

Community Purpose Land

In the documentation presented to Council by Officers it states on page 12 The proposed 'Community Purpose' land use is consistent with the intent of the 'Public Purpose' reservation and Council may determine to approve the development subject to consideration for the matters listed under Clause 67 of the Deemed Provisions in the Planning and Development (Local Planning Schemes) Regulations 2015.

Clause 67x of Section 67 was omitted from documentation provided to Councillors which we have previously addressed with them and reads:

the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

Suitability for Community Purpose Land

A 'Public Purpose' reserve as defined in the Planning and Development Act 2005 as a purpose which serves or is intended to serve the interests of the public or a section of the public and includes a public work. It was previously owned by Telstra which services each and every member of the community.

Schedule 1 of LPS 15 defines a 'Community Purpose' land use as: " the use of any land or building primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit".

According to documentation provided by the Officers it

states the proposed 'Community Purpose' land use is consistent with the intent of the 'Public Purpose' reservation. Does it need to be for all youth in the community who should have the same opportunity and be encouraged, to be deemed to fit the criteria of activities for community benefit?

The application for the proposed building was lodged on 22 March 2018. It contained a Centre Management Plan. The Plan indicated it would be for all youth regardless of ethnic background. A subsequent fundraising campaign for this centre during Ramadam, posted on social media on 16 May 2019 would have led Muslims to have the view the centre was for them. The campaign advised of a prayer hall and cafe and made no mention of it being for all citizens.. It raises concerns as to whether or not it will be for the use of all citizens.

On A56 of the Centre Management Plan it states "School groups and organisations within the local area would be able to use the building under approval from the Centre's Management Committee and only in limited numbers." This does not suggest that all members of the community will be able to have the same terms of usage.

We have received written advice on the question of the community centre being available to the whole community, as opposed to a section of the community from the Equal Opportunity Commission. Under the Equal Opportunity Act this is classed as an activity centre. There are no defences or exceptions on the grounds of religious conviction. An application Under section 135 of the Equal Opportunity Act for exemption would have to be made.

On this basis we would argue that unless an exemption has

been granted or is granted in the future, that the centre should be available to all youth in Belmont for it to be deemed to fit the criteria of activities for community benefit.

Traffic Report

The traffic report provided by the Developer refers to the existing traffic volumes. The traffic was measured between Great Eastern Hwy and Wallace Street between Saturday 5th August 2017 to Thursday 11th August 2017. There is no reference or consideration in the report to the likely increase in traffic using Hardey Road and the Redcliffe area to access the airport, as a result of the closure of Brearley Avenue.

Prior to 7 October 2018 Perth residents had access to the airport via Great Eastern Hwy onto Brearley Avenue, even though there had been a partial closure of Brearley Avenue. Since full closure in October 2018, the DFO retail warehouse has begun operation at the airport with the opening of Cosco expected soon. Other retail outlets are planned for the airport in the future as well as the opening of the Redcliffe Train Station, all of which will put more traffic pressure on Hardey Road.

Residents have noticed a considerable increase in traffic in the last year. A recent video which has not previously been submitted highlights the real traffic position within the peak periods in the am and pm. Whilst buses are pulling in to the bus stop which is 4.5m from the crossover, cars are overtaking. It is clearly evident that a vehicle trying to enter the property whilst overtaking a bus, with other cars following behind that vehicle and potentially youth on a bikes going up the driveway, it is as described by Councillor Ryan "an accident waiting to happen" All this 80m from the

Great Eastern Hwy intersection.

The crash analysis figures provided in the report are also outdated as they are measured between 2012 – 2016, again before the increase in traffic volumes. It would be expected with any increase in traffic there is a possibility of increase in accidents.

The public transport which is indicated in the report, does not make provision for access from the bus stop to the centre itself. The video will clearly show the risks to both pedestrians and bicycles without the implementation of a path which should be within the recommended width. AS1428.1 – 2009 Design for access and mobility Part 1: General Requirements for access – New building works for short distance is 1.2 m which allows for wheelchair access.

The Disability Discrimination Act 1992 Section 23 Access To Premises establishes that a footpath to the premises would be necessary. The driveway would be unlikely to be able to accommodate a 1.2 m path in addition to ingress and egress traffic at the same time. Photos with two vehicles in opposite directions support this.

According to the report the width of the driveway is less than the 6.0 metre requirement for two way directional flow traffic. The width of the driveway has been assessed to accommodate vehicles passing each other that are B99. No provision has been made for vehicles that are of a larger width. A minivan which is planned for operational purposes is likely to be 3.5m according to the traffic report.

In terms of the amendments the Applicant has made for access to the driveway it states that there will be a 0.2 metre wide barrier kerb on each side of the driveway is desirable

for the purposes of directing stormwater runoff, and to create a non-mountable vehicle barrier along the property boundary. There is a document from the City of Belmont requiring that stormwater runoff is to be contained within the property not onto the street or neighboring properties. . Why is this not being applied in this case?

According to pg 17 of the report once this kerb is done it will leave a 5.6 metre wide carriageway for vehicles and pedestrians. The Australian Standards (AS2890.1:2004) specify that a minimum width of 5.5 metres between two kerbs is required for two-way traffic flow. Two way traffic flow standards does not mean including a footpath it means two way traffic flow. As previously outlined the footpath needs to be a minimum of 1.2 wide for wheelchair access. Failure to provide this is likely to be a breach of the Disability Discrimination Act.

In terms of a Refuge they require a minimum depth of 1.8m (1.5m minimum) to provide protection to cyclists, person pushing pram, person in wheelchair The desirable cut-through width is 2.5m (absolute minimum width of 1.2m). In this case this area is very close to the turning in area of the carpark and therefore an added danger for anyone waiting in the area.

The turnaround area for the same size vehicle requires a four point turn according to the report, but gives no consideration for larger vehicles or the the safety factor of youth on bicycle which could be entering or leaving whilst the turnaround is occurring.

This ingress and egress of the driveway is likely to result in vehicles having to wait on Hardey Rd to turn into the driveway whilst outgoing vehicles are exiting. This will likely

cause a further traffic safety issue, particularly if there is a bus using the bus stop.

In December 2017 one ground of refusal for the previous application was:

The development detrimentally impacts on the amenity and safety of the precinct as it will attract vehicular traffic that is likely to adversely impact surrounding land uses and transport networks. It was and still is contrary to the requirements of Schedule 2, Part 9, Clauses 67 (r), (s) and (t) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Although dated January 2019, the traffic report surveys conducted are not current and are over two years old. The only condition that has been added to assist traffic flow is that there will be half hour time slots between classes to allow for traffic ingress and egress. As no schedule of classes had been provided either on this application, it is hard to ascertain whether half hour turnaround is sufficient. Due to increased traffic, the safety factor and vehicular traffic will still adversely impact on surrounding land uses.

The pedestrian line of sight triangles measured 2.5m from the boundary. Furthermore on the motel side of the driveway there are obstructions that will impair the line of sight as indicated in photographs.

With respect to the waste removal it has now been amended so it is done prior to the arrival of anyone at the facility. It is questionable whether an 8m vehicle which requires a 14m turning circle, given the locations of the bin area, will be able to exist the premises in a forward direction with the location of the mini van parking.

Section 67 (s) (ii) states the adequacy of (arrangements for the loading, unloading, manoeuvring and parking of vehicles”

There is inadequate information to determine if adequate provisions have been made for vehicles entering the properties for deliveries. With the likelihood of other deliveries being made during opening hours whilst other vehicles are parked at the premises and potentially people leaving and arriving, no provisions have been made to ascertain whether or not this complies with section 67 (s) (ii)

Operational Hours

The hours of operation for a community centre for the ages that have been listed is not consistent with the School Education Act 1999.

Compulsory Educational Period

Part 6

- (I) the end of the year in which the child reaches the age of 17 years and 6 months; or
- (II) the child reaches the age of 18, whichever happens first.

Part 11(B) Options Other Than School in The Final Two Years

There are provisions such as such as apprenticeship, Vet courses or Higher Education courses that can provide an alternative to education. The proposed Youth Centre based on the information provided would not fit within the School Education Act 1999).

Children of the ages 11 (young womens club) -17.5 have a legal requirement to attend school. School hours are

generally 9am – 3pm with some slight variations between schools. The need to have the centre opening during these hours is not necessary as the community expect people of school age will be attending school.

The Base, the Youth Centre on Abernethy Road, mentioned in documentation with respect to bicycle attendees, have their staff attend schools during school hours to engage with young people. This enables the youth to meet the requirements of the School Education Act 1999, as well as connect with people from The Base, so they can attend the facility outside school hours.

For youth between the ages of 18-25 who are regarded as adults, there are different requirements. Consideration with the placement of classes has to be given, as the ages of the adults and the mix of youth between 11 and 17.5, particularly young women, with only two staff or volunteers on the premises at any given time, given the larger numbers than that of The Base is of concern.

The hours of operation proposed by this youth centre have been amended between Sunday to Wednesday to 8am to 8pm. The other three days are between 8am and 9pm seven. After more than two years of this coming before council the developer has still not been able to form a proper management plan with all the activities and times these will be occurring and it is not reasonable after this length of time it is omitted so a proper assessment can be done. How is it they know the hours they want it open but there is no plans available for activities?

Without providing documentation as to the schedule of classes to be undertaken, it is reasonable to look at the operations of a similar youth centre in Belmont, as to assist

with community expectation of a youth centre. The Base operates as a youth centre for disengaged youth and those at risk of becoming disconnected from family, school and work. A variety of different programs are running to accommodate the need of the youth. The centre operates between the hours of 3pm until 6pm on weekdays and from 11am until 3pm on a Saturday. On school holidays they have programs which run from 12pm until 6pm.

As to accommodate the separation of age groups, the 16-25 year age group attend on the Thursday operation. Three staff and a youth case worker, in addition to any volunteers are on the premises at all operational times. Up to 55 patrons might use the facility on any one given day. This centre is open to all youth, including young Muslims who currently participate.

As there is already a successful youth centre within Belmont, we would argue that the operating hours provided on this application are unreasonable. The services provided and the patrons that will use the facility are similar to those that use The Base. A reduction in the hours of operation to be consistent with that of The Base, will be more within the expectations of the community, given the close proximity to residential homes and any noise that would be generated.

With The Base being located on Abernethy Road, there is proper vehicle and pedestrian access. It is not situated within meters of residential homes on a battleaxe block.

Amenity of Development

Section (n) (i) Environmental impact of the development. This has been omitted from the documentation and comes under the heading of (n) the amenity of the locality on page 13.

This has not been adequately addressed. The Water Corporation report indicates that as a result of a large DN760mm Steel Water Main within the access leg to this lot this is critical infrastructure and is protected by a 6 metre wide easement. The protection requirements for this Water main will preclude the proponent from installing soak wells in the driveway associated with this development.

With soak wells not being allowed in the driveway no plans have been provided as to where they will be to disperse the run off water from the large roof area. The natural run off is down the driveway towards Hardey Rd. It would seem the City of Belmont is accepting this water is allowed to run off the driveway given the plan to have .2m kerbed sections on the driveway for that purpose. This appears to be allowable in this case but not for other people.

The land area adjacent to the development zone has been identified as high risk from the use of fire retardant foams PFAS when the site was operated by the Fire Department as a training site. It has been confirmed by Ben Rome of DFES that the City of Belmont have been made aware that a current investigation is taking place on the adjacent land where the motel is situated.

As the evidence from the Department of Water and Environmental Regulations indicate PFAS is highly persistent in the environment, moderately soluble, can be transported long distances (in some cases many kilometres) and transfer between soil, sediment, surface water and groundwater. Therefore the environmental impact can not be properly assessed for compliance with S67 (n) (I)

BRRAG has lodged a Form 1 on this property on the basis

of the information from the scientist from the Water and Environment Department. How can any councillor be satisfied that there will be no environmental impact and pass this putting other residents and the environment at risk when there is no environmental report? Waiting until it is approved and then getting it is not the intent of the Planning and Development Act. Your role is to make your decision on the basis of the information you have. That is what the Act is asking you with respect to Section 67 (n) (I)

67 (n) (ii) The Character of the Locality.

In December 2017 the Officers determined one part of the previous application to be refused due to The development detrimentally impacts on the amenity of adjoining south-east properties through a reduced lot boundary setback and the provision of uniform façade treatments which negatively affect the bulk, scale and appearance of the development.

It is contrary to the requirements of Schedule 2, Part 9, Clauses 67 (m) of the Planning and Development (Local Planning Schemes) Regulations 2015 The Developer has further addressed the lot boundary setback but the changes made to the building facade still negatively affects the bulk, scale and appearance of the development and is not in keeping with the surrounding properties.

Whilst the motel is on mixed use zoning the purpose of the motel is more in keeping with the locality of the surrounding area than that of a community centre in the middle of residential homes.

The assessment for the height of the building has been made on the criteria of mixed use zoning which allows more height than that of residential zoning. Aerial photos show a

clear picture of the surrounding area. The artists impression on the Ramadan Appeal show what the resultant development will look like. The development is detrimental to the character of the locality.

67 (n) (iii) The Social Impact on the Locality

The adjacent property the Country Comfort Motel. There is a liquor license that operates Monday to Saturday 6am until Midnight and Sunday 10am until 10pm. The hotel already deals with regular homeless drug affected people that linger around the bus stops on both sides of Hardey Road.

As a result of the existing anti social behaviour, the motel has recently installed additional security cameras Placing the proposed development for the use of vulnerable males and females aged 13- 25 next door to and contiguous with a hotel whose major guests comprise of single male FIFO workers is inappropriate, undesirable and fraught with obvious risks for both the young people and the hotel.

Noise

The acoustics report indicates a combination of the evaporative air conditioners whilst basketball is in progress does not demonstrate compliance with the assigned noise levels contained within the Environmental Protection (Noise) Regulations 1997 during night time and Sunday periods.

The report does not suggest, nor does any of the documentation in the Application demonstrate how the participants will be able to remain cool in the hot summer whilst engaging in basketball activities, without the use of air conditioners. The air conditioners will be switched off between 8-9am on Sundays and Public holidays and that

is when it will be compliant.

A purpose built wing at the Country Comfort Motel was built specifically for FIFO workers to allow minimal noise disruption. In addition to noise from evaporative air conditioners, bouncing balls on hard wall or timber surfaces with people cheering is going to be disruptive to guests using the motel and may result in loss of clientele.

Given the close proximity of residential homes to this development and ongoing noise that could be expected from air conditioners going for very long periods, it has the possibility of causing health issues for neighbouring occupants. A centre such as this should have an adequate buffer zone to minimise the effects that could be anticipated on neighbouring properties. A reduction in opening hours would likely assist with noise control.

Overshadowing and Privacy

Although it meets the minimum requirements for overshadowing, this is going to significantly impact on the use of the livable rooms, potentially requiring more lighting that would not have been needed before. Due to the changes in the setback and the outdoor storage area, at least one owner is going to have increased overshadowing from 15 to 18%

Any dampness in winter could potentially be made worse by lack of sunlight. Either of these scenarios could lead to other health risks to the occupants. Any windows that overlook the properties on the south east side of the development, should be of an opaque material.

We submit that this development does not comply with the

requirements of the S67 of the Planning and Development Act 2005. We would fully support and encourage the City of Belmont to assist the Developer to find a suitable location for the youth centre. A good outcome should be the aim for the entire community so that the goals of all concerned can be attained