- [State Planning Policy 3.6 Infrastructure Contributions](#)
- [State Planning Policy 7.2 Precinct Design](#)

Meeting Date	Council Resolution Number	Council Resolution
30 May 2023	0523/044	That a report be PRESENTED to Council on the funding options available to acquire land and improve Public Open Space in the suburb of Osborne Park once the suburb-based Public Open Space plan for Osborne Park has been finalised.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: A liveable City

Priority: Improve the quality, liveability and identity of local areas

Strategic Risk

Strategic Risk	Risk Appetite
Funding	The City will take sufficient financial risk to enable it to achieve its strategic objectives, providing it does not significantly impact on the long term financial sustainability of the City.

Relevant Documents and Information

Attachments

Attachment 1 - City's Submission to the Department of Planning, Lands and Heritage [↓](#)

Attachment 2 - Draft Operational Policy 2.3 - Planning for Public Open Space [↓](#)

Attachment 3 - FAQ on Draft Operational Policy 2.3 - Planning for Public Open Space [↓](#)

Attachment 4 - Letter from WAPC on Draft Operational Policy 2.3 [↓](#)

Attachment 5 - Key Documents Relating to POS Delivery in Western Australia [↓](#)

Attachment 6 - City of Stirling Public Open Space Classifications [↓](#)

Attachment 7 - State Administrative Tribunal Findings [↓](#)

Attachment 8 - Position Statement - Expenditure of Cash-in-Lieu of Public Open Space [↓](#)

Available for viewing at meeting

Nil

Linked Documents

[City of Stirling Public Open Space Strategy 2021-2031](#)

Enquiries: Amanda Sheers **9205 8764**
Amanda.Sheers@stirling.wa.gov.au

Department of Planning, Lands and Heritage
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

PLANNING SUBMISSION ON DRAFT OPERATIONAL POLICY 2.3 – PLANNING FOR PUBLIC OPEN SPACE

Thank you for the opportunity to comment on the Draft Operational Policy 2.3 – Planning for Public Open Space (OP2.3).

At its meeting of 15 August 2023, Council considered a draft submission to the OP2.3 and resolved:

“That Council ENDORSES the City’s submission to the Department of Planning, Lands and Heritage on its Draft Operational Policy 2.3 – Planning for Public Open Space, as shown in Attachment 1.”

The City is generally supportive of a ‘needs and nexus’ and evidence based approach to planning for public open space within existing residential and non-residential areas. The City’s comments are provided below in response to the online consultation and hard-copy questionnaire (note: Question 1 – About You has not been included within this referral response):

Q2. Do you (or your organisation) think there are adequate and convenient parks for recreation and local amenity in your suburb?

- Yes
 No
 Unsure

If applicable, please comment on what is lacking in terms of adequacy of parks, adequacy of park facilities or accessibility to those parks.

City Comment: The City has an endorsed Public Open Space Strategy 2021-2031 (POS Strategy) which has identified the deficiencies of public open space (POS) within a 400 metre catchment of lots, across the City’s suburbs. Both the percentage of available POS (10 per cent measurement) and a 33.6 square metres per person with the population census statistics prepared under the Strategy (ABS, 2016) is used in identifying suburbs with POS surplus and shortfall.

Of the 30 suburbs within the City’s jurisdiction:

- Seventeen suburbs do not provide sufficient POS based on percentage of area and area per person;
- Six suburbs provide sufficient POS based on percentage of area, but insufficient POS on area per person; and
- Seven suburbs provide sufficient POS based on percentage of area and area per person.

To note, the City's POS Strategy assesses the impacts of density changes and the 10 per cent POS provision, however the current 10 per cent measure does not consider distribution, access, or quality of POS.

The City is developing localised suburb POS plans, with the purpose of these plans to evaluate and measure the distribution, quality and accessibility of POS.

Q3. Public open space (POS) is important for recreation, health, education, local amenity and quality of life. Do you agree with maintaining the existing minimum contribution requirement of 10 per cent POS land as a general standard for all suburbs? (10 per cent is a proportion of the gross subdivisible area, generally applied to residential type zones)

- Yes
 No
 Unsure

Do you have any other comments on this approach?

City Comment: The City supports maintaining the existing minimum contribution requirement of 10 per cent POS land as a general standard for all suburbs. This is a long-standing industry standard and the City's POS Strategy has been prepared in accordance with the principles and measures of Development Control Policy 2.3 – Public Open Space.

The City has recently endorsed its POS Strategy (10 May 2022) which assesses the impacts of density changes and the 10 per cent POS provision. However, the current 10 per cent measure does not consider distribution, access, or quality of POS. Under the City's POS Strategy, localised suburb POS plans will be developed to identify future needs and gaps in POS.

In addressing the appropriateness of a blanket 10 per cent POS provision, reviewing the types and quality of POS in an area should be factored in when considering an appropriate amount of POS for a development, as POS provision alone may not be the appropriate response in each area. For example, improving existing POS provision and quality may be more appropriate.

Draft Operational Policy 2.3 – Planning for Public Open Space (Draft OP 2.3), policy measure '5.4.3 Residential Subdivision' identifies a number of concessions to the applicable rate of contribution to POS which is not supported by the City for reasons contained in the response to Question No. 6.

As noted in the response to Question 2 above, there are 7 suburbs which provide sufficient POS based on percentage of area (10 per cent) and area per person. The 10 per cent requirement as originally proposed under the 'Stephenson/Hepburn Plan' was aimed at providing POS within a suburban context in the 1950's. The Perth metropolitan area has since become significantly more urbanised and therefore, the 10 per cent should be seen as a minimum standard only in achieving the base requirements for sufficient POS. Any additional existing or future POS will provide a greater contribution for community with respect to recreation, health, education, local amenity and quality of life.

It should be noted that the 10 per cent is often focused on local rather than regional open space. The New Neighbourhood Design Policy should aim to review the importance of District Open Space and reduce existing pressure for local reserves.

Q4. Do you think it is reasonable for all subdividers of residential lots (blocks of land) that create new additional lots to contribute towards public open space (parks or park facilities) regardless of their location?

- Yes
 No

Unsure

Do you have any other comments?

City Comment: The City supports the notion for POS contributions to be applied resultant from subdivision applications. However, further consideration regarding the extent of contribution should be evidence-based, informed by a Local or Public Open Space Strategy, demonstrating that within the gross subdividable area that there is a deficiency in POS.

Q5. Non-residential (e.g. commercial, tourism, industrial) and rural living land uses can also be required to contribute towards POS (not necessarily at a 10 per cent rate), only on an as-needed basis where justified, and when outlined in a publicly available planning document. Are you in favour of this approach?

Yes

No

Unsure

Do you have any other comments?

City Comment: The City supports the notion for POS contributions to be applied for subdivision of non-residential zoned land (to note, the City does not have any rural zoned land within Local Planning Scheme No. 3 and has no comment to make on this aspect).

The City's POS Strategy has identified the Osborne Ward (consisting of the Osborne Park Industrial Park area) and Hamersley Ward (consisting of the Balcatta Industrial Park area) as areas with some of the lowest provision of POS in the City. For example, Osborne Park consists of one local POS (Enterprise Park) which is situated within the southernmost section of the suburb and not easily or readily accessible within a walkable catchment.

The City notes that no localised suburb POS plans have yet been prepared however, the provision of POS within non-residential areas is important in achieving the same outcomes for community intended for residential suburbs (recreation, health, education, local amenity and quality of life).

Q6. Many established suburbs (infill areas) already contain parks that meet some of the existing community's needs.

For this reason, it is proposed to enable POS contributions to be reduced to a minimum of 5 per cent (5 per cent) of the residential subdivision area in infill (established) areas unless varied in a local government planning strategy or alike. It is envisaged that this contribution would commonly be in the form of cash to be spent on upgrades to existing POS, as determined by the local government. Are you in favour of this approach?

Yes

No

Unsure

Do you have any other comments on this approach?

City Comment: The City does not support the Draft OP2.3 stipulating set POS contributions concessions within 5.4.3 Residential Subdivision as any variation to the 10 per cent contribution would be inappropriate where infill development will contain a higher density and population. A reduction to the contribution will result in a low amenity of future POS for future residents/workers within the locality. Differential rates may disincentivise apartments and higher density housing models.

However, POS concessions should be considered where there is an adopted POS Strategy which informs if there is sufficient/insufficient POS within a subdivisible area.

The City provides the following comments in respect to the specific POS contributions listed in policy measure 5.4.3 Residential Subdivision:

- 5.4.3(a)(i) – The reduction between 5 to 10 per cent as a standard should be removed, and the percentage should only be justified and determined where identified in an approved local planning strategy, scheme, structure plan or development contribution plan.
- 5.4.3(a)(ii) – The City recommends the 5 per cent default (where there is no approved planning instrument) is replaced with a 10 per cent default for residential subdivision. Draft OP2.3 recognises that 10 per cent provision is a minimum standard for POS. The current provision for a 5 per cent default will disadvantage communities with an existing low provision of POS. The focus should be on the end user benefit and Policy objectives, and not penalising local government authorities which may not have resourcing to complete a POS Strategy or needs analysis in the short-term.
- 5.4.3(a)(iii) – As per the recommendation for 5.4.3(a)(ii) above, the City recommends the 2.5 per cent default (where there is no approved planning instrument) is replaced with a 10 per cent default for residential subdivision.
- 5.4.3(a)(iv) – The City recommends the WAPC investigate the implications on exempting two lot subdivision applications from a POS cash-in-lieu contribution. Two lot subdivisions are a common form of infill development in Western Australia and the exemption from POS contributions may disincentivise higher density/yields and ultimately impact on density targets.
- 5.4.3(b)(i) – The City does not support private open space being provided in lieu of a POS contribution. Furthermore, the City also does not support privately owned open space which is publicly accessible as this will require an Easement in Gross with the City that is an unnecessary administrative burden. The quality of private open space will also diminish as the open space is maintained by strata residents who have bought into the development and who pay strata fees for the ongoing maintenance of that open space. It is likely that community expectation would hinder the City's ability to manage and maintain the private open space (with collected monetary contributions) when there is wholly City managed POS elsewhere requiring attention.

In light of the above, the City recommends the WAPC provide specific examples of high quality private open space which could satisfy this contribution.

- 5.4.3(c) – The City recommends that POS upgrades should be expanded to enable upgrade of POS within adjoining suburb(s).
- 5.4.3(d) – The City does not support this provision and believes this concession would result in less POS being delivered in higher density areas, where it is needed most. This does not reflect the increasing density associated with State Government urban infill targets.
- 5.4.3(e) – The City does not consider density or development bonus entitlement should factor into concessions for POS contributions. The City is of the view there is no nexus between reduced POS contributions resultant from a development proposal having received additional development standards (increased bonus height, plot ratio bonus, etc).

Q7. The draft policy proposes the ability to reduce the 10 per cent (10%) POS contribution in a few other scenarios. These include some strata and community title scheme subdivisions (such as apartments and villa complexes) where publicly accessible but privately owned

open space is provided; for sites comprising a mix of land uses (such as a shopping precinct); and for regional areas where justified.

Do you support the ability to vary the 10 per cent POS contributions proposed?

- Yes
 No
 Unsure

Do you think there should be other scenarios where the 10 per cent POS contribution should be varied? Please explain.

City Comment: Refer to Question 6 above regarding the City's recommendations on the reduced POS contributions.

With respect to strata and community title scheme subdivisions, on 1 July 2022, the City provided a letter to the WAPC regarding the 'Proposed Amendment to the WAPC's Delegation (DEL 2020/01) – Powers of Local Government (Strata Titles Act)'. The City understands that interim measures will be enacted shortly to ensure the WAPC is the decision maker on any applications of public open space contributions for built strata applications in the Perth metropolitan area and the South West. This is supported by the City and it is considered this will aid in greater consistency in how the application of POS contributions are dealt with.

The City believes the WAPC should further investigate the development feasibility of introducing a POS contribution for strata, community titles schemes and mixed use developments.

Q8. The draft policy proposes that POS contributions collected as monetary contributions instead of land (known as cash-in-lieu) are spent within the suburb or adjoining suburb from which it was originally collected, and ideally within a 5 year timeframe. Are you in favour of this change?

- Yes
 No
 Unsure

Do you have any other comments on this approach?

City Comment: The Draft OP2.3 should not set a five-year timeframe and refer to a 'reasonable timeframe' as this places an administrative burden on the local government to utilise monetary contributions. Conversely, the City understands it is inappropriate for monetary fund to sit within an account for an indefinite amount of time and supports the objective for greater transparency and accountability for cash-in-lieu expenditure.

It should be noted under the *Planning and Development (Local Planning Schemes) Regulations 2015 (as amended)* Clause 771 (4)(b) relates to cash-in-lieu for car parking shortfalls. This provision permits 10 years commencing on the day the local government receives the money for expenditure. Accordingly, the City recommends the DPLH review the appropriateness of the 5 year timeframe in line with other similar cash-in-lieu standards.

Furthermore, the City has concerns with the cash-in-lieu expenditure requirement set out in policy measure 5.9.2. Fund should be used to improve community facilities and general streetscape upgrades that would improve accessibility to POS.

Further clarification is sought after the prohibited expenditure requirements for maintenance or infrastructure upgrades unrelated to community POS needs when improvements to public reserves is permitted.

Q9. Currently any required cash contribution to POS in infill areas (established areas) is calculated as a percentage of the value of the land being subdivided. The contribution amount therefore varies depending upon the value of the land. Would you support a change to the way the cash contribution amount is calculated in infill areas to a standard set fee per lot instead?

- Yes
- No
- Unsure

Do you have any other comments on this or have a suggestion on an alternative approach to implementing POS contribution?

City Comment: The City considers POS cash-in-lieu calculations based on land valuations should remain (until a suitable alternate proposal is put forward for consideration) as this will ensure an appropriate delivery of POS contribution is proportionate to the land values within that locality. The removal of land valuations as a metric to determine the POS contributions may impact the delivery of quality and quantity POS in low-socio economic areas where POS shortfalls exist.

The City requests that the WAPC provide the City with cost examples of specific subdivision proposals in low-high socio economic areas (in the event a cash-in-lieu contribution would be required) to demonstrate an alternate proposal for cash-in-lieu versus land valuations.

Q10. At present, contributions towards POS can only be sought from subdivision applications. Some residential developments never proceed to subdivision or would prefer to contribute at the development stage rather than subdivision stage.

Do you support changing legislation to enable POS contributions to be sought from development applications?

- Yes
- No
- Unsure

City Comment: On 1 July 2022, the City wrote to the WAPC providing a letter of no objection to the WAPC's proposal to remove delegation powers to local government, where a local government considers that a condition requiring the ceding of land for POS or payment in lieu is required (Section 15 of the *Strata Titles Act 1985*). The City believes that this will aid in greater consistency across local governments in how the application of POS contributions are dealt with.

However, the City recommends further consideration by the WAPC is required regarding the imposition of POS contributions within a development application (i.e. built strata, community title strata). Factors such as, but not limited to, housing affordability, feasibility for developers and clearance of conditions (given intended interim changes to WAPC delegations for strata developments) must be considered before the WAPC recommends development application conditions for POS contributions to residential (and non-residential) developments.

Q11. Do you have any other park design, role or management issues or suggestions relevant to planning or this planning policy?

- Yes
 No

City Comment: The City acknowledges Draft OP2.3 is in draft format for public consultation and is not intended for decision making. However, the City recommends that the following investigation into the policy and associated measures is undertaken prior to readvertising of this draft policy:

- Review of 2 lot subdivisions to be subject to a POS contribution given they make up for a significant bulk of infill development across Western Australia;
- WAPC to undertake feasibility studies on potential impacts if reduced POS contributions were applicable to each lot (i.e. 2.5, 5 and 7.5 per cent models);
- Further clarification on cash-in-lieu expenditure requirements for local government authorities;
- Reconsideration of built and community title strata scheme as requiring POS contributions;
- Reductions to POS contribution when a development provides publicly accessible private open space and providing example of what is considered 'high quality private open space';
- Review of a five year timeframe for cash-in-lieu expenditure and clarify expenditure for local government authorities; and
- Allowing funds to be used to improve community facilities, and general streetscape upgrades that would improve accessibility to POS.

Should you have any queries regarding this matter, please contact Amanda Sheers, Manager Development Services on 9205 8764 or via email to Amanda.Sheers@stirling.wa.gov.au.

Yours sincerely,



Stevan Rodic
Director Planning and Development



Department of Planning,
Lands and Heritage



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June 2023

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of land and waterways across Western Australia. The Department is committed to reconciliation to improve outcomes for Aboriginal and Torres Strait Islander peoples and to work together to provide a culturally-safe and inclusive environment.

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1. Policy intent

This policy sets out the general principles and requirements that will be used by the Western Australian Planning Commission (WAPC) to:

- ensure public open space (POS) is an essential consideration across the planning framework
- establish a minimum standard for the contribution towards POS from the creation of new lots
- provide guidance on the collection, expenditure and management of cash in lieu contributions towards POS to benefit the community.

The WAPC's intent is to ensure all communities have well-planned POS that is adequate in extent, quality, function and accessibility as well as being responsive to evolving community needs. The costs of providing, upgrading and maintaining POS should be reasonably, predictably and equitably shared among those that generate a need for it.

2. Application of this policy

This policy applies to the preparation and assessment of planning instruments including local planning strategies, local planning schemes, structure plans and subdivision applications, including all strata subdivision within Western Australia.

The policy is complemented by the full range of policies under *State Planning Policy 1 State Planning Framework* that address POS to provide the comprehensive delivery of well-planned POS for the community. This specifically includes the POS provisions within:

- State Planning Policy 2.6 State Coastal Planning
- State Planning Policy 2.8 Bushland of the Perth Region
- State Planning Policy 2.9 Planning for Water
- State Planning Policy 3.0 Urban Growth and Settlement
- State Planning Policy 3.6 Infrastructure Contributions
- State Planning Policy 4.2 Activity Centres
- Liveable Neighbourhoods in interim (to be replaced with new State Planning Policy 7.1 Neighbourhood Design)

- State Planning Policy 7.2 Precinct Design
- Operational Policy 1.1 Subdivision of Land - general principles
- Operational 1.11 Community Schemes
- Development Control Policy 1.3 Strata Titles
- Development Control Policy 2.2 Residential Subdivision
- Development Control Policy 2.4 School Sites
- Development Control Policy 4.1 Industrial Subdivision.

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3. Public Open Space in WA

In planning for POS, it is necessary to ensure the POS is responsive, well-located and functional, which achieves the desired recreational, amenity, health, cultural and environmental outcomes for the whole community.

The long-standing provision originating from recommendations made within the 1955 *Plan for the Metropolitan Region Perth and Fremantle* (the Stephenson-Hepburn Plan) for POS to be set aside at a minimum rate of 10 per cent of residential areas shall continue to form a sound basis for POS provision across all communities. Furthermore, all applications generating increased demand for POS shall be considered for a contribution towards POS. This contribution may be in the form of suitable land or cash in lieu to help facilitate new POS or upgrades to existing POS. Non-residential or rural living areas may also generate a need for POS in some circumstances, though the requirements for, rate of provision and contribution may differ from that in residential areas.

4. Policy objectives

The objectives of this policy are to:

- a) Provide an adequate quantity and contemporary quality of accessible POS in all urban areas.
- b) Encourage decision-making that improves the community's amenity, health and liveability while responding to our environmental, infrastructure, economic, sporting, recreational and leisure needs.
- c) Apply a consistent strategic approach to the planning, provision and documentation of POS.
- d) Support the provision of POS in non-residential or rural living areas where supported by site specific and relevant justification.
- e) Ensure other incidental land uses within POS, such as utilities, infrastructure or biodiversity conservation, complement, not compromise POS function provided for the community.
- f) Not support the unplanned loss of existing POS areas through the rezoning or disposal processes.

5. Policy measures

5.1 General Measures

Proposals to create additional lots are to be assessed against this policy to determine the appropriate provision of, and contribution towards POS.

In general, a minimum of 10 per cent of the gross subdivisible area shall be for POS for community use across all urban areas. This is best guided by strategic planning and implemented in statutory decision-making through POS contributions from new subdivision.

The rate of contribution to POS may vary to accommodate localised situations and the new demand being generated in accordance with this policy.

5.2 Calculating and Designing Public Open Space

POS is to be calculated and designed in accordance with Liveable Neighbourhoods (to be replaced with a new SPP 7.1 Neighbourhood Design).

For POS impacted by an infrastructure or utility easement, credit for this easement land towards the 10 per cent requirement can only be granted at a maximum rate of 50 per cent credit where

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the infrastructure is underground, or a maximum rate of 20 per cent credit where it is above ground infrastructure, providing it satisfies all of the following:

- there is no impediment to the use and development of the easement for POS purposes
- all land impacted by the infrastructure easement is considered restricted and as such is also subject to the overall restricted POS limits contained in Liveable Neighbourhoods; and
- is supported by the local government and infrastructure or utility operator/authority.

The alternative for land impacted by an infrastructure easement is to deduct the easement land from the gross subdivisible area altogether and no credit towards POS be given for this land.

For POS impacted by public utilities or infrastructure (such as dedicated drainage sumps or transformer pads), these are to be located so as not to compromise the function of the POS and generally do not form part of the 10 per cent POS area.

5.3 Strategic Planning

5.3.1 Local Planning Strategies

Local planning strategies are a key planning instrument for identifying the POS needs of a community and providing a strategic basis for localised decision-making about POS, including the rationale for any variations to POS contribution rates.

All local planning strategies are to be prepared in accordance with the WAPC's Local Planning Strategy Guidelines and the *Planning and Development (Local Planning Schemes) Regulations 2015*. To assist with POS planning, local planning strategies should also include the details, actions and indicative timeframes for the following, as relevant:

- an inventory of POS reserves, plus other sites and reserves that offer a publicly accessible open space function. This may include foreshore reserves, regional open space, public school ovals and conservation reserves that are developed with a POS function
- a broad POS demand and supply analysis, identifying existing and projected POS functionality alongside existing and estimated future population and land use utilising demographic forecasts on a suburb basis
- identification of any under provision of POS land and facilities, based in the first instance upon a minimum requirement of 10 per cent

of the gross subdivisible area for each suburb and the strategies for addressing, including obtaining more land or providing upgrades to existing POS

- identification of opportunities for improving linkages that enhance access to POS (e.g. landscaping of road reserves and pedestrian accessways)
- identification of land surrounding existing or proposed POS suitable for an increase in residential density to further encourage accessibility and use of POS and assist in achieving infill density targets
- identification of any existing POS or other open space reserves suitable for upgrades on which cash in lieu funds can be spent
- using the above analysis, include a rationale for any local variations or possible further exemptions to the standard POS contributions, as provided for in this policy. This anticipated per centage of POS contribution is to be articulated
- the anticipated per centage and rationale for any proposal to seek POS contributions from non-residential or rural living land uses.

To assist in collating this information, some local governments may opt to utilise more detailed POS demand analyses, or similar. It is important that if such additional studies have been prepared by the local government, the planning components are incorporated into the local planning strategy

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to inform statutory planning decisions. This may be via an amendment to an existing local planning strategy.

POS location, area, distribution and function in a suburb is to be guided by the local planning strategy, the provisions of Liveable Neighbourhoods and any other WAPC policy as may be applicable. In the absence of a local planning strategy that adequately guides the provision of POS, it should be provided and contributed to in accordance with Liveable Neighbourhoods and this policy, ensuring an appropriate mix of local, neighbourhood and district open space providing sport (including dedicated sports fields), recreation and nature spaces.

5.3.2 Structure Plans

Structure planning (standard and precinct structure plans) is to address any existing POS and assess the need for new POS to cater for all current and anticipated community needs.

Structure plans should refer to the contributions towards POS to be provided at subdivision and how these contributions will assist in ensuring adequate extent, quality, function and distribution of POS within the area of the plan.

Any staging of POS land provision is to be outlined at the structure plan stage.

5.4 Statutory Planning

5.4.1 Local Planning Schemes

Proposals to zone land that will increase POS demand, particularly increases to residential densities, are to be supported by a local planning strategy that identifies the community's POS needs and anticipated contributors to POS (as land or cash in lieu).

In zoning to provide for new residential land, the minimum of 10 per cent of the gross subdivisible area should be planned for POS as land, unless otherwise justified and prescribed in an approved local planning strategy.

In the absence of an approved local planning strategy adequately addressing POS provision, a scheme amendment proposal may be required to include its own strategic analysis of the community's POS need to inform POS provision and contributions.

Local planning schemes are to include POS as a Reserve for Public Open Space and show this on the scheme map accordingly.

5.4.2 Subdivision General

In accordance with the WAPC's State Planning Policy 3.6 - Infrastructure Contributions (SPP 3.6) and Operational Policy 1.1 - Subdivision of Land General Principles (OP 1.1), all subdivision generating an additional lot (including green title

lots, all strata title lots and community scheme lots) is to consider the provision of POS as a standard infrastructure requirement prior to approval. This consideration is not restricted to any one land use or subdivision type.

In accordance with the *Planning and Development Act 2005*, a condition of subdivision approval may be imposed that requires a contribution to POS as land or cash in lieu, or combination thereof. Two lot subdivision applications will typically not have POS requirements applied, as cash in lieu cannot be sought under the *Planning and Development Act 2005* and a land contribution is often not practical.

In some circumstances requiring land for POS may not be practical, or there is already 10 per cent or more POS land in the suburb which caters for community needs, or it is provided in another location via a structure plan, subdivision or scheme. In such circumstances, contribution to POS via cash in lieu of land may be applied as a condition of subdivision approval. Advice from the local government will be sought by the WAPC regarding the imposition of such a condition.

5.4.3 Residential Subdivision

For all residential subdivisions (including strata title subdivision), a minimum standard of 10 per cent of the gross subdivisible area is to be ceded free of cost for POS, or the equivalent cash in lieu, unless varied in one of the following situations.

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- a) Existing POS in a suburb provides some of the POS function for the existing (established) community and therefore may justify a reduced POS contribution rate in all infill (excludes brownfield) subdivision. In addition, where only one additional lot is created in an established (infill) area (such as 3 lots into 4 lots) contributions towards POS may be reduced further. The applicable rate of contribution towards POS is as follows:
- i. Infill subdivision (excludes brownfield sites) where the suburb already contains some existing developed POS, the minimum 10 per cent contribution requirement may be reduced by up to half to a minimum contribution of between 5 per cent and 10 per cent, the percentage to be justified and determined in an approved local planning strategy, scheme, structure plan or development contribution plan
 - ii. Where there is no approved planning instrument as above to determine the percentage, a 5 per cent contribution based on the whole gross subdivisible area applies
 - iii. Where only one additional lot is proposed in the subdivision and there is no approved planning instrument to determine the percentage, a 2.5 per cent contribution based on the whole gross subdivisible area applies; or
- iv. Two lot subdivision applications are exempt from a POS cash in lieu contribution.
- b) In recognition of the role some limited forms of publicly accessible, privately owned open space has in reducing the demand generated by new lots for POS, some credit may be granted towards the minimum 10 per cent contribution as follows:
- i. For all strata subdivision (includes built strata) and community title schemes where common property/communal open space is provided in excess to any Residential Design Code (R Code) requirement, the 10 per cent POS contribution may be reduced commensurate with this aforementioned area of common property/communal open space to a maximum reduction of half (i.e. minimum 5 per cent POS contribution still applies). Provided that:
 - the common property/communal open space is demonstrated by way of an approved plan to be designed and function like POS; and
 - the common property/communal open space area has unrestricted public access secured via an easement.
- The remainder of the POS contribution is to be via land or cash in lieu.
- c) In limited unique circumstances in some larger infill or brownfield sites, the minimum 10 per cent POS contribution may be reduced commensurate with expenditure on upgrades to an existing nearby POS at the subdividers cost, provided that:
- the POS upgrades are to occur in the same suburb as the subdivision
 - there is a minimum of 10 per cent POS land existing in the suburb already
 - the local government has already agreed to the proposed upgrades and arrangements and a legal agreement with the local government is in place
 - the POS upgrades proposed respond to community need; and
 - a condition of approval is imposed on the subdivision application accordingly.
- d) Mixed use sites are those not wholly comprised of residential land uses. As such, some reduction to the POS contribution rate may be applied to a mixed-use site, generally commensurate with the likely residential composition of the site at the following rates:
- where the site is identified in a scheme or structure plan for residential development at a density of up to and including R80 or R-AC4, or in the absence of an applicable

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R Code, to a maximum height of 3 storeys, a minimum 5 per cent POS contribution applies to the whole mixed use site

- where the site is identified in a scheme or structure plan for residential development at a density exceeding the R80 or R-AC4 density, a minimum 7.5 per cent POS contribution applies to the whole mixed use site, unless previously varied in accordance with an approved scheme or structure plan; or
 - where the mixed-use site is an infill site, the default 5 per cent contribution rate may apply unless otherwise provided for in the applicable scheme, structure plan or development contribution plan.
- e) In all the above instances of variations to the 10 per cent minimum standard, consideration shall also be given to:
- the objectives and requirements of other State Planning Policies as may be applicable
 - advice of the local government as may be sought by the WAPC; and
 - the exclusion of any density or development bonus entitlement that has been approved or may otherwise have applied to the proposal.

5.4.4 Regional Residential Subdivision

In recognition of the climatic, environmental, cultural and lifestyle differences experienced across the state, a variation to the minimum POS standard of 10 per cent of the gross subdivisible area of a suburb may be supported in regional areas. This is provided that a strategic analysis via an approved local planning strategy, scheme, or structure plan has identified satisfactory unrestricted and developed POS and other open space that offers a local POS function (such as foreshore reserves, regional open space or community purpose sites) to accommodate the recreational and sporting needs of the community, and identifies a POS variation accordingly.

As a minimum, the strategic analysis is to include:

- an inventory of POS reserves in the suburb and adjoining suburbs
- identification of other sites or reservations that currently offer an open space function in the suburb and adjoining suburbs if applicable. This may include foreshore reserves and other public purpose reserves developed with a POS function
- a broad POS demand and supply analysis, identifying existing and projected POS quantity, accessibility and functionality alongside the existing and estimated future population and land use, utilising demographic forecasts, and ideally on a suburb basis.

The use of a townsite boundary may be more applicable than suburb boundary in some regional locations.

5.4.5 Non-Residential and Rural Living Subdivision

A POS contribution of any amount, as land or cash in lieu, may be sought from non-residential land uses (includes commercial, industrial or tourism) or for rural living land uses (includes rural residential) for the purposes of catering for residents, worker or visitor needs, general amenity or site specific requirements. The justification for, and amount of POS contribution, is to be informed by:

- a strategic analysis, as either contained in an approved local planning strategy, scheme, structure plan or other public planning document which identifies the nexus between the land use/development and the additional population/visitation/workforce demand for POS provision or contribution
- the suitability of the proposed POS as it relates to the non-residential or rural living land use needs, or suitability of existing POS on which cash in lieu is intended to be used for
- any objectives and requirements of other planning instruments as may be applicable; and
- the advice of the local government as may be sought by the WAPC.

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5.5 Staging

Where a subdivision is staged, POS may be required to be met entirely from the first stage of subdivision, particularly if an agreement, such as by way of an approved structure plan, has not been reached with other landowners about the sharing of POS responsibilities.

Where the POS is not met entirely from the first stage of subdivision, the staged rate of provision of POS may be required to equal or exceed the overall rate of POS provision for that stage and be outlined in a staging plan, to ensure the quality, quantity and location of provided POS caters for residents at each stage of lot creation.

5.6 Development Applications

For development approvals that precede subdivision, an advice note should be provided to alert proponents to any likely future POS contribution condition at any subsequent subdivision.

5.7 Development of Public Open Space

The requirement for POS land as a condition of subdivision includes the development of that POS. Where POS is to be ceded free of cost by the subdivider, it is a requirement that the entire POS be developed to a minimum 'basic development' standard in accordance with SPP 3.6 Development Contributions and Liveable Neighbourhoods, unless otherwise agreed to by the WAPC and local government, and maintained for a minimum period of time. This requirement does not extend to cash in lieu conditions.

Development of the POS beyond the standards outlined in SPP 3.6 and Liveable Neighbourhoods is a matter for negotiation with the local government to ensure the POS development reflects the community needs and local government management capacities. An additional management agreement with the local government may be required to be entered into in these circumstances.

5.8 Cash in lieu collection and management

In accordance with Section 153 of the *Planning and Development Act 2005*, the WAPC can impose a condition of subdivision requiring POS to be provided as cash in lieu of setting aside a portion of land. Section 155 of the *Planning and*

Development Act 2005 sets out provisions in relation to valuation of land. The value of cash in lieu is determined as a percentage of the market value of the parent lot from which the subdivision occurs. The percentage relates to the equivalent percentage of land that would otherwise be provided as POS.

The local government will, at the expense of the subdivider, seek a valuation of the land from the Valuer General's Office or a licensed valuer. If the valuation is disputed by the subdivider or local government, the valuation may be varied by agreement between the parties or arbitrated in accordance with Section 156 of the *Planning and Development Act 2005*.

Section 154(1) of the *Planning and Development Act 2005* provides that cash in lieu funds received by a local government must be paid into a reserve account, separate to other reserve accounts, established and maintained under section 6.11 of the *Local Government Act 1995*. The account is to set out the purpose for which the money is held, the landholding from which it was obtained and the date on which it was paid to the local government.

The total amount of cash in lieu funds collected, held and expended per suburb in the reserve account should be made publicly available to ensure transparency and accountability to the community.

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5.9 Cash in lieu expenditure

5.9.1 Cash in lieu intent

To address the nexus between POS demand generation and POS provision and upgrade, expenditure of cash in lieu should:

- be informed by an approved local planning strategy (LPS), or in the absence of a LPS, an alternative strategy, community strategic plan, local planning policy, structure plan or equivalent document that has been through public consultation
- respond to community need by improving access, safety, environmentally sensitive design or contemporary functionality of existing or proposed POS or the public reserve that functions as POS
- be on a site that has unrestricted public access, not generally be associated with a use fee, and is reserved in the local planning scheme for POS or other reserve with a recreation function; and
- occur within the suburb or adjoining suburb, in which it was collected unless variations are identified in an approved local planning strategy.

5.9.2 Cash in lieu use

Cash in lieu funds can be used for:

- the purchase of land for POS by the local government. This can include the local government's administrative costs associated with the purchase process or repaying loans for the purchase
- reimbursing an owner of land that is part of an agreement for the setting aside or vesting of land for POS in accordance with the *Planning and Development Act 2005*.
- improvements to or development of POS
- improvements to, or development of, public reserves that have a recreation function provided the land is reserved for a form of recreation purposes including POS recreation or public purpose reserves in the local government local planning scheme, the public has unrestricted access and cash in lieu contributions were sourced from within the suburb or adjoining suburb
- improvements to, or development of, regional open space, foreshore reserves and/or conservation reserves where it is demonstrated that the reserve offers a POS function, has unrestricted public access and the cash in lieu contributions were sourced from within the suburb or adjoining suburb. Such improvements or development for POS functions should be consistent with the purpose of the reserve

- cash in lieu funds would not normally be acceptable for indoor or enclosed recreation facilities where usage fees are charged, nor for maintenance or infrastructure upgrades unrelated to community POS needs.

In all instances, expenditure of cash in lieu should be publicly transparent and aim to be utilised within 5 years of the contribution collection date.

5.9.3 Expenditure requests

Requests to expend cash in lieu, other than for the purchase of land for POS, are to be submitted to the WAPC prior to Ministerial consideration, with the accompanying information:

- a cover letter briefly justifying the request from the local government, addressing the above requirements, this may be in the form of referencing the local planning strategy as applicable
- a plan or list outlining the source(s) and amount(s) of the funds (includes suburb, subdivision reference number from which funds were obtained, date obtained and the dollar value of the contribution)
- project or program timing schedule for expenditure; and
- project or program expenditure based on a maximum budget allocation.

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Draft Planning for Public Open Space



Expenditure requests can be grouped into one consolidated map and schedule that includes the above information. Grouped requests will require notification to the WAPC within three months of completion of the works, including a signed statement demonstrating details of expenditure from a Certified Public Accountant employed by the local government or an audited statement prior to the publication of the local government annual report.

5.10 Disposal of Public Open Space

The disposal or rezoning of POS reserves created for the purpose of providing POS is not generally supported by the WAPC, particularly given future community needs can be difficult to fully anticipate.

Where a local government considers that an existing area of POS is not in a suitable location, of an appropriate size or function, and does not meet the needs of the existing or anticipated future community, POS disposal may be considered, but it is to be assessed in the same strategic manner as determining POS provision. Preferably, the local planning strategy should be used to inform the suitability of disposal proposals. In the absence of a strategy, a strategic assessment of the existing and anticipated future community needs is to occur, which shall include the following:

- the current accessibility, interface, physical attributes, function and estimated visitation of the reserve

Western Australian Planning Commission - 9 June 2023

- any planning in the suburb which will result in an increase in residential population and possible need for additional POS quantity or quality
- the distribution and amount of POS already in the suburb as reflected as a percentage of the gross subdivisible area; and
- evidence of local community engagement.

The disposal of land set aside as a reserve for public recreation is governed by the *Land Administration Act 1997*. Proceeds from the sale of public recreation reserves may be used by the local government to acquire other land for POS or be spent on upgrades to existing areas of POS. Proposals for the disposal of any POS land will be referred to the WAPC for consideration.

5.11 Reservation, Management and Vesting of Public Open Space

Where land for POS has been created under the *Planning and Development Act 2005* and reserved for that purpose, that land is only to be used for public recreational purposes and is to remain open to the public at all times. It is to be reserved in the local planning scheme for POS.

Where POS sites are impacted upon by utilities, easements, buffers, environmental constraints, or are shared use sites such as those

co-located with school sites, the management responsibilities of the POS are to be resolved at the structure planning stage, or prior to subdivision approval, as may be applicable and practical. If management responsibilities of the POS are unable to be resolved, the WAPC may not support the subdivision until the proponent supplies evidence of resolution of a suitable management arrangement.

5.12 Other Open Space

Regional open space, foreshore reserves, community purpose sites, Bush Forever sites or conservation reserves are not by definition in this policy considered POS. However, they may contribute a POS function for the local community and may receive consideration in strategic planning as providing that POS functionality. These forms of other open space may influence the determination of the gross subdivisible area and in some instances may be included as justification for a reduction (or credit towards) the minimum 10 per cent POS requirement in the manner outlined in Liveable Neighbourhoods and/or this policy.

Foreshore reserve provision is in addition to any POS requirement. The width, function and design of foreshore reserves are determined in accordance with State Planning Policy 2.6 State Coastal Planning Policy and/or (draft) State Planning Policy 2.9 Planning for Water and associated guidelines.

Operational Policy 2.3

10

Draft Planning for Public Open Space

DRAFT
PUBLIC CONSULTATION
NOT INTENDED FOR DECISION MAKING



6. Definitions

Brownfield: developed land that has been identified for future urban re-use. These are often larger sites in established or infill areas that may also have been converted from one former land use to another.

Demand analysis: understanding the demand created by anticipated future population helps to justify POS contributions. Demand for POS in yet to be developed areas or existing areas can be assessed based on the likely numbers of dwellings or subdivision yields to be achieved in an area. Latent demand is often assessed by projecting future participation, using existing participation rates, such as organised sporting activities, and applying this to projected population figures.

Greenfield: undeveloped land that has been identified for future urban use.

Gross Subdivisible Area: as set out in Liveable Neighbourhoods (and to be reviewed in preparation of SPP 7.1 Neighbourhood Design).

Infill: is the redevelopment of existing urban areas at a higher density than currently exists.

Locality: is a spatial term used in land use planning to describe a local area. The size and attributes of a locality can vary depending upon the context and intended application. For this reason, a locality is not specifically defined but rather can

be determined in a similar manner to a precinct in accordance with SPP 7.2. In POS planning, the starting point for identifying a locality is often a suburb area, modified in consideration of walkable catchments and relevant local features.

Public Open Space: land that is set aside, used as, and managed for public recreation purposes and reserved for public open space in a local planning scheme.

Regional Open Space: land that is designated as Parks and Recreation or Regional Open Space in a region planning scheme.

Regional Areas: generally interpreted as areas and country towns located outside of metropolitan and regional centres.

Western Australian Planning Commission - 9 June 2023

Frequently Asked Questions

Operational Policy 2.3

Planning for Public Open Space

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PUBLIC CONSULTATION

These explanatory notes provide an overview of the Public Open Space policy review and a summary of key changes.

1 WHAT IS THE CURRENT POLICY ON PUBLIC OPEN SPACE?

Public open space (POS), such as neighbourhood parks and sporting fields, is currently provided at a minimum of 10 per cent of a new residential area. Those who create new residential lots contribute the cost of providing adequate POS, either by providing land for POS or by providing money towards the cost of purchasing land for POS or improving POS facilities.

Different considerations apply to smaller subdivisions creating 5 lots or less, in established suburbs previously subdivided and for subdivisions that create a mix of residential and non-residential land uses. In practise, many subdivisions of 5 lots or less may not have contributed to POS.

The current policy has been in place for over 50 years and has secured adequate POS across most suburbs of Western Australia, as they developed. Now that suburbs are being redeveloped with more housing (known as infill) and a greater mix of housing types, it is important to review the policy to ensure the open space demands and expectation of the community continue to be met into the future.

2 WHAT TYPES OF SUBDIVISION REQUIRE A CONTRIBUTION TOWARDS PUBLIC OPEN SPACE?

Under existing policy, all proposals that increase the number of lots can potentially be required to make a land or monetary contribution to POS. This includes apartment developments that create new built strata lots, it also includes mixed-use lots that have a combination of residential and commercial development. The proposed new *draft Operational Policy 2.3 – Planning for Public Open Space* provides further clarity that all forms of land subdivision, that increase the demand for POS, can be subject to a contribution requirement, including all types of strata subdivision.

3 WHY IS A CONTRIBUTION TO PROVIDING PUBLIC OPEN SPACE REQUIRED?

The planning of infrastructure is fundamental to the economic and social well-being of any community. New development needs to ensure the cost-efficient, and appropriate provision of essential infrastructure such as roads, electricity, schools and POS.

POS is essential infrastructure in urban areas. It provides a recreation function for residents, visitors and workers but also offers green space for amenity, nature, events and drainage. When new residential lots are created, this will result in additional houses and more people who need and use POS. A contribution towards the cost of meeting this additional demand for POS, or associated upgrades to existing POS, is a shared responsibility between Government and proponents developing new lots. This POS policy outlines how the proponent will make a contribution.

Publication date: 09/06/2023

1

4 WHAT ARE THE MAIN POLICY REFORMS PROPOSED?

The draft Operational Policy 2.3 – Planning for Public Open Space proposes that all residential subdividers, regardless of their location or the type of subdivision, contribute to POS, in a fair and predictable way.

The overall policy of seeking at least 10 per cent of residential areas for POS will continue to apply in greenfield and brownfield subdivision, as illustrated in Figure 1 and Figure 2 below. Where only two lots are proposed, usually no contribution will be sought as any land would typically be too small for a practical park and a cash contribution is not currently permissible under legislation. (refer cl 5.4.3 a iv)

However, changes are proposed to the calculation of the contribution from those subdividing land to make the POS contribution process simpler, more predictable, fairer and more consistent. These changes include:

- Subdividers in established suburbs, known as infill sites, may contribute less given the existing parks available and some of the additional POS demand can be met within these existing parks. In these situations, the contribution amount will be determined after an endorsed POS needs analysis by the local government. If this analysis is yet to be done, a default rate of 5 per cent contribution will apply (Figure 3)
- Where only one additional lot (such as re-subdividing 2 lots into 3 lots) is proposed, a reduction to a default contribution rate of 2.5 per cent applies (Figure 4) (refer cl 5.4.3 a iii)

- Subdividers of apartments or grouped housing that provide publicly accessible but privately owned open space may reduce their contribution in limited circumstances (Figure 5a and 5b) (refer cl 5.4.3 b i)
- Where a mix of residential and non-residential land uses is possible, the contribution may be reduced proportional to the planned residential component to default rate of 5% (lower and medium density) (Figure 6 and Figure 8) or 7.5% (high density) (Figure 7 and Figure 8) (refer cl 5.4.3 d)
- Subdividers in regional towns will contribute in a similar way to those in metropolitan areas but concession may be given to the role other forms of publicly owned green spaces have in fulfilling community needs (refer cl 5.4.4)
- Subdividers of non-residential lots will continue to typically be exempt from a POS contribution unless a demonstrated community need exists, in which case the contribution rate will be established in an approved planning document. (refer cl 5.4.5)

5 ARE POS CONTRIBUTIONS REQUIRED IF A SUBURB ALREADY HAS 10 PER CENT PUBLIC OPEN SPACE?

The percentage of POS land that each suburb has already varies across WA and does not necessarily reflect current or future community need. The best way to address this is by undertaking strategic POS planning. If a suburb is found to have sufficient, quality POS to cater for the projected community need,

POS contribution rates may be varied through the planning framework. This will help to ensure a transparent, justifiable contribution is sought.

6 WILL I BE REQUIRED TO CONTRIBUTE TO PUBLIC OPEN SPACE IF I AM BUILDING?

The need for a POS contribution will be assessed and sought at subdivision stage. If you plan to build first and later subdivide via a built strata subdivision, you may be required to contribute to POS as a condition of the built strata approval in the same manner as other types of subdivision, but not the development stage. Part of the assessment of the subsequent built strata subdivision will consider whether a POS contribution has already been made for the site at the current density.

7 WHERE AND HOW WILL THE PUBLIC OPEN SPACE CONTRIBUTIONS BE SPENT?

Local governments collect POS cash contributions and retain the funds in a dedicated account. The local government then identifies where land for new POS is to be purchased, or which parks should be developed, or park facilities upgraded. Proposals to spend funds are then submitted for the Minister for Planning's approval.

This process is not proposed to change, however the new draft policy encourages the spending of contributions in a timely manner and has widened the location within which the money may be spent to include adjoining suburbs to better address community need.

8 DO THE PUBLIC OPEN SPACE REFORMS AFFECT ME?

If you are a subdivider of residential land in WA (includes all types of residential such as apartments and retirement living), then the new draft public open space policy, includes a more predictable POS contribution rate to be applied by the WAPC when it determines the application to subdivided land.

If you are a community member, it is expected that the reforms will help provide for better planning and upgrading of POS that supports urban infill and responds to modern community needs.

9 HOW DO I FIND OUT HOW MUCH PUBLIC OPEN SPACE IS IN MY SUBURB, AND IF ANY CONTRIBUTIONS ARE BEING SPENT?

Local Governments are best placed to understand and plan for community POS needs. Contact your local government for more information and to discuss potential changes to your local POS.

10 HOW TO VIEW AND COMMENT ON THE DRAFT POLICY?

The draft policy is on the [DPLH website](#). Comments on the policy can be made via the DPLH's [consultation hub](#). The advertising period closes on 25 August 2023.

 GSA = Gross Subdivision Area

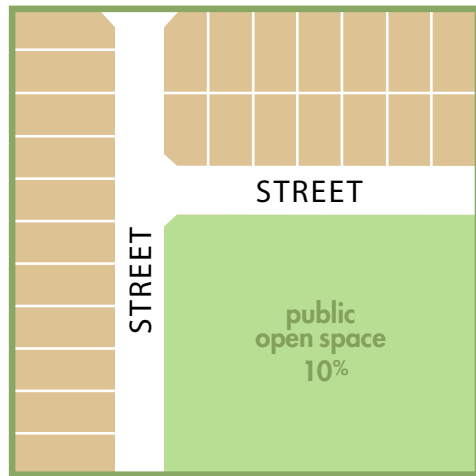


Figure 1: Greenfield subdivision

10% of the gross subdivisible area, typically as land or as otherwise planned for, calculated in accordance with Liveable Neighbourhoods.

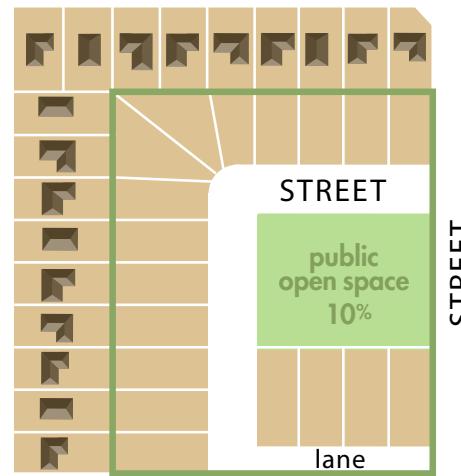


Figure 2: Brownfield subdivision

10% of the gross subdivisible area as land or cash in lieu, or combination thereof, as typically determined at structure plan stage.

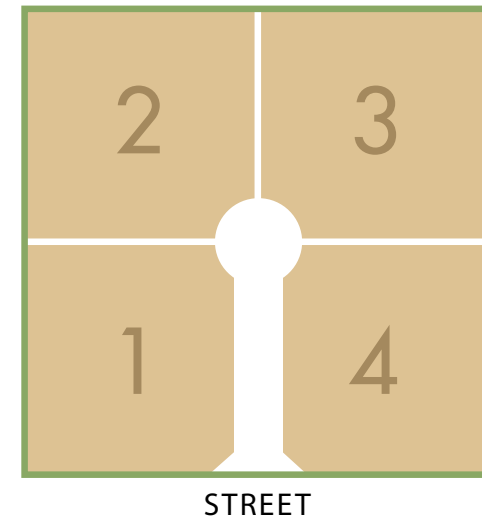


Figure 3: Smaller infill subdivision

5% of the gross subdivisible area typically as cash in lieu, unless otherwise approved in the planning framework.

 GSA = Gross Subdivision Area

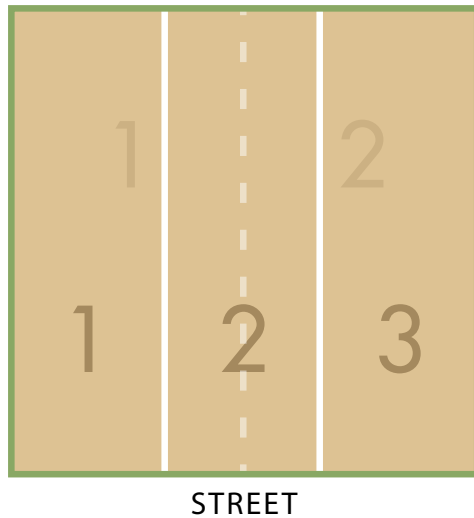


Figure 4: One additional lot

2.5% of the gross subdivisible area as cash in lieu, or the equivalent as land if practical and agreed, unless otherwise approved in the planning framework.

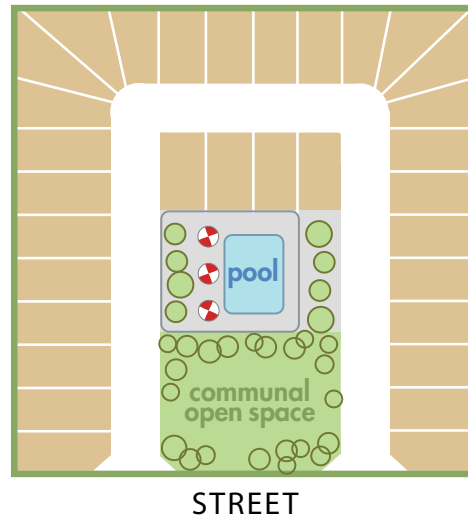


Figure 5a and 5b: Communal Open Space

POS contribution reduced equivalent to any communal open space/common property that provides a publicly accessible POS function, in excess to any R Code requirements, with a minimum POS contribution of 5%.

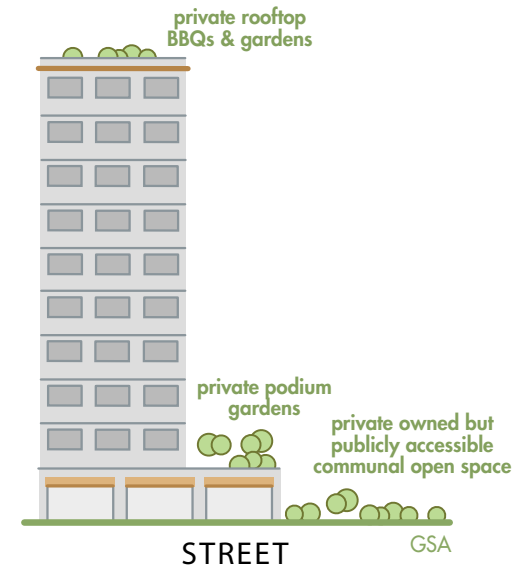




Figure 6: Mixed use – Low to Medium Density

5% of the total mixed use site area where an R Code of up to and including R80 or R-AC4 applies, unless otherwise approved in the planning framework.

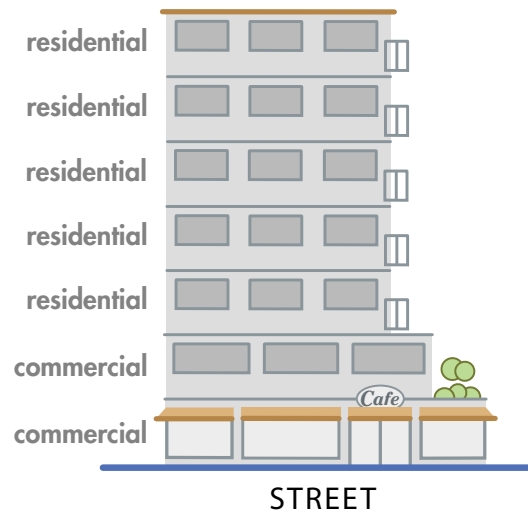


Figure 7: Mixed use – High Density

7.5% of the total mixed use site area where an R Code exceeding R80 or R-AC4 applies, unless otherwise approved in the planning framework.

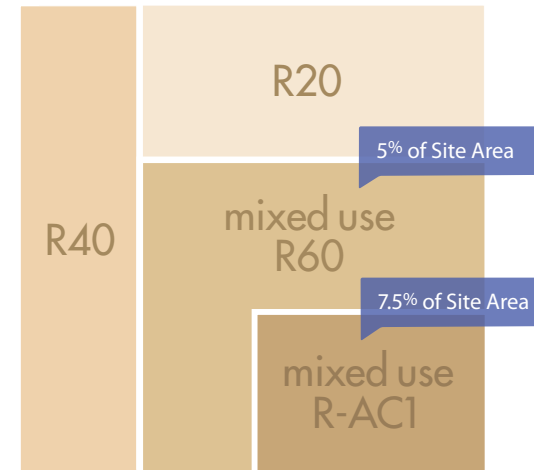


Figure 8: Mixed Use – Structure Planning

5% of the total mixed use site area where an R Code of up to and including R80 or R-AC4, unless otherwise approved in the planning framework.

7.5% of the total mixed use site area where an R Code exceeding R80 or R-AC4, unless otherwise approved in the planning framework.



Our ref: PLH2019P0241
Enquiries: Rochelle Van Santen
(08 6551 9593)

Mr Stuart Jardine
Chief Executive Officer
City of Stirling

Via email: stirling@stirling.wa.gov.au

Dear Mr Jardine

DRAFT OPERATIONAL POLICY 2.3 PLANNING FOR PUBLIC OPEN SPACE

I previously wrote to you on 15 June 2023 regarding the Western Australian Planning Commission's (WAPC's) release of draft Operational Policy 2.3 *Planning for Public Open Space* for public consultation until 25 August 2023.

Since then, the WAPC has determined that, as the draft policy is likely to generate a wide range of differing views, the status of the policy should be changed from "draft for public consultation" to "draft – public consultation. Not intended for decision making".

Accordingly, the published version of the draft policy has been updated with its new status demarcated on each page.

Current policy regarding planning for public open space (POS) and the principles of developer contributions more generally, can be found within the current version of Development Control Policy 2.3 *Public Open Space in Residential Areas*, and also in other policies including Liveable Neighbourhoods 2009, Development Control Policy 1.3 *Strata Titles* and State Planning Policy 3.6 *Infrastructure Contributions*.

The WAPC is interested in the view of all stakeholders on the draft policy and you are encouraged to provide your feedback via the Department's consultation portal (<https://consultation.dplh.wa.gov.au/strategy-and-engagement/public-open-space/>) or via email to the email address below. The WAPC will consider all submissions prior to finalisation of the policy.

If you have any queries about the draft policy status or content, please contact Rochelle Van Santen at Rochelle.vansanten@dplh.wa.gov.au or the POS policy team via email Policy@dplh.wa.gov.au.

Yours faithfully



Sam Fagan
Secretary
Western Australian Planning Commission
11 July 2023

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Attachment 5 – Key documents relating to POS delivery in Western Australia

Document	POS Provisions
Development Control Policy 2.3 – Public Open Space	The 10 per cent POS requirement comes from the Stephenson-Hepburn Plan, which is implemented through DCP 2.3, only in relation to subdivision. DCP2.3 states the Stephenson-Hepburn Plan Report identified for most areas a standard of 3.36 hectares per 1,000 population (excluding school playing fields) is recommended as sufficient for public open space. Based on a uniform density of 30 persons per hectare, a standard contribution of 10 per cent of the gross residential area for public open space has been applied since 1956.
Position Statement: Expenditure of Cash-in-Lieu of Public Open Space	Applies where cash-in-lieu of POS has been approved and sets out management and use of cash-in-lieu funds by Local Governments.
Development Control Policy 1.3 Strata Titles	<ul style="list-style-type: none"> 3.3.3: a maximum of 50 percent of the 10 per cent POS requirement may be provided as communal open space within a survey strata subdivision subject to being developed for general recreation purposes.
Development Control Policy 4.1 Industrial Subdivision	<ul style="list-style-type: none"> 3.6: No general requirement for the provision of POS in industrial areas, however land may be required to be given up free of cost for passive and active recreation and for landscape buffers.
Operational Policy 1.1 Subdivision of Land General Principles	<ul style="list-style-type: none"> 3.2.2 the WAPC must have regard to the amount of POS to be provided in considering applications for subdivision approval.
State Planning Policy 3.6 Infrastructure Contributions	<ul style="list-style-type: none"> 6.5: ceding of land for POS is a standard item for which contributions may be sought.
State Planning Policy 7.2 Precinct Design	<ul style="list-style-type: none"> 6: policy outcomes include consideration of green networks and public spaces.
Liveable Neighbourhoods	<ul style="list-style-type: none"> Element 4 Public Parkland differentiates between regional open space, foreshore reserves and public open space and sets out the requirements of the WAPC for foreshore reserves and public open space, as well as the provision of land for community facilities. A project is currently underway to update and revise Liveable Neighbourhoods with a Neighbourhood Design State Planning Policy.
Planning and Development Act 2005	<ul style="list-style-type: none"> s. 153 & s. 154 outline circumstances where payment in lieu of provision of land for public open space is permitted and the storage of funds collected.
Local Planning Strategies and Public Open Space Strategies, Local Planning Policies	<ul style="list-style-type: none"> Local Government documents which cover functions, availability and design of public open space.

Attachment 6 – City of Stirling Public Open Space Classifications

Classification	Summary description
Local	<p>Local spaces are typically small parklands that service the recreational needs of the local residential population, such as children’s play, dog walking and relaxation.</p> <p>Function: Recreation and nature</p>
Community	<p>Community spaces serve as the recreational and social focus of a community. Residents of surrounding areas are attracted by the variety of features and facilities and opportunities to socialise.</p> <p>Function: Recreation and nature</p>
District	<p>District spaces are principally designed to provide for organised formal sport and can provide for local or community-level recreation.</p> <p>Function: Sport, recreation and nature</p>
Regional	<p>Regional spaces may accommodate important recreation and organised sport space as well as significant nature spaces for conservation. They may also include environmental features such as water bodies.</p> <p>Function: Sport, recreation and nature</p>

Attachment 7 – State Administrative Tribunal Findings

The State Administrative Tribunal (SAT) has made numerous findings in relation to POS since the gazettal of Draft OP 2.3 as summarised below:

- Proximity of Regional Open Space does not negate the need for subdividers to cede 10 per cent gross subdivisible area for POS, as Regional and POS serve different functions (Bestry v WAPC, 2019).
- The matter of 'need' or 'nexus' need not be limited to the 400m and 800m walkable catchments, but to strategic planning for POS that may be outside these catchments (Bilecki v WAPC, 2019).
- POS contributions can be sought from built strata-title subdivisions in a similar manner to those sought for green title subdivisions (CNES Property Pty Ltd v City of Gosnells, 2018).
- A POS contribution can be sought for both strata title and green title subdivisions where a subdivision plan does not (and cannot) provide for allocation of POS (Claddagh Holdings Pty Ltd v City of Gosnells, 2014, and Tierney v WAPC, 2011).

ACTIVE

IN FORCE



Department of Planning,
Lands and Heritage



Position Statement:

Expenditure of Cash-in-Lieu of Public Open Space

September 2021

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This document is available in alternative formats on application to the Communications Branch.

Position Statement:
Expenditure of Cash-in-Lieu of Public Open Space
September 2021

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1. Policy intent

The intent of this position statement is to ensure that the cash-in-lieu for open space is expended in accordance with the requirements of the *Planning and Development Act 2005*.

2. Public open space in Western Australia

Providing access to quality public open space (POS) through the subdivision process, is essential to healthy, liveable communities. The Western Australian Planning Commission's (WAPC) *Liveable Neighbourhoods* (as amended) and *Development Control Policy 2.3 Public Open Space in Residential Areas* state that for residential subdivision, 10 per cent of the gross subdivisible area shall be given up free of cost by the subdivider for POS purposes.

The WAPC's policy is to ensure that the provision of POS allows for a reasonable distribution of land for active and passive recreation. This includes smaller areas of POS within easy walking distance of dwellings, playing fields, playgrounds, bushland and other open spaces where people gather to recreate and socialise.

The WAPC may also require the provision of POS in industrial, commercial and rural subdivisions where there is a need to

provide for passive and active recreation areas and/or protect environmental features as part of the subdivision design.

POS is generally provided through subdivision via vestment as a Crown reserve under section 152 of the *Planning and Development Act 2005* and accepted by a Management Body as a Management Order under section 46 of the *Land Administration Act 1997*, or provided in fee simple. In certain circumstances, providing land for POS is not practical and it may be more appropriate for cash-in-lieu of POS to be given for the following reasons:

- In small subdivisions, the provision of POS may result in a small unusable area of land being set aside
- There may be sufficient POS already available in the locality for current needs and future demand
- POS may have been provided in earlier subdivisions; engineering design following subdivision has resulted in an area identified for POS not being suitable for that purpose, for example, drainage works that are incompatible with the open space function
- POS is planned in another location by way of a local planning scheme or local structure plan

Section 153 of the *Planning and Development Act 2005* allows a landowner to make a cash payment to a local government in lieu of all or part of the POS contribution. The cash-in-lieu sum must

represent the value of the portion of land to be given up. Provision of cash-in-lieu of land must also be agreed by the local government and approved by the WAPC.

If local government and/or the landowner wish to seek cash-in-lieu of POS it is recommended that consultation between the parties occur in the early stages of the planning process. This will allow parties to liaise with the WAPC prior to its formal decision on a subdivision application and applications of conditions for POS.

3. Application of this policy

This position statement applies across Western Australia in circumstances where cash-in-lieu of POS has been approved.

This position statement supersedes *Planning Bulletin 21 - Cash-in-Lieu of Public Open Space (1997)*.

4. Policy objective

This position statement provides guidance on the requirements for the use of cash-in-lieu funds for POS and encourages the use of cash-in-lieu funds for the provision and betterment of open spaces for the community.

5. Policy measures

5.1 Determining a cash-in-lieu sum

Section 155 of the *Planning and Development Act 2005* sets out provisions in relation to valuation of land.

The value of cash-in-lieu is determined as a percentage of the market value of the parent lot from which the subdivision occurs. The percentage relates to the equivalent percentage of land that would otherwise be provided as POS.

The local government will, at the expense of the subdivider, seek a valuation of the land from the Valuer General's Office or a licensed valuer.

If either the subdivider or the local government disputes a valuation, the valuation may be varied by agreement between the parties. Section 156 of the *Planning and Development Act 2005* provides for arbitration if the parties dispute the valuation.

5.2 Procedures for obtaining approval to provide cash-in-lieu

Where the WAPC requires the provision of POS as a condition of subdivision approval, section 153 of the *Planning and Development Act 2005* allows for the POS to be provided as cash in lieu of setting aside

a portion of land. The WAPC will impose a condition stating the amount of open space that is required or that cash in lieu be provided to the local government in whose district the land is situated.

5.3 Management of cash-in-lieu funds

Section 154(1) of the *Planning and Development Act 2005* provides that cash-in-lieu funds received by a local government must be paid into a reserve account established and maintained under section 6.11 of the *Local Government Act 1995*. That is, an account separate from other reserve accounts the local government may administer with the specific purpose of accommodating all cash-in-lieu payments received for POS.

The account should clearly set out the purpose for which the money is held, the landholding from which it was obtained and the date on which it was paid to the local government.

5.4 What cash-in-lieu funds can be spent on

Cash-in-lieu funds may be used in the following manner:

- for the purchase of land for parks, recreation grounds or open spaces generally, in the locality in which the subdivision is situated

- for repaying loans raised by the local government for the purchase of such land; or
- with the approval of the Minister for Planning, for the improvement or development of a park, recreation grounds or open spaces generally, in the said locality and managed by the local government.

Where possible, funds should be allocated in accordance with the strategic planning framework, including any adopted Council open space strategy or plans or to meet local public open space or recreational needs.

5.5 Where can cash-in-lieu funds be spent?

Further to the information provided in policy measure 5.4 above, cash-in-lieu funds can only be expended within the locality of the newly subdivided lots for which the cash-in-lieu is being provided, and where these local areas are seen to benefit from this expenditure.

In determining what is an appropriate location and distance of POS in the locality of the newly subdivided lots, local governments should consider the size, scale, form and function of the proposed new POS area or improvements to any existing POS. For example lower cost, small-scale improvements to a local POS site should be at a close proximity to the site where the cash-in-lieu funds were

provided. The purchase of new large POS areas or upgrades to existing POS of a larger scale and cost may be further away from the site where the cash-in-lieu funds were provided but will still be of benefit and accessible to occupants of the lots for which cash-in-lieu was contributed.

5.6 What can cash-in-lieu funds be used for?

In accordance with policy measure 5.4 above, cash-in-lieu funds can be used for improvement or development of POS which generally seeks to ensure:

- adequate provision for POS which enhances amenity, improves provision and quality of facilities and which benefits residents and users
- provision of POS which provides for a range of passive and active uses, tourism and the protection of natural values (e.g. management of water)

The land must be managed for recreation purposes. Land held in fee simple by the local government should, as a prerequisite, be reserved for public recreation or for civic and community purposes in the local governments local planning scheme. The proposed improvement or development should be for uses to which the public has unrestricted access.

Position Statement:
Expenditure of Cash-in-Lieu of Public Open Space
September 2021

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Development Control Policy 2.3 *Public Open Space in Residential Areas* provides basic examples of acceptable expenditure of cash-in-lieu funds under section 4.3.9. Other examples may include proposed development which:

- provides for a range of functions including ecological, cultural and recreational activities
- aligns with adopted strategic planning documents e.g. Public Open Space strategy
- improves access to and functionality of open spaces within the reserve
- promotes the safe use and enjoyment of open spaces
- preserves and enhances ecological systems and biodiversity
- establishes or enhances a community's sense of place.

The use of cash-in-lieu would not normally be acceptable for community halls or indoor recreation centres, enclosed tennis courts, bowling greens for clubs, facilities for private clubs or similar facilities where access by the general public is restricted or generally associated for a fee use

5.7 How to request use of cash-in-lieu funds

Requests to the Minister for Planning for the expenditure of cash-in-lieu should be submitted to the WAPC in the first instance.

Documents required to form part of the request:

- a cover letter briefly justifying the request from the local government
- a plan outlining the location and WAPC reference number of the subdivision(s) from which the funds were obtained and the distance to the location of the POS where the funds are proposed to be expended
- the dollar value of funds obtained from the subdivision(s)
- Project or program timing schedule for expenditure
- Project or program expenditure based on a maximum budget allocation.

The WAPC will refer the proposal to the Minister for consideration.

It may be considered appropriate to group multiple cash-in-lieu projects into a single work program request to the Minister for Planning. Work program requests will expedite the expenditure of cash-in-lieu funds for POS across a broader program of works by streamlining the approval process.

In these instances, the information required to accompany the request under policy measure 5.4 can be consolidated into a single schedule and map.

For grouped requests the Minister will only approve the expenditure of cash-in-lieu funds where a maximum monetary

value has been nominated. Detailed project funding will not be required but a broad outline of expenditure across the program with a maximum budget allocation is required to provide clarity on the program of expenditure.

Grouped requests can also be linked to existing POS strategies and work programs as long as the above information is provided.

Grouped requests will require notification to the WAPC within three months of completion of the works, including a signed statement demonstrating details of expenditure from a Certified Public Accountant employed by the local government or an audited statement prior to the publication of the local government annual report.

5.8 Expenditure of funds from the sale of reserves

There may be occasions when the local government considers that an existing area of local POS is not in a suitable location, or of an appropriate size, to meet the needs of the community. In such circumstances, local governments may wish to rationalise all or part of the open space and use the funds for other purposes.

The disposal of land set aside as a reserve for public recreation is governed by the *Land Administration Act 1997*.

Proceeds from the sale of public recreation reserves may be used by the local government to acquire other land for POS or spent on capital improvements to existing areas of open space.

The disposal of land set aside as a Crown reserve for public recreation is governed by the *Land Administration Act 1997*.

Proposals for the disposal of any land which has been given up under the Planning and Development Act 2005 will be referred to the WAPC for its consideration. The WAPC will have regard to its policy on the provision of open space and the matters outlined in this position statement prior to any response being provided.

12.1/CPS2 LEASE AND LICENCE AGREEMENTS - PROPOSED POLICY

Business Unit:	Property and Commercial Services	Service: Property Services
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Role

Information - *Receiving information about the City or its community.*

Council Resolution

0823/030

Moved Councillor Migdale, seconded Councillor Proud

That Council NOTES that a Policy on Lease and Licence Agreements will be presented to a future Planning and Development Committee in early 2024.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Committee Recommendation

That Council NOTES that a Policy on Lease and Licence Agreements will be presented to a future Planning and Development Committee in early 2024.

Officer's Recommendation

That Council NOTES that a Policy on Lease and Licence Agreements will be presented to a future Planning and Development Committee in early 2024.

Purpose

The purpose of this report is to address two Council resolutions concerning the terms and conditions of leases and licences between the City and its tenants. It also summarises the outcomes of an Elected Member workshop held on the topic on 24 July 2023 and recommends the City develop a Policy on Leases and Licences to guide the City in its management of tenancy agreements into the future.

Details

The City of Stirling has 166 leases and licence agreements over land and buildings that it manages. Tenant types include commercial, government and not for profit groups (46) and local community and sporting organisations (120).

In response to a Council resolution (Council Resolution Number 0621/053), two workshops were held in October 2022 with local community and sporting groups that use buildings under leasing and licensing arrangements with the City. The workshops provided the City with the opportunity to connect with sporting and community clubs, and to assist them to better understand the obligations of the agreements and the support available to them through the City's various business units.

Feedback from the workshops highlighted that community and sporting groups could benefit from a simplified approach to the lease obligations (and maintenance items in particular) that makes it easier to understand when something is the responsibility of the tenant and when it is the responsibility of the City as Landlord.

Subsequent to the workshops with community and sporting tenants, two Council resolutions (Council Resolution Numbers 0223/028 and 0523/014) specifically concerning leasing and licensing were also passed. One considered amending sporting leases and licences to transfer the responsibility for the servicing and repair of drinking fountains from tenants to the City. The other sought a broader understanding of the terms and conditions of the City's existing leases and licences.

The City held a workshop with Elected Members on the topic of leases and licences on 24 July 2023. Information was provided to Elected Members on the agreements currently in place including annual rent, maintenance responsibilities and other general terms and conditions of leases and licences. The historical approach of the City was discussed, including the differences in approach between commercial tenants and local community and sporting groups.

Use of City facilities under a lease or licence is one of the ways the City recognises and supports sporting and community groups within the City. The challenge for the City is that as population grows the demand for spaces keeps growing and the City will need to balance existing, current and future needs, whilst budgeting for growing maintenance and replacement costs.

Research into the various approaches of other Local Governments was also explored. It is clear that across the Local Government sector there is consistency in the approach for commercial tenants, however it is evident that there is a diverse range of methodologies in practice for other types of tenancies, such as community and not for profits groups. In considering the various approaches to the setting of annual rent fees for non-commercial tenants, Local Governments generally do so in accordance with one or more of the following criteria:

- Nature of the tenant;
- Capacity of the tenant to contribute:
 - Tenant financial turnover.
 - Grant-funded.
 - Membership size.
- Cost recovery contribution (set % of maintenance costs);
- Size and type of facility (% of insured replacement value);
- Type of activity;
- Contribution to the community (service provision).

Although the City has a number of strategies and internal Management Practices that guide it in its approach to leases and licences there is no uniform overarching policy document that provides transparency to the community on the City's approach in these matters. In reviewing the City's approach to its properties, including those under leases or licences, it is evident that an overarching Policy on leases and licences is required to plan for the future.

It is recommended that a Policy document be developed to address all lease and licence agreements across the City.

Lease and Licence Agreements Policy

The aim of the policy would be to provide a fair, consistent and transparent approach to the leasing, licensing and management of City properties. The principles that would inform the policy development are that:

- Commercial entities are under suitable terms and pay market rent;
- Ensuring clear criteria for Not-for-profit tenants;
- Managing equitable access to the City's finite building resources;
- Realising greater public benefit from City owned and managed facilities;

- Ensuring optimal use of City properties by supporting multi-use and co-location;
- Tenants being required to demonstrate their activities or services provide a high level of community benefit;
- Tenant education in the expectation they need to be or aim to be financially self-sufficient;
- Tenant activities or services are sustainable, and they have the capacity to perform their lease or licence obligations; and
- Providing appropriate support to community and sporting groups through leases and licences.

The City also has an interest in ensuring the responsible management of its assets including buildings and other associated infrastructure such as playgrounds and sports playing infrastructure. As such, there may be some aspects of maintenance which would be better to be managed by the City directly rather than undertaken by some tenant types. It is proposed that the costs of undertaking these be investigated and options provided as part of the proposed policy for the consideration of Council. These may include:

- Servicing and repair of water fountains;
- Servicing and repair of bores;
- Gutter cleaning;
- Fire safety system inspection;
- Tree pruning; and
- Servicing and repair of air conditioning (HVAC).

It is also evident that clarity and education is required as to the responsibility for replacement of key systems and installations at end of life. Examples include air-conditioning, hot water systems, coolrooms, bores, floodlighting and security systems such as CCTV.

Changes to the standard terms and conditions also provide the opportunity to explore the simplification of agreements with sporting and community groups so that they can be more easily understood. There is an opportunity to provide some educational aligned marketing material, in an easy to understand format.

Financial Assessment and Implications

Commercial leases provide the vast majority of the City's lease revenue and are set using industry standard market valuations with other commercial terms and conditions as agreed. It is not proposed that a new policy would alter these leases.

Currently sporting and community organisations are charged a concessional annual rent between \$1 and \$1,200 per annum under five separate categories as resolved by Council in 2017. The total annual rent received by the City from these 120 tenants is approximately \$97,815 per annum.

Should the City's future policy on leases and licences propose a change in annual rents or include additional maintenance responsibilities to be undertaken by the City as Landlord then the financial implications to revenue and expenditure will be provided to Council to inform its decision at that time.

Stakeholder Engagement

Engagement and consultation will be undertaken during the development of the Policy.

Options Summary

The following option was considered.

	OPTION
1.	Develop a policy to guide the City's approach to Leasing and Licensing

Relevant Policies, Legislation and Council Resolutions

Meeting Date	Council Resolution Number	Council Resolution
12 September 2017	0917/010	<ol style="list-style-type: none"> 1. That Council ADOPTS the revised standard Lease document as detailed in Confidential Attachment 3 for Sporting, Recreational, Community and Cultural Clubs. 2. That Council ADOPTS the revised standard Seasonal Licence document as detailed in Confidential Attachment 4 for Sporting, Recreational, Community and Cultural Clubs. 3. That Council APPROVES the revised Lease or Seasonal Licence allocation and associated rent for Sporting, Recreational, Community and Cultural Clubs as detailed in Confidential Attachment 5.

		<p>4. The AUTHORITY be given to the Chief Executive Officer to sign and affix the Common Seal to the new Lease and Seasonal Licence documents between the City of Stirling and Sporting, Recreational, Community and Cultural Clubs.</p> <p>5. That the Council REQUESTS the Acting Chief Executive Officer to seek advice on whether there is a legal impediment to the lease and licence documentation and schedule of fees being made part of the public record.</p>
29 June 2021	0621/053	That Council APPROVES a forum for Club and Premises lessees, to allow City of Stirling premises users to understand their obligations under the terms of the lease agreement and to answer any questions and address any anomalies that may arise.
21 February 2023	0223/028	That a report be PRESENTED to the Planning and Development Committee meeting to be held 8 August 2023 regarding the option to amend the Standard Community and Sporting Club Leases and Licences to include the servicing and repair of drinking fountains as part of the City's annual maintenance program. This report would follow an Elected Member workshop on leases and licences in July 2023.
9 May 2023	0523/014	That a report be PRESENTED to Council on the properties held by the City of Stirling where a lease agreement is in place with the view to understanding the value, nature and conditions of the lease.

Sustainable Stirling 2022-2032

Key Result Area: Our leadership

Objective: A well-governed City

Priority: Comply with legislation, standards and obligations

Objective: A capable and efficient City

Priority: Provide responsible financial and asset management

Strategic Risk

Strategic Risk	Risk Appetite
Partnerships	The City will be proactive in improving existing relationships and working with new partners to grow its reputation as an organisation that the community, business, government and other organisations choose to engage with.

Relevant Documents and Information

Attachments

Nil.

Available for viewing at the meeting

Nil.

Linked Documents

12.1/8.1 LAND ASSET ACTION PLAN 2023 - 2028**Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:-

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- (h) *such other matters as may be prescribed.*

In accordance with Clause 4A of the Local Government (Administration) Regulations 1996, the matter prescribed in accordance with (h) above is 'The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter'.

Council Resolution**0823/031****Moved Councillor Migdale, seconded Councillor Lagan**

1. That Council **ENDORSES** the Land Asset Action Plan 2023 - 2028 and its recommendations.
2. That Council **NOTES** any proposal in respect to Council owned or controlled property will be considered by Council with reference to the Land Asset Action Plan 2023 - 2028.

The motion was put and declared CARRIED (13/0).**For:** Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.**Against:** Nil.

Council Resolution

0823/032

Moved Councillor Migdale, seconded Councillor Proud

That the balance of the Planning and Development Committee recommendations be ADOPTED by exception resolution in accordance with Clause 4.7 of the City of Stirling Meeting Procedures Local Law 2021.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.
Against: Nil.

12.1/DS1 LOCAL PLANNING SCHEME NO.3 - AMENDMENT NO.128 - INCLUSION OF RIGHT OF WAY 22015 (BETWEEN CAPE STREET AND HECTOR STREET) INTO THE CITY'S DEVELOPMENT CONTRIBUTION PLAN FOR RIGHTS OF WAY IMPROVEMENT WORKS

Business Unit:	Development Services	Service: Schemes, Policies & Heritage
Ward:	Osborne	Location: ROW 22015 located between Cape Street Hector Street, Tuart Hill
Applicant:	Not Applicable	

Role

Legislative - *Making local laws, policies and planning instruments.*

Council Resolution

0823/033

Moved Councillor Migdale, seconded Councillor Proud

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES (for the purpose of public advertising) Local Planning Scheme No.3 Amendment No.128 to amend Schedule 11A 'Development Contribution Plan for Rights of Way Improvement Works' by Inserting Right of Way No. 22015 into the Development Contribution Area DCA 5, as shown in Attachment 1.
2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.128 is a Complex Amendment as it is an amendment to amend a Development Contribution Plan.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES (for the purpose of public advertising) Local Planning Scheme No.3 Amendment No.128 to amend Schedule 11A 'Development Contribution Plan for Rights of Way Improvement Works' by Inserting Right of Way No. 22015 into the Development Contribution Area DCA 5, as shown in Attachment 1.
2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.128 is a Complex Amendment as it is an amendment to amend a Development Contribution Plan.

Officer's Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES (for the purpose of public advertising) Local Planning Scheme No.3 Amendment No.128 to amend Schedule 11A 'Development Contribution Plan for Rights of Way Improvement Works' by Inserting Right of Way No. 22015 into the Development Contribution Area DCA 5, as shown in Attachment 1.
2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.128 is a Complex Amendment as it is an amendment to amend a Development Contribution Plan.

Purpose

To consider modifications to the City's Local Planning Scheme No.3 Development Contribution Plan (DCP) for the 'Rights of Way Improvement Works' programme to add Right of Way 22015 into Development Contribution Area 5.

Background

At its meeting held 2 August 2022, Council accepted a petition tabled by Councillor Teresa Olow containing 51 verified signatures requesting the following:

“We, the undersigned, including the landowners of properties backing on to Boom Lane (between Hector and Cape Street) Tuart Hill, respectfully request that Council upgrade the Boom Lane Way to a safe and presentable environment, due to the following reasons:

1. *Needles and drug use items have been discarded in the lane way.*
2. *The lane way is being used as a rubbish dumping ground for unwanted household goods.*
3. *Stolen goods have been discarded.*
4. *It is obscured from clear view, which gives advantage to illegal activities.*
5. *Property owners’ access is limited.*
6. *It is holding back new improved constructions.*
7. *Looks very untidy and not presentable.*
8. *Safety for all concerned especially our school kids and day care facility.*
9. *The church has been robbed more than a few times and unwanted stolen goods have been discarded in the lane way.*
10. *Property owners backing the lane way are ready for development.”*

This petition resulted in a report being presented on 25 October 2022 where Council resolved (Council Resolution Number 1022/020) to consult with property owners abutting Right of Way (ROW) 22015 between Cape Street and Hector Street to determine the level of support for various options including full upgrade or closure of the ROW.

The outcomes of consultation with the community were considered by Council at its meeting held 7 March 2023. At that meeting, Council resolved (Council Resolution Number 0323/016) to approve an upgrade to the ROW, that it be reclassified to a Category 2 ROW and that it be included in the ROW Development Contribution Plan (DCP). The ROW is currently classified a Category 4 ROW.

The DCP for ‘Rights of Way Improvement Works’ contained in the City’s Local Planning Scheme No.3 (LPS3) came into operation on 15 December 2015. The DCP covers the majority of Category 1, 2 and 3 Rights of Way proposed for upgrading (sealing, drainage and/or lighting) by the City under the ‘Rights of Way Management Strategy’. The DCP provides for the collection of development contributions from landowners, upon redevelopment of the abutting lots, to fund these infrastructure works.

An amendment to LPS3 is required to amend the DCP, and this report enables Council to give effect to its resolution to upgrade ROW 22015 between Cape Street Hector and Street.

Details

The ROW is located between Cape Street and Hector Street and bounded by properties facing Waterloo Street and Tyler Street, Tuart Hill, and is referred to as ROW 22015. The lots abutting the ROW are zoned Residential R40, and originally consisted of 20 lots, predominantly developed as single houses. Five of these lots are used by the adjacent St Kieran Catholic Primary School and as a monastery for a branch of the Catholic Church.

Ten of the remaining lots retain a single house use, while five have been redeveloped consistent with the R40 zoning that applies to the lots.

Council's resolution to reclassify the ROW to a Category 2 ROW will enable it to be upgraded and will provide an alternative means of vehicle access to all lots abutting the ROW. Once the ROW is reclassified, future redevelopment of these lots will need to meet the objectives of Local Planning Policy 6.5 – Developments abutting Rights of Way (ROW Policy). The ROW Policy promotes better urban design by encouraging the use of ROWs for vehicle access and creating unique streetscapes along the ROW through sympathetic building orientation and design.

To enable this to occur, the City's LPS3 will need to be amended to include the ROW into the DCP. The proposed amendment documentation is contained in Attachment 1.

Financial Assessment and Implications

The inclusion of the ROW into the City's DCP may result in some owners of land adjoining the ROW being liable for payment of development contributions towards the cost of ROW construction and/or lighting under LPS3 in the future, when development occurs.

The ROW will also be included in the City's ROW upgrade programme. The DCP identifies circumstances where a cost contribution is not required, such as where a ROW has already been constructed, where an owner has previously paid a cash contribution towards a ROW upgrade or where minor works are proposed.

As five lots abutting the ROW have already developed, and the lots used by St Kieran Catholic Primary School and the monastery may not be developed in the future, the only lots that may make a developer contribution towards the construction of the ROW when they develop are the 10 single house lots.

This may result in the City contributing a greater amount to the construction of this ROW than may be the case for other ROWs.

Stakeholder Engagement

If Amendment No.128 to LPS3 is initiated, consultation will be required in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Local Planning Policy 6.18 Public Consultation.

Should Council resolve to proceed with the Amendment, a report detailing the outcomes of advertising of the Amendment will be presented to a future meeting of Council. It is anticipated this will occur towards the end of 2023.

Amendment Type

Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 requires a resolution of a Local Government to prepare or adopt an Amendment to a Local Planning Scheme. The resolution must:

- ‘(a) Specify whether, in the opinion of the local government, the Amendment is a complex Amendment, a standard Amendment or a basic Amendment; and*
- (b) Include an explanation of the reason for the local government forming that opinion.’*

Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 identifies the various Amendment types. The proposed Amendment No.128 is considered a Complex Amendment as it is:

- e. an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;*

Recommended Action

Council has previously resolved to upgrade ROW 22015 between Cape Street and Hector Street, that it be reclassified to a Category 2 ROW and that it be included in the City’s Local Planning Scheme No.3 ROW DCP.

It is recommended that Council adopt LPS3 Amendment No.128 for the purpose of public advertising, as this will commence the necessary processes to satisfy the resolution of Council to enable the ROW to be upgraded.

Relevant Policies, Legislation and Council Resolutions

[City of Stirling Local Planning Scheme No 3.](#)

Meeting Date	Council Resolution Number	Council Resolution
25 October 2022	1022/020	1. That the City UNDERTAKES consultation with property owners abutting Right of Way 22015 to determine the level of support for various options including full upgrade or closure of the ROW. 2. That a further report be PRESENTED to Council to advise of the outcome of the consultation
7 March 2023	0323/016	That Council APPROVES an upgrade to Right of Way 22015, reclassifies the Right of Way to a Category 2, includes the Right of Way in the ROW Development Contribution Plan, and that this be implemented through the Rights of Way Strategy Review.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An accessible and connected City

Priority: Provide and maintain safe and accessible roads and parking

Strategic Risk

Strategic Risk	Risk Appetite
Community	The City will ensure that it engages with the community in accordance with its Community and Stakeholder Engagement Plan.

Relevant Documents and Information

Attachments

Attachment 1 - Local Planning Scheme No.3 - Amendment 128- Amendment to ROW Development Contribution Plan [↓](#)

Available for viewing at meeting

Nil

Linked Documents

Nil

PLANNING & DEVELOPMENT ACT 2005



CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 128

Resolution to prepare an Amendment to Local Planning Scheme No.3

Resolved that the Council, in pursuance of Section 75 of the Planning and Development Act, 2005 amends the above Town Planning Scheme by amending the Scheme Text 'Schedule 11A Development Contribution Plan' for Rights of Way Improvement Works by:

- (i) Including ROW No. 22015 and the respective abutting lands into the development contribution area.

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

it is an amendment to amend a development contribution area or to prepare or amend a development contribution plan.

Dated this day of .

CHIEF EXECUTIVE OFFICER

PLANNING & DEVELOPMENT ACT 2005



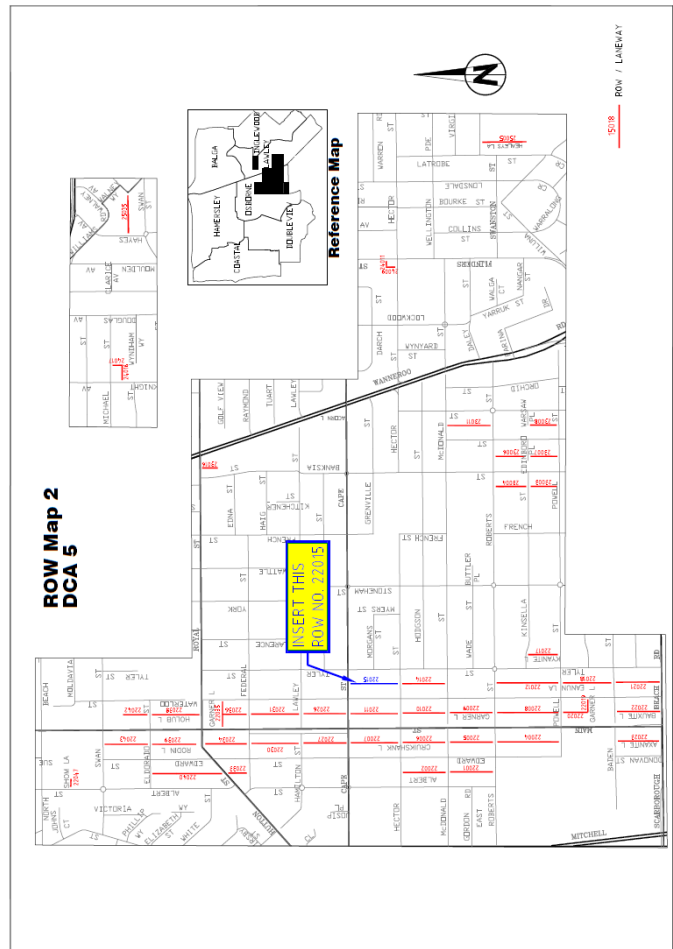
CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 128

Resolution to prepare an Amendment to Local Planning Scheme No.3

The City of Stirling Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

1. Replacing 'ROW Map 2 DCA 5' contained in Schedule 11A Development Contribution Plan of the Scheme Text with the following modified map:



Local Planning Scheme No.3
Amendment No.??[Type text]

12.1/CF1 PREPARATION OF DRAFT LOCAL PLANNING SCHEME NO.4

Business Unit:	City Future	Service: City Future Projects
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Role

Legislative - *Making local laws, policies and planning instruments.*

Council Resolution
0823/034
Moved Councillor Migdale, seconded Councillor Proud

That pursuant to Section 72(1) of the *Planning and Development Act 2005* and Regulation 19(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES a new Local Planning Scheme for the City of Stirling.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Committee Recommendation

That pursuant to Section 72(1) of the *Planning and Development Act 2005* and Regulation 19(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES a new Local Planning Scheme for the City of Stirling.

Officer's Recommendation

That pursuant to Section 72(1) of the *Planning and Development Act 2005* and Regulation 19(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES a new Local Planning Scheme for the City of Stirling.

Purpose

To formally resolve to initiate the preparation of the City's new Local Planning Scheme No.4 (LPS4) as required by the *Planning and Development Act 2005* and the Planning and Development (Local Planning Schemes) Regulations 2015.

Background

Between 2017 and 2018 the City undertook a review of its current Local Planning Scheme No. 3 (LPS3). This review was required in order to satisfy the requirements of Regulation 65 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which requires a scheme to be reviewed every five years.

The [Scheme Review Report](#) concluded that since LPS3 became operational in August 2010 there have been significant changes to State Government planning policy and legislation that have direct impacts on the application of the Scheme and its ability to deliver on its objectives. Given the extent of changes required to ensure that LPS3 can deliver on its aims and objectives, the Scheme Review Report recommended that it be repealed and replaced with a new Scheme.

The Scheme Review Report was presented to Council at its meeting held 17 April 2018 where it resolved (Council Resolution Number 0418/019) to approve the report recommendations and forward the report to the Western Australian Planning Commission (WAPC). The Scheme Review Report was subsequently forwarded to the WAPC on 2 May 2018.

On 16 January 2019 the WAPC wrote to the City advising that it had considered the report on the review of LPS3, and agreed with the recommendations of the report that a new local planning scheme should be prepared ([Western Australian Planning Commission Decision on Review on Local Planning Scheme No.3](#)).

Although Council has previously agreed through the Scheme Review Report that a new Scheme be prepared, it is important that a formal resolution to do so is decided by Council.

City officers have been working with officers from the Department of Planning, Lands and Heritage and meeting with Ward Councillors and relevant City Business Units to define the scope and direction of the new Scheme.

Details

Since the Scheme Review there have been further changes to State Government planning policy and legislation. These changes include:

- The State Government's [Action Plan for Planning Reform](#) setting out goals and initiatives to ensure that the Western Australian planning framework is more legible, efficient and consistent. This includes an objective that local planning schemes are broadly consistent in structure and form throughout Western Australia.
- The [DesignWA](#) suite of policies that aim to create built environments that reflect the distinctive characteristics of a local area, enhance streetscapes and neighbourhoods and contribute to the creation of vibrant and liveable communities. These policies have had a positive impact on building design outcomes and by providing a consistent framework to define desired quality measures have removed the need for additional layers in the planning framework.
- Finalisation of [State Planning Policy 4.2 – Activity Centres](#) which seeks to ensure planning, development and decision making adequately consider the distribution, function, broad land use, access and urban form considerations for activity centres. Activity centres vary in function and purpose requiring contextually responsive planning to define an appropriate land use and built form outcome that respects the centre hierarchy.

It is expected draft LPS4 will be presented to Council for consideration to advertise at the end of this year.

Financial Assessment and Implications

All costs associated with the preparation of LPS4 are covered within the City Future Business Unit budget. In 2023/2024 the budget for this work is \$341,000 with the expectation that the Scheme will largely be prepared by City officers with legal advice obtained as required.

Stakeholder Engagement

Should Council resolve to prepare LPS4, the City is required to give notice of the resolution in accordance with Regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This includes seeking recommendations from neighbouring local governments and public authorities affected by the Scheme.

Once draft LPS4 is prepared a future resolution of Council will be sought to proceed to advertise the draft Scheme and refer it to the WAPC for consent to advertise.

Once the WAPC advises the City that draft LPS4 is suitable to be advertised, the City will advertise draft LPS4 for public comment for a period of no less than 90 days.

Recommended Action

It is recommended that Council resolves to prepare a new Local Planning Scheme for the City of Stirling as recommended by the Scheme Review Report. A new Scheme and associated planning instruments are required to reduce complexity and provide a consistent and legible planning framework.

Relevant Policies, Legislation and Council Resolutions

[Local Government Act 1995](#)

[Planning and Development Act 2005](#)

[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

Meeting Date	Council Resolution Number	Council Resolution
17 April 2018	0418/019	<ol style="list-style-type: none"> 1. That the Scheme Review Report, which recommends that a new Local Planning Scheme No.4 be prepared, be APPROVED and FORWARDED to the West Australian Planning Commission as contained in Attachment 1. 2. That consideration BE GIVEN in the 2018/2019, 2019/2020 and 2020/2021 budget processes for appropriate funding for the preparation of Local Planning Scheme No.4. 3. That Council DEFERS consideration of the project brief for the preparation of Local Planning Scheme No.4 and the review of supporting statutory planning instruments as contained in Attachment 2, pending the outcome of budget deliberations.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: A liveable City

Priority: Prioritise growth in activity corridors and centres

Priority: Improve the quality, liveability and identity of local areas

Priority: Facilitate diverse housing choice for our community

Strategic Risk

Strategic Risk	Risk Appetite
Reputation	The City will ensure that any decisions that may affect the City's reputation are made at the appropriate level with stakeholders remaining informed and engaged.
Governance	The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation.

Relevant Documents and Information

Attachments

Nil.

Available for viewing at the meeting

Nil.

Linked Documents

Nil.

12.1/CPS1 DEDICATION OF PORTION OF PEDESTRIAN ACCESSWAY BEING KALYAKOOL LANE, LOT 551 ON DEPOSITED PLAN 406386 AS PUBLIC ROAD

Business Unit:	Property and Commercial Services	Service: Property Services
Ward:	Balga	Location: Kalyakool Lane, Mirrabooka being Lot 551 on Deposited Plan 406386. House Number 26P Chesterfield Road, Mirrabooka
Applicant:	Not Applicable	

Role

Executive - *Governing the City and the community through executive powers.*

Council Resolution

0823/035

Moved Councillor Migdale, seconded Councillor Proud

1. That the Minister for Lands be REQUESTED to dedicate as road a portion of Pedestrian Accessway being Kalyakool Lane on Lot 551 on Deposited Plan 406386, House Number 26P Chesterfield Road, Mirrabooka in accordance with Section 56(1) of the *Land Administration Act 1997* subject to survey and as shown in Attachment 1.
2. That the Minister for Lands be INDEMNIFIED against any claims arising from the dedication action.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

1. That the Minister for Lands be REQUESTED to dedicate as road a portion of Pedestrian Accessway being Kalyakool Lane on Lot 551 on Deposited Plan 406386, House Number 26P Chesterfield Road, Mirrabooka in accordance with Section 56(1) of the *Land Administration Act 1997* subject to survey and as shown in Attachment 1.
2. That the Minister for Lands be INDEMNIFIED against any claims arising from the dedication action.

Officer's Recommendation

1. That the Minister for Lands be REQUESTED to dedicate as road a portion of Pedestrian Accessway being Kalyakool Lane on Lot 551 on Deposited Plan 406386, House Number 26P Chesterfield Road, Mirrabooka in accordance with Section 56(1) of the *Land Administration Act 1997* subject to survey and as shown in Attachment 1.
2. That the Minister for Lands be INDEMNIFIED against any claims arising from the dedication action.

Purpose

To seek approval to request the Minister for Lands to dedicate a portion of the Pedestrian Accessway (PAW) known as Kalyakool Lane, being part of Lot 551 on Deposited Plan 406386 (Kalyakool Lane) as a public road to facilitate and meet future development needs under the Mirrabooka Town Centre Structure Plan and Local Development Plan for the area.

Details

Kalyakool Lane was set aside for the purpose of being a PAW under Section 152 of the *Planning and Development Act 2005*. The width of the PAW varies from 5m at the Chesterfield Road end to 7m at the Milldale Way end.

Under the Mirrabooka Town Centre Structure Plan and Local Development Plan adopted and approved for the area, the PAW is intended for future road purposes when development of the adjacent land parcels occur, and land is ceded to widen the lane to a uniform width. In the interim, the portion of the PAW between Lot 504, House Number 23-27 Milldale Way (Lot 504) and Lot 503, House Number 21, Sudbury Road, commonly known as Mirrabooka Library and Community Offices (Lot 503) has already been paved across the full 7m width. The remainder of the PAW to Chesterfield Road is serviced as a pedestrian access path. Bollards are currently installed on both entrances to the PAW to prevent vehicle access on to the lane.

Lot 503 and Lot 504 are owned by the City in fee simple. Lot 504 was obtained by the City as part of the Mirrabooka Regional Centre Improvement Strategy to revitalise the Mirrabooka Town Centre.

It is proposed to dedicate the portion of the PAW abutting Lot 504 as road to enable vehicle access to future development on this site via the laneway which would support future activation of the Milldale Way lot frontage. This outcome is in line with the objectives to revitalise the Mirrabooka Town Centre and will allow the most appropriate pedestrian orientated design objectives fronting Milldale Way to be achieved.

The portion of PAW proposed for road dedication is shown on the plan in Attachment 1.

The remaining portion of the PAW between Lot 504 and Chesterfield Road will be retained as a PAW until redevelopment of the adjacent lots occurs in the future to enable it to be widened and formed as a road as envisaged in the Mirrabooka Town Centre Structure Plan. Dedicating the whole PAW as road at this stage will incur additional maintenance costs to the City as the road will be required to be open for public use and would need to be maintained to a standard suitable for vehicles rather than lower impact pedestrian use. The City would need to budget for future upgrades of the whole road as well as consider any traffic management implications for this area.

There is no requirement to dedicate the whole of the PAW as both Milldale Way and Chesterfield Road are easily accessible through other road networks all within 150m. Existing developments abutting the PAW already have access to their properties from other roads and therefore there is no obligation to provide vehicle access throughout the entire length of the PAW.

Upon the partial dedication of the PAW as public road, the existing bollards at the Milldale Way entrance to the PAW will be repositioned eastwards to the end of the dedicated portion to correspond with the PAW entrance.

The City sought comments from the Department of Planning Lands and Heritage (DPLH) on the proposed partial dedication of the PAW. The City has received a response from the Land Use Planning team within DPLH confirming they have no objections to the partial dedication.

DPLH has advised the City to provide a new survey plan which illustrates the PAW split into two different lots; the survey plan will indicate which lot is to be dedicated and which lot is to remain as PAW.

Financial Assessment and Implications

No significant expenditure is anticipated. Advertising is not required under section 56(1) of the *Land Administration Action 1997*. The public will continue to have access through the PAW after the dedication. The City will cover all costs including but not limited to preparing survey plans and registration of documents at Landgate and relocation of the existing bollards at the Milldale Way entrance.

Upon dedication of the portion of the PAW as a road, the road will be managed as part of the City's road network and future maintenance costs will be budgeted as part of the City's road maintenance budgets. The Engineering Services Business Unit does not anticipate this will impose a significant financial change as they currently maintain this portion of the PAW.

Stakeholder Engagement

DPLH has been consulted and it has confirmed that it has no objections to the partial road dedication of the PAW.

Options Summary

The following option was considered.

	OPTION
1.	To dedicate a portion of the Pedestrian Accessway known as Kalyakool Lane, Lot 551, House Number 26P, Chesterfield Road, Mirrabooka as public road, to provide alternative vehicle access to Lot 504, House Number 23-27, Milldale Way, Mirrabooka and facilitate the Mirrabooka Town Centre Structure Plan and Local Development Plan.

Relevant Policies, Legislation and Council Resolutions

Section 56(1)(a) of the *Land Administration Act 1997* enables a local government to request the Minister for Lands to dedicate certain land as road. The land comprised in the PAW meet the requirements for a dedication request to be made to the Minister.

[Land Administration Act 1997](#)

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An accessible and connected City

Priority: Provide and maintain safe and accessible roads and parking

Strategic Risk

Strategic Risk	Risk Appetite
Purpose	The City will pursue community and sector leadership through forward thinking decision making, and alignment of its services and operations with its strategic objectives.

Relevant Documents and Information

Attachments

Attachment 1 - Locality Plan [↓](#)

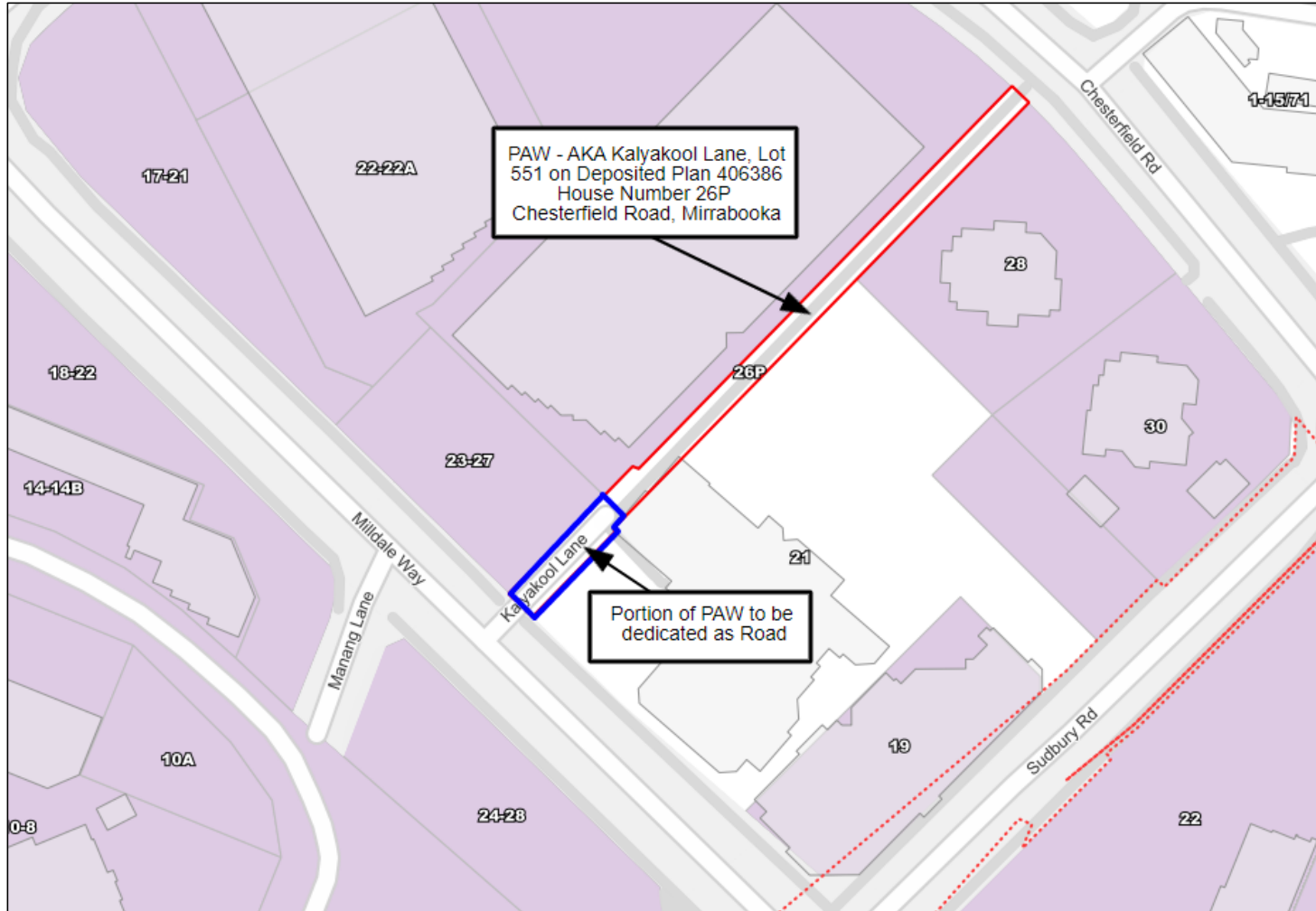
Attachment 2 - Aerial Plan [↓](#)

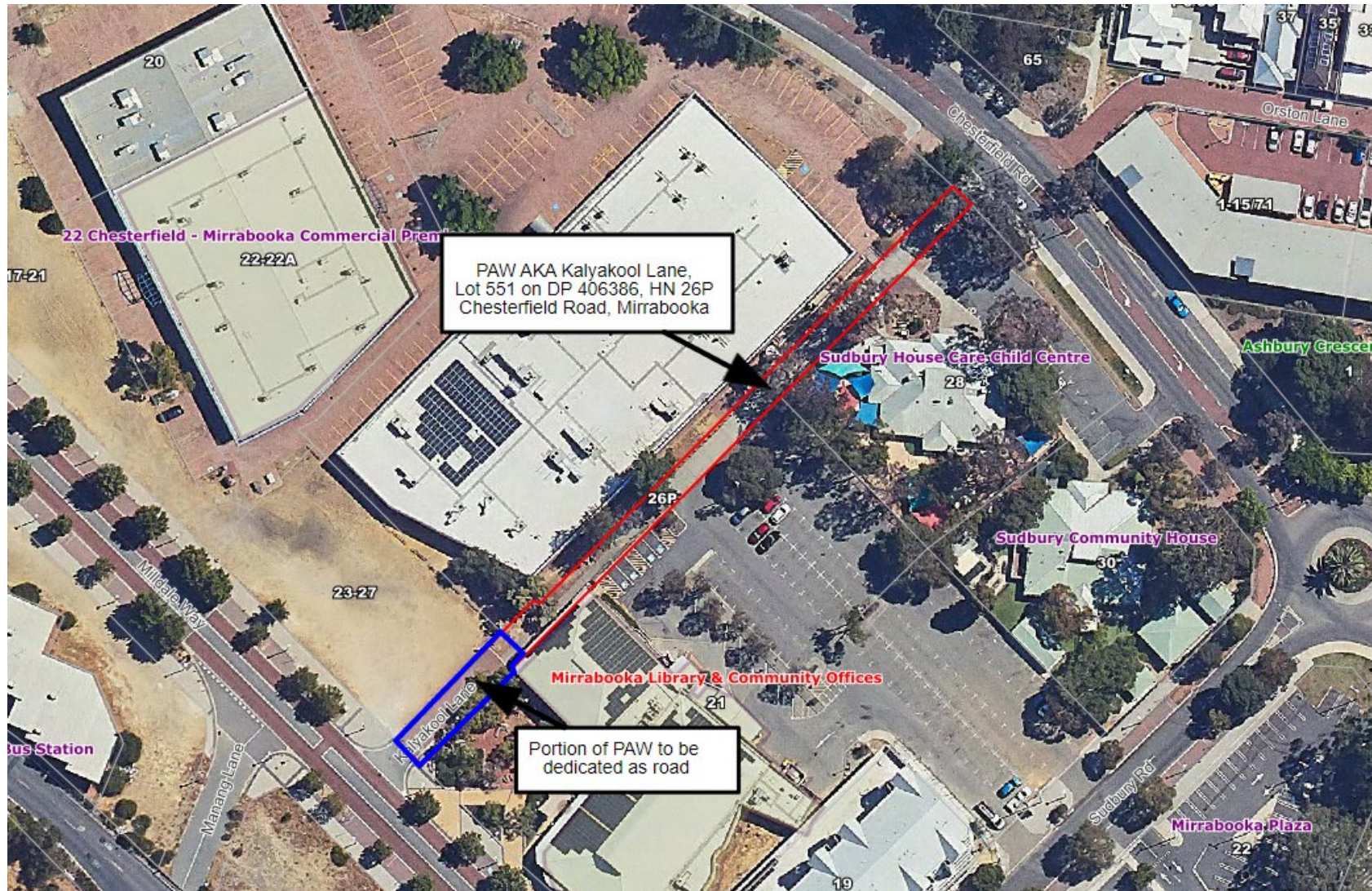
Available for viewing at meeting

Nil

Linked Documents

Nil.





13. REPORTS FOR CONSIDERATION IN ACCORDANCE WITH CLAUSE 4.2(4) OF THE MEETING PROCEDURES LOCAL LAW 2021

In accordance with Clause 4.2(4) of the City of Stirling Meeting Procedures Local Law 2021, the Chief Executive Officer may include on the agenda of a Council meeting, in an appropriate place within the order of business, any matter which must be decided, or which he considers is appropriate to be decided, by that meeting.

Nil.

14. NOTICES OF MOTION FOR CONSIDERATION

'Notices of Motion for Consideration' include a brief report to assist Council in deciding to approve or not approve the Motion.

A further and more detailed report will be submitted at a future Ordinary Council meeting for Motions that are approved, in accordance with Clause 4.5(2)(c) of the City of Stirling Meeting Procedures Local Law 2021.

14.1 PROPOSED NOTICE OF MOTION - COUNCILLOR SUZANNE MIGDALE - WALCOTT STREET SPEED LIMIT REDUCTION

Business Unit:	Engineering Services	Service: Transport Services
Ward:	Lawley	Location: Walcott Street, Ardross Crescent to Dumbarton Crescent
Applicant:	Not Applicable	

Council Resolution

0823/036

Moved Councillor Migdale, seconded Councillor Lagan

That the City WRITES to Main Roads WA to request approval for a reduction in the posted speed limit on Walcott Street between Ardross Crescent (Coolbinia) and Ardross Crescent/Dumbarton Crescent (Menora) from 60km/h to 40km/h.

The motion was put and declared CARRIED (11/2).

For: Councillors Creado, Dudek, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re and Thornton.

Against: Councillors Farrelly and Mayor Irwin.

Notice of Motion Recommendation

That the City WRITES to Main Roads WA to request approval for a reduction in the posted speed limit on Walcott Street between Ardross Crescent (Coolbinia) and Ardross Crescent/Dumbarton Crescent (Menora) from 60km/h to 40km/h.

Background provided by Elected Member

“There are concerns for safety of vehicles and pedestrians along this section of Walcott Street, and the recent approval of a development at Adair Parade will generate additional traffic and pedestrian movements that may add to those concerns. This section of road is utilised by many pedestrians crossing the road, particularly young school children walking to and from Coolbinia and Kyilla Primary Schools. A reduction in the speed limit will assist in reducing the risks associated with high vehicle speeds along this road.”

Details

Walcott Street is classified as a District Distributor Road under the City’s Functional Road Hierarchy. It carries approximately 18,000 vehicles per day adjacent to Dumbarton Crescent and is governed by a posted speed limit of 60km/h.

The road incorporates four lanes of traffic with no median along most of its length. However, there are short median islands at the intersection with Adair Parade to channelise the movement of vehicles in and out of the side road, and median islands at Dumbarton Crescent that restrict movements to left in / left out movements only.

Most properties along the adjacent sections of Walcott Street are residential, however the properties on both sides of the 380m section of Walcott Street between Ardross Crescent and Dumbarton Crescent are commercial in nature. These types of properties tend to generate higher pedestrian volumes along, and crossing, the road. In addition, there are primary schools located on both sides of Walcott Street that generate use by young school children walking to and from school.

Crash data for the most recent five-year period on record (between 2018 and 2022) showed that there were 22 crashes along the section of Walcott Street between Dumbarton Crescent and Ardross Crescent. Out of these 22 crashes, 13 occurred at the Adair Parade intersection, one at the Dumbarton Crescent intersection, one at the Ardross Crescent intersection, and the remaining seven crashes occurred at midblock. Six of the 22 crashes resulted in serious injuries to the motorists involved.

Officers will prepare a letter to be sent to Main Roads WA to request approval for a reduction in the posted speed limit on Walcott Street in Coolbinia, between Ardross Crescent and Ardross Crescent / Dumbarton Crescent, from 60km/h to 40km/h. The reduced speed zone is proposed to apply at all hours of the day.

Given that Walcott Street is a boundary road between the City of Stirling and City of Vincent, agreement may need to be sought from the City of Vincent before any changes to speed zones could be implemented.

Financial Assessment and Implications

Should Main Roads WA provide approval for a reduced speed zone on Walcott Street, the cost of installing static speed zone signs would normally rest with them. If Main Roads WA deem that electronic speed zone signs are required (to allow modification of the speed zone at different times of the day), these would need to be funded by the City.

Based on recent electronic speed zone signs installed along Beaufort Street in Inglewood, this would cost in the order of \$25,000 per sign, with up to four signs potentially required for this section of Walcott Street. Any future costs associated with electronic speed zone signs would need to be sought through a future Council budget process.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An accessible and connected City

Priority: Provide and maintain safe and accessible roads and parking

Strategic Risk

Strategic Risk	Risk Appetite
Purpose	The City will pursue community and sector leadership through forward thinking decision making, and alignment of its services and operations with its strategic objectives.

14.2 PROPOSED NOTICE OF MOTION - COUNCILLOR SUZANNE MIGDALE - BEACH UMBRELLA AND EQUIPMENT HIRE

Business Unit:	Recreation and Leisure Services	Service: Leisure Services
Ward:	Coastal	Location: Scarborough Beach Reserve, 309 West Coast Highway Scarborough
Applicant:	Not Applicable	

Moved Councillor Migdale, seconded Councillor Perkov

1. That Council AGREES to a 24-month trial period of equipment hire including beach umbrellas, and equipment at Scarborough Beach subject to:
 - a. The engagement of suitably resourced operator/s for this service;
 - b. Preparation of a Legal Agreement/Operator Agreement including:
 - i. Finalisation of terms and conditions to the City's satisfaction;
 - ii. An agreed term up to 24 months;
 - iii. Permitted operating areas that may be subject to change during the trial period at the City's discretion; and
 - iv. Formalisation of trial success factors and data sharing between the City and the proponent.
2. That, subject to completion of the steps outlined in Recommendation 1 above, Council AUTHORISES the Mayor and Chief Executive Officer to execute an appropriate Deed of Agreement with the proponent/s in preparation for the 2023/2024 summer period.
3. That Council NOTES that a report will be presented to Council in June 2025 following 18-months of the trial period providing a qualitative and quantitative assessment of the effectiveness of equipment hire options at Scarborough Beach.

Amendment

Moved Councillor Farrelly, seconded Councillor Krsticevic

That the following Recommendation 1 be added, and that the remaining recommendations be renumbered accordingly:

1. *That Council UNDERTAKES community consultation to directly inform the types of beach equipment hire services that will be sought for Scarborough Beach.*

The motion was put and declared LOST (5/8).

For: Councillors Dudek, Farrelly, Krsticevic, Re and Thornton.

Against: Councillors Creado, Hatton, Lagan, Migdale, Olow, Perkov, Proud and Mayor Irwin.

Council Resolution**0823/037****Moved Councillor Migdale, seconded Councillor Perkov**

1. That Council **AGREES** to a 24-month trial period of equipment hire including beach umbrellas, and equipment at Scarborough Beach subject to:
 - a. The engagement of suitably resourced operator/s for this service;
 - b. Preparation of a Legal Agreement/Operator Agreement including:
 - i. Finalisation of terms and conditions to the City's satisfaction;
 - ii. An agreed term up to 24 months;
 - iii. Permitted operating areas that may be subject to change during the trial period at the City's discretion; and
 - iv. Formalisation of trial success factors and data sharing between the City and the proponent.
2. That, subject to completion of the steps outlined in Recommendation 1 above, Council **AUTHORISES** the Mayor and Chief Executive Officer to execute an appropriate Deed of Agreement with the proponent/s in preparation for the 2023/2024 summer period.
3. That Council **NOTES** that a report will be presented to Council in June 2025 following 18-months of the trial period providing a qualitative and quantitative assessment of the effectiveness of equipment hire options at Scarborough Beach.

The motion was put and declared CARRIED (13/0).**For:** Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.**Against:** Nil.

Notice of Motion Recommendation

That a report be PRESENTED to Council regarding the opportunity to implement a 12-month trial period of Beach Umbrella and equipment hire at Scarborough Beach to provide additional amenity and sun protection for visitors.

(Suggested Alternative Recommendation – Refer to conclusion of Report)

Background provided by Elected Member

“Many iconic beaches throughout the world and in Australia offer hire of sun protection equipment at their beaches. This equipment will help the city provide a sun smart and active environment for locals and visitors alike, as well as improving the visual amenity of Scarborough Beach. As a result of travel to Australia now returning to pre pandemic levels, we are seeing greater numbers of tourists visiting our coastal attractions, many of whom are not prepared for the strength of our Aussie sun.”

Details

The provision of beach hire equipment has previously been considered by City Officers following the redevelopment of the Scarborough Beach precinct. The ability to hire beach equipment would provide an opportunity for interstate and international tourists and other visitors to obtain sun protection without the need to transport this to the beach or purchase it for single use. By providing hire lockers for personal use will ensure the safety and security of peoples personal belongings whilst they are visiting the beach

Similar equipment hire arrangements are in place at Cable Beach in Broome allowing tourists to hire beach umbrellas, sun lounges, boogie boards, toys and surfboards for use in a designated area along the iconic beach. The hire service is run from a temporary structure located on the beach with set up and pack away completed by the hire equipment operator. The service is operated privately under a commercial arrangement with the Shire of Broome. Similarly personal locker hire is available at a number of tourist locations where personal belongings require a level of security

Given the timing of this Notice of Motion and expected desire to implement an arrangement for the 2023/2024 summer period, a trial arrangement is proposed. This will allow the City to conduct an immediate Expression of Interest process for an operator to trial beach equipment hire over two summer periods to conclude April 2025. Prior to commencement, and in addition to ensuring appropriate approvals and insurance coverage are in place, an agreed service scope will include but not be limited to:

- Equipment to be hired;
- Hours of operation;
- Area(s) of operation; and
- Supporting infrastructure requirements.

The operator will also be responsible for capturing user data so feedback can be obtained from users and non-users during the trial period to gauge success. The area used by the trial operator will not be for their exclusive use given the coastline is a public asset and available for all to enjoy. With the operator taking responsibility for set up and pack down of equipment, the City can ensure that appropriate access routes are maintained for vehicles requiring beach access and that public safety is not put at risk.

Officers will provide Council with updates on the success or otherwise during the trial arrangement. Following the 18-month trial period a report will be presented back to Council in June 2025 with a recommendation as to whether to proceed with a longer-term arrangement. Any subsequent arrangement would be publicly advertised and open to any new operators wishing to provide this service.

Financial Assessment and Implications

Similar to the e-scooter trial, it is not intended to charge an operator during the trial period although it will be expected to capture and share statistical usage data with the City and adapt the business operations (where required) to ensure a positive experience for beachgoers. Any incidental costs associated with the trial period can be captured within the Recreation and Leisure Services 2023/2024 operating budget.

Sustainable Stirling 2022-2032

Key Result Area: Our community

Objective: An active and healthy City

Priority: Facilitate a range of recreation and leisure opportunities for everyone in the City

The introduction of an equipment hire business along the coast will add value to the visitor experience and provide important sun protection for visitors to the City's coast.

Strategic Risk

Strategic Risk	Risk Appetite
Environment	The City will prioritise protection, enhancement and sustainability of the natural environment unless this cannot be achieved without significantly compromising the City's economic or social sustainability.

Suggested Alternative Recommendation

1. That Council **AGREES** to a 24-month trial period of equipment hire including beach umbrellas, lockers and equipment at Scarborough Beach subject to:
 - a. The engagement of suitably resourced operator/s for this service;
 - b. Preparation of a Legal Agreement/Operator Agreement including:
 - i. Finalisation of terms and conditions to the City's satisfaction;
 - ii. An agreed term up to 24 months;
 - iii. Permitted operating areas that may be subject to change during the trial period at the City's discretion; and
 - iv. Formalisation of trial success factors and data sharing between the City and the proponent.
2. That, subject to completion of the steps outlined in Recommendation 1 above, Council **AUTHORISES** the Mayor and Chief Executive Officer to execute an appropriate Deed of Agreement with the proponent/s in preparation for the 2023/2024 summer period.
3. That Council **NOTES** that a report will be presented to Council in June 2025 following 18-months of the trial period providing a qualitative and quantitative assessment of the effectiveness of equipment hire options at Scarborough Beach.
4. That Council **ACKNOWLEDGE** the 24 month trial will include the opportunity for locker hire at Scarborough Beach, and other key coastal locations, subject to the outcome of an Expression of Interest process.

14.3 PROPOSED NOTICE OF MOTION - COUNCILLOR SUZANNE MIGDALE - ABORIGINAL CULTURAL HERITAGE ACT

Business Unit:	Property and Commercial Services	Service: Property Services
Ward:	Not Applicable	Location: Not Applicable
Applicant:	Not Applicable	

Council Resolution**0823/038****Moved Councillor Migdale, seconded Councillor Lagan****That Council NOTES that a report on the potential cost, benefits and compliance obligations of the Aboriginal Cultural Heritage Act on the rate payers of the City of Stirling is no longer required.****The motion was put and declared CARRIED (13/0).****For:** Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.**Against:** Nil.Reason for Alternative Recommendation

Since the date of the original Notice of Motion, the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023 passed the Legislative Assembly on 9 August 2023 and is before the Legislative Council as at 10 August 2023. The 1972 Legislation will be restored once the Act is repealed.

Notice of Motion Recommendation

That a report be PRESENTED to Council outlining the potential costs, benefits and compliance obligations of the Aboriginal Cultural Heritage Act on the rate payers of the City of Stirling.

(Suggested Alternative Recommendation – refer to conclusion)

Background provided by Elected Member

“There has been no information dispersed to Councillors regarding potential cost implications, benefits or compliance obligations, which may be passed on to ratepayers. Council is seeking clarification on this.”

Details

On 1 July 2023, the State Government rolled out new Aboriginal cultural heritage legislation. The *Aboriginal Cultural Heritage Act 2021* (the Act) aimed to recognise, protect, conserve, and preserve Aboriginal Cultural Heritage (ACH), and recognise the fundamental importance of ACH to Aboriginal people and its role in Aboriginal communities past, present and future.

Requirements of the *Aboriginal Cultural Heritage Act 2021*

1. A person who intends to carry out activities that may harm Aboriginal cultural heritage must do certain checks before proceeding with those activities. Certain activities are exempt, however a check is still required, to ensure the area where the activity is to be carried out (activity area) is not part of a “protected area” under the Act. Where the activity area includes a protected area, authorisation or approval may be required for the activity, depending on whether it is a Tier 1, 2 or 3 activity.
2. Aboriginal cultural heritage involves tangible and intangible elements that are important to Aboriginal people in WA and which are recognised as part of Aboriginal tradition. It includes:
 - a. places where tangible ACH is present (Aboriginal place);
 - b. objects that are tangible elements of ACH (Aboriginal object);
 - c. groups of places connected by tangible and intangible ACH (cultural landscape); and
 - d. bodily remains of a deceased Aboriginal person (Aboriginal ancestral remains).

3. ACH is harmed if the following are destroyed or damaged:
 - a. an Aboriginal place;
 - b. an Aboriginal object;
 - c. ACH (including cultural landscapes) in a protected area; or
 - d. Aboriginal ancestral remains.

4. Unless an activity that may harm ACH is exempt, a due diligence assessment is required to be done, to assess the risk of harm to ACH. Exempt activities are set out in Schedule 1 of the Regulations to the Act. Some examples of exempt activities are:
 - a. recreational activities carried out on or in public waters or in a public place;
 - b. internal building work;
 - c. maintaining existing infrastructure where there is no new ground disturbance; and
 - d. “like for like” activities, where they are the same in surface area, height and depth as the existing activities.

5. A due diligence assessment, if required, must be done in accordance with the ACH Management Code. The due diligence assessment (DDA) is required to determine whether:
 - a. the activity is in a “protected area” under the Act;
 - b. the activity is a Tier 1, 2 or 3 activity;
 - c. there is any ACH located within the activity area;
 - d. there is risk of harm to ACH by the activity; and
 - e. engagement with Aboriginal parties is required, being notification or consultation (this applies to Tier 2 and 3 activities only).

6. With respect to the tiered activity system:
 - a. a Tier 1 activity involves no or minimal ground disturbance;
 - b. a Tier 2 activity involves a low level of ground disturbance; and
 - c. a Tier 3 activity involves a moderate to high level of ground disturbance.

The Activity Tiers Guidelines (<https://www.wa.gov.au/system/files/2023-06/20230427-activity-tiers.pdf>) provide more detail on exempt activities and Tier 1, 2 and 3 activities.

7. With all activities that may impact ACH, a search should be done of the Aboriginal Cultural Heritage Inquiry System. There are currently six registered sites within the City’s boundaries, at Lake Monger, Lake Gwelup, Herdsman Lake, Dog Swamp and Jackadder Lake.

8. Assuming the activity area does not include a “protected area”:
 - a. exempt activities can usually proceed without any further notification, consultation or approval;
 - b. Tier 1 activities can usually proceed provided all reasonable steps possible are taken to avoid or minimise the risk of harm to ACH by the activity. A visual inspection of the activity area may be required to identify whether there is any ACH;
 - c. Tier 2 activities require a more detailed DDA, including reviewing ACH reports relating to the activity area, consulting with DPLH, and providing the required notifications to the relevant Aboriginal parties. Tier 2 activities usually require an ACH permit.
 - d. Tier 3 activities require a more detailed DDA, including reviewing ACH reports relating to the activity area, and consulting with DPLH and the relevant Aboriginal parties. Tier 3 activities usually require an approved or authorised ACH management plan.

The City had been undertaking a review of the new Act to better understand the potential cost, benefits and compliance obligations of the ACH on rate payers for the City of Stirling as well as in relation to City owned or controlled properties. This has been difficult to date, as the regulations were complicated, with clarification required from the State Government with regards to several matters, including membership of the Local Aboriginal Cultural Heritage Services who provide the required approvals.

Aboriginal Heritage Legislation Amendment and Repeal Bill 2023

At the time of finalising this report, the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023 passed the Legislative Assembly on 9 August 2023 and is before the Legislative Council as at 10 August 2023. The 1972 Legislation will be restored once the Act is repealed. The anticipated amendments to the restored legislation from 1972 include:

- The newly formed Aboriginal Cultural Heritage Council will take on the role of the Committee established under the 1972 Act to make recommendations to the Minister;
- Proponents and Native Title parties will have the same right of review for Section 18 decisions, with clear timelines and an ability for the Premier to call-in a decision of ‘State significance’, to act in the interests of all Western Australians; and
- When a Section 18 has been approved, making it a requirement for the owner to notify the Minister of any new information about an Aboriginal site – an important reform to help prevent another Juukan Gorge outcome from occurring.

In announcing the replacement of the legislation, the State Government Media Announcement noted that “The work of the implementation group – consisting of representatives from industries such as mining, property, farming and agriculture, as well as local government, Aboriginal corporations and the Aboriginal Cultural Heritage Council – will continue to ensure a smooth transition back to the renewed 1972 legislation.”

Once the impact of this change is fully understood, the City will look to make a submission to the implementation group if it still has concerns or questions on the amendments to the restored legislation from 1972.

Financial Assessment and Implications

Nil.

Sustainable Stirling 2022-2032

Key Result Area: Our community

Objective: An inclusive and harmonious City

Priority: Build strong relationships with our multicultural and diverse community

Priority: Enable opportunities for lifelong learning

Strategic Risk

Strategic Risk	Risk Appetite
Environment	The City will prioritise protection, enhancement and sustainability of the natural environment unless this cannot be achieved without significantly compromising the City's economic or social sustainability.
Community	The City will ensure that it engages with the community in accordance with its Community and Stakeholder Engagement Plan.
Reputation	The City will ensure that any decisions that may affect the City's reputation are made at the appropriate level with stakeholders remaining informed and engaged.

Suggested Alternative Recommendation:

That Council NOTES that a report on the potential cost, benefits and compliance obligations of the Aboriginal Cultural Heritage Act on the rate payers of the City of Stirling is no longer required.

Reason for Alternative Recommendation

Since the date of the original Notice of Motion, the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023 passed the Legislative Assembly on 9 August 2023 and is before the Legislative Council as at 10 August 2023. The 1972 Legislation will be restored once the Act is repealed.

14.4 PROPOSED NOTICE OF MOTION - COUNCILLOR JOE FERRANTE - PARKING IN THE WALCOTT STREET NEIGHBOURHOOD CENTRE

Business Unit:	Engineering Services	Service: Design Services
Ward:	Lawley	Location: Walcott Street Neighbourhood Centre
Applicant:	Not Applicable	

Council Resolution

0823/039

Moved Councillor Migdale, seconded Councillor Krsticevic

That officers INVESTIGATE opportunities for additional on-street car parking in the vicinity of the Walcott Street Neighbourhood Centre and a report be PREPARED for Council's consideration within the next six months.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Notice of Motion Recommendation

That officers INVESTIGATE opportunities for additional on-street car parking in the vicinity of the Walcott Street Neighbourhood Centre and a report be PREPARED for Council's consideration within the next six months.

Background provided by Elected Member

“Parking for local residents in the area surrounding the Walcott Street Neighbourhood Centre is currently problematic and following the JDAP’s approval of the Adair Parade development last week there is significant concern by the community that the parking situation in the area will now be made worse. All potential opportunities to provide additional parking for residents in the area should be explored.”

Details

The Walcott Street Neighbourhood Centre is focussed primarily along the section of Walcott Street between Ardross Crescent (Coolbinia) and Dumbarton Crescent (Menora). The abutting land uses along this road section comprise mostly of retail and commercial properties, however there are residential land uses within the surrounding precinct along roads including Adair Parade, Lanark Street and Ardross Crescent.

The City can investigate opportunities for additional on-street parking in the vicinity of this neighbourhood centre, taking into consideration any existing constraints imposed by residential verges, crossovers, utility services, street trees and footpaths.

Officers can prepare a report to be presented to the Community and Resources Committee meeting to be held February 2024.

Financial Assessment and Implications

The costings associated with any potential future parking embayments will be provided in the requested report to Council.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An accessible and connected City

Priority: Provide and maintain safe and accessible roads and parking

Strategic Risk

Strategic Risk	Risk Appetite
Purpose	The City will pursue community and sector leadership through forward thinking decision making, and alignment of its services and operations with its strategic objectives.

Councillor Suzanne Migdale disclosed an Impartial Interest in Item 14.5 as she is a JDAP member.

14.5 PROPOSED NOTICE OF MOTION - COUNCILLOR JOE FERRANTE - ROAD SAFETY AUDIT, ADAIR PARADE, COOLBINIA

Business Unit:	Approvals	Service: Planning Services
Ward:	Lawley	Location: Lot 2, House Number 2 and Lot 1, House Number 8 Adair Parade, Coolbinia
Applicant:	Not Applicable	

Role

Information - *Receiving information about the City or its community.*

Council Resolution

0823/040

Moved Councillor Lagan, seconded Councillor Krsticevic

That Council RECEIVES and makes public the Road Safety Audit prepared for the road network adjacent to the sites of Lot 2, House Number 2 and Lot 1, House Number 8 Adair Parade, Coolbinia WA 6050.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Notice of Motion Recommendation

That Council RECEIVES and makes public the Road Safety Audit prepared for the road network adjacent to the sites of Lot 2, House Number 2 and Lot 1, House Number 8 Adair Parade, Coolbinia WA 6050.

Background provided by Elected Member

“The Road Safety Audit was prepared to inform decision-making relating to the proposed Mixed Use Development on Adair Parade. It should be available for the consideration of all affected parties, including the surrounding community.”

Details

On 27 July 2023 the Metro Inner-North Joint Development Assessment Panel approved a Mixed Used Development Comprising 33 Multiple Dwellings and six Commercial Tenancies (City Reference DA22/1406 refers). A Road Safety Audit was prepared to inform decision-making relating to the proposal. City Officers can make this Road Safety Audit publicly available via publication on the City’s website.

Financial Assessment and Implications

The costs associated with procuring the Road Safety Audit will be met from the Engineering Services Business Unit budget.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An accessible and connected City

Priority: Provide and maintain safe and accessible roads and parking

Strategic Risk

Strategic Risk	Risk Appetite
People and Safety	The City will employ a capable workforce that is culturally aligned and is empowered to deliver strategic objectives without comprising safety.

Relevant Documents and Information

Attachments

Attachment 1 - Adair Parade Road Safety Audit [↓](#)

Available for viewing at meeting

Nil

Linked Documents

Nil.



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2-8 Adair Parade, Coolbinia Development Application

Land Use Development Stage Road Safety Audit

Audit Ref: 23-07-069

Prepared for:

City of Stirling

By:

Porter Consulting Engineers

Report Issue Date: 17/07/2023

Our Ref: 23-07-069; R57.23



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1. INTRODUCTION

1.1 Scope of Audit

A Road Safety Audit is a formal, systematic, assessment of the potential road safety risks associated with a new road project or road improvement project conducted by an independent qualified audit team. The assessment considers all road users and suggests measures to eliminate or mitigate any risks identified by the audit team.

This Road Safety Audit has been conducted following the general principles detailed in Austroads Guide to Road Safety Part 6: Road Safety Audit and in accordance with the requirements contained in the Main Roads Western Australia Policy and Guidelines for Road Safety Audit.

This report results from a Land Use Development Stage Road Safety Audit carried out on the proposed Development Application at 2-8 Adair Parade, Coolbinia. The Development Application is mixed use comprising of 8 residential townhouses, 5 apartments and 335m² commercial area anticipated to be retail outlets, café, bar and wellness facilities.

The background and objective of the proposed project is to review the safety aspects of the traffic and transport operation of the proposed development on the Site.

The Audit was undertaken by Jennie Hopfmueller of Porter Consulting Engineers with reference to the details provided in the Audit Brief.

The audit comprised an examination of the drawings and other information supplied by City of Stirling as listed in Appendix D.

All the findings described in Section 2 of this report are considered by the audit team to require action in order to improve the safety of the proposed project and to minimise the risk of crash occurrence and reduce potential crash severity.

The audit team has examined and reported only on the road safety implications of the project as presented and has not examined or verified the compliance of the design to any other criteria.

1.2 The Audit Team

Auditor			
No.	Name	Role	Organisation
213	Jennie Hopfmueller	Team Leader	Porter Consulting Engineers
782	Aaron Lee	Team Member	City of Wanneroo

The audit team visited the site on 10 July 2023. At the time of the site visit the weather was fine and the existing road surface was dry.

A night-time site visit was undertaken on 13 July at 9.00pm.

1.3 Specialist Advisors

No others were present during the audit.

1.4 Safe System Findings

The aim of Safe System Findings is to focus the Road Safety Audit process on considering safe speeds and by providing forgiving roads and roadsides. This is to be delivered through the Road Safety Audit process by accepting that people will always make mistakes and by considering the known limits to crash forces the human body can tolerate. This is to be achieved by focusing the Road Safety Audit on particular crash types that are known to result in higher severity outcomes at relatively lower speed environments to reduce the risk of fatal and serious injury crashes.

The additional annotation “**IMPORTANT**” shall be used to provide emphasis to any road safety audit finding that has the potential to result in fatal or serious injury or findings that are likely to result in the following crash types above the related speed environment: head-on (>70 km/h), right angle (>50 km/h), run off road impact object (>40 km/h), and crashes involving vulnerable road users (>30 km/h), as these crash types are known to result in higher severity outcomes at relatively lower speed environments.

The exposure and likelihood of crash occurrence shall then be considered for all findings deemed “**IMPORTANT**” and evaluated based on an auditors professional judgement. Auditors should consider factors such as, traffic volumes and movements, speed environment, crash history and the road environment, and apply road safety engineering and crash investigation experience to determine the likelihood of crash occurrence. The likelihood of crash occurrence shall be considered either “**VERY HIGH**”, “**HIGH**”, “**MODERATE**” or “**LOW**” and this additional annotation shall be displayed following the “**IMPORTANT**” annotation on applicable findings.

1.5 Previous Safety Audits

The audit team have not been made aware of any previous audits undertaken at this site.

1.6 Background Data

1.6.1 Crash History

A study of the recent crash history has been conducted in the vicinity of the proposed project for the five-year period to the end of December 2022. This showed that there were 15 reported crashes within the extracted data 13 of which occurred at the intersection of Walcott Street and Adair Parade and 2 occurring at the intersection of Adair Parade and Lanark Street which are summarised below:

Walcott Street/Adair Parade/Hunter Street – 13 crashes

- 4 right turn through crashes involving vehicles turning right from Walcott Street into Adair Parade and southbound traffic on Walcott Street. 1 resulting in medical attention being required and the other 3 resulted in major property damage only;
- 1 side swipe same direction crash involving a vehicle turning right from Walcott Street into Adair Parade and northbound traffic on Walcott Street. Resulted in major property damage.
- 2 right angle crashes between left turning vehicles from Adair Parade onto Walcott Street with southbound vehicles on Walcott Street, one resulted in hospitalisation and the other major property damage only
- 2 right angle crashes between vehicles travelling from Hunter Street into Adair Parade and Walcott Street through traffic. Both resulted in major property damage only.
- 2 right angle crashes between vehicles travelling from Adair Parade into Hunter Street and Walcott Street through traffic. Both resulted in minor property damage only. One involved a cyclist.
- 1 right angle crash requiring medical attention however no details on the direction of travel provided.
- 1 reversing of traffic incident occurred on Hunter Street resulting in major property damage.

Adair Parade/Lanark Street – 2 crashes

- 1 right turn through crashes involving vehicles turning right from Adair Parade into Lanark Street and traffic on Adair Parade resulting in medical attention being required.
- 1 right angle crash requiring medical attention however limited details on the direction of travel provided.

Midblock crashes were also reviewed along Walcott Street beyond the Site from Ardross Crescent to Dumbarton Crescent which includes a group of commercial premises with various on street activities such as limited on street parking outside of clear zone times and bus stops. A total of 7 midblock crashes have occurred along this 360m length of Walcott Street. It is noted however that there are no midblock crashes adjacent to the Site which is currently a vacant lot.

- 1 hit object crash the cause stated as being serving to avoid a vehicle. Occurred outside of clearway times but in non-daylight hours. Major property damage only.
- 1 rear end collision involving northbound vehicles occurring outside of clearway times.

- 1 side swipe same direction crash between a northbound vehicle and a parked vehicle with an open door. Occurred outside of clearway times. Major property damage only.
- 1 rear end collision involving southbound vehicle. Occurred outside of clearway times. Major property damage only.
- 1 right turn through crash involving a vehicle turning right into a property and a southbound vehicle. Resulting in major property damage.
- 1 rear end crash involving a vehicle stopped to turn right resulting in medical attention being required.
- 1 right angle crash involving a vehicle leaving a driveway resulting in minor property damage.

Crash Nature	Total	Crash Severity			
		Hospital	Medical	Property Damage Major	Property Damage Minor
Walcott St / Adair Pde	13	1	2	8	2
Right Angle		1	1	3	2
Right Turn Thru			1	3	
Side Swipe Same Direction				1	
Manoeuvring: Reversing in Traffic				1	
Adair Pde/Lanark St	2	-	2		
Right Angle	1		1		
Right Turn Thru	1		1		
Midblock – Walcott Street, Adross Cres to Dumbarton Cres	7	-	1	5	1
Right Angle - Driveway	1				1
Rear End	3		1	2	
Right Turn Thru	1			1	
Side Swipe Same Direction	1			1	
Hit Object	1			1	



1.6.2 Traffic and Speed Data

A summary of recent traffic and speed data is provided below:

Location	Date	AWT	85% Speed	%HV	Am Peak	Pm Peak
Walcott Street, north of Dumbarton Cr	2021/22	17,989	65.3	5.1	(7.45-8.45am) 1511	(7.45-8.45am) 1494
		9068(NW)	66.4(NW)	5.1(NW)	587 (NW)	861 (NW)
		8921 (SE)	63.6 (SE)	5.2 (SE)	924 (SE)	633 (SE)
Adair Parade, north of Walcott Street	May 2023	2071	47.4		(8-9am) 211	(5-6pm) 209
		1,163 (NE)	46.5 (NE)	4.10 (NE)	101 (NE)	60 (NE)
		910 (SW)	48.4 (SW)	6.61(SW)	110 (SW)	149 (SW)
Klem Lane, between Walcott and Canwick Lane	April/May 2023	53			(10-11am) 211	(5-6pm) 209
		13 (NE)	-	-	101 (NE)	60 (NE)
		40 (SW)			110 (SW)	149 (SW)

1.6.3 Road Hierarchy and Infrastructure

Walcott Street in vicinity of the Site is constructed to a 4 lane carriageway standard. During the pm peak the kerbside northbound traffic lane is designated as a clearway between 4.15-6.00pm Monday to Friday. Whilst the kerbside southbound traffic is a clearway between 7.30-9.00am, Monday to Friday. Walcott Street is classified as a District Distributor A road whose primary role to carry traffic between industrial, commercial and residential areas and generally connect to primary distributors.

Adair Parade is a local access road constructed to a two lane standard with channelisation at its intersection with Walcott Street. Klem Lane is also a local access road (laneway) proposed to be 6m wide adjacent to the development with an existing width of 5m at its northeastern end near Lanark Street.

1.6.4 Appendices

- Appendix A – Audit Findings Location Plan
- Appendix B – Audit Photographs
- Appendix C – Crash Reports
- Appendix D – List of Documents Provided for the Audit
- Appendix E – Corrective Action Report (CAR)

2. ITEMS RAISED IN THIS LAND USE DEVELOPMENT STAGE AUDIT

2.1 Finding – Reduced Clear Path Width – Waste Bins

Bins located on the path reduce the clear width of the path over the length of the bins on both Walcott Street and Adair Parade.

Bin collection is anticipated to occur on 4 days of the week for a combination of 240L and 360L MGBs.

Justification of the finding:

There is a risk of pedestrians (particularly mobility impaired pedestrians) attempting to manoeuvre pass the obstruction with inadequate width may fall or trip on the path or road whilst manoeuvring. Should pedestrians step onto the road in order to pass the obstruction this increases pedestrian exposure to vehicular conflict.

Austrroads Guide to Road Design Part 6A: Paths for Walking and Cycling recommend a minimum width of 1.2m for general low volume paths. Increased widths of up to 2.4m or higher are recommended in busier areas such as commercial/shopping areas. The proposed development is likely to attract pedestrians from the local residential areas.

The drawings indicate paths of 1.8m wide along Walcott Street and Adair Parade however the placement of bins along a considerable length of these paths will reduce the available clear path width available. City of Stirling commercial waste services information indicate that 360L bins are 904mm deep and allowing for some clearance envelope around the bin the clear path width may be in the order of 800mm or less. Without a designated area the bins may not necessarily be placed to align with the kerblines. Furthermore, the mechanical placement of the bin back onto the path after collection is also not likely to be exact with the potential to further intrude into the path.

Austrroads Guide to Road Design Part 6A: Paths for Walking and Cycling outlines a desirable minimum width of 1.8m to allow for two wheelchairs to pass or absolute minimum of 1.5m for one wheelchair and a pedestrian to pass a continuous obstruction (i.e. fence or in this instance a row of MGBs). An absolute minimum width of 1m over a short distance (i.e. concrete column) is stated.

It is understood from discussion with the City of Stirling that waste collection is likely to occur on 4 days a week and therefore potentially result in bins obstructing the path over numerous days hence the obstruction is a frequent occurrence.

A dedicated bin collection area separate from the path should be provided to ensure that appropriate pedestrian access can be maintained at all times adjacent to the proposed mixed use development especially with the view that this development is likely to increase pedestrian activity.

Recommendation

Provide appropriate path widths clear of obstructions to accommodate the likely increased pedestrian and cyclist activity adjacent to the proposed development in accordance with Austrroads guidelines.

Remove waste collection along Walcott Street or provide a separated designated bin pad area such that bins do not act as an obstruction to the path.

[IMPORTANT | LOW]

2.2 Finding – Clearance to Roadway from Waste Bins

The placement of numerous bins along the edge of the kerblines on Walcott Street in close proximity to a 3.3m wide traffic lane without adequate shy line offset to avoid motorists moving their vehicle laterally away from the hazard (bins).

Justification of the finding:

There is a risk of side swipe crashes adjacent to the waste bins should drivers perceive that the row of bins are too close to the road and thus shy away from the kerblines potentially entering the adjacent lane. This is known as the shy line effect outlined in the Austroads guidelines.

Austroads Guide to Road Design Part 6: Roadside Design, Safety and Barriers outlines a shy line offset of a minimum of 1m or desirably 2.5-3.0m from kerbs for urban roads.

Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection specifies an offset of 0.2m per 10km/h from median islands to allow for the shy line effect. Based on an operating speed of 70km/h (10km/h higher than the speed limit of 60km/h) this equates to an offset of 1.2m.

Walcott Street traffic lanes are estimated to be in the order of 3.3m wide (aerial imagery only). The preferred traffic lane width is 3.5m in accordance with *Austroads Guide to Road Design Part 3 Geometric Design*. Walcott Street traffic lane widths do not leave much space for vehicles to shy away from the kerblines whilst also remaining lane correct. This risk would increase in the am peak when the kerblines lane is a clearway when southbound traffic volumes are in excess of 900 vehicles per hour. It is not uncommon for waste bins to be on the verge over an extended period in anticipation of a waste collection service and some time after collection hence likely to be on the verge during the am peak period.

Placement of the waste bins a greater distance from the kerblines will further impact the function of the adjacent path along Walcott Street.

Recommendation

Remove bin collection along Walcott Street or provide adequate shy line offset between the traffic lane and placement of waste bins in accordance with Austroads guidelines.

2.3 Finding – Stopped Waste Vehicle within Carriageway on Walcott Street

A stopped waste collection vehicle within the traffic lane on Walcott Street during the time it takes to load and unload a number of waste bins.

Walcott Street, southbound is designated as a clearway between 7.15- 9.00am.

Justification of the finding:

There is a risk of side swipe and rear end collisions should southbound vehicles observe the stopped waste vehicle within the kerbside traffic lane on Walcott Street and elect to abruptly change lanes to avoid the need to stop behind the waste vehicle.

It is Main Roads standard practice is to provide a bus embayment to frequently stopping buses and/or buses likely to dwell during the collection of passengers on their road network. A waste collection vehicle is compared to a frequently stopping bus in this instance. *Main Roads supplement to Austroads Guide to Road Design Part 4:* indicates that the use of bus bays reduce the potential for rear end and side swipe crashes. Walcott Street is not controlled by Main Roads but by the City of Stirling. The City of Stirling policy in regard is not known.

The risk exposure will vary based on the volume of traffic utilising Walcott Street at the time waste collection is to occur however it should not occur within the clearway times.

Alternative waste collection points should be investigated that may present lower risk exposure due to reduced traffic volumes.

Recommendation

Investigate alternative waste collection locations with lower risk exposure due to lower traffic volumes compared to Walcott Street.

2.4 Finding – Sight Lines Obstructed by Waste Collection Vehicle

A stopped waste collection vehicle on Walcott Street obscures sight lines at the intersection of Walcott Street and Adair Parade as well as Walcott Street and Klem Lane.

Justification of the finding:

There is a risk of vehicles failing to give way whilst entering Walcott Road from either Adair Parade or Klem Lane which could result in right angle crashes should vehicles become impatient waiting for the waste truck to move on and take risks entering the traffic stream with inadequate sight lines.

The City of Stirling has advised that the waste truck typically requires up to 5 seconds per bin and hence may be stopped for up to 1.5 minutes to collect bins at this location under normal circumstances.

A stopped waste vehicle is likely to restrict the available sight line from a right turning vehicle on Adair Parade to approximately 45m to northbound traffic along Walcott Street. *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection* indicates that Safe Intersection Sight Distance is the minimum distance which should be provided on the major road at any intersection. Using an operating speed of 70 km/h and reaction time of 2.0 seconds the required Safe Intersection Sight Distance is 151 m measured 5 m back from the holding line on the side road. Similarly, the Stopping Sight Distance (the minimum distance required for a driver to observe a vehicle moving into a collision position and stopping before impact) based on 70km/h

and a reaction time of 2 seconds is 92m. Therefore there is a risk that a northbound vehicle may also fail to see a driver exiting Adair Parade onto Walcott Street in time to stop.

Main Roads supplement to Austroads Guide to Road Design Part 4: which outlines requirement for bus bays is used for comparison purposes for a waste vehicle. The supplement outlines where a bus bay is positioned after an intersection (i.e. after Adair Parade) a desirable distance is 40m from the tangent point (TP) or a minimum distance of 10m. It should be noted these distances are based on an embayment which result in the stopped vehicle being set back from the intersection (improved sight lines) and clear of the traffic lane. The concept layout proposes the bins be placed 10m from the TP of Adair Parade. Similarly, this supplement states where a bus bay is positioned before an intersection (i.e. Klem Lane) the desirable distance from the TP is 100m or a minimum of 40m. The bins are placed within 3-17m of Klem Lane well below the aforementioned guidelines. Whilst sight lines will be restricted from Klem Lane it will also be physically blocked at times during waste collection.

A stopped waste vehicle is likely to restrict the available sight line from a left turning vehicle on Klem Lane to vehicles within the inside southbound traffic lane however the waste truck is likely to create an opportunity for left turning vehicles from Klem Lane to enter the kerbside lane on Walcott Street only. More importantly, right turning vehicles from Klem Lane would not have adequate sight lines to turn across the southbound traffic into the northbound traffic stream.

Recommendation

Adequate Safe Intersection Sight Distance should be provided in accordance with Austroads guidelines.

[IMPORTANT | LOW]

2.5 Finding – Sight lines at Klem Lane and Walcott Street

The existing building on the property boundary obscures visibility to the southeast for vehicles exiting Klem Lane to northbound pedestrians.

The existing building on the property boundary set back approximately 3.5m from the Walcott Street through carriageway obscures visibility to the southeast for vehicles exiting Klem Lane to northbound vehicles and from a position of 5m from the Walcott Street through carriageway.

Justification of the finding:

There is a risk of vehicles failing to give way to pedestrians walking along the path in a southeast to northwest direction as the building is constructed on the property boundary with no truncation.

AS2890.1 Off Street Parking specify corner 2.5m x 2.0m truncations along the property boundary on the left hand side of the driver exiting at a driveway to ensure adequate sight lines are provided between pedestrians and vehicles exiting the carpark. In this

instance the laneway is considered to be similar to that of a carpark driveway in that it is a slow speed environment.

The proposed development provides a 2.5 x 2m truncation (i.e. within their property) on the right hand side of the exiting driver from the laneway however this truncation is not provided on the left hand side of the laneway due to the existing building structure.

The proposed development is likely to result in increased pedestrian and vehicle traffic at this location thereby increasing the risk exposure at this location compared to the existing situation.

Options to improve the situation may include improved delineation of the pedestrian path across the laneway to highlight the presence of pedestrian movements to drivers, notification to pedestrians alerting them to the presence of exiting vehicles, appropriately located speed hump to ensure exiting vehicles are travelling at extremely low speeds at this conflict point, hold line for vehicles at the property line, warning signage for drivers to alert them to the presence of pedestrians.

If the laneway was converted to one way inbound movements only then the risk associated with exiting movements would be removed.

There is a risk of vehicles failing to give way whilst turning right from Klem Lane onto Walcott Street which could result in right angle crashes should vehicles not move forward adequately (past the existing building) to observe approaching vehicles.

Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection indicates the SISD and SSD to be measured 5 m desirable, 3m minimum, back from the holding line on the side road. Since the building is on the property line i.e. approximately 3.5m from the carriageway it is not possible to provide sight distances based on the desirable set back of 5m. Vehicles will be required to slowly move forward on the laneway such that northbound traffic to the south becomes visible beyond the existing building.

Recommendation

Implement measures to reduce the risk of conflict between pedestrians and vehicles exiting Klem Lane.

[IMPORTANT | LOW]

2.6 Finding – Sight lines at Klem Lane and Canwick Lane

The existing fence on the property boundary on the northeast corner of the laneway intersection provides limited sight distance to southwest bound traffic on Klem Lane.

Justification of the finding:

There is a risk of vehicles failing to give way whilst exiting Canwick Lane onto Klem Lane which could result in right angle crashes albeit these are likely to be a slow speed given the laneway environment.

Using the formula in *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection* the Stopping Sight Distance based on a design speed ranging from 10-20km/h is 7-16m. The intersection of the laneways is not dissimilar to intersections within a carpark environment where low speeds are typical and sight distances are at times restricted (i.e. parked cars reduce sight lines).

It should be noted that the existing and proposed traffic volumes along the laneway are low therefore the risk exposure for vehicular conflict would also be low.

The narrow laneway widths assist in creating a slow speed environment. Further options to ensure that the speed environment remains low in the immediate vicinity of the intersection of the laneways would be the installation speed humps (for example on the immediate westbound Klem Avenue approach to Canwick Lane) and the use of speed zone signage.

Recommendation

Introduce appropriate measures to ensure a slow speed environment is provided within the laneways at the internal laneway intersection.

2.7 Finding – Pedestrian Crossings Walcott Street and Adair Parade

The angled pedestrian gaps within Walcott Street islands do not align appropriately with the adjacent kerbside ramps but rather directs pedestrians into conflict with vehicles waiting to turn from Adair Parade.

There are no Tactile Ground Surface Indicators (TGSIs) provided at the Walcott Street and Adair Parade intersection.

Justification of the finding:

There is a risk of pedestrians (particularly those with impaired vision) being incorrectly aligned at the central median away from the adjacent pedestrian ramp vehicles and into the traffic queuing at the Adair Parade intersection increasing the potential for pedestrian/ vehicular conflict.

Austrroads Guide to Road Design Part 6A: Paths for Walking and Cycling states that kerb ramps should align in the direction of travel to guide pedestrians who are blind or have vision impairment directly across the road and not out into the intersection. Reference is also made to *AS1428.Design for Mobility and Access*. AS1428 requires the top and bottom of the kerb ramps shall be aligned at 90 degrees to the path of travel.

Australian Standard AS1428.1-2009 advises that TGSIs shall be installed on kerb ramps in accordance with AS1428.4.

Recommendation

Upgrade pedestrian crossing facilities at the intersection of Walcott Street and Adair Parade to current standards with correct alignment and TGSIs in accordance with appropriate standards.

[IMPORTANT | LOW]

2.8 Finding – Missing Path Link along Adair Parade

The development application shows a “deferred footpath” along the southeastern side of Adair Parade adjacent to the property however there is no existing path link from the property to Lanark Street including pedestrian crossing facilities at the Lanark Street and Adair Parade intersection.

Justification of the finding:

There is an increased risk of vehicle -pedestrian collisions should appropriate path links not be provided should pedestrians elect to walk on the road and cross at inappropriate places.

Austrroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings highlights the importance of constructing paths along the pedestrian desire lines. In this instance the desire line is to the proposed commercial developments from the adjacent path network.

Recommendation

Provide missing path link along southeastern side of Adair Parade and pedestrian crossing facilities at the intersection of Adair Parade and Lanark Street.

[IMPORTANT | LOW]

2.9 Finding – On street Parking on Walcott Street

On street parking on Walcott Street is likely to occur due to the increased parking demand associated with the commercial development. This on street parking may restrict sight distances at the intersection of Adair Parade/Walcott Street and Klem Lane/Walcott Street.

Justification of the finding:

There is a risk of vehicles failing to give way whilst entering Walcott Street from either Adair Parade or Klem Lane which could result in right angle crashes should vehicles park on Walcott Street outside of clearway times adjacent to the commercial premises.

Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection indicates that Safe Intersection Sight Distance is the minimum distance which should be provided on the major road at any intersection. Using an operating speed of 70 km/h and reaction time of 2.0 seconds the required Safe Intersection Sight Distance is 151 m measured 5 m back from the holding line on the side road. Similarly, the Stopping Sight Distance (the minimum distance required for a driver to observe a vehicle moving

into a collision position and stopping before impact) based on 70km/h and a reaction time of 2 seconds is 92m.

Recommendation

Install appropriate parking restriction signage along Walcott Street to ensure adequate SISD is provided at the side roads of Adair Parade and Klem Lane.

[IMPORTANT | LOW]

3. AUDIT TEAM STATEMENT

I hereby certify that the audit team have examined the documents listed in the Appendix D in undertaking this Road Safety Audit and confirm that this audit has been carried out independently of the design team and in accordance with Main Roads Western Australia Policy and Guidelines for Road Safety Audit.

Audit Team Leader

Jennie Hopfmueller

Senior Traffic Engineer

Porter Consulting Engineers

(08) 9315 9955

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17 July 2023

DISCLAIMER

This report contains findings and recommendations based on examination of the site and/or relevant documentation. The report is based on the conditions viewed on the day of inspection and is relevant at the time of production of the report. Information and data contained within this report is prepared with due care by the Road Safety Audit Team. While the Road Safety Audit Team seeks to ensure accuracy of the data, it cannot guarantee its accuracy.

Readers should not solely rely on the contents of this report or draw inferences to other sites. Users must seek appropriate expert advice in relation to their own particular circumstances.

The Road Safety Audit Team does not warrant, guarantee or represent that this report is free from errors or omissions or that the information is exhaustive. Information contained within may become inaccurate without notice and may be wholly or partly incomplete or incorrect. Before relying on the information in this report, users should carefully evaluate the accuracy, completeness and relevance of the data for their purposes.

Subject to any responsibilities implied in law which cannot be excluded, the Road Safety Audit Team is not liable to any party for any losses, expenses, damages, liabilities or claims whatsoever, whether direct, indirect or consequential, arising out of or referable to the use of this report, howsoever caused whether in contract, tort, statute or otherwise..

APPENDIX A
AUDIT FINDINGS LOCATION PLAN

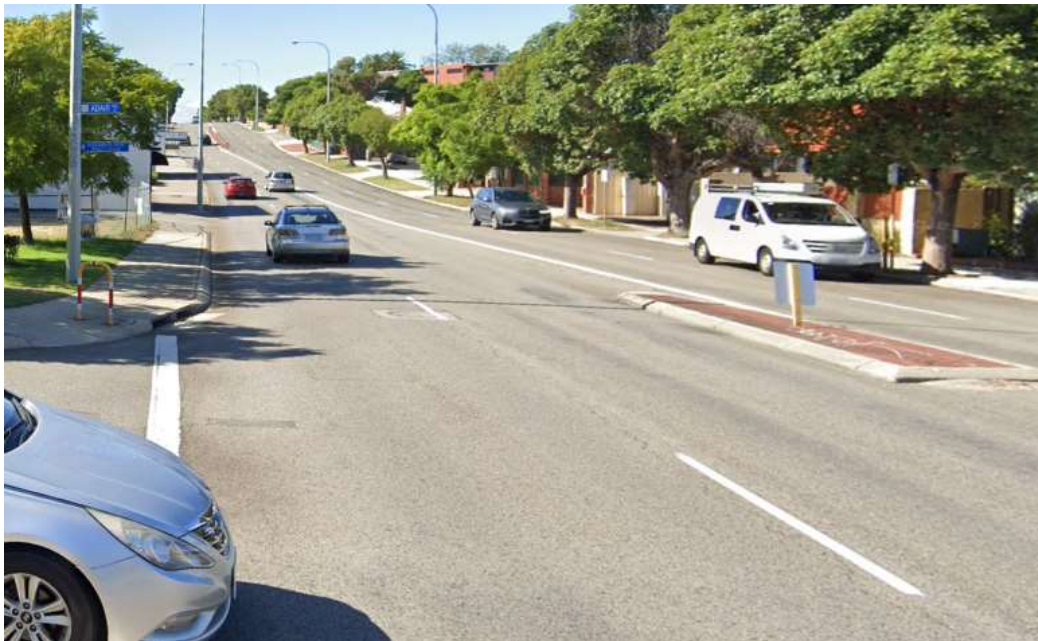


Audit Findings Location Plan

APPENDIX B
AUDIT PHOTOGRAPHS



Finding 2.1 – Reduced path width with the placement of numerous bins on 4 days per week



Finding 2.2 – Potential shy line effect as vehicles move laterally away from obstructions on the side of the road – in this instance southbound vehicle potentially moved laterally away from the vehicle past the stop line



Finding 2.4 – Sight lines from Adair Parade looking southeast along Walcott Street – potential for stopped waste vehicle to restrict sight lines



Finding 2.4 – Sight lines from Klem Lane looking northwest along Walcott Street – potential for stopped waste vehicle to restrict sight lines



Finding 2.4 – SISD (blue) and SSD (red) from Adair Parade looking southeast along Walcott Street – potential for stopped waste vehicle to restrict sight lines. Finding 2.9 – potential for on street parking to also restrict sight lines



Finding 2.5 – Obscured sight lines between vehicles exiting Klem Lane and pedestrians due to adjacent building



Finding 2.5 – Obscured sight lines along Walcott Street past building (approximately 5m from Walcott Street)



Finding 2.5 – Sight lines along Walcott Street once moving forward (less than 3m from Walcott Street)



Finding 2.5 – Indicative sight lines along Klem Lane from Canwick Lane (set back approx 2m)



**Finding 2.6 – Sight lines looking along Klem Lane from Canwick Lane
(set back approx.4m)**



Finding 2.6 – Sight lines looking along Klem Lane from Canwick Lane



Finding 2.7 – Pedestrian gap not aligned at 90 degrees to adjacent ramp potential to lead visually impaired to Walcott Street. Pedestrian ramp grade not at 90 degrees to gap leading wheelchairs towards Walcott Street. No TGSIs.



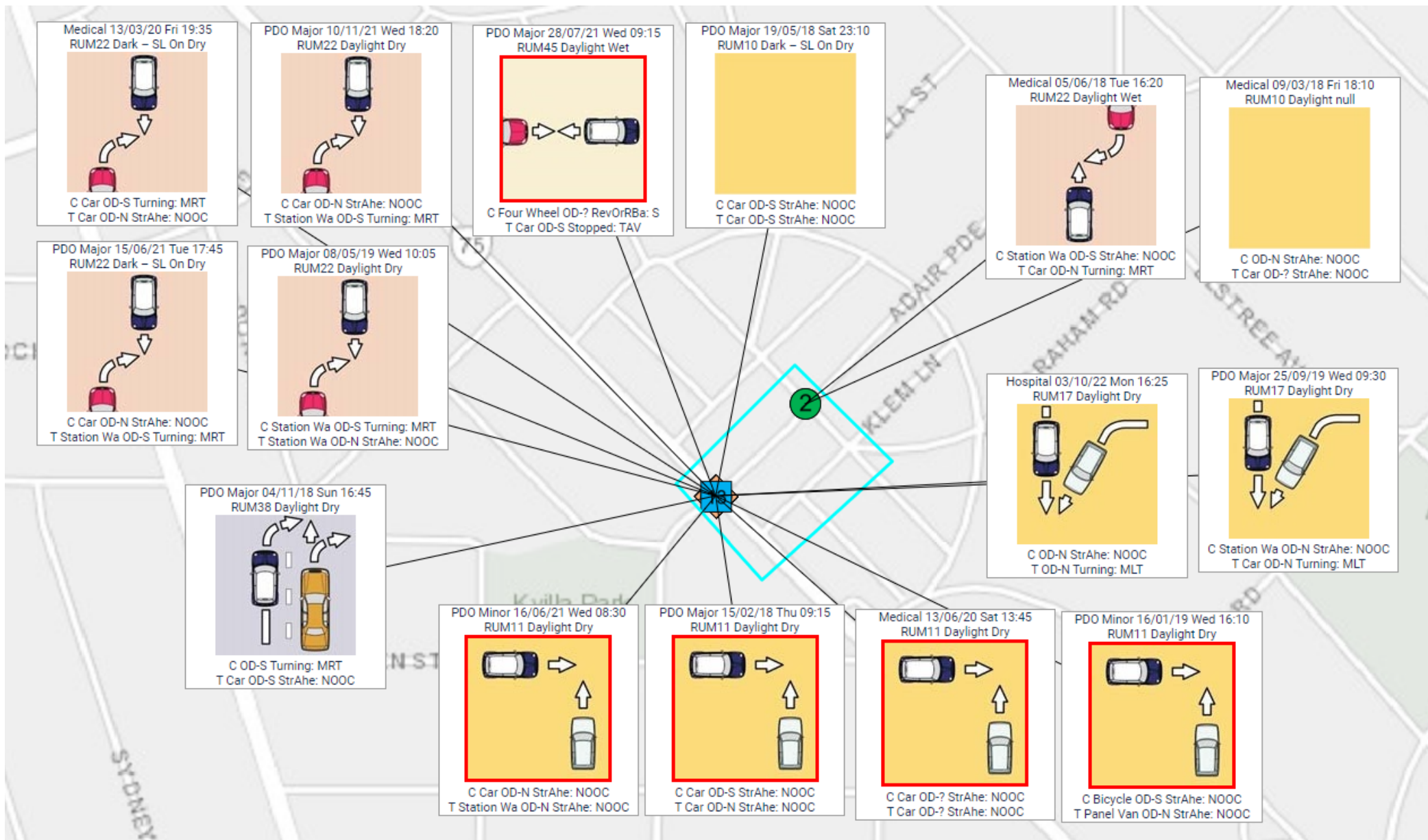
Finding 2.7 – Pedestrian gap not aligned at 90 degrees to adjacent ramp potential to lead visually impaired to Adair Parade. Pedestrian ramp grade not at 90 degrees to gap leading wheelchairs away from adjacent gap on Walcott Street. No TGSIs.

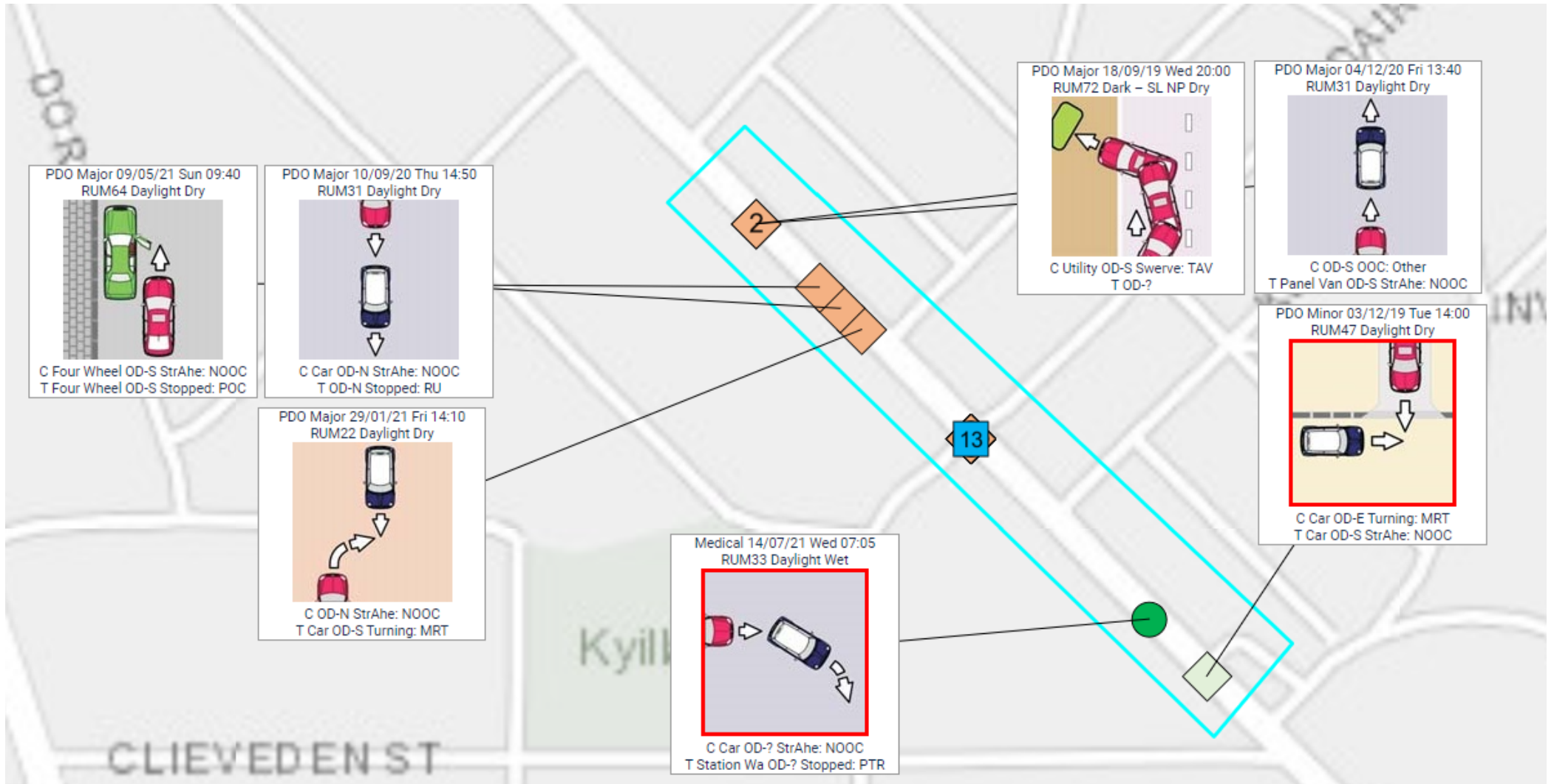
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Finding 2.8 – Missing path link and crossing facility

APPENDIX C
CRASH DOCUMENTS





Detailed Crash History



Road	Road Name	SLK	CMV	True Dist	Intersection	Date	Day	Time	Severity	Crash No.	Type	Light Cond	Road Cond	Speed Limit	Traffic Control	Road Feature	Road Alignment	Speed Factor	MR Nature	Location	RUM	Unit	Unit Type	From Dir	To Dir	Veh/Ped Move	First Object Hit	Second Object Hit	Third Object Hit	Target Impact Point
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	15/02/2018	Thursday	0915	PDO Major	2E+09	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight		Right Angle	On Cway	11:Intx: Thru - Thru	Colliding	Car	S - HUNTER ST	N - ADAIR PDE	Straight Ahead: Not Out Of Control				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	15/02/2018	Thursday	0915	PDO Major	2018042783	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight		Right Angle	On Cway	11:Intx: Thru - Thru	Target	Car	N - WALCOTT ST	S - WALCOTT ST	Straight Ahead: Not Out Of Control				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	19/05/2018	Saturday	2310	PDO Major	2E+09	Intersection	Dark - Street Lights On	Dry	60	Stop Sign	4-way Intx	Straight		Right Angle	On Cway	10:Intx: Other	Colliding	Car	S - HUNTER ST		Straight Ahead: Not Out Of Control				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	19/05/2018	Saturday	2310	PDO Major	2018138926	Intersection	Dark - Street Lights On	Dry	60	Stop Sign	4-way Intx	Straight		Right Angle	On Cway	10:Intx: Other	Target	Car	S - WALCOTT ST	N - WALCOTT ST	Straight Ahead: Not Out Of Control				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	04/11/2018	Sunday	1645	PDO Major	2E+09	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight		Sideswipe Same Dim	On Cway	38:Same Dim: Parallel Lanes - Turn Right S/wipe	Colliding		S - WALCOTT ST	N - ADAIR PDE	Turning: To Make Right Turn				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	04/11/2018	Sunday	1645	PDO Major	2018298320	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight		Sideswipe Same Dim	On Cway	38:Same Dim: Parallel Lanes - Turn Right S/wipe	Target	Car	S - WALCOTT ST	N - WALCOTT ST	Straight Ahead: Not Out Of Control				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	16/01/2019	Wednesday	1610	PDO Minor	2E+09	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight		Right Angle	On Cway	11:Intx: Thru - Thru	Colliding	Bicycle	S - WALCOTT ST	N - WALCOTT ST	Straight Ahead: Not Out Of Control				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	16/01/2019	Wednesday	1610	PDO Minor	2019008860	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight		Right Angle	On Cway	11:Intx: Thru - Thru	Target	Panel Van	N - ADAIR PDE	S - HUNTER ST	Straight Ahead: Not Out Of Control				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	08/05/2019	Wednesday	1005	PDO Major	2E+09	Intersection	Daylight	Dry	60	No Sign Or Control	4-way Intx	Straight		Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Colliding	Station Wagon	S - WALCOTT ST	N - ADAIR PDE	Turning: To Make Right Turn				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	08/05/2019	Wednesday	1005	PDO Major	2019128195	Intersection	Daylight	Dry	60	No Sign Or Control	4-way Intx	Straight		Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Target	Station Wagon	N - WALCOTT ST	S - WALCOTT ST	Straight Ahead: Not Out Of Control				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	25/09/2019	Wednesday	0930	PDO Major	2E+09	Intersection	Daylight	Dry	60	No Sign Or Control	4-way Intx	Straight		Right Angle	On Cway	17:Intx: Thru - Left	Colliding	Station Wagon	N - WALCOTT ST	S - WALCOTT ST	Straight Ahead: Not Out Of Control				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	25/09/2019	Wednesday	0930	PDO Major	2019267215	Intersection	Daylight	Dry	60	No Sign Or Control	4-way Intx	Straight		Right Angle	On Cway	17:Intx: Thru - Left	Target	Car	N - ADAIR PDE	S - WALCOTT ST	Turning: To Make Left Turn				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	13/03/2020	Friday	1935	Medical	2E+09	Intersection	Dark - Street Lights On	Dry	60	No Sign Or Control	4-way Intx	Straight		Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Colliding	Car	S - WALCOTT ST	N - ADAIR PDE	Turning: To Make Right Turn				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	13/03/2020	Friday	1935	Medical	2020664525	Intersection	Dark - Street Lights On	Dry	60	No Sign Or Control	4-way Intx	Straight		Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Target	Car	N - WALCOTT ST	S - WALCOTT ST	Straight Ahead: Not Out Of Control				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	13/06/2020	Saturday	1345	Medical	2E+09	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight		Right Angle	On Cway	11:Intx: Thru - Thru	Colliding	Car			Straight Ahead: Not Out Of Control				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	13/06/2020	Saturday	1345	Medical	2020723620	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight		Right Angle	On Cway	11:Intx: Thru - Thru	Target	Car			Straight Ahead: Not Out Of Control				Side

Detailed Crash History

1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	15/06/2021	Tuesday	1745	PDO Major	2E+09	Intersection	Dark - Street Lights On	Dry	60	No Sign Or Control	4-way Intx	Straight	Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Colliding	Car	N - WALCOTT ST	S - WALCOTT ST	Straight Ahead: Not Out Of Control				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	15/06/2021	Tuesday	1745	PDO Major	2021267206	Intersection	Dark - Street Lights On	Dry	60	No Sign Or Control	4-way Intx	Straight	Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Target	Station Wagon	S - WALCOTT ST	N - ADAIR PDE	Turning: To Make Right Turn				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	16/06/2021	Wednesday	0830	PDO Minor	2E+09	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight	Right Angle	On Cway	11:Intx: Thru - Thru	Colliding	Car	N - WALCOTT ST	S - WALCOTT ST	Straight Ahead: Not Out Of Control				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	16/06/2021	Wednesday	0830	PDO Minor	2021274405	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight	Right Angle	On Cway	11:Intx: Thru - Thru	Target	Station Wagon	N - ADAIR PDE	S - HUNTER ST	Straight Ahead: Not Out Of Control				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	28/07/2021	Wednesday	0915	PDO Major	2E+09	Intersection	Daylight	Wet	60	Stop Sign	4-way Intx	Straight		On Cway	45:Manoeuv: Reversing In Traffic	Colliding	Four Wheel Drive (Not Car Design)	S - HUNTER ST		Reversing Or Rolling Back: Straight				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	28/07/2021	Wednesday	0915	PDO Major	2021330070	Intersection	Daylight	Wet	60	Stop Sign	4-way Intx	Straight		On Cway	45:Manoeuv: Reversing In Traffic	Target	Car	S - HUNTER ST		Stopped: To Avoid Veh				Front
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	10/11/2021	Wednesday	1820	PDO Major	2E+09	Intersection	Daylight	Dry	60	Give Way Sign	4-way Intx	Straight	Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Colliding	Car	N - WALCOTT ST	S - WALCOTT ST	Straight Ahead: Not Out Of Control				
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	10/11/2021	Wednesday	1820	PDO Major	2021522706	Intersection	Daylight	Dry	60	Give Way Sign	4-way Intx	Straight	Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Target	Station Wagon	S - WALCOTT ST	N - ADAIR PDE	Turning: To Make Right Turn				Side
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	03/10/2022	Monday	1625	Hospital	2E+09	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight	Right Angle	On Cway	17:Intx: Thru - Left	Colliding	N - WALCOTT ST	S - WALCOTT ST	Straight Ahead: Not Out Of Control					
1250017	Walcott St	1.05	S	1.05	HUNTER ST & ADAIR PDE (052049)	03/10/2022	Monday	1625	Hospital	2022504146	Intersection	Daylight	Dry	60	Stop Sign	4-way Intx	Straight	Right Angle	On Cway	17:Intx: Thru - Left	Target	N - ADAIR PDE	S - WALCOTT ST	Turning: To Make Left Turn				Side	
1250333	Adair Pde	0.10	S	0.10	LANARK ST (056411)	09/03/2018	Friday	1810	Medical	2018012646	Intersection	Daylight		51	Stop Sign	4-way Intx	Straight	Right Angle	On Cway	10:Intx: Other	Colliding	N - LANARK ST	S - LANARK ST	Straight Ahead: Not Out Of Control					
1250333	Adair Pde	0.10	S	0.10	LANARK ST (056411)	09/03/2018	Friday	1810	Medical	2018012646	Intersection	Daylight		51	Stop Sign	4-way Intx	Straight	Right Angle	On Cway	10:Intx: Other	Target	Car			Straight Ahead: Not Out Of Control				Side
1250333	Adair Pde	0.10	S	0.10	LANARK ST (056411)	05/06/2018	Tuesday	1620	Medical	2018154853	Intersection	Daylight	Wet	51	No Sign Or Control	4-way Intx	Straight	Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Colliding	Station Wagon	S - ADAIR PDE	N - ADAIR PDE	Straight Ahead: Not Out Of Control				
1250333	Adair Pde	0.10	S	0.10	LANARK ST (056411)	05/06/2018	Tuesday	1620	Medical	2018154853	Intersection	Daylight	Wet	51	No Sign Or Control	4-way Intx	Straight	Right Turn Thru	On Cway	22:Opposite Dim: Thru - Right	Target	Car	N - ADAIR PDE	N - LANARK ST	Turning: To Make Right Turn				Side

APPENDIX D
LIST OF DOCUMENTS PROVIDED FOR THE AUDIT

APPENDIX E
CORRECTIVE ACTION REPORT



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**Corrective Action Report, 2-8 Adair Parade, Coolbinia
Land Use Development Stage Audit**

NOTE:

THE FOLLOWING RECOMMENDATIONS ARE PRESENTED IN AN ABBREVIATED FORM IN THIS CORRECTIVE ACTION REPORT, THEY MUST BE READ IN CONJUNCTION WITH THE FULL REPORT AND SHALL NOT BE CONSIDERED IN ISOLATION.

Findings and Recommendations	Project Manager		
	Agree / Disagree	Reason for Disagreeing	Proposed Action and Comments
<p>2.1 – Finding - Reduced Clear Path Width – Waste Bins</p> <p>Bins located on the path reduce the clear width of the path over the length of the bins on both Walcott Street and Adair Parade.</p> <p>Bin collection is anticipated to occur on 4 days of the week for a combination of 240L and 360L MGBs.</p>	AGREE		Applicant advised to relocate bin pickup and/or footpath on Walcott Street to provide an appropriate accessible clear path for all path users.
<p>Recommendation</p> <p>Provide appropriate path widths clear of obstructions to accommodate the likely increased pedestrian and cyclist activity adjacent to the proposed development in accordance with Austroads guidelines.</p>			



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<p>Remove waste collection along Walcott Street or provide a separated designated bin pad area such that bins do not act as an obstruction to the path.</p> <p>[IMPORTANT LOW]</p>			
<p>2.2 – Finding - Clearance to Roadway from Waste Bins</p> <p>The placement of numerous bins along the edge of the kerbline on Walcott Street in close proximity to a 3.3m wide traffic lane without adequate shy line offset to avoid motorists moving their vehicle laterally away from the hazard (bins).</p>	DISAGREE	<p>The bins need to be located in a position where waste vehicles can reach them and would need to be placed at the same distance from the carriageway regardless of which road is used for collection. The bins are frangible and waste pickup already occurs along Walcott Street.</p>	
<p>Recommendation</p> <p>Remove bin collection along Walcott Street or provide adequate shy line offset between the traffic lane and placement of waste bins in accordance with Austroads guidelines.</p>			
<p>2.3 – Finding - Stopped Waste Vehicle within Carriageway on Walcott Street</p> <p>A stopped waste collection vehicle within the traffic lane on Walcott Street during the time it takes to load and unload a number of waste bins.</p>	AGREE		<p>Alternate locations will be considered. If they are not viable, the risk is considered to be low as waste pickup already occurs along Walcott Street in a manner that effectively manages the risks involved.</p>



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Walcott Street, southbound is designated as a clearway between 7.15- 9.00am			
<p>Recommendation</p> <p>Investigate alternative waste collection locations with lower risk exposure due to lower traffic volumes compared to Walcott Street.</p>			
<p>2.4 – Finding - Sight Lines Obstructed by Waste Collection Vehicle</p> <p>A stopped waste collection vehicle on Walcott Street obscures sight lines at the intersection of Walcott Street and Adair Parade as well as Walcott Street and Klem Lane.</p>	AGREE		Alternate locations for waste pickup will be considered. If they are not viable, other options to minimise these risks will be considered.
<p>Recommendation</p> <p>Adequate Safe Intersection Sight Distance should be provided in accordance with Austroads guidelines.</p> <p>[IMPORTANT LOW]</p>			
<p>2.5 – Finding - Sight lines at Klem Lane and Walcott Street</p>			



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<p>The existing building on the property boundary obscures visibility to the southeast for vehicles exiting Klem Lane to northbound pedestrians.</p> <p>The existing building on the property boundary set back approximately 3.5m from the Walcott Street through carriageway obscures visibility to the southeast for vehicles exiting Klem Lane to northbound vehicles and from a position of 5m from the Walcott Street through carriageway.</p>	<p>AGREE</p>		<p>Management of vehicle speeds through traffic treatments such as a speed hump and improvement of sight distance by providing 0.5m kerb offset from existing building.</p>
<p>Recommendation</p> <p>Implement measures to reduce the risk of conflict between pedestrians and vehicles exiting Klem Lane.</p> <p>[IMPORTANT LOW]</p>			
<p>2.6 – Finding - Sight lines at Klem Lane and Canwick Lane</p> <p>The existing fence on the property boundary on the northeast corner of the laneway intersection provides limited sight distance to southwest bound traffic on Klem Lane.</p>	<p>AGREE</p>		<p>Vehicle speeds on Klem lane are already low. This will be monitored and can be managed through traffic treatments such as a speed hump if speeds increase.</p>
<p>Recommendation</p>			



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<p>Introduce appropriate measures to ensure a slow speed environment is provided within the laneways at the internal laneway intersection.</p>			
<p>2.7 – Finding - Pedestrian Crossings Walcott Street and Adair Parade</p> <p>The angled pedestrian gaps within Walcott Street islands do not align appropriately with the adjacent kerbside ramps but rather directs pedestrians into conflict with vehicles waiting to turn from Adair Parade.</p> <p>There are no Tactile Ground Surface Indicators (TGSIs) provided at the Walcott Street and Adair Parade intersection.</p>	<p>AGREE</p>		<p>This will be addressed through the City's Capital Works Program. The City has a large number of other similar treatments which need rectification so this will be prioritised against other projects and works undertaken when budget is available.</p>
<p>Recommendation</p> <p>Upgrade pedestrian crossing facilities at the intersection of Walcott Street and Adair Parade to current standards with correct alignment and TGSIs in accordance with appropriate standards.</p> <p>[IMPORTANT LOW]</p>			
<p>2.8 – Finding - Missing Path Link along Adair Parade</p>			



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<p>The development application shows a “deferred footpath” along the southeastern side of Adair Parade adjacent to the property however there is no existing path link from the property to Lanark Street including pedestrian crossing facilities at the Lanark Street and Adair Parade intersection.</p>	<p>AGREE</p>		<p>Agreed. The Applicant will be asked to provide this missing link to facilitate pedestrian access to the Development.</p>
<p>Recommendation Provide missing path link along southeastern side of Adair Parade and pedestrian crossing facilities at the intersection of Adair Parade and Lanark Street. [IMPORTANT LOW]</p>			<p>If this can not be addressed through the Development process, it will need to be addressed through the City's Capital Works Program. The City has a large number of missing sections of footpath that need construction so this will be prioritised against other projects and works undertaken when budget is available.</p>
<p>2.9 – Finding - On street Parking on Walcott Street On street parking on Walcott Street is likely to occur due to the increased parking demand associated with the commercial development. This on street parking may restrict sight distances at the intersection of Adair Parade/Walcott Street and Klem Lane/Walcott Street.</p>	<p>AGREE</p>		<p>To minimise the proliferation of signage, the City will monitor parking on Walcott Street if the Development becomes is approved and becomes operational and parking restrictions will be put in place if required.</p>



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<p>Recommendation</p> <p>Install appropriate parking restriction signage along Walcott Street to ensure adequate SISD is provided at the side roads of Adair Parade and Klem Lane.</p> <p>[IMPORTANT LOW]</p>			
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**Corrective Action Report - 2-8 Adair Parade, Coolbinia
Land Use Development Stage Audit**

NOTE:

- This Corrective Action Report is to be read in conjunction with the full Road Safety Inspection Report and its findings and recommendations.
- The asset owners (MRWA and/or LGA) **must** be informed of these findings, recommendations and proposed actions.
- Items not under the responsibility of this project representative must be forwarded to the persons / agencies who are responsible.

These findings and recommendations have been considered, and the actions listed will be taken accordingly.

Responsible Project Representative	Company / Agency / Division	Position	Date

Asset Owner Representative	Company / Agency / Division	Position	Date

Network Asset Manager	Company / Agency / Division	Position	Date

14.6 PROPOSED NOTICE OF MOTION - COUNCILLOR JOE FERRANTE - BUILT FORM TRANSITION BETWEEN ACTIVITY CENTRES AND LOW DENSITY RESIDENTIAL AREAS

Business Unit:	City Future	Service: City Future Projects
Ward:	City Wide	Location: Local and Neighbourhood Centres
Applicant:	Not Applicable	

Council Resolution

0823/041

Moved Councillor Migdale, seconded Councillor Proud

That the City’s officers INVESTIGATE options to ensure an appropriate built form transition between the City’s Activity Centres and low density residential areas (i.e. Residential properties with density codes of R25 and below) as part of the review of the City’s local planning framework and preparation of a new local planning scheme.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Notice of Motion Recommendation

That the City’s officers INVESTIGATE options to ensure an appropriate built form transition between the City’s Activity Centres and low density residential areas (i.e. Residential properties with density codes of R25 and below) as part of the review of the City’s local planning framework and preparation of a new local planning scheme

Background provided by Elected Member

“The City’s endorsed Local Planning Strategy identifies 48 Local and 19 Neighbourhood Centres across the City of Stirling, and seeks to focus residential growth at Activity Centres. The local context of each of these Centres is unique. Currently, a one-sized fits all approach does not meet the expectations of local communities, particularly those living in low density areas next to an Activity Centre. The City is currently reviewing its local planning framework and this should include consideration of appropriate transitions between low density residential areas and higher density Activity Centres when preparing the new Local Planning Scheme No.4.”

Details

Background

A Local Planning Strategy provides the direction and long-term actions to manage the land use change and development of a local government area. The Local Planning Strategy sets a 10-15 year outlook which allows for the evolution of planning and development in response to local context and requirements.

The City of Stirling's Local Planning Strategy ([Part 1](#) and [Part 2](#)) was endorsed by the Western Australian Planning Commission (WAPC) on 25 October 2019.

The City’s Activity Centres are numerous and diverse, forming a hierarchy which includes:

- Higher Order Centres
 - 1 Strategic Metropolitan Centre;
 - 2 Secondary Centres; and
 - 9 District Centres.
- Lower Order Centres
 - 19 Neighbourhood Centres; and
 - 48 Local Centres

A key issue identified by the City’s Local Planning Strategy related to residential growth occurring in backyards and not in the City’s Activity Centres or along the Urban Corridors. The response to this issue, as identified in the Local Planning Strategy is to *“Focus residential growth around Activity Centres and Corridors”*.

Between 2017 and 2018 the City undertook a review of its current Local Planning Scheme No.3 (LPS3). The Scheme Review Report concluded that since LPS3 became operational in August 2010 there have been significant changes to State Government planning policy and legislation that have direct impacts on the application of the Scheme and its ability to deliver on its objectives. The Scheme Review Report recommended that LPS3 be repealed and replaced with a new Scheme. On 17 April 2018 Council resolved to approve the recommendations of the Scheme Review Report and forward the Report to the WAPC (Council Resolution Number 0418/019).

City officers have been working with officers from the Department of Planning, Lands and Heritage and meeting with Ward Councillors and relevant Business Units to define the scope and direction of the new Scheme.

A separate report seeking a formal Council resolution to prepare a new Local Planning Scheme is to be considered by Council on 15 August 2023 (Item 12.1/CF1).

Current planning framework

Under the City's LPS3, the zoning of two of the City's 'Lower Order Centres' do not allow residential development. Three of the City's Local Centres, although capable of residential development are within the City's industrial areas (Balcatta and Osborne Park) and are therefore unlikely to be developed with a residential component.

The remaining 62 Lower Order Centres comprise several different zones:

- Business;
- Local Centre;
- Mixed Use; and
- Neighbourhood Centre.

Unless otherwise provided by the Scheme, Local Planning Policy, Structure Plan, or Local Development Plan, residential development on non-Residential zoned land is to be in accordance with the provisions of the R80 density code of the Residential Design Codes. The R80 density code applies to 59 Lower Order Centres.

Future planning framework

The intention for the City's new Local Planning Scheme No.4 (LPS4) is to realise the vision of past strategic planning projects in a manner that reduces complexity of the Scheme, aligns with the State planning framework and provides consistent and legible planning guidance.

To achieve this goal, the City is reviewing the number of different zones to align with the City's Local Planning Strategy and apply an appropriate zone to Activity Centres.

Changes to the State planning framework, including the introduction of Part C -Medium Density of Volume 1 and Volume 2 – Apartments of the Residential Design Codes, provide the City with the ability to allocate individual density codes that reflect local context and facilitate intended built form outcomes.

Recommended Action

Officers support the Notice of Motion recommendation and will investigate appropriate density codes for individual Local Centres and Neighbourhood Centres with consideration given to the density of surrounding residential areas through the preparation of the new local planning scheme.

Financial Assessment and Implications

Nil.

Relevant Policies, Legislation and Council Resolutions

Meeting Date	Council Resolution Number	Council Resolution
17 April 2018	0418/019	<ol style="list-style-type: none"> 1. <i>That the Scheme Review Report, which recommends that a new Local Planning Scheme No.4 be prepared, be APPROVED and FORWARDED to the West Australian Planning Commission as contained in Attachment 1.</i> 2. <i>That consideration BE GIVEN in the 2018/2019, 2019/2020 and 2020/2021 budget processes for appropriate funding for the preparation of Local Planning Scheme No.4.</i> 3. <i>That Council DEFERS consideration of the project brief for the preparation of Local Planning Scheme No.4 and the review of supporting statutory planning instruments as contained in Attachment 2, pending the outcome of budget deliberations.</i>

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: A liveable City

Priority: Prioritise growth in activity corridors and centres

Strategic Risk

Strategic Risk	Risk Appetite
Purpose	The City will pursue community and sector leadership through forward thinking decision making, and alignment of its services and operations with its strategic objectives.

14.7 PROPOSED NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - SCARBOROUGH GROUND LIGHT INSTALLATION**Scarborough Ground Light Installation**

Business Unit:	Facilities, Projects & Assets	Service: Facility Management
Ward:	Coastal	Location: Scarborough Clock Tower, The Esplanade, Scarborough Beach
Applicant:	N/a	

Council Resolution**0823/042****Moved Councillor Farrelly, seconded Councillor Krsticevic****That the City INVESTIGATES the provision of ground light installations around the Scarborough Beach precinct and that a report be PRESENTED to a future meeting of the Community and Resources Committee in November 2023.****The motion was put and declared CARRIED (13/0).****For:** Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.**Against:** Nil.

Notice of Motion Recommendation

1. That the City INCLUDE in the 2023/2024 mid-year budget an amount to install a colour light show from ground light installations around the Scarborough Clocktower. This to be undertaken in consultation with the Rotary Club of Scarborough and Scarborough Beach Association. The installation to be opened for the Carols around the Clocktower Christmas 2024.
2. That the on ground light installation be extended around the commercial precinct and the open space of the Hubs, Scarborough Amphitheatre and Scarborough Square. These light installations to reflect against the built and natural landforms. This to be investigated and reviewed for the 2024/2025 budget.

(Suggested Alternative Recommendation - Refer to conclusion of Report)

Background provided by Elected Member

“The Scarborough Rotary Club built the Clocktower and has been extremely interested in having this swathed in colourful lights emitting from the base of the tower. The Scarborough Beach Association fully support this.

These would light the many events (i.e. many musical events such as the jazz festival, the Anzac ceremony, many sporting events such as Groundswell and the regular markets) held at Scarborough Beach and promenade every year. This has possibilities to extend along the Esplanade from north to south and up to the Ramada Hotel in Scarborough Beach Road and Brighton Road to the Quest building as a tourist light pavement walk.”

Details

Scarborough Clock Tower is an iconic structure located at Scarborough Beach. Prior to the Scarborough Beach redevelopment in 2017 the clock tower had LED colour changing lights installed. However, the clock tower was relocated a small distance during the MRA redevelopment, and the lights were not reinstalled or replaced.

The City has previously been in discussions with Scarborough Rotary and the installation of in-ground colour changing lights to the clock tower is estimated to cost approximately \$55,000. The project has been included for consideration in the 2024/2025 Draft Capital Works Programme.

Other City infrastructure opportunities along the foreshore for LED colour changing lights for consideration include Scarborough Amphitheatre and Scarborough Beach Pool. Lighting privately owned buildings or infrastructure needs to be considered further and reported at a later Council meeting.

The City receives approximately eight requests per year to 'light up' in aid of various causes and events with the City being unable to participate as it does not have the necessary infrastructure. Subject to Council approval, the lighting installation will allow the City to show support for causes and events and provide a vibrant precinct.

The City is also considering lighting up 'Lina' in the Main Administration Building forecourt as part of the concept plan currently being considered.

Officers will prepare a report to be presented to Council in November 2023 prior to mid-year budget review.

Financial Assessment and Implications

The supply and installation of colour changing LED lighting of the Scarborough Clock Tower is estimated to cost approximately \$55,000.

There is no current budget in the 2023/2024 annual Capital Works Programme, however it is currently listed for consideration in the 2024/2025 Draft Building Capital Works Programme.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An attractive and well-maintained City

Priority: Provide quality, well-maintained facilities for the benefit of the community

Strategic Risk

Strategic Risk	Risk Appetite
Funding	The City will take sufficient financial risk to enable it to achieve its strategic objectives, providing it does not significantly impact on the long term financial sustainability of the City.

Suggested Alternative Recommendation

That the City INVESTIGATES the provision of ground light installations around the Scarborough Beach precinct and that a report be PRESENTED to a future meeting of the Community and Resources Committee.

14.8 PROPOSED NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - INSTALLATION OF FIXED TELESCOPES OR BINOCULARS ALONG THE COASTAL WALK BETWEEN WATERMANS BAY AND SCARBOROUGH

Business Unit:	City Future	Service: Economic Development
Ward:	Coastal	Location: Not Applicable
Applicant:	Not Applicable	

Council Resolution

0823/043

Moved Councillor Farrelly, seconded Councillor Krsticevic

That the City UNDERTAKES a pre-feasibility study to consider the installation of fixed public telescopes or binoculars on the coastal walkway between Watermans Bay and Scarborough foreshore and that a report be PRESENTED to a future meeting of the Planning and Development Committee by March 2024.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Notice of Motion Recommendation

That the City INVESTIGATES the opportunity to set up along the coastal walk fixed telescopes or binoculars from the Bay Beaches commencing at Watermans to Scarborough.

(Suggested Alternative Recommendation - Refer to conclusion of report)

Background provided by Elected Member

“It will be an adjunct to the enjoyment of our beaches where anyone who walks along the walking path along West Coast Drive of the Bay Beaches and the Esplanade at Scarborough and the path at Trigg can have the opportunity to see the distance of sights in the ocean.”

Details

The coastal walkway between Watermans Bay and Scarborough foreshore is a popular destination for residents and visitors. The walkway connects several small parks and recreation areas, including Watermans Bay Beach, Laurie Strutt Reserve, Mettams Pool, Trigg Beach and the Scarborough foreshore. The City has already installed several public amenities along the walkway, such as car parks, seating, toilet/bathroom facilities, and a commercial arrangement for e-scooters.

The installation of fixed public telescopes and/or binoculars at some of the vantage points along the walkway would allow people to enjoy the beautiful views of the coastline without having to bring their own telescope or binoculars.

The following factors would need to be considered when selecting the type and features of the telescopes and/or binoculars:

- The vantage points along the walkway. Some vantage points may be better suited for telescopes, while others may be better suited for binoculars.
- The needs of the users. Some users may be interested in viewing wildlife, while others may be interested in viewing the coastline, noting the locations will also determine the view opportunities.
- The City will need to consider the cost of purchasing the telescopes or binoculars, as well as the cost of maintaining them.
- The telescopes or binoculars could be:
 - installed on a “user pays” basis, which would help to offset the cost of their installation and maintenance.
 - solar powered, which would reduce the need for electrical infrastructure.
 - equipped with audio narration, which would provide additional information about the local area, history, an/or views for users.

Recommended Action

City officers support investigating the opportunity to consider setting up the installation of fixed public telescopes or binoculars on the coastal walkway between Watermans Bay and Scarborough foreshore.

City officers recommend a report can be presented to a future meeting of the Planning and Development Committee which would include a pre-feasibility study to provide the City with information needed to make an informed decision about whether to proceed with this proposal.

Financial Assessment and Implications

Should Council approve the recommendation, further pre-feasibility actions will be required. These activities will include:

- Engaging with potential providers to understand costs.
- Identifying potential sites for the telescopes or binoculars.
- Enrolling several City units in the pre-feasibility engagement, such as Parks and Sustainability, Recreation and Leisure Services, Customer Communications, and Facilities Projects and Assets teams.
- Engaging the local community.
- The pre-feasibility activities will help to determine the feasibility of installing fixed public telescopes or binoculars on the coastal walkway and will identify the best way to proceed.

Sustainable Stirling 2022-2032

Key Result Area: Our economy

Objective: A vibrant City

Priority: Encourage and support tourism growth

Strategic Risk

Strategic Risk	Risk Appetite
Community	The City will ensure that it engages with the community in accordance with its Community and Stakeholder Engagement Plan.

Suggested Alternative Recommendation

That the City UNDERTAKES a pre-feasibility study to consider the installation of fixed public telescopes or binoculars on the coastal walkway between Watermans Bay and Scarborough foreshore and that a report be PRESENTED to a future meeting of the Planning and Development Committee.

14.9 PROPOSED NOTICE OF MOTION - COUNCILLOR TONY KRSTICEVIC - LOCKERS AT THE BEACH

Business Unit:	Recreation and Leisure Services	Service: Leisure Services
Ward:	Coastal	Location: Various
Applicant:	Not Applicable	

Council Resolution

0823/044

Moved Councillor Krsticevic, seconded Councillor Farrelly

- 1. That Council AGREES to a 24-month trial period of locker hire at identified coastal location or location/s subject to:**
 - a. The engagement of suitably resourced operator/s for this service through an Expression of Interest process;**
 - b. Preparation of a Legal Agreement/Operator Agreement including:**
 - i. Finalisation of terms and conditions to the City's satisfaction;**
 - ii. An agreed term up to 24 months;**
 - iii. Permitted operating areas that may be subject to change during the trial period at the City's discretion; and**
 - iv. Formalisation of trial success factors and data sharing between the City and the proponent.**
- 2. That, subject to completion of the steps outlined in Recommendation 1 above, Council AUTHORISES the Mayor and Chief Executive Officer to execute an appropriate Deed of Agreement with the proponent/s in preparation for the 2023/2024 summer period.**
- 3. That Council NOTES a report will be presented to Council in June 2025 following 18-months of the trial period providing a qualitative and quantitative assessment of the effectiveness of locker hire options.**

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Notice of Motion Recommendation

That a report be PRESENTED to Council regarding the opportunity to provide personal lockers for beachgoers at key coastal locations so they can keep their valuables safe while they are at the beach.

(Suggested Alternative Recommendation – Refer to conclusion of Report)

Details

Security of personal belongings is an important consideration for beach visitors. Secure storage by utilising lockers on a short-term hire arrangement would provide the ability to secure personal belongings effectively. Any provision of beach lockers is best delivered through a commercial arrangement with a private supplier. Appropriate locations, good passive surveillance, troubleshooting processes, cleaning and maintenance, and other operational management requirements will all be important considerations.

Councillor Suzanne Migdale has proposed a Notice of Motion for the availability of beach umbrella and equipment hire at Scarborough Beach (also being considered at the Council Meeting to be held 15 August 2023). Should Council wish to similarly trial the availability of lockers at the beach, this could be aligned with the proposed approach for beach umbrella and equipment hire.

Financial Assessment and Implications

To be determined. A trial period arrangement with a private supplier may not include a specific charge although they will be expected to capture/share usage data with the City and adapt the business operations (where required) to ensure a positive experience for beachgoers. Any incidental costs associated with such a trial period could be captured within the Recreation and Leisure Services 2023/2024 operating budget.

Sustainable Stirling 2022-2032

Key Result Area: Our community

Objective: An active and healthy City

Priority: Facilitate a range of recreation and leisure opportunities for everyone in the City

Strategic Risk

Strategic Risk	Risk Appetite
Funding	The City will take sufficient financial risk to enable it to achieve its strategic objectives, providing it does not significantly impact on the long term financial sustainability of the City.

Suggested Alternative Recommendation

That Council NOTES the Notice of Motion Recommendation for this Item has been included in the Alternative Recommendation for the Trial of Beach Hire Equipment at Scarborough Beach to be considered 15 August 2023 and no further report is required.

14.10 PROPOSED NOTICE OF MOTION - COUNCILLOR DAVID LAGAN - COMMUNITY CENTRE BATTERIES

Business Unit:	Parks and Sustainability	Service: Sustainability
Ward:	Not Applicable	Location: Not Applicable
Applicant:	Not Applicable	

Council Resolution
0823/045
Moved Councillor Lagan, seconded Councillor Migdale

That the City EXPLORES solar battery storage options for Stirling Community Centres Balga, North Beach (Charles Riley), Jim Satchell (Dianella) and Tuart Hill.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Notice of Motion Recommendation

That the City EXPLORES solar battery storage options for Stirling Community Centres Balga, North Beach (Charles Riley), Jim Satchell (Dianella) and Tuart Hill.

Background provided by Elected Member

“These City-managed community facilities have been identified to have excess solar generation which could potentially be stored in batteries. This initiative would be aligned with the Sustainable Energy Action Plan 2020-2030 which seeks to increase the generation and utilisation of renewable energy.”

Details

Officers are already investigating options for large solar batteries at two community centres (Inglewood Town Square and Mirrabooka Community Hub) as these sites have large solar PV systems (75-100kW) installed and have the largest excess solar generation of all City-managed community facilities. Stirling Community Centres Balga, North Beach (Charles Riley), Jim Satchell (Dianella) and Tuart Hill have smaller solar PV systems (around 15kW) installed and do still have some excess solar generation that could be potentially stored in batteries.

Officers can prepare a report investigating options for solar batteries at Stirling Community Centres Balga, North Beach (Charles Riley), Jim Satchell (Dianella) and Tuart Hill, which would be presented to the Community and Resources Committee meeting to be held 14 November 2023.

Financial Assessment and Implications

To investigate options for solar batteries at the four community centres identified, cost of a specialist electrical contractor would be approximately \$7,500.

Sustainable Stirling 2022-2032

Key Result Area: Our natural environment

Objective: An energy-smart City

Priority: Increase the City's generation, storage and use of renewable energy supplies

Strategic Risk

Strategic Risk	Risk Appetite
Environment	The City will prioritise protection, enhancement and sustainability of the natural environment unless this cannot be achieved without significantly compromising the City's economic or social sustainability.

14.11 PROPOSED NOTICE OF MOTION - COUNCILLOR BIANCA SANDRI - BENCHES AT INGLEWOOD TRIANGLE

Business Unit:	Parks and Sustainability	Service: Parks & Streetscapes
Ward:	Inglewood	Location: Inglewood Triangle Reserve
Applicant:	Not Applicable	

Council Resolution
0823/046
Moved Councillor Lagan, seconded Councillor Migdale

That a report be PRESENTED to the next Council meeting with an update of the rectification works of the newly installed benches at Inglewood Triangle and prepare a plan to better connect people of all abilities from Brightwater Inglewood to Walter Road Reserve through to the Inglewood Triangle.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Notice of Motion Recommendation

That a report be PRESENTED to the next Council meeting with an update of the rectification works of the newly installed benches at Inglewood Triangle and prepare a plan to better connect people of all abilities from Brightwater Inglewood to Walter Road Reserve through to the Inglewood Triangle.

Background provided by Elected Member

“The bench seating was installed without proper consultation with the Friends of Inglewood Triangle and needs to be reviewed. Further, the Friends of Inglewood Triangle and the residents of Brightwater along with the broader community want better connectivity between key places through our natural areas for all ages and abilities.”

Details

Both the Friends of Inglewood Triangle and the City made arrangements for benches underneath the shelter, without effective communications between the parties. To allow the Friends group to install their grant funded seating, the City has agreed to remove the installed benches – to be reused in another reserve.

Officers can prepare a report on the path connection between nearby reserves, for the Council meeting to be held 29 August 2023.

Financial Assessment and Implications

The cost of relocation of the benches is approximately \$1,500.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An attractive and well-maintained City

Priority: Provide quality, well-maintained facilities for the benefit of the community

Strategic Risk

Strategic Risk	Risk Appetite
Community	The City will ensure that it engages with the community in accordance with its Community and Stakeholder Engagement Plan.

14.12 PROPOSED NOTICE OF MOTION - COUNCILLOR LISA THORNTON - STIRLING INNOVATION DISTRICT

Business Unit:	Planning and Development	Service: City Future Projects
Ward:	Osborne	Location: Not Applicable
Applicant:	Not Applicable	

Council Resolution
0823/047
Moved Councillor Thornton, seconded Councillor Olow

That the Mayor WRITES to the relevant Federal and State Ministers for Industry and Innovation highlighting the opportunity for investment in innovation and technology-based industries within the Herdsman, Glendalough and Osborne Park commercial and industrial areas.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

Notice of Motion Recommendation

That the Mayor WRITES to the relevant Federal and State Ministers for Industry and Innovation to seek support for the establishment of a Stirling Innovation District within the Herdsman, Glendalough and Osborne Park commercial and industrial areas.

(Suggested Alternative Recommendation - Refer to conclusion of Report)

Background provided by Elected Member

“The identification of the Herdsman, Glendalough and Osborne Park commercial and industrial hubs collectively as the Stirling Innovation District offers an opportunity for the City of Stirling to establish a competitive advantage in dynamic and evolving markets. This innovation district would allow the City to collaborate and connect with like-minded industries and businesses, drive innovation with cutting-edge technologies, and attract investment and talent to our City.

Establishment of a high-value manufacturing industry space to attract investment will place City of Stirling and Western Australia on the world stage in manufacturing and help to solve some of the most complex problems through creative innovation, research and development.

The Stirling Innovation District will not only prepare us for future disruptions such as the recent Covid-19 pandemic, but also position us to take advantage of new opportunities. With the economic and social changes brought about by the pandemic, it's essential to think outside the box and adapt to changing circumstances.

Western Australia is a region abundant with natural resources, making it a global leader in energy, mining, and mineral processing. With reserves of iron ore, natural gas, lithium, and critical minerals, Western Australia is the perfect location for manufacturing and innovation. However, as the largest contributor to the state's economy, the mining industry poses risks to the state's long-term economic stability.

The Stirling Innovation District can create a diverse and complex ecosystem that attracts investment into a broader range of industries and diversifies the state's export markets. By doing this, Western Australia will be able to transition its workforce into higher value jobs and drive long-term economic development.”

Details

The planned transformation of the Osborne Park, Herdsman and Glendalough commercial and industrial precincts into vibrant and diverse mixed-use spaces provide an opportunity to reimagine how innovative technologies can provide employment and investment opportunities that are compatible with higher density residential development. The proximity to the Perth Central Business District (CBD) and ready access to existing quality road, rail connections and future high frequency Mid-Tier transport options further enhances the suitability of the area as an innovation district.

The City is currently preparing its new Local Planning Scheme No.4 (LPS4) which will reduce the complexity of the current Scheme, and associated planning documents, while facilitating development in accordance with the vision and intent of the City's existing strategic planning framework documents. This provides an opportunity to build on the planning to date in the Herdsman, Glendalough and Osborne Park areas ensuring they can leverage funding and investment opportunities within the City.

The draft structure plans for Herdsman Glendalough and Stirling City Centre envisage retention/consolidation of industrial uses in Osborne Park and the growth of employment opportunities in mixed use/residential areas fronting Scarborough Beach Road and south towards Hasler Road. The City is also working with the State Government to deliver the planned upgrade and extension of the Hutton Street connection with Mitchell Freeway and a Mid-Tier transport solution along Scarborough Beach Road.

LPS4 and the associated planning documents will reflect the transitional nature of the project areas and provide guidance on the intended land use and built form outcomes.

This is particularly important given the recent release of State Planning Policy 4.2 Activity Centres which identifies Activity Centres such as Glendalough and Stirling City Centre as priority locations for employment and employment generating activities while also acknowledging that growth of centres can benefit from proximity to strategic employment areas.

The City's strategic framework recognises the traditional and evolving role of the Herdsman Business Park as a high employment generator that is already home to several resources, construction and training-based businesses which can complement and support the growth of the existing Activity Centres.

Recognising the potential for the Herdsman Business Park to facilitate the growth and development of innovation and technology-based industries is consistent with the resolution of Council from its meeting held 29 June 2021 to pursue initiatives that encourage establishment of a start-up tech hub at Scarborough beachfront locations and the Osborne Park area (Council Resolution Number 0621/035).

Recommended Action

The identification of the Osborne, Herdsman and Glendalough commercial and industrial areas as the Stirling Innovation District aligns with the City's vision and intent for the transition of these strategic employment areas.

The preparation of LPS4 and related modifications to the associated planning framework provides an opportune time to reaffirm the unique opportunities afforded by the area's proximity to the Perth CBD together with the existing and planned transport infrastructure within the immediate locality.

It is recommended that the City writes to the relevant Federal and State Ministers for Industry and Innovation to seek support for the establishment of a Stirling Innovation District within the Herdsman, Glendalough and Osborne Park commercial and industrial areas to build on the success of the existing business parks and promote investment in sustainable economic growth through innovation and diversification.

Alternatively, the letter can highlight the opportunities that the current and evolving Herdsman, Glendalough and Osborne Park commercial and industrial areas provide for investment in the establishment and development of innovation and technology-based industries.

Financial Assessment and Implications

Repositioning the Herdsman, Glendalough and Osborne Park commercial and industrial areas as the Stirling Innovation District is consistent with the City's vision and intent for the area, and opens up opportunities for developers to access State and Federal funding and grant streams such as:

- National Reconstruction Fund – finance for projects that diversity and transform Australia's industry and economy.
- Industry Growth Program – advice and matched grant funding for small and medium enterprises.
- Investment Attraction Fund (WA) – supporting economic diversity in Western Australia
- Advanced Manufacturing Early-Stage Research Fund (WA) – to boost innovation, skills and employment in advanced manufacturing.
- Manufacturing Modernisation Fund – funding to purchase new technologies to be more productive and create new jobs.

Project funding mechanisms are intended to prioritise diversification and evolving technologies including:

- Renewables and low emissions technologies.
- Medical science.
- Transport.
- Value-add in the agriculture, forestry and fisheries sectors.
- Value-add in resources.
- Defence capabilities.
- Enabling capabilities.

Sustainable Stirling 2022-2032

Key Result Area: Our economy

Objective: A smart and prosperous City

Priority: Attract and promote investment and partnership opportunities

Priority: Advocate, lobby and partner with stakeholders to benefit the community

Strategic Risk

Strategic Risk	Risk Appetite
Partnerships	The City will be proactive in improving existing relationships and working with new partners to grow its reputation as an organisation that the community, business, government and other organisations choose to engage with.

Suggested Alternative Recommendation

That the Mayor **WRITES** to the relevant Federal and State Ministers for Industry and Innovation highlighting the opportunity for investment in innovation and technology-based industries within the Herdsman, Glendalough and Osborne Park commercial and industrial areas.

At 8.00pm, Mayor Mark Irwin stepped down as Presiding Member prior to consideration of Item 14.13. Deputy Mayor Stephanie Proud JP assumed the Chair.

At 8.05pm, Councillor Elizabeth Re left the meeting during consideration of Item 14.13, and returned to the meeting at 8.09pm.

At 8.14pm, Councillor Karlo Perkov left the meeting during consideration of Item 14.13, and returned to the meeting at 8.17pm.

14.13 PROPOSED NOTICE OF MOTION - MAYOR MARK IRWIN - INVESTIGATION OF POTENTIAL TO REVIEW PLANNING POLICY REQUIREMENTS THAT TRIGGER A FINANCIAL CONTRIBUTION

Business Unit:	Development Services	Service: Schemes, Policies & Heritage
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Council Resolution

0823/048

Moved Mayor Irwin, seconded Councillor Krsticevic

That City officers PRESENT a report to the Planning and Development Committee meeting to be held in November 2023 on the potential to review planning policy requirements that trigger a financial contribution as part of development approval such as public art, and include a 12 month moratorium on these contributions.

The motion was put and declared CARRIED (11/2).

For: Councillors Creado, Dudek, Hatton, Krsticevic, Lagan, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Councillors Farrelly and Migdale.

Notice of Motion Recommendation

That City officers INVESTIGATE the potential to review planning policy requirements that trigger a financial contribution as part of development approval such as public art, and include a 12 month moratorium on these contributions.

(Suggested Alternative Recommendation - Refer to Conclusion of Report)

Background provided by Elected Member

“The current market conditions have resulted in a number of developments being placed on hold or cancelled as they are no longer feasible to construct. This is making the delivery of housing and other development in the City increasingly difficult. In order to assist the industry, it is considered appropriate that any additional costs that a development is required to pay are reviewed and placed on hold temporarily.”

Details

Both the City and the State planning frameworks contain provisions that, as part of development or subdivision approval, require financial contributions to be made or which have financial implications which add to the cost of development. Examples of these include:

- Cash in lieu of car parking
- Public Open Space contributions
- Contributions towards construction and lighting of Rights of Way
- Contributions towards provision of infrastructure in the Scarborough Redevelopment Area
- Provision of Public Art

The City’s officers can review these provisions, and how a moratorium on the imposition of conditions that have financial implications may be implemented.

Officers can prepare a report to be presented to a future meeting of the Planning and Development Committee addressing the Notice of Motion.

Recommended Action

Officers support investigating the potential to review planning requirements that trigger a financial contribution as part of development approval, and the implication of a moratorium on these requirements.

The City's officers recommend a report can be presented to a future meeting of the Planning and Development Committee which would include a review of requirements that may have financial implications for development in the City.

Financial Assessment and Implications

The report to Council will consider the financial implications of placing a moratorium on conditions of development or subdivision approval.

Sustainable Stirling 2022-2032

Key Result Area: Our economy

Objective: A smart and prosperous City

Priority: Attract and promote investment and partnership opportunities

Key Result Area: Our built environment

Objective: A liveable City

Priority: Improve the quality, liveability and identity of local areas

Strategic Risk

Strategic Risk	Risk Appetite
Funding	The City will take sufficient financial risk to enable it to achieve its strategic objectives, providing it does not significantly impact on the long term financial sustainability of the City.

Suggested Alternative Recommendation

That a report be PRESENTED to a future meeting of the Planning and Development Committee that REVIEWS planning policy requirements that trigger a financial contribution as part of development or subdivision approval, and how a 12-month moratorium on the imposition of conditions that have financial implications may be implemented.

At 8.23pm, Mayor Mark Irwin resumed the Chair prior to consideration of Item 15.1.

15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

15.1 PROPOSED NOTICE OF MOTION - COUNCILLOR ELIZABETH RE - REVIEW EMERGENCY CALLS PROCEDURE

Councillor Elizabeth Re submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

That a Review of the emergency calls procedures and protocol be PRESENTED at the next Community and Resources Committee meeting, outlining the current protocol and procedures for members of the community who lease or licence a City of Stirling building and if the hazard / issue has derived from a City of Stirling owned or managed facility/ infrastructure.

Reason for Motion

“On several occasions it has been brought to the attention of councillors that when a pipe bursts or drain overflows or a hot water system fails etc, City staff advise that they are unable to address the issue in a timely manner which has resulted in more damage to the property and contents and an increase in insurance premiums etc”

15.2 PROPOSED NOTICE OF MOTION - COUNCILLOR ELIZABETH RE - SAFEGUARDING POLICY

Councillor Elizabeth Re submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

That the City of Stirling considers IMPLEMENTING a mandatory “safe guarding” certification course for all staff and Elected Members.

Reason for Motion

“Safeguarding is the protecting the welfare and human rights of people that are in some ways connected with work to protect children and vulnerable adults. Safeguarding certification enables organisations to be confident that their policies and procedures to meet the national safe child health principles and are compliant with all legislation and other relevant requirements.”

15.3 PROPOSED NOTICE OF MOTION - COUNCILLOR ELIZABETH RE - POLICE CLEARANCE

Councillor Elizabeth Re submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

That the City of Stirling considers IMPLEMENTING a mandatory police clearance for all Elected Members and staff.

Reason for Motion

“Under both state and federal government parliamentarians are required to ensure they have a police clearance and not a criminal conviction and this should be adopted at local government level Considering the issues that have arisen in other tiers of government it would be responsible to do so.”

15.4 PROPOSED NOTICE OF MOTION - COUNCILLOR MICHAEL DUDEK - BALGA WARD CLEAN-UP

Councillor Michael Dudek submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

1. That the City of Stirling **PROCEEDS** with a one off sweep/clean up of all dumped junk and rubbish in the Balga Ward that is currently on verges and in public spaces.
2. That the City **ENCOURAGES**, through social media and other means, residents to report instances of illegal dumping through the Snap Send Solve app.
3. That once a report is received through Snap Send Solve, or by other means, the waste operations team aims to **REMOVE** the junk/waste within three business days.

15.5 PROPOSED NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - ASSESSMENT OF NEW WEMBLEY DOWNS SOCCER CLUB CLUBROOMS

Councillor Felicity Farrelly submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

That there be monies INCLUDED in the mid-year budget review 2023/2024 to review and assess building new club rooms for Wembley Downs Soccer Club on higher ground at Butlers' Reserve as a building priority to be undertaken by the City.

Reason for Motion

"This is the sixth huge flood of inside the club rooms and flooding of the club ovals. This impacts on the recovery of the club to run matches, the loss of revenue and club get together whilst impacted by severe storm damage."

15.6 PROPOSED NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - TRAFFIC CALMING MEASURES ON BRIGHTON ROAD, SCARBOROUGH

Councillor Felicity Farrelly submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

That a report be PRESENTED to Council outlining possible traffic calming measures on Brighton Road between West Coast Highway and Hastings Street and from Hastings Street to Calais Road, Scarborough.

15.7 PROPOSED NOTICE OF MOTION - COUNCILLOR LISA THORNTON - RELOCATION OF CEDRIC STREET WETLAND

Councillor Lisa Thornton submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

That a report be PRESENTED to Council on the relocation of the Cedric Street Wetland. The report is to include the history of the wetland, the requirements of the Ministerial Statement 522 and the City's management responsibilities.

Reason for Motion

"It was determined that the development of the regionally significant Cedric Street Wetland site could go ahead based on the various existing functions of the Cedric Street Wetland site could be re-created elsewhere. The plan involved creating a series of interconnected wetlands associated with the existing Osborne Park drain in the local area. Subsequently, these replacement wetlands include Roselea Lake, Princeton Lake and Telford Crescent (Talia Lake). The functions to be relocated were ecological, hydrological, and social functions."

15.8 PROPOSED NOTICE OF MOTION - COUNCILLOR TONY KRSTICEVIC - DEVELOPMENT AND/OR ACTIVATION OF MOUNT FLORA MUSEUM

Councillor Tony Krsticevic submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

That a report be PRESENTED to Council regarding the opportunities for redevelopment and/or activation of the buildings (including rooftop) at the Mount Flora Museum.

15.9 PROPOSED NOTICE OF MOTION - COUNCILLOR TONY KRSTICEVIC - TRAFFIC CALMING MEASURES ON KARRINYUP ROAD

Councillor Tony Krsticevic submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

- 1. That a report be PRESENTED to Council outlining possible traffic calming measures between West Coast Drive and Arnott Street, Trigg.**
- 2. That the City WRITES to Main Roads WA to request approval for a reduction in the posted speed limit on Karrinyup Road, between West Coast Drive and Arnott Street, from 60km/h to 50km/h.**

Reason for Motion

“Concerns have been raised by the residents of Karrinyup Road regarding excessive travel speeds and poor driver behaviour along the section between West Coast Drive and Arnott Street. A reduction in the speed limit will assist in reducing potential risks associated with high vehicle speeds along this road.”

15.10 PROPOSED NOTICE OF MOTION - COUNCILLOR STEPHANIE PROUD JP - IMPROVEMENTS TO INNALOO PARKS

Councillor Stephanie Proud JP submitted the following Notice of Motion at the Council meeting held 15 August 2023.

Notice of Motion Recommendation

That a future report be PRESENTED to Council on potential recreational improvements and bird waterers in identified parks in Innaloo.

Reason for Motion

“Due to the high level of residential infill and resultant population growth together with the lack of recreational / passive activities available in close proximity for local residents to access in the Innaloo suburb, I consider it worthy to explore suitable amenity options with engagement from the Innaloo residents.

With our drying climate, bird waterers are becoming a necessary accessory in our local parks and reserves for birdlife to survive and thrive.”

16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

17. NEW BUSINESS OF AN URGENT NATURE

Nil.

18. MATTERS BEHIND CLOSED DOORS

Council Resolution

0823/049

Moved Councillor Proud, seconded Councillor Perkov

That item 18.1 - Chief Executive Officer's Performance Review Report for the Period 2022/2023 be **CONSIDERED Behind Closed Doors** in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (a) *a matter affecting an employee or employees.*

The motion was put and declared **CARRIED (13/0)**.

For: Councillors Creado, Dudek, Farrelly, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Thornton and Mayor Irwin.

Against: Nil.

At 8.35pm, the meeting was closed to the public.

18.1 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW REPORT FOR THE PERIOD 2022/2023**Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* , which permits the meeting to be closed to the public for business relating to the following:-

- (a) *a matter affecting an employee or employees.*

Council Resolution**0823/050****Moved Councillor Proud, seconded Councillor Migdale****That Council PROCEEDS with the recommendations in the conclusion of this report.****The motion was put and declared CARRIED (8/5) by an Absolute Majority.****For:** Councillors Creado, Hatton, Lagan, Migdale, Olow, Proud, Thornton and Mayor Irwin.**Against:** Councillors Dudek, Farrelly, Krsticevic, Perkov and Re.

19. CLOSURE

The Presiding Member declared the meeting closed at 9.03pm.

These minutes were confirmed as a true and correct record of proceedings on:

...../...../ 2023

SIGNED:

Presiding Member Name:

PRESIDING MEMBER