

## SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 46 - Head of Power for Development Applications and Structure Plans (AMD21/0046)

SUBMISSIONS CLOSE: 26<sup>th</sup> August 2020

No	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
<b>Agency Submissions</b>				
1.	Department of Mines, Industry Regulation and Safety (Resource and Environmental Regulation)	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.	Noted.	That the submission be noted.
2.	Main Roads WA (Metropolitan and Southern Regions / South West)	Main Roads WA has no objection to this scheme amendment.	Noted.	That the submission be noted.
3.	Water Corporation (Development Services)	Generally supports Amendment	Noted.	That the submission be noted.
4.	Department of Primary Industries and Regional Development (Agricultural Resource Management and Assessment)	No objection.	Noted.	That the submission be noted.
5.	Department of Education (Asset Planning and Services)	No objection. The Department would welcome the opportunity to be notified on future structure plans within the 'Rural Residential', 'Rural Landscape', 'Conservation' and 'Bushland Protection' zones which would result in additional residential development. This would ensure that the Department can accurately project for the future educational needs of the area. The Department would also welcome the opportunity to provide comment on any development applications within the Special Control Areas identified that are located adjacent to, or within close proximity of, a public school site to ensure that the amenity and safety of students will not be compromised.	Noted.	That the submission be noted.

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6.	Department of Planning Lands & Heritage (Heritage)	No Objection	Noted.	That the submission be noted.
7.	Department of Water & Environmental Regulation (Planning Advice, South West Region)	<p>1. The Department supports the provisions, whereby any development within these Special Control Areas (SCA) will require the prior development approval of the City.</p> <p>Recommended text changes to clause 5.11 'Floodway Area':</p> <p>2. Use of the term 'floodway' is acceptable but may give the impression that land outside the floodway is not 'flood prone' and need not be considered in terms of flood risk. Add 'FLOOD PRONE LAND' to the title of clause 5.11.</p> <p>3. At subclause 5.11.3, rather than the proposed wording "the local government is to carry out an assessment", replace with "it must be demonstrated to the satisfaction of the local government". Given the resources required to prepare flood reports, the proponent should be required to undertake the assessment.</p> <p>4. The Department is of the view that 5.11.3 (b and c), as well as 5.11.4, are relevant to proposals on flood prone land outside of the floodway.</p>	<p>1. Noted.</p> <p>2. Proposed clause 5.11.1 will restrict the application of this clause to within the 'Floodway' Special Control Area. To include the term 'Flood Prone Land' into the title of the clause, would require the previous clause 5.11.1(b) to be included, i.e. <i>"any other land which, in the opinion of the local government, may be subject to flooding"</i>. The purpose of this component of Amendment 46 is to reduce the oblique references in the Scheme as to where a development approval is required.</p> <p>3. Placing the onus on the landowner to demonstrate the impact of a proposed development on a floodway will be given due consideration in the upcoming Scheme review.</p> <p>4. It is considered appropriate to conduct a broad scale review of flood prone land to determine areas at risk and these could then be delineated within the SCA. This work is intended to be</p>	<p>That the submission be noted and taken into consideration as part of the Scheme Review process.</p> <p>That modifications be made to the proposed new clause to address a drafting error and delete an unnecessary clause, viz:</p> <p>a) At proposed clause 5.11.4, replace reference to "clause 5.11.2" with "clause 5.11.3"; and</p> <p>b) Proposed clause 5.11.5 (definition of "habitable building") be deleted.</p>

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		<p>5. With respect to subclause 5.11.4, minor modification to the wording of this clause is proposed and including the addition of the words “and manage the risk to people and property” at the end of the sub-clause. The Department provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage, and human safety. Our guiding principles for floodplain management are to ensure that:</p> <ul style="list-style-type: none"> <li>• Proposed development has adequate flood protection from a 1 in 100 Annual Exceedance Probability (1% AEP) flood.</li> <li>• Proposed development does not detrimentally impact on the existing flooding regime of the general area.</li> </ul> <p>6. Subclause 5.11.5 is no longer required (definition of “habitable building”) as reference to this term is proposed to be removed.</p> <p>7. Further suggestion is made that the City could incorporate a minimum finished floor level requirement within the Scheme. The Department considers acceptable proposed development (i.e. filling, building, etc.) that is located outside of the floodway with respect to</p>	<p>carried out as part of the Scheme Review process.</p> <p>5. Whilst officers have no objection to the proposed additional wording by DWER, it is recommended that a broad review of the Floodway Special Control Area be undertaken as part of the Scheme Review process, including assessing and updating where required the relevant mapped areas and the wording of the clause. City officers intend to work closely with DWER as part of this process.</p> <p>6. Correct, this clause should be removed as reference to “habitable building” was located in the clause in relation to ‘flood prone land’, which is proposed to be removed. Of further note, “habitable building” is defined by the Deemed Provisions for the purposes of Part 10A “Bushfire risk management”.</p> <p>7. Officers agree that there is merit to the City providing reference to a required minimum finished floor level within the Scheme, and this will be given due consideration through both the current CHRMAP (flooding and inundation) and Scheme Review process, both of which will be subject to formal advertising.</p>	

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		<p>major flooding. However, a minimum habitable floor level is recommended to ensure adequate flood protection from 1 in 100 (1%) AEP flooding in the future.</p> <p>Subject to due regard to the above comments by the City, the Department has no objection to Amendment No. 46.</p>		
8.	Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service, South West Region)	<p>DBCA recommends clause 5.5.1 be modified to read:</p> <p><i>“Development within the Wetland Area requires the prior development approval of the local government. <u>The development shall, wherever possible, be carried out on that part of the land which is not land identified within a Wetland Area.</u>”</i></p>	<p>During drafting of the proposed Amendment, City officers considered formulating the proposed text in a similar way. However, it was considered that this would be unnecessary as development within any identified Wetland area would not be permitted in the first instance. Once the development is duly located outside the Wetland Area, the clause wouldn't meaningfully apply in any case.</p>	<p>That the submission be noted, but not supported as considered unnecessary.</p>
<b>Public Submissions</b>				
	Nil.			