



# **Ordinary Council Meeting 22/06/21**

**Item 12.1 refers**

## **Attachment 1**

**23 February 2021 Ordinary Council  
Meeting Report (Item 12.1) including  
First Advertising Period Schedule of  
Submissions**

*Creating opportunities*





**12.1 AMENDMENT No. 14 TO LOCAL PLANNING SCHEME No. 15 – RE-CODING A PORTION OF THE DEVELOPMENT AREA 9 PRECINCT FROM R20 TO R60 AND MODIFICATIONS TO SCHEDULE No. 9**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 1 – Item 12.1 refers</b>	<a href="#"><u>Schedule of Submissions</u></a>
<b>Attachment 2 – Item 12.1 refers</b>	<a href="#"><u>Plan of Amendment No. 14</u></a>
<b>Attachment 3 – Item 12.1 refers</b>	<a href="#"><u>Development Area 9 Endorsed Local Structure Plan Map</u></a>
<b>Attachment 4 – Item 12.1 refers</b>	<a href="#"><u>Transport Impact Statement</u></a>

Voting Requirement	: Simple Majority
Subject Index	: LPS15/014 – Scheme Amendment 14 – To Amend the Zoning of a Portion of Properties within Development Area 9
Location / Property Index	: Various
Application Index	: N/A
Disclosure of any Interest	: Nil
Previous Items	: 25 August 2020 Ordinary Council Meeting – Item 12.3
Applicant	: CLE Town Planning + Design
Owner	: Various
Responsible Division	: Development and Communities

**COUNCIL ROLE**

<input type="checkbox"/>	<b>Advocacy</b>	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	<b>Executive</b>	<i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<i>Includes adopting local laws, local planning schemes and policies.</i>
<input type="checkbox"/>	<b>Review</b>	<i>When Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	<b>Quasi-Judicial</b>	<i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**PURPOSE OF REPORT**

For Council to consider how to progress Scheme Amendment No. 14 to Local Planning Scheme No. 15 (LPS 15) post advertising.



*Item 12.1 Continued*

**SUMMARY AND KEY ISSUES**

- A Local Structure Plan (LSP) was endorsed by the Western Australian Planning Commission (WAPC) for the Development Area 9 (DA9) precinct in 2013.
- The lots the subject of this amendment were reflected in the LSP as being zoned 'Residential' with an R20/60 density coding, however this was never 'normalised' into the Local Planning Scheme and the existing R20 coding has continued to apply.
- Council initiated Amendment No. 14 to LPS 15 as a 'standard' amendment for the purposes of advertising at the 25 August 2020 Ordinary Council meeting (Item 12.3), which proposes to:
  1. Amend the Scheme Map to modify the density coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway (GEH), located within the DA9 precinct, from R20 to R60.
  2. Introduce development provisions in to Schedule No. 9 of the Scheme Text relating to the DA9 precinct which:
    - (i) Require a Local Development Plan (LDP) to be prepared to guide any vacant lot subdivision in the precinct in the absence of a development approval; and
    - (ii) Outline development standards for grouped dwellings proposed on lot sizes less than 350m<sup>2</sup>.
- The Amendment was subsequently advertised from 29 October 2020 to 9 December 2020 (42 days), and a total of 18 submissions were received.
- The key concerns raised by the submissions relate to:
  - The proposed density coding;
  - Traffic;
  - Future development of the land; and
  - Impacts on the environment and wildlife.
- Upon reviewing the Amendment, modifications are recommended. These include:
  - Applying an R40 density coding to the subject lots in lieu of an R60 coding; and
  - Including an additional provision in Schedule No. 9 of the Scheme Text in relation to trees.



*Item 12.1 Continued*

- It is recommended that Council resolves to modify the Amendment and then advertise the modifications in accordance with the Regulations. For consistency, it is also recommended that Council resolve to concurrently advertise the LSP, reflecting an R40 density coding over the lots the subject of this Amendment.

## **LOCATION**

The subject amendment relates to a portion of the DA9 precinct, comprising seven properties with a combined area of 1.1972ha, bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and Mixed Use zoned properties fronting Great Eastern Highway (GEH). Each property is 1,497m<sup>2</sup> in area, with the exception of Lot 1 Hay Road which is 2,990m<sup>2</sup>. The lots have a frontage of approximately 20m and a depth of 74m. Two lots are currently vacant, with the remaining lots each being occupied by single houses.

The site at its nearest points is located approximately 70m to GEH and approximately 1km to the future Redcliffe Train Station. Land to the south of the precinct, adjacent to GEH, is zoned 'Mixed Use' under LPS 15 and contains commercial and light industrial uses. Land to the east and north-east of the precinct is reserved for 'Parks and Recreation' under the Metropolitan Region Scheme (MRS). To the north and north-west of the precinct, land is coded R20 and contains single houses. The Invercloy Estate Special Development Precinct is located to the west of the subject site, with properties fronting Fauntleroy Avenue being approximately 400m<sup>2</sup> in area.

The location of the subject site is shown in Figure 1 and the existing zoning of the subject lots and surrounding zoning and reservation of land is illustrated in Figure 2.

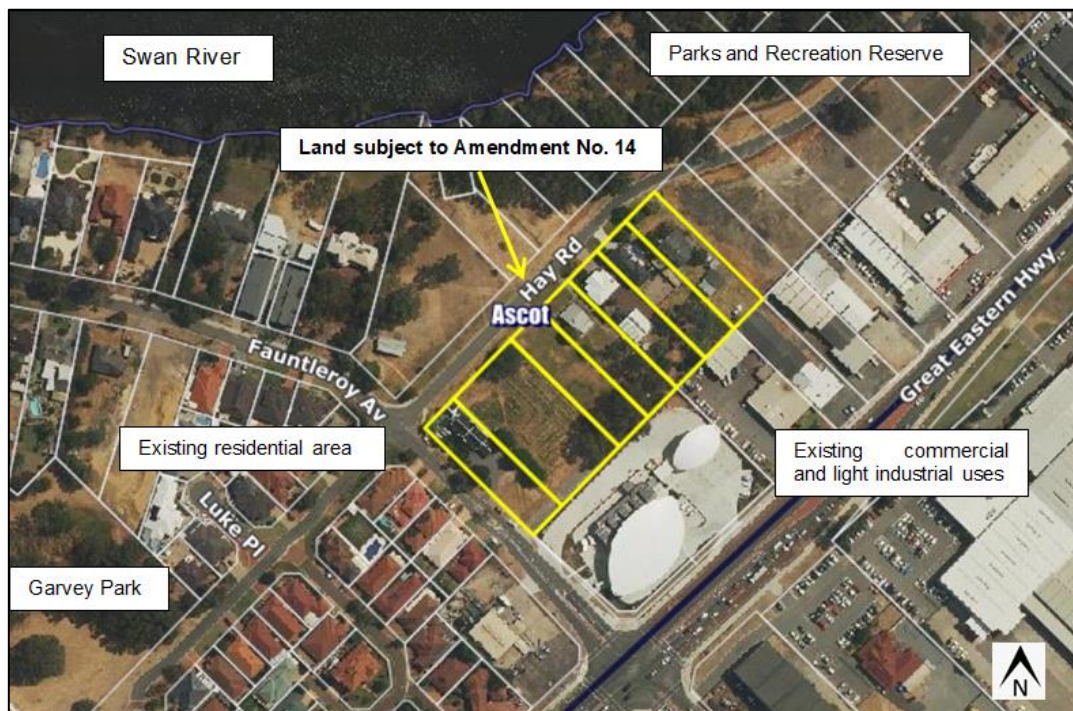


Figure 1: Location plan (Source: IntraMaps)



Item 12.1 Continued

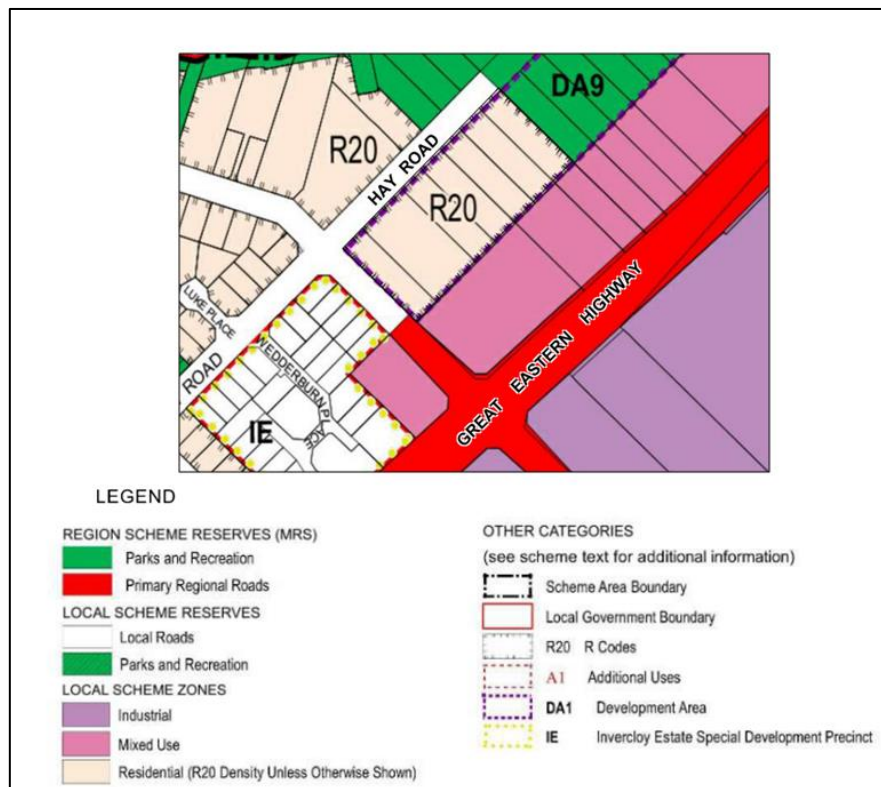


Figure 2: Existing zoning and reservation of land (Source: IntraMaps)

## CONSULTATION

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), Amendment No. 14 was advertised for a period of 42 days (from 29 October 2020 to 9 December 2020), by way of:

- Letters being sent to landowners and occupiers within and surrounding the amendment area.
- Letters being sent to government agencies and public authorities.
- Placing a public notice in the 29 October 2020 edition of the Southern Gazette newspaper.
- Displaying a public notice at the City's Civic Centre and on the City's website.

At the conclusion of the advertising period, a total of 18 submissions were received, with eight being received from government agencies/public authorities (including Perth Airport who are also a landowner within the precinct) and 10 from landowners and/or occupiers (excluding Perth Airport).

A map identifying the extent of the consultation area and the origin of submissions received from the referral area follows (Figure 3). It should be noted however that two of the submissions received were from landowners/occupiers located outside of the referral area. A summary of the submissions received and comments thereon are included in the Schedule of Submissions contained as [Attachment 1](#).



Item 12.1 Continued



Figure 3: Referral area and origin of submissions

The key concerns raised in the submissions relate to:

- The proposed density coding and whether this is appropriate for the area;
- Future development outcomes and the potential impact on the amenity of the area;
- Traffic; and
- Impacts on wildlife and the environment.

The abovementioned concerns are further discussed in the Officer Comment section of this report.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

**Goal:** Responsible Belmont

**Strategy:**

- 5.4 Advocate and provide for affordable and diverse housing choices.
- 5.5 Engage and consult the community in decision-making.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.



*Item 12.1 Continued*

- 5.7 Engage in strategic planning and implement innovative solutions to manage growth in our City.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

### **Local Planning Scheme Amendments**

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The procedures for amending a local planning scheme are set out within Part 5 of the Regulations.

Where a responsible authority (being the Local Government) has resolved to amend a Scheme, it shall be forwarded to the Environmental Protection Authority (EPA) to determine whether the amendment requires an environmental assessment. Where no environmental assessment is required, the responsible authority shall advertise the amendment for a period of 42 days, by:

- Publishing a notice in a newspaper circulating in the Scheme area.
- Displaying a copy of the notice in the offices of the Local Government for the period of making submissions set out in the notice.
- Giving a copy of the notice to each public authority that the Local Government considers is likely to be affected by the amendment.
- Publishing a copy of the notice and the amendment on the website of the Local Government.
- Advertising the amendment as directed by the WAPC and in any other way the Local Government considers appropriate.

After the conclusion of the advertising period, Council is required to consider the submissions and determine how to progress the amendment. As part of this process, Council can decide to advertise a modification to a standard amendment if:

- The change is proposed to address issues raised in the submissions; and
- Council is of the opinion that the proposed modification to the amendment is significant.

After advertising the amendment, Council is to pass a resolution to either support the amendment, with or without modification, or not support the amendment, and forward it to the WAPC to review and provide a recommendation to the Minister for Planning.



*Item 12.1 Continued*

**Local Structure Plan Amendments**

Part 4, Schedule 2 – Deemed Provisions of the Regulations outlines the procedure for the preparation, advertising, consideration, amendment and revocation of a structure plan. Once a structure plan has been approved, it can be amended at any time by the WAPC, at the request of the local government. If the amendment is considered to be minor in nature, the Local Government can decide not to advertise an amendment to a structure plan.

**BACKGROUND**

**Proposed Amendment**

Amendment No. 14 to LPS 15 proposes to:

1. Recode existing lots coded R20 within the DA9 precinct, comprising land bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned 'Mixed Use' under LPS 15 fronting GEH, to an R60 coding.
2. Introduce development provisions into Schedule No. 9 – Development Areas, relating to DA9 as follows:

Ref. No.	Area	Provisions
DA9	Land bounded by Fauntleroy Avenue, Hay Road, Lot 185 Hay Road and the rear of the Mixed Use zoned lots fronting GEH.	<p>3. A LDP shall be submitted and approved as a requirement of any subdivision approval involving the creation of vacant lots. The LDP shall address transport noise management, bushfire management, waste collection, access, crossover minimisation, interface to non-residential development, drainage requirements, site constraints and flood risk mitigation, unless otherwise determined by the local government.</p> <p>4. Where a grouped dwelling development application proposes a minimum lot size of less than 350m<sup>2</sup>, the following development standards are applicable:</p> <ol style="list-style-type: none"> <li>a. Development comprising of two or more dwellings in a front to rear arrangement are to achieve a minimum side setback of 6m between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot.</li> <li>b. Rear dwellings are designed so that significant sections of the front elevations have an outlook to, and are visible from, the public street.</li> </ol>



Item 12.1 Continued

Ref. No.	Area	Provisions
		<p>c. A minimum of 50% of the total number of dwellings in the development are to be two-storey where the lot size is 260m<sup>2</sup> or less.</p> <p>d. Solid external or internal fencing is not permitted where, in the opinion of the City, views from the dwellings to the public street will be limited.</p> <p>e. Dwellings located adjacent to public open space, right of ways, pedestrian access ways and other public spaces are orientated and designed to provide views and surveillance of those public areas.</p> <p>f. Solar design principles are incorporated in the design and orientation of each dwelling.</p> <p>g. Carports and garages visible from the street are incorporated into the dwelling design so that they are not the dominant feature of the appearance of the dwelling and the streetscape.</p>

A copy of the draft Amendment No. 14 map is contained as [Attachment 2](#).

### **Local Planning Scheme No. 15**

The subject site is zoned 'Residential' with a density code of 'R20' under LPS 15 and is located within the DA9 Special Control Area.

Part 5 of LPS 15 sets out particular provisions that apply to land, referred to as a 'Special Control Area', that are in addition to any usual zoning and/or development requirements. Part 5 and Schedule No. 9 of LPS 15 establish a type of Special Control Area, referred to as a 'Development Area', which requires a local structure plan to be approved to guide subdivision and development.

The subject site is located in DA9, which is one of eight Development Area precincts identified in Schedule No. 9 of LPS 15, and is subject to the following provisions:

- "1. An approved Structure Plan together with all approved amendments shall apply to land in order to guide subdivision and development.*
- 2. To provide for residential development."*

An LSP, to guide future subdivision and development within DA9, was endorsed by the WAPC on 4 April 2013 ([Attachment 3](#)). Further information in relation to the LSP is provided in the following section of this report.



*Item 12.1 Continued*

**Development Area 9**

The WAPC approved an LSP for the DA9 precinct in April 2013 to guide future subdivision and development of the precinct. The key elements of the LSP include:

- The extension of Hay Road to connect between Fauntleroy Avenue and Ivy Street.
- Applying an 'R20/60' density coding to lots within the south-western portion of DA9, comprising land bound by Hay Road, Fauntleroy Avenue, land reserved for 'Parks and Recreation' under the MRS and properties zoned 'Mixed Use' under LPS 15, fronting GEH.
- Identifying lots within the north-eastern portion of DA9, comprising Lots 185-196 Hay Road, that are currently reserved for 'Parks and Recreation' under the MRS as requiring further investigation and planning. This is on the basis of their reservation under the MRS as well as the need to resolve issues pertaining to the Swan River Trust Management Area.
- The requirement for the preparation of a Local Planning Policy to guide future development and to facilitate a desirable built form outcome within the precinct.

It should be noted that Hay Road has since been extended as per the first point above. In terms of the third point above, the reservation on the north-eastern portion of DA9 remains unresolved and is still reserved for 'Parks and Recreation' under the MRS and is located within the Swan River Trust Development Control Area.

**OFFICER COMMENT**

The subject amendment is seeking to recode existing R20 coded lots within the DA9 precinct to R60 and introduce provisions to guide future subdivision and development within the area. A number of submissions received during the advertising period raised concerns in relation to the proposed R60 density coding, in particular potential impacts on the amenity of the locality, traffic and the environment. These concerns are discussed further below.

**Proposed Residential Density and Urban Form**

As outlined above, the amendment seeks to recode existing R20 coded lots within the DA9 precinct to R60, to align with the maximum density prescribed by the adopted LSP. Submissions raised concerns in relation to the proposed R60 density coding, and considered that this would impact on the amenity of the locality and was not based on sound planning practice. Two submissions suggested that an R30 or R40 density coding could be more appropriate in this location.

In considering the appropriateness of the R60 density coding, consideration should be given to:

- The vision and objectives of the endorsed LSP for the DA9 precinct;
- The locational context of the precinct; and
- Built form outcomes.



*Item 12.1 Continued*

These points are discussed in further detail below.

**Endorsed Local Structure Plan**

An LSP was endorsed for the DA9 precinct in 2013 which reflected an R20/60 density coding over the lots subject to this amendment. Prior to 2015, an LSP was classified as a statutory planning instrument and landowners within the precinct were eligible to develop in accordance with the LSP, including the R20/60 density coding.

The Regulations were gazetted in 2015, which resulted in local structure plans being considered 'due regard' documents as opposed to a statutory planning instrument, meaning that the R20 coding under LPS 15 prevailed. In light of this, in order for development to occur in excess of the existing R20 density coding, an amendment to LPS 15 is required to change the density coding of the subject properties.

Whilst it is acknowledged that the LSP reflected an R20/60 density coding over the subject lots, it should be noted that:

- A scheme amendment is required to be assessed on its planning merits at the time of lodgement and cannot always simply be viewed as an administrative process.
- No development, in accordance with the LSP, had been undertaken within the precinct prior to the gazettal of the Regulations in 2015.
- Since the LSP was endorsed in 2013, there has been limited interest in redevelopment within the precinct.
- Concerns were raised by landowners within the precinct in relation to the R60 density coding proposed by the subject amendment.
- An LSP can be amended once they have been endorsed by the Commission.
- A key aim of the LSP is to provide for a variety of densities, lot sizes and dwellings to deliver flexible living options and facilitate community diversity, which can be achieved through a lower density coding.

Irrespective of the endorsed LSP, Council may review the density coding of the land in considering this amendment. Should Council determine that a lower density coding than R60 is appropriate for the precinct, it will be recommended that the LSP should be concurrently amended to provide consistency between LPS 15 and the LSP.

**Locational Context**

In determining the appropriateness of the proposed R60 density coding, consideration should be given to the precincts locational context. In this regard the following points are relevant:

- Contemporary planning practice supports housing diversity and higher density residential development within walkable distances to local convenience amenities, high frequency public transport and public open space.



*Item 12.1 Continued*

- The land (at its closest point) is approximately 250m from Garvey Park, which provides opportunities for passive and active recreation and access to the Swan River foreshore.
- Whilst the land is located opposite and adjacent to land reserved for 'Parks and Recreation' under the MRS, it is largely inaccessible/unusable due to the presence of fences and dense vegetation, and no plan currently exists to upgrade this section of the foreshore.
- The site, at its closest point, is located approximately 70m from GEH which is a high frequency public transit corridor.
- The Redcliffe Train Station and future neighbourhood activity centre will be approximately 1km from the subject site, and therefore exceeds the 10 minute walkable catchment. Access to these amenities from the precinct is also restricted by GEH which carries significant traffic volumes and offers minimal pedestrian crossing points, thereby forming a barrier for access.
- The closest activity centre to the site is the Ascot Local Centre which is located approximately 700m away. The Ascot Local Centre does not however contain local convenience amenities and has taken the form of a 'specialised centre', containing offices and consulting rooms.
- The precinct abuts land fronting GEH which is currently zoned 'Mixed Use' under LPS 15, and contains low intensity highway commercial and light industrial development. This land does not contain or have the ability to contain local convenience amenities (i.e. shops) under LPS 15 and it is anticipated that this land will continue to be used for highway commercial and light industrial uses in the short to medium term.
- The 'Mixed Use' zoned land fronting GEH can currently accommodate residential development in accordance with an R20 density coding, however there is currently no residential development in this location.
- The draft GEH Urban Corridor Strategy envisages 'medium scale' built form intensity along GEH immediately abutting the precinct, transitioning down to adjacent low scale development. Whilst this requires further analysis, it is possible that the adjacent 'Mixed Use' zoned land could accommodate development in excess of three storeys in the future.
- The precinct is surrounded by predominantly low density residential development on lot sizes ranging between 370m<sup>2</sup> and 3,893m<sup>2</sup> in area, which is equivalent to densities ranging from R5 through to R25. There are currently no multiple dwellings within this section of Ascot, and limited grouped dwelling development has been undertaken in close proximity to the site.
- An R60 density provides for an average lot size of 150m<sup>2</sup> and a minimum lot size of 120m<sup>2</sup>, which varies substantially from the prevailing development pattern in the area. It is however acknowledged that Fauntleroy Avenue and Hay Road provide a logical separation between the precinct and existing residential development.



*Item 12.1 Continued*

In light of the above, it is considered that there is merit in increasing the density of the subject lots to a medium density coding above the existing R20 coding. In this regard, medium density typically reflects densities between R30 and R60 and can deliver single houses and grouped dwellings on smaller lots, and multiple dwellings at the higher R40, R50 and R60 codings, which is not prevalent in this area. It is acknowledged however, that the precinct is not located within walking distance of local convenience amenities, and surrounding residential and commercial/industrial development is of a low scale/intensity, which is unlikely to substantially change in the short to medium term. As such, whilst a medium density coding is supported, it is considered that a density coding lower than R60 should be explored for the precinct.

### Urban Form

In considering the impact that the proposed R60 density may have on the urban form of an area, consideration should be given to the surrounding streetscape characteristics and existing and potential urban form. The following table summarises the main streetscape differences of built form for the R20, R30, R40 and R60 density codings as per the Residential Design Codes (R-Codes):

R-Code Provision	R20	R30	R40	R60
<b>Lot Size</b>				
Single House and Grouped Dwelling Average	450m <sup>2</sup>	300m <sup>2</sup>	220m <sup>2</sup>	150m <sup>2</sup>
Single House and Grouped Dwelling Minimum	350m <sup>2</sup>	260m <sup>2</sup>	180m <sup>2</sup>	120m <sup>2</sup>
Multiple Dwelling	450m <sup>2</sup>	300m <sup>2</sup>	0.6	0.8
Minimum Lot Width	10m	-	-	-
<b>Primary Street Setback</b>				
Single House and Grouped Dwelling Average	6m	4m	4m	2m
Single House and Grouped Dwelling Minimum	3m	2m	2m	1m
Multiple Dwelling Average	6m	4m	-	-
Multiple Dwelling Minimum	3m	2m	4m	2m
<b>Maximum Building Height</b>				
Single House and Grouped Dwelling	2 storeys	2 storeys	2 storeys	2 storeys
Multiple Dwelling	2 storeys	2 storeys	2 storeys	3 storeys

It is evident that there are some similarities in the development requirements associated with the various density codings. This means that some density codings provide for a more consistent urban form than others. In considering the existing and potential urban form of the precinct and surrounding land, the following is relevant:

- Development within and surrounding the precinct consists of both single and two storey, single houses and grouped dwellings. These heights are consistent with the maximum building height provided for in accordance with an R20, R30 and R40 density. It is noted however that an R60 density provides for multiple dwellings to be constructed to a maximum height of three storeys. As there are no three storey developments within the area, it is noted that this form of development would differ from the existing urban form of the area.



*Item 12.1 Continued*

- Existing residential development in the area is on lot sizes greater than 370m<sup>2</sup>, which is equivalent to a residential density of R25 and lower. A density coding in excess of R25 will therefore provide for lot sizes that vary from the prevailing lot pattern in the area, but nonetheless will assist with delivering housing diversity in the area.
- The minimum primary street setback of single houses and grouped dwellings within and surrounding the precinct ranges from 2.2m through to approximately 15m. This is consistent with the primary street setback requirements associated with densities ranging from R20 through to R40. It should be noted that an R60 density however provides for a minimum primary street setback of 1m for single houses and grouped dwellings, which is less than the existing minimum primary street setbacks.
- The R40 and R60 density codings are more conducive to small lot single houses and grouped dwellings and multiple dwelling developments which would facilitate a higher level of dwelling diversity being achieved across Ascot, which is consistent with the aims of the City's Local Housing Strategy.

In considering the above, it is acknowledged that any density in excess of R25 will facilitate a development outcome which would differ from the prevailing development pattern of the area, but nonetheless there are some indistinguishable differences between the lower and medium density code built form standards. In light of this and a desire to achieve housing diversity, it is considered reasonable to expect some built form variation. In this regard, it is considered that Fauntleroy Avenue and Hay Road serve as a logical separation from adjacent lower density residential development.

**Recommended Modification**

In light of the above, whilst it is recognised that the precinct is suitable for medium density development, it is considered appropriate to explore a density coding which is more consistent with the prevailing built form of the area. In this regard, it is considered that the proposed amendment should be modified to an R40 density coding and further consultation undertaken, on the basis that:

- An R40 density is a form of medium density, and medium density is considered appropriate in the precinct on the basis that it will facilitate in achieving the minimum infill housing targets set by the WAPC and increase housing diversity in the area.
- An R40 density coding may represent a balance between the surrounding lower density development and the R60 coding as an upper limit for medium density.
- The built form (height and setbacks) associated with an R40 density coding is more consistent with that of surrounding residential development.
- There is the ability under an R40 density coding for a variety of dwellings, including single houses, grouped dwellings and multiple dwellings, to be provided within the precinct, thereby increasing housing diversity in the area.
- Several community members have expressed a desire for lower intensity development in this precinct.



*Item 12.1 Continued*

It is therefore recommended that the amendment be modified to reflect an R40 density coding over the precinct for the purposes of undertaking further consultation with the community. For consistency, it is recommended that the LSP, for the DA9 precinct, be concurrently advertised reflecting an R40 density coding over the lots the subject of this amendment.

Given that there was varied support in the submissions for an R60 density coding within the precinct and given that the applicant applied for an R60 density coding, it is considered that seeking additional feedback from the community would facilitate more informed decision making. Nonetheless, it should be recognised that irrespective of the adopted approach, there is no obligation for landowners to develop and/or subdivide to the maximum density prescribed. In addition, it should be acknowledged both the R40 and R60 density codings are conducive to multiple dwelling developments; would likely provide an appropriate transition between commercial and light industrial land uses fronting GEH and lower intensity surrounding residential development; and align with the objectives of the City's Local Housing Strategy.

### **Traffic**

Submissions raised concerns in relation to the amendment resulting in increased traffic volumes within the area. In considering these concerns it should be noted that a Transport Impact Statement (TIS) has been submitted as part of the proposed amendment ([Attachment 4](#)). The TIS outlines that development in accordance with an R60 density coding could generate a potential 550 vehicles per day, 64 vehicles per hour and 38 vehicles per hour in the AM and PM peak hours respectively.

Whilst it is acknowledged that development in accordance with an R60 density coding may result in increased traffic volumes within the area, the WAPC Transport Impact Assessment Guidelines (2016) stipulate that:

*“As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any particular section of road. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 percent of capacity.”*

The TIS outlines that the proposed density coding of R60 will not increase traffic flows on any roads adjacent to the site by more than 100 vehicles per hour. It can therefore be assumed that an R40 density coding would similarly not increase traffic flows by more than 100 vehicles per hour. Therefore, irrespective of either an R40 or R60 density coding, the impact on the surrounding road network is considered to be minor and will not result in an increase in the number of vehicle movements beyond what could reasonably be expected in a residential area and accommodated on the local road network.

### **Environment**

Submissions raised concerns in relation to the impact that future development of the subject land may have on the environment, in particular existing trees, the river and local wildlife. In considering these concerns the following should be noted:

- Whilst land within the precinct has been predominantly cleared, a number of sites contain several mature trees along their rear and side boundaries. These trees were not assessed as part of the LSP, and therefore the species, condition, age and vitality of these trees is unknown.



*Item 12.1 Continued*

- The site does not contain any wetlands or threatened ecological communities, and is located outside of the Swan River Trust Development Control Area.
- Prior to the subject amendment being advertised, it was referred to the EPA. The EPA considered that the proposed scheme amendment should not be assessed under the *Environmental Protection Act 1986* and that it was not necessary to provide any advice or recommendations.
- The land the subject of this amendment can currently be developed without the need, in some instances, for development approval to be sought. This may result in the removal of mature trees.
- Landowners within the precinct may choose not to develop/further develop their landholdings.
- State planning legislation has been and is in the process of being amended to support tree retention where associated with residential development.
- As part of the assessment of any future development application, consideration will be given to any environmental impacts associated with the development and how these can be mitigated.

It is therefore considered that the subject amendment and future development will not have a detrimental impact on the environment. In terms of the existing mature trees that were not assessed as part of the LSP, it is considered that these trees should be further investigated, and where deemed appropriate, opportunities for their retention be explored through the subdivision and/or development approval process. It is therefore recommended that the following additional provision be inserted into Schedule No. 9 of LPS 15:

*“h. Prior to any site works being undertaken on a property, an arborist report shall be prepared, to the satisfaction of the City, in relation to any trees on the property, addressing:*

- *Species type*
- *Life expectancy*
- *Current and future growth habits*
- *Health condition and structural integrity*
- *Tree, trunk and canopy size*
- *Works and ongoing management requirements*
- *Safety risks or risk of harm*
- *Retention value*
- *Recommendation as to whether tree(s) should be retained.*

*The arborist report shall be prepared by an appropriately certified arborist at the landowner and/or applicant's expense, and submitted to the City for assessment and endorsement. In considering the findings of the arborist report, the City may require the ongoing protection of a tree deemed worthy of retention.”*



*Item 12.1 Continued*

This provision will ensure that any existing trees located on the subject land are assessed by a certified arborist prior to any site works being undertaken. Where the arborist report outlines that the trees should be retained or where the City's officers are of the opinion that the trees should be retained, the applicant/owner will be notified accordingly and the tree may be protected through a condition of development approval, a restrictive covenant or a Tree Preservation Order.

**Conclusion**

Amendment No. 14 to LPS 15 proposes to recode existing R20 coded land within the DA9 precinct to a density coding of R60 so as to align with the maximum density provided for by the adopted LSP. On reviewing the amendment post advertising and in light of several concerns raised by submitters, it is recommended that Amendment No. 14 be modified as follows:

1. The precinct is recoded from R20 to R40, in lieu of the R20/R60 coding identified by the LSP.
2. An additional provision is included in the Scheme Text to require the assessment of several existing mature trees within the precinct and explore their retention.

Modification 1 is in response to concerns raised by the community about the proposed R60 density and is seeking to explore an R40 density which still maintains a medium density but is more consistent with the prevailing built form of the area. Modification 2 will respond to a community desire to see mature trees retained in the area through the subdivision and/or development approval process.

In accordance with the Regulations, the local government can decide to advertise a modification to a standard amendment, if it is proposed to address issues raised in the submissions and the local government is of the opinion that the proposed modification to the amendment is significant. As there was varied support in the submissions for an R60 density coding within the precinct and given that the applicant applied for an R60 density coding, it is considered appropriate for the recommended modifications to be advertised to the original referral area, in accordance with the Regulations. For consistency, it is recommended that the LSP, for the DA9 precinct, be concurrently advertised reflecting an R40 density coding over the lots the subject of this amendment.

Following advertising, a report will be prepared for Council to determine how to proceed with the Amendment.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

Any environmental implications associated with subdivision and development within the DA9 precinct, such as bushfire hazard and site conditions, will be addressed through the subsequent stages of planning.



*Item 12.1 Continued*

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

#### **DAVIS MOVED, SEKULLA SECONDED**

*That Council:*

1. *Pursuant to Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 note the submissions received in respect of Amendment No. 14 to Local Planning Scheme No. 15 and endorse the responses to those submissions in [Attachment 1](#) – Schedule of Submissions.*
2. *Pursuant to Regulation 51(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 support Amendment No. 14 being advertised in accordance with Regulation 51(4) and 51(5) of the Planning and Development (Local Planning Schemes) Regulations 2015, with the following modifications:*
  - (a) *Amend the Scheme Map to reflect an R40 coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway.*
  - (b) *Inserting the following provision under point 4 of the amendment:*
    - h. *Prior to any site works being undertaken on a property, an arborist report shall be prepared, to the satisfaction of the City, in relation to any trees on the property, addressing:*
      - *Species type*
      - *Life expectancy*
      - *Current and future growth habits*
      - *Health condition and structural integrity*
      - *Tree, trunk and canopy size*
      - *Works and ongoing management requirements*
      - *Safety risks or risk of harm*
      - *Retention value*
      - *Recommendation as to whether tree(s) should be retained.*

*The arborist report shall be prepared by an appropriately certified arborist at the landowner and/or applicant's expense, and submitted to the City for assessment and endorsement. In considering the findings of the arborist report, the City may require the ongoing protection of a tree deemed worthy of retention.*



*Item 12.1 Continued*

- 3. Pursuant to Clauses 18 and 29 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions, advertise the Development Area 9 Local Structure Plan with an R40 density reflected over land bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway.**
- 4. Advise those who made a submission on Amendment No. 14 to Local Planning Scheme No. 15 of Council’s decision.**

**CARRIED 8 VOTES TO 0**



**SCHEDULE OF SUBMISSIONS – PROPOSED AMENDMENT NO. 14 TO LOCAL PLANNING SCHEME NO. 15 – ADVERTISED FOR PUBLIC COMMENT FROM 29 OCTOBER 2020 to 9 DECEMBER 2020**

**Landowners / Occupiers**

No.	Submitter	Summary of Submission	Officer Comment
1.	R. Gibbs 58 Hay Road, Ascot	1.1 Supports the amendment and considers that the land is suited for the type of development that the proposed density would allow.	Noted.
2.	B. and G. Ralph 60 Hay Road, Ascot	2.1 Considers that the amendment is intrusive and invasive and will impact on resident's lifestyle and amenity.	There is no evidence to suggest that future development within the precinct will have a negative impact on resident's amenity. Notwithstanding, any potential impact on amenity will be considered at the time individual development applications are submitted, to ensure that any impacts are reduced.
		2.2 Was not supportive of the local structure plan for DA9 when it was accepted.	Noted.
		2.3 Does not consider that the R20/60 density coding was included or applied to the seven lots the subject of this amendment in the local structure plan.	The local structure plan approved for the Development Area 9 precinct illustrated and provided for a R20/60 density coding over the seven lots that are the subject of this amendment.
		2.4 Accepts that some development is inevitable, however cannot accept that a 200% increase in density is either reasonable or equitable in this precinct.	Refer to comments under the heading Proposed Residential Density and Urban Form in the Officer Comment section of the report.
		2.5 Considers that R30 or R40 should have been considered as a reasonable increase in density.	Refer to response to comment 2.4 above.



No.	Submitter	Summary of Submission	Officer Comment
		<p>2.6 Deliberately purchased our lot 20 years ago with the plan of keep any future neighbours at a reasonable, distant proximity.</p>	<p>Refer to response to comment 2.4 above.</p> <p>It should also be noted that the site can currently be developed at the R20 density coding, however any future development, irrespective of the density coding, will need to adhere to the setback requirements contained within State Planning Policy 7.3 – Residential Design Codes.</p>
		<p>2.7 Does not accept that a zoning change of R60 is sound planning practice and consider that its merits are dubious.</p>	<p>Refer to comments under the heading Proposed Residential Density and Urban Form in the Officer Comment section of the report.</p>
		<p>2.8 Notes that the amendment is driven by an application from their neighbour who is proposing to build 18 units, nine of which would have their rear aspects against their side boundary. Questions where the planning merit is in this regard.</p>	<p>The development concept plan is purely indicative and therefore it should be noted that landowners are not obliged to adhere to this concept.</p> <p>It should also be noted that the concept plan requires further investigation in light of the proposed Local Planning Scheme provisions, particularly relating to crossover minimisation and its interface with the adjacent 'Mixed Use' zoned land.</p> <p>Notwithstanding the above, any future development on the site would need to comply with the requirements of the Local Planning Scheme and State Planning Policy 7.3 – Residential Design Codes.</p>
		<p>2.9 Outlines that good planning practice should include everyone.</p>	<p>The proposed amendment was advertised in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to provide landowners/occupiers with the opportunity to provide comment prior to the proposal progressing.</p>
		<p>2.10 In summary, are incensed that R60 is being considered when possibly R30 or R40 would be infinitely more appropriate and more easily digested.</p>	<p>Refer to response to comment 2.4 above.</p>



No.	Submitter	Summary of Submission	Officer Comment
		2.11 Refers to page 11 of 46 of the local structure plan where it shows all seven lots clearly marked R20, not R20/60.	This page of the local structure plan reflects the existing zoning and density coding of the precinct and not the density coding proposed through the local structure plan.
3.	J. and H. Farquhar 101 Fauntleroy Avenue, Ascot	3.1 Outlines that the Air BnB has been affected by the service station and considers that an R60 density coding adjacent to the subject property would further impact on the sense of peace and separation that has been created and is often mentioned by guests and City of Belmont Officers.	Refer to response to comment 2.4 above.  It should also be noted that the site can currently be developed at the R20 density coding, however any future development, irrespective of the density coding, will need to adhere to the setback requirements contained within State Planning Policy 7.3 – Residential Design Codes.
		3.2 Outlines being told that when the DA9 project commenced that the blocks the subject of this amendment would not be permitted to have multiple, high buildings, and that these buildings would be restricted to the new area, seven blocks to the east.	The local structure plan approved for the Development Area 9 precinct illustrated and provided for a R20/60 density coding over the seven lots that are the subject of this amendment.  All other lots within the Development Area 9 precinct were reflected in the approved local structure plan as being subject to further investigation and planning due to their 'Parks and Recreation' reservation under the Metropolitan Region Scheme as well as the need to resolve issues pertaining to the Swan River Trust Management Area.
		3.3 Considers that R60 would allow flats up to three stories on the property boundary, which would affect the view from the properties upstairs rooms, as well as cause overshadowing.	Amenity and overshadowing will form key considerations in the assessment of any future development application. It should be noted that the property directly adjacent to your property contains the main drain from the airport and is in the ownership of the Commonwealth of Australia – Federal Airports Corporation. Any future development on the adjacent lot will therefore need to be appropriately setback from the drainage infrastructure.



No.	Submitter	Summary of Submission	Officer Comment
		3.4 In summary, opposes the change to R60.	Refer to comments under the heading Proposed Residential Density and Urban Form in the Officer Comment section of the report.
4.	D. Ransome 62 Hay Road, Ascot	4.1 Strongly opposes the planned rezoning.	Refer to comments under the heading Proposed Residential Density and Urban Form in the Officer Comment section of the report.
		4.2 Outlines purchasing the property 20 years ago based on the zoning at the time.	The zoning of the subject property is not proposed to change. The amendment proposes to amend the associated density coding of 'Residential' zoned properties within the precinct from R20 to R60.
		4.3 Planned on building two residences on the subject property, one for the landowner and in the future one for the landowner's daughter.	Two residences could be constructed on the property currently and the amendment would not impact on the ability for this to be undertaken, subject to the development meeting the requirements of the local planning scheme and Residential Design Codes.
		4.4 Considers that the proposed zoning changes and subsequent development will mean a loss of amenity.	There is no evidence to suggest that future development within the precinct will impact on the amenity of the area. Notwithstanding, any potential impact on amenity will be considered at the time individual development applications are submitted, to ensure that any impacts are reduced.
		4.5 Outlines that the change in zoning will see the possibility of up to nine multistorey units per block and considers that the existing residents' right to privacy will be destroyed.	Visual privacy is assessed and considered as part of any development proposal.
		4.6 Notes that the concept plan shows each units rear courtyard would back onto existing properties boundary fence. Notes seeing examples of this in Belmont and other suburbs and considers that existing residences are overlooked from all sides. Outlines that developers build and then move onto their next development. Considers that it is the existing residents that live with a reduced lifestyle which these developments inevitably bring.	Refer to responses to comments 4.4 and 4.5 above.



No.	Submitter	Summary of Submission	Officer Comment
		<p>4.7 Outlines that any planned development of property in the area should also consider the impact to local wildlife and their habitat. Notes that the area contains an abundance of wildlife, including bandicoots, turtles, snakes, goannas and an array of birds, and considers that future development, with increased traffic and human presence, will surely have an adverse environmental impact on these animals.</p>	<p>Refer to comments under the heading Environment in the Officer Comment section of the report.</p> <p>There is no evidence to suggest that increased activity in the area will negatively impact local wildlife. Notwithstanding, as part of the assessment of any future development applications, the City will need to consider the likely effect of the development on the natural environment.</p> <p>It should also be noted that the Department of Biodiversity, Conservation and Attractions and Department of Water and Environmental Regulation did not object to the proposed amendment.</p>
		<p>4.8 Considers that application 431/2020 at 78 Fauntleroy Avenue should be used as a blueprint for this area. This application was for two grouped dwellings on an existing 1,260m<sup>2</sup> block.</p>	<p>Landowners can apply to undertake this form of development on their land irrespective of the subject amendment.</p>
		<p>4.9 In summary objects to:</p> <ul style="list-style-type: none"> <li>a. Loss of amenity</li> <li>b. Loss of privacy</li> <li>c. Decimation of wildlife and their habitat</li> </ul> <p>Considers that the rezoning of these blocks should be more in keeping with development within the area. Notes that development is inevitable, but considers that an R30 density coding would be more appropriate and amenable in the street.</p>	<p>Refer to responses to comments 4.4, 4.5 and 4.7 above.</p> <p>Refer to comments under the headings Proposed Residential Density and Urban Form and Environment in the Officer Comment section of the report.</p>
5.	Y. M. Ayres 82 Fauntleroy	<p>5.1 Supports single and double storey unit development within the area concerned.</p>	<p>Noted.</p>



No.	Submitter	Summary of Submission		Officer Comment
	Avenue, Ascot	5.2	Not supportive of high rise apartment development, due to being concerned that this form of development will lead to a significant increase in traffic and impact on the local environment.	Refer to comments under the headings Traffic and Environment in the Officer Comment section of the report.  There is no evidence to suggest that increased activity in the area will negatively impact local wildlife. Notwithstanding, as part of the assessment of any future development applications, the City will need to consider the likely effect of the development on the natural environment.  It should also be noted that the Department of Biodiversity, Conservation and Attractions and Department of Water and Environmental Regulation did not object to the proposed amendment.
		5.3	Strongly objects to and is opposed to commercial and light industrial development, as this form of development already exists along Great Eastern Highway.	The lots are proposed to remain zoned 'Residential'. This zoning is not conducive to commercial or light industrial development.
6.	P. Betz  56 Hay Road, Ascot	6.1	Major shareholder in a company which owns a property in Development Area 9.	Noted.
		6.2	Fully supports the scheme amendment.	Noted.
		6.3	Considers that the area the subject of the scheme amendment is one of the most neglected areas in Ascot and that the scheme amendment will encourage development and the beautification of the area.	Noted.
7.	T. Xie  56 Hay Road, Ascot	7.1	Major shareholder in a company which owns a property in Development Area 9.	Noted.
		7.2	In support of the scheme amendment.	Noted.
		7.3	Considers that by increasing the density, owners of properties within the precinct will be encouraged to develop their land and make the surrounding area nicer.	Noted.
		7.4	Also considers that the amendment will give more people the opportunity to live closer to the river precinct.	Noted.



No.	Submitter	Summary of Submission			Officer Comment
8.	S. Carter  3/10 Marina Drive, Ascot	8.1	Opposes modifying the density coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway from R20 to R60 .		Noted.
		8.2	Considers that the Structure Plan for Development Area 9 is in contradiction/conflict with a number of strategies and plans as outlined in the table below.		<p>The lots the subject of this amendment are currently zoned Residential with an R20 density coding. The amendment is proposing to amend the density coding of these properties from R20 to R60.</p> <p>The amendment within itself does not propose the removal of any vegetation within the precinct. Refer to comments under the heading Environment in the Officer Comment section of the report.</p> <p>The lots the subject of this amendment are not impacted by the Swan River Trust Development Control Area.</p> <p>Main Roads WA outlined in their submission that they have no objections to the proposed amendment.</p> <p>There is no evidence to suggest that future development on the lots will result in the removal of trees. Refer to comments under the heading Environment in the Officer Comment section of the report.</p>
		<b>Covering plan/law applicable</b>	<b>Objectives/excerpts from the covering plans/laws</b>	<b>DA9 rezone under consideration - flaws</b>	
		8.2.1. The Strategic Community Plan 2020 - 2040 Goal 3 Natural Environment. Goal 3.1	<p><i>"Protect and enhance our natural environment".</i></p> <p>In this document the Mayor states <i>"The Plan outlines our community's shared vision and aspirations for the future. It acts as the City's overarching document to provide guidance to those making tough decisions related to competing priorities and resource limitations, whilst maintaining a focus on the 'big picture' and acting for the good of the whole City. For the good of the whole City!</i></p> <p><i>There is a connection with the river and natural areas. Sustainability is important to us. Belmont will be known for its strong connection to the environment especially the river and trees. The verges will be green and dominated by natural plantings. Parks will continue to be well maintained and their natural appeal will be enhanced. Sustainable development and expectations of sustainable practices of businesses are a part of the social fabric. "</i></p>	<p>Intention is to rezone to R60 plus and remove all but one significant flooded gum tree (#205).</p> <p>City of Belmont Arborist approves/d the action.</p> <p>The changes if approved still need discussions with Main Roads and the Swan River Trust.</p> <p>So recommendations not based on full disclosure or commitment of other stakeholders.</p>	
		8.2.2. The Urban Forest Canopy Plan 2019-2024 (NB3.2)	<p><i>"develop partnerships and support research to retain, <b>create and enhance</b> canopy coverage in City projects and programs"</i></p> <p><i>Notably: "The City of Belmont has already observed a 28% decline of canopy cover in residential zones between 2001 and 2012, largely due to urban infill development"</i></p> <p>Councillors' endorsement of the Urban Forest Canopy Plan provided direction:</p>	<p>The change to R60 and subsequent development will result in the removal of 15-16 semi-matured Flooded Gum trees, retaining only one fully matured tree (no 205);</p> <p>Omission to advise that a tree canopy reduction on the subject land, i.e.</p>	



No.	Submitter	Summary of Submission			Officer Comment
			<ul style="list-style-type: none"> <li>to increase canopy cover within streetscapes, public open space and City-managed land with no net loss of canopy cover on this land;</li> <li>to implement current industry best practices and standards to help trees grow to their full arboricultural potential.</li> </ul>	<p>a further removal of 16 semi matured flooded gum trees from the City's already small canopy can never be regained. It cannot be recompensed by the planting of other smaller non mature and possibly non-native species of plants. Removal of 16 healthy semi matured trees will not help them grow to their full arboricultural potential.</p>	<p>The lots the subject of this amendment are currently zoned Residential R20 and can therefore be developed in line with this zoning and the associated density coding. These lots are not currently classified as public open space. It should be noted that Perth Airport's drain, that traverses the precinct, is piped and that land the subject of this amendment is not located within the floodway or flood fringe.</p> <p>The Local Structure Plan for the Development Area 9 precinct does not expire until 2025.</p> <p>The City does not currently own any of the land parcels that are the subject of this amendment and therefore has no authority to plant trees on the lots. It should be noted however that the R-Codes, relating to apartments, now requires site planning to maximise retention of existing healthy and appropriate trees and development to include deep soil areas and trees. Similar requirements are proposed in the draft R-Codes - Medium Density.</p>
		8.2.3. Parks and Reserves Act 1985, S8 (r)	Duties prohibiting damage or injury to and destruction of trees, shrubs, plants and flowers on the land.	<p>The lots in question are described as being close to the river and lying over natural drainage (airport) areas and on 100-year flood water plains. It is the City's duty to prohibit damage, injury and destruction to this land.</p> <p>An opportunity to retain and enhance public open space is forgone.</p>	
		8.2.4. DesignWA and Planning Reform objectives 2019-current	To include more trees and gardens; space for trees and deep soil areas as well as to provide for a tree to be planted for each dwelling	<p>The proposed zoning changes are based on 2013 planning models which are now 7 years old and outdated.</p> <p>Nevertheless, a tree for each dwelling would amount to several hundred trees that cannot be planted on the subject land by the City.</p>	



No.	Submitter	Summary of Submission			Officer Comment
		<p>8.2.5. State Government, December 2000, Bush Forever strategy (refer 1996 <i>National Strategy for the Conservation of Australia's Biological Diversity</i> for the Swan Coastal Plain portion of the Perth Metropolitan Region)</p>	<p>The land abuts the Swan River and although it was cleared in the past it can be revegetated to its natural riverside native vegetation. The land must be revegetated rather than developed as it is of environmental heritage. It consists of a declining species of flooded river gums (note Appendix 2 of the DA9 Plan) and the article "Flooded Gum (<i>Eucalyptus rudis</i>) decline in the Perth Metropolitan Area: A Preliminary Assessment", 2001, Jonathan Myer, R.E. Clay.</p> <p>The traditional peoples have ownership rights.</p> <p>The flooded gum is a unique part of the Swan River water ways and protected by international agreement</p>	<p>The City has omitted to advise this is a bush forever zone.</p> <p>The Plan glosses over the environmental significance due to unique habitat and proximity to the river foreshore.</p> <p>There is no mention of environmental heritage of trees or for the Nyoongar peoples.</p> <p>The rezoning offers no recognition of protection of waterbird migratory species under international conventions.</p>	<p>The lots the subject of this amendment are not classified as Bush Forever sites.</p> <p>The lots are zoned Residential, with an associated density coding of R20, under the City of Belmont Local Planning Scheme. This means that the lots can already be developed in accordance with this zone and density code. The amendment proposes to amend the density coding of the lots and does not propose to amend their existing Residential zoning.</p>
		<p>8.2.6 Natural observation and experience</p>	<p>Construction times are lengthy lasting 24-36 months and disrupt existing natural fauna and flora cycles.</p> <p>Airborne dust will impact significantly on the unique species that habitat this area. Airborne dust chokes habitat.</p> <p>Land will need filling to build up natural flood plains.</p>	<p>Rezoning of the land will allow R60+ development to benefit developers.</p> <p>Omitted that disruption times and construction times will occur over 24-30 months likely to disrupt natural fauna and flora cycles.</p>	<p>There is no timeframe for the redevelopment of the area. It should be noted that development can currently occur on the lots irrespective of this amendment; however, landowners within the precinct may not choose to undertake development on their lots.</p> <p>There is no evidence to suggest that development in the area will negatively impact local wildlife. Notwithstanding, as part of the assessment of any future development applications, the City will need to consider the likely effect of the development on the natural environment.</p>
		<p>8.2.7 Register of trees Appendix 2</p>	<p>All 16 of the flooded gums are of value as continued canopy, not just matured trees.</p> <p>All trees will be nominated for inclusion on the tree register within 7 days.</p>	<p>Appendix 2 City of Belmont Trees Report shows that only <b>one</b> tree (# 205) contains nesting birds and is valued at ~\$78,000.</p> <p>This omission is an oversight on behalf of the City's arborist.</p>	<p>It should be noted that the Department of Biodiversity, Conservation and Attractions and Department of Water and Environmental Regulation did not object to proposed amendment.</p> <p>Refer to comments under the heading Environment</p>



No.	Submitter	Summary of Submission			Officer Comment
				<p>The DA9 plan is incomplete as semi mature trees become nesting trees. Also trees are valuable for many varieties of species not just nesting birds.</p>	<p>in the Officer Comment section of the report.</p>
		8.2.8 Western Australia Planning Commission under the Metropolitan Region Scheme.	<p>Infill targets based on predicted population growth are used but those targets omit to specify how a local government will provide more outdoor space when the reality is <b>less</b> outdoor space for more people.</p> <p>Old development styles and ideas were to allow infill which crammed onto the old blocks.</p> <p>Property development on small blocks 'infill' have created an urban heat zone and are aesthetically not pleasing.</p>	<p>WAPC is the main landowner having acquired the subject land from Roads Board.</p> <p>Acquisitions were made in 2010.</p> <p>Advertising and community consultation was last done in 2011, which makes it outdated now.</p> <p>The DA9 plan was developed in 2013.</p> <p>The land was reserved for the purposes of 'Parks and Recreation'.</p>	<p>This amendment does not relate to the lots that are currently reserved for 'Parks and Recreation' under the MRS.</p> <p>The amendment proposes to incorporate a number of development provisions into the Local Planning Scheme to facilitate high quality development outcomes on the lots. In addition to meeting these requirements, future residential development will also need to comply with the requirements of the Residential Design Codes.</p> <p>The land the subject of this amendment is not reserved under the MRS for 'Parks and Recreation'.</p>



No.	Submitter	Summary of Submission			Officer Comment
		8.2.9 Swan and Canning Rivers Management Act (2006)	Swan River Trust conditions apply in regard to land which falls within, or adjacent to, Development Control Areas. The land falls under Section 14 of the	<p>The WAPC advise that the reservation of the subject land may be surplus to the requirements of the Swan River foreshore and therefore may be suitable for urban development, subject to further investigation.</p> <p>This is a breach of the Swan and Canning Rivers Management Act 2006.</p>	
		8.3 The State Government as the major land holder is duty-bound to ensure plans broadly specified by them and specifically overseen by local government (and to be eventually approved by the Joint Development Panel) adhere to their own prescribed policies, plans and laws.			All development is assessed against the local planning scheme and any relevant policies/legislation, irrespective of the decision making authority.
9	Belmont Residents and Ratepayer Action Group Inc.  PO Box 73 Belmont WA 6104	9.1 Notes that the lots the subject of this amendment were reflected in the Local Structure Plan as being zoned 'Residential' with an 'R20/60' density code. Queries why this was never normalised into the Local Planning Scheme, and why the existing R20 coding has continued to apply.			<p>The R20/60 density coding was not normalised into the Local Planning Scheme when the Local Structure Plan was approved by the Western Australian Planning Commission as:</p> <ul style="list-style-type: none"> <li>The Local Structure Plan identified that further planning was required for the portion of the precinct that is currently reserved for 'Parks and Recreation'; and</li> <li>The landowners had not submitted an amendment to the City's Local Planning Scheme to normalise the density coding.</li> </ul>



No.	Submitter	Summary of Submission	Officer Comment
		<p>9.2 Notes that changes to the planning framework have occurred over the years and that any amendments to Local Structure Plans need to be consistent with the current models.</p> <p>Furthermore, stipulates that whilst it may not be a requirement under the Planning and Development Act to readvertise, due to this being considered a minor amendment, given the Local Structure Plan was approved in 2013, and a significant time has passed, questions whether it is appropriate to provide landowners with the opportunity to comment on the proposed amendment.</p>	<p>The proposed scheme amendment was advertised in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, to landowners and occupiers within and surrounding the precinct.</p>
		<p>9.3 Outlines that 185-196 Hay Road, which is land reserved for Parks and Recreation and was once a wetland, has been filled in overtime with colourbond fencing. Notes that this is not outlined in the report and questions whether there is a different intent planned for this land.</p> <p>Outlines that land reserved for 'Parks and Recreation' should not end up being for development. Considers that the City already has a significant amount of development and proposed development and that the more residents within a locality, the more parks and recreation areas that are needed.</p>	<p>Lots 185-196 Hay Road are currently reserved 'Parks and Recreation' under the Metropolitan Region Scheme and are in the ownership of the Department of Planning, Lands and Heritage. The Local Structure Plan recognises that further investigation and planning for these lots is required, due to their Parks and Recreation reservation, as well as the need to resolve issues pertaining to the Swan River Trust Management Area. As a result, these lots do not form part of this amendment.</p>
		<p>9.4 Considers that the proposed development area is going to cause the loss of a significant number of trees. Does not consider that the removal of 15-16 flooded gums is acceptable. Outlines that with climate change being a priority and Belmont being named one of the hottest localities in the country, it is shameful that this is even considered. Notes a 28% canopy decline over recent years, due to development and questions why the elected members are not giving any consideration to this.</p>	<p>Refer to comments under the heading Environment in the Officer Comment section of the report.</p>



No.	Submitter	Summary of Submission	Officer Comment
		<p data-bbox="544 244 1458 323">9.5 Notes that the City of Belmont has an Urban Forrest Canopy Plan which aims to increase canopy cover within streetscapes, public open space and City-managed land, with no net loss of canopy cover.</p> <p data-bbox="640 355 1458 464">Notes that land reserved for 'Parks and Recreation' is not privately owned land and falls within the Urban Forrest Canopy Plan. As such considers that any development, which will result in the removal of significant trees, is inconsistent with the Urban Forrest Canopy Plan.</p> <p data-bbox="640 496 1458 571">Does not consider that planting smaller replacement trees will compensate for such a significant loss of the trees that will occur if this development goes ahead.</p> <p data-bbox="544 608 1458 770">9.6 Outlines that the traffic report states that there is the potential for development within the precinct to generate 550 vehicles per day, 64 vehicles per hour and 38 vehicles per hour in the AM and PM peak hours respectively. States that whilst this may be considered minor, it would seem that traffic reports do not look at the big picture and only the specific area for which the report relates.</p> <p data-bbox="544 858 1458 1161">9.7 Considers that whilst new development areas may sound acceptable in their own right, when assessed collectively that they will have a significant impact on current residents who use Great Eastern Highway. Notes that Belmont residents have two main roads in and out which are Great Eastern Highway and Leach Highway.</p> <p data-bbox="640 1026 1458 1161">Considers that residents who utilise Great Eastern Highway will be significantly impacted, taking into consideration existing traffic and traffic associated with new developments in DA6, Golden Gateway, Midland and the hills. Outlines that care needs to be given to ensure that residents of Belmont can still access and egress the locality.</p> <p data-bbox="544 1169 1458 1305">9.8 Considers that the report only contained a basic environmental assessment from City staff, who recommended work be undertaken. Considers that due to the significance of the environment on both our flora and fauna, that a full assessment should be sought from the EPA prior to any approvals for changes to the LPS being granted.</p>	<p data-bbox="1489 244 2051 379">The lots the subject of this amendment are not reserved for 'Parks and Recreation', they are privately owned lots with a 'Residential' zoning. The amendment within itself does not propose the removal of any vegetation within the precinct.</p> <p data-bbox="1489 411 2051 547">There is no evidence to suggest that future development on the lots will result in the removal of trees. Refer to comments under the heading Environment in the Officer Comment section of the report.</p> <p data-bbox="1489 608 2051 659">Refer to comments under the heading Traffic in the Officer Comment section of the report.</p> <p data-bbox="1489 691 2051 826">The wider road network (Great Eastern Highway) is under the care and control of Main Roads Western Australia who are responsible for monitoring traffic flows and undertaking improvements to address issues if and when they arise.</p> <p data-bbox="1489 858 2051 994">Great Eastern Highway and Leach Highway are under the care and control of Main Roads WA. Main Roads WA is responsible for monitoring traffic flows along these roads and undertaking improvements to address issues when they arise.</p> <p data-bbox="1489 1169 2051 1353">Prior to the proposed scheme amendment being advertised, it was referred to the Environmental Protection Authority (EPA). The EPA considered that the proposed scheme should not be assessed under the <i>Environmental Protection Act</i> and that it was not necessary to provide any advice or recommendations.</p>



No.	Submitter	Summary of Submission	Officer Comment
10.	D. Snell 11 Wedderburn Place  Ascot WA 6104	10.1 Objects to the proposed rezoning of the land on Hay Road.	Noted.
		10.2 Considers that the proposed density will increase the volume of traffic and population in a sensitive area. Notes already experiencing the inconvenience of traffic when an event is held in Garvey Park. Also considers that the quiet neighbourhood will be overrun with traffic.	Refer to comments under the heading Traffic in the Officer Comment section of the report.
		10.3 Considers that the river foreshore will suffer with the increase in people.	Prior to the proposed scheme amendment being advertised, it was referred to the Environmental Protection Authority (EPA). The EPA considered that the proposed scheme should not be assessed under the <i>Environmental Protection Act</i> and that it was not necessary to provide any advice or recommendations. It should also be noted that the Department of Biodiversity, Conservation and Attractions submission did not object to proposed amendment.



## Agencies

No.	Submitter	Summary of Submission	Officer Comment
11.	Department of Planning, Lands and Heritage  Locked Bag 2506 Perth WA	11.1 Notes that Hay Road and Fauntleroy Avenue are local roads under the care and responsibility of the City of Belmont and that Great Eastern Highway is reserved as a Primary Regional Road under in the Metropolitan Region Scheme under the responsibility of Main Roads WA.	Noted.
		11.2 Given the proximity of the proposal to the regional road network, the Western Australian Planning Commission's State Planning Policy 5.4 (SPP 5.4) is applicable, which seeks to minimise the adverse impact of transport noise on proposed developments.	Noted.
		11.3 It is recommended that due considerations be given to SPP 5.4 requirements and that all necessary measures, as detailed in the SPP 5.4 Implementation Guidelines, be applied to future development.	Schedule No. 9 of the Scheme Text relating to Development Area 9 is proposed to include a provision requiring a Local Development Plan to be submitted and approved as a requirement of any subdivision approval involving the creation of vacant lots. As part of the Local Development Plan, transport noise management will be required to be addressed. Furthermore, any future development within the precinct will be required to be assessed in accordance with the requirements of State Planning Policy 5.4.
12.	ATCO Gas Australia  Locked Bag 2 Bibra Lake DC WA 6965	12.1 ATCO has considered the documentation provided by the City and advertised on the City's website and has no objection to the proposed Amendment 14 being formalised.	Noted.
		12.2 ATCO does not operate gas mains nor infrastructure within the Hay Road, road reserve; however we have medium pressure gas mains DN80 PVC 70kPa within the same side of Fauntleroy Avenue adjacent to the Property.	Noted.



No.	Submitter	Summary of Submission	Officer Comment
13.	Water Corporation  Locked Mail Bag 2 Osborne Park Delivery Centre  Osborne Park WA 6916	13.1 A desktop evaluation indicates that reticulated water of a sufficient capacity to serve the proposal is currently not available. The 100CI single feed main in Hay Road will not be able to serve multiple dwellings to the R-Codes specified. The future development will require a review of the existing scheme to determine the extent of the upgrades required. That review may take some time. The developer will need to provide more detail regarding the timing and staging of development and the proposed layout or structure plan (e.g. will an internal road be created?).	It will be the developer's responsibility to liaise with the Water Corporation in relation to future upgrades required to service redevelopment within the precinct.
		13.2 Reticulated sewerage is available in the area but an extension may be required to service any future development. All sewer main extensions required for the development site should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.	Noted.
		13.3 The developer is expected to provide all water and sewerage reticulation required. A contribution for water and sewerage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works.	Noted.
14.	Department of Water and Environmental Regulation  7 Ellam Street, Victoria Park  WA 6100	14.1 The Department of Water and Environmental Regulation has assessed the Local Planning Scheme Amendment and has no objections.	Noted.
15.	Main Roads Western Australia	15.1 Main Roads has no objections to the Scheme Amendment and provides the following comments.	Noted.



No.	Submitter	Summary of Submission	Officer Comment
	PO Box 602 East Perth WA 6982	<p>15.2 The Local Development Plan prepared to guide any vacant lot subdivision and development must include the following provisions:</p> <ul style="list-style-type: none"> <li>a. Prior to occupation of the development, an acoustic report is to be prepared by a qualified acoustic consultant consistent with the requirements of State Planning Policy 5.4 – Road and Rail Noise submitted to the satisfaction of the City of Belmont in consultation with Main Roads and implemented thereafter.</li> <li>b. No vehicular access is permitted directly onto Fauntleroy Avenue for any future development of the subject site.</li> </ul> <p>The functional area of the intersection is the area beyond the physical intersection of two roads that comprises decision and manoeuvre distances on the approaches and departures, plus any required vehicle storage length. Wherever possible, this area should be protected from interference by traffic entering the road from driveways. The location of an access close to a major intersection is often an issue in the design of major intersections as it has the potential to adversely affect both safety and capacity; hence why this comment has been made in this instance.</p> <p>See Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access – for further details.</p>	Noted. This will be considered as part of a future Local Development Plan proposal.
		<p>15.3 Should the City disagree with or resolve to not include any of the above comments, Main Roads requests an opportunity to meet and discuss the scheme amendment further, prior to a final determination being made.</p>	Noted.



No.	Submitter	Summary of Submission	Officer Comment
		<p>15.4 Main Roads advises that it offers a free of charge pre-lodgment consultation service. Main Roads encourages both the Local Government in liaising with applicants to promote and capitalise on this free advisory service offered by the road authority prior to lodgment of strategic or statutory planning proposals, especially where development plans involve land adjacent to or have the potential to impact on the State road network. Further information on the pre-lodgment consultation process can be found on Main Roads website.</p>	Noted.
		<p>15.5 Main Roads requests a copy of the City's final determination on this scheme amendment to be sent to <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a> quoting the file reference above.</p>	Noted.
16.	<p>Department of Fire and Emergency Services</p> <p>20 Stockton Bend, Cockburn Central WA 6164</p>	<p>16.1 This advice relates only to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.</p>	Noted.
		<p>16.2 Recommendation – supported compliant application. DFES advises that the bushfire management plan has adequately identified issues arising from the Bushfire Hazard Level assessment and considered how compliance with the bushfire protection criteria can be achieved.</p>	Noted.



No.	Submitter	Summary of Submission	Officer Comment
17.	Perth Airport Pty Ltd  PO Box 6 Cloverdale WA 6985	<p>17.1 The National Airports Safeguarding Advisory Group, comprising of Commonwealth and State Government planning and transport Departments and Authorities, has developed the 'National Airports Safeguarding Framework.' The NASF is a national land use planning framework that aims to:</p> <ul style="list-style-type: none"> <li>• Improve community amenity by minimising aircraft noise-sensitive developments near airports; and</li> <li>• Improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions.</li> </ul>	Noted.
		<p>17.2 The NASF contains nine guideline documents which assist in achieving the listed aims. Guideline A of the framework is titled 'Measures for Managing Impacts of Aircraft Noise' and specifically addresses the suitability of different development scenarios in aircraft noise affected areas. All levels of decision makers, including Local Governments, are encouraged to review and take guidance from the framework and consider it as part of their assessment.</p>	Noted.
		<p>17.3 Guideline A uses 'noise above' contours as its reference, which relate to the specific number of events that a decibel level is exceeded. The N65 is a 'noise above' metric, and is produced because the ANEF is not well suited to conveying aircraft noise exposure to the community, as over-flight frequency and the sound level of single events (typically two factors that determine how a person will react to noise) are not clearly translated by the ANEF system.</p>	Noted.
		<p>17.4 Perth Airport produces the N65, which demonstrates the likely effect of aircraft noise exposure on an area or a development, at the ultimate airfield capacity. The N65 is publicly available on the Aircraft Noise Information portal, viewable from Perth Airport's website.</p>	Noted.



No.	Submitter	Summary of Submission	Officer Comment																								
		<p>17.5 The NASF is consistent with State Planning Policy 5.1 (SPP 5.1), in that it aims to ensure residents and prospective residents are sufficiently informed regarding aircraft noise. Although both documents are considered and referenced in this response, SPP 5.1 is ultimately the prevailing document used in Western Australia.</p>	Noted.																								
		<p>17.6 The proposal is located outside the endorsed 2020 ANEF. Using the NASF recognised N65 contour, the subject site will experience up to 20 aircraft noise events above 65 decibels across an average day. Noise at this level is disruptive to a normal conversation even inside a building and will be unacceptable to most people. It is worth noting that the area will receive a significant number of additional aircraft noise events at a level less than 65 decibels, and these noise events may also cause annoyance to some people.</p> <p>An additional NASF recognised noise metric is the N60, which shows the number of events in excess of 60 decibels that can be expected over an average night (11pm-6am). The lower threshold was chosen to reflect the people's increased sensitivity to noise in this period. The subject site will experience up to 50 aircraft noise events above 60 decibels across an average night.</p> <p>A summary of Guideline A is provided in the table below, and the applicable requirements for the subject proposal are highlighted:</p> <table> <tr> <th></th><th>Within ANEF 20 contour</th><th>Within 50+ N65 contour</th><th>Within 6+ N60 contour</th></tr> <tr> <td>Rezoning Greenfield areas from Rural to Residential</td><td>Prohibit</td><td>Avoid permitting</td><td>Avoid permitting</td></tr> <tr> <td>Rezoning Brownfield areas</td><td>Require Insulation</td><td>Require Insulation</td><td>Require Insulation</td></tr> <tr> <td></td><td>Require Notification on Title</td><td>Require disclosure to future residents</td><td>Require disclosure to future residents</td></tr> <tr> <td>Development Applications for existing Residential zoned land</td><td>Require Insulation</td><td>Require Insulation</td><td><b>Require Insulation</b></td></tr> <tr> <td></td><td>Require Notification on Title</td><td>Require disclosure to future residents</td><td><b>Require disclosure to future residents</b></td></tr> </table>		Within ANEF 20 contour	Within 50+ N65 contour	Within 6+ N60 contour	Rezoning Greenfield areas from Rural to Residential	Prohibit	Avoid permitting	Avoid permitting	Rezoning Brownfield areas	Require Insulation	Require Insulation	Require Insulation		Require Notification on Title	Require disclosure to future residents	Require disclosure to future residents	Development Applications for existing Residential zoned land	Require Insulation	Require Insulation	<b>Require Insulation</b>		Require Notification on Title	Require disclosure to future residents	<b>Require disclosure to future residents</b>	Noted.
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No.	Submitter	Summary of Submission	Officer Comment
		<p>17.7 The subject site will experience up to 60 N60 night-time aircraft noise events, which meets the trigger within NASF Guideline A and therefore insulation is recommended. Further, current/prospective landowners should be made aware of the location of the area within certain aircraft noise contours. This is particularly relevant to the N60 metric as the evening is when people are generally more sensitive to noise disturbances and up to 50 noise events is the highest contour Perth Airport models for the N60. The impact of this high N60 reading has influenced Perth Airport's recommendation.</p>	<p>As the lots are not located within the 20+ ANEF contour, the City cannot apply the requirements (i.e. notification on title and/or noise mitigation) of State Planning Policy 5.1 – Land use planning in the vicinity of Perth Airport.</p>
		<p>17.8 As outlined in the amendment documentation, 52 Hay Road contains significant drainage infrastructure that bisects the lot.</p> <p>The airport drain services drainage along Fauntleroy Avenue and at the Fauntleroy/Great Eastern Highway intersection and thus services the City's drainage regime. Perth Airport and the City of Belmont have shared correspondence over a number of years regarding this infrastructure. The proposed amendment will facilitate the development of land surrounding this infrastructure. Perth Airport has no objection to this, providing this infrastructure continues to be protected.</p>	<p>Noted.</p>
		<p>17.9 Perth Airport as the lessee of the Commonwealth owned property known as 52 Hay Road, together with the Commonwealth have no desire to dispose of the property given its critical drainage function.</p>	<p>Noted.</p>



No.	Submitter	Summary of Submission	Officer Comment
		<p>17.10 Should the City resolve to approve the proposal, Perth Airport recommends the following:</p> <ul style="list-style-type: none"> <li>Condition 1: Dwellings are to be constructed with insulation to meet Australian Standard AS2021:2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.</li> <li>Condition 2: Existing drainage infrastructure located within and in the vicinity of 52 Hay Road, shall be protected.</li> <li>Condition 3: Perth Airport shall be notified in writing and provided an opportunity to assess risks to airport infrastructure, prior to any works being undertaken in the vicinity of 52 Hay Road.</li> <li>Advice i: The subject area is located within the 10-20 N65 and 20-50 N60 contours. For further information on aircraft noise the applicant/owner may contact Perth Airport's Infrastructure Planning team on 9478 888 or <a href="mailto:planning@perthairport.com.au">planning@perthairport.com.au</a> or visit Perth Airport's Aircraft Noise Portal.</li> </ul>	<p>As the land the subject of this amendment is not located within an ANEF Contour it is not considered necessary or appropriate to require dwellings to be constructed with insulation to meet Australian Standard AS2021:2015.</p> <p>Any development proposed within the vicinity of drainage infrastructure within 52 Hay Road, Ascot can be referred to Perth Airport for comment and will be required to protect existing drainage infrastructure.</p>
		<p>17.11 Given the above, Perth Airport neither supports nor objects to the proposal subject to the advice provided.</p>	Noted.
18.	<p>Department of Biodiversity, Conservation and Attractions</p> <p>Locked Bag 104 Bentley Delivery</p>	<p>18.1 It is understood that as part of the proposed Local Planning Scheme amendment a Local Development Plan will be required to guide any vacant lot subdivision in the subject area in the absence of a development approval. DBCA looks forward to working with the City of Belmont on any future Local Development Plan for the subject area.</p>	Noted.



No.	Submitter	Summary of Submission	Officer Comment
	Centre Western Australia 6983	18.2 The DBCA has no objections to the subject scheme amendment.	Noted.