

Schedule of Submissions – Amendment No. 11 to Local Planning Scheme No. 15 – Omnibus Amendment

No.	Submitter	Affected Property	Summary of Submission	Officer Comment
Landowners / Occupiers				
1.	E. King	14 (Lot 255) Luscombe Street, Kewdale	The submitter was surprised to see that this amendment was not undertaken many years ago.	Noted.
2.	L. Slawek	305 (Lot 253) Acton Avenue, Kewdale	The submitter indicated that they were not affected by the proposed amendment.	Noted.
Agencies				
3.	Water Corporation PO Box 100 Leederville WA 6902	N/A	3.1 Water Corporation has no objection to Local Planning Scheme No. 15 Scheme Amendment 11.	Upheld / Noted.
			3.2 Water Corporation has advice recommended for Amendment (I) Amending the Scheme Map ix: Rezoning a portion of Lot 181 (No. 17) Ballantyne Road, Kewdale, from 'Parks and Recreation' with the notation 'Water Supply Sewage and Drainage (WSD)' to 'Industrial'. Running through the area currently zoned 'Parks and Recreation' next to Lot 181 Ballantyne Road, Kewdale, as a number of Water Corporation assets. These include a 225PVC Sewerage Main, 900RC Drainage Main, 205CI Water Pressure Main. There is currently an easement over this area in favour of the Water Corporation. Water Corporation have no objection regarding the rezoning of this area to Industrial, however it should be noted that any future development or surface activity within the easement will require prior approval by the Water Corporation.	Upheld. It is acknowledged that any development or use within an existing easement protecting Water Corporation assets would require prior approval from the Water Corporation, irrespective of the zoning or reservation of the easement land.
4.	Department of Biodiversity, Conservation and Attractions Locked Bag 104 Bentley Delivery Centre WA 6983	N/A	4.1 <u>Scheme Amendment Map 3: Lot 301 Great Eastern Highway Ascot</u> The Department of Biodiversity, Conservation and Attractions (DBCA) understands that no current zoning is applied by the City of Swan Local Planning Scheme No. 17 to the eastern section of the site, and that it is proposed that this section of the site be zoned 'Mixed Use' under the City of Belmont's Local Planning Scheme No. 15 to reflect the current partial zoning on the lot. DBCA note that a drainage line carries stormwater from Great Eastern Highway through part of Lot 301. As a result, various previous development applications that have been submitted to the City of Belmont and the City of Swan have included plans to divert and/or pipe the drainage channel (City of Belmont ref. 254/2008/DA,	Dismissed. Compliance with a requirement of development approval should not have a bearing on this amendment. Refer to comments under the heading Zoning of Land Requiring Easements in the Officer Comment section of the report.

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			<p>121/2010/DA and 2/2012/DAP, City of Swan ref DA362/2010), all of which approval has been granted by never acted upon by the applicant. However, as part of one application (ref. 2/2012/DAP), approval was granted to divert the existing drainage swale into a piped drainage system. A condition for a 5m easement over the piped drainage system was also applied. DBCA notes that the diversion of the drainage swale into a piped drainage system has occurred without the 5m easement being applied.</p> <p>DBCA advises that before a Mixed Use zoning is applied for the whole of Lot 301 on Plan 24396 (510 Great Eastern Highway, Ascot), an easement for the subject drainage should be resolved. Only after the easement has been applied does DBCA support the subject scheme amendment for Lot 301.</p>	
			<p>4.2 <u>Scheme Amendment Map 7: Lot 1112 Epsom Avenue, Ascot</u></p> <p>It is noted that the subject amendment looks to extend the current zoning of Mixed Use to the northern section of Lot 1112 which currently has no zoning and is within the Swan Canning Development Control Area (DCA).</p> <p>On 3 May 2012, DBCA received a referral from the then Department of Planning for a subdivision application to amalgamate Lot 111 and 112 and then subdivide the lots into three lots of 1.7ha, 2,352m² and 75m² with the latter including Lot 111. The subdivision was in line with the Structure Plan for Development Area 10 and proposed 75m² to be reserved for Parks and Recreation under the Metropolitan Region Scheme. DBCA had no objections to the proposal subject to a condition being put in place for the proposed reserve to be ceded to the Crown without payment of compensation. The subdivision has since come to fruition and the proposed Parks and Recreation is set in place.</p> <p>With context of the above, DBCA has no objections to the subject scheme amendment for Lot 1112. However, it is important to note that the subject lot falls under clause 30A(2)(a)(i) of the Metropolitan Region Scheme and therefore development applications must be referred to DBCA (on behalf of the Swan River Trust).</p>	Upheld / Noted.
5.	Western Power GPO Box L921 Perth WA 6842	N/A	5.1 The structure plan, future subdivision and development processes must protect the transmission line corridor and associated assets from encroachment, mitigating public safety and network reliability risks and ensuring there is no impediment to routine and emergency land	Dismissed. This scheme amendment does not relate to any structure plan, subdivision or development processes.

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			access to the network.	
			5.2 Prior to subdivision, Western Power will need to review, assess and provide prior written consent to any proposals below or within the registered easement, in accordance with the easement conditions, including landscaping plans, ground level changes, permanent structures, drainage plans and conservation controls.	Dismissed. The subject scheme amendment does not relate directly to any subdivision proposal.
			5.3 Western Power requires the following additional provisions to be included on the Structure Plan for consideration at the subdivision and development stages: <ul style="list-style-type: none"> • Provision of Section 70A Notifications on all proposed lots adjoining the existing Western Power registered easement prior to subdivision clearance advising prospective purchasers that they are in close proximity to power infrastructure which will be maintained, upgraded and expanded on a regular basis. • All development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. • No development will be permitted within Western Power registered easements without prior written approval of Western Power or the relevant power line operator. 	Dismissed. Refer to comment 5.1 above.
6.	Main Roads WA PO Box 6202 East Perth WA 6892	N/A	Main Roads WA has reviewed the Omnibus Amendment and have no comments on the proposed changes to the Local Planning Scheme.	Noted.
7.	Department of Water and Environmental Regulation 7 Ellam Street Victoria Park WA 6100	N/A	The Department of Water and Environmental Regulation has no objections.	Noted.
8.	City of Swan PO Box 196 Midland WA 6936	N/A	It is requested that the City of Belmont treat this email as an interim submission on whereby: <ul style="list-style-type: none"> • The City of Swan provides comment on Resolutions (I)(i) to (I)(iii) and Maps 1 to 3 as advertised only i.e. the subject of the 'Local Government (Belmont and Swan – Change of Boundaries) Order 2017'. • The City of Swan's comment is the earliest opportunity for the City of Swan, with the authority of its Council to provide its comment on Amendment No. 11 is at its 6 May 2020 Ordinary Council Meeting. 	Upheld. It is noted that the City of Swan intends to amend their Scheme in light of the realigned local government boundary. Refer to comments under the heading Local Government Change of Boundaries (City of Swan to City of Belmont) and Zoning of Transferred Land in the Officer Comment section of the report.

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			<ul style="list-style-type: none"> • The City of Swan will forward its submission to the City of Belmont and the Western Australian Planning Commission once the minutes have been made publicly available and request that the Western Australian Planning Commission and the Minister consider it as a late submission. • Without prejudice and subject to the City of Swan's Council's approval – the agenda item that the City of Swan Council will consider is in fact intended to assist, not hinder, the City of Belmont in its actions to provide its own planning regulations to all of that land that was transferred from Swan to Belmont as of 8th December 2017. 	
9.	ATCO Gas Australia Locked Bag 2 Bibra Lake DC WA 6965	N/A	<p>9.1 ATCO owns and operates gas mains and associated infrastructure including High Pressure gas network within the City.</p> <p>9.2 ATCO owns and operates High Pressure gas mains within the road reserve of Daddow Road that is proposed to be zoned Industrial (shown within Map 12) from the City's website documentation.</p> <p>9.3 There have been legacy issues in this property with the previous closure and disposal of this portion of dedicated road reserve as the High Pressure gas pipeline in this section was not relocated nor was it protected by way of an Easement within the property to which the closed road reserve was sold to and amalgamated with.</p> <p>9.4 This area also falls within the WAPC's Draft Development Control Policy 4.3 – Trigger Distance for High Pressure Gas Pipelines and a change in zoning from Road Reserve to Industrial may impact on ATCO's Safety Case in accordance with AS2885 requirements and require additional protection of the HP gas pipeline to be installed to the change in zoning. Any costs associated with protection of the HP gas pipeline due to a change in land use are the responsibility of the proponent proposing the change in land use.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

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			<p>9.5 ATCO currently opposes the Amendment No. 11 for this location where we have infrastructure that require additional protection by way of an Easement. As the gas infrastructure was originally legally installed within the road reserve under the control of the City, and now subject to the rezoning from Road Reserve to Industrial, within which we are installed, the rights to access and operate gas mains and infrastructure are gradually becoming diminished.</p> <p>ATCO will reconsider our direction opposing the Amendment No. 11 subject to receiving written confirmation from the City that an Easement will be provided over the High Pressure gas mains, within the identified location and the costs associated with the formalisation of the Easement will be met by the City. The easement can be by way of being listed within the Interests and Notification Table on a Deposited Plan as prescribed in schedule 9A of the Transfer of Land Act Section 136 (33d Reg Interest) if this is applicable or a more formal Easement document for gas pipeline purposes under the <i>Land Administration Act 1997</i>.</p>	<p>Dismissed.</p> <p>The requirement for an easement should not have a bearing on this amendment. Refer to comments in the Zoning of Land Requiring Easements in the Officer Comment section of the report.</p>
10.	Department of Fire and Emergency Services PO Box P1174 Perth WA 6844	N/A	<p>Given the proposal predominantly seeks to bring the Scheme into conformity with the Model Scheme Text, realign the Scheme boundary, rezone areas to align with existing development, provide for further exemptions for minor works and introduce permissibility for a 'Bed and Breakfast' in the Special Development Precinct, and other miscellaneous matters as per your correspondence which may not be considered an intensification of land use, the application of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 4.7) may not be required in this instance. Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.</p>	Upheld / Noted.