

**5.9 OUTCOME OF ADVERTISING - AMENDMENT 11 TO LOCAL PLANNING SCHEME NO.2
(ROYAL PERTH HOSPITAL EMERGENCY FLIGHT PATH)**

- Attachments:**
1. **Form 2A - Amendment 11**
 2. **Amendment No.11 Maps**

RECOMMENDATION:

1. **SUPPORTS Amendment 11 to Local Planning Scheme No. 2 without modification, pursuant to Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, included in Attachment 1; and**
2. **FORWARDS all relevant information in accordance with Regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015 to the Western Australian Planning Commission for approval.**

PURPOSE OF REPORT:

To consider the outcomes of public consultation on Amendment 11 to Local Planning Scheme No. 2 (LPS2) and determine whether to support the amendment with or without modifications, or not to support the amendment.

BACKGROUND:

In September 2022 the City of Perth and the City of Vincent received a request from Element Advisory on behalf of the Department of Health - Eastern Metropolitan Health Service (EMHS) to initiate a scheme amendment to establish a Special Control Area to protect the Emergency Helicopter Flight Path to Royal Perth Hospital (RPH).

At its Ordinary Meeting of [18 October 2022](#), Council determined to prepare Amendment 11 to Local Planning Scheme No. 2 (included as Attachment 1) to protect the Royal Perth Hospital Emergency Helicopter Flight Path.

In accordance with the requirements in the Planning and Development Act (Local Planning Schemes) Regulations (2015), a local government is required to pass a resolution to either support with or without modifications or not to support an amendment to the Scheme. The outcome of this is forwarded to the Western Australian Planning Commission (WAPC) for consideration and determination.

DETAILS:

The City has prepared Amendment 11 (**Attachment 1**) in response to the request from Element Advisory on behalf of the EMHS.

Amendment 11 to LPS2 proposes to:

- create a Special Control Area comprised of a “core flight path area” and a “frame flight path area” that make up the emergency flight path protection area;
- limit maximum building heights within the “core flight path area” to below between 65 and 120 metres above AHD equivalent to between 50 and 110 metres above natural ground level;
- require development approval for some development at a lower height within the core and frame areas so that works and temporary structures (such as cranes) can be managed to ensure they are not an obstruction risk within the emergency flight path corridor; and
- create a consultation process with the EMHS so they can provide advice on development applications and construction management plans located within the emergency helicopter flight path protection area.

Refer to **Attachment 2** for maps displaying the special control area.

Permanent development and temporary works and equipment have the potential to encroach into the emergency flight paths associated with the RPH helicopter landing site, presenting a hazard to helicopters. Amendment 11 proposed to control development within the core flight path area by limiting the height of permanent development (including parts of a building which are ordinarily excluded from building height calculations) so that it does not encroach above the flight path.

The RPH helicopter flight path has been determined in accordance with the International Civil Aviation Organisation's standards, which are industry best practice.

To determine the permitted development height proposed by Amendment 11 the AHD of each sites natural ground level would need to be determined. It should be noted that the approximate natural ground level of land within the City of Vincent is between approximately 5 and 20 metres above AHD.

Development would not be limited within the frame flight path area. The purpose of the frame flight path area is to ensure that temporary works and equipment, such as cranes, do not present a hazard to helicopters using the core flight path area.

Works which typically do not need approval under LPS2 and the *Planning and Development (Local Planning Schemes) Regulations 2015* would require development approval where they are situated above or within 30 metres of the maximum AHD heights specified in the Core and Frame Flight Path Areas. This is to ensure that permanent and temporary development and equipment would not present a hazard to helicopters using the emergency flight path protection area. Where development approval is required, the EMHS would be consulted both in relation to the proposed development and any associated construction management plan.

Following consultation on the amendment which has recently concluded, Council is now required to resolve to either support, with or without modification or not to support the amendment.

Impact to the Draft North Claisebrook Planning Framework.

The draft framework was endorsed for advertising at the [16 May 2023 Ordinary Meeting of Council](#), and portions of the precinct area are within the special control area. The draft framework has been prepared with reference to the scheme amendment, proposing heights within the limits of the scheme amendment.

SUMMARY OF CONSULTATION:

The proposed Amendment 11 was advertised for 60 days via the City's website, a notice in a local newspaper, a notice exhibited in the City's Administration Centre and a letter drop to adjoining owners and occupiers.

The City received two enquiries from members of the public, one querying how the scheme amendment would affect their property and the other enquiring on how the scheme amendment would affect the future redevelopment of the concrete batching plants at 71 Edward Street, Perth and 120 Claisebrook Road, Perth.

No other submissions from the community were received.

Environmental Protection Authority (EPA)

Amendment 11 to LPS2 was referred to the EPA in accordance with Section 81 of the Planning and Development Act 2005. The EPA reviewed the proposal and advised that no further assessment was required.

DevelopmentWA reviewed the proposal in the context of the East Perth Power Station project. They advised that they had no objection to the proposed amendment.

It is recommended that Council supports Amendment 11, included as **Attachment 1**.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- State Planning Policy 7.3 – Residential Design Codes (R-Codes);
- Local Planning Scheme No. 2;
- Community Engagement Framework;
- Policy No. 7.1.1 – Built Form; and
- Draft North Claisebrook Planning Framework.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk to endorse Amendment 11 to LPS2, to be forwarded to the WAPC and determined by the Minister for Planning.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022 - 2032*:

Sensitive Design

Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the City's Public Health Plan 2020-2025.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of progressing Amendment 11 would be met through the City's existing operational budget.



LOCAL PLANNING SCHEME NO. 2

Amendment No. 11

Complex amendment to include a Special Control Area over the Royal Perth Hospital Emergency Flight Path.



FORM 2A

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF VINCENT LOCAL PLANNING SCHEME NO. 2
AMENDMENT NO. 11

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005* (as amended), amend the above Local Planning Scheme to:

1. Delete the following text under Part 5 clause 36:

There are no special control areas which apply to this Scheme.

2. Insert the following text into Part 5 clause 36:

1. The following special control areas are listed in Schedule 4 –

(a) Royal Perth Hospital Flight Path Protection Special Control Area

2. Provisions that apply to a special control area are set out in Schedule 4 and apply in addition to any other provision of this Scheme.
3. Where a provision of a special control area is inconsistent with any other provision of this Scheme, the provision of the special control area is to prevail.
4. Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

3. Insert new Schedule 4:

Schedule 4 - Special Control Areas

1. (a) Royal Perth Hospital Helicopter Flight Path Protection Special Control Area

1.1 Special Control Area

The following provisions apply to the land shown in Figures 1.1 to 1.4 as the Royal Perth Hospital Helicopter Flight Path Protection Special Control Area which comprises Core and Frame Flight Path Areas.

Note: The provisions of this Special Control Area do not apply to the parts of the Special Control Area which are legislated under the Metropolitan Redevelopment Act 2011 or to telecommunication facilities legislated by the Telecommunications (Low Impact Facilities) Determination Act 1997.

1.2 Objectives

The objectives of the Royal Perth Hospital Helicopter Flight Path Protection Special Control Area are –

- a. To ensure the continued safe operation of Royal Perth Hospital's Strategic Helicopter Landing Site in support of the hospital's function as the State's Major Trauma Unit.
- b. To ensure that permanent development does not encroach into the Core Flight Path Area.



- c. To ensure that temporary works and equipment within the Special Control Area do not present a hazard to helicopters using the Core Flight Path Area.

1.3 General Provisions

- 1.3.1 Where a provision of another Special Control Area is inconsistent with a provision of this Special Control Area, the provisions of this Special Control Area shall prevail.
- 1.3.2 Notwithstanding clause 36(3) of the Scheme, where the heights specified in sub-clause 1.5.1 of this Special Control Area are inconsistent with the heights specified on the Maximum Building Heights Plan, whichever is the lower height shall apply.

1.4 Requirement for Development Approval for Works

In accordance with sub clause 61(6)(a) of the Deemed Provisions, an application for development approval for works that are typically excluded under clause 61(1) of the Deemed Provisions shall be required for works that are situated above or within 30 metres of the maximum Australian Height Datum (AHD) heights specified in Figures 1.2 and 1.3 for the Core and Frame Flight Path Areas.

1.5 Development Requirements

- 1.5.1 Within the Core Flight Path Area, permanent development, including the parts of a building which are ordinarily excluded from building height calculations, shall not exceed the maximum AHD heights specified in Figures 1.2 and 1.3, as well as intermediate maximum AHD heights determined by a 4.5% gradient as shown in Figure 1.4.
- 1.5.2 Within the Core and Frame Flight Path Areas, temporary works and equipment shall not present a hazard to helicopters using the Core Flight Path Area.

1.6 Consultation with Other Authorities

Where development and any associated works and equipment are situated above or within 30 metres of the maximum AHD heights specified in Figures 1.2 and 1.3 and/or the intermediate maximum AHD heights specified in Figure 1.4 for the Core and Frame Flight Path Areas, the local government shall provide a copy of the application for development approval to the owner of the Royal Perth Hospital Helicopter Landing Site for objections and recommendations in accordance with clause 66 of the Deemed Provisions.

Note: The Department of Health's East Metropolitan Health Service is the owner of the Royal Perth Hospital Helicopter Landing Site.

1.7 Consideration of Application by Local Government

- 1.7.1 Development approval shall not be granted for permanent development in the Core Flight Path Area which exceeds the maximum AHD heights specified in Figures 1.2 and 1.3 or the intermediate maximum AHD heights specified in Figure 1.4.
- 1.7.2 In considering an application for development approval (other than an application for which approval cannot be granted under subclause 1.7.1), the local government is to have due regard to the following matters:
- a. the objectives of this Special Control Area; and
 - b. the views of the owner of the Royal Perth Hospital Helicopter Landing Site in relation to how the application addresses the National Airports Safeguarding Framework - Guideline H, or any other relevant technical guidelines.



- 1.7.3 Where development and associated works are situated above or within 30 metres of the maximum AHD heights specified in Figures 1.2 and 1.3, or the intermediate maximum AHD heights in Figure 1.4, for the Core and Frame Flight Path Areas, the local government shall include as a condition of development approval, the submission of a Construction and Demolition Management Plan in a form and manner to the satisfaction of the local government.
- 1.7.4 The local government shall provide a copy of the Construction and Demolition Management Plan, including any subsequent amendments to the plan, to the owner of the Royal Perth Hospital Helicopter Landing Site for recommendations for the local government to consider in determining the acceptability of the plan.
- 1.7.5 The owner of the Royal Perth Hospital Helicopter Landing Site shall, within 21 days of receiving the Construction and Demolition Management Plan, or within such longer period as the local government allows, provide to the local government a memorandum in writing containing any recommendations with respect to the plan and any subsequent amendments to the plan.
- 1.7.6 The Construction and Demolition Plan shall provide details of the temporary works and equipment, including cranes, to be used on site for construction and demolition purposes including but not limited to:
- The duration of the construction period (start date and end date) and the time period in which any crane or other equipment will remain on site;
 - Maximum operating height, maximum operating radius and operating time/s of any crane or other equipment; and
 - The measures to be taken to minimise any potential impact on and/or encroachment into the Core Flight Path Area.

1.8 Definitions

The following definitions apply within the Special Control Area:

Core Flight Path Area - is the protected operational flight paths used by helicopters arriving and departing the Royal Perth Hospital Helicopter Landing Site as defined by the relevant civil aviation guidelines and/or standards as shown in

Figures 1.1 to 1.4.

Frame Flight Path Area - is the area adjoining the Core Flight Path Area as shown in Figures 1.2 and 1.3 within which temporary works and equipment need to be considered in relation to their impact on the Core Flight Path Area.

Royal Perth Hospital Helicopter Landing Site – the rooftop landing surface used for the arrival or departure of helicopters associated with the operations of the Royal Perth Hospital State Major Trauma Unit as shown in Figure 1.1.

Permanent development – development which is not temporary works or equipment.

Temporary works and equipment – works and equipment such as cranes, machinery and structures used temporarily to undertake development and/or maintenance.

4. Insert Figures 1.1 to 1.4 into Schedule 4 – Special Control Areas of the Scheme.



The amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
- The amendment is not addressed by any local planning strategy.



CITY OF VINCENT

Dated this **day** of **2022**

CHIEF EXECUTIVE OFFICER



LOCAL PLANNING SCHEME NO. 2

Amendment No. 11

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the City of Vincent at the Ordinary Meeting of the Council held on the _____ and the Common Seal of the City of Vincent was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

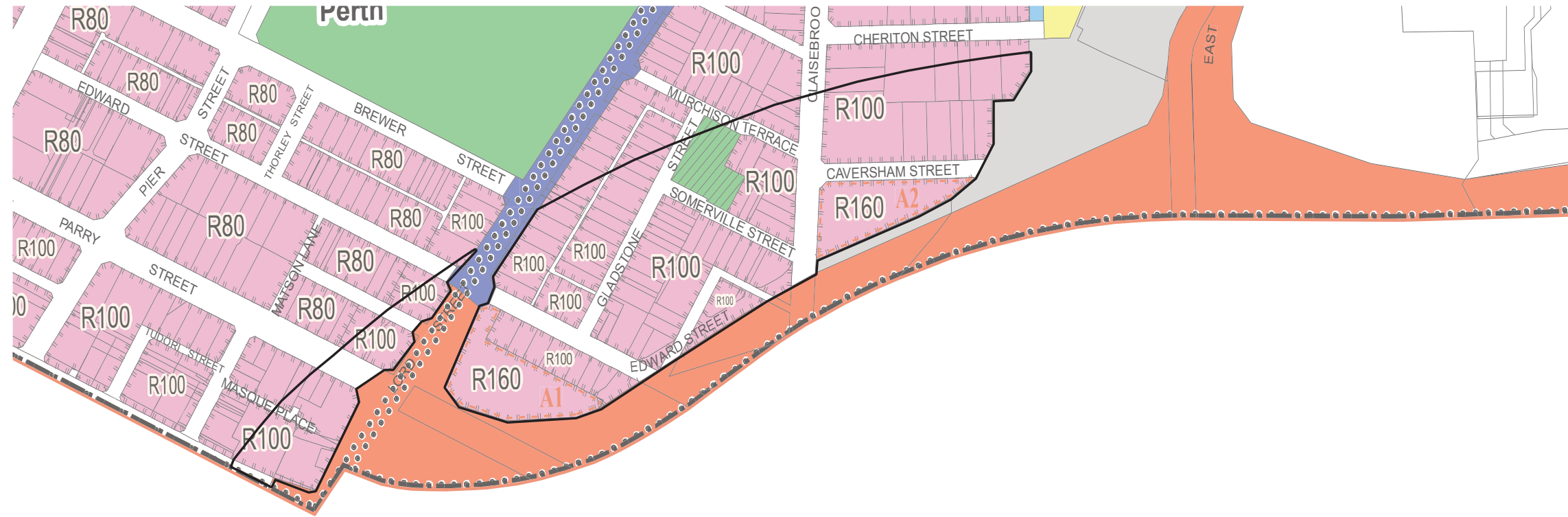
.....
DELEGATED UNDER S.16 OF
THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....



Existing Zoning



Proposed Zoning

City of Vincent LPS 2 - Proposed Special Control Area

Royal Perth Hospital Flight Path



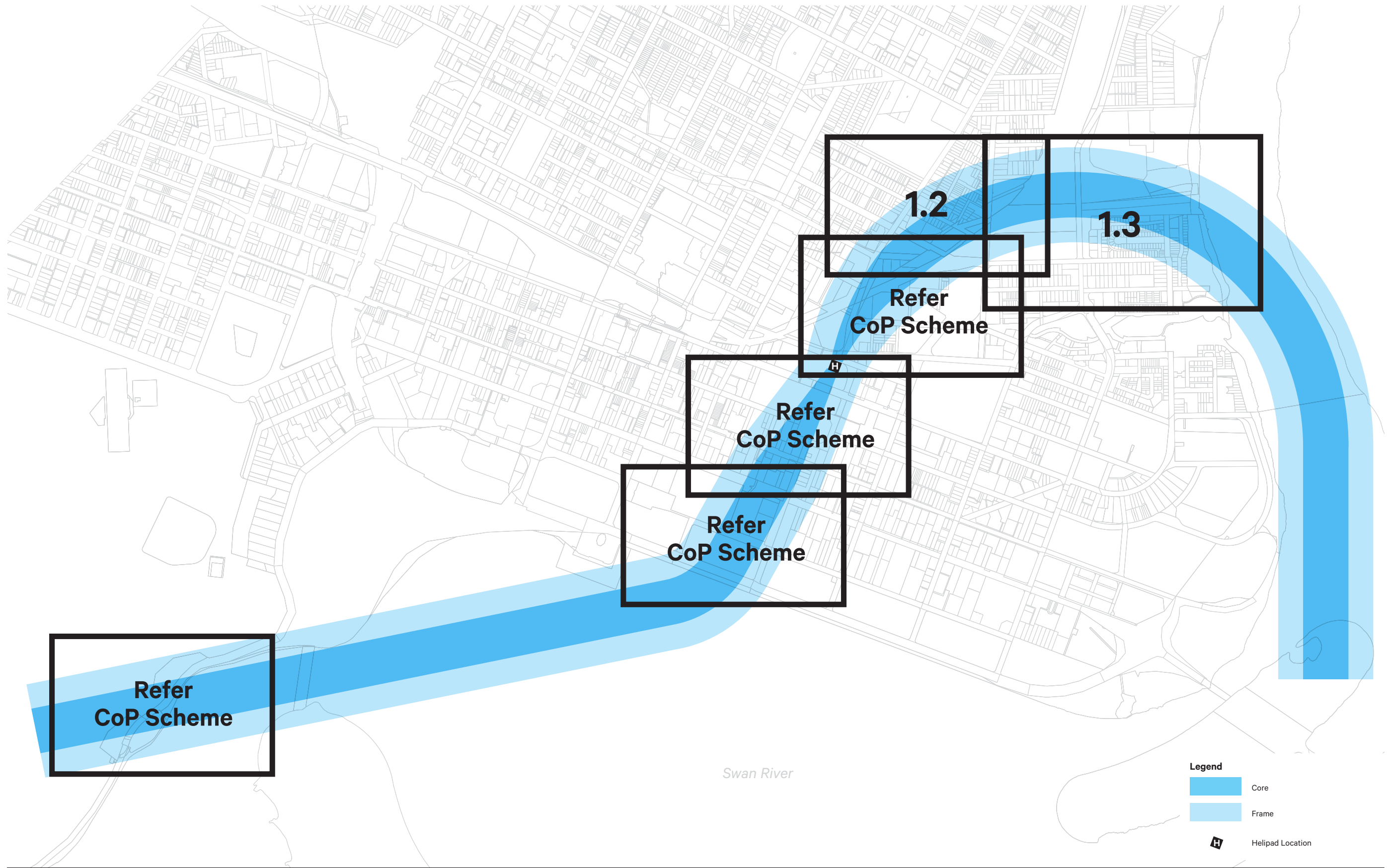


Figure 1.1 Detail Location Plan

Royal Perth Hospital Flight Path

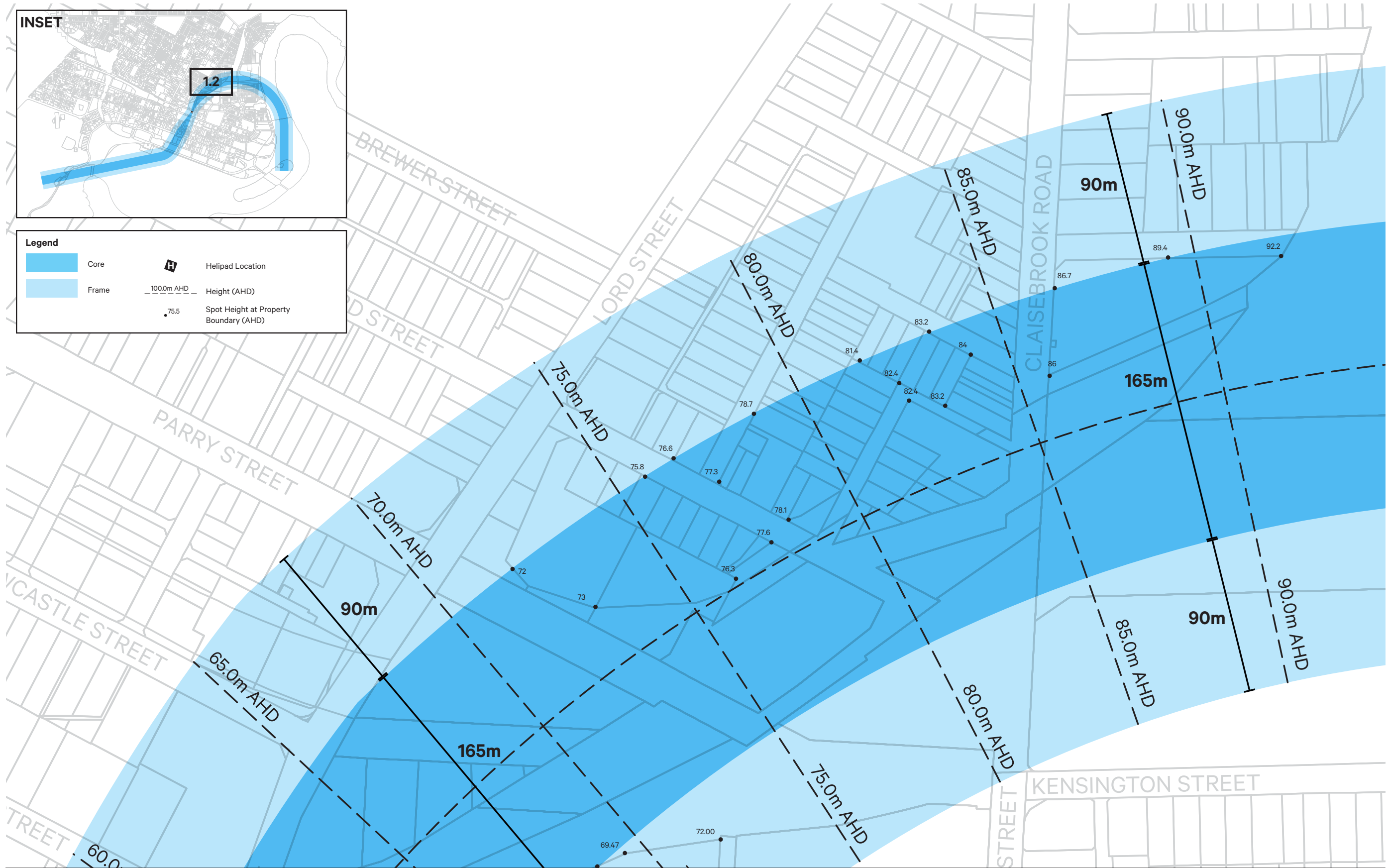


Figure 1.2 Detail

Royal Perth Hospital Flight Path



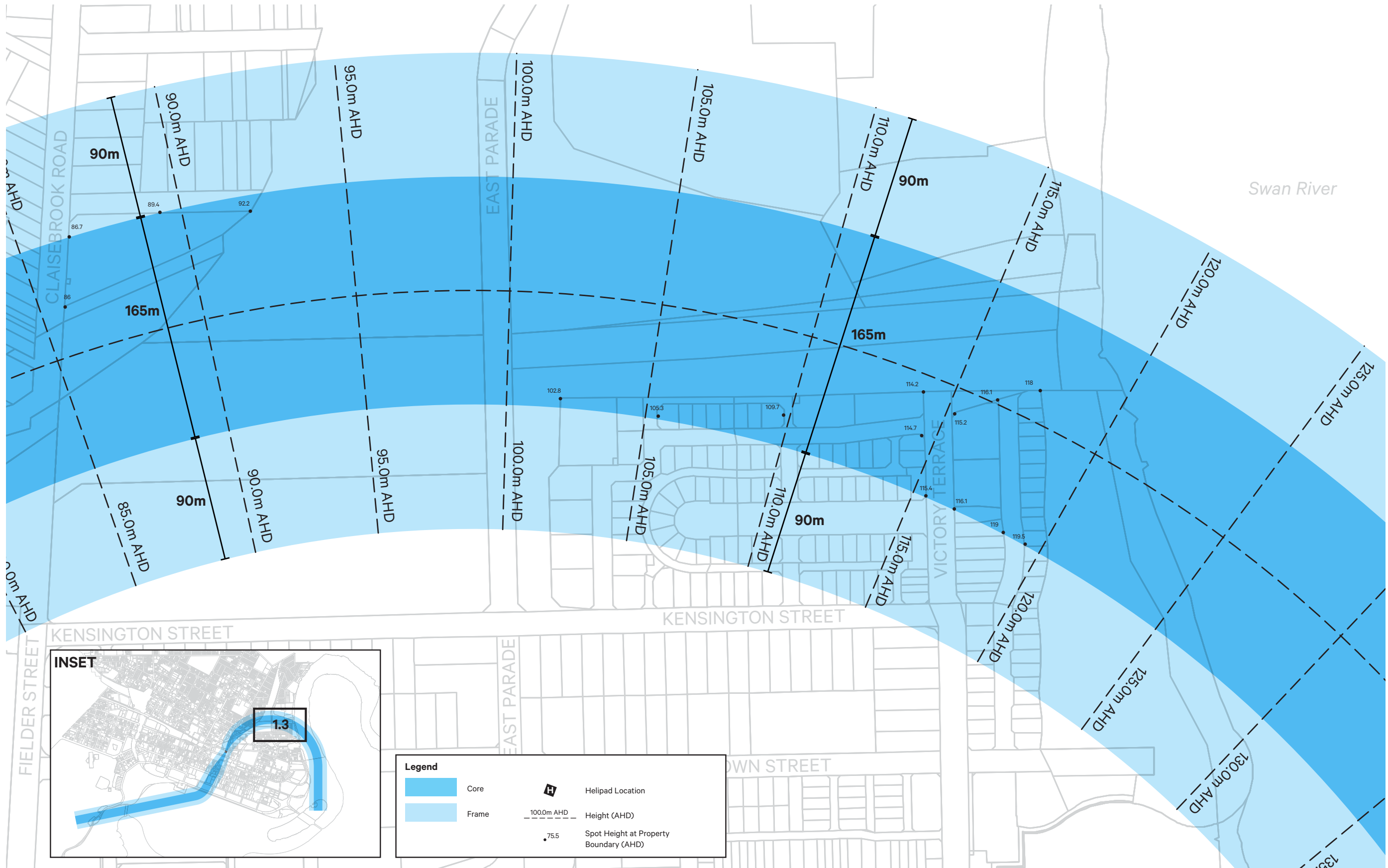
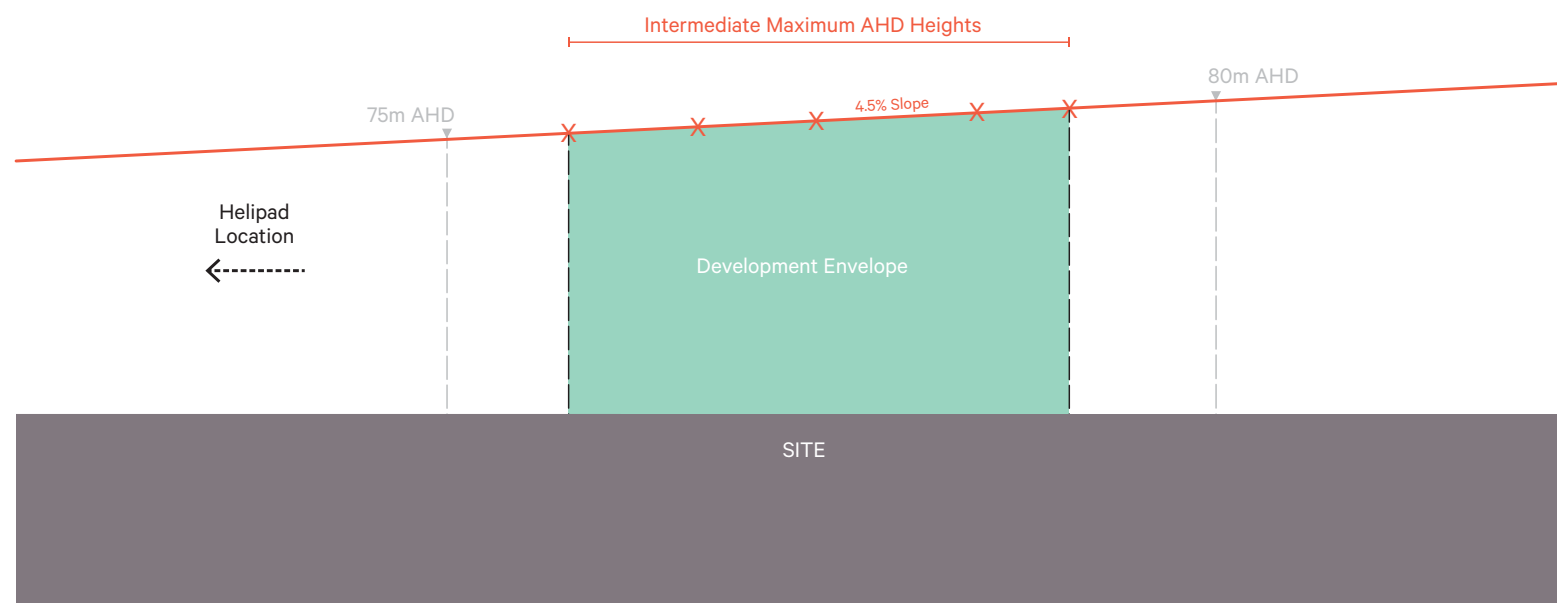


Figure 1.3 Detail

Royal Perth Hospital Flight Path



Typical section showing application of intermediate maximum AHD heights.

Note: Proponents will need to consider location, orientation and context of the development site in relation to the Helipad and associated flight paths in calculating intermediate maximum AHD heights.

Figure 1.4 Intermediate Maximum AHD Heights

Royal Perth Hospital Flight Path