

Ref: Petition No. 035
Hon Peter Foster MLC
Chairman Standing Committee on Environmental and Public Affairs
Parliament House
Perth Western Australia 6000

Dear Mr Foster and Members of the Standing Committee on Environmental and Public Affairs

Petition No. 035 – East Subiaco A-Class Reserve

Thank you for your letter of 22 November 2022 in relation to the above and the opportunity to communicate to the Standing Committee on behalf of the people who organised the Petition including the more than 2,100 citizens of Western Australia who signed the Petition regarding the key issues raised therein. Signatories included former Labor & Liberal Ministers, former Lord Mayor of Perth, former Mayors & councillors, educators including principals, emeritus professors, teachers, architects, planners, parents and community members from Subiaco and beyond.

Summary

This submission is in support of the community views opposing the likely outcomes of proposals by DWA.

1. Continued erosion of historical public sporting grounds in the face of unjustified imposed increased population density
2. Student and resident wellbeing compromised as a consequence
3. Rejection of Subiaco City's orderly planning by DWA's ad hoc decision-making contrary to State Departmental planning policies.

Failure to Preserve the Heritage Listed Subiaco Oval Recreation Reserve

The successful 1903 petition to have the recreation reserve listed as an 'A' class reserve was supported by hundreds of residents from suburbs such as Leederville, Subiaco, West Perth and Perth. All thought they had preserved this vital recreation reserve for the people's health forever. Subiaco Council and its residents have and still do fund key infrastructure and maintenance. Examples of Council funding include grandstands, fences, trees, the 1935 heritage gates and turf. A wide range of sporting codes and events have used the recreation reserve including cricket, hockey, baseball, amateur athletics, schools, concerts, church services, rugby, state tennis and state croquet. ¹

Subiaco Oval was also given additional protection when it was placed on the State Register of Heritage Places on August 14 2019. The Heritage Council of WA curtilage map P11923-A shows the registered curtilage includes the land to the west, south & north of Subiaco oval. Plans to erect at least 30 storey towers of hotels, bars, shops, transient or short term accommodation and apartments on our recreation reserve disrespects and undermines heritage of state significance. It is also against council/community resolutions and plans which include at least the replacement 1.73ha of active playing fields (represents Kitchener Park sacrificed for Bob Hawke College) in addition to Subiaco Oval (Attachment 1). ² 'Community plans are expressed in the North Subiaco Structure Plan (includes the Kitchener Common Master Plan) which were extensively consulted in late 2016/2017. Subiaco Council, residents & neighbouring residents have not wavered in their support for their preferred option which to date has been ignored.

Further In December 2021 after many questions to Development WA (DWA) some community members and the Subiaco Council discovered there was no heritage requirement for extensive bunding/embankments which DWA heavily relied on to dismiss Council and community plans. It is my opinion DWA misled the City of Subiaco, Community Reference Group members and the general community when they stated the extensive bunding/embankments were a heritage requirement (Attachment 2). ³ Without this 'requirement' the landscaping plan and public realm could align with Subiaco Council and community plans resulting in a Master Plan that meets the basic health and wellbeing requirements of existing and new residents. Without the inclusion of at least the replacement 1.73ha of active playing fields space in addition to Subiaco Oval, a severe and unsustainable undersupply of active playing fields occurs. ⁴ Statements articulated by DWA indicate the vital recreation reserve can be preserved in full via the provision of more intensive development on the PMH site or a revision of other redevelopment areas. This will meet Minister Saffioti's infill targets for Subiaco East.

Sacrificing Recreation Reserve Results in Severe Undersupply of Active Playing Fields

DWA's Master Plan fails to deliver minimum Government recommendations developed for denser infill for Perth & Peel at 3.5 million. ⁵ Minimum active playing fields requirements are not being met. DWA's plan includes 4.22 hectares

¹ Heritage Council of WA Documentation of places of entry in the register of heritage places. Register of Heritage Places. Data Base No. 11923. Subiaco Oval. Part of Agenda documents City of Subiaco Development Services Committee Meeting on 13 June 2017

² Refer HCWA Curtilage Map P11923-A for Subiaco Oval

³ Subiaco East Community Reference Group Meeting 4 – May 2020 – Conducted by Development WA

⁴ Refer City of Subiaco Council decisions 20 June 2017 and 30 January 2018 and the MOU between the State Government and the City of Subiaco signed on 9 February 2018.

⁵ Department of Sport and Recreation, Active Open Space (playing fields) in a growing Perth-Peel, January 2013.

of public open space (POS) with only 1.85ha devoted to shared active playing fields (Subiaco Oval) between three major parties (Attachment 3). After allowing for the considerable identified needs of Bob Hawke College (BHC) and WA Football Commission (WAFC) there is **very limited community access**. The rest of the POS is garden beds and paving which does not provide for the recreational needs of existing and new residents. ⁶

Please consider in Subiaco East the **minimum** foreshadowed number of new dwellings range from 2,720 to 2,900. This is equivalent to at least 6,000 new residents. There are already thousands who reside in Subiaco East. Subiaco is already the suburb with the second highest density in Perth with a population which is predicted to at least double. In 2016 the City of Subiaco identified a *“serious current undersupply of Sport Space (playing fields)..... which will only worsen with population growth.”* The Sport Space (playing fields) report also stated there were no *“obvious opportunities to add significant amounts of Sport Space to the current supply, other than Subiaco Oval, Kitchener Park, and any land that might become available (at) the Princess Margaret Hospital site.”* ⁷

Using government recommendations developed to include only the needs of new residents, at least 3.9ha of active playing fields with substantial community access must be provided to ensure residents health and wellbeing. Please note at least another 3.9ha is recommended to *“allow for supporting infrastructure such as club rooms, spectators areas, parking etc.”* ⁸ If DWA’s plan proceeds as is, it is likely to produce an outcome that **delivers less than a quarter of Subiaco East residents’ active playing fields requirements**. That is unacceptable, unhealthy and unsustainable and will substantially add to the existing significant identified shortfall in Subiaco which sees children already turned away from their chosen sport at a full and over-utilised Rosalie Park. ⁹ If this plan proceeds as is, this will be the first time in Western Australia an essential and vital recreation reserve will be sold off for short term profit against council and community wishes.

The need for active open playing fields space has been established beyond doubt especially when one considers climate change and the global pandemic. Sufficient access to playing fields nearby are essential for physical and mental health and to assist in combatting increasing health costs and health issues like diabetes, obesity and other lifestyle diseases. Research clearly demonstrates the strong links between modern epidemics and the way of life in cities. Reduced opportunities for exercise, increased fast food availability and lack of social connection are all implicated. ¹⁰

Student and Resident Safety, Security, Privacy and Wellbeing Compromised

The Education Minister did confirm in writing that this is the first time any school in Western Australia will have tower developments on the edge of their school spaces or peripheries (Attachment 4 & 5). Please note Claremont Oval is not a school oval. Regretfully there has been zero consultation with school stakeholders on this massive change to school planning that allows 30 storey or more towers of hotels, bars, transient or short term development, businesses and consulting rooms. DWA’s plan is against WAPC School Planning Policy. ^{11 12} WAPC policy states:

- *“Common boundaries of school sites with residential uses should be avoided whenever possible”*
- Licensed premises such as hotels & bars currently permitted in design guidelines *“are considered undesirable next to school sites and have real and perceived impacts on health, amenity and safety”*

Numerous tower developments of 6 to 30 storey can be avoided and are not necessary on the edge or adjacent to school spaces in Subiaco East to meet infill requirements. Developments such as these undermine the safety, security, privacy, amenity and wellbeing of students, staff and residents. In addition the Education Minister also condemned overlooking of students or residents but the Master Plan promotes clear sight lines over school spaces. ¹³

The promotion of healthy lifestyles for students is also under threat given licensed premises are permitted on school boundaries. Please also consider the Outdoor Media Association Alcohol Advertising Policy and other publications and research for the rationale which supports the wording expressed in WAPC’s school planning policy. ¹⁴ How will the proposed developments meet responsible alcohol advertising around education establishments which include children as young as 11 attending two high schools in Subiaco East? Overlooking and overshadowing of our school spaces can be eliminated.

⁶ Development WA Public Open Space Breakdown 31.03.2021

⁷ Future Sport Space Requirements – Subiaco Sport Space, prepared by Cardno for the City of Subiaco, November 2016. Page iv.

⁸ Department of Sport and Recreation, Active Open Space (playing fields) in a growing Perth-Peel, January 2013.

⁹ Future Sport Space Requirements – Subiaco Sport Space, prepared by Cardno for the City of Subiaco, November 2016.

¹⁰ UNSW Sydney City Futures Research Centre Healthy Built Environments

<https://cityfutures.ad.a.unsw.edu.au/research/city-wellbeing/>

¹¹ WA Planning Commission Draft Operational Policy 2.4 - Planning for School Sites. August 2020

¹² Perth Modern School Parents and Citizens’ Facebook Page:

<https://www.facebook.com/perthmodernpandc/photos/a.102572748168672/143742994051647>

¹³ The Post Newspapers, May 8 2021. Prying eyes could look out over Subi Oval, by Lloyd Gorman

¹⁴ <https://www.oma.org.au/resources/alcohol-advertising-policy> https://ww2.health.wa.gov.au/Articles/N_R/Public-health-planning & <https://www.healthyactivebydesign.com.au/> by the Heart Foundation & <https://www.planning.org.au/policy/planning-for-healthy-communities>

Please also consider hundreds of parent & citizens' (P & C's) delegates who represented hundreds of schools all over the state who did not support unconsulted school planning changes at the August 2021 WA Council of State School Organisation (WACSSO) annual conference. ¹⁵ Two motions put forward by Perth Modern School's P & C were overwhelming passed. These motions included a call for consultation and *"an urgent review of the master plan and design guidelines in Subiaco East is required including the removal of "WA Firsts"" and "The "WA First" in Subiaco East of allowing high rise towers of more than four (4) storeys on school oval and school building edges and periphery is not supported and will compromise staff & student safety, security, privacy, amenity and wellbeing."* ¹⁶

In addition:

- The recommendations in the 'Guide to shared use facilities in the sport and recreation community' developed by the Department of Sport & Recreation were ignored. ¹⁷
- The Master Plan fails to meet infrastructure recommendations contained in the Secondary School Planning Guidelines (SSPG) for BHC students at full capacity with only six temporary outside courts (no location for permanent courts has been established) and one indoor court built for the considerable needs of 2,000 students at capacity.

The lack of student enrolment flexibility beyond 2,000 students and lack of sufficient sporting infrastructure is highly likely to place substantial future pressure on other essential POA including Mueller Park. This is hardly sustainable or healthy given the large infill foreshadowed in the City of Subiaco and close by in the Town of Cambridge.

Holistic Plans Absent & General Planning Failures

Evidence of missing holistic infrastructure plans includes:

- Flood planning and mitigation;
- Safe traffic, cycling and pedestrian/student planning in what is an education precinct;
- Adequate parking;
- Adequate infrastructure and school master planning to meet identified future infill needs in both Subiaco and neighbouring localities including primary schooling.

Regretfully in my opinion planning has been improper and disorderly. DWA has not fully consulted and/or has not acted on substantial feedback from key stakeholders such as school communities and students. DWA has failed to meet key council, community and other stakeholders' resolutions, feedback, policies and plans. This is illustrated by:

- Over 92% of over 700 respondents rejecting DWA's vision for Subiaco East as not representing their feedback.
- A high % of over 500 submission to DWA called for the inclusion of the replacement 1.73ha of active playing fields in addition to Subiaco Oval.
- Only one public submission out of 80 fully supported DWAs recent oval and railway design guidelines.
- In November 2021 Subiaco councillors unanimously voted to seek a legal opinion on the agreement signed with the State Government. ¹⁸ All expected good faith negotiations would preserve their vital recreation reserve and deliver the minimum replacement active playing fields (1.73ha). Legal advice is pending.
- In late October 2021 a working group commenced at the City of Subiaco after serious safety concerns were raised by a former Subiaco Mayor and Perth Modern School's P & C. It appears a serious student injury or fatality has only been avoided by luck rather than appropriate and proper planning in this education precinct. There is no evidence that a sufficient risk assessment has been completed on key infrastructure decisions that have been advanced in DWA's Subiaco East Master Plan to ensure everyone's safe passage.

The Subiaco East Master Plan needs to be paused and fully reviewed to allow full and adequate consultation and redesigned to meet council, community and key stakeholders' requirements. There is a better way to deliver all infill requirements in Subiaco East which preserves the over hundred year old recreation reserve and ensures the protection of our most vulnerable. I hope this information assists the Committee in concluding that an Inquiry is warranted.

Yours Faithfully

Paul Clements
Former City of Subiaco Councillor and Resident
21 January 2022

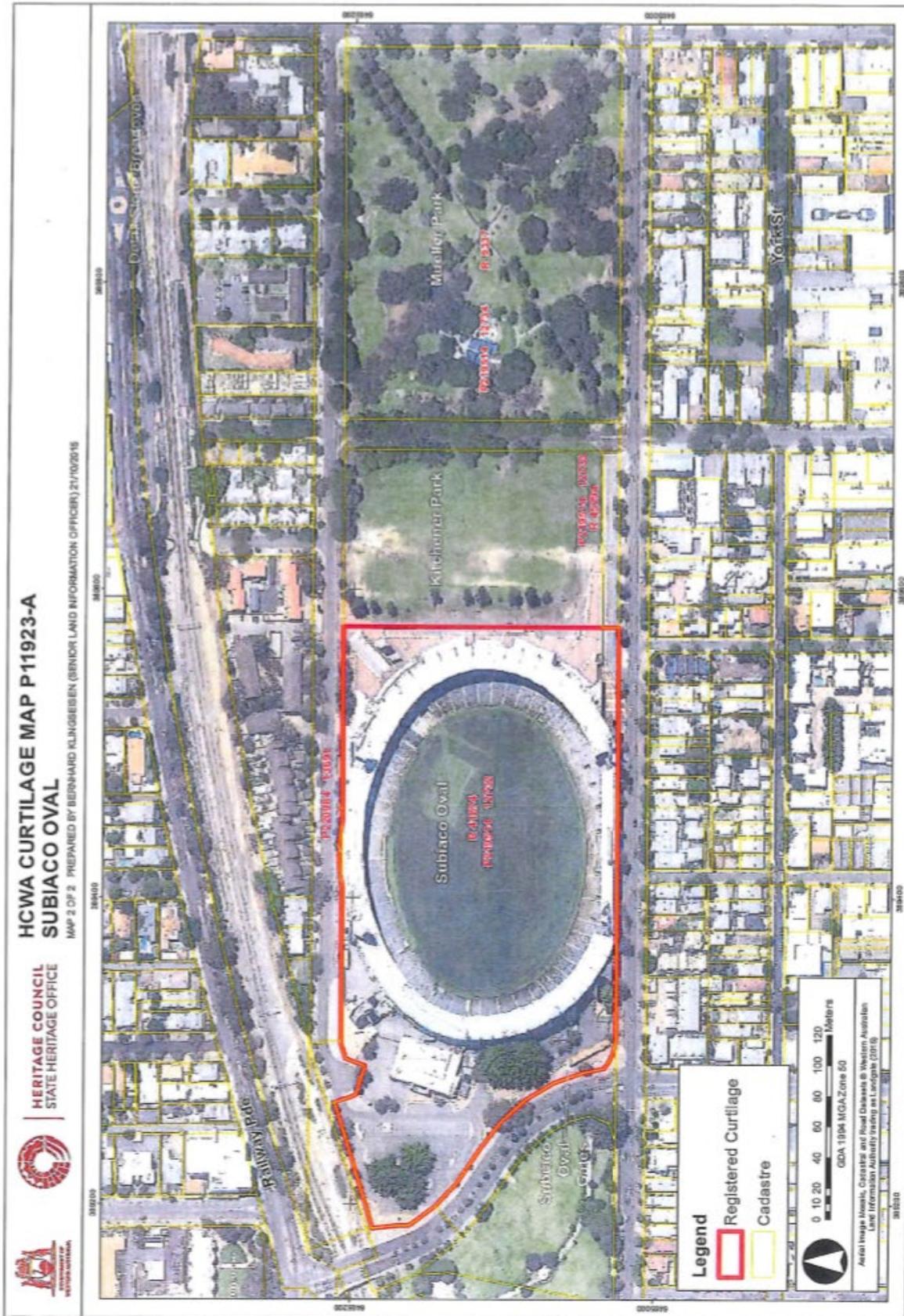
Attachment One – Heritage Council State Heritage Office – HCWA Curtilage Map P11923-A Subiaco Oval

¹⁵ WACSSO Annual Conference, August 2021. <https://www.wacssso.wa.edu.au/events/wacssso-conference/>

¹⁶ WACSSO Annual Conference, August 2021. <https://www.wacssso.wa.edu.au/events/wacssso-conference/>

¹⁷ <https://www.dlgsc.wa.gov.au/department/publications/publication/guide-to-shared-use-facilities>

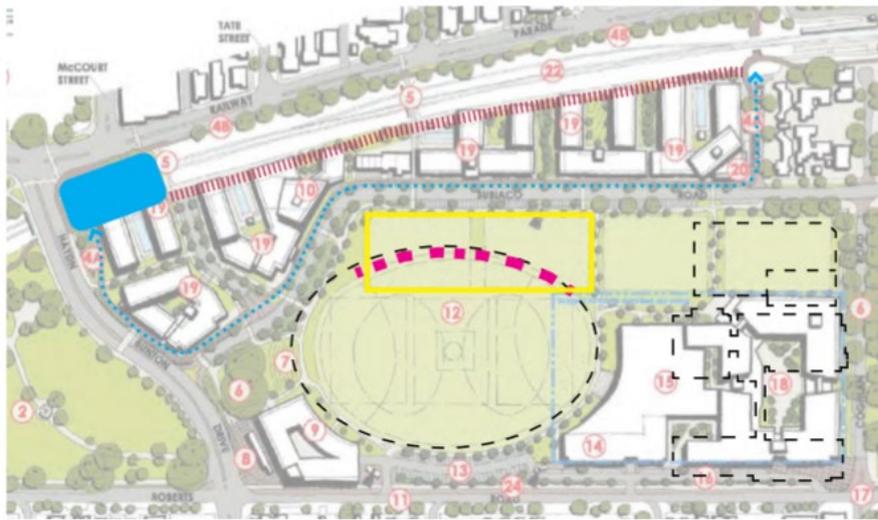
¹⁸ The Post Newspaper, November 6 2021. Subiaco Goes Down the Silk Road by Lloyd Gorman



Attachment Two – From DWA’s Documents circulated to the Subiaco East Community Reference Group Meeting 4 – May 2020. The incorrect title was used by DWA. The Kitchener Common Master Plan is the preferred option of Subiaco Council and its community and is part of the North Subiaco Structure Plan.

THE KITCHENER PARK PLAN

ISSUES RAISED



DEnSITY

Community push to provide high density (as an alternative to increasing density in other existing areas in Subiaco).

Subi East is a Govt approved project with a business case that aims to provide a high density village and meet a density target.

Subi East is aligned with State Planning Policy such as Perth and Peel @3.5 million to encourage greater housing diversity and limit urban sprawl
n ot facilitating the density targets in Subi East could result in density in other areas of Subiaco

bHC

bHC school building (including Stage 2) overlaps with two courts shown on the KMP

HERITAGE bUnD

requirements for oval size and bund (not a level surface).

RAIL CAPPInG

Relies on partial capping of railway which is out of scope

RAIL RESERVE

KMP proposes buildings that intrude into railway reserve. Without this intrusion the remaining site areas (between Subiaco Road and the PTA reserve) is not conducive to high density development.

PSP

KMP proposes to re-align high speed cycling PSP within project and increase length of travel, against the principles of a PSP

SPo RTS PITCHES

The courts shown at 70 x 48m which is smaller than a minimum sized formal pitch (DLGSC Soccer = 90 x 40m or Hockey = 95.4 x 61m).

Attachment Three – Taken from documents which were briefly available on DWA’s website as part of their Board approval process in late 2021.

POS Breakdown

POS	Program	User Group	Turf (ha)	Garden Bed (ha)	Paving (ha)	Totals (ha)
1. Heritage Plaza	Meeting Place Football History/Ceremony Small Community Events Alfresco F&B	WAFC City of Subiaco Local Residents & Workers & School Users General Public	0.07	0.07	0.14	0.28
2. Oval + Surrounds	Active Sports Field Perimeter Running Path Spectator viewing / seating edge Field Days / Concerts	WAFC Junior Football Club City of Subiaco Bob Hawke College Families/Friends of Oval users Local Residents & Workers General Public	1.85	0.01	0.18	2.04
3. Northern POS	Informal Active Park Changeroom/Toilet Facilities Multi Use Plaza Bidi Path Playground (3-7 years old) Teen PlaySpace (11-17 years) BBQ & Picnic Facilities	Bob Hawke College Local Residents & Workers Family/Friends of Oval users City of Subiaco General Public	0.4	0.3	0.6	1.3
4. Green Link	Informal Small Gathering Meeting Place Bidi Path	Bob Hawke College RSL Local Residents General Public	0.03	0.2	0.07	0.3
5. Fig Place	Community Gardens PSP Interface Informal Park	Local Residents School Children (cycling) General Public	0.07	0.06	0.17	0.3
Total POS:						4.22ha

POS Confidential 31.03.2021



Attachment Four – Letter from Minister for Education and Training Hon Sue Ellery MLC – Dated 3 August 2020



**Hon Sue Ellery MLC
Minister for Education and Training
Leader of the Legislative Council**

Our Ref: 61-23683

[REDACTED]
Email: [REDACTED]

Dear [REDACTED]

Thank you for your correspondence dated 28 June 2020 and 2 July 2020 regarding Bob Hawke College.

The Kitchener Park site was chosen for a new secondary school to address significant enrolment growth in the inner city suburbs and take enrolment pressure off existing inner suburban schools.

Upon the completion of Stage 2, the college will have adequate infrastructure to accommodate 2 000 students in Years 7 to 12. To allow the college to offer specialist programs in other faculties, additional arts and technologies spaces will be provided as part of the Stage 2 build. I note your suggestion to provide a larger sports hall as part of Stage 2. Due to the requirement for a performing arts centre for the college, this is not feasible.

The Department of Education has advised that students at Bob Hawke College will have access to physical education facilities. These include Subiaco Oval and its surrounds and both internal and external playing courts marked for multiple sports, including basketball, netball, tennis and volleyball. Line marking of Subiaco Oval will soon allow the college to hold its first athletics carnival, including a 400-metre running track.

The Department is working closely with DevelopmentWA and the City of Subiaco to ensure that space adjacent to the college is optimised to best meet the needs of the students. This includes considerations about the privacy of the students and the functionality of school operations. Subiaco Oval is public open space, and although Bob Hawke College students are able to utilise the oval during school hours, management of the oval will be the responsibility of the City of Subiaco. **While there are no public school ovals with multi-storey residential buildings on the periphery, there are other public open spaces, like Claremont, which do have abutting multi-storey buildings.**

Community use of the oval outside school hours is still being negotiated between the Department, the City of Subiaco and the West Australian Football Commission. More information on this will be available once the agreement is executed.

I note that you have also written to Hon Rita Saffioti MLA, Minister for Transport and Planning, who will be able to provide advice on the planning matters you have raised.

Thank you for raising your concerns with me.

Yours sincerely


SUE ELLERY MLC
MINISTER FOR EDUCATION AND TRAINING

CC. Hon Rita Saffioti MLA, Minister for Transport; Planning

3 AUG 2020

Attachment Five – Illustration from Development WA’s Subi East Master Plan October 2020. This illustration does not include maximum allowable heights or allow for additional heights often granted by authorities using discretion. The towers to the West and South of the Subiaco Oval are planned for the school oval edge. No roads are in between the buildings and the school oval edge which is a WA school planning first and sets an unconsulted precedent for any public school in WA.

The Subiaco East Master Plan promotes sight line over the school oval and school spaces. There is nothing to prevent or prohibit guests/visitors of hotels/short term apartments/businesses residents and students being surveilled, filmed and videoed. Bob Hawke College is the buildings to the east of the school oval with Mueller Park in between and Perth Modern School located on the other side.

