

# **Draft Local Planning Scheme No.2 – Summary of Submissions, Analysis & Recommendations Report**

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## 1. Report purpose and background

The purpose of this report is to:

- Record the public advertising activities carried out for the draft Local Planning Scheme No.2
- Provide a summary of government and community submissions received; and,
- Respond to submissions and provide recommendations for modifications to draft Local Planning Scheme No.2 for the Council's consideration, prior to lodgement with the Western Australian Planning Commission and Minister for Planning for consideration.

The advertising of a Local Planning Scheme is guided by Part 4 (Preparation or adoption of local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Regulation 22 (advertisement of local planning schemes) states that (summarised):

- The Scheme must be advertised as soon as is reasonably practicable after permission to advertise is provided by the WAPC.
- The scheme must be available from the Town's website and for public inspection during normal business hours.
- Advertising notices must be provided to each public authority considered affected by the Scheme.
- The advertising period is 90 days unless otherwise approved by the WAPC.

Regulation 25 (Consideration of submissions states that within the 'consideration period' (120 days after the end of the public advertising period) the local government must (summarised):

- consider all submissions received during the advertising period.
- pass a resolution to:
- Support the draft scheme.
- Support the draft scheme with modifications to address issues raised in the submissions; or
- Not support the draft scheme.
- submit the advertised copy of the draft scheme to the WAPC with a schedule of the submissions and the particulars of any modifications proposed.

## 2. Summary of advertising activities and submissions

### Advertising Dates and Activities

Draft Local Planning Scheme No.2 was advertised from the 4 May 2023 to the 4 August 2023 which is 90 calendar days (excluding 1 public holiday day). The advertising activities included:

- Town of Victoria Park Your Thoughts community engagement web page ([yourthoughts.victoriapark.wa.gov.au/lps2](http://yourthoughts.victoriapark.wa.gov.au/lps2)) with LPS2 key documents for download, key changes map, FAQs, LPS2 overview video and on-line submission form. The page received 3,900 visits during the public advertising period with the 'LPS2 key changes map' downloaded 1,377 times.
- A customised online mapping tool was developed and made available on the Your Thoughts webpage to ensure ease of comparison between existing TPS1 and draft LPS2.
- ~10,500 letters sent to landowners and occupiers
- 14 notices sent to local government agencies and surrounding local governments.
- Multiple e-news promotions via the Town's e-news, business e-news and social media channels.
- Place Leaders - Strategic Planning and Urban Planning officers were available by phone or in person during businesses hours to field queries or meet throughout the advertising period.
- 42 people attended five drop-in community information sessions hosted both in-person and online:
  - Session 1 – Online (Wednesday, 24 May 2023, 5:30pm – 7:00pm)
  - Session 2 - Town of Victoria Park Admin Building (Saturday, 27 May 2023, – 11:00am-1:00pm)
  - Session 3 - Online - Real estate and property industry (Friday, 2 June 2023, 1:00pm-2:00pm)
  - Session 4 - Online (Wednesday, 7 June 2023, 5:30pm – 7:00pm)
  - Session 5 - Town of Victoria Park Library (Saturday, 10 June 2023, 11:00am-1:00pm)

### Total Number and Distribution of Submissions

A total of 198 submissions were received during the advertising period. The submissions comprised of:

- 191 community submissions (167 lodged via YourThoughts and 24 submissions via direct email/letter).
- 7 government agency submissions.

Of the 191 community submissions received:

- 85% (163) were from submitters who own or occupy property within the Town.
- 15% (28) were from submitters who did not have a prescribed connection to the Town.

Of the 163 submissions that referenced a specific area or site, key places of interest were:

- 29% Victoria Park
- 25% East Victoria Park
- 15% Lathlain
- 12% Curtin University or Bentley
- 10% Carlisle
- 5% Burswood
- 4% St James

### Consideration of submission

In considering all submissions received during the advertising of LPS2, the Town has undertaken a review process by which each submission has been reviewed and summarised for the purpose of Local Planning Scheme No.2 – Summary of Submissions, Analysis & Responses

identifying key themes and issues. Summaries and responses to each individual submission is contained in the Attachment – Draft Local Planning Scheme No.2 – Schedule of Submissions.

For the purpose of this report, submissions have been grouped in the following section to inform analysis and to determine whether modifications are recommended to LPS2 in response to the themes/issues raised across the following submission types:

- Submissions relating to town-wide themes.
- Submissions relating to specific properties.
- Submissions from government agencies.

### 3. Community Submissions – Summary of Comments Relating to Town-Wide Themes, Response and Recommended LPS2 Modifications

The review and analysis of submissions has identified seven key themes that relate to Town-wide matters. In order of prevalence of submissions these themes include:

- Character and Amenity
- Tree preservation and loss of private green space
- Traffic and Parking
- Location of new development and density
- Amenity and Safety
- Infrastructure and Facilities
- Other matters

A summary of the comment/issues raised across submissions relating to each of the identified Town-wide themes as well as the Town’s response and whether modifications are recommended to LPS2 are provided in Table 1 below.

**Table 1. LPS2 Community submissions - Submissions relating to Town-wide themes**

<b>Theme</b>	<b>Summary of comments/issues raised in community submissions</b>	<b>Discussion / Response</b>	<b>Recommended LPS2 Modifications</b>
Character and Amenity	Concerns that development resulting from the removal of restrictions on multiple dwellings in low density areas or in the Town’s ‘Residential Character Area’ will negatively impact upon local character.	In Town Planning Scheme No. 1, multiple dwellings (apartments) are not permitted to be built in residential areas zoned R20, R30, or in the Town’s Residential Character Area. The provision has contributed towards successfully balancing the protection of culturally significant streetscapes and houses with accommodating significant infill development as identified within the Local Planning Strategy and was proposed to be transferred to LPS2.  Upon reviewing draft LPS2, the Western Australian Planning	The points raised in the submissions are noted however do not warrant any modifications to LPS2.

		<p>Commission deemed the condition redundant on the basis that other development controls, particularly building height limits and density controls, already restrict the construction of large-scale apartment complexes in these areas. The restriction of multiple dwellings as a means of compelling conservation and retention of "<i>original dwellings and streetscapes</i>" was not supported and the Town was directed to remove the clause from LPS2 for the purposes of advertising.</p> <p><u>R20 &amp; R30</u>  For areas with density codes of R20 (parts of Lathlain, East Victoria Park and St James) and R30 (parts of Carlisle, Victoria Park, East Victoria Park, St James), the proposed modification to the Scheme presents no change to the number of dwellings that can be constructed on any property or the permitted building heights which remain limited to a maximum of two storeys. As such, allowing multiple dwellings in these areas results in very limited change to the types of development currently permitted under Town Planning Scheme No. 1. The Town's local planning policies that relate to residential character (primarily LPP25 – Streetscapes) will continue to apply in these areas to reinforce local residential character requirements for all residential development.</p> <p><u>R40 (within the Residential Character Area)</u>  For areas with density codes of R40 within the Town's Residential Character Area (parts of Burswood, Victoria Park, East Victoria Park), the proposed modification allows for an increase in the number of dwellings that can be constructed via the development of multiple dwellings, however,</p>	
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		<p>building heights (limited to a maximum of two storeys) and other primary development controls remain comparable. The Town's local planning policies that relate to residential character (primarily LPP25 – Streetscapes) will continue to apply in these areas to reinforce local residential character requirements for all residential development.</p> <p>Advice from the Department of Planning, Lands and Heritage (DPLH) suggests that attempts to re-introduce restrictions on multiple dwellings in certain area in LPS2 is unlikely to be supported by the Western Australian Planning Commission for the following reasons:</p> <ul style="list-style-type: none"> <li>• Restricting multiple dwellings in not an appropriate planning mechanism for the conservation and retention of character dwellings and streetscapes.</li> <li>• A heritage area or heritage list is the appropriate planning mechanism to use if the Town seeks to retain character dwellings.</li> <li>• A local planning policy is the appropriate planning mechanism to use if the Town is seeking a certain streetscape character appearance.</li> </ul> <p>In line with DPLH advice it is recommended that no modification be made to LPS2 in response to submissions received on the character theme and that other planning mechanisms be investigated as the most appropriate planning instruments to promote the retention of character dwellings and streetscape character.</p>	
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<p>Tree preservation and loss of private green space</p>	<p>Concerns for the loss of urban tree canopy. Including requests for scheme to include provisions to protect existing trees on private land.</p>	<p>It is recognised that there is growing pressure on urban tree canopy from infill development and that there is an absence of appropriate mechanisms in the State planning framework to retain and protect trees on private land.</p> <p>Within the local planning framework the Town encourages the preservation of trees and the planting of new trees on private land via Local Planning Policy 39 - Tree Planting and Retention.</p> <p>In recent times, a number of local governments within the Perth metropolitan region have pursued scheme amendments to protect trees on private property via introducing provisions that require development approval for the pruning or removal of trees over a prescribed size. The Western Australian Planning Commission has not supported scheme clauses of this nature and has recently directed numerous local governments to remove such clauses, including:</p> <ul style="list-style-type: none"> <li>• City of South Perth – draft Local Planning Scheme No.7 (May 2022)</li> <li>• City of Nedlands – Local Planning Scheme No.3 – Amendment 12 (August 2022)</li> <li>• Town of Bassendean - draft Local Planning Scheme No.11 (February 2023)</li> </ul> <p>In making these decisions the WAPC has stated that its preferred approach regarding tree retention on private land is through the implementation of a significant tree register under Local Planning Schemes.</p> <p>It is recommended that modifications are made to LPS2 to</p>	<p>In response to submissions it is recommended that modifications be made to LPS2 to include supplementary provisions to the deemed provisions to facilitate the preparation of a Significant Tree Register.</p> <p>Additionally it is recommended that the Town prepares a local planning policy that stipulates the circumstances in which the removal of a tree on private land requires development approval.</p>
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		<p>include provisions to facilitate the preparation of a Significant Tree Register, in keeping with the WAPCs established preferred approach to tree retention on private land within local planning schemes, as a first step to affording registered significant trees a greater level of protection under the scheme.</p> <p>In addition to including the Significant Tree Register provisions within LPS2, it is recommended that the Town prepares a local planning policy that stipulates the circumstances in which the removal of a tree on private land requires development approval in accordance with emerging industry practice.</p>	
	Concerns for the lack of open space and greenspace on private property in new development.	All new development is required to provide open space and landscaping on private land in accordance with the R-Codes.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
Traffic and Parking	<p>Concerns for increased traffic because of new development.</p> <p>Concerns for impacts on street parking because of new development.</p> <p>Road safety issues resulting from more traffic.</p>	<p>The Town's Integrated Transport Strategy and Parking Management Plan (2022) outlines detailed guidance for managing the Town's transport network and parking to support the Town as liveable inner-city community.</p> <p>The Town will continue to implement these strategies, including appropriate infrastructure upgrades, in response to the needs of a growing population.</p>	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
Location of new	New development should be located along transport corridors	The State Government's Perth and Peel @ 3.5 million and its associated sub-regional frameworks set dwelling targets for	The points raised in the submissions are noted

development and density	<p>and existing activity centres and not in existing suburban areas.</p> <p>Requests for higher densities to allow for subdivision in certain areas.</p>	<p>all local governments to meet by 2050. The Central Sub-regional Planning Framework identifies an infill target for the Town of Victoria Park of 18,000 additional dwellings to be achieved by 2050.</p> <p>Extensive community engagement was undertaken as part of the preparation of the Town's Local Planning Strategy to determine where and how growth should occur. LPS2 implements the Strategy which directs population and housing growth towards certain locations of the Town; primarily activity centres and urban corridors and generally limiting growth in established lower density suburban areas.</p> <p>Proposed densities in draft LPS2 have been carefully considered and are consistent with the recommendations of the Strategy. Submissions requesting higher density than those identified in the strategy are not supported, and similarly submissions requesting reductions to the densities envisioned by the strategy are not supported.</p>	however do not warrant any modifications to LPS2.
Amenity and Safety	<p>Concerns for potential amenity impacts resulting from new development (primarily privacy, overshadowing and noise).</p> <p>Concerns that new development will impact negatively on safety and increase crime.</p>	<p>Amenity issues such as overshadowing, overlooking and solar access are controlled via the R-Codes which are implemented via LPS2.</p> <p>Amenity issues such as noise and smell are controlled by other legislation, primarily the <i>Environmental Protection Act 1986</i>, and are outside the scope of LPS2.</p> <p>Crime Prevention Through Environmental Design (CPTED) principles are applied within the R-Codes, precinct structure plans and local planning polices in the local planning framework. Other matters relating to safety and security are outside the scope of LPS2.</p>	The points raised in the submissions are noted however do not warrant any modifications to LPS2.

Infrastructure and Facilities	New development will bring increased pressure on existing public open space and community facilities.	The Town's Public Open Space Strategy has been prepared in the context of the population growth forecasts of the Local Planning Strategy and provides for upgrades to local public open space to support the Town's growing population.  In the preparation of LPS2 a number of existing parks (7 total) are recommended to change from 'Residential' zone to 'Public Open Space' reserves to protect them as public open space into the future.	The points raised in the submissions are noted. Three existing parks, in addition to those previously identified, are recommended to change from 'Residential' or 'Mixed Use' zone to 'Public Open Space' reserves to protect them as public open space into the future.
	New development will increase pressure on infrastructure and services including power, water and sewerage.	Service agencies are aware of the population and dwelling growth proposed as part of the Local Planning Strategy and LPS2 and will use these forecasts to inform their forward planning to upgrade infrastructure as required.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
Other matters	Effects on property values	Property values are not a planning matter and are outside the scope of LPS2.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
	Inadequate consultation	Consultation has been carried out for LPS2 for 90 days in accordance with legislative requirements and following extensive community engagement on the Local Planning Strategy that has informed the content of LPS2.	

#### 4. Community Submissions – Summary of Comments Relating to Specific Properties, Response and Recommended LPS2 Modifications

Many community submissions raise issues or request modifications to LPS2 for specific properties. A summary of the comment/issues raised across submissions relating to specific properties as well as the Town's response and whether modifications are recommended to LPS2 are provided in Table 2 below.

**Table 2. LPS2 Community submissions - Submissions relating to specific properties**

No.	Submission No.	Property Address	Summary of comments/issues raised and requested modifications	Discussion / Response	Recommended Modification to LPS2
1.	4995527	No.124 Jarrah Road, East Victoria Park	Encourages the Town to change the R-code for Jarrah Road, East Victoria Park from R20 to R40 to support medium density development.	LPS2 implements the Local Planning Strategy which directs population and housing growth towards certain locations of the Town; primarily activity centres and urban corridors and generally limiting growth in established lower density suburban areas. The Local Planning Strategy objective for the East Victoria Park (West) Neighbourhood, including Jarrah Road, is to maintain the existing low-scale, low density residential character of the neighbourhood therefore no density change for this area is contemplated under LPS2.	As the requested change is inconsistent with recommendations of the Local Planning Strategy it is not recommended that any modification be made to LPS2 in response to the submission.
2.	5065612	No.82 Jarrah Road, East Victoria Park	Requests that properties on the northern side of Jarrah Road change from R20 to R30 or R40 given the extent of development permitted on the southern side (high density aged care facilities) and being within walking distance to Curtin University.	LPS2 implements the Local Planning Strategy which directs population and housing growth towards certain locations of the Town; primarily activity centres and urban corridors and generally limiting growth in established lower density suburban areas. The Local Planning Strategy objective for the East Victoria Park (West) Neighbourhood, including Jarrah Road, is to maintain the existing low-scale, low density residential character of the neighbourhood therefore no density change for this area is contemplated under LPS2.	As the requested change is inconsistent with recommendations of the Local Planning Strategy it is not recommended that any modification be made to LPS2 in response to the submission.
3.	4997998	No.25 Gallipoli Street and No.67- No.69 Howick Street Lathlain	Concern that the upcoding of two commercial properties in Gallipoli Street, Lathlain from R20 to R40 and any subsequent development may negatively impact neighbouring properties particularly in regards to increased traffic and parking issues.	The Local Planning Strategy recommends that the land occupied by commercial uses in the Gallipoli Street local centre having a suitable commercial zone applied. A 'Local Centre' zone and density code of R40 is considered suitable for the local context.  The Town's Integrated Transport Strategy and Parking Management Plan outline detailed guidance for managing the Town's transport network and parking to support the Town as liveable inner-city community. The Town will continue to implement these strategies in response to the needs of a growing population.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
4.	4998057	No.102 Hill View Terrace, St James	Query on the status of the St James Future Investigation Area and why this area has not been included for upcoding in LPS2 and requests change to a density code that will allow subdivision of property.	The Local Planning Strategy identifies parts of St James (primarily properties along Hill View Terrace and Berwick Street) as a Future Investigation Area (FIA) for consideration for medium density development subject to further engagement with the community.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.

				The St James FIA is identified as a Short-Long Term (1-5 years) action of the Strategy. The work is currently scheduled to be undertaken in the 24/25 financial year (subject to Council budget approval), following the completion of this work the outcomes will inform a strategic amendment to LPS2.	
5.	5183930	No.435 Berwick St, St James	Does not support that the Hillview Terrace and Berwick St portions of St James have not been included in LPS2 for changes from low to medium density residential development.	<p>The Local Planning Strategy identifies parts of St James (primarily properties along Hill View Terrace and Berwick Street) as a Future Investigation Area (FIA) for consideration for medium density development subject to further engagement with the community.</p> <p>The St James FIA is identified as a Short-Long Term (1-5 years) action of the Strategy. The work is currently scheduled to be undertaken in the 24/25 financial year (subject to Council budget approval), following the completion of this work the outcomes will inform a strategic amendment to LPS2.</p>	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
6.	4999254, 5179287, 5191665, 5194868, 5194868, 5198641, E002, E004, E005,	Various properties. Rutland Ave and Castle Way, Lathlain	Concerns that the proposed change from R20 to R60 for various properties on Rutland Ave and Castle Way, Lathlain will increase traffic, parking and noise issues and pose safety and security risks. Requests that existing R20 R-Code remains.	<p>The Local Planning Strategy designates selected properties in the catchment of Burswood Station and Victoria Park Station as Future Investigation Areas (FIAs) for consideration as medium and/or higher density development.</p> <p>To ensure LPS2 reflects the built form density of existing apartment buildings within this area a R60 density code has been applied to relevant sites within the FIAs.</p> <p>The Town's Integrated Transport Strategy and Parking Management Plan, endorsed by Council in 2022, outline detailed guidance for managing the Town's transport network and parking to support the Town as liveable inner-city community. The Town will continue to implement these strategies in response to the needs of a growing population.</p> <p>Crime Prevention Through Environmental Design (CPTED) principles are applied within the R-Codes, precinct structure plans and local planning polices in the local planning framework. Other matters relating to safety and security are outside the scope of LPS2.</p>	As the requested change is inconsistent with recommendations of the Local Planning Strategy it is not recommended that any modification be made to LPS2 in response to the submissions.
7.	5198945	No.249 Albany Highway, Victoria Park	<p>Does not support the allowable building height controls applicable to 249 Albany Highway, Victoria Park.</p> <p>Requests that the area on the southern side of Albany Highway, Cargill Street to McMaster Street, should be allowed a building height of 4-5 storeys or a maximum of 15m - 18m.</p> <p>Commentary on the strategic basis and built form</p>	<p>The Local Planning Strategy recommends that the current TPS1 zones and densities be transitioned to the new LPS2 until further updates are recommended via preparation of the Albany Highway Precinct Structure Plan.</p> <p>Interim modifications to properties prior to the completion of the AHPSP are not supported.</p>	The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy it is not recommended that any modification be made to LPS2 in response to the submission.

			outcomes in support of the request.		
8.	5200628	No.484 Albany Highway, Victoria Park	<p>Does not support the TPS1 development controls, 'District Centre' R60', pertaining to this site being applied under LPS2 pending the outcomes of the Albany Highway Precinct Structure Plan that envisages development at a far greater scale.</p> <p>Concerns that retaining these controls within LPS2 will delay the statutory implementation of the Albany Highway Precinct Structure Plan and place an additional administrative burden on the advancement of the local planning framework.</p> <p>Recommendations</p> <ul style="list-style-type: none"> <li>- Replace the R60 density code with R-AC0</li> <li>- Delete ASR7 including the entirety of the development standards from Schedule C of the Scheme.</li> <li>- In place of ASR7, include a clause that requires development to be in accordance with the adopted Albany Highway Precinct Structure Plan.</li> </ul> <p>Further commentary on alternative options to expediate transitioning the Albany Highway Precinct Structure Plan into LPS2 including:</p> <ul style="list-style-type: none"> <li>- Consider adopting the provisions of ASR7 as a LPP that can be easily revoked upon adoption of the AHPSP.</li> <li>- Consider including text within LPS2 noting that the provisions only have effect until the adoption of the AHPSP (ie a sunset clause).</li> </ul>	<p>The Local Planning Strategy recommends that the current TPS1 zones and densities be transitioned to the new LPS2 until further updates are recommended via preparation of the Albany Highway Precinct Structure Plan.</p> <p>Interim modifications to properties prior to the completion of the AHPSP are not supported.</p>	<p>The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy it is not recommended that any modification be made to LPS2 in response to the submission.</p>
9.	E001, E018, E019,	Various sites - Victoria Park and Burswood. (Existing car yards)	<p>Does not support the Town Planning Scheme No.1 additional use rights granted to various motor vehicle sales premises being revoked and replaced with non-conforming use rights. Reasons stated for the non-support include:</p> <ul style="list-style-type: none"> <li>- Dealer requirements to upgrade the built form and corporate image of their facilities.</li> <li>- Uncertainty caused by the level of discretion afforded to the Town under non-confirming use rights.</li> <li>- The effect of Prime Marketing Areas agreements affecting dealerships ability to relocate.</li> <li>- Businesses closing and land sitting vacant.</li> <li>- Extensive recent and planned investments in current businesses.</li> <li>- Wider economic impact on the surrounding area as the dealerships attract lots of people to the area.</li> <li>- Loss of local employment.</li> </ul>	<p>Under Town Planning Scheme No.1 (TPS1) existing car dealerships in the areas of Victoria Park and Burswood, where 'motor vehicle and marine sales premises' is designated as an 'X' (prohibited) land use in the 'Commercial' and 'District Centre' zones, are approved for 'motor vehicle and marine sales premises' as an 'additional use'. The 'additional use' scheme provisions allow the existing car yards to continue to operate and be extended or added to without the application of non-conforming use rights under the scheme.</p> <p>As advertised, draft LPS2 designates 'motor vehicle, boat and caravan sales' as an 'X' (prohibited) land use in both the 'Mixed Use' and 'District Centre' zones that apply to these areas, however, proposes that the TPS1 additional use rights be revoked. The rationale for removing the additional use rights for existing "motor vehicle sales premises" include:</p> <ul style="list-style-type: none"> <li>- The advancement of the Town's strategic planning</li> </ul>	<p>In response to submissions and to better reflect the preliminary recommendations of the Albany Highway Precinct Structure Plan modifications to LPS2 are recommended to reinstate the additional use rights of existing car yards as currently exist within TPS1 pending final recommendations via the AHPSP.</p>

			<ul style="list-style-type: none"> <li>- the non-conforming use classification may inadvertently increase the number of open air display format for car sales.</li> <li>- prohibiting the land use directly conflicts with the future strategic planning framework intended for the Albany Highway Precinct.</li> <li>- the retention of car dealerships will assist the Town in achieving its long terms strategic vision for the location.</li> <li>- the contribution of John Hughes and his dealerships to Victoria Park.</li> </ul> <p>Request that the LPS2 zoning table be modified to allow 'motor vehicle, boat, or caravan sales' within the 'Mixed Use' zone and/or that the existing additional use rights attached to the subject properties from TPS1 be transferred to LPS2.</p>	<ul style="list-style-type: none"> <li>- framework since 2015, including the adoption of the Local Planning Strategy (2022).</li> <li>- Initiation of the Albany Highway Precinct Structure Planning project – including findings of the Albany Highway Tomorrow report that suggests a strong community preference that car yards move on from the area.</li> <li>- Updates to the Regulations (2015) relating to non-conforming uses (included in TPS1 since 2017 and proposed in LPS2) that provide more detailed guidance related to development of sites containing non-conforming uses than what was not in place at the time of Amendment 60.</li> </ul> <p>Since the preparation of draft LPS2, the Albany Highway Precinct Structure Plan (AHPSP) has progressed and, on this matter, identifies that <i>“car-based activity will be adapted and retained to protect their economic contribution to the Precinct.”</i> On the basis that the AHPSP contemplates the continuation of existing ‘motor vehicle and marine sales premises’ it is recommended that the TPS1 additional use provisions for properties within this area be retained pending final recommendations via the AHPSP.</p> <p>Reinstating the ‘additional use’ of 'motor vehicle, boat and caravan sales' for existing car yards is intended to give existing car yards the opportunity to extend, modify and upgrade their premises in accordance with the market changes and manufacturer requirements, as requested in submissions received, but without providing the opportunity for the use to extend to other land zoned 'Mixed Use' under LPS2.</p>	
10.	5010327	No.47 Planet Street, Carlisle	<p>Concerns that the proposed density code change from R30 to RAC4 (Neighbourhood Centre) will allow development up to 3 storeys high and cause overshadowing issues.</p> <p>Requests that the site continue to be maintained as a car park.</p>	<p>Amenity issues such as overshadowing are controlled through the planning framework, particularly the R-Codes and will apply to this site should it be developed. Notably, where the site being developed and an affected adjoining property are subject to different density codes the development requirements for overshadowing and overlooking is determined by reference to the lower density code.</p> <p>The ongoing use of the site is outside of the scope of LPS2.</p>	<p>The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy, to consolidate the Carlisle Town Centre as a neighbourhood centre, it is not recommended that any modification be made to LPS2 in response to the submission.</p>
11.	5011317, 5016688	No.1 Boundary Road, St James	<p>Request consideration for No.1 Boundary Road, St James to be up coded to RAC4 and zoned Local Centre as per recommended changes to adjoining properties at No.1057-1059 and No.1061-1065 Albany Highway, St James to support the expansion</p>	<p>The Local Planning Strategy identifies that No.1057-1095 and No.1061-1065 Albany Highway St James as existing commercial properties in both built form and use and recommends that LPS2 designate a suitable commercial zoning to these properties (resulting in the recommended</p>	<p>The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy, to maintain the existing low-scale, low density residential character of the St James neighbourhood, it is not</p>

			of the local centre.  Concerns that the redevelopment of No.1057-1059 and No.1061-1065 Albany Highway will have negative impacts on the amenity of No.1 Boundary Road by way of overlooking, overshadowing and noise and that this will diminish the value of the property.	'Local Centre' zone and RAC4 [Neighbourhood Centre] r-coding).  An objective of the Local Planning Strategy for St James is to maintain the existing low-scale, low density residential character of the neighbourhood. No.1 Boundary Road, St James contains a single house and the request to change this property from 'Residential' (R30) to 'Local Centre' (RAC4) is not supported as it would be inconsistent with the Local Planning Strategy.	recommended that any modification be made to LPS2 in response to the submission.
12.	5066991	No.333 Victoria Park Drive, Burswood	Concerns that the site is not zoned or reserved under the Scheme Map – noting that the site is reserved for Parks and Recreation under the Metropolitan Region Scheme.	LPS2 does not apply to the area defined as "Resort Lands" as per Section 7 of the Casino (Burswood Island) Agreement Act 1985, where State and Local government planning approvals do not apply (See Clause 6 note). This area includes No.33 Victoria Park Drive, Burswood therefore no zone or reserve is applied under LPS2.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
13.	5067189	No.130-136 Oats Street, Carlisle	Concerns that the proposed change from 'Commercial' R30 to 'Mixed Use' RAC4 (Neighbourhood Centre) will increase traffic and road safety issues in the area. Preference for existing 'Commercial' (R30) provisions to remain.	A 'Mixed Use' zone and density code of RAC-4 is considered suitable for the local context and is consistent with recommendations of the Local Planning Strategy relating to 'Activity Centres and Employment Areas'.  The Town's Integrated Transport Strategy and Parking Management Plan, endorsed by Council in 2022, outline detailed guidance for managing the Town's transport network and parking to support the Town as liveable inner-city community. The Town will continue to implement these strategies in response to the needs of a growing population.	The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy it is not recommended that any modification be made to LPS2 in response to the submission.
14.	5068800	No.366 Albany Highway, Victoria Park (Vic Park Central Shopping Centre)	Concerns that LPS2 Clause 32 – No.7 Albany Highway District Centre and Mixed Use zones, B) Victoria Park Shopping Area – District Centre Zone – maintains the built form controls of TPS1 and does not support the progressive development of the site as envisaged by the Albany Highway Precinct Structure Plan.  Requests that Clause 32 be modified to expediate the application of the Albany Highway Precinct Structure Plan.	The Local Planning Strategy recommends that the current TPS1 zones and densities be transitioned to the new LPS2 until further updates are recommended via preparation of the Albany Highway Precinct Structure Plan (AHPSP).  The AHPSP has progressed to Council adopting a preferred growth scenario (July 2023) and direction, currently underway, to prepare the precinct structure plan documentation that will inform appropriate amendments to the Town Planning Scheme. Interim modification to LPS2 are not supported until the updates recommended via the AHPSP are finalised.	The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy and ongoing preparation of the AHPSP it is not recommended that any modifications are made to LPS2 in response to the submission.
15.	5069120, 5101646, 5101661, 5102843, 5113415, 5116262, 5179334, 5189976, E010, E011,	Various properties- Technology Park, Bentley	Concerns that the LPS2 scheme provisions fail to bring the strategic objectives of WAPCs higher order Bentley-Curtin Specialised Activity Centre Plan and the Local Planning Strategy into the local planning framework as intended and specifically that the LPS2 proposed built form and land use controls are prohibitively restrictive.  The retention of the existing TPS1 development and	The Bentley-Curtin Specialised Activity Centre Structure Plan (WAPC, 2018) envisages greater development potential for Technology Park than what is proposed under LPS2, including: <ul style="list-style-type: none"> <li>• Encouraging redevelopment and facilitate an increase in floor space available for Bentley-Curtin's primary functions of knowledge and research.</li> <li>• An additional mix of uses and services that complement the primary functions which may</li> </ul>	In response to submissions it is recommended that modifications be made to LPS2 to more closely align with the BCSACP high level vision, built form and land use controls guidance for the area while supporting that further detailed precinct planning be undertaken to refine development controls where appropriate.



	E012, E014, E021		<p>land use controls fails to adequately address State Planning Policy 4.2 - Activity Centres for Perth and Peel to support the renewal of existing centres.</p> <p>Concerns for the restrictiveness of the definition for "research and development" and associated land use permissibility designations in the SU1 Special Use zone.</p>	<p>include cafés, a small bar, restaurant, a hotel, increased small retail and local centre uses and services.</p> <ul style="list-style-type: none"> <li>• Reduced street setbacks and increased building heights.</li> <li>• The introduction of residential dwellings to the precinct.</li> <li>• Enabling short-term accommodation uses.</li> </ul> <p>The BCSACP provides limited guidance for built form or land use development controls to achieve the above objectives. The limitations of the BCSACP have informed the Local Planning Strategy recommendations that the current TPS1 zones and development controls for Technology Park be transitioned to LPS2 until further updates are recommended via preparation of a Precinct Structure Plan (or other planning instrument) to realise the growth concepts outlined in the BCSACP.</p> <p>It is recognised that the LPS2 built form controls (which maintain low site coverage, buildings heights and plot ratios) and land use controls (that restrict land uses to those for the purpose of 'research and development' only with limited ancillary uses contemplated) do not encourage development in Technology Park or reflect the vision of the BCSACP. In view of the above the, LPS2 development controls that relate to Technology Park as advertised are to be considered outdated and do not offer any significant value to the Town's planning framework.</p> <p>It is recommended that modifications be made to LPS2 to better provide for the implementation of the BCSACP.</p>	
16.	5080922	No.62 Rushton Street, Burswood	Does not support the additional uses proposed for the existing corner store at No.62 Rushton Street, Burswood (additional uses for existing corner store buildings) based on concerns that a commercial use of the property will cause traffic and parking issues. Request no additional use permissibility's apply to the site.	No.62 Rushton Street, Burswood is a former lunch bar/corner store in both built form and land use and the future use of this property can contribute to achieving the LPS2 scheme aims relating to promoting an appropriately flexible planning framework to facilitate business diversity and community activity and promoting active travel through providing local amenities within walking distances for predominantly residential areas.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
17.	E009	No.218-222 Great Eastern Highway, No.6-14 Cornwall Street and No.19 Maple Street, Lathlain (Empire Bar site)	<p>Request that the ASR3 area applicable to the site be amended to better reflect the existing development and future vision for the site by applying a 'Mixed Use' zone to all of the site with exception of Lot 67 (No.9) Maple Street and Lot 42 (No.14) Cornwall Street.</p> <p>Request for building height controls to be modified to reflect the requested additional 'Mixed Use' zoned area (max 6 storeys) and suggestion for height a</p>	Noted. It is recognised that the Clause 32 Additional site and development requirements, as applicable to the Empire Bar site, would benefit from amendments to both better reflect the existing development of the site and to increase the alignment between the development controls and the recommendations of the Local Planning Strategy. The recommended modifications also seek to remove unnecessary additional layers from the local planning framework through applying the RAC-3 density code in the	<p>In response to the submission it is recommended that modifications are made to the Clause 32 Additional site and development requirements, applicable to the Empire Bar site, summarised as follows:</p> <ul style="list-style-type: none"> <li>• Delete the Lot 67 (No.9) Maple Street and Lot 42 (No.14) Cornwall Street from ASR3.</li> <li>• Replacing the 'Residential' zone with 'Mixed Use' zone for Lot 68 (No.5) Maple Street, Lot 40 (No.10) and Lot 41 (No.12) Cornwall Street.</li> </ul>

			<p>height transition to neighbouring residential properties through applying a height limit of 4 storeys to Lot 68 (No.5) Maple Street and Lot 41 (No.12) Cornwall Street.</p> <p>Commentary that the requirement for a Local Development Plan add unnecessary layers to the planning framework and should be removed. Suggest that a clause that reference the R-Codes development controls (in the absence of an LDP) would provide sufficient certainty to landowners and neighbours.</p> <p>Recommended wording:  <i>"In the absence of an approved local development for lots zoned Mixed Use, non-residential buildings shall be designed in accordance with the street and side setback requirements of the R-Codes with regard to the Residential RAC-3 density code."</i></p>	<p>absence of an LDP rather than making the preparation of an LDP mandatory to guide future development.</p>	<ul style="list-style-type: none"> <li>• Removing the requirement for any new development needing to be guided by a local development plan (while maintaining the option for an LDP to be prepared).</li> <li>• Replacing the maximum building height and plot ratio development standards with the primary controls of the R-Codes RAC-3 density code.</li> <li>• Applying a building height limit of 4 storeys to Lot 68 (No.5) Maple Street and Lot 41 (No.12) Cornwall Street.</li> </ul>
18.	5109474	No.1035 Albany Highway, East Victoria Park (McDonalds Restaurant)	<p>Supports the LPS2 zoning, land use definitions and development standards applicable to this site.</p> <p>Do not support - any development standards that would restrict McDonalds ability to redevelop the site or access to the site</p> <p>Do not support the proposed classification of 'Fast Food Outlet - Drive Through' as an 'A' (advertised) use (currently classified as a 'Fast food Outlet' - 'P' (permitted) use. Request that 'Fast Food Outlet - Drive Through' be classified as a 'P' (permitted) use in District Centres and 'D' (discretionary) use in Mixed Use zones.</p>	<p>Noted.</p> <p>LPS2 does not propose any development standards that would restrict vehicle movements to the site.</p> <p>The classification of 'Fast Food Outlet - Drive Through' as an 'A' (discretionary) land use within the District Centre zone is consistent with the zone objectives, specifically to achieve development outcomes that <i>"To facilitate developments of a scale and design that contribute to the desired character of the district centre, and to a high quality public realm through fine grained active frontages and building design that encourage public interaction."</i></p>	<p>The points raised in the submissions are noted however do not warrant any modifications to LPS2.</p>
19.	5109474	No.1 Berwick Street, Victoria Park (McDonalds Restaurant)	<p>Do no support - the zone changing from 'Commercial' to 'Mixed Use' - request that the land be zoned 'Service Commercial'.</p> <p>Do not support any development standards that would restrict McDonalds ability to redevelop the site or access to the site.</p> <p>Do not support the proposed classification of 'Fast Food Outlet - Drive Through' as an 'A' (advertised) use (currently classified as a 'Fast food Outlet' - 'P' (permitted) use. Request that 'Fast Food Outlet - Drive Through' be classified as a 'P' (permitted) use in District Centres and 'D' (discretionary) use in Mixed Use zones.</p>	<p>The Local Planning Strategy recommends that the McCallum-Canning neighbourhood identified for higher density mixed use (residential and commercial) development. A 'Service Commercial' zone is not consistent with the Local Planning Strategy and is not considered appropriate for this location.</p> <p>LPS2 does not propose any development standards that would restrict vehicle movements to the site.</p> <p>The classification of 'Fast Food Outlet - Drive Through' as an 'A' (discretionary) land use within the Mixed Use zone is consistent with the zone objectives, specifically to achieve development outcomes that <i>"To provide for a wide variety of active uses at street level which are compatible with residential and other non-active uses on upper levels"</i>.</p>	<p>The points raised in the submissions are noted however do not warrant any modifications to LPS2.</p>

20.	5158268, 5165178	No.15 Duncan Street, East Victoria Park (Ursula Frayne Catholic College)	Does not support the removal of the TPS1 Precinct Plan provisions relating to the development of Ursula Frayne are not retained in LPS2, specifically - ""The existing schools and the Association for the Blind are acceptable uses within the precinct. Any further expansion or intensification of the uses, however, will not be permitted, where it involves significant loss of existing housing or will impinge on the amenity of surrounding residents". Requests that the TPS1 precinct plan provisions be retained in LPS2.	<p>The TPS1 Precinct Plan provisions relating to potential amenity impacts resulting from the expansion or intensification of the use of the Ursula Frayne Catholic College are effectively replaced by deemed clause 67 - Matters to be considered by local government.</p> <p>The scheme is also supplemented by Local Planning Policy No.3 - Non-Residential Uses in or Adjacent to Residential Areas which provides for guidance for non-residential uses to ensure that they are compatible with the residential character, scale and amenity of surrounding residential properties, whilst recognising that non-residential uses in residential zones are needed to meet the needs of the community.</p>	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
21.	5164969	No.20 Hayman Road, Bentley (Morling College)	<p>Do not support the building height and land use restrictions relating to the Morling College, Bentley site.</p> <p>Concerns that the LPS2 provisions relating to this site contradicts the objectives for the area as outlined in State Planning documents (such as the Central Sub-Regional Framework and Bentley-Curtin Specialised Activity Centre Plan).</p> <p>Request that 'Education Establishment' and 'Office' be designated as 'P' permitted uses in the Special Use Zone (SU2) - Residential and Special Facilities.</p> <p>Request that land use permissibility for broader residential opportunities such as student, employee and visitor accommodation be increased. Specifically by including 'Multiple Dwellings' as a 'D'</p>	<p><u>Built Form</u></p> <p>It is recognised that the LPS2 built form controls (which maintain low buildings heights with large setbacks) restrict development within the 'SU2 - Residential and Special Facilities' including the Morling College site.</p> <p>The Bentley-Curtin Specialised Activity Centre Structure Plan (WAPC, 2018) envisages greater development potential than what is proposed under LPS2 for the 'SU2 - Residential and Special Facilities' built form controls.</p> <p>It is recommended that modifications be made to the SU2 development provisions to better recognise the Bentley-Curtin Specialised Activity Centre Plan (BCSACP) through replacing built form controls with requirements for all development to be in accordance with an approved precinct structure plan and/or local development plan prepared with regard to the BCSACP.</p> <p><u>Land Use</u></p> <p>It is recognised that the LPS2 'SU2 - Residential and Special Facilities' land use controls, that restrict land uses to those for the purposes of aged persons accommodation and specialised public services only with limited ancillary uses contemplated, are restrictive for sites such as Morling College that do not primarily provide for such facilities.</p> <p>The BCSACP designates the LPS2 'SU2 - Residential and Special Facilities' zone as a 'Special Use and Education' precinct and anticipates existing uses <i>'to remain and may redevelop and grow in scale and intensity over time'</i>.</p> <p>Notably the BCSACP Structure Plan designates the Morling College site as 'Education – Institution' meaning <i>"institutions</i></p>	<p>It is recommended that modifications be made to LPS2, 'SU2 - Residential and Special Facilities' to better recognise the Bentley-Curtin Specialised Activity Centre Plan (BCSACP) through:</p> <ul style="list-style-type: none"> <li>- removing the SU2 zoning table to allow land use permissibility to be assessed more flexibly in accordance with the zone purpose and the BCSACP.</li> <li>- Replacing built form controls with requirements for all development to be in accordance with an approved precinct structure plan and/or local development plan prepared with regard to the BCSACP.</li> </ul>

				with an educational purpose and activities associated with education” and does not suggest that residential uses (via the application of a ‘Mixed Use’ or similar designation) are anticipated for the ‘Special Use and Education’ precinct. Nevertheless, it is recommended that modifications be made to the SU2 land use controls to provide greater flexibility in recognition of the Bentley-Curtin Specialised Activity Centre Plan (BCSACP) through modifying the zone purpose statement and zoning table to give regard to the Bentley-Curtin Specialised Activity Centre Plan.	
22.	5179886	No.61 Kitchener Ave, Victoria Park (Visibility Site)	<p>Concerns regarding the carbon impact of demolishing and redeveloping the site and that any new development will need to mitigate amenity issues to local residents including noise, overlooking and maintaining local character.</p> <p>Comments that the existing use of the site is a significant community asset and should be retained.</p>	LPS2 does not force development to occur. Amenity issues such as overshadowing, overlooking and solar access are controlled through the planning framework, particularly the R-Codes and will apply to the redevelopment of the site	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
23.	5180177	No.4-10 Hayman Road and No.145-165 Hill View Terrace, Bentley (Rowethorpe Village)	<p>Land Use - Request that 'Hospital' be designated as a 'P' (permitted) rather than 'D' (discretionary) use in the SU2 Special Use zone.</p> <p>'Residential Aged Care Facility' definition - request that 'residential aged care facility' land use definition be amended as per recent WAPC consultation for planning reform.</p> <p>Building heights - concerns that the LPS2 prescribed building heights are more onerous than what is contained in the Rowethorpe Village masterplan. recommend that the building height limitations should be removed.</p> <p>Requirement for a Local Development Plan - Concerns that the requirement for a Local Development Plan does not recognise the existence of the Rowthorpe Village Masterplan. Request that the requirement for an LDP should be removed.</p> <p>Car Parking - Does not support Clause 26(2) that provides for maximum parking standards to be applied to residential development. Request that this clause be removed or modified so as not to apply to Rowethorpe Village.</p>	<p>It is recognised that the LPS2 built form controls (which maintain low buildings heights and large setbacks) and land use controls (that restrict land uses to those for the purposes of aged persons accommodation and specialised public services only with limited ancillary uses contemplated) restrict development within the ‘SU2 - Residential and Special Facilities’ special use zone and do not reflect the existing Council endorsed Rowethorpe Village masterplan.</p> <p>It is recommended that modifications be made to LPS2 to better recognise the Bentley-Curtin Specialised Activity Centre Plan (BCSACP) and existing Council endorsed masterplans for key sites including the ‘Rowethorpe Village masterplan’ through:</p> <ul style="list-style-type: none"> <li>- removing the SU2 zoning table to allow land use permissibility to be assessed more flexibly in accordance with the BCSACP</li> <li>- clarifying that existing Council endorsed masterplans will be recognised as LDPs under the scheme to inform built form controls.</li> </ul> <p>Clause 26(2) provides for maximum parking standards to be applied to residential development through the preparation of a structure plan, local development plan or local planning policy, however, does not suggest that a maximum parking standard should be applied to any specific area or site. Excluding a property from Clause 26(2) in the absence of preparing a suitable planning instrument under this clause is not supported.</p>	<p>It is recommended that modifications be made to LPS2 to better recognise the Bentley-Curtin Specialised Activity Centre Plan (BCSACP) and existing Council endorsed masterplans for key sites including the ‘Rowethorpe Village masterplan’ through:</p> <ul style="list-style-type: none"> <li>- removing the SU2 zoning table to allow land use permissibility to be assessed more flexibly in accordance with the BCSACP</li> <li>- clarifying that existing Council endorsed masterplans will be recognised as LDPs under the scheme to inform built form controls.</li> </ul>

24.	5183371	No.1-3 Allen Court, No.85 Jarrah Road, No.1 Adie Court and No.127-143 Hill View Terrace, Bentley (SwanCare Site)	TPS1 – 'Special Use' (No R-Code – additional site development requirements as per Precinct Plan) LPS2 – 'Special Use' (No R-Codes – additional development requirements as per SU2 – Special Use zone)  Recommends modifications to LPS2 to more closely align the 'Special Use 2 - Residential and Special Facilities Zone' development provisions to be more consistent with the Bentley Park Estate Masterplan (endorsed by Council in 2020).	It is recognised that the LPS2 built form controls (which maintain low buildings heights and large setbacks) restrict development within the 'SU2 - Residential and Special Facilities' special use zone and do not reflect the existing Council endorsed 'Bentley Park Estate Masterplan'.  In response it is recommended modifications are made to SU2 - Residential and Special Facilities to better recognise the Bentley-Curtin Specialised Activity Centre Plan and existing Council endorsed masterplans for key sites including the 'Bentley Park Estate Masterplan'.	It is recommended that modifications be made to LPS2 to better recognise the Bentley-Curtin Specialised Activity Centre Plan (BCSACP) and existing Council endorsed masterplans for key sites including the 'Bentley Park Estate Masterplan' through: - removing the SU2 zoning table to allow land use permissibility to be assessed more flexibly in accordance with the BCSACP. - clarifying that existing Council endorsed masterplans will be recognised as LDPs under the scheme to inform built form controls.				
25.	5183738, 5193610,	Various properties - Lathlain Place, Lathlain	Support changes to Lathlain Place (eastern side) from Residential R40 to Local Centre RAC4 to support change of uses to existing development and future redevelopment.	Noted. Consistent with recommendations of the Local Planning Strategy relating to 'Activity Centres and Employment Areas'.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.				
26.	5194996	Various properties - Lathlain Place, Lathlain	Do not support changes to Lathlain Place (eastern side).  Concerns for potential for 3 storey development and allowing commercial uses.  Requests that the current TPS1 zoning (Residential) remain in place	Not supported. Inconsistent with recommendations of the Local Planning Strategy relating to 'Activity Centres and Employment Areas'.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.				
27.	5192214	No.5-7; No.19-21; No.25; No.35; No.39 Mackie Street & No.10; No.12 Cargill Street, Victoria Park (Connect Victoria Park properties)	Request that various properties owned by Connect Victoria Park on Mackie Street and Cargill Street, Victoria Park be considered for upcoding from R30 to R60 to allow for multiple dwellings and increase housing diversity in the area.  Comments recognising the intended future built form outcome proposed for the area under the Albany Highway Precinct Structure Plan.	Not supported. Inconsistent with the Local Planning Strategy which recommends that the current TPS1 zones and densities be transitioned to the new LPS2 for the Residential Character Area neighbourhood. Notably the Connect Victoria Park sites (with the exception of No.39 Mackie Street) are within the proposed boundary of the Albany Highway Precinct Structure Plan (currently underway). Interim changes to densities are not supported until further updates are recommended via preparation of the Albany Highway Precinct Structure Plan	The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy and ongoing preparation of the AHPSP it is not recommended that any modifications are made to LPS2 in response to the submission.				
28.	5194420	No.3 Colombo Street, Victoria Park	Site within 'Residential' zone approved for 'Office' use (and has operated as an office for 23 years).  Request that the site be rezoned to 'Mixed Use' to allow for change of use	Not supported. Inconsistent with the Local Planning Strategy which recommends that the current TPS1 zones and densities be transitioned to the new LPS2 for the Residential Character Area neighbourhood. Notably the site is within the proposed boundary of the Albany Highway Precinct Structure Plan (currently underway).  Additional uses have been applied to similar properties to support appropriate change of use for existing commercial properties and to encourage the re-use of existing purpose-built non-residential buildings within residential zones. No.3 Colombo Street was not identified in this audit, however, it would be appropriate to apply the same principles to this	It is recommended that No.3 Colombo Street, Victoria Park be added to Clause 19 – Additional uses to allow for appropriate change of use for existing commercial properties within residential zones.  The additional uses and conditions are as follows: <table border="1" data-bbox="2110 1675 2733 1936"> <thead> <tr> <th>Additional Use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>convenience store – D fast food outlet/lunch bar – D office – D recreation - private - D restaurant/café – D</td> <td>1. Additional Use must address the street to the satisfaction of the Town.</td> </tr> </tbody> </table>	Additional Use	Conditions	convenience store – D fast food outlet/lunch bar – D office – D recreation - private - D restaurant/café – D	1. Additional Use must address the street to the satisfaction of the Town.
Additional Use	Conditions								
convenience store – D fast food outlet/lunch bar – D office – D recreation - private - D restaurant/café – D	1. Additional Use must address the street to the satisfaction of the Town.								

				site in lieu of the requested rezoning to 'Mixed Use' which is not supported pending the outcomes of the AHPSP.	shop – D
29.	5197559	No.87 Bishopgate Street, Carlisle	Support for property to be rezoned from 'Residential' to 'Local Centre' to reflect existing commercial use and support future redevelopment opportunities to contribute to the Carlisle town centre.	Noted. Consistent with recommendations of the Local Planning Strategy relating to 'Activity Centres and Employment Areas'.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
30.	5197608, 5198537	No.214 Great Eastern Highway, Lathlain	Concerns that the redevelopment of this site would result in the loss of three significant trees. Request for protection of trees on the site	Noted. Recommend modifications to LPS2 to include supplementary provisions to the deemed provisions to facilitate the preparation of a Significant Tree Register and facilitate the process for trees to be nominated noting that this site is owned by the Town of Victoria Park.	It is recommended that modifications to LPS2 include supplementary provisions to the deemed provisions to facilitate the preparation of a Significant Tree Register.
31.	E003	No.21 Harvey Street, Burswood	Support the inclusion of Medical Centre 'A' and Office 'D' as additional uses for No.21 Harvey Street, Burswood to support the existing use of the site and allow for changes to comparable uses in the future.	Noted. Consistent with the LPS2 'Residential' zone objectives related to providing for appropriate non-residential uses that are compatible within residential areas.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
32.	E013	No.167-169 Bank Street, Carlisle	Concerns that the proposed 'Light Industry' zone is inconsistent with the strategic planning framework for the area, reduces the scope of redevelopment opportunities and does not allow for residential uses.  LPS2 should be building on and reflect the significant State investment in the area via METRONET.  Waiting for the Precinct Structure Planning for the area that is currently underway is unnecessary and will delay the redevelopment of the area. Request that the 'Light Industry' zone applicable to the area be replaced with a 'Centre' zone to support the preparation and operation of a Precinct Structure Plan.	The Local Planning Strategy recommends that the Oats Street Station neighbourhood, inclusive of 167-169 Bank street, Carlisle, be designated as a Precinct Planning Area to investigate opportunities for higher density mixed use development.  The Strategy recommends that the current TPS1 zones and densities be transitioned to the new LPS2 until further updates are recommended via preparation of the Oats Street Precinct Structure Plan which the Town has commenced in mid-2023. Interim modifications to properties prior to the completion of the Oats Street Precinct Structure Plan are not supported.	The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy and ongoing preparation of the Oats Street Precinct Structure Plan it is not recommended that any modifications are made to LPS2 in response to the submission.
33.	E015	No.18-20 Duncan Street, Victoria Park	Does not support the redevelopment of No.18-20 Duncan Street, Victoria Park. Requests that the same provisions applicable under Town Planning Scheme No.1 apply to the site.	No changes from TPS1 are recommended under LPS2 to No.18-20 Duncan Street, Victoria Park.	The points raised in the submissions are noted however do not warrant any modifications to LPS2.
34.	E016	No.2-6 Mint Street, East Victoria Park	Concerns that the Scheme map only includes No.2 Mint Street within the District Centre zone and excludes No.6 Mint Street making it inconsistent with the built form strategy for the Albany Highway Precinct Structure Plan.  Comments questioning whether the inclusion of 'Local Centre' and 'District Centre' zones is consistent with the Model Scheme Text format that only includes a single 'Centre' zone.	The Local Planning Strategy recommends that the current TPS1 zones and densities be transitioned to the new LPS2 until further updates are recommended via preparation of the Albany Highway Precinct Structure Plan (AHPSP). No.2-6 Mint Street, East Victoria Park is identified as being within the recommended boundary of the AHPSP in the preferred growth scenario adopted by Council (July 2023). Interim modification to LPS2 are not supported until the updates recommended via the AHPSP are finalised.  The Western Australian Planning Commission has endorsed the inclusion of the 'Local Centre' and 'District Centre' zones in LPS2 for public advertising and reflective of pending	The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy and ongoing preparation of the AHPSP it is not recommended that any modifications are made to LPS2 in response to the submission.

				updates to the model scheme text.	
35.	E022	No.1 King George Street, Victoria Park	<p><u>Maximum Building Height</u> Do not support the reduction in maximum building height from 6 storeys to 4 storeys due to LPS2 not carrying forward the TPS1 provisions of the Raphael Precinct. Noting that the Town's concurrent Albany Highway Precinct Structure Plan project built form strategy proposes up to 8 storeys for the site.</p> <p>Suggest that the Town adopt an interim local planning policy or amend existing LPP27 'Building Height Controls' to retain the provisions of the TPS1 precinct plans where they permit greater building height than is permissible under the applicable R-Code of LPS2.</p> <p><u>Zoning</u> Request that the property be included in the 'District Centre' zone (rather than the proposed 'Residential') under LPS2 for the following reasons:</p> <ul style="list-style-type: none"> <li>- the property has operated for non-residential uses for decade</li> <li>- the property is located only 45m from Albany Hwy and operates in a similar manner to existing adjacent commercial properties</li> <li>- due to the location and surrounding land uses the property possesses limited amenity value for residential uses.</li> <li>- the adjoining ROW should not be treated as the 'natural boundary' of the 'district centre' as elsewhere along Albany Highway the 'district centre' zone extends beyond ROWs.</li> <li>- the floor area restriction applied to the additional uses of 'Office' and 'Medical Centre' are arbitrary given other commercial land uses that could be approved within the 'Residential' zone could be approved to a much greater floor area.</li> <li>- the location, surrounding land uses and historical and current land uses of the property are more aligned with the District Centre zone.</li> </ul>	<p><u>Maximum Building Height</u> It is recognised that the TPS1 Raphael Precinct development standards permit building heights greater than the R-Codes in the area bounded by McMaster Street, Berwick Street and Leonard Street. For No.1 King George Street the deviation from the R-Codes permits a maximum of 6 storeys (in lieu of 4 storeys under the R-Codes R80 density code primary controls).</p> <p>Notably the TPS1 Raphael Precinct development standards do not vary the R-Codes plot ratio primary controls (1.0 for R80). Where the R-Codes permit building heights of 6 storeys a plot ratio of 2.0 is provided. The misalignment between the TPS1 permitted plot ratio and maximum building height means that development to a height of 6 storeys is unlikely to be achievable at the site. The proposed LPS2 building height control maximises consistency with the R-Codes and is considered an appropriate response pending the outcomes of the Albany Highway Precinct Structure Plan (AHPSP) what will make recommendation on built form controls for the site.</p> <p>The AHPSP built form strategy proposes up to 8 storeys for the site. The AHPSP permitted building height will be complimented by an appropriately calibrated plot ratio controls and form a future strategic amendment to LPS2. On this basis interim modifications to LPS2 are not supported until the built form controls recommended via the AHPSP are finalised.</p> <p><u>Zoning</u> The Local Planning Strategy recommends that the current TPS1 zones and densities be transitioned to the new LPS2 until further updates are recommended via preparation of the Albany Highway Precinct Structure Plan (AHPSP).</p> <p>The AHPSP has progressed to Council adopting a preferred growth scenario (July 2023) and direction, currently underway, to prepare the precinct structure plan documentation. Public advertising of the draft precinct structure plan is the appropriate avenue for request to change the zoning of the site to be included within the 'District Centre' zone as the AHPSP will recommend appropriate amendments to the local planning scheme. Interim modification to LPS2 is not supported until the recommendations of the AHPSP are finalised.</p>	<p>In response to the submission it is recommended that modifications be made to LPS2 to remove the floor area restriction condition applicable to the additional use afforded the site.</p> <p>The other points raised in the submissions relating to maximum building height and zoning are noted, however, as the requested changes are inconsistent with recommendations of the Local Planning Strategy and ongoing preparation of the AHPSP it is not recommended that any further modifications are made to LPS2.</p>

				<p><u>Additional use floor area</u></p> <p>The comments related to the floor area restrictions applied to the additional uses of 'Office' and 'Medical Centre' are noted. Proposed modifications to Clause 32 results in properties developed for non-residential only development for all land zoned 'Residential' to comply with applicable R-Code primary controls (including plot ratio controls) reducing the need to restrict maximum net lettable area. On this basis a modification to LPS2 to delete the maximum net lettable area clause applicable to this site for the 'Office' and 'Medical Centre' additional uses is recommended.</p>	
36.	E023	No.176 & 178 Swansea Street, East Victoria Park	<p>Concerns that the proposed 'Light Industry' zone is inconsistent with the strategic planning framework for the area, reduces the scope of redevelopment opportunities and does not allow for residential uses.</p> <p>LPS2 should be building on and reflect the significant State investment in the area via METRONET.</p> <p>The provision of 'medical centre' and 'consulting room' uses will not undermine existing industrial land uses.</p> <p>The Swansea Street Markets provides community benefit and should not be a non-permitted use that relies on non-conforming use rights to continue to operate.</p> <p>Waiting for the Precinct Structure Planning for the area that is currently underway is unnecessary and will delay the redevelopment of the area.</p> <p>Request that the 'Light Industry' zone applicable to the area be replaced with a 'Centre' or 'Urban Development' zone to support the preparation and operation of a Precinct Structure Plan.</p>	<p>The Local Planning Strategy recommends that the Oats Street Station neighbourhood, inclusive of No.176 &amp; 178 Swansea Street, East Victoria Park, be designated as a Precinct Planning Area to investigate opportunities for higher density mixed use development.</p> <p>The Strategy recommends that the current TPS1 zones and densities be transitioned to the new LPS2 until further updates are recommended via preparation of the Oats Street Precinct Structure Plan which the Town has commenced in mid-2023. Interim modifications to properties prior to the completion of the Oats Street Precinct Structure Plan are not supported.</p>	<p>The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy and ongoing preparation of the Oats Street Precinct Structure Plan it is not recommended that any modifications are made to LPS2 in response to the submission.</p>
37.	E024	No.885 Albany Highway, East Victoria Park	<p>Concerns that LPS2 assigns to different zoning to the Victoria Arcade land holding - 'District Centre' (R60) applicable to the building footprint and 'Residential' (R30) applicable to the commercial parking area at the rear of the building.</p> <p>The car park is an essential component of the approved commercial use of the land and therefore it would be more appropriately zoned for commercial purposes.</p> <p>Comments in regards to the historical and current</p>	<p>Not supported. Inconsistent with the Local Planning Strategy which recommends that the current TPS1 zones and densities be transitioned to the new LPS2 for the Residential Character Area neighbourhood.</p> <p>It is recognised that there is merit in the site being included within the District Centre zone despite not previously being advertised as being within the proposed boundary of the Albany Highway Precinct Structure Plan (AHPSP).</p> <p>In response to submissions received during community consultation on preferred growth scenarios for the AHPSP</p>	<p>The points raised in the submissions are noted however as the requested change is inconsistent with recommendations of the Local Planning Strategy and ongoing preparation of the AHPSP it is not recommended that any modifications are made to LPS2 in response to the submission.</p>



			<p>vehicle access through the site.</p> <p>Request that the car parking area (Lot 46) be included in the 'District Centre' zone.</p>	<p>(1<sup>st</sup> -28<sup>th</sup> May 2023) the site is recommended to be included within the boundary of the draft AHPSP (currently underway). Interim changes to zones or densities are not supported until further updates are recommended via preparation of the AHPSP.</p>	
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## 5. Government Submissions – Summary of Submissions and Recommended LPS2 Modifications, Response and Recommended LPS2 Modifications

The Town received submissions from eight State Government agencies and utility service providers. A summary of the comment/issues raised across submissions from government agencies as well as the Town's response and whether modifications are recommended to LPS2, are provided in Table 3 below.

**Table 3. LPS2 Government submissions**

Agency	Summary of Comments / Issues Raised	Discussion/Response	Recommended Modification to LPS2
Department of Biodiversity, Conservation and Attractions	<ol style="list-style-type: none"> <li>1. Comments that Local Planning Scheme should recognise the interaction between the <i>Swan and Canning Rivers Management Act 2006</i> and the <i>Planning and Development Act 2005</i> for planning within and around the Swan and Canning Rivers.</li> <li>2. Request that the Swan Canning Development Control Area (DCA) should be identified as an advisory note on the LPS2 scheme map.</li> <li>3. Request that Clause - 12 Relationship with region planning scheme, should also identify approval requirements for development which impacts the Swan Canning DCA.</li> <li>4. Comments noting changes to zoning and density at properties near the river at the corner of Canning Highway and Berwick Street.</li> <li>5. Recommends that the local planning framework include a Foreshore Interface Strategy.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted, however, do not warrant any modifications to LPS2.</li> <li>2. Noted. Not supported. Unnecessary duplication of other legislation that would require scheme amendments should the DCA be amended.</li> <li>3. Noted. Not supported. Clause 12 refers to the region scheme that applies to the local planning scheme area, and does not extend to prescribing requirements of the region scheme.</li> <li>4. Changes to properties at Canning Highway and Berwick Street intersection do not change the density applicable under TPS1 (R80).</li> <li>5. Noted, however, do not warrant any modifications to LPS2. The Town is in the process of preparing a new Environment Plan 2023-2028 which includes consideration and recommended actions relating to managing the foreshore interface between the rivers and urban areas of the Town.</li> </ol>	The points raised in the Department of Biodiversity, Conservation and Attractions submission are noted however do not warrant any modifications to LPS2.
Department of Communities	Support for the removal of restrictions on multiple dwellings in certain areas.	Noted.	The points raised in the Department of Communities submission are noted however do not warrant any modifications to LPS2.
Public Transport Authority	<ol style="list-style-type: none"> <li>1. Comments reiterating PTA feedback on LPP40 Burswood Station East Development Standards and Public Realm improvements as they apply in the vicinity of Burswood Station.</li> <li>2. Notification that parts of the Scheme area falls within the PTA's 'Protection Zone' (being within 100m of the rail corridor) therefore development applications received for this area should be referred to the PTA for comment and the application of appropriate conditions.</li> <li>3. Comments noting that development in proximity to the Railway Corridor is required to be supported by an acoustic assessment in accordance with State Planning Policy 5.4 - Road and Rail Noise.</li> <li>4. Comments noting that the frequency of trains on the Armadale Line are planned to increase in frequency in the future and this will increase instances of noise.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Noted. Comments addressed via assessment of development applications under the Scheme.</li> <li>3. Noted. Comments addressed via assessment of development applications under the Scheme.</li> <li>4. Noted.</li> <li>5. Noted. PTA Station Access Strategies closely aligned with recommendations of the Town's Integrated Transport Strategy (2022).</li> </ol>	The points raised in the Public Transport Authority submission are noted however do not warrant any modifications to LPS2.

	Advising of the PTAs Station Access Strategies for Burswood, Victoria Park, Carlisle and Oats Street stations that can support the development of the Town's transport network.		
Water Corporation	<ol style="list-style-type: none"> <li>1. Water - note that reticulated water is available to all developed areas of the Town. Comments highlighting that upgrades to reticulated water mains may be required as areas that allow for increased density develop and that future developers will be responsible for the upgrades.</li> <li>2. Wastewater - note that reticulated sewerage in planned or available in most areas within the Town. Comments highlighting that upgrades to sewerage may be required as areas that allow for increased density develop and that future developers will be responsible for the upgrades.</li> <li>3. Drainage - note that some of the scheme area falls within drainage catchments and that future development will need to compensate for additional flows on their land.</li> <li>4. SU1 Special Use zone - Technology Park. the Water Corporation owns a compensating basin on Hayman Road within the SU1 precinct. Note that 'drainage' or public purpose' are not listed uses therefore would be deemed 'x' (not permitted) uses. Request that 'Drainage' or 'Public Purpose' are recognised within the SU1 zoning table as permissible uses or that the land is excluded from the SU1 zone and instead granted an appropriate reservation.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. Comments addressed via assessment of development applications under the Scheme.</li> <li>2. Noted. Comments addressed via assessment of development applications under the Scheme.</li> <li>3. Noted. Comments addressed via assessment of development applications under the Scheme.</li> <li>4. Noted. Modifications recommended to Special Use zone SU1 - Technology Park to better facilitate the implementation of the Bentley-Curtin Specialised Activity Centre Plan inclusive of appropriate land use permissibility to recognise the 'Drainage' function of the Water Corporation site.</li> </ol>	<p>In response to the Water Corporation submission are noted. Modifications recommended to Special Use zone SU1 - Technology Park to better facilitate the implementation of the Bentley-Curtin Specialised Activity Centre Plan inclusive of appropriate land use permissibility to recognise the 'Drainage' function of the Water Corporation site.</p> <p>The other points raised in the submissions are noted however do not warrant any modifications to LPS2.</p>
ATCO Gas	<ol style="list-style-type: none"> <li>1. Comment identifying that a number of sites within the Scheme area falls within the WAPC draft Development Control 4.3 Trigger Distance for ATCO infrastructure. Any sensitive land use or high density community use development requires further consultation and referral to ATCO for comment, including: <ul style="list-style-type: none"> <li>- No.1-5 Bow River Crescent and No.60 Victoria Park Drive, Burswood</li> <li>- Empire Bar site, Lathlain</li> <li>- Burswood Station East Precinct</li> <li>- No.6 Raleigh Street and No.45 Bishopgate Street, Carlisle</li> <li>- SU1 - Technology Park, Bentley</li> <li>- SU2 - Residential and Special Facilities, Bentley</li> </ul> <p>Future development of these sites may require additional safety measures to mitigate against the risk of the high pressure gas line. Recommend all excavation work occurring within 15m of Critical Assets Infrastructure first contact 'dial before you dig' to determine the location of gas infrastructure and provide notification of works being undertaken to ATCO.</p> </li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. Comments addressed via assessment of development applications under the Scheme.</li> </ol>	<p>The points raised in the ATCO Gas submission are noted however do not warrant any modifications to LPS2.</p>

Main Roads WA	<ol style="list-style-type: none"> <li>1. Albany Highway, Orrong Road, Great Eastern Highway and Canning Highway are proclaimed State Roads which traverse the Local Government Area. As the City is aware, Manning Road may become a Primary Regional Road in the near future, which would be under the care and control of Main Roads WA.</li> <li>2. Recommendations that the Town amends the scheme text so that setbacks are measured from the edge of Primary Regional Road reserves.</li> <li>3. Statement that where alternative access is available, Main Roads' preference is for allotments to not have direct access onto the Primary Regional Road as reflected within Development Control Policy 5.1 Regional Roads (Vehicular Access) and Main Roads Driveway Policy.</li> <li>4. Recommendations that the Town considers introducing provisions to restrict access from Primary Regional Roads.</li> <li>5. Comments relating to Planning Control Area 142 that is in place to protect land required for the future upgrades of Orrong Road until it may be reserved for Primary Regional Roads in the Metropolitan Region Scheme.</li> <li>6. Comments advising that the upgrade and widening of Canning Highway, Albany Highway and Orrong Road is not in the Main Roads current 4 year forward estimated construction program.</li> <li>7. Comments advising that all developments incorporating a sensitive land use identified under State Planning Policy 5.4 - Road and Rail buffer zone may require the submission and assessment of an Acoustic Report.</li> <li>8. Comments advising that pre-consultation is encouraged to be undertaken in accordance with the Transport Impact Assessment Guidelines (August 2016) to ensure transport matters relating to State Roads are addressed early in the development application process.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Noted. Not supported. Existing planning mechanisms including the Metropolitan Regional Planning Scheme and Development Control Policy 5.1 Regional roads (vehicular access) require development proposals to be referred to Main Roads WA for all development abutting or proposing access to Primary Regional Road Reserves and allows the opportunity for matters including setbacks and access to be taken into consideration in the determination of development applications.</li> <li>3. Noted. Comments addressed via requirements for referral to Main Roads WA in the assessment of development applications under the Scheme that allows the opportunity for matters including setbacks and access to be taken into consideration in the determination of development applications.</li> <li>4. Noted. Not supported for reasons listed in responses 2 and 3 above.</li> <li>5. Noted.</li> <li>6. Noted.</li> <li>7. Noted. Comments addressed via assessment of development applications under the Scheme.</li> <li>8. Noted. Comments addressed via assessment of development applications under the Scheme.</li> </ol>	The points raised in the Main Roads WA submissions are noted however do not warrant any modifications to LPS2.
Heritage Council	<ol style="list-style-type: none"> <li>1. Comments recognising the Heritage Council's records of historic heritage significance within the Scheme area, including the following nine (9) State Registered places: <ul style="list-style-type: none"> <li>o P2176 Edward Millen Home (fmr)</li> <li>o P2219 Victoria Park Police Station</li> <li>o P2220 Broken Hill Hotel, Victoria Park</li> <li>o P2222 Victoria Park Post Office</li> <li>o P2225 St Peter's Anglican Church &amp; Memorial Hall</li> <li>o P3372 Kent Street Senior High School</li> <li>o P3459 Victoria Park Primary School</li> <li>o P3570 Old Burswood Canal</li> <li>o P3898 Windmill &amp; Wishing Well</li> </ul> </li> <li>2. Comments noting that under draft LPS2, no change is</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Noted.</li> <li>3. Noted. It is recommended that the Scheme Aim under Clause 9(c) be modified to include places of heritage significance. The Town's existing Heritage List under the Scheme includes the Old Burswood Canal as a Category 1 listing.</li> <li>4. Noted. Clause 61 of the deemed provisions does not apply to "heritage-protected place", which is defined in clause 1A of the deemed provisions to include a place on the State Register of Heritage Places.</li> <li>5. Noted. Support – recommend modification to replace 'Mixed Use' zone with 'Public Open Space'</li> </ol>	<p>In response to the Heritage Council submission it is recommended that the LPS2 Scheme Aim under Clause 9(c) be replaced with the following to offer further support for places of cultural heritage significance in addition to protecting the character and amenity of neighbourhoods and streets.</p> <p style="text-align: center;"><i>To protect places of cultural heritage significance and to ensure development protects and enhances the desired character and amenity of neighbourhoods and streets.</i></p> <p>The other points raised in the submission are noted however do not warrant any modifications to LPS2.</p>

	<p>proposed to the Town's recently adopted (June 2022) Heritage List and/or amended Local Heritage Survey (LHS).</p> <ol style="list-style-type: none"> <li>3. Comments advising that the State Registered place P3570 Old Burswood Canal partially falls within the Burswood Lakes Structure Plan area, which is proposed for normalisation under draft LPS2 and whether the Town may wish to consider supplementary or additional provisions relating to development within or in close proximity to the State Registered place.</li> <li>4. Further recommendations that the LPS2 Schedule A supplemental provisions which allow for development to occur without approval (Clause 61) should be amended to exclude State Registered and other heritage protected places.</li> <li>5. Comments requesting that State Registered place P3898 Windmill and Wishing Well (Lot 300 Albany Highway Victoria Park) be considered for a 'Public Open Space' reservation from 'Mixed Use' zone to better reflect the use of the land.</li> <li>6. Comments noting that the 'Albany Highway District Centre and Mixed Use' zones contain various places of cultural heritage significance, including P3459 Victoria Park Primary School, P2219 Victoria Park Police Station, P2222 Victoria Park Post Office, which are entered on the State Register and that the Town may wish to consider additional provisions for this area to ensure that future development of heritage protected places respects the heritage values of the place and is guided by appropriate development controls.</li> <li>7. Recommendations that the Town may wish to modify the 'Aims of the Scheme' (Part 9) to reflect the Town's Local Planning Strategy heritage objectives and with SPP3.5.</li> </ol>	<p>reserve over Lot 300 (No.152) Albany Highway, Victoria Park consistent with Public Open Space Strategy and preliminary recommendations of the Albany Highway Precinct Structure Plan (currently underway).</p> <ol style="list-style-type: none"> <li>6. Noted. Consideration of places of heritage significance is within the scope of the Albany Highway Precinct Structure Plan (project currently underway).</li> <li>7. Noted. Recommend that the Scheme Aim under Clause 9(c) be replaced with the following to offer further support for places of heritage significance and clarify the Town's approach to protecting places of identified character.</li> </ol> <p><del>Existing LPS2 Scheme Aim:</del>  <del>(c) To ensure development protects and enhances the desired character and amenity of neighbourhoods and streets.</del></p> <p>Suggested wording to modify Cl.9 Scheme Aim (c):  <i>To protect and enhance places of cultural heritage significance and neighbourhoods or streets of identified character.</i></p>	
<p>Environmental Protection Authority</p>	<ol style="list-style-type: none"> <li>1. Comment noting the environmental factors the Environmental Protection Authority (EPA) has identified relevant to the scheme and that the EPA expects that future proposals that appear likely, if implemented, to have a significant effect on the environment are referred to the EPA under Part IV of the <i>Environmental Protection Act 1986</i>.</li> <li>2. Special Control Area 1 (SCA1) Burswood Lakes Environmental and Geotechnical Special Control Area.</li> </ol> <p>Comments noting that the proposed scheme text under Part 5 – Special Control Area 1 (SCA 1), overlaps the area subject to the implementation conditions in Ministerial Statement 526 (MS 526) <i>Remediation and redevelopment of the Swan</i></p>	<ol style="list-style-type: none"> <li>1. Noted. Comments addressed via assessment of development applications under the Scheme.</li> <li>2. Noted. Support recommend modification to LPS2 to remove Special Control Area 1 (SCA1) Burswood Lakes Environmental and Geotechnical Special Control Area.</li> </ol>	<p>The points raised in the Environmental Protection Authority submission are noted and in response it is recommended that modifications are made to LPS2 to remove Special Control Area 1 (SCA1) Burswood Lakes Environmental and Geotechnical Special Control Area.</p>

	<p><i>Portland Cement site Burswood.</i> Comments that to reduce duplication and potential inconsistencies between the scheme and MS 526, the EPA recommends that all of the SCA 1 text be removed recognising that referral of significant proposals to the EPA is an obligation for decision making authorities under Part IV of the EP Act.</p>		
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