



November 2023

Metropolitan Region Scheme Amendment **1399/57** (Minor Amendment)



Hay Road, Ascot

Report on Submissions
Submissions

City of Belmont

**Metropolitan Region Scheme
Amendment 1399/57
(minor amendment)**

Hay Road, Ascot

**Report on Submissions
Submissions**

City of Belmont



November 2023

Introduction to Metropolitan Region Scheme minor amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Metropolitan Region Scheme under review and initiating changes where they are seen as necessary.

The Metropolitan Region Scheme (MRS) sets out the broad pattern of land use for the whole Perth metropolitan region. The MRS is constantly under review to best reflect regional planning and development needs.

An amendment proposal to change land use reservations and zones in the MRS is regulated by the *Planning and Development Act 2005*. That legislation provides for public submissions to be made on proposed amendments.

For a non-substantial amendment, often referred to as a minor amendment (made under section 57 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning for approval. The amendment takes legal effect with Gazettal of the Minister's approval.

In the process of making a non-substantial amendment to the MRS, information is published as a public record under the following titles:

Amendment report

This document is available from the start of the public advertising period of the proposed amendment. It sets out the purpose and scope of the proposal, explains why the amendment is considered necessary, and informs people how they can comment through the submission process.

Environmental review report

The Environmental Protection Authority must consider the environmental impact of an amendment to the MRS before it can be advertised. While formal assessment would be unlikely for a non-substantial amendment, were it required then an environmental review would be undertaken and made available for information and comment at the same time as the amendment report.

Report on submissions

The planning rationale, determination of submissions and the WAPC's recommendations for final approval of the amendment, with or without modification, is documented in this report.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

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Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1399/57

Hay Road, Ascot

Report on Submissions

1 Introduction

At its October 2022 meeting, the Western Australian Planning Commission (WAPC) resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of Section 57 of the *Planning and Development Act 2005* (the P&D Act 2005).

The principle differences between the minor and major MRS amendment processes are that the former includes a 60 day advertising period while the period for the latter is 90 days, the former is not required to be placed before Parliament (for 12 sitting days) while the later is and there is no requirement for submitters to be offered hearings for minor amendments.

2 The proposed amendment

Purpose

The amendment proposal was described in the previously published *Amendment Report* and a description of the proposal is repeated below.

The purpose of the amendment is to transfer approximately 1.53 hectares of land in Ascot from the Parks and Recreation reservation to the Urban zone under the MRS, as shown on *Amendment Figure – Proposal 1*.

The proposed Urban zoning will facilitate further planning to provide for the future development of part of the amendment area for residential and related land uses.

3 Environmental Protection Authority advice

On 29 November 2022, the Environmental Protection Authority (EPA) determined that the amendment did not require assessment under Part IV of the *Environmental Protection Act 1986*, and provided advice on inland waters and terrestrial environmental factors relevant to the amendment area. In this regard, the EPA advised that any potential impacts can be appropriately managed through future planning processes and pursuant to the requirements of the *Swan and Canning Rivers Management Act 2006* and the *Contaminated Sites Act 2003*.

A copy of the notice from the EPA is in Appendix A of the *Amendment Report*.

4 Call for submissions

The amendment was advertised for public submissions from 17 February 2023 to 28 April 2023.

The amendment was made available for public inspection during ordinary business hours at the:

- i) Western Australian Planning Commission, 140 William Street, Perth
- ii) City of Belmont
- iii) State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in the *West Australian* and relevant local newspaper/s circulating in the locality of this amendment.

5 Submissions

Ten submissions were received on the amendment. An alphabetical index of all persons and organisations lodging submissions is at Schedule 1.

Seven submissions from State government agencies raised no objections to or provided comment on the amendment. Two submissions from the City of Belmont and a consultant representing adjacent landowners supported the amendment and provided comment on it. One submission from a local resident objected to the amendment and provided comment on it.

A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions is contained in this report.

6 Main issues raised in submissions

6.1 Contaminated site matters

The Department of Biodiversity, Conservation and Attractions (DBCA) has provided advice in regard to the contaminated site remediation works which have been undertaken for land within the amendment area and a mandatory auditor's report which has been prepared and submitted with the Department of Water and Environmental Regulation (DWER). In this respect, the DBCA recommends that the amendment not be approved until such time that the mandatory auditor's report is finalised.

WAPC Comment: The Department of Planning, Lands and Heritage (DPLH) has undertaken remediation works to resolve the site contamination issues for this site and has submitted a mandatory auditors report with DWER, pursuant to the requirements of the Contaminated Sites Act 2003. The DWER is currently in the final stages of assessing the mandatory auditor's report and it is anticipated that this process will be completed by the end of 2023, with the likely outcome being that the developable portion of the amendment area being classified as a site which is suitable for some form or residential development. Furthermore, this outcome is generally consistent with the abovementioned EPA advice on the amendment, in which it advised that this matter can be appropriately resolved in subsequent planning stages pursuant to the requirements of the Contaminated Sites Act 2003 and the Swan and Canning Rivers Management Act 2006. On the basis of the above it considered appropriate for the amendment to approved and finalised prior to DWER finalising its assessment of the abovementioned mandatory auditor's report.

6.2 Concurrent amendment of local planning scheme

Adjacent landowners who have entered into an agreement with the WAPC to purchase part of the land within the amendment area have requested that the *City of Belmont Local Planning Scheme 15* (LPS 15) be concurrently amended to transfer this land to the "Mixed Use" zone, pursuant to section 126(3) of the P&D Act 2005. This would make the zoning of land within the amendment area consistent with the zoning of the adjacent land, which it is

intended to be amalgamated with following the completion of the land purchase. However, the City of Belmont does not support the concurrent amendment of its LPS 15 for a number of reasons including:

- (a) It not being possible to concurrently amend LPS 15, pursuant to section 126(3) of the P&D Act 2005, as it does not contain a 'Urban Development' zone or other similar zone which the amendment can be rezoned to, and it not being possible to add such a zone to LPS 15 through a concurrent amendment.
- (b) The concurrent amendment of LPS 15 would pre-empt the outcome of any modification to the *Ascot Development Area 9 Structure Plan* (the Structure Plan) or any other structure plan which may be prepared for the amendment area, which is considered to be contrary to orderly and proper planning.
- (c) LPS 15 not containing any provisions which provide for the implementation of the Structure Plan. Therefore, an amendment is required to add these provisions.

WAPC Comment: *The City of Belmont position on the concurrent amendment of LPS 15 is not supported for the following reasons:*

- (a) *Section 126(3) of the P&D Act 2005 enables the WAPC to resolve to concurrently amend LPS 15 to rezone all or part of the amendment to a zone or zones which are consistent with the objectives of the Urban zone. In this respect, the WAPC is able to concurrently amend LPS 15 to transfer parts of the amendment area to the Mixed Use and Residential zones in LPS 15, as the objectives and land use permissibilities for these zones are consistent with the objectives and intent of the Urban zone.*
- (b) *It is considered appropriate to concurrently amend LPS 15 to transfer parts of the amendment area to the Mixed Use and Residential zones, as shown on the concurrent amendment plan in Schedule 4, for the following reasons:*
 - (i) *There being no need to require the Structure Plan to be modified, or another local structure plan to be prepared, to guide the zoning of land within the amendment area in LPS 15 given the relatively small area of developable land within the amendment area (approximately 1.05 hectares).*
 - (ii) *It is intended that the developable land within the amendment area will be amalgamated with adjacent landholdings which are currently zoned "Mixed Use" and "Residential" with a "R20/60" density code. As such, it is considered appropriate to transfer the developable land within the amendment area to these zones in order to avoid creating any unnecessary split zonings over any of the amalgamated lots in the future.*
- (c) *There is no need to amend LPS 15 to add provisions to provide for the implementation of the Structure Plan and future local structure plan within the amendment area, as it already contains provisions which provide for the implementation of any local structure plan within the amendment area. These provisions include clause 5.1.3, the provision for the Development Area 9 special control area and deemed provision 27 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

7 Modifications

The extent of the amendment area for the amendment has been modified to transfer additional portions of the proposed road reserved for Hay Road and the existing road reserve for Ivy Street in the Urban zone. This modification increases the area of the amendment area by approximately 140 square metres to approximately 1.54 hectares.

Readvertising of the amendment is not required as the modification only involves a small area of land and is minor in nature.

8 Determinations

The responses to all submissions are detailed in Schedule 2 - Summary of submissions and determinations. It is recommended the amendment be adopted for finalisation as modified.

9 Coordination of region and local scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land that is being zoned Urban under the MRS, to a "Development" zone (or similar) in the corresponding Local Planning Scheme. In this regard, the WAPC has resolved to concurrently amend the City of Belmont LPS 15 to transfer parts of the amendment area to the Mixed Use and Residential zones, and to apply a R20/60 density code to the Residential zoned land, as detailed in the Amendment Figure - Concurrent Amendment of City of Belmont Local Planning Scheme 15 in Schedule 5.

10 Conclusion and recommendation

This report summarises the background to MRS minor amendment 1399/57 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the modified amendment as shown generally on the amendment figure for Proposal 1 in Schedule 4, and in detail on the MRS Amendment Plan listed in Appendix 2, should be approved and finalised.

The WAPC recommends that the Minister for Planning approves the amendment as modified.

12 Ministers decision

Amendments to the Metropolitan Region Scheme using the provisions of section 57 of the *Planning and Development Act 2005* require the WAPC to provide a report and recommendation to the Minister for Planning for approval. The Minister may approve, approve with modification or decline to approve the proposed amendment.

The Minister, after considering the amendment, has agreed with the recommendation of the WAPC and approved the amendment.

MRS Amendment 1399/57 is now finalised as modified and shown on WAPC Amending Plan 3.2800/1, and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on 14 November 2023.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1399/57

Hay Road, Ascot

| Submission Number | Name |
|--------------------------|--|
| 9 | Belmont, City of |
| 7 | Biodiversity, Conservation and Attractions, Department of |
| 10 | Education, Department of |
| 4 | Lateral Planning |
| 3 | Main Roads WA |
| 6 | Mines, Industry Regulation and Safety, Department of |
| 1 | Primary Industries and Regional Development, Department of |
| 8 | Ransome, Debbie |
| 2 | Water and Environmental Regulation, Department of |
| 5 | Water Corporation |

Schedule 2

Summary of submissions and determinations

REFER TO THE SUBMISSIONS SECTION FOR A FULL COPY OF EACH WRITTEN SUBMISSION AND SUPPORTING INFORMATION

Submissions: 1, 2, 3, 6

Submitted by: Department of Primary Industries and Regional Development; Department of Water and Environmental Regulation; Main Roads Western Australia; Department of Mines, Industry Regulation and Safety

Summary of Submission: NO OBJECTIONS AND/OR COMMENTS

The submitters do not object to the amendment and/or provide comments on the amendment which relate to matters which are most appropriately addressed in subsequent stages of the planning process.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 4

Submitted by: Lateral Planning (Consultant on behalf of adjacent landowners)

Summary of Submission: SUPPORT

The submitter supports the amendment and provides the following comments:

- (a) Potential sale of land within the amendment area to adjacent landowners – The WAPC has resolved to sell part of the amendment area to adjacent landowners. The sale of this land is subject to the survey and amalgamation of the land, the remediation of the site contamination, and it being transferred to the Urban zone under the MRS.
- (b) Concurrent amendment of local planning scheme – The submitter request that LPS 15 be concurrently amended to rezone the amendment area to the Mixed-Use zone, pursuant to section 126(3) of the P&D Act 2005.
- (c) The submitter provides the following comments on the City of Belmont’s submission:
 - (i) Concurrent amendment of local planning scheme – Section 126(3) of the P&D Act 2005 provides a mechanism for the concurrent rezoning of land under the local planning scheme without having to embark on a lengthy local scheme amendment process to make it consistent with the Urban zoning of this land under the MRS. This mechanism is most appropriate in circumstances where detailed planning will be undertaken as part of a subsequent local structure planning process, and there are no issued which might influence the underlying zoning to be introduced.

Contrary to the City’s view, the submitter considers that the concurrent amendment of LPS 15, pursuant to section 126(3) of the P&D Act 2005, is entirely consistent with orderly and proper planning.

When the amendment is gazetted, the amendment area will be excluded from the Parks and Recreation reservation without any zoning applying in LPS 15, and this land will be unzoned until such time a new zone is introduced in LPS 15. Land which is unzoned under LPS 15 is capable of being developed, but the lack of any zoning provides no certainty to the community as to what this may entail. Whilst the site remains unzoned, LPS 15 will conflict with the Urban zoning of the site under the MRS, contrary to the requirements of the P&D Act 2005. We note the City has stated in its submission that it is confident it can substantially progress the structure plan and an amendment to LPS 15 within 90 days of the amendment being gazetted.

The submitter states that the City has previously advised that it concurs with the suggested Mixed Use zoning for the site under LPS 15, and that the City's concern is not the zone that ought to be introduced, but the process to be followed to introduce the Mixed Use zoning. In this regard, a formal amendment process is likely to take in the order of 18 to 24 months to complete. The submitter sees no reasons why LPS 15 ought not to be concurrently amended to avoid zoning conflicts and any uncertainty that will arise should the land be left unzoned whilst the amendment process is being carried out.

The submitter is of the opinion that:

- the concurrent amendment of LPS 15 would not pre-empt the Structure Plan or in any fetter any ability for it to address any relevant issues and to incorporate suitable controls; and
 - none of the issues identified by the City will result in a different zoning outcome for the amendment area, being Urban under the MRS and Mixed Use in LPS 15.
- (ii) Swan Canning Development Control Area – The amendment area is situated within the Swan Canning Development Control Area, but will be removed from this development control area once it is transferred to the Urban zone under the MRS. This process is not relevant to the consideration of the MRS amendment or the concurrent amendment of LPS 15.
- (iii) Swan River floodway and flood fringe – The amendment area is located partly within the floodplain of the Swan River, and the extent of the floodway to the Swan River generally follows the alignment of Hay Road. The developable portion of the amendment area is located outside the floodway, with a small part of this land being located within the flood fringe. This does not preclude the zoning or development of the land, as existing development requirements for the flood fringe can be incorporated into the required structure plan.
- (iv) Multiple use wetland – Land within the amendment area is not within a conservation category or resource enhancement wetland (CCW or REW). The portion of the amendment area located within the flood fringe is classified as being a multiple use wetland, but this classification does not preclude this land from being developed or appropriately zoned under the MRS and LPS 15.
- (v) Site contamination – It is understood that all site remediation works have been completed and a mandatory auditor's report has been submitted with the Department of Water and Environmental Regulation (DWER). The sale of land within the amendment area is conditional upon the mandatory auditor's report

being approved by DWER, which is expected to occur prior to the gazettal of the amendment.

- (vi) Native vegetation – The amendment area has been cleared of vegetation with only three trees remaining. Any requirement to retain and protect these trees can be included in the structure plan, and this does not preclude the land from being suitably zoned under the MRS and in LPS 15.
- (vii) Bushfire prone area – The amendment area is designated as a bushfire prone area due to its proximity to remnant foreshore vegetation. A bushfire management plan prepared in support of the amendment demonstrates that Hay Road provides a suitable buffer to vegetation and that an adequate Bushfire Attack Level (BAL) rating can be achieved for any future development within the amendment area.

Planning Comment: Comments noted.

- (a) Potential sale of land within the amendment area to adjacent landowners - Comments noted.
- (b) Concurrent amendment of local planning scheme – Comments noted. Refer to Section 6.2 – Concurrent amendment of local planning scheme in the Report on Submissions.
- (c) Responses to the submitter’s comments on the City of Belmont submission:
 - (i) Concurrent amendment of local planning scheme – Comments noted. Refer to Section 6.2 – Concurrent amendment of local planning scheme in the Report on Submissions.
 - (ii) Swan Canning Development Control Area – Comments noted. It is anticipated that the amendment area will be removed from this development control area following the finalisation of the amendment, pursuant to the requirements of the *Swan and Canning Rivers Management Act 2006*.
 - (iii) Swan River floodway and flood fringe – Comments noted. Any requirements relating to the development of land within the flood fringe can be appropriately addressed in the subsequent and more detailed stages of the planning process.
 - (iv) Multiple use wetland – Comments noted.
 - (v) Site contamination – Comments noted. Refer to Section 6.1 – Contaminated site matters in the Report on Submissions.
 - (vi) Native vegetation – Comments noted. The retention and protection of the remnant trees within the amendment area is a matter which can be appropriately addressed in the subsequent local structure planning and development stages of the planning process.
 - (vii) Bushfire prone area – Comments noted. The bushfire management plan prepared in support of the amendment adequately demonstrates that compliance with the recommendations of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* can be achieved in the subsequent stages of the planning process.

Determination: Submission noted.

Submission: 5
Submitted by: Water Corporation
Summary of Submission: COMMENT

The Water Corporation provides the following comments on the amendment:

- (a) Significant off-site upgrades and extensions of the water reticulation mains network will be required to support the servicing of land within the amendment area. The details, sequencing and staging of these water main upgrades and extensions will need to be further refined at the structure planning stage, and the developer/s of the land will be responsible for the funding and delivery of these upgrades and extensions.
- (b) Capacity exists in the neighbouring gravity sewer network to accept wastewater discharge from any future development of the amendment area. However, land within the amendment area will need to be significantly filled and retained to be able to access the sewer network, or the site will need to be developed as one development site with wastewater discharged from the site via an on-site private pump station and pressure main system. The proponent will be responsible for investigating potential solutions in more detail, and for funding and delivering all extensions and connections to the sewerage network.

Planning Comment: Comments noted. These requirements are most appropriately considered and addressed in the subsequent local structure planning and development approval stages of the planning process.

Determination: Submission noted.

Submission: 7
Submitted by: Department of Biodiversity, Conservation and Attractions
Summary of Submission: COMMENT

The Department of Biodiversity, Conservation and Attractions (DBCA) provides the following comments on the amendment:

- (a) The site is subject to Permit P12365 which was issued under the *Swan and Canning Rivers Management Regulations 2007*.
- (b) Site contamination - DBCA notes that the amendment report states that the Department of Planning, Lands and Heritage (DPLH) has undertaken remediation works to remove contaminated fill from the amendment area and detailed site investigations to confirm that the land is capable of being developed for residential purposes. DBCA also notes that a mandatory auditor's report is being prepared for submission with the DWER.

DBCA also provides advice in regard to the need to undertake analysis for ultra-trace per- polyfluoroalkyl substances (PFAS) and need for a mandatory auditor's report to be submitted with DWER.

DBCA recommends that the amendment does not proceed until such time as the mandatory auditor's report is finalised and sampling for ultra-trace PFAS is undertaken for the remaining area of fill. This is considered necessary to ensure that the conditions of Permit 12365 can be resolved any uncertainty around whether the remaining 17,000 cubic metres of fill across the site poses an acceptable ecological risk to the river system is adequately addressed.

Planning Comment:

- (a) Comments noted, but no further action required at this time. Matters relating to a permit issued under the *Swan and Canning Rivers Management Act 2007* are generally beyond the scope of the assessment of the amendment.
- (b) Site contamination - Comments noted. Refer to Section 6.1 – Contaminated site matters of the Report on Submissions.

Determination: Submission noted, but no further action required at this time.

Submission: 8

Submitted by: Debbie Ransome (Local Resident)

Summary of Submission: OBJECT

The submitter objects to the amendment and provides the following comments:

- (a) The submitter raises concerns about the historical misuse of land within the amendment area, and questions whether the site was reserved Parks and Recreation under the MRS as a placeholder until such time a buyer could be found for.
- (b) The submitter states that a number of significant trees were removed from the amendment area when the extension to Hay Road was constructed.
- (c) The submitter raises concerns about the loss of trees resulting in the creation of urban heat islands.
- (d) The submitter questions why the amendment proposes to transfer parts of the road reserves for Hay Road and Ivy Street to the Urban zone, and if this means that the current bike path will be realigned.
- (e) The submitter asks what will be done to protect the three remaining flooded gum trees within the amendment area.

Planning Comment:

- (a),(b) Comments noted, but no further action required at this time. However, matters relating to the previous use of land within the amendment area and the historical clearing of trees are matters which are beyond the scope of the assessment of the amendment.
- (c),(e) Comments noted, but not further action required at this time. Transferring the amendment area to the Urban zone will not in itself have a material impact on remnant trees within this area. Furthermore, the retention and protection of these remnant trees is a matter which is most appropriately considered in the subsequent and more detailed stages of the planning process.

- (d) Comments noted. It is a common practice to amend the MRS to transfer road reserves to the Urban zone for local roads which provide access to other Urban zoned land.

Determination: Submission noted, but no further action required at this time.

Submission: 9
Submitted by: City of Belmont
Summary of Submission: SUPPORT

The City of Belmont provides the following comments on the amendment:

- (a) Development Area 9 Structure Plan – The amendment area is located within the 'Development Area 9 special control area in the *City of Belmont Local Planning Scheme No. 15* (LPS 15), is currently reserved Parks and Recreation under the MRS, and located within the Swan Canning Development Control Area. On this basis, the *Ascot Development Area 9 Structure Plan* (the Structure Plan) identifies this area as being subject to further investigation and planning.

The proposed Urban zoning will facilitate the future development of the amendment area. In order for this to occur, the Structure Plan requires modification to guide the future zoning, land use and development of this land in accordance with LPS 15.

- (b) Coordination of local and region scheme amendments – The City notes that the amendment report states that the WAPC can resolve to concurrently amend LPS 15 pursuant to the requirements of section 126(3) of the P&D Act 2005 should the amendment be approved and finalised. However, the City states that this is not possible given that there is currently no 'Development' or 'Urban Development' zone in LPS 15.
- (c) Further planning and investigation required – Land within the amendment area has been identified as being subject to further planning and investigation in the Structure Plan. Therefore, it is the expectation of the City that the Structure Plan be amended to guide the future zoning and development of the amendment area. Any concurrent amendment of LPS 15 would pre-empt the outcome of the Structure Plan, which is considered to be contrary to orderly and proper planning and undermines the role of strategic planning.

Whilst the proponents are in the process of lodging an amendment to the Structure Plan, the timeframes for and outcomes of this process are not known at this stage. Also, LPS 15 does not contain provisions for the implementation of the Structure Plan.

In light of the above, the City does not support the concurrent amendment of LPS 15 as the Structure Plan needs to be amended to guide the future zoning of the amendment area, and LPS 15 needs to be amended to include provisions to facilitate the implementation of the Structure Plan.

- (d) State Planning Policy 2.10 – The recommendations of *State Planning Policy 2.10 – Swan-Canning River System* (SPP 2.10) should be considered in the assessment of the amendment.

- (e) Environment – Part of the amendment area is classified as a multiple use wetland. The Environmental Protection Authority *Guidance Statement 33 – Environmental Guidance for Planning and Development* states that all reasonable measures should be taken to retain the hydrological and, where possible, other wetland functions of these wetlands. The City recommends that the amendment report should address this matter.
- (f) Site contamination – The City notes that the Department of Planning, Lands and Heritage has undertaken remediation works for land within the amendment area. In this regard, the City recommends that the amendment only be finalised when the mandatory auditor's report has been prepared for the site [pursuant to the requirements of the *Contaminated Sites Act 2003*] in order to ensure there is sufficient certainty that the land can be used for residential or commercial land uses.
- (g) Swan and Canning Development Control Area – The City notes that the amendment area is currently located within the Swan Canning Development Control Area (the DCA) and supports the amendment area being removed from the DCA should the amendment be approved. The City also encourages the WAPC to undertake this process concurrently with the finalisation of the amendment, to avoid creating any procedural encumbrances for the future development of the site.
- (h) Aboriginal heritage – The amendment area is in close proximity to the Swan River. The City recognises the significance of the Swan River to the local Aboriginal people, and supports consultation with the South West Aboriginal Land and Sea Council as part of the advertising of the amendment.
- (i) Amendment clarification – The City is supportive of the amendment be treated as a 'minor' amendment.

Planning Comment:

- (a) Development Area 9 Structure Plan – Comments noted. Refer to Section 6.2 – Concurrent amendment of local planning scheme in the Report on Submissions.
- (b) Coordination of local and region scheme amendments – Comments noted. Refer to Section 6.2 – Concurrent amendment of local planning scheme in the Report on Submissions.
- (c) Further planning and investigation required – Comments noted. Refer to Section 6.2 – Concurrent amendment of local planning scheme in the Report on Submissions.
- (d) State Planning Policy 2.10 – Comments noted. The amendment has been assessed against the recommendations of draft State Planning Policy 2.9 – Planning for Water, which addresses many of the same matters which are identified and addressed by SPP 2.10. On this basis, it is not considered necessary to specifically consider the recommendations of SPP 2.10 in the assessment of the amendment.
- (e) Environment – Comments noted. However, this matter is most appropriately considered and addressed in the subsequent and more detailed stages of the planning process.
- (f) Site contamination – Comments noted. A mandatory auditor's report has been prepared for the site and has been submitted with the Department of Water and Environmental Regulation for assessment pursuant to the requirements of the *Contaminated Sites Act 2003*. This process is significantly progressed, and it is anticipated it will be finalised in the near future, and that it will be determined that land

within the amendment area can be developed for residential and commercial uses. On this basis, it is considered appropriate for the amendment to be finalised.

- (g) Swan and Canning River Development Control Area – Comments noted. It is anticipated that the amendment area will be removed from the Swan and Canning River Development Control Area should the amendment area be transferred to the Urban zone under the MRS.
- (h) Aboriginal heritage – Comments noted. In this respect the amendment was referred to the South West Aboriginal Land and Sea Council for comment during the public advertising period.
- (i) Amendment clarification – Comments noted.

Determination: Submission noted.

Submission: 10
Submitted by: Department of Education
Summary of Submission: COMMENT

The Department of Education advises that it has no in-principal objections to the amendment and provides the following comments on it:

- (a) It is anticipated that the prospective students from the amendment area would enrol in the nearest public primary school being Redcliffe Primary School. Whilst the amendment area is expected to generate a low student yield, the Department is cognisant of the potential infill development in the broader area, particularly the Improvement Plan 45 – Redcliffe Station Precinct area.
- (b) Currently, the Redcliffe Primary School is operating near its capacity and given its limited size, any additional student yield generated within the locality would impose further enrolment pressures upon it.
- (c) Given the long-term prospects of redevelopment in the Improvement Plan 45 area and the anticipated low student yield in the amendment area, the Department has no in-principal objection to the amendment. However, the Department request it be engaged at the earliest possible opportunity during the preparation of any future structure plans for the amendment area and the Improvement Plan 45 area.

Planning Comment: Comments noted.

Determination: Submission noted.

Schedule 3

**The amendment figure - proposal 1
as advertised**



**Hay Road, Ascot
Proposed minor amendment
as advertised**

26 October 2022

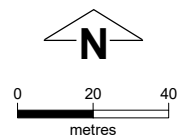
Proposal 1

Proposed Amendment:

 Urban zone

Oracle reference no: 3648

Version number: 1



Schedule 4

**The amendment figure - proposal 1
as modified**



19 July 2023

Proposal 1

Proposed Amendment:

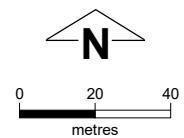
 Urban zone

Oracle reference no: 3648

Version number: 2



Date: 7/09/2023
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1



Schedule 5

**Amendment Figure
Concurrent Amendment of City of Belmont
Local Planning Scheme 15**



**AMENDMENT FIGURE
CONCURRENT AMENDMENT OF CITY OF BELMONT LOCAL PLANNING SCHEME 15**

Legend

Cadastre with Lot number

LPS Zones and Reserves

Local road

Mixed Use

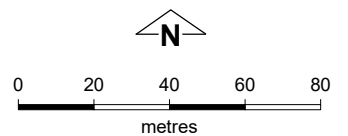
Residential

Residential Density Codes



MRS Amendment 1399/57

Produced by Data Analytics,
Department of Planning, Lands and Heritage, Perth WA
Base Information supplied by Western Australian
Land Information Authority SLIP 1180-2020-1



Appendix 1

List of detail plans as advertised

**Metropolitan Region Scheme
Amendment 1399/57**

Hay Road, Ascot

as advertised

Amending Plan 3.2800

Detail Plans

1.6237, 1.6263

Appendix 2
List of detail plans
as modified

**Metropolitan Region Scheme
Amendment 1399/57**

Hay Road, Ascot

as modified

Amending Plan 3.2800/1

Detail Plans

1.6237, 1.6263

Submissions

From: Heather Percy <Heather.Percy@dpird.wa.gov.au>
Sent: Friday, 17 February 2023 1:36 PM
To: Region Planning Schemes
Subject: DPIRD Response Proposed MRS Amendment 1399/57 - Hay Road, Ascot
833-2-15-0016 Pt 1 (RLS/1050)

Categories: Ack Receipt



Department of
**Primary Industries and
Regional Development**

Your reference: 833-2-15-0016 Pt 1
(RLS/1050)
Our reference: LUP 1544
Enquiries: Heather Percy

Attention: Brett Pye

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

RegionPlanningSchemes@dplh.wa.gov.au

Date: 17 February 2023

Dear Sir/Madam

Metropolitan Region Scheme Amendment 1399/57 Hay Road, Ascot

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposal.

DPIRD does not object to the proposal as the amendment does not impact land used by agriculture or by industries which add value to agriculture or fisheries produce.

Yours sincerely

Heather Percy

Heather Percy | Principal Research Scientist
Agriculture Resource Management and Assessment
Department of Primary Industries and Regional Development
1 Verschuer Place, Bunbury WA 6230
t +61 (0)8 9780 6262 | m +61 (0)429 378 851 | w dpird.wa.gov.au



DPIRD acknowledges the Traditional Custodians of Country, the Aboriginal people of the many lands that we work on and their language groups throughout Western Australia and recognise their continuing connection to the land and waters.

We respect their continuing culture and the contribution they make to the life of our regions and we pay our respects to their Elders past, present and emerging.

Artwork: "Kangaroos going to the Waterhole" by Willarra Barker.

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From: Jim Mackintosh <jim.mackintosh@dwer.wa.gov.au>
Sent: Thursday, 9 March 2023 12:43 PM
To: Region Planning Schemes
Cc: Brett.Pye@dplh.wa.gov.au.
Subject: RE: Advertising of Proposed MRS Amendment 1399/57 - Hay Road, Ascot (Call for Public Submissions) 833-2-15-0016 Pt 1 (RLS/1050)

Thank you for the above proposal. The Department of Water and Environmental Regulation (DWER) has considered the proposal and has no objections and no comments.

Regards

Jim Mackintosh

Department of Water and Environmental Regulation

Program Manager

Swan Avon Region

Planning Advice Section

T 08 6250 8043 |

E jim.mackintosh@dwer.wa.gov.au

Visit our website www.dwer.wa.gov.au



Enquiries: Yohan Nugraha (08) 9323 4309
Our Ref: 22/2066 (D23#229384)
Your Ref: 833-2-15-16 Pt1 (RLS/1050)

10 March 2023

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Madam,

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1399/57
HAY ROAD, ASCOT**

Thank you for your correspondence dated 14 February 2023 requesting Main Roads comments on the above proposal. Main Roads has no objection to the proposed rezoning of the land from 'Parks and Recreation' to 'Urban'.

Main Roads requests a copy of the WAPC's final recommendation to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

If you require any further information, please contact Planning Information Manager Yohan Nugraha on (08) 9323 4309 or via email at Yohan.nugraha@mainroads.wa.gov.au.

Yours sincerely

Lindsay Broadhurst
Director Road Planning

31 March 2023

Secretary
Western Australian Planning Commission

Sent via Email
RegionPlanningSchemes@dplh.wa.gov.au

SUBMISSION

METROPOLITAN REGION SCHEME – MINOR AMENDMENT 1399/57 HAY ROAD, ASCOT

Lateral Planning acts for Demol Investments Pty Ltd and Kanahoe Nominees Pty Ltd ('client'), the owners of various lots abutting the land the subject of Metropolitan Region Scheme ('MRS') Amendment 1399/57 ('MRS Amendment').

The MRS Amendment proposes to include the majority portion of Lots 185 to 196 Hay Road in the Urban zone. The balance of Lots 185 to 196 will remain in the Parks and Recreation Reserve.

The Western Australian Planning Commission ('WAPC') has resolved to sell a portion of Lots 186 to 196 Hay Road to our client. Lot 185 will remain in the ownership of the WAPC. The sale of the land is subject to the following:

- Survey of the land and subsequent amalgamation with the adjoining land;
- Remediation of the land being approved by the Department of Water and Environmental Regulation ('DWER'); and
- The MRS Amendment to zone the land being sold to 'Urban'.

Our client supports the MRS Amendment.

The purpose of this Submission is to request that the proposed Urban land be concurrently zoned Mixed Use under City of Belmont ('City') Local Planning Scheme No.15 ('LPS15'), pursuant to Section 126 (3) of the Planning and Development Act ('Act').

The Submission also responds to the City's Submission on the MRS Amendment, as presented to the Council meeting on 28 March 2023.

The intent of Section 126 (3) of the Act is to avoid an unnecessary duplication of processes in those situations where land is proposed to be zoned Urban under a region scheme and a consistent zoning is required under the local planning scheme.

Section 126 (3) provides a mechanism for the concurrent zoning of the land under the local planning scheme, without having to embark upon a lengthy amendment process to achieve a zoning consistent with the Urban zoning under the region scheme, as is required by the Act.

The Section 126 (3) mechanism is most appropriate in those circumstances where detailed planning will be undertaken as part of a subsequent Structure Plan process, and there are no issues which might influence the underlying zoning to be introduced.

Contrary to the City's view, we consider that a concurrent zoning of the site pursuant to Section 126 (3) is entirely consistent with orderly and proper planning.

In this instance, the land being zoned Urban under the MRS is presently reserved for Parks and Recreation. When the MRS Amendment is gazetted, the land will be excluded from the Parks and Recreation reserve, without any zoning applying under LPS15.

In other words, there is no existing zone under LPS15 that will apply upon the land being excluded from the MRS Parks and Recreation reserve: the land will be 'unzoned' until such time as a new zone is introduced under LPS15.

Unzoned land is capable of being developed, but the lack of any zoning provides no certainty to the community as to what this might entail.

Whilst the site remains unzoned, LPS15 will conflict with the MRS Urban zoning, contrary to the requirements of the Act. We note the City has stated in its submission that it is confident it can substantially progress the Structure Plan and an Amendment to LPS15 within 90 days of the MRS Amendment being gazetted.

The City has also advised in previous discussions that it concurs with the suggested Mixed Use zoning for the land under LPS15. The City's concern is not the zone that ought to be introduced but the process to be followed to introduce the Mixed Use zone. In this regard, a formal Amendment process will likely take in the order of 18 to 24 months to complete.

That being the case, we see no reason why the MRS Urban land ought not to be concurrently zoned Mixed Use under LPS15, pursuant to Section 126 (3) of the Act, in order to avoid the zoning conflicts and uncertainty that will inevitably arise if the land is left unzoned while a formal Amendment process is carried out.

We agree with the City that it would be a reasonable expectation of the community that, as part of the Structure Plan process, any environmental considerations be appropriately identified and addressed in the context of future development, and that the need for additional development controls can also be examined as part of this Structure Plan process.

Completion of the MRS Amendment, together with a concurrent LPS15 zoning, will not pre-empt the Structure Plan or in any way fetter the ability for the Structure Plan to address any relevant issues and incorporate suitable controls.

LPS15 already includes the MRS Urban land in Development Area 9, where a Structure Plan is required to be adopted prior to development. Given the requirement for further planning in the form of a Structure Plan, there is no reason to defer the introduction of suitable zonings under both the MRS and LPS15.

None of the issues identified by the City will result in a different zoning outcome for the land other than that which is proposed, being Urban under the MRS and Mixed Use under LPS15. We respond to each of these issues as follows.

Swan Canning Development Control Area

The site is situated in the Development Control Area defined in the Swan and Canning Rivers Management Act. The DCA includes all waters and abutting foreshore areas reserved for Parks and Recreation. Once the land is excluded from the Parks and Recreation Reserve and zoned Urban, it will be necessary to amend the boundary of the Development Control Area as defined in the Swan and Canning Rivers Management Regulations. The modification to the Regulations will be progressed following gazettal of the MRS Amendment. This process is not in itself relevant to the consideration of the MRS Amendment and the concurrent zoning of the land under LPS15.

Swan River Floodway and Flood Fringe

The subject land is partly within the floodplain of the Swan River. The land proposed to be retained in the MRS Parks and Recreation reserve is within the floodway, with the extent of the floodway following the alignment of the recently constructed Hay Road extension.

Excluding Hay Road, the developable portion of the MRS Urban land is outside the floodway, with only a small portion mapped as being within the flood fringe. This does not preclude development or prevent the land being suitably zoned, with development simply required to achieve a minimum habitable floor level of 0.5 metres above the flood level. This requirement can be found in existing Swan River Trust Policy Statement 42 and can easily be incorporated in the required Structure Plan.

Multiple Use Wetland

The proposed MRS Urban land is not within a Conservation Category or Resource Enhancement Wetland. The portion of the MRS Urban land within the Flood Fringe is mapped as being within a Multiple Use Wetland. This wetland classification does not preclude development or prevent the land from being appropriately zoned under the MRS and LPS15.

Site Contamination

It is understood that all site remediation works have been completed and a Mandatory Auditors Report has been submitted to DWER. The sale of the land to our client is conditional upon DWER approving the Mandatory Auditors Report. It is expected that DWER's approval will be obtained prior to gazettal of the MRS Amendment.

Native Vegetation

The MRS Urban land has been cleared of vegetation with only three trees remaining. Any requirement to retain and protect these trees can be included in the Structure Plan, and this does not preclude the land from being suitably zoned under the MRS and LPS15.

Bushfire Prone Areas

The site is within a Bushfire Prone Area due to its proximity to remnant foreshore vegetation. The MRS Amendment is accompanied by a Bushfire Management Plan that demonstrates Hay Road provides a suitable buffer to vegetation and that an adequate Bushfire Attack Level ('BAL') rating can be achieved for the land proposed to be included in the MRS Urban zone. The Structure Plan can include a requirement to ensure that sufficient Asset Protection Zones are incorporated into the design of development. This does not preclude the land from being suitably zoned under the MRS and LPS15.

In conclusion, none of the issues raised by the City prevent the MRS Amendment being finalised or preclude the MRS Urban land from being zoned Mixed Use under LPS15. In addition, there are no valid reasons why the concurrent zoning of the MRS Urban land to Mixed Use under LPS15 should not be progressed pursuant to Section 126 (3) of the Act.

Should you require any further information or clarification in relation to this matter, please contact Alan Stewart on 0413 842 645.

Yours faithfully,

Alan Stewart

Alan Stewart
Lateral Planning

Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

T (08) 9420 2099
F (08) 9420 3193



Your Ref: 833-2-15-16 Pt1 (RLS/1050)
Our Ref: 133888610 (MRS384133)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Email: land.planning@watercorporation.com.au

12 April 2023

Secretary
Western Australian Planning Commission
Locked Bag
PERTH WA 6000

Attention: Brett Pye

Proposed MRS Amendment 1399/57 - Hay Road, Ascot

Thank you for your letter of 14 February 2023 requesting comment on the above MRS amendment.

An investigation into the capacity of the local water network has concluded that significant, off-site upgrades and extensions of the water reticulation mains network will be required to support servicing of this land. The details, sequencing and staging of these water mains upgrades will need to be further refined at the structure plan stage. The required upgrades and extensions will need to be funded and delivered by the developers of this land.

Capacity exists in the neighbouring gravity sewer network to the west and south to accept wastewater discharge from the future development of this land. However, the subject land falls away significantly towards the river foreshore and most of the site is at the same level or lower than the nearest gravity sewers. The land will either need to be significantly filled and retained to be able to access the gravity sewer network, or the site could be developed as one development site with wastewater discharged from the site into a suitable Water Corporation gravity sewer via an on-site, private pump station and pressure main system. It is up to the proponents to investigate possible solutions in more detail. All extensions and connections to the sewerage network will need to be funded and delivered by the developers of the land.

If you have any queries or require further clarification on any of the above issues, please contact the Enquiries Officer.

Brett Coombes
Senior Urban Planner
Development Services



Marija Bubanic
Acting Manager Regional Scheme Administration
DPLH
Sent by Email — RegionalPlanningSchemes@dplh.wa.gov.au

Dear Madam

PROPOSED MRS AMENDMENT 1399/57 - HAY ROAD, ASCOT

Thank you for your letter dated 17 February 2023 inviting comment on the above proposal for a minor amendment to the Metropolitan Region Scheme.

The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.

Yours sincerely

Joshua Guilliamse
Senior Geologist — Land Use Planning
Minerals and Petroleum Resources Directorate

12/05/2023



Your ref: 833-2-15-0016 Pt 1 (RLS/1050)
Our ref: 2023/0445
Enquiries: Hayley Williams
Phone: 9273-0905
Email: hayley.williams@dbca.wa.gov.au

Ms Sam Fagan
Secretary
Western Australian Planning Commission
140 Williams Street
PERTH WA 6000

Attn: Brett Pye

Dear Ms Fagan

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – LOTS 185-196 HAY ROAD ASCOT

Thank you for providing the Department of Biodiversity, Conservation and Attractions (DBCA) with the opportunity to provide comments on the proposed Metropolitan Region Scheme (MRS) amendment received on 17 February 2023.

DBCA has reviewed the Amendment Report (February 2023) prepared by the Department of Planning (DPLH) and sought additional information in regard to the status of the Mandatory Auditors Report on 3 March 2023, noting that the information was not provided as per DBCA's request.

The MRS amendment is to rezone Lots 185-196 Hay Road, Ascot from 'Parks and Recreation' reservation to 'Urban'. The subject site is located adjacent to the Swan River and is subject of Permit P12365 issued under the Swan and Canning Rivers Management Regulations 2007.

DBCA has considered the proposal against *State Planning Policy 2.10: Swan-Canning River System* and the Swan Canning Development Control Area policies and reiterates the same response provided on 6 April 2022 (see attached).

Site Contamination

The Amendment Report (DPLH, 2023) states that the DPLH has undertaken remediation works to remove contaminate fill from the amendment area and detailed site investigations to confirm that this land is capable of being developed for residential purposes. The Amendment Report confirms that detailed site investigations undertaken to date indicate the site will be suitable for residential or commercial uses and that the site classification can be updated to allow for this. However, DBCA notes that the Mandatory Auditor's Report (MAR) is currently being prepared for submission to the Department of Water and Environmental Regulation (DWER).

It was noted in the previous correspondence prepared by the DBCA (April 2022), that an initial review of the Sampling Analysis Plan (SAQP) which is required to accompany the Mandatory Auditor's Report, does not specify analysis for ultra-trace per- and polyfluoroalkyl substances (PFAS). Ultra-trace analysis of PFAS is considered to be necessary given the proximity of the site to the Swan River, which is a high conversation value system.

Although an Asbestos Management Plan (AMP) has been prepared for the site and on-site screening of Asbestos Containing Material (ACM) has been undertaken, evidence of compliance with Condition 2 of Permit P12365 also requires submission of a Mandatory Auditor's Report (MAR) to DBCA and DWER commenting on the appropriateness of the AMP and whether remediation and validation works complied with the MAR.

DBCA recommends that the MRS Amendment does not proceed until such time as the Mandatory Auditor's Report is finalised and sampling for ultra trace PFAS is undertaken for the remaining area of fill. This is considered necessary to ensure conditions of Permit 12365 can be resolved and any uncertainty around whether the remaining 17,000m³ of fill across the site poses an acceptable ecological risk to the river system is adequately addressed.

If you have any queries regarding this matter, please contact the officer above. Please quote the reference number 2023/0445 in all correspondence.

Yours sincerely



Greg Comiskey
Manager, Statutory Assessments

21 April 2023

Submitted to Metropolitan Region Scheme Minor Amendment 1399/57 Hay Road, Ascot
Submitted on 2023-04-10 11:44:14

About you

1 What is your first name?

First name:
Debbie

2 What is your surname?

surname:
Ransome

3 What is your company name?

What is your company name?:

4 What is your email address?

Email:
ransoe@tpg.com.au

5 What is your address?

address:

62 Hay Road ASCOT 6104

6 Contact phone number:

phone number:
0401589327

7 Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?

No

Submissions

8 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Oppose

9 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded.

Submission:

File 1:
1399-57-SubmissionForm57 Response.pdf was uploaded

File 2:
1399-57-SubmissionForm57.pdf was uploaded

File 3:
No file uploaded

Section 57 Amendment (Minor)

Form 57

Submission

Metropolitan Region Scheme Amendment 1399/57

Hay Road, Ascot

OFFICE USE ONLY

SUBMISSION NUMBER

RLS/1002

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Title (Mr, Mrs, Miss, Ms) MS First Name DEBORAH

Surname RANSOME (PLEASE PRINT CLEARLY)

Address 62 HAY ROAD ASCOT Postcode 6104

Contact phone number 0401589327 Email address ransomedtpg.com.au

Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? [] Yes [X] No

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

PDF FILE ATTACHED TO SUBMISSION

You should be aware that:

- The WAPC is subject to the Freedom of Information Act 1992 and as such, submissions made to the WAPC may be subject to applications for access under the act.
In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.

To be signed by person(s) making the submission

Signature [Handwritten Signature]

Date 10-4-2023

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 28 APRIL 2023. Late submissions will NOT be considered.

Objection to Amendment 1399/57 - Lots 185-196 Hay Road, Ascot from Parks and Recreation to Urban

Slides 5 through 13 show how this land has been misused over the years. It begs the question was a zoning of Parks and Recreation used by the MRWA as a placeholder until a buyer could be found?

The DA9 Structure plan contained an arborist report which identified a number of significant River Gums many were removed during the completion of the road linking Hay Road to Ivy Street (see Slide 7).

Is MRWA concerned about the many hundreds of trees being removed with projects such as the Tonkin Gap. **Urban heat islands** happen when an area has hard, sealed surfaces and less green infrastructure. The city of Belmont has one of the lowest tree canopies in Western Australia.

Why are parts of Hay Road and all of Ivy Street being rezoned Urban. Does this mean re-alignment of the Bike Path and thereby the loss of more vegetation?



In conclusion:



Given the number of trees that have been lost will the MRWA make every effort to protect the three remaining Flooded Gums. If these trees are not protected, they will inevitably be removed once the land is sold for development.

[Trees: the unrecognised heroes for planet and climate – WWF-Australia - WWF-Australia](#)

Trees store carbon

Trees regulate our weather patterns

Trees can stabilise the earth and reduce the impacts of natural disasters

Trees are homes for wildlife

“Our well-being. Our communities. Our wildlife. Our planet. We all need trees to survive.”

Parks and recreation: Land of regional significance for ecological, recreation or landscape purposes.

Arborist Report DA9 identifies the significance of the flooded gum

Development Area 9 – Ascot

The flooded gum (*Eucalyptus rudis*) trees in DA areas 7, 8 & 9 are part of the Southern River vegetation complex. 17% of the original extent of this complex still remains in the Perth Metropolitan Region (Bush Forever, 2000).

Ecologically, flooded gum is one of the most important trees in the metropolitan region. The foliage and bark support a variety of insects, which in turn are eaten by predatory insects and birds. With an extended flowering season, flooded gum is an important source of food for nectar-feeding insects and birds.

Mature flooded gums develop hollows that are used as nesting sites for native wildlife such as bats, possums and birds. Trees in the south-west of WA rarely form hollows until they are over 120- 150 years old. Retention of mature trees of this age is therefore important. Hollows at the base of flooded gums are used as nesting sites for waterbirds, particularly ducks. The horizontal forking branches are ideal for birds that build nests out of sticks such as darters and white-faced herons. The dead branches are used for nesting and roosting by birds such as cormorants, egrets and herons.

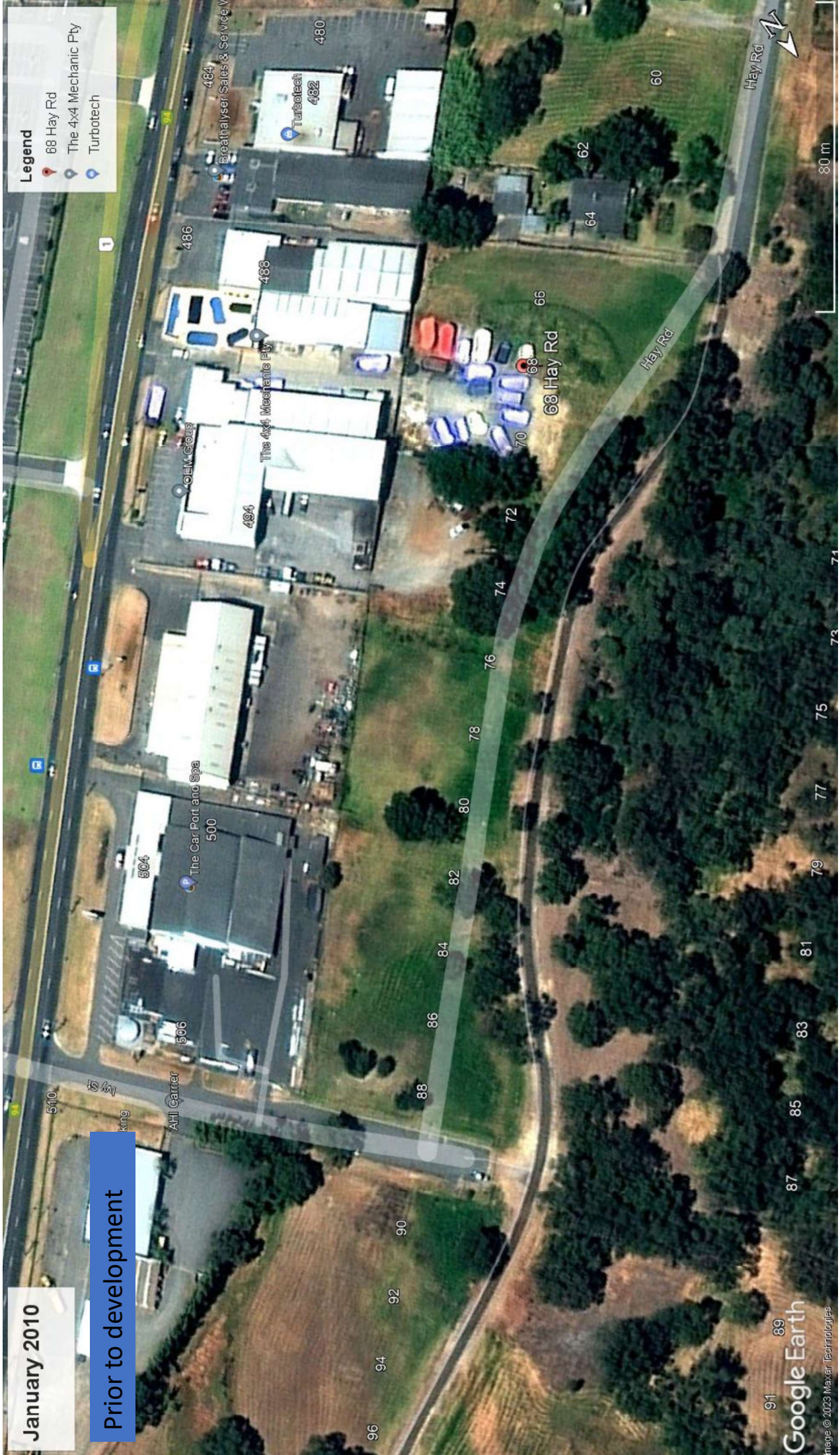
Tree Valuation: The monetary value of tree number 205 has been appraised using the Burnley Method of Tree Valuation (Moore, 2005), and calculated as \$78108.

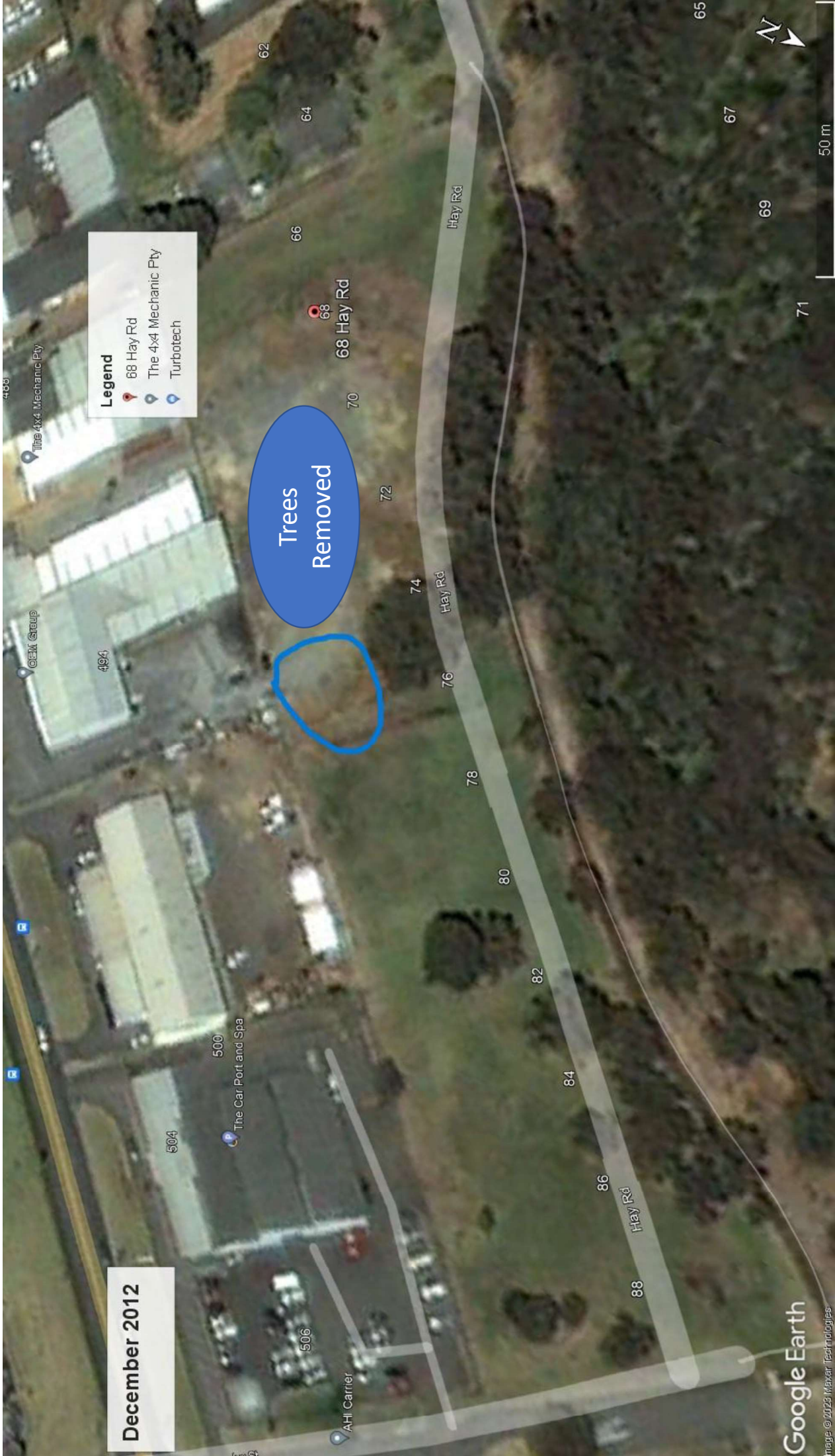
January 2010

Prior to development

Legend

- 88 Hay Rd
- The 4x4 Mechanic Pty
- Turbotech





Legend

- 68 Hay Rd
- The 4x4 Mechanic Pty
- Turbotech

December 2012

August 2015

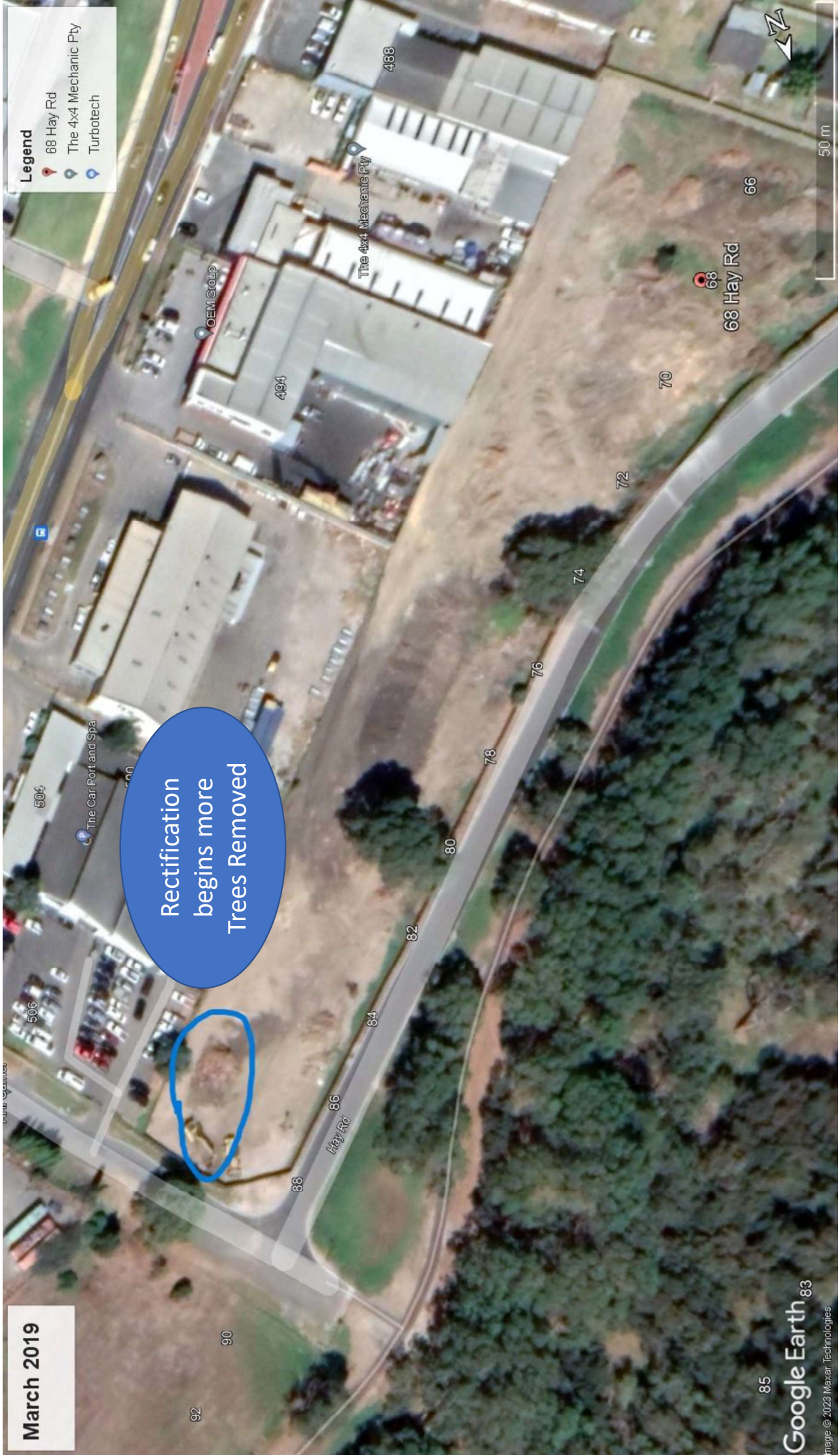


Legend

- 68 Hay Rd
- The 4x4 Mechanic Pty
- Turbotech

Road works begin trees removed

March 2019



Legend

- 68 Hay Rd
- The 4x4 Mechanic Pty
- Turbotech

Rectification begins more
Trees Removed

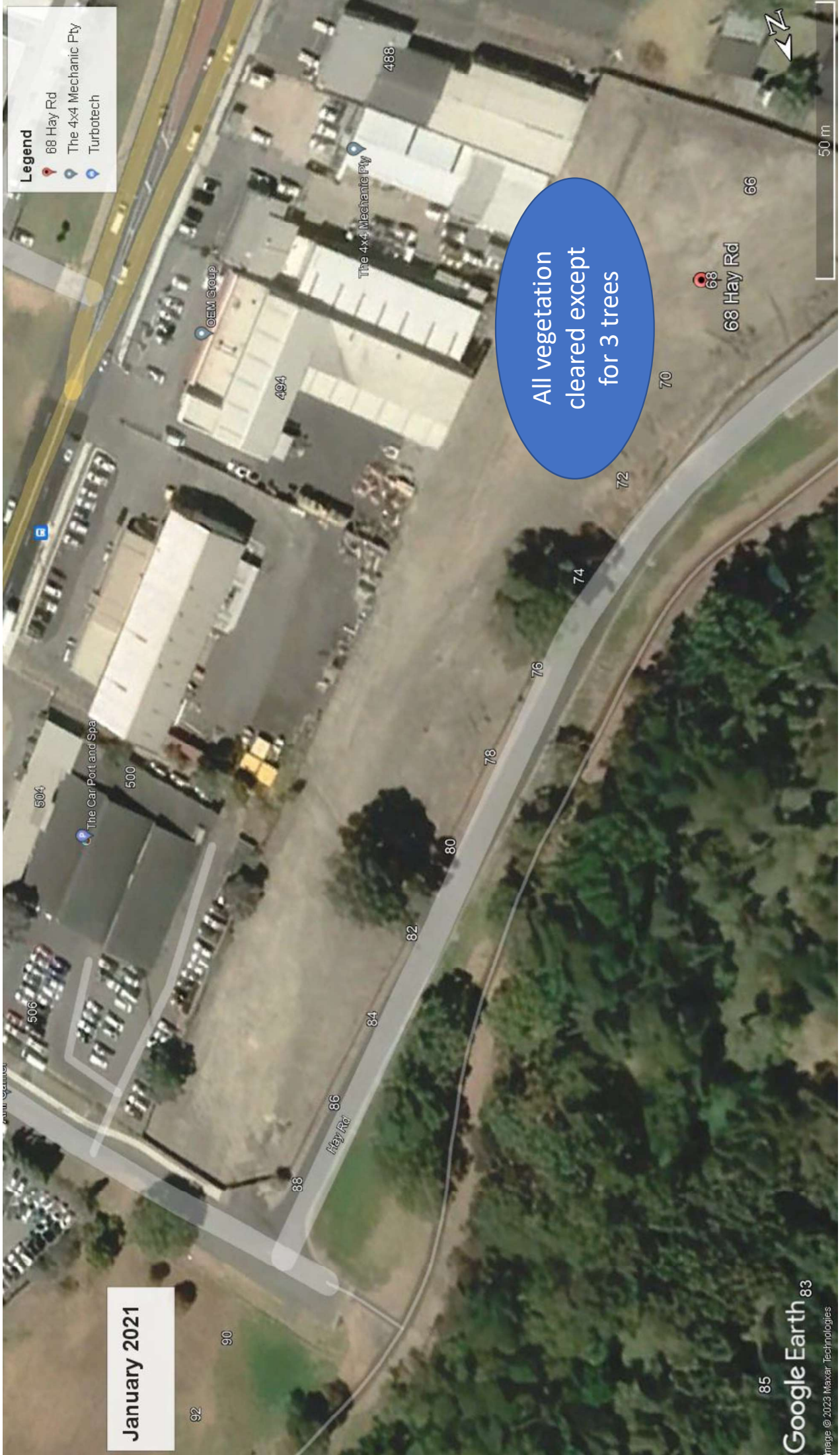
Legend

- 68 Hay Rd
- The 4x4 Mechanic Pty
- Turbotech

January 2021

All vegetation cleared except for 3 trees

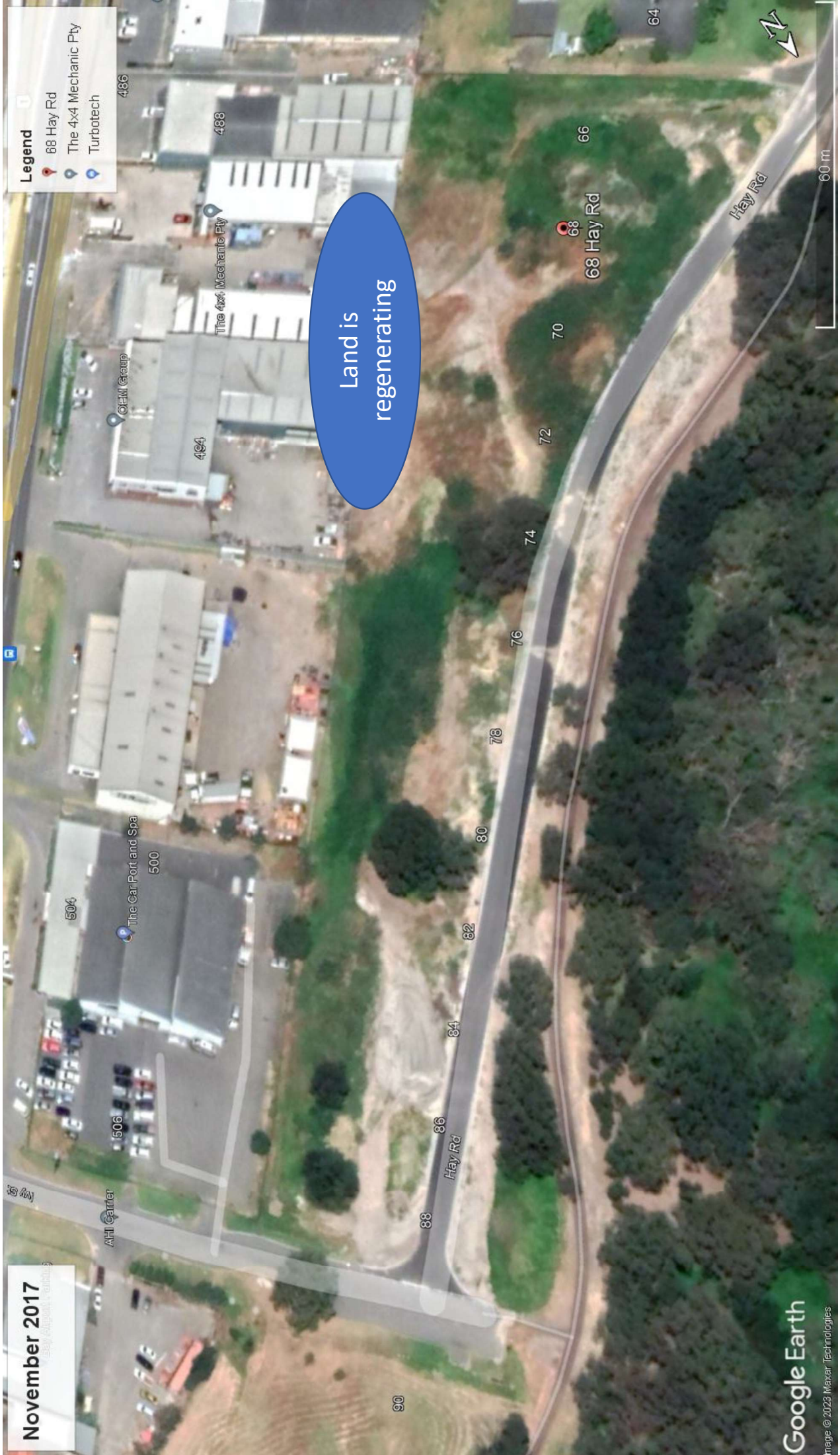
50 m



November 2017

- Legend**
- 88 Hay Rd
 - The 4x4 Mechanic Pty
 - Turbotech

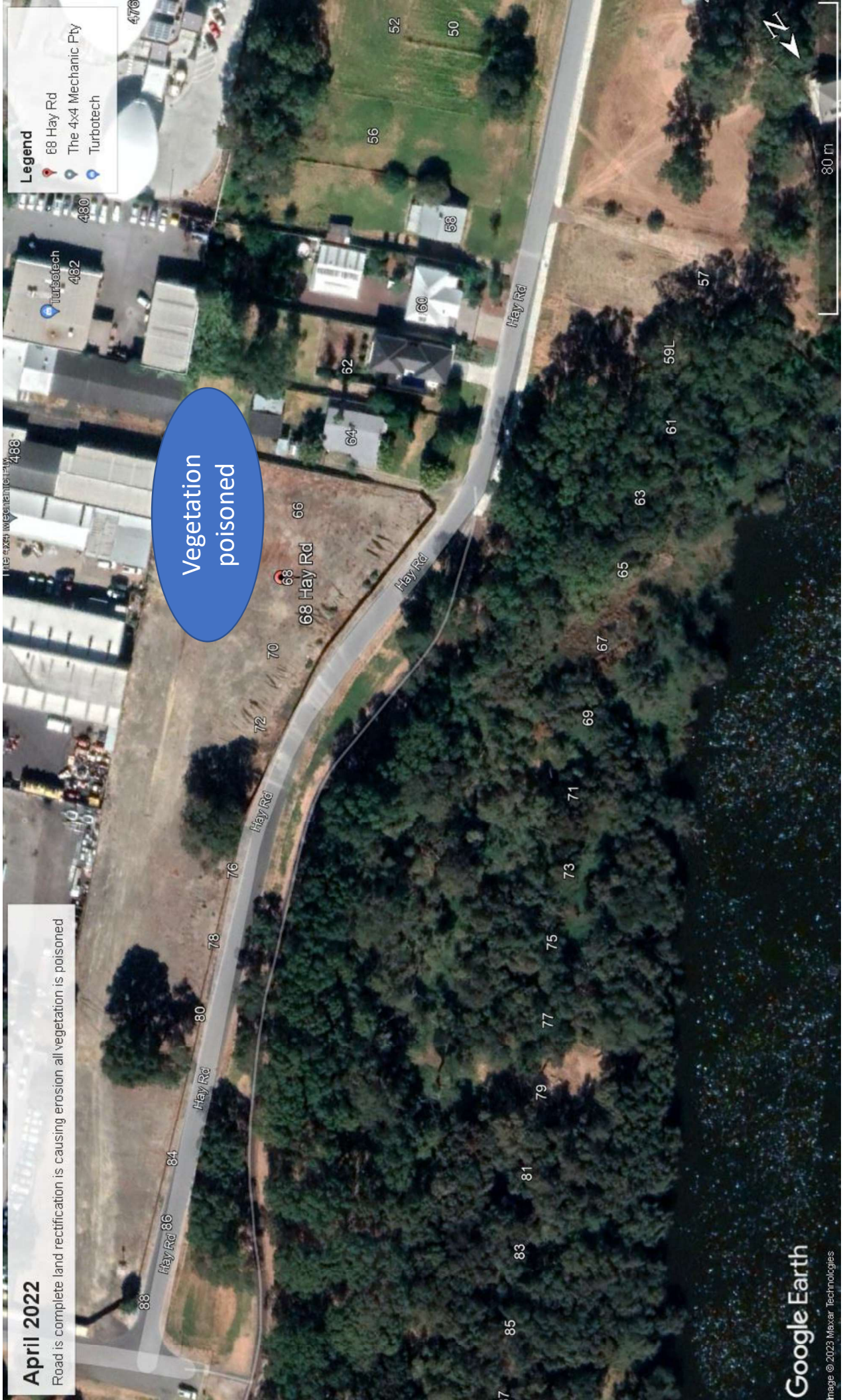
Land is regenerating



April 2022

Road is complete land rectification is causing erosion all vegetation is poisoned

Vegetation
poisoned



- Legend**
- 68 Hay Rd
 - The 4x4 Mechanic Pty
 - Turbotech

Trees as per arborist report 2009



Submitted to Metropolitan Region Scheme Minor Amendment 1399/57 Hay Road, Ascot
Submitted on 2023-04-11 11:39:32

About you

1 What is your first name?

First name:
Chantelle

2 What is your surname?

surname:
Gilbert

3 What is your company name?

What is your company name?:
City of Belmont

4 What is your email address?

Email:
chantelle.gilbert@belmont.wa.gov.au

5 What is your address?

address:
215 Wright Street, Cloverdale

6 Contact phone number:

phone number:
9477 7446

7 Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?

No

Submissions

8 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Support

9 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded.

Submission:

Please refer to attached letter noting that the City neither supports or opposes the Amendment.

File 1:
MRS Amendment Submission - City of Belmont.pdf was uploaded

File 2:
No file uploaded

File 3:
No file uploaded

CITY OF BELMONT
Locked Bag 379
Cloverdale
Western Australia 6985

215 Wright Street
Cloverdale
Western Australia 6105

Council Ref : 82/004
Customer Ref : N/A
Enquiries : Benjamin Houweling (9477 7274)

11 April 2023

Ms Sam Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6010

Dear Ms Fagan

SUBMISSION - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1399/57 – HAY ROAD, ASCOT

I refer to your correspondence dated 3 February 2023 requesting feedback on proposed Metropolitan Region Scheme (MRS) Amendment 1399/57. The proposed amendment was considered at the 28 March 2023 Ordinary Council Meeting and the following comments are provided.

Development Area 9 Structure Plan

It is noted that the subject land is located within the 'Development Area 9' precinct under the City's Local Planning Scheme No.15 (LPS 15). This land is presently reserved for 'Parks and Recreation' and falls within the Swan Canning Development Control Area. Therefore, the Structure Plan for the 'Development Area 9' precinct reflects this land as being subject to further investigation and planning.

This amendment proposal is to remove the 'Parks and Recreation' reservation and replace this with an 'Urban' zone to facilitate future development of this land. In order for this to occur, the City emphasises that the existing Development Area 9 Structure Plan requires modification to guide the future zoning, land use and development of this land in accordance with the City's Local Planning Scheme.

Coordination of Local and Region Scheme Amendments

Development Control Policy 1.9

Section 6 of the report outlines that the WAPC can concurrently rezone land proposed to be zoned 'Urban' under the MRS to a 'Development' zone or similar under a Local Planning Scheme.

Currently, LPS 15 does not contain a 'Development' or 'Urban Development' zone. It is noted that these zones cannot be introduced into the City's Scheme as part of this process as Section 7.1 of *Development Control Policy 1.9 – Amendment to Region Scheme (DCP 1.9)* precludes modifying the Scheme text under a concurrent amendment. Therefore, a proposed concurrent rezoning to a 'Development' or 'Urban Development' zone cannot be supported.

Further Planning and Investigation Required

As outlined above, the land has been identified as being subject to further planning and investigation under the Development Area 9 Structure Plan. Therefore, it is the City and community's expectation that this Structure Plan be amended to guide future zoning and development of this land.

If the City's Scheme were amended concurrently to the MRS Amendment, this would pre-empt the outcome of the Structure Plan, which is considered to be contrary to orderly and proper planning and undermines the role of strategic planning.

While it is noted that the proponents are in the process of lodging an amendment to the Development Area 9 Structure Plan, timeframes or the outcomes following assessment, public advertising, and consideration by Council are unknown at this stage. The Scheme also does not contain provisions for the structure plan to be implemented. Therefore, the City would need to progress a Local Planning Scheme Amendment at that time so that the Structure Plan provisions can be implemented.

In light of the above, the City does not support concurrent rezoning of the Local Planning Scheme with the MRS Amendment and considers the following steps are necessary to constitute orderly and proper planning:

1. Amend the Development Area 9 Structure Plan to guide the future zoning and development of the Amendment area.
2. Amend LPS 15 at the appropriate time to zone the Amendment area in accordance with the Structure Plan and include text allowing the provisions of the Structure Plan to be implemented.

State Planning Policy 2.10

It is noted that the pre-consultation version of the Amendment Report referenced State Planning Policy 2.10 – *Swan Canning River System and Floodway* which has been removed from the current Amendment Report. Due to the proximity of the land to the Swan Canning River System, inclusion within the associated Development Control Area and portions of the land being located within the floodway and flood fringe, the Amendment should be considered against this Policy.

Environment

Although not mentioned in the report, the City notes that a portion of the Amendment area is located within a 'Multiple Use' wetland. The Environmental Protection Authority (EPA) Guidance Statement 33 – *Environmental Guidance for Planning and Development* states the following with respect to Multiple Use wetlands:

“In the case of Multiple Use wetlands, the EPA urges that all reasonable measures are taken to retain the wetland’s hydrological functions (including on-site water infiltration and flood detention) and, where possible, other wetland functions.”

The Amendment report should address the above matter.

Site Contamination

Section 4 of the report states that a mandatory auditor’s report is currently being prepared for submission to the Department of Water and Environmental Regulation (DWER) by mid-2023 to seek reclassification of the site. It is concerning that instead of providing certainty, the report indicates that “it is likely” that any outstanding contamination issues can be appropriately resolved prior to the finalisation of the amendment and the site being developed for residential and related purposes.

While the City acknowledges that the Department of Planning Lands and Heritage has undertaken remediation works to remove contaminated fill from the Amendment area, it is recommended that the Amendment is only finalised when the mandatory auditor’s report has been prepared. This will ensure a level of certainty about whether the land can indeed be used for residential or commercial land uses, and disclose if the land is now free from contamination.

Swan and Canning Development Control Area

The ‘subject land’ is contained within the Swan Canning Development Control Area (DCA). The Report references that it is likely that the Amendment area will be removed from this DCA in the future, should it be transferred to the ‘Urban’ zone. This seems to suggest that the land may be excised from the DCA following completion of the Amendment.

The City supports the land being excised from the DCA, noting that it is disconnected from the River foreshore and the extension of Hay Road forms a boundary between the foreshore and the proposed ‘Urban’ zone.

As the process of excising the ‘subject land’ from the DCA is considered to be ancillary to the proposed Amendment, the WAPC is encouraged to undertake this process concurrently. If this does not occur, it may present a procedural encumbrance for future development.

Aboriginal Heritage

The ‘Subject Land’ is in close proximity to the Swan River. The significance of the Swan River to the local Aboriginal people is recognised, and the City supports consultation with the South West Aboriginal Land and Sea Council as part of the formal advertising period.

Amendment Clarification

It is proposed that this MRS Amendment be progressed as a ‘minor’ amendment.

It is acknowledged that the ‘Subject Land’ no longer has a direct connection with the Swan River or associated foreshore and, in turn, the Parks and Recreation reserve. Furthermore, a portion of the ‘Subject Land’ is currently enclosed by fencing and does not present as a publicly accessible Parks and Recreation reserve.

It is considered that the extension of Hay Road serves as a logical boundary between the foreshore reserve and the ‘Urban’ zone. Further, it is acknowledged that the land has been flagged for development, subject to further investigation and detailed planning, for approximately 16 years. This is when the land was identified as a Development Area in 2006,

through its inclusion in Amendment 49 to the City's former Town Planning Scheme No.14.

In light of the above and having reviewed the justification listed in the report and the considerations outlined in Section 4 of DCP 1.9, the City is supportive of the classification of the Amendment as minor.

General Comments

The first paragraph under the background section references the subject land as being located approximately eight kilometres north-west of the Perth Central Business District. This should be corrected to north-east.

If you have any queries regarding this letter, please contact Senior Planning Officer, Benjamin Houweling by phone on 9477 7274 or email benjamin.houweling@belmont.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CG', written in a cursive style.

CHANTELLE GILBERT
COORDINATOR PLANNING PROJECTS



Department of
Education

**SUBMISSION
10**

Your ref: 833-2-15-16 Pt 1 (RLS/1050)
Our ref: D23/1090760
Enquiries: Joshua Gould

Western Australian Planning Commission
Department of Planning, Lands and Heritage

Email: regionplanningschemes@dplh.wa.gov.au

Attention: Brett Pye
Senior Planning Officer

Dear Sir / Madam,

Proposed Metropolitan Region Scheme Amendment 1399/57 – Hay Road Ascot

Thank you for your letter dated 14 February 2023 providing the Department of Education (the Department) with the opportunity to comment on the abovementioned proposal.

It is anticipated that the prospective students from the proposed amendment area would enrol in the nearest public primary school being Redcliffe Primary School (Primary School). Whilst the amendment area is expected to generate low student yield, the Department is cognisant of the broader urban infill development potentially to occur particularly within the Western Australian Planning Commission's Improvement Plan 45 – Redcliffe Station Precinct which includes the Primary School site and surrounds.

Currently, the Primary School is operating at near student accommodation capacity. With the limited size of the school site, any additional student generated within the locality would impose further enrolment pressure on the Primary School. The Department acknowledges the significance to align with the relevant WAPC's Sub-regional Planning Framework in meeting the infill dwelling targets and identifying potential growth areas. However, it is imperative to balance the residential growth and resultant student population with public school provision in the locality.

Given the long-term prospect of redevelopment in the Improvement Plan 45 area to reach its full development potential and the anticipated low student yield in the proposed amendment area, the Department has no in principle objections to the proposed MRS amendment. Notwithstanding this, the Department requests to be engaged at earliest possible opportunity during the preparation of future structure plans for the Improvement Plan 45 and the proposed Amendment area to ensure that the public educational needs of the locality are met.

Should you have any questions in relation to the above, please do not hesitate to contact Joshua Gould, Senior Consultant - Land Planning on 9264 4008 or email joshua.gould@education.wa.edu.au.

Yours sincerely

Matt Turnbull
Manager Land and Property

28 April 2023

