



Ordinary Council Meeting 22/06/21

Item 12.1 refers

Attachment 2

Schedule of Submissions – Second Advertising Period

Creating opportunities



SCHEDULE OF SUBMISSIONS – PROPOSED AMENDMENT NO. 14 TO LOCAL PLANNING SCHEME NO. 15 AND MODIFICATIONS TO DEVELOPMENT AREA 9 LOCAL STRUCTURE PLAN – ADVERTISED FOR PUBLIC COMMENT FROM 25 MARCH 2021 TO 12 MAY 2021

Landowners / Occupiers

No.	Submitter	Summary of Submission	Officer Comment
1.	J. and H. Farquhar 101 Fauntleroy Avenue Ascot WA 6104	1.1 Objects to the proposed change from R20 to R40.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		1.2 Does not consider that there is an advantage to a proposed density increase as the remaining part of the lot (101 Fauntleroy Avenue) is compromised by a right of way and easement restrictions. Stipulates that this position would be reconsidered if the right of way and easement restrictions were removed from the lot (101 Fauntleroy Avenue).	The subject property (101 Fauntleroy Avenue, Ascot) is approximately 1,497m ² in area. It is noted that: <ul style="list-style-type: none">• The rear portion of the lot is subject to a caveat for a right of way (~200m²) associated with Main Roads WA.• Drainage infrastructure associated with Perth Airport (~180m²) runs on an angle from the rear corner of the lot, adjacent to Fauntleroy Avenue, towards the adjacent property (52 Hay Road, Ascot). <p>Whilst it is acknowledged that the drainage easement may pose a constraint to future development on the site, it does not completely restrict development from occurring. This was demonstrated in a development approval granted for two grouped dwellings at the property in 2017.</p> <p>It should also be noted that if the existing dwelling on the site was to be demolished that this would result in approximately 800m² of unconstrained land to be developed on.</p> <p>Officers are not aware of plans for drainage to be relocated and for the easement to be removed. It is recommended that the landowner liaise further with Perth Airport regarding this matter.</p>

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			In regards to the right of way, Main Roads has advised that preliminary future road planning for this area is not currently considering the right of way as an option for access, given that Hay Road now connects Ivy Street with Fauntleroy Avenue.
		1.3 Acknowledges that whilst building on the adjacent lot is currently unlikely, it is a possibility. Considers that the proposed change in density coding will allow for eight units to be built on this lot which will result in overshadowing and obstruct the view from the properties upstairs windows.	The adjacent 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 need to be appropriately setback from the existing drainage infrastructure. Amenity and overshadowing will form key considerations in the assessment of any future development application.
		1.4 Considers that the proposed change in density will increase traffic and notes that there are already a high number of vehicles, including large trucks, that utilise the cross road to re-orientate direction after exiting the fuel station.	Refer to comments under the heading Traffic in the Officer Comment section of the report. Traffic exiting the fuel station is not relevant to the Amendment or Local Structure Plan.
		1.5 Supports all of the objections raised in submission 2, in particular the potential value of river-front blocks facing the nature strip.	Refer to Officer Comment responses to submission two below.
2.	B. and G. Ralph 60 Hay Road Ascot WA 6104	2.1 Objects to the proposed change in density coding.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		2.2 Outlines that the R40 proposal would allow more than double the number of dwellings on all seven of the lots (e.g. from 3 to 6.8), and considers this to be excessive and unnecessary.	Refer to Officer Comment response to point 2.1 above.
		2.3 Notes that all adjacent lots on the other side of Hay Road and Fauntleroy Avenue are coded R20.	Refer to Officer Comment response to point 2.1 above.

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		<p>2.4 Considers that these lots, three of which have quality built homes occupied by their owners, are possibly the last riverfront lots in the City and therefore afford the City an opportunity to attract other quality/lifestyle dwellings to this unique location.</p> <p>Considers that this could showcase the City's commitment to riverfront enhancement and provide a buffer between the river and commercial properties adjacent to Great Eastern Highway.</p> <p>2.5 Notes that due to being located adjacent to the Swan River that there is an abundance of wildlife in the area including bandicoots, snakes, lizards, frogs and more than 40 species of birds.</p> <p>Does not accept the Officer Comment to a previous submission that "there is no evidence of increased activity in the area having a negative impact on local wildlife." Notes that the same comment was used to downplay the loss of amenity for existing residents when clearly, the impact occurs after the event, then it is too late.</p>	<p>A density coding sets maximum development parameters only. This means that landowners are not required to undertake development in accordance with the maximum density coding applied to their land.</p> <p>To facilitate high quality development outcomes within the precinct, a range of provisions are proposed to be incorporated into Local Planning Scheme No. 15. It should be noted that future development within the precinct will also need to meet the requirements of the Residential Design Codes.</p> <p>The Hay Road, road reserve, in addition to vegetation located within the adjacent 'Parks and Recreation' reserve provides a buffer between the subject land and riverfront. It is not considered that medium density development on the subject land will impact on the riverfront. Nonetheless, the Planning Regulations require the City to consider any environmental impacts associated with development in its assessment.</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>Refer to comments under the heading Environment in the Officer Comment section of the report.</p> <p>In relation to amenity, it should be noted that any potential impact will be considered at the time individual development applications are submitted for assessment to ensure that any impacts are reduced.</p>

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		<p>2.6 Welcomes the requirement for an arborist report as there are 17 large trees on the lots. Whilst these may not prove to be significant by an experts opinion considers that every tree is significant and important not only to residents but to birds that enjoy the canopy.</p> <p>Notes that these trees also screen the 24 hour service station and its bright lights.</p>	<p>Refer to comments under the heading Requirement for Arborist Report in the Officer Comment section of the report.</p> <p>Trees do not need to be removed to facilitate future development. In the case of the subject land, it is noted that the existing trees are located towards the rear of the blocks and it is therefore considered that these could be incorporated into future development designs.</p>
		<p>2.7 Urges the City to embrace the quality development taking place at 86-88 Fauntleroy Avenue which is currently being undertaken at the R20 density coding and will result in the creation of nine lots, each with a starting price of \$520,000. Considers that this is a great outcome for owners without prejudicing other landowners.</p>	<p>To date there have been no development applications received by the City for future dwellings on these lots. Therefore at present, the quality of future development on these lots is unclear.</p> <p>Refer to Officer Comment response to point 2.1 above.</p>
		<p>2.8 Considers that the City should investigate ways to capitalise on the large potential that the prime riverfront lots have to offer. Believes that medium density is a win for developers and a loss for existing homeowners who enjoy a unique, serene lifestyle.</p>	<p>Refer to Officer Comment response to point 2.7 above.</p>
		<p>2.9 In summary, strongly objects to the proposed increased in density due to:</p> <ul style="list-style-type: none"> a. Loss of privacy b. Overlooking c. Loss of amenity (noise, vehicle movements, light, domestic pets impacting local wildlife) d. Loss of character e. Not considering the proposal fits the locality f. The proposal not being consistent with the density coding applied to other properties in the area 	<p>Visual privacy will be assessed as part of any development proposal.</p> <p>Refer to Officer Comment in response to point 2.5 above.</p> <p>Refer to Officer Comment response to point 2.1 above.</p>

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3	D. Ransome 62 Hay Road Ascot WA 6104	3.1 Objects to the proposed R40 density coding.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		3.2 Notes the following statement in the previous Council report: <i>"In considering the above, it is acknowledged that any density coding 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."</i> Outlines that these statements give no weight to the opinions of the existing residents of Hay Road who will be directly affected by the proposed density coding of this land. Questions where their logical separation is and notes that residents have invested in quality homes and are happy to retain the current R20 density coding.	Refer to Officer Comment response to point 3.1 above.
		3.3 A detailed investigation into R40 developments shows that apartments may be permissible under this density coding. Questions whether a development application submitted for apartments would be considered by Council under an R40 density coding.	Multiple Dwellings can be considered on land with an associated density coding of R40. It should be noted that this form of development can also occur at the R20 density.

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		<p>3.4 Notes the following statement in the previous Council report:</p> <p><i>"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."</i></p> <p>Recommends that Council attempt to turn right towards the City from Fauntleroy Avenue during peak hours. Outlines that there are trucks, taxis and commercial vehicles turning from the airport and that it is impossible to turn right, with only one or two vehicles turning each light change.</p> <p>Considers that this will lead to the streets of Tibbradden Estate becoming a 'rat run' with motorists seeking an alternative route to the highway via Coolgardie Avenue. Considers that this will worsen once the Redcliffe Station becomes operational.</p>	<p>Refer to comments under the heading Traffic in the Officer Comment section of the report.</p>
		<p>3.5 Outlines that higher density development will lead to an increase in on-street parking.</p> <p>Considers that Council is naïve to think that there will only be two cars per residence. Outlines that increased rents lead to multiple tenants in the one dwelling and notes many streets in Belmont (Kimberley and Wallace Streets) where high density dwellings already exist.</p> <p>Considers that these streets have become dangerous for drivers and pedestrians due to cars having to wait behind parked cars whilst another car passes in the opposite direction. Outlines that this also becomes a problem on rubbish collection days, with many bins not emptied as a result of parked cars.</p>	<p>Car parking will need to comply with the requirements of State Planning Policy 7.3 – Residential Design Codes and generally be contained within the lot boundaries of a site.</p> <p>Notwithstanding, due to the slow traffic speeds associated with residential areas and there being a pedestrian footpath located within the Hay Road verge, if a vehicle was parked on the street, it is not considered that this would significantly impact on vehicle and pedestrian safety.</p> <p>Furthermore, the City of Belmont <i>Consolidated Local Law 2020</i> regulates the parking of vehicles. If the City becomes aware of a vehicle being parked unlawfully, an Officer will attend the site and investigate.</p> <p>The City's waste contractor has advised that bins are retrieved manually if a car is parked in front of a bin.</p>

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		<p>3.6 Outlines that the area is the beginning of a corridor of land that extends from Hay Road through to the old Olive Farm via the South Guilford, Loder River Rehabilitation area and is comprised of many old trees, natural swamps and inlets. Notes that during Spring, this area is home to many different species of migratory birds and considers that increased human presence in the area will only have a detrimental effect.</p>	Refer to comments under the heading Environment in the Officer Comment section of the report.
		<p>3.7 Recommends that one large block be subdivided to accommodate two residences as is currently occurring along the river in South Guilford.</p>	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
4.	S. Carter 3/10 Marina Drive Ascot WA 6104	<p>4.1 Stipulates that the proposal is being submitted without proper planning and evaluation and that it should be declined by Council.</p>	<p>Numerous technical reports have been submitted in support of Amendment No. 14 including a:</p> <ul style="list-style-type: none"> • Transport Impact Statement • Bushfire Management Plan • Servicing and Capacity Constraint Report <p>A Local Structure Plan also currently applies to the land.</p> <p>Claims that the proposal has been submitted without proper planning and evaluation are therefore not supported.</p>
		<p>4.2 Outlines that the land is marked as Location 22 Ascot Foreshore on the Swan River Management Framework 2007 'Swan-and-Helena-River-Catchment Area'.</p>	Location 22 contains land reserved for 'Parks and Recreation' under the Metropolitan Region Scheme and is therefore not the subject of Amendment No.14. Furthermore it is noted that the document references Location 22 – Ascot Foreshore as a 'District Activity Node'.
		<p>4.3 Outlines that the Swan River Management Framework 2007 remarks that there are serious acid sulfate soils (ASS) issues at this location. Considers that this needs further investigation prior to rezoning as acid sulfate soils should not be disturbed.</p>	It is acknowledged that the subject land is of high to moderate risk of Acid Sulfate Soils. Therefore, prior to any site works occurring, an Acid Sulfate Soil Assessment will be required to be completed and submitted to the City and Department of Water and Environmental Regulation.

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5.	T. and S. McAlinden 4 Little Place Leschenault WA 6233	5.1 Disappointed with the proposed modification from R60 to R40. Concerned that requirements and needs will no longer be met should the density be changed to R40.	Noted.
		5.2 Notes being encouraged by the chance to build a low density, low maintenance, centrally located and affordable home. Outlines that should the R60 density not go ahead that this would impact on the ability to move forward with these plans. Considers that more, well-built, affordable housing would greatly benefit the surrounding aesthetic of the area, as well as adding to the local economy.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		5.3 Requests that the City of Belmont reconsider the R40 density coding and reinstate the original R60 density coding proposed.	Refer to Officer Comment in response to Point 5.2 above.
6.	R. Gibbs 58 Hay Road Ascot WA 6104	6.1 Objects to the proposed change from R60 to R40.	Noted.
		6.2 Considers that the proposed change is in contradiction of Councils long established intention for high density in the area. Outlines that prior to the late change, all dialog with Council confirmed an R60 density coding for the area, which is consistent with the City's guidelines. Furthermore outlines that development plans were based on this commitment from Council.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		6.3 Considers that the R60 density is consistent with WAPC policies which encourage high density development close to the inner City.	Refer to Officer Comment in response to Point 6.2 above.
		6.4 Stipulates that the land adjacent to the area is proposed to be zoned 'Mixed Use' which will allow for up to 12 story development. Considers that it is therefore not unreasonable for Council to apply an R60 density coding to the subject land. Suggests that perhaps Council should have considered R80.	Refer to Officer Comment in response to Point 6.2 above.
		6.5 Suggests that other landowners in the precinct were aware of proposed higher density development prior to the construction of their dwellings.	Noted.
		6.6 Considers that the area is perfectly linked to many employment areas, including Perth Airport, through Great Eastern Highway and Tonkin Highway.	Refer to Officer Comment in response to Point 6.2 above.
		6.7 Considers that due to the sites being located adjacent to the river foreshore and the Commonwealth reserved Airport land, that public open space is more than adequate in the area.	Refer to Officer Comment in response to Point 6.2 above.

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		6.8 Considers that small lot development in this location is well serviced by local recreational areas and facilities including the Swan River, WA Kayak Club and Garvey Park.	Refer to Officer Comment in response to Point 6.2 above.
7.	H. Gibbs 58 Hay Road Ascot WA 6104	7.1 Strongly objects to the proposed turn around being considered by Council in relation to the Amendment.	Noted.
		7.2 Suggests that the consideration being afforded to the objections coming from local residents, who are few in number, is outweighed by the consideration which should be given to the proposed development of 56 and 58 Hay Road, Ascot. Furthermore, considers that the objections of residents in the immediate area appear to be based on their subjective situation i.e. lifestyle which they do not want compromised, even though they were told before they built their home that there were plans to develop the area.	All submissions are equally taken into account in the consideration of proposals.
		7.3 Considers that development in accordance with an R60 density would provide affordable housing in close proximity to the river and City. Suggests that given the current housing crisis it would seem practical to encourage this development.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		7.4 Outlines that the area is in close proximity to schools, transport, shopping and the river, which provides for recreational activities. Furthermore, notes that the area is in close proximity to the airport precinct and major roads.	Refer to Officer Comment in response to Point 7.3 above.
		7.5 Suggests that access to employment must be a factor taken into consideration when any development is considered.	Refer to Officer Comment in response to Point 7.3 above.
		7.6 Considers that there is sufficient infrastructure in the area to cater for the demands associated with extra housing.	Noted.
		7.7 Outlines having interests in this development for many years and making many financial sacrifices. Furthermore notes dealing with Belmont Council through various proposals.	Noted.
		7.8 Suggests that as a Council that appears to be forward thinking, it cannot be a wise decision for the land to be assigned a density coding of R40 from the proposed R60, without due diligence and care in making the decision, which has the potential for this development to be successful or make it impossible to achieve.	Refer to Officer Comment in response to Point 7.3 above.

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8.	N. Gibbs 9 Page Retreat Boyanup WA 6237	8.1 Notes that the properties are currently coded R20 and that it was originally proposed to amend the density coding of these properties to R60. Outlines that at the 23 February 2021 Ordinary Council Meeting Council supported a motion to change the amendment to propose an R40 density coding instead of an R60 density coding.	Noted.
		8.2 Proposes to develop one of the blocks pending the land being re-coded to R60. Raises concerns that the modification from R60 to R40 will reduce the overall viability of the project. Outlines that the Council Minutes from 23 February 2021 state that this position was taken after receipt of 18 submissions, only nine of which were drafted by people located within the referral area.	Noted. All submissions are equally taken into account in the consideration of proposals.
		8.3 Notes that a Local Structure Plan endorsed for the precinct in 2013 reflected an R20/60 density coding over the lots the subject of this amendment. Furthermore notes that prior to 2015, a Local Structure Plan was classified as a statutory planning instrument and that landowners within the precinct were eligible to develop in accordance with the Local Structure Plan, including the R20/60 density coding. Outlines since this point in time that there has been no change to the City's Local Planning Scheme that would prohibit the R60 coding.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		8.4 Outlines that progressive Cities (e.g. Bayswater) have recognised the need to optimise previously under-developed tracts along waterways to: <ul style="list-style-type: none"> • Increase surrounding residential property value • Accommodate a younger generation of individuals and families who want smaller properties in more appealing locations (due to financial and maintenance restrictions) • Provide for appealing yet affordable accommodation • Significantly increase the number of ratepayers in the City 	Noted.

No.	Submitter	Summary of Submission	Officer Comment
		<p>8.5 Notes that the City of Belmont Strategic Community Plan makes reference to:</p> <ul style="list-style-type: none"> Advocating and providing for affordable and diverse housing choices; and Engaging in strategic planning and implementing innovative solutions to manage growth in our City. <p>Outlines that the only reason for the proposed amendment from R60 to R40 is that there are currently no other three-story units in the referral area. Considers that this position contradicts the statement that the City looks for innovative solutions to manage growth.</p>	<p>It is considered that either an R40 or R60 density coding, being medium density codings, could facilitate housing diversity, housing affordability and the City in meeting infill housing targets set by the State Government.</p> <p>Given that there was varied support for the proposed R60 density in the submissions after the first advertising period, it was considered appropriate to seek additional feedback from the community on an R40 density coding, to facilitate more informed decision making.</p>
		<p>8.6 Notes that traffic was a concern raised by the opposing submissions previously. Outlines that the 23 February 2021 Minutes stipulate that traffic is not an issue and that an R60 density coding is compliant with the WAPC Transport Impact Assessment Guidelines.</p>	Noted.
		<p>8.7 References the previous Council Minutes and considers that the R60 code compliments 'future development of land' strategies.</p> <p>Quotes 23 February 2021 Minutes under the heading 'Locational Context' and considers that it is extraordinary that Council can acknowledge these points and continue to look for reasons not to endorse a proposed R60 coding. Considers that some submissions are receiving preferential treatment. Outlines that three key concerns were raised in the opposing submissions and all were dismissed by City Officers.</p>	<p>Refer to Officer Comment in response to Point 8.5 above.</p> <p>All submissions are equally taken into account in the consideration of proposals.</p>
		<p>8.8 The impact of an R60 density on the environment and wildlife has been considered by City officers as reflected in the previous report.</p>	Noted.
		<p>8.9 Requests that Council reconsider the R40 density coding and consider a revised motion to have the proposal revert back to an R60 density code.</p>	Refer to Officer Comment in response to Point 8.3 above.

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9.	R. Trapl 9 Page Retreat Boyanup WA 6237	9.1 Notes that the properties are currently coded R20 and that it was originally proposed to amend the density coding of these properties to R60. Outlines that at the 23 February 2021 Ordinary Council Meeting Council supported a motion to change the amendment to propose an R40 density coding instead of an R60 density coding.	Noted.
		9.2 Proposes to develop one of the blocks pending the land being re-coded to R60. Raises concerns that the modification from R60 to R40 will reduce the overall viability of the project. Outlines that the Council Minutes from 23 February 2021 state that this position was taken after receipt of 18 submissions, only nine of which were drafted by people located within the referral area.	Noted. All submissions are equally taken into account in the consideration of proposals.
		9.3 Notes that a Local Structure Plan endorsed for the precinct in 2013 reflected an R20/60 density coding over the lots the subject of this amendment. Furthermore notes that prior to 2015, a Local Structure Plan was classified as a statutory planning instrument and that landowners within the precinct were eligible to develop in accordance with the Local Structure Plan, including the R20/60 density coding. Outlines since this point in time that there has been no change to the City's Local Planning Scheme that would prohibit the R60 coding.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		9.4 Outlines that progressive Cities (e.g. Bayswater) have recognised the need to optimize previously under-developed tracts along waterways to: <ul style="list-style-type: none"> • Increase surrounding residential property value • Accommodate a younger generation of individuals and families who want smaller properties in more appealing locations (due to financial and maintenance restrictions) • Provide for appealing yet affordable accommodation • Significantly increase the number of ratepayers in the City 	Noted.
		9.5 Notes that the City of Belmont Strategic Community Plan makes reference to: <ul style="list-style-type: none"> • Advocating and providing for affordable and diverse housing choices; and • Engaging in strategic planning and implementing innovative solutions to manage growth in our City. 	It is considered that either an R40 or R60 density coding, being medium density codings, could facilitate housing diversity, housing affordability and the City in meeting infill housing targets set by the State Government. Given that there was varied support for the proposed R60 density in the submissions after the first

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		Outlines that the only reason for the proposed amendment from R60 to R40 is that there are currently no other three-story units in the referral area. Considers that this position contradicts the statement that the City looks for innovative solutions to manage growth.	advertising period, it was considered appropriate to seek additional feedback from the community on an R40 density coding, to facilitate more informed decision making.
		9.6 Notes that traffic was a concern raised by the opposing submissions previously. Outlines that the 23 February 2021 Minutes stipulate that traffic is not an issue and that an R60 density coding is compliant with the WAPC Transport Impact Assessment Guidelines.	Noted.
		9.7 References the previous Council Minutes and considers that the R60 code compliments 'future development of land' strategies. Quotes 23 February 2021 Minutes under the heading 'Locational Context' and considers that it is extraordinary that Council can acknowledge these points and continue to look for reasons not to endorse a proposed R60 coding. Considers that some submissions are receiving preferential treatment with regard to their submissions. Outlines that three key concerns were raised in the opposing submissions and all were dismissed by City officers.	Refer to Officer Comment in response to Point 9.5 above. All submissions are equally taken into account in the consideration of proposals.
		9.8 The impact of an R60 density on the environment and wildlife has been considered by City officers as reflected in the previous report.	Noted.
		9.9 Requests that Council reconsider the R40 density coding and consider a revised motion to have the proposal revert back to an R60 density code.	Refer to Officer Comment in response to Point 9.3 above.
10.	Belmont Residents and Ratepayer Action Group Inc. PO Box 73 Belmont WA 6104	10.1 Considers that there are a number of problems with the Amendment in respect of the proposed modified density in DA9.	Noted.
		10.2 Outlines that the title as indicated by the City of Belmont is 'Development Area 9 Local Structure Plan'. Furthermore outlines that the description is 'Modify the residential density coding over properties bound by Hay Road, Fautleroy Avenue, land reserved for 'Parks and Recreation' and properties zoned Mixed Use fronting Great Eastern Highway, from R20/60 to R40.	Noted.

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		<p>10.3 Considers that the title and description is misleading due to:</p> <ol style="list-style-type: none"> 1. The eastern portion of the DA9 Structure Plan is Lots 66 and 76 Hay Road, Ascot (with an Ivy Street boundary). These lots are reserved Parks and Recreation. Lots 185-196 on the plan are owned by the WA Planning Commission and are reserved for Parks and Recreation, not to be confused with Lot 184 on the plan which is WAPC land zoned R20. 2. The western portion of the DA9 Local Structure Plan is identified as; <ul style="list-style-type: none"> - Lot 1 Hay Road – Commonwealth of Australia (not zoned Parks and Recreation) - Lot 177 Hay Road JW and HA Farquhar (freehold) - Lot 180 Hay Road TA Ropata and CL Ropata (freehold) - Lot 182 Hay Road B and G Ralph (freehold) - Lot 183 Hay Road DA Ransome (freehold) - Lot 184 Hay Road WA Planning Commission <p>Notes that with the exception of Lot 1 and Lot 184, the proposed rezoning of land is for privately owned land. Outlines that neither the Commonwealth Lot 1 nor WAPC Lot 185 are privately owned lots, nor are they zoned parks and recreation; current zoning for these lots is R20.</p> <p>Considers that on this basis the description is inaccurate and misleading. Outlines that the City of Belmont must properly describe both portions of the proposed residential planning modification and clearly outline that the proposed residential density modification is only for the seven lots of the western portion of the DA9 precinct from Fauntleroy Avenue and does not include land reserved for 'Parks and Recreation'.</p> <p>Notes that the eastern portion of the DA9 precinct is not subject to the current rezoning application. Outlines that it is land reserved for 'Parks and Recreation' (Lots 185-196) and should be subject to a separate advertising process by the WAPC, to accurately reflect the circumstances to the public.</p> <p>Requests that the City of Belmont reflects the correct planning scheme title and description and correctly identifies those lots that will have their zoning modified.</p>	<p>The public notice explicitly stated that the proposed modification relates to land bound by Hay Road, Fauntleroy Avenue, land reserved for 'Parks and Recreation' and properties zoned 'Mixed Use' fronting Great Eastern Highway. It is considered that this statement clearly identifies the land in which the proposed density modification relates to.</p> <p>The Development Area 9 Local Structure Plan outlines that the lots reserved for 'Parks and Recreation' require further investigation and planning prior to the progression of structure planning options. Any future structure plan prepared for this land would be advertised for public comment in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

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		<p>10.4 Outlines that the modifications to the Local Structure Plan involve:</p> <ul style="list-style-type: none"> - Undertaking administrative amendments to the document to ensure that the correct scheme text provisions and State Planning Policies are referenced. - Amending the document to correctly reference Lot 184 Hay Road, Ascot as being zoned 'Urban' under the Metropolitan Region Scheme and 'Residential' under the Local Planning Scheme. <p>Considers that these are substantial errors which bring into question the information provided to the public over the years. Considers that if one lot is referenced incorrectly that this would have misled the public.</p>	<p>The modifications are purely administrative and are required to ensure that the document consistently references the correct zoning of the lot.</p> <p>It is not considered that prior to these modifications the public would have been misled, as land reserved for 'Parks and Recreation' is delineated on Figure 13 of the Local Structure Plan and does not reflect Lot 184 Hay Road as falling within this area. Furthermore, Figure 4 of the Local Structure Plan reflects Lot 184 Hay Road as being zoned 'Residential' under Local Planning Scheme No. 15.</p>
		<p>10.5 Notes that the amended DA9 Local Structure Plan proposes to remove reference to the City of Belmont preparing a local planning policy to guide development. Considers that this means the local structure plan, which was represented as a special precinct to the public, has been based on misleading representations to residents and ratepayers over time.</p> <p>Notes that various planning documents have been presented to the WA Planning Commission, government agencies and residents and ratepayers since 2006 without anyone noticing the inaccuracies in the details. Considers that this undermines public confidence in current documents.</p>	<p>Whilst it is acknowledged that the Local Structure Plan originally referenced that a local planning policy would be prepared for the precinct, it is considered that the development provisions proposed to be introduced into Local Planning Scheme No. 15 as part of the amendment, in addition to the requirements of the R-Codes, will be suitable in facilitating high quality development outcomes within the precinct.</p>

No.	Submitter	Summary of Submission	Officer Comment
		<p>10.6 Outlines that the proposed residential rezoning relies on data from 1999. Therefore considers that this data is outdated and that community needs and aspirations have changed.</p> <p>Furthermore outlines that local government planning policies now rely on the Residential Design Codes and does not consider that these have been relied on as a basis for future development on the subject land. Questions whether the residential rezoning has been assessed properly.</p> <p>Outlines that numerous changes have occurred since 1999 and suggests that Councillors and the community cannot properly ascertain the proposed density rezoning without revisiting the whole planning process. Considers that the information contained within the report and on which the consultation relies is inaccurate, unreliable and outdated.</p>	<p>The 1999 data relates to a Strategic Access Study Commissioned by Main Roads WA relating to Great Eastern Highway. Amending the density coding of the subject lots does not rely on the Strategic Access Study. Notwithstanding, Main Roads have recently advised that draft preliminary designs for Great Eastern Highway are not considering the proposed right of way as an option for access, given that Hay Road now connects Ivy Street with Fauntleroy Avenue.</p> <p>The Residential Design Codes are read into the City's Local Planning Scheme No. 15 and apply to residential development proposals across Western Australia. Therefore, future development within the precinct will be required to comply with the requirements of the Residential Design Codes</p> <p>The Local Structure Plan outlines that the precinct is well serviced by existing road infrastructure and public transport and has a high level of pedestrian accessibility due to its proximity to the Swan River foreshore and Great Eastern Highway. These attributes support medium density development occurring within the precinct and it is therefore not necessary for the planning process to be re-visited.</p>
		<p>10.7 Notes there being mixed support from landowners within the precinct regarding proposed density changes. Outlines that three were against and two were for the proposed changes. Questions why three landowners, who purchased in a quiet residential neighbourhood, do not have more weighting given to their submission than the other two landowners who are supportive of the proposed density changes.</p>	<p>All submissions are equally taken into account in the consideration of proposals.</p> <p>Landowners within the precinct who originally objected to the R60 density coding outlined that they considered an R30 or R40 density coding more appropriate. In light of this and to facilitate more informed decision-making, Council resolved to advertise the Amendment and Structure Plan with an R40 density coding.</p>

No.	Submitter	Summary of Submission	Officer Comment
		<p>10.8 Does not consider that all of the subject land needs to be rezoned. Considers that the landowners in support of the density changes could apply to vary the zoning from Council for their individual blocks.</p>	<p>A density coding applied to land sets maximum development parameters. Therefore landowners are not required to develop land to its full potential in accordance with the density coding applied to the land.</p> <p>It would not be consistent with orderly and proper planning to re-code a portion of the lots within the precinct and retain the existing density coding over the other lots.</p>
		<p>10.9 Notes that the City's Local Planning Strategy and Local Planning Scheme are in the process of being reviewed. Suggests that this review may have a significant impact on future development in Belmont. Considers that due to the amendment being based on old data that it should be rescinded and a new proposal put forward following the outcome of the Local Planning Scheme Review.</p> <p>Suggests that the City's new Local Planning Scheme will contain statutory provisions which will aim to:</p> <ul style="list-style-type: none"> • Control land use through appropriate zoning and permissibility • Keep parks, schools airports and other important areas reserved for those purposes • Provide development requirements for residents and businesses • Continue to protect existing places or heritage significance • Provide the community with quality public open space 	<p>The City's Report of Review, relating to Local Planning Scheme No. 15, recognised that a scheme amendment was being progressed for a portion of land within the Development Area 9 precinct. It should be noted that the Local Planning Scheme review process does not prevent the City from progressing Scheme Amendments.</p> <p>The Amendment is not being based on old data and has been assessed on its merits against current planning principles. Furthermore, the following new reports have been submitted as part of the Amendment:</p> <ul style="list-style-type: none"> • Transport Impact Statement • Bushfire Management Plan • Servicing and Capacity Report
		<p>10.10 Suggests that a new background report would not be a large financial burden for the City to undertaken to accommodate changed circumstances for the structure plan and local planning scheme. Considers that this would portray an accurate and reliable basis for rezoning properties.</p>	<p>As the planning principles behind the increased density are still relevant it is not considered necessary for a new background report to be commissioned.</p>

No.	Submitter	Summary of Submission	Officer Comment
11.	R. and B. Betz 12 Goyder Place Bateman WA 6150	11.1 Considering downsizing into a two bedroom townhouse in the area which is offered by the R60 concept plan.	Noted.
		11.2 Highlights a preference for a small outdoor space or no outdoor space at all to minimize ongoing maintenance. Considers that the close proximity of the site to Garvey Park and the river foreshore provide adequate outdoor space.	Noted. Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		11.3 Suggests that smaller land parcels will lower the cost of land and reduce the overall cost to construct a townhouse, thereby facilitating people in being able to downsize.	Noted. Refer to Officer Comment in response to Point 11.2 above.
		11.4 Supportive of an R60 density coding being applied to the subject land.	Noted. Refer to Officer Comment in response to Point 11.2 above.
12.	D. Martinovich CLE Town Planning + Design On behalf of P. Betz and R. Gibbs of 56 and 58 Hay Road, Ascot	12.1 Objects to the modified scheme amendment which proposes an R40 density coding in lieu of the R60 proposal lodged with the City, which is consistent with the approved structure plan for the area. Requests that the City of Belmont adopt Amendment No. 14 at the R60 density code.	Noted. Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		12.2 Notes that the amendment relates to the residential portion of the DA9 precinct as shown on the DA9 Structure Plan. Outlines that the R60 density coding was illustrated in the Structure Plan that was approved by the City in 2010 and the WAPC in 2013. Highlights that since the document was approved, the need for infill development has been strongly advocated by the State Government with density targets set for Local Governments. Considers that an R40 density in lieu of an R60 density is a down coding that is not supported by any strategic-level planning and appears to respond to submissions from a small number of landowners within the precinct.	Noted. Refer to Officer Comment in response to Point 12.1 above.

No.	Submitter	Summary of Submission	Officer Comment
		<p>12.3 Notes that prior to the <i>Planning and Development (Local Planning Schemes) Regulations</i> being gazetted in 2015 that the Structure Plan had the force and effect of LPS 15, which meant that development could occur on the land at an R60 density, notwithstanding the fact the scheme map designated a density code of R20.</p> <p>Outlines that upon gazettal of the Regulations, the status of the Structure Plan was diminished to a 'due regard' document, meaning that the R60 density code was superseded by the R20 code identified on the scheme map.</p> <p>Suggests that the scheme map should have been amended in 2013 to be consistent with the Structure Plan, to reflect the adopted position of the City and WAPC.</p>	Noted.
		<p>12.4 Outlines that two landowners prepared the scheme amendment, at substantial cost, in consultation with the City including a briefing to Council.</p> <p>Highlights that no fundamental concerns were raised in relation to the density coding as the matter had already been considered and approved in 2010-2013.</p> <p>Notes that the Amendment was initiated and progressed to advertising. Furthermore outlines that the planning merits of the R60 density were not questioned and that suitable built form controls were drafted for inclusion within the scheme to provide certainty in terms of built form outcomes.</p>	Noted.
		<p>12.5 Considers that the modification to R40 came as a surprise given that the proposal sought to correct an inconsistency between the scheme and an approved structure plan.</p> <p>Does not consider that compelling justification has been provided as to why the precinct should be 'down coded' from R60 to R40. Considers that an R60 density code is suitable for the precinct as outlined in the Structure Plan.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.
		<p>12.6 References the infill targets contained within Perth and Peel@3.5 million and outlines that infill development allows for additional dwellings to be delivered within an established urban context, maximizing the capacity of existing infrastructure.</p>	Noted.

No.	Submitter	Summary of Submission	Officer Comment
		<p>12.7 Outlines that the subject site is identified as an 'Urban Corridor' under the Central Sub-regional Planning Framework. Notes that 'Urban Corridors' are identified as high-frequency public transport routes.</p> <p>Notes that land fronting Great Eastern Highway is zoned Mixed Use under LPS 15 currently. Considers that R60 adjacent to the Mixed Use zoned land is appropriate given it is consistent with the strategic planning framework and there are no residential properties on the opposite side of Hay Road.</p> <p>Considers that the R60 density will facilitate infill development in close proximity to a transport corridor and will allow landowners to respond to future development on the mixed use lots fronting Great Eastern Highway.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.
		<p>12.8 Outlines that the draft Great Eastern Highway Urban Corridor Strategy provides for 12 story development on the adjacent 'Mixed Use' zoned land. Considers that if this occurs, the character and amenity of the existing residential properties will be impacted.</p> <p>Considers that the proposed R60 density coding will offset loss of amenity and character, compensate the affected owners, and provide housing opportunities and a more suitable built form interface at the rear of the properties.</p> <p>Suggests that the R40 density code is too low to offset future development fronting Great Eastern Highway.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.
		<p>12.9 Notes that the proponents of the Amendment are the owners of 56 and 58 Hay Road, Ascot. Suggests that future development on 56 Hay Road will not directly impact an adjoining residential property as it abuts a lot containing drainage associated with Perth Airport. Considers that direct impacts would only occur at the eastern boundary of 58 Hay Road, potentially impacting number 60. Considers that this impact is marginal in comparison to future development earmarked on the adjacent 'Mixed Use' zoned lots.</p> <p>Considers that the development controls proposed to be introduced through the Amendment will provide a suitable interface with adjoining properties and the street to mitigate amenity impacts.</p>	Noted.

No.	Submitter	Summary of Submission	Officer Comment
		<p>12.10 Notes the site is within 100m to high frequency bus routes that run along Great Eastern Highway. Furthermore outlines that the site is located within close proximity to the Redcliffe Train Station. Considers that this will encourage residents to utilise sustainable transport modes.</p> <p>Suggests that an R40 density would result in an underutilisation of existing and future transport infrastructure compared to an R60 density.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.
		<p>12.11 Notes the sites close proximity and ease of access to employment areas. Considers that an R60 density would maximize the number of residents with good access to employment opportunities and amenities.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.
		<p>12.12 Outlines that convenience shopping is available from the convenience store and café located within the Shell Service station on the corner of Fauntleroy Avenue and Great Eastern Highway. Furthermore outlines that the future Redcliffe Activity Centre, DFO and Costco will provide for higher shopping needs and further services.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.
		<p>12.13 Notes that Garvey Park and the Swan River Foreshore are located in close proximity to the site and provide areas for exercise and recreation. Outlines that development in accordance with an R60 density will provide for a greater number of people to utilize these spaces.</p> <p>Considers that the foreshore opposite a portion of the amendment area will limit the number of properties that may be impacted by future redevelopment.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.
		<p>12.14 Outlines that the Swan River Foreshore area will not be impacted by future development and notes that land a portion of land opposite the subject sites is similarly zoned 'Residential'.</p> <p>Considers that the 20m wide Hay Road reserve provides an appropriate interface with the foreshore area and will ensure no external environmental impacts.</p>	Noted.
		<p>12.15 Outlines that access to Great Eastern Highway from the amendment area is direct via Ivy Street and Fauntleroy Avenue and therefore traffic generated from the sites does not need to traverse through established residential areas. Furthermore suggests that Great Eastern Highway provides an efficient transport corridor in light of recent upgrades. Considers that these factors support an R60 density coding.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.

No.	Submitter	Summary of Submission	Officer Comment
		<p>12.16 Notes that the precinct is unsewered and that the sewer line will need to be extended to service the area and paid for by developing landowners.</p> <p>Outlines that development at R60 allows for this cost to be shared more widely and that the R40 density reduces the number of dwellings over which the cost can be absorbed thereby jeopardising the commercial viability of development in the precinct.</p> <p>Considers that extending the sewer will benefit the entire DA9 precinct and achieve an improved environmental outcome.</p>	Noted.
		<p>12.17 Considers that the R60 density coding will provide for housing diversity in an area which contains amenities and services.</p> <p>Suggests that there is a growing market for smaller properties and gardens.</p> <p>Outlines that existing housing stock in the vicinity is dominated by single houses and that there is limited housing diversity.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.
		<p>12.18 Requests that the arborist report requirement be omitted as:</p> <ul style="list-style-type: none"> • it does not provide the City with a statutory ability to require trees to be retained; • the draft clause does not provide a clear process and seeks to provide the City with the power to retain trees without a clear liaison or appeal process; and • the ability to preserve trees already exists in the City's Local Planning Scheme. 	Refer to comments under the heading Requirement for Arborist Report in the Officer Comment section of the report.
		<p>12.19 Objects to the modified R40 density code and requests that the final version of Amendment No. 14 adopted by Council reflects the R60 version as initiated originally.</p>	Noted. Refer to Officer Comment in response to Point 12.1 above.

No.	Submitter	Summary of Submission	Officer Comment
13.	P. Betz and T. Xie 56 Hay Road Ascot WA 6104	13.1 Outlines purchasing the property based on an R60 density coding which was assured by a planning officer in 2015.	Noted.
		13.2 Notes delays in amending the planning framework as a result of a third party.	Noted.
		14.3 Outlines that subdivision requests, even at the lower density code (R20), have not been supported by the City on the basis that the planning framework had not been finalised. Outlines therefore engaging a planning consultant, at a significant cost, to complete the subject scheme amendment.	Subdivision at the R20 density at 56 Hay Road, Ascot was not recommended for approval to the WAPC in 2006 as a strategic plan (structure plan) had not yet been prepared to guide future subdivision and development within the precinct.
		13.4 Outlines that previously only three out of the seven property owners on Hay Road objected to the R60 coding. Considers however that only one property will be directly impacted by future development. Outlines that loss of amenities could be argued for the three objectors in the future however considers that this will be super passed by the number of new future residents who will benefit from the amenities in the area. Suggests that if density proposals are easily derailed, infill housing will not be delivered.	Noted. Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.
		13.5 Notes that the area is missing sewerage infrastructure and considers that this is due to the high cost of extending the line.	Noted.
		13.6 Notes that the residential lots about 'Mixed Use' zoned land that fronts Great Eastern Highway.	Noted.
		13.7 Outlines that the Amendment was heavily advertised and considers that it would have reached a number of people. Notes that of those people, only a handful objected. Considers that only people who had a strong opposing view may have objected and argues on the flip side that no objections may have been received from people who were in agreement with the proposal.	Only formal submissions provided to the City can be taken into consideration.
		13.8 Outlines that a third party has acquired a significant number of properties along Great Eastern Highway, adjacent to the precinct, and has constructed the Hay Road extension to connect to Ivy Street. Outlines that this third party is investigating the acquisition of 'Parks and Recreation' reserved lots in order to undertake future high density development. Therefore considers that R60 should be supported over the lots the subject of the amendment.	Noted.

No.	Submitter	Summary of Submission	Officer Comment
		13.9 Notes that the community was concerned that the service station on the corner of Great Eastern Highway and Fauntleroy Avenue would impact on amenity. Outlines however that it has had minimal impact and provides the community with services such as fuel, coffee and snacks.	Noted.
		13.10 Considers that the R60 density should be supported as the draft Great Eastern Highway Urban Corridor Strategy proposes an employment centre and activity centre within 800 metres of the DA9 precinct and provides for development up to 12 storeys in height adjacent to the DA9 precinct.	Noted. Refer to Officer Comment in response to Point 13.4 above.
		13.11 Considers that the R60 density should be supported due to the proximity of the precinct to the future Redcliffe Station and Perth Airport. Furthermore notes that upgrades and road widening have been completed along Great Eastern Highway and bike and pedestrian paths are located along Hay Road and Fauntleroy Avenue which further support an R60 density.	Noted. Refer to Officer Comment in response to Point 13.4 above.
		13.12 Notes that the precinct is in close proximity to Garvey Park which has been beautified.	Noted.
		13.13 Considers that the area should be coded higher than R60, however would support an R60 density coding being applied to the subject lots.	Noted. Refer to Officer Comment in response to Point 13.4 above.
14.	D. and E. Kovalevitch 72 Fauntleroy Avenue Ascot WA 6104	14.1 Not supportive of a density coding of either R40 or R60 being applied to the subject land. Considers that the existing density coding R20 should be retained to preserve the existing structure in the area.	Refer to comments under the heading Proposed Residential Density in the Officer Comment section of the report.

Government Agencies/Public Authorities

No.	Submitter	Summary of Submission	Officer Comment
15.	Department of Biodiversity, Conservation and Attractions Locked Bag 104 Bentley Delivery Centre Western Australia 6983	15.1 Supports an additional provision in the Scheme text requiring an arborist report to review any trees on the subject lots.	Noted.
		15.2 DBCA has no objections to the subject modifications to the scheme amendment.	Noted.
16.	Department of Water and Environmental Regulation 7 Ellam Street, Victoria Park WA 6100	16.1 The Department has assessed the above referral and has no objections.	Noted.
17.	Department of Planning, Lands and Heritage 140 William Street Perth WA 6000	17.1 The Department's Land Management team has no comments to provide with regards to the proposed Amendment No. 14 to Local Planning Scheme No. 15 and Development Area 9 Local Structure Plan.	Noted.
18.	Water Corporation Locked Mail Bag 2 Osborne Park Delivery Centre Osborne Park WA 6916	18.1 A desktop evaluation indicates that reticulated water of a sufficient capacity to serve the proposal is currently not available. The 100Cl 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?).The engineering consultant should liaise with the Corporation to allow sufficient time for an orderly servicing review to take place in accordance with the timing of the project.	Noted.

No.	Submitter	Summary of Submission	Officer Comment									
		<div>18.2 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.</div> <div>18.3 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.</div>	<div>Noted.</div> <div>Noted.</div>									
19.	<div>Department of Fire and Emergency Services</div> <div>20 Stockton Bend, Cockburn Central WA 6164</div>	<div>19.1 Policy Measure 6.3 a) (ii) Preparation of a BAL contour map</div> <table><tr><th>Issue</th><th>Assessment</th><th>Action</th></tr><tr><td>Vegetation Exclusion – Hay Road reservation</td><td><div>Photographic evidence and demonstration of an enforceable mechanism to support the exclusion of the Hay Road verge as managed to low threat in perpetuity in accordance with AS3959 is required.</div><div>If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959, or the resultant BAL ratings may be inaccurate.</div></td><td>Insufficient information. The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</td></tr><tr><td>Vegetation Classification</td><td><div>Lots 223 and 224 (57 and 59) Hay Road and lots 186 and 189 (66 and 76) on the northern side of Hay Road have been partially excluded from classification.</div><div>However, aerial imagery does not support the exclusion and there is no enforcement mechanism to ensure that the area in question will be maintained as low threat as per AS3959.</div><div>Technical evidence and verification should be included in the BMP to qualify the vegetation exclusion can be achieved and</div></td><td>Modification to the BMP is required.</td></tr></table>	Issue	Assessment	Action	Vegetation Exclusion – Hay Road reservation	<div>Photographic evidence and demonstration of an enforceable mechanism to support the exclusion of the Hay Road verge as managed to low threat in perpetuity in accordance with AS3959 is required.</div> <div>If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959, or the resultant BAL ratings may be inaccurate.</div>	Insufficient information. The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.	Vegetation Classification	<div>Lots 223 and 224 (57 and 59) Hay Road and lots 186 and 189 (66 and 76) on the northern side of Hay Road have been partially excluded from classification.</div> <div>However, aerial imagery does not support the exclusion and there is no enforcement mechanism to ensure that the area in question will be maintained as low threat as per AS3959.</div> <div>Technical evidence and verification should be included in the BMP to qualify the vegetation exclusion can be achieved and</div>	Modification to the BMP is required.	<div><u>Vegetation Exclusion – Hay Road Reservation</u></div> <div>The Applicant’s Bushfire Consultant has outlined that photograph’s 8 and 9 of the BMP show the Hay Road verge being kept in minimum fuel condition. Notwithstanding, the Consultant has acknowledged that there are portions of the verge where the grass has grown. It is considered however that this has occurred since the Firebreak Notice period ended in March 2021.</div> <div>The City of Belmont issues Fire Break Notices every year, notifying residents of their requirements to prevent the outbreak and spread of a bushfire during the prime bushfire months (December to March). If a resident does not comply with a notice it may result in a penalty of up to \$5,000 and prosecution.</div> <div>It should be noted that irrespective of the above, the Bushfire Consultant has outlined that the Hay Road verge is immaterial to the overall ratings contained within the Bushfire Management Plan.</div> <div>The City of Belmont Fire Break Notice will be used to ensure that the Hay Road verge, adjacent to ‘Residential’ zoned land is managed in a minimum fuel condition in perpetuity during peak bushfire season. It should be noted that the Department of Planning, Lands and Heritage Bushfire Section has advised that Fire Break Notices can be used to</div>
Issue	Assessment	Action										
Vegetation Exclusion – Hay Road reservation	<div>Photographic evidence and demonstration of an enforceable mechanism to support the exclusion of the Hay Road verge as managed to low threat in perpetuity in accordance with AS3959 is required.</div> <div>If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959, or the resultant BAL ratings may be inaccurate.</div>	Insufficient information. The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.										
Vegetation Classification	<div>Lots 223 and 224 (57 and 59) Hay Road and lots 186 and 189 (66 and 76) on the northern side of Hay Road have been partially excluded from classification.</div> <div>However, aerial imagery does not support the exclusion and there is no enforcement mechanism to ensure that the area in question will be maintained as low threat as per AS3959.</div> <div>Technical evidence and verification should be included in the BMP to qualify the vegetation exclusion can be achieved and</div>	Modification to the BMP is required.										

No.	Submitter	Summary of Submission			Officer Comment
				<p>under what legislative instrument it is enforceable in perpetuity.</p> <p>Alternatively, the vegetation classification should be revised to consider the potential for revegetation and the vegetation at maturity as per AS 3959.</p>	
			<p>Responsibilities for Implementation and Management of the Bushfire Measures</p> <p>Figure 8 (page 18) and Section 6 (page 19) of the BMP has regard to an 8m minimum habitable structure setback, the establishment and maintenance of an asset protection zone (APZ), and to implement a mechanism to inform prospective owners and occupants that a BMP applies to the lot.</p> <p>The APZ should be spatially depicted and the Schedule 1: Standards for Asset Protection Zones contained within the Guidelines referenced on a plan. It is encouraged that a notification placed on title be the mechanism that informs prospective owners and occupants that a BMP applies to the subject land. Consideration should also be given to acknowledging in Schedule No. 14 relating to DA9 the requirement for development to have regard to the BMP.</p>	Comment only.	<p>exclude vegetation that is required to be managed under such a Notice. It is therefore considered that this mechanism adequately addresses the comments provided by DFES.</p> <p><u>Vegetation Classification</u></p> <p><u>Lot 223 (57 Hay Road, Ascot)</u></p> <p>The BMP demonstrates 57 Hay Road, Ascot as being kept in minimum fuel condition as per AS3959. The City of Belmont Fire Break Notice will be utilised to ensure that this land is maintained in minimum fuel condition during peak bushfire season.</p> <p><u>Lot 224 (59 Hay Road, Ascot)</u></p> <p>It is acknowledged that the BMP originally only mapped a portion of 59 Hay Road, Ascot as 'Forest'. Whilst the BMP showed the remainder of the lot as being kept in minimum fuel condition, because the land is in State Government ownership the City of Belmont Fire Break Notice cannot be applied. In light of this, the remainder of the subject lot has been mapped as 'Grassland' for the purposes of calculating bushfire hazard. It should be noted that this change has not resulted in any modifications to the indicative bushfire attack levels.</p> <p><u>Lot 186 and 189 (66 and 76 Hay Road, Ascot)</u></p> <p>The majority of vegetation on these lots has been classified as 'Grassland' or 'Forest' vegetation for the purposes of the BMP. A small portion of these lots to the north of Hay Road has however not been classified for the purpose of the BMP.</p> <p>In considering this exclusion, the following points are relevant:</p>

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			<ul style="list-style-type: none"> • Hay Road separates this land from the Amendment area. • This portion of land has been allocated a moderate bushfire hazard level. • The bushfire threat associated with the 'Forest' vegetation extends into the subject portions of the lot. This has resulted in the land being allocated a bushfire attack level of BAL – FZ and BAL-40, which are the highest levels that can be allocated to land. • If the vegetation was classified, it is considered that this would be immaterial to the overall bushfire ratings, as the threat from the 'Forest' vegetation would extend further than the threat from any existing grass located on the land. <p>It is therefore not considered necessary for this vegetation to be classified as it is immaterial to the overall ratings and would not change the indicative bushfire attack levels, as demonstrated in the mapping associated with Plot 4.</p> <p>It is acknowledged that to the north of Lot 186 Hay Road, Ascot there are two trees located within the Hay Road, road reserve, which have been classified as excluded vegetation. This has been accepted based on the Applicant's Bushfire Consultant's assessment as follows:</p> <p><i>"The visual guide for bushfire risk assessment in Western Australia, section 2.1.b states 'with respect to assessing the likely contribution to potential bushfire behaviour, it is often more important to consider vegetation structure rather than canopy coverage'.</i></p> <p><i>The angles of the flames and BAL rating stem</i></p>

No.	Submitter	Summary of Submission	Officer Comment
			<p><i>from the ground level point of the fire and account for the possibility of this canopy burning as per the design bush fire. But, without surface and ladder fuels, a canopy fire will not sustain itself for long. Thus, the vegetation class changes at the point of structural change of the vegetation which is the point where the surface and ladder fuels change. Thus the said tree is rightly excluded."</i></p> <p><u>Responsibilities for Implementation and Management of the Bushfire Measures</u></p> <p>The Applicant has outlined that no further action is warranted with regards to the Asset Protection Zone (APZ) due to the Bushfire Management Plan being prepared to support a scheme amendment process only. The Bushfire Management Plan demonstrates that, through implementation of an 8m wide habitable structure setback, the affected properties within the amendment area (lots 183 and 184) can be developed to comply with SPP 3.7 i.e. development is possible within a portion of the lot that is mapped as BAL 29 or lower.</p> <p>It should be noted that prior to subdivision or development on any of the lots, there will be a requirement for further detailed bushfire assessments, relating to a specific proposal, to be undertaken. At this stage, a notification can be placed on the title of a property that is located within a bushfire prone area. There is no statutory mechanism to enable the local government to require notifications to be registered as part of a Scheme Amendment.</p> <p>One of the provisions proposed to be incorporated into Schedule No. 14 of Local Planning Scheme No. 15 will require any local development plan prepared for land within the precinct to address bushfire management.</p>

No.	Submitter	Summary of Submission	Officer Comment						
		<div>19.2 Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria</div> <table><tr><th>Issue</th><th>Assessment</th><th>Action</th></tr><tr><td>Location, and Siting and Design</td><td><p>A1.1 and A2.1 – not demonstrated.</p><p>The BAL ratings cannot be validated, as the vegetation classification inputs require clarification/modification as per the above table.</p><p>The BAL Contour Map identifies residential zoned land subject to BAL-40/BAL-FZ. The acceptable solution A1.1 is for the strategic planning proposal to be located in an area that is, or will upon completion, be subject to a moderate or low bushfire hazard level, or BAL-29 or below.</p><p>The acceptable solution A2.1 is for every habitable building is surrounded by, and for every proposed lot can achieve, an APZ depicted on the submitted plans.</p></td><td>Modification of the BMP required. Please demonstrate compliance or provide substantiated evidence of a performance principle-based solution.</td></tr></table>	Issue	Assessment	Action	Location, and Siting and Design	<p>A1.1 and A2.1 – not demonstrated.</p> <p>The BAL ratings cannot be validated, as the vegetation classification inputs require clarification/modification as per the above table.</p> <p>The BAL Contour Map identifies residential zoned land subject to BAL-40/BAL-FZ. The acceptable solution A1.1 is for the strategic planning proposal to be located in an area that is, or will upon completion, be subject to a moderate or low bushfire hazard level, or BAL-29 or below.</p> <p>The acceptable solution A2.1 is for every habitable building is surrounded by, and for every proposed lot can achieve, an APZ depicted on the submitted plans.</p>	Modification of the BMP required. Please demonstrate compliance or provide substantiated evidence of a performance principle-based solution.	<p>The Applicant's Bushfire Consultant has stated that this comment is inaccurate as the BAL ratings are appropriate, as has been demonstrated above.</p> <p>The land the subject of the Amendment is already zoned 'Residential' under Local Planning Scheme No. 15. To ensure that future development on 62 and 64 Hay Road, Ascot is not subject to BAL-40 or BAL-FZ, the Bushfire Management Plan stipulates that an 8m structure setback is required from the front lot boundary. In the case of 64 Hay Road, Ascot an 8m setback is also required to the north-eastern lot boundary. The remainder of the land within the precinct is not subject to a BAL in excess of BAL-29.</p>
Issue	Assessment	Action							
Location, and Siting and Design	<p>A1.1 and A2.1 – not demonstrated.</p> <p>The BAL ratings cannot be validated, as the vegetation classification inputs require clarification/modification as per the above table.</p> <p>The BAL Contour Map identifies residential zoned land subject to BAL-40/BAL-FZ. The acceptable solution A1.1 is for the strategic planning proposal to be located in an area that is, or will upon completion, be subject to a moderate or low bushfire hazard level, or BAL-29 or below.</p> <p>The acceptable solution A2.1 is for every habitable building is surrounded by, and for every proposed lot can achieve, an APZ depicted on the submitted plans.</p>	Modification of the BMP required. Please demonstrate compliance or provide substantiated evidence of a performance principle-based solution.							
		<div>19.3 It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:</div> <div>1. The development design has not demonstrated compliance to Element 1: Location and Element 2: Siting and Design.</div>	<p>In light of the Officer Comments in response to Points 19.1 and 19.2 above it is considered that the Bushfire Management Plan prepared for the precinct is acceptable.</p>						

No.	Submitter	Summary of Submission	Officer Comment
20.	Main Roads Western Australia PO Box 602 East Perth WA 6982	20.1 Main Roads has no objections to the proposed modifications to Amendment No. 14 to Local Planning Scheme No. 15 and the Development Area 9 Local Structure Plan.	Noted.
		<p>20.2 The Local Development Plan prepared to guide any vacant lot subdivision and development must include the following provisions:</p> <ol style="list-style-type: none"> 1. An acoustic report is to be prepared by a qualified acoustic consultant in accordance with the requirements of State Planning Policy 5.4 – Road and Rail Noise and submitted to the satisfaction of the City of Belmont, in consultation with Main Roads and implemented thereafter. 2. No vehicular access is permitted onto Fauntleroy Avenue within the functional area of the intersection with Great Eastern Highway or in an area abutting the Metropolitan Region Scheme Primary Regional Road Reservation. The functional area of the intersection is the area beyond the physical intersection of the 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 the inclusion of this comment for any future LDP. For further details, refer to Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, Section 7.2 Property Access. The existing access of 101 Fauntleroy Avenue located at the south-western corner of the property must be closed at the time of redevelopment. 3. Future development must take into consideration the existing drainage assets and easements on 101 Fauntleroy Avenue and 56 Hay Road to ensure ongoing protection, functionality and efficiency of these existing drainage systems, inter alia serving Perth Airport as well as the Federal and State Road network (Great Eastern Highway). 	These matters will be considered as part of a future Local Development Plan proposal.

No.	Submitter	Summary of Submission	Officer Comment
		<p>20.3 The Great Eastern Highway Strategic Access Study is referenced in the Development Area 9 Local Structure Plan. Figure 6 illustrates a proposed right of way along the rear boundary of the subject properties with frontage to Hay Road. Whilst future road planning for this area is not finalised, Main Roads advises that draft preliminary designs are not considering the proposed right of way as an option for access, given that Hay Road now connects Ivy Street with Fauntleroy Avenue.</p> <p>Given the preliminary stage of future road planning for Great Eastern Highway, the proposed easement in gross along the frontage of properties abutting Great Eastern Highway remains a relevant consideration in the assessment of any future development proposals in or adjacent to the Development Area 9 Local Structure Plan. It is however acknowledged that properties abutting Great Eastern Highway are not the subject of the proposed modifications.</p>	
		<p>20.4 Main Roads advises that it offers a free of charge pre-lodgment consultation service.</p>	Noted.

Other

No.	Submitter	Summary of Submission	Officer Comment
21.	Urban Bushland Council WA INC PO Box 326 West Perth WA 6872	21.1 Considers that it is unfortunate that the land is already identified as a Development Area within the City of Belmont Scheme.	Noted.
		21.2 Encourages Council to look at the area under review as an opportunity to increase the buffer zone for protection of the Swan River and the associated flood plain. Considers that the natural constraints of the site are very significant and outlines that these must be considered.	<p>The amendment relates to existing 'Residential' zoned land which already contains houses. The amendment area is setback approximately 80m, at its closest point, from the banks of the Swan River, with the Hay Road, road reserve acting as a buffer.</p> <p>It should be noted that 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 <i>Environmental Protection Act 1986</i> and that it was not necessary to provide any advice or recommendations.</p> <p>Irrespective of the above, 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.</p>

		<p>21.3 Outlines that a 'Parks and Recreation' reserve is applied to land of regional significance for ecological, recreation or landscape purposes. Considers that this reservation should be fully retained.</p> <p>Furthermore outlines that DC Policy 5.3 – Use of Land Preserved for Parks and Recreation and Regional Open Space states that WAPC or Local Government in its determination about developments on reserved land must ensure that the intent of the reservations is not prejudiced by inappropriate development.</p> <p>Considers that these statements support the retention of the 'Parks and Recreation' reserve on lots in the proposed development site. Furthermore outlines that these statements do not support the proposed rezoning of the lots to 'Urban' for development.</p>	<p>The subject Amendment and modifications to the Development Area 9 Local Structure Plan relate to land that is already zoned 'Residential' under the City's Local Planning Scheme No.15.</p> <p>No modifications are proposed to the existing 'Parks and Recreation' reserve.</p>
		<p>21.4 Considers that the lots were reserved for 'Parks and Recreation as they are located only 100m from the Swan River and that this reservation was set as a buffer to the Swan River and the existing vegetation along the river.</p> <p>Furthermore outlines that the lots proposed for possible rezoning are directly south-east of Hay Road and serve as a buffer to the significant vegetation bordering the Swan River and the wetland area towards Ivy Street.</p>	<p>Refer to Officer Comment in response to point 20.3 above.</p>

		<p>21.5 Outlines that thirteen of the lots are owned by the WAPC and that these lots have been almost completely cleared apart from the retention of three large trees.</p> <p>Outlines that the City's Arborculturalist found that 14 of approximately 15 trees on this land were Eucalyptus rudis (flooded gum), which usually grow in wetland areas where the water table is close to the surface, and that one was E. rudis X E. robust. Furthermore outlines that these trees were semi-mature to mature in age, ranging in height from 15-20m and in good condition.</p> <p>Notes that not all of the 15 trees remain and considers that some may have been inappropriately cleared. Considers that it is inadequate for only one of the 15 trees to be retained.</p>	<p>It is understood that the lots referred to in the submission are the lots which are currently reserved for 'Parks and Recreation' and in the ownership of the WAPC. These lots are not the subject of the current Amendment proposal.</p> <p>Land within the Development Area 9 precinct is owned in freehold and at present landowners do not require approval for the removal of vegetation on their property regardless of development. To facilitate the preservation of significant trees, Scheme Amendment No. 14 associated with the Development Area 9 Local Structure Plan, proposes to require an arborist report to be prepared prior to commencement of development within the precinct.</p> <p>Furthermore, Tree 205 which was the only tree that the arboriculturalist specifically recommended be retained, is still located on one of the lots reserved for 'Parks and Recreation.'</p>
		<p>21.6 Recommends that, instead of rezoning the land, the WAPC and City of Belmont revegetate the lots to the standard of the Department of Water and Environmental Regulation as outlined in the document 'Water Quality Protection Note: Vegetation buffers to sensitive waters'. Outlines that this would protect against nutrient damage and pollution from roads and industry.</p>	<p>The land the subject of the Amendment is currently zoned 'Residential' under the City of Belmont Local Planning Scheme No. 15 and 'Urban' under the Metropolitan Region Scheme. No rezoning is proposed to occur as part of the proposal. The proposal relates to amending the density coding over land that is already zoned 'Residential'. As the landholdings are in private ownership, the City of Belmont cannot require the lots to be revegetated.</p>

		<p>21.7 Notes that the City's arboriculturalist has advised that attempts should be made to retain trees wherever possible within public open space and road reserves. Suggests that due to the lots requiring a finished floor level of 4.77m AHD that this will not allow for existing trees to survive.</p> <p>Outlines that there is a presumption against proposals which may degrade shallow river flats, foreshore vegetation, fringing wetlands saltmarshes or tributaries associated with the Swan Canning river system.</p>	<p>The Local Structure Plan stipulates that development within the floodway or flood fringe will need to achieve a finished floor level of 4.77m AHD. The lots the subject of the Amendment are however not located within the flood way or flood fringe.</p> <p>Irrespective of the above, the City would not support fill being placed on the verge and therefore there should be no impact on existing trees within the road reserve.</p> <p>The subject amendment relates to land that is already zoned 'Residential' under the Local Planning Scheme which means that the land can already be developed for residential purposes. In light of this, it is not anticipated that the proposed amendment will result in the degradation of land associated with the Swan Canning river system.</p>
		<p>21.8 Highlights that within the flood fringe and floodway only road construction or servicing can be developed.</p>	<p>Noted. None of the lots, the subject of the proposal, are located within the flood fringe or floodway.</p>

		<p>21.9 Notes that 7,000 dwellings are proposed to be built in the City of Belmont and outlines the importance of tree canopy in protecting against heating of the planet and facilitating a livable future.</p> <p>References a WA today article which outlines Belmont as the hottest suburb with the least percentage of canopy cover.</p> <p>Notes that Perth Airport does not assist the City of Belmont in regards to protection of natural areas, however suggests that the City of Belmont in addition to other agencies can use their open spaces to intensify tree cover. Considers that the opportunity for this can be demonstrated at the development site under discussion. Suggests that this can be part of the City's Urban Forest Strategy.</p>	<p>It is acknowledged that there are several existing mature trees located on the lots the subject of the proposal. These trees were not assessed as part of the original Local Structure Plan. In light of this, it is recommended that an additional provision be inserted into the Scheme Text requiring an arborist report, in relation to any trees on a property, to be prepared and submitted to the City for assessment and endorsement prior to any site works being undertaken. In considering the findings of the arborist report, the City may require the ongoing protection of a tree deemed worthy of retention.</p> <p>In addition, the State Government is proposing to amend the Residential Design Codes to contain provisions for deep soil areas to facilitate the retention and/or planting of trees in future developments.</p> <p>It should be noted that the City of Belmont is already intensifying tree cover within public parklands. The proposal relates to amending the density coding over land that is already zoned 'Residential'. As the landholdings are in private ownership, the City of Belmont cannot require the lots to be revegetated.</p>
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