



June 2023

# Metropolitan Region Scheme Amendment 1401 /57 (Minor Amendment)



## Former Beaconsfield TAFE Site

Amendment Report

City of Fremantle



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**Metropolitan Region Scheme  
Amendment 1401/57  
(minor amendment)**

**Former Beaconsfield TAFE Site**

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**Amendment Report**

**City of Fremantle**



June 2023

The Western Australian Planning Commission acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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MRS Amendment 1401/57      Amendment Report  
File 833-2-5-39 Pt 1

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This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.

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# The Metropolitan Region Scheme

## What it is and how it is amended - minor

### Planning Perth's future

Perth is currently home to more than 2 million people and this is anticipated to grow to 3.5 million by 2050.

To meet this growth, land must be identified for future housing, employment opportunities, transport, conservation and recreation.

The Metropolitan Region Scheme (MRS) provides for this by defining what land can be used for. It is also the means by which landowners can be compensated for land acquired for public purposes.

### The role of the WAPC?

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. The WAPC comprises a Chair and 16 members, representing industry, government and the community.

The WAPC is a statutory authority and operates in accordance with the *Planning and Development Act 2005*. It is supported by the Department of Planning, Lands and Heritage, which provides professional and technical expertise, administrative services and corporate resources.

### What is the Metropolitan Region Scheme?

The MRS is a large town planning scheme which defines how land can be used in the Perth metropolitan area, dividing it into broad zones and reservations. The metropolitan area stretches from south of Rockingham to north of Yanchep and east of Mundaring.

The MRS uses a set of maps and a scheme text to set the planning rules and identify the various zones and reservations.

This plan has been in operation since 1963 and provides the legal basis for planning in the Perth metropolitan area.

The MRS is amended frequently as the region grows and changes.

### What is an amendment?

An amendment to the MRS changes the zoning or reservation of land to allow for a different land use.

When a rezoning or a new reservation is considered, it is classified as either a major or a minor amendment and is advertised to seek comment from landowners, the broader community and all levels of government. Under the Act, the process for proposed major and minor amendments is different.

This process allows for extensive community consultation and discussion in Parliament, prior to a final decision being made.

### How is the Metropolitan Region Scheme amended?

The WAPC is responsible for maintaining the MRS, including reviewing and initiating changes where necessary.

The amendment process is regulated by the *Planning and Development Act 2005*. The Act requires an amendment to be consistent with both the *Swan River Trust Act 1988* and the *Heritage of Western Australia Act 1990* and does not allow for an amendment to occur within the defined area of which a redevelopment scheme applies.

The amendment proposed in this report is being made under the provisions of section 57 (often referred to as a minor amendment).

The minor amendment process includes (also see the diagram on page viii):

- Request submitted and considered by the WAPC.
- WAPC determines to either progress or reject application, classifying it as either a major or minor amendment.

- If progressed, the application is referred to the Environmental Protection Authority (EPA) to set the level of environmental assessment. If the EPA requires an environmental review, this is carried out before the amendment is advertised.
- Proposed amendment is advertised for public comment. Advertisements are placed in local and statewide newspapers and the information is made available on [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments). Landowners directly affected by a proposed amendment are contacted in writing. Where there is an environmental review, this is also made available for comment.
- WAPC receives public submissions over a period of 60 days.
- WAPC reviews the proposed amendment in light of both the submissions and planning advice provided by the Department of Planning, Lands and Heritage.
- WAPC provides recommendation to the Minister for Planning whether to accept, reject or modify the proposed amendment.
- Minister considers proposed amendment.
- If approved, with or without modification, the amendment becomes legally effective in the MRS with the publishing of a notice in the Government Gazette. If declined, the amendment is discarded.
- Within three months of an MRS amendment being finalised, all affected local governments must initiate an amendment to its local planning scheme to match the new zonings.

## Zones and reservations

Zones and reservations in the MRS are broad categories to define how land can be used and developed. The following descriptions are a guide only.

## Zones

Urban: areas in which a range of activities are undertaken including residential, commercial, recreational and light industry.

Urban deferred: land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.

The WAPC must be satisfied that these issues have been addressed before rezoning to urban.

Central city area: strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

Industrial and special industrial: land on which manufacturing, processing, warehousing and related activities are undertaken.

Rural: land on which a range of agricultural, extractive and conservation uses is undertaken.

Private recreation: areas of significance to the region's recreation resource, which are (or are proposed to be) managed by the private sector.

Rural - water protection: rural land over public groundwater areas where land use is controlled to avoid contamination.

## Reservations

Land reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure.

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

Railways: provides for public transit routes, freight rail lines and associated facilities such as marshalling yards, maintenance depots and park n' ride stations.



Port installations: regional maritime shipping facilities.

State forests: areas of woodland located on Crown land and managed under the *Conservation and Land Management Act 1984*.

Water catchments: water sources protected for high quality public water supply. These areas have strict controls on land use to avoid pollution of the water resource.

Civic and cultural: significant civic precincts and buildings.

Waterways: permanent inland and coastal waters including many rivers and reservoirs.

Public purposes: land for public facilities such as hospitals, high schools, universities, prisons, utilities for electricity, water and treatment of wastewater, commonwealth government and other special uses.

Primary regional roads: important regionally significant roads as part of the planned road network that are currently, or proposed to be declared, under the *Main Roads Act 1930*.

Other regional roads: roads of regional significance in the planned road network for which the planning responsibilities are shared by the WAPC and local governments.

### **What if my land is rezoned?**

Landowners may find that an amendment seeks to rezone their property, for example from rural to urban or urban deferred.

If the zoning is changed, landowners do not have to change their lifestyle or the way they use the land. However, depending on the new zone, there may be opportunities to change the land use, such as seek approval to subdivide or apply to develop it in some way that suits the new zoning.

The WAPC realises that many people choose their properties because they like them as they are and may not want to change from, for example, a rural-residential lifestyle to an urban area. Others are keen to change the land use.

For these reasons, amendments to the MRS are advertised so that all affected landowners and the broader community have time to examine the proposal and provide their comment.

### **What if my land is reserved?**

Land is reserved because it will eventually be needed for a public purpose such as parks and recreation or other regional roads.

If your land is proposed to be reserved in an advertised amendment, you can continue to use and enjoy your property. Generally, reserved land can remain in private ownership until it is needed for the purpose for which it is reserved.

To protect landowners, there are procedures for acquisition or compensation by the WAPC. These are outlined in *Your Property and the planning system – region schemes*, a leaflet reproduced at the back of this report and online at <https://www.dplh.wa.gov.au/your-property-and-region-schemes>.

### **How can my views be heard?**

You can lodge a submission during the advertised period:

- online at [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments).
- in writing to Western Australian Planning Commission, Level 2, 140 William Street, Perth 6000 (a submission form is included at the back of this report).

### **Publications**

Amendments made to the MRS using the provisions of section 57 will in most cases have information published under the following titles:

#### Amendment report

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

### Environmental review report

The EPA considers the environmental impact of an amendment to the MRS before it is advertised. Should the EPA require formal assessment, an environmental review is undertaken, and that information is made available for comment at the same time as the *Amendment Report*.

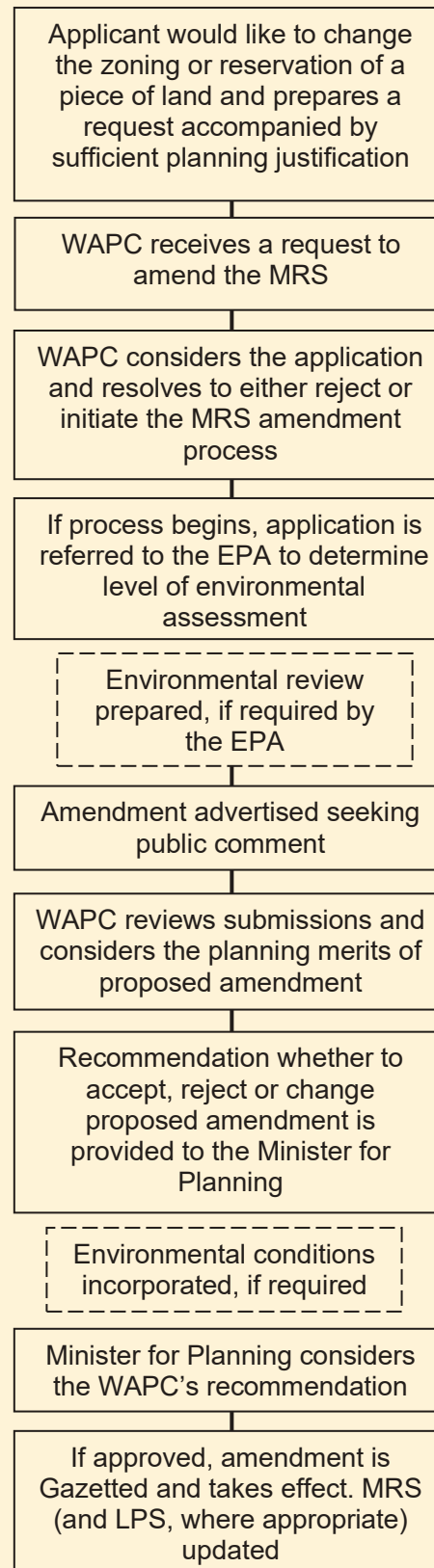
### Report on submissions

This publication documents the planning rationale, determination of submissions received, and the recommendations for final approval of the amendment made by the WAPC.

### Submissions

All written submissions received on the proposed amendment are reproduced as a public record.

A simple diagram of the amendment process.



## Abbreviations

<b>AHA</b>	Aboriginal Heritage Act
<b>DPLH</b>	Department of Planning, Lands and Heritage
<b>EPA</b>	Environmental Protection Authority
<b>LPS</b>	Local Planning Scheme
<b>MRS</b>	Metropolitan Region Scheme
<b>OP</b>	Operational Policy
<b>SPP</b>	State Planning Policy
<b>SWALSC</b>	South West Aboriginal Land and Sea Council
<b>WAPC</b>	Western Australian Planning Commission



**Amendment Report**



# Metropolitan Region Scheme Amendment 1401/57

## Former Beaconsfield TAFE Site

### Amendment Report

#### 1 Purpose

The purpose of the amendment is to rezone approximately 4.36 ha in Beaconsfield from the Public Purposes – Technical School reservation to the Urban zone under the Metropolitan Region Scheme (MRS), as shown in *Amendment Figure - Proposal 1*.

The amendment is proposed to enable the redevelopment of the former Challenger TAFE site for residential purposes, following the closure of the TAFE and distribution of its functions to other metropolitan campuses in 2017.

#### 2 Background

The amendment area is located approximately 15 kilometres south-west of the Perth Central Business District and 2.25 kilometres south-east of the Fremantle City Centre. The site is owned by the State Government and has been cleared since completion of demolition works on the site in 2022, with the exception of retained trees in the south-east and south-west corners of the site.

The amendment land is approximately 4.36 ha in size and is reserved for Public Purposes – Technical School under the MRS, lying adjacent to Urban zoned land to the west, north and east. An MRS reservation for Public Purposes – High School is located directly south of the amendment land, on the site of Fremantle College.

The closure of Challenger TAFE in 2017 and the subsequent demolition of related buildings has rendered the existing Public Purposes function of the site permanently redundant, nullifying the need for the Public Purposes – Technical School reservation to be retained. As the site is now surplus to government requirements, an Urban zone is being sought to facilitate structure planning for the amendment land and its eventual subdivision and sale.

Land use and development within the proposed amendment area is controlled by the MRS given it is reserved for Public Purposes – Technical School. Should the amendment be approved, the future use and development of the site would be subject to the requirements of the *City of Fremantle Local Planning Scheme No. 4 (LPS 4)*, under which the amendment area is proposed to be zoned 'Development,' concurrently with the proposed MRS amendment.

#### 3 Scope and content of the amendment

The amendment proposes to rezone Lot 2680 (No. 11 – 15) Grosvenor Street, Beaconsfield as well as an adjacent portion of Lefroy Road from Public Purposes – Technical School to facilitate future residential and mixed-use development. The total area subject of this amendment is approximately 4.36 ha.

## 4 Discussion

### Strategic Context

#### **Perth and Peel @ 3.5 Million / Central Sub-Regional Planning Framework**

The *Perth and Peel @ 3.5 Million* suite of planning documents makes the case for a more considered, connected, consolidated urban form. The *Central Sub-Regional Planning Framework* (Framework) forms part of the *Perth and Peel @ 3.5 Million* strategic suite of planning documents and reflects the current MRS reservation of the site as Public Purposes – Technical School.

The site lies adjacent to land designated as Public Purposes – High School and is approximately 100 m from land within the South Street Urban Corridor. Whilst the amendment land is not designated as being part of an Activity Centre, Urban Corridor or Station Precinct under the Framework, the amendment is broadly consistent with the intent of the Framework, given:

- The subject land is located within close proximity to land within the South Street Urban Corridor and the proposed Urban zoning is consistent with the intended development outcomes for these areas; and
- Considering the closure and demolition of Challenger TAFE, the designation of the amendment land as Public Purposes – Technical School is permanently redundant. In this respect, the amendment serves to facilitate the redevelopment of that site in a manner consistent with surrounding urban land.

Given the above, the proposed amendment is not likely to conflict with the intent and objectives of the Framework which contemplates the use of under-utilised urban land for infill residential development, consistent with established principles for urban consolidation.

#### **Heart of Beaconsfield Concept Master Plan**

The City of Fremantle has prepared its *Heart of Beaconsfield Concept Master Plan (the Master Plan)* which demonstrates how the site could be developed for residential, open space and limited commercial purposes. The Master Plan contemplates the redevelopment of the former Beaconsfield TAFE site for a range of low and medium density development, including a green North-South pedestrian link and a proposed commercial node on Lefroy Road, adjacent Fremantle College.

The *Heart of Beaconsfield Concept Master Plan* was developed following extensive consultation with residents of the Beaconsfield community, involving workshops, open days, as well as opportunities for formal submissions.

Notwithstanding the development contemplated under the Master Plan, future planning for the site, including local planning scheme zoning, reservations and R-Codes, will be addressed through the preparation of a local structure plan, subject to the approval of this amendment and the concurrent rezoning of the land to 'Development' under the City's LPS 4.

#### **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region**

*State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region* (SPP 2.8) aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and



decision making. The policy applies to the Perth Metropolitan Region and deals with two distinct subjects, being Bush Forever areas and local bushland.

Whilst there are no local Bush Forever reservations within the vicinity of Beaconsfield that will be impacted by the proposed amendment and site has largely been cleared of vegetation, there are several locally significant trees located in the South-West and Northern extents of the site.

The amendment land contains occurrences of Hills Weeping Fig, Norfolk Island Pine, Rottneest Island Tea Tree and Horsetail Sheoak, whose canopies register at the neighbourhood and local level. The trees are likely to provide a basis for bird habitat and movement and the retention of existing significant trees is proposed to be given due consideration as a core objective of the proposed redevelopment of the site at subsequent planning stages.

SPP 2.8 does not prevent development where it is consistent with policy measures and other planning and environmental considerations. In this regard, it is considered that the retention of significant trees on the amendment land can be appropriately addressed at subsequent planning stages.

### **State Planning Policy 3.0 - Urban Growth and Settlement**

*State Planning Policy 3.0 - Urban Growth and Settlement* (SPP 3.0) sets out the principles and considerations applicable to planning for urban growth and settlement in Western Australia. Clause 5.3 of SPP 3.0 outlines objectives for the management of urban growth in Metropolitan Perth, with the following of particular relevance to the proposed MRS amendment:

- *“Consolidating residential development in existing areas and directing urban expansion into the designated growth areas which are, or will be, well serviced by employment and public transport; and*
- *Giving priority to infill development in established urban areas, particularly through urban regeneration and intensification of development of under-utilised urban land, whilst respecting neighbourhood character.”*

The reclassification of the former Beaconsfield TAFE site from the Public Purposes – Technical School reservation to the Urban zone is wholly consistent with the objectives of SPP 3.0 pertaining to infill development, given the proposed amendment is intended to facilitate the redevelopment and intensification of the now-vacant Beaconsfield TAFE site.

### **Operational Policy 2.4 - Planning for School Sites**

*Operational Policy 2.4 – Planning for School Sites* (OP 2.4) identifies when to consider the provision of sites for new schools, sets criteria for the selection of sites, includes requirements for the design and location of school sites and outlines the development contribution methodology for government primary schools. Clause 3.2.1 of OP 2.4 identifies the following provision of public-school sites applies:

- *Primary Schools – one school site for every 1,500 dwellings.*
- *Secondary Schools – one school site for every four to five public primary schools.*

The development of the former Beaconsfield TAFE site for residential purposes, within the context of the broader *Heart of Beaconsfield Concept Master Plan*, will likely have implications for the provision of public-school sites within the broader Beaconsfield locality. Early consultation with relevant service providers including Department of Education, Department of Training and Workforce Development is crucial in ensuring any redevelopment proposal is consistent with the provisions of OP 2.4.

## **Statutory Context**

### **Infrastructure**

Water and Wastewater: The Water Corporation advises that a wastewater diversion pressure main is proposed to be constructed from the Sampson Street Wastewater Pump Station to the north of the site, through the edge of the amendment land and heading south to another part of the Fremantle Sewer District. This pressure main is planned to be located on the western edge of the amendment land and is scheduled to be required from 2040 onwards.

The Water Corporation has requested the Western Australian Planning Commission (WAPC) provide this information to the proponent to ensure this matter is addressed in structure planning for the site, subsequent to a determination being made on the proposed amendment.

Transportation: Main Roads WA raises no issues which require any further consideration.

## **5 Aboriginal heritage**

The *Aboriginal Heritage Act 1972* (AHA) provides for the protection and preservation of Aboriginal heritage and culture throughout Western Australia, including places and objects that are of significance to Aboriginal people. Aboriginal sites and materials are protected whether or not they have been previously recorded or reported.

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the AHA. Proposed changes to land-use at MRS amendment stage are broad by nature and do not physically interfere with the land. Consideration of any protection that may be required is addressed more specifically at later stages of the planning process, typically being a local planning scheme amendment and when preparing a local structure plan.

Proponents of proposals are advised to familiarise themselves with the *Aboriginal Heritage Due Diligence Guidelines* (the Guidelines). These have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The Guidelines are available electronically at: [https://www.wa.gov.au/system/files/2021-05/AH-Due-diligence-guidelines\\_0.pdf](https://www.wa.gov.au/system/files/2021-05/AH-Due-diligence-guidelines_0.pdf).

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC and the Department of Planning, Lands and Heritage have entered into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All MRS amendment proposals likely to be of interest to Aboriginal persons are referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

This amendment was not referred to SWALSC as it was not expected to impact on Aboriginal heritage values. However, the amendment will be referred to SWALSC during the public advertising period.

## **6 Coordination of local and region scheme amendments**

Under Section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land being zoned Urban under the MRS to a 'Development' zone (or equivalent) in an LPS. The proponent has requested the concurrent amendment of the site to a 'Development' zone under the City of Fremantle LPS 4. In accordance with standard practice, the WAPC will make a decision on the concurrent LPS amendment of the site after the public consultation period.

## **7 Substantiality**

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. *Development Control Policy 1.9 - Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. The criteria relate to a variety of matters, not all of which relate to every amendment. This amendment is recommended to be processed as a 'minor' amendment for the following reasons:

- The amendment is not complex, and its size and scale is not regionally significant and does not reflect a significant change to the strategic planning for the Metropolitan region.
- The existing use of the site in accordance with the MRS Reservation is now permanently redundant, with the educational function having been relocated to other locations and all structures on the site now demolished.
- The proposal is consistent with the established character of the surrounding locality as well as state and local strategic visions for the region.
- The proposed amendment is considered to represent a logical rationalisation of the zoning of land in the MRS for the subject site.

## **8 Sustainability appraisal**

The proposed amendment seeks to transition vacant land to create a future residential area and associated public open space which is considered to provide for sustainable environmental, social and economic outcomes.

## **9 Environmental Protection Authority advice**

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required.

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. A copy of the notice from the EPA is included at appendix A.

## 10 The amendment process

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 57 of that Act.

In essence, the procedure for an amendment not constituting a substantial alteration to the MRS (often referred to as a minor amendment) involves:

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment
- completion of an environmental review (if required) to EPA instructions
- public submissions sought on the proposed amendment (including environmental review if required)
- consideration of submissions
- approval, with or without any modifications in response to submissions, or decline to approve by the Minister
- the amendment takes legal effect with gazettal of the Minister's approval.

An explanation of this process entitled *The Metropolitan Region Scheme, what it is and how it is amended*, can also be found in the front of this report.

## 11 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the MRS.

The amendment is being advertised for public submissions for a period of 60 days from Friday 9 June 2023 to Wednesday 9 August 2023.

Copies of the amendment are available for public inspection at the:

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

Online submissions are encouraged via: <https://consultation.dplh.wa.gov.au>

Written submissions commenting on the amendment should be sent to:

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

or by email to:-

[RegionPlanningSchemes@dplh.wa.gov.au](mailto:RegionPlanningSchemes@dplh.wa.gov.au)

and must be received by 5 pm **Wednesday 9 August 2023**.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 57) is contained in this report (appendix E). Additional copies of the form are available from the display locations and the Department of Planning, Lands and Heritage website <https://dplh.wa.gov.au/mrs-amendments>.

You should be aware that calling for submissions is a public process and all submissions lodged will become public. All submissions are published and made available when the Minister has made a determination on the amendment. Advice of disclosure and access requirements are shown on side two of the submission form.

Before making your submission, it is recommended that you read the information in appendix D of this report regarding preparing a submission.

## **12 Modifications to the amendment**

After considering any submissions received from Government agencies and the public, the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

## **13 Final outcome**

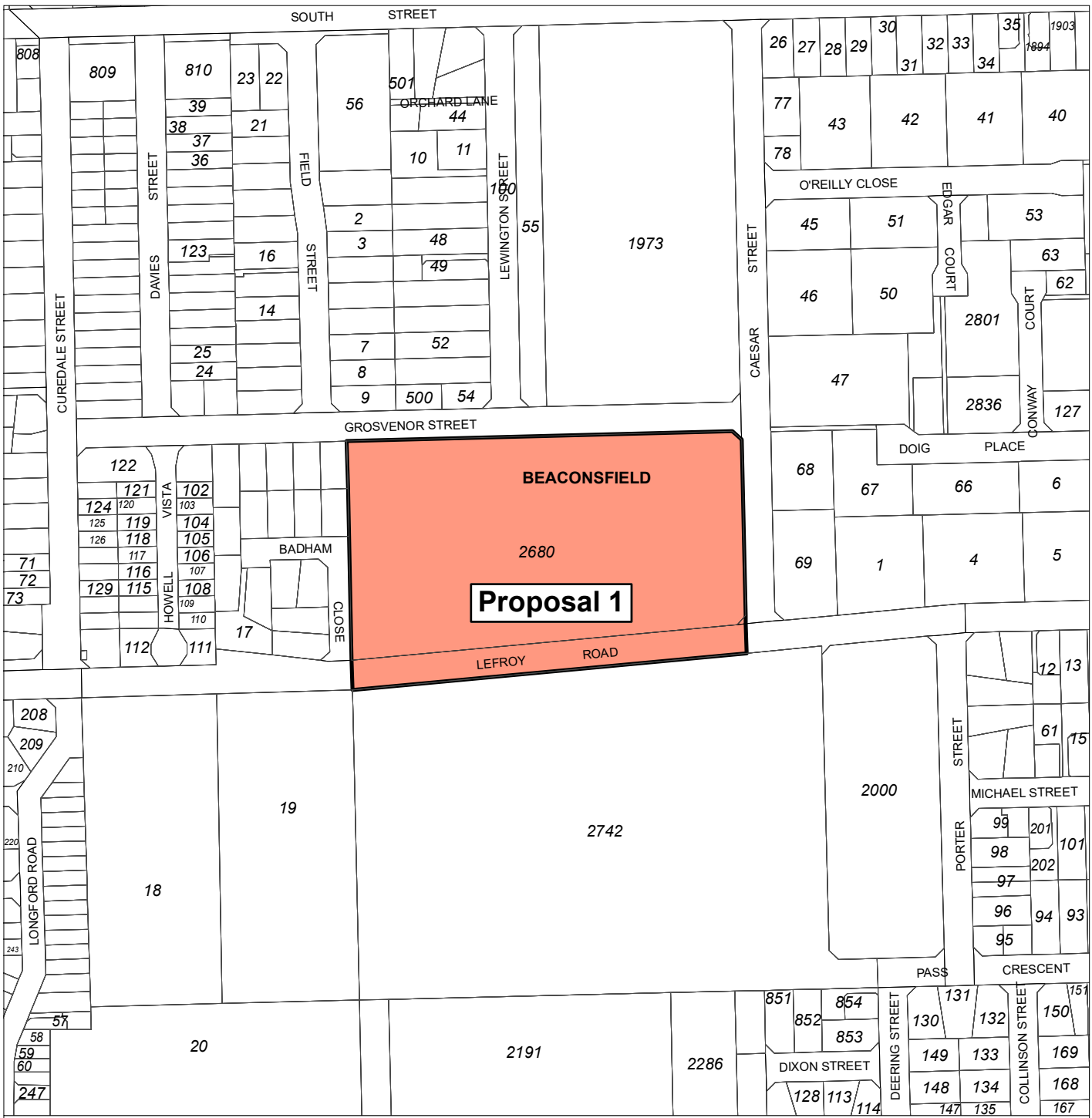
The recommendations of the WAPC, including any modifications, along with the determination of the Minister, are published in a report on submissions. Anyone who has made a submission, along with affected landowners, will be notified of the outcome when the amendment is gazetted to give it legal effect.



**MRS Amendment 1401/57**  
**Former Beaconsfield TAFE Site**  
**Amending Figure**  
**Proposal 1**







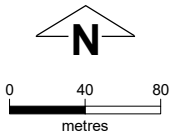
**Former Beaconsfield TAFE Site  
Proposed minor amendment  
as advertised**

22 February 2023

Proposal 1

Proposed Amendment:  
 Urban zone

Oracle reference no: 4033  
 Version number: 1





## **Appendix A**

### **Notice of environmental assessment**



Ms Sam Fagan  
Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
**PERTH WA 6001**

Our Ref: APP-0000286  
Enquiries: Gerard O'Brien, 6364 6499  
Email: gerard.obrien@dwer.wa.gov.au

Dear Ms Fagan

**DECISION UNDER SECTION 48A(1)(a)**  
***Environmental Protection Act 1986***

<b>SCHEME</b>	<b>Metropolitan Region Scheme Amendment 1401/57</b>
<b>LOCATION</b>	<b>Lot 2680 (No. 11 – 15) Grosvenor Street, Beaconsfield</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Western Australian Planning Commission</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. No advice given (Not Appealable).</b>

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the EPA's Determination together with the advice and recommendations is attached and will be made available to the public via the EPA website.

Yours sincerely



**Prof. Matthew Tonts**  
**Chair of the Environmental Protection Authority**

5 April 2023

Encl. EPA Determination



# Environmental Protection Authority

s.48A Referrals

**Title:** Metropolitan Region Scheme Amendment 1401/57 – Former Beaconsfield TAFE Site

**Location:** Lot 2680 (No. 11 – 15) Grosvenor Street, Beaconsfield

**Description:** The purpose of the amendment is to reclassify the former Challenger Tafe in Beaconsfield from a 'Public Purposes – Technical School' reservation zone to a 'Urban' zone under the Metropolitan Region Scheme (MRS) to facilitate future residential and mixed-use development. The site has been historically cleared, with the former building having since been demolished.

**Ref ID:** APP-0000286

**Date Received:** 21/03/2023      **Date Sufficient Information Received:** 21/03/2023

**Responsible Authority:** Western Australian Planning Commission

**Contact:** Marija Bubanic

**Preliminary Environmental Factors:** Flora and Vegetation.

**Potential Significant Effects:** Future development of the amendment area may require the clearing of existing planted mature trees.

**Protection:** Retention of existing trees within the future development would be supported. This should be considered through future stages of planning including structure planning and subdivision approval.

**Determination:** **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme/Scheme Amendment Not to be Assessed under Part IV of the EP Act. No Advice Given. (Not Appealable).**

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair's Initials:

Date:

5 April 2023

## **Appendix B**

### **List of detail plans supporting the amendment**





**Metropolitan Region Scheme  
Amendment 1401/57**

**Former Beaconsfield TAFE Site**

**as advertised**

**Amending Plan 3.2802**

**Detail Plan**

1.6465



## **Appendix C**

### **Your property and the planning system - region schemes**



# Your property and the planning system – region schemes

## Rights to compensation in relation to reserved land

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. It does this by reserving and zoning land for immediate and future development through region schemes and/or planning control areas.

### Region schemes

The WAPC administers three region schemes which classify land into zones and reservations:

- Metropolitan Region Scheme
- Peel Region Scheme
- Greater Bunbury Region Scheme.

**Zones** are large areas identified for purposes such as industry (industrial zone) and residential (urban zone).

**Reservations** are required for public purposes such as schools, railways, major roads, and parks and recreation.

### How do you amend a region scheme?

Schemes can be amended as regions grow and change. This process begins with the local government, landowner, State Government or WAPC making a request to amend a scheme. The WAPC considers the request and can either refuse or approve the initiation of an amendment.

The amendment process is lengthy and in general, takes between 12 to 24 months to complete and includes extensive consultation with landowners and the broader community. In some cases amendments are subject to assessment by the Environmental Protection Authority. Amendments can be classified as Major or Minor, in accordance with *Development Control Policy 1.9 – Amendment to Region Schemes*.

### Planning Control Area

In some instances, the WAPC will use a planning control area (PCA) to protect land required for a particular purpose from development until it may be reserved in one of the region schemes. A PCA acts in a similar manner as a region scheme but can be applied as a temporary measure to enable an amendment to be progressed. This also provides affected landowners with rights to claim compensation while a decision is made to reserve land or not. A PCA is valid for up to five years.

This means the WAPC is the decision-making authority for any development applications on land within a PCA. A person must not commence and carry out development within the PCA area without the prior approval of the WAPC. There are penalties for failure to comply with this requirement.

The same compensation and alternative purchase rules apply as with a region scheme. However, if compensation is paid and the PCA or reservation is reduced or removed in the future, the compensation is repayable in whole or part upon the subsequent sale or subdivision of the property.

### What if your land is proposed to be reserved?

The WAPC approaches landowners on land proposed to be reserved and invites them to comment through the amendment process.

The Government will ultimately acquire reserved land, but as the reservations are strategic and long-term requirements, the land can generally remain in private ownership until it is needed for the public purpose. Several options are available to the owners of reserved land:

- **Retain ownership of your property** and continue quiet enjoyment until it is needed for the public purpose. You may complete any development or subdivision approved prior to the reservation taking effect. Under non-conforming use rights, you may continue to use the property for the purpose for which it was legally being used immediately before the reservation came into effect.
- **Sell the property on the open market** to another person(s). The WAPC recognises that the reservation may make this difficult. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property if an owner is unable to achieve a private sale on the open market. This does affect your right to otherwise claim statutory compensation (outlined in the compensation section below).
- **Offer the property for sale** to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property. The WAPC purchases a property at its current market value, ignoring the impact of the reservation and proposed public purpose. The WAPC obtains two independent valuations to provide it with advice on the value of the property.

## Am I entitled to claim compensation?

If your land is reserved in a region scheme or subject to a PCA and **you are the owner of the land when it was first reserved or the PCA was declared**, you may be able to make a claim for compensation for injurious affection if:

1. **Private Sale** – you sell the property on the open market at a reduced price (due to the effect of the reservation or PCA);  
or
2. **Refused development** – the WAPC has either refused a development application over the property or approved it subject to conditions that are unacceptable to you.

## What is injurious affection?

Injurious affection occurs when the value of a piece of land is affected by the application of a reservation or restriction for a public purpose.

## How do I claim compensation?

### 1. Private sale

If you wish to sell your property on the open market at a reduced price (affected value), you will need to complete a *Notice of Intention to Sell* form, which is available online at [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au). The Department of Planning, Lands and Heritage will establish the extent of the reservation and forward the notice to the Board of Valuers.

The Board of Valuers will determine the value of the property as if there was no reservation or PCA (unaffected value). You may wish to attend the board's meeting to present any matters you believe are relevant to the value of your property.

Following the board's decision:

- The board will advise you of the unaffected value of the property.
- You pay the board's valuation fee to the department and you will be advised of the affected value of the property (as determined by the WAPC) – the minimum price for which you can sell the property and receive the full amount of compensation (the difference between the affected and unaffected values). The valuation fee is refundable upon the sale of the property and the payment of compensation.
- You then arrange the sale of the property (either privately or through an agent) – the sale price must not be less than the affected value.

**You (and your agent) must inform prospective purchasers that you are selling the property at a reduced price and that you will be claiming compensation for injurious affection from the WAPC. You must also include a special condition in the offer and acceptance.**

- After you sell the property, you can make a claim for compensation for injurious affection through the WAPC **within six months** of the property being sold (registered at Landgate).
- After the WAPC pays compensation, the WAPC will lodge a notification on the Certificate of Title to identify that it has paid compensation, which is only payable once.
- If the property does not sell within one year of the board's valuation, you may ask the board to revalue the property. The sale process is then repeated.
- Alternatively, you may wish to ask the WAPC to purchase the property, as you have been unable to sell it privately. The WAPC will purchase the property at its then fair market value (unaffected value).

### 2. Refused development

If the WAPC refused your development application or approved it subject to unacceptable conditions, you may make a claim for compensation for injurious affection **within six months** of the WAPC's decision.

The WAPC will either pay compensation or may elect to purchase the property instead of paying compensation. If the WAPC elects to purchase the property, it obtains valuations for the fair market value (unaffected value) as at the date of the election to purchase.

## What is compulsory acquisition?

If land is required for a reservation and has not been previously acquired or compensation has been claimed, the Government may compulsorily acquire the property. The WAPC will obtain independent valuations and make an offer of compensation, in accordance with the *Land Administration Act 1997*.

## How can I view a region scheme?

- online at [www.dplh.wa.gov.au/your-property-and-region-schemes](http://www.dplh.wa.gov.au/your-property-and-region-schemes)
- office of the WAPC and the Department of Planning, Lands and Heritage Level 2, 140 William Street, Perth
- any local government office.

The WAPC operates in accordance with the *Planning and Development Act 2005* and receives administrative support from the Department of Planning, Lands and Heritage.

*This information is correct as at January 2019.*

**Appendix D**  
**Preparing a submission**





## Preparing a submission

The WAPC welcomes comment on proposed amendments to the MRS from interested individuals, groups and organisations.

### What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding. Advertised proposals are often modified in response to the public submission process.

### What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

### Before lodging your submission

The WAPC prefers to receive submissions online at <https://consultation.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (form 57 – appendix E).

Please remember to complete all fields in the submission form including your name, contact details and whether you would like to attend a hearing. Please limit the number of attachments, where possible, ensuring they are directly relevant to the proposed amendment you are commenting on.

The closing date for submissions and how to lodge them is shown on form 57 and in the submissions on the amendment section of the amendment report.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and your submission will become a public document.



## **Appendix E**

**Submission form for this amendment  
(form 57)**



**Section 57 Amendment (Minor)**

Form 57

**Submission**

**Metropolitan Region Scheme Amendment 1401/57**

**Former Beaconsfield TAFE Site**

OFFICE USE ONLY

SUBMISSION NUMBER

RLS/1082

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

Title (*Mr, Mrs, Miss, Ms*) ..... First Name .....

Surname ..... (PLEASE PRINT CLEARLY)

Address ..... Postcode .....

Contact phone number ..... Email address .....

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

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

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**turn over to complete your submission**

