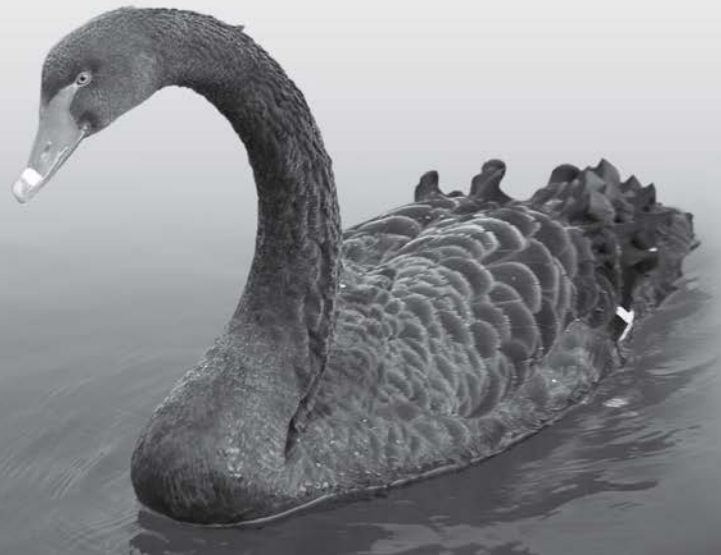




September 2021

Metropolitan Region Scheme Amendment **1379/57** (Minor Amendment)



North-East and North-West Districts Omnibus 3

Amendment Report

Cities of Swan and Wanneroo
Shire of Mundaring

**Metropolitan Region Scheme
Amendment 1379/57
(Minor Amendment)**

**North-East and North-West
Districts Omnibus 3**

Amendment Report

**Cities of Swan and Wanneroo
Shire of Mundaring**



September 2021

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.

Disclaimer

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Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street, Perth WA 6000

Locked Bag 2506
Perth WA 6001

MRS Amendment 1379/57 Amendment Report
File 833-2-1-79 Pt 1

Published September 2021

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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. 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.
- 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*.

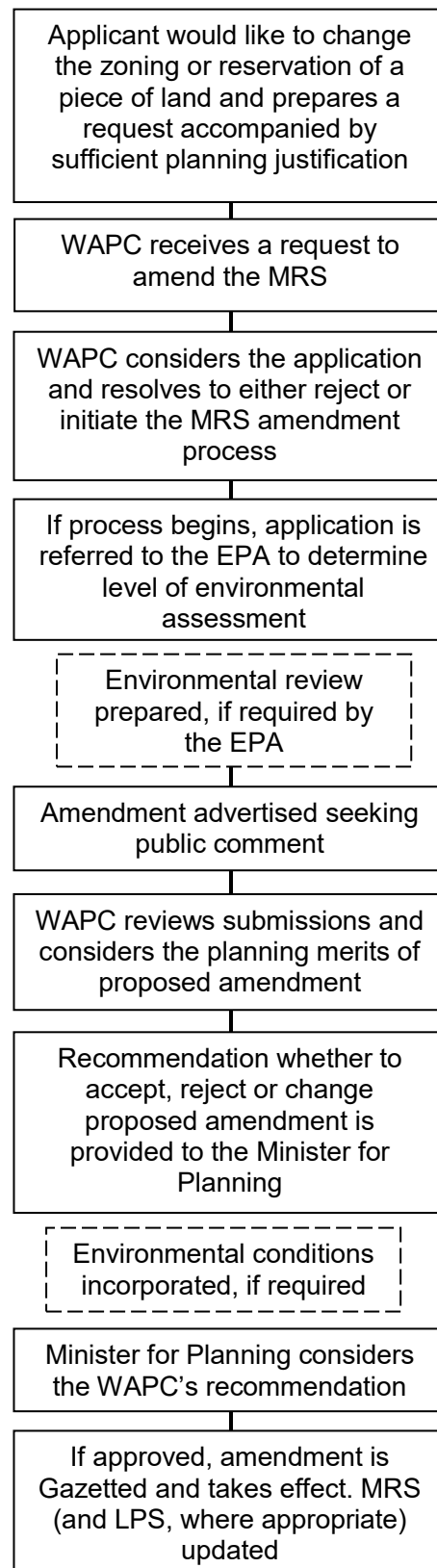
Report on submissions

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

AHA	Aboriginal Heritage Act
DPLH	Department of Planning, Lands and Heritage
EPA	Environmental Protection Authority
MRS	Metropolitan Region Scheme
SWALSC	South West Aboriginal Land and Sea Council
WAPC	Western Australian Planning Commission

Amendment Report

Metropolitan Region Scheme Amendment 1379/57
North-East and North-West Districts Omnibus 3

Amendment Report

1 Purpose

The purpose of the amendment is to update various zones and reservations in the North-East and North-West Districts of the Perth Metropolitan Region Scheme (MRS) at the request of Government agencies and landowners, and to make the MRS consistent with the current use of land.

Proposals in the amendment include; small scale amendments to the region scheme which do not warrant consideration as individual amendments, the rationalisation of zones and reservations to match cadastral boundaries, updates to reflect infrastructure or buildings as constructed, and other general updates to ensure the MRS is kept up-to-date as the statutory plan for Perth.

The amendment contains ten separate proposals in the Cities of Wanneroo and Swan and the Shire of Mundaring.

2 Background

The amendment is part of a continuing program of omnibus amendments to the MRS which are utilised to progress groups of proposals of relatively less significance in a regional context rather than progressing the proposals as individual amendments.

3 Scope and content of the amendment

The amendment proposes the following modifications to the MRS.

City of Wanneroo

Proposal 1

Alkimos: To transfer Lot 1014 Skysail Avenue from the Urban zone to the Public Purposes - High School reservation (Figure 1).

The Department of Education has requested that Lot 1014 Skysail Avenue be transferred from the Urban zone to the Public Purposes - High School reservation in the MRS, in order to facilitate the future construction of the proposed Butler North Secondary College on this site. The site is identified as a high school site in the *Central Alkimos Local Structure Plan*.

Proposal 2

Alkimos: To transfer Lot 2018 Santorini Promenade from the Urban zone to the Public Purposes - High School reservation (Figure 2).

Lot 2018 Santorini Promenade is the site of Alkimos College and is to be reserved for Public Purposes - High School consistent with this current use of the site.

Proposal 3

Butler: To transfer Lot 2004 McCormack Boulevard from the Urban zone to the Public Purposes - High School reservation (Figure 3).

Lot 2004 McCormack Boulevard is the site of Butler College and is to be reserved for Public Purposes - High School consistent with this current use of the site.

Proposal 4

Clarkson: To transfer Lot 1 Harmony Avenue from the Public Purposes - High School reservation to the Public Purposes - Technical School reservation and Lot 13303/Reserve 45981 Connolly Avenue from the Public Purposes - High School reservation to the Urban zone (Figure 4).

Lot 1 Harmony Avenue is the site of the Clarkson Campus of the North Metropolitan TAFE and is to be reserved for Public Purposes - Technical School consistent with the current use of the site.

Lot 13303/Reserve 45981 Connolly Avenue is vested with the City of Wanneroo for drainage purposes and is currently used for this purpose. This site is to be zoned Urban consistent with the current use of the site.

Proposal 5

Neerabup: To transfer a portion of Lot 503 Flynn Drive from the Parks and Recreation reservation to the Industrial zone and to remove this land and part of the adjacent road reserve from Bush Forever Site 384 (Figure 5).

The landowner has requested that 3.6 hectares of land in the south-western corner of Lot 503 be rezoned to the Industrial zone in the MRS and for this land to be removed from Bush Forever Site 384, to facilitate the planning and development of this land as part of the Neerabup Industrial Estate. Part of the adjacent road reserve for Flynn Drive is also to be removed from Bush Forever Site 384 in order to rationalise its extent.

Proposal 6

Madeley: To transfer portions of Lot 2 Wanneroo Road from the Other Regional Roads reservation to the Urban zone (Figure 6).

The landowner has requested the MRS be amended to transfer approximately 2,986 square metres of land within Lot 2 Wanneroo Road from the Other Regional Roads reservation to the Urban zone, to reflect the reduced land requirement for this reservation along this section of Hepburn Avenue.

City of Swan

Proposal 7

Ballajura: To transfer a portion of Lot 3 Cassowary Drive from the Public Purposes - High School reservation to the Urban zone (Figure 7).

Lot 3 Cassowary Drive is currently the site of the Ballajura Police Station. The Public Purposes - High School reserved portion of this site is to be zoned Urban consistent with its current use.

Proposal 8

Whiteman: To transfer a portion of Lot 811 Drumpellier Drive from the Parks and Recreation reservation to the Urban zone (Figure 8).

The proposal seeks to rezone approximately 2.01 hectares of Lot 811 Drumpellier Drive from the Rural zone to the Urban zone in the MRS, in order to facilitate a land exchange between

the WAPC and the owner of the adjacent lot, Lot 13 Marshall Road. This land exchange will enable the WAPC to acquire land required for proposed road works along Beechboro Road North and Marshall Road.

Shire of Mundaring

Proposal 9

Helena Valley: To transfer portions of Lot 205 Helena Valley Road and the Tamala Grove road reserve from the Rural zone to the Urban zone (Figure 9).

The landowner has requested that portions of Lot 205 and 252 Helena Valley Road (approximately 7,800 square metres) from the Rural zone to the Urban zone in the MRS, in order to facilitate the planning and development of land for urban purposes. The amendment area is designated as "Urban" in the *North-East Sub-regional Planning Framework*.

Proposal 10

Helena Valley: To transfer portions of Lots 2 and 6 Midland Road from the Rural zone to the Urban zone (Figure 10).

The proposal seeks to rezone the site from the Rural zone to the Urban zone to make the zoning of this site consistent with the extent of the WAPC endorsed *Lots 2, 3 & 6 Midland Road, Helena Valley Local Structure Plan* and the "Urban expansion" designation of the site in the *North-East Sub-regional Planning Framework*.

4 Aboriginal heritage

The *Aboriginal Heritage Act 1972* (AHA) is administered by the Department of Planning, Lands and Heritage and 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 State's *Cultural 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: <http://www/dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/aboriginal-heritage-surveys>.

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.

The amendment was not referred to SWALSC as part of preliminary investigations as it was not expected to impact on Aboriginal heritage values. However, the amendment will be referred to SWALSC during the formal advertising period.

5 Coordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005*, the local governments have the option of recommending to the WAPC to concurrently rezone land Urban under the MRS to a "Development" zone (or similar) in their Local Planning Schemes.

The WAPC will consider the concurrent amendment of the subject land for proposals within this omnibus amendment at the time the amendment is considered for final approval.

6 Substantiality

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either major or minor amendments depending on whether they are considered to constitute a substantial alteration to the MRS. *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 outlined in Development Control Policy 1.9 relate to a variety of matters, not all of which relate to every amendment. In this regard, the amendment is proposed to be processed as a minor amendment as the extent and nature of each proposal individually and taken as a whole within the omnibus does not constitute a substantial or regionally significant change to the planning philosophy of the MRS.

7 Sustainability appraisal

Due to the small scale of the proposals in this amendment, many have no significant sustainability impacts. Where proposals do have environmental, economic, social or other sustainability issues, these are discussed in the sections on each individual proposal.

8 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*. However, it has provided advice on the key environmental factors for the amendment. A copy of the notice from the EPA is included at appendix A.

9 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.

10 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 17 September 2021 to Friday 19 November 2021.

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

- i) Western Australian Planning Commission, 140 William Street, Perth
- ii) City of Wanneroo
- iii) City of Swan
- iv) Shire of Mundaring
- v) 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 6000

or by email to:-

RegionPlanningSchemes@dplh.wa.gov.au

and must be received by 5 pm Friday 19 November 2021.

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 www.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.

11 Modifications to the amendment

After considering any comments received from the public and government agencies, 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.

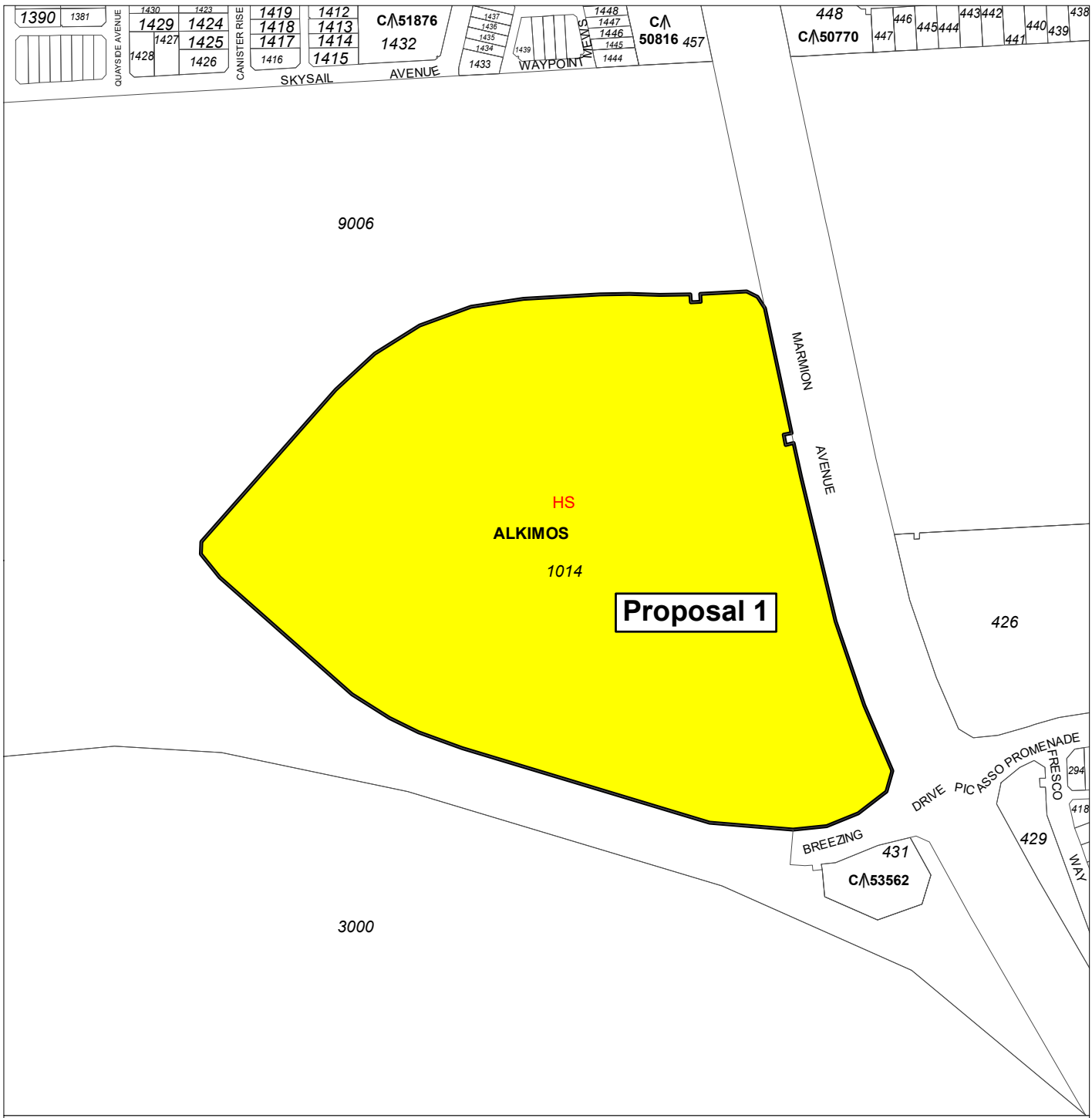
12 Final outcome

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 1379/57

North-East and North-West Districts Omnibus 3


**Amending Figures
Proposals 1-10**



**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

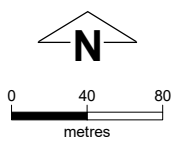
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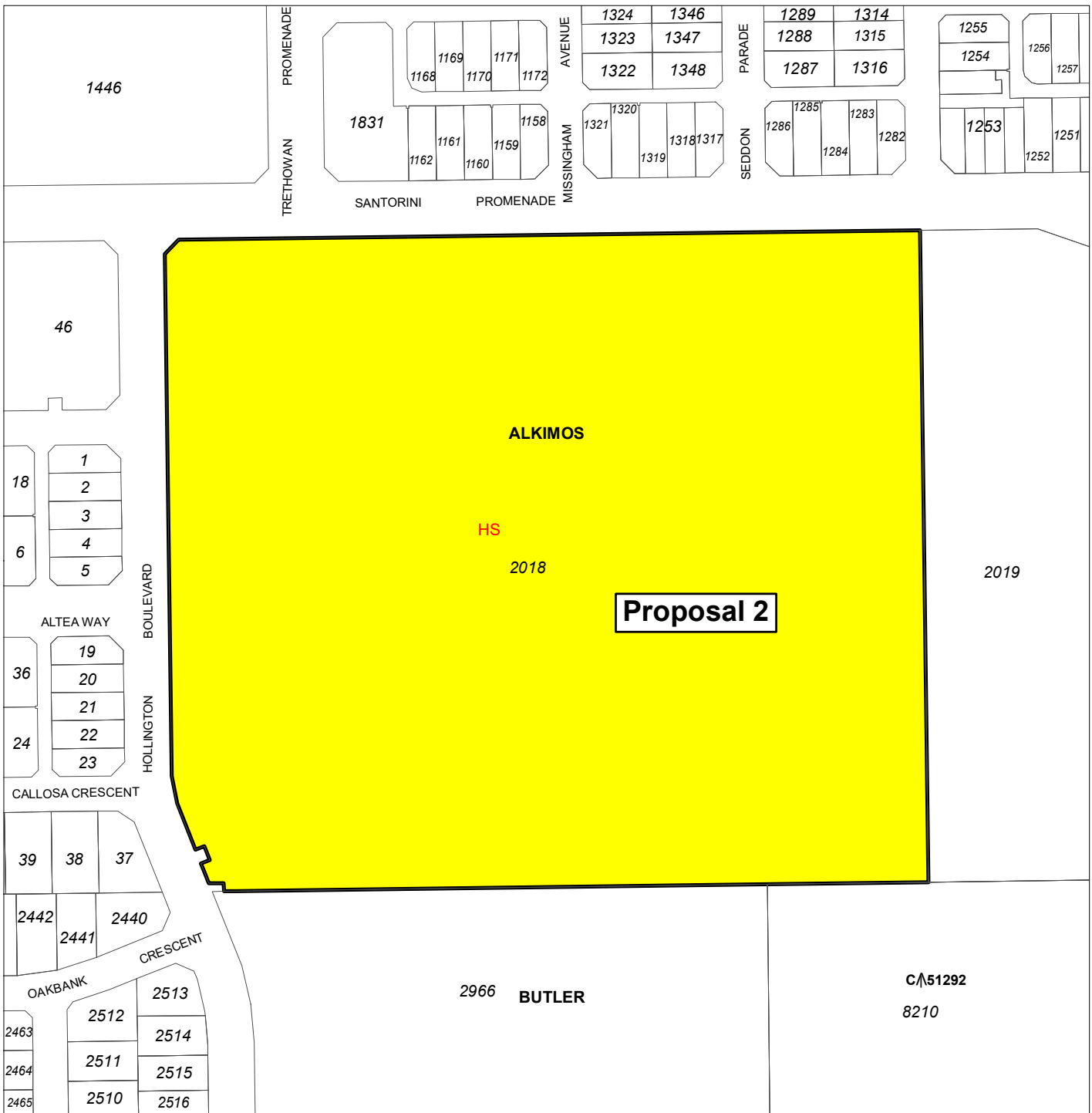
Proposed Amendment:
 **HS** Public purposes reservation - high school

Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 1



Date: 30/11/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1






**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 2

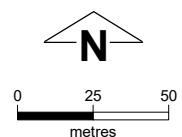
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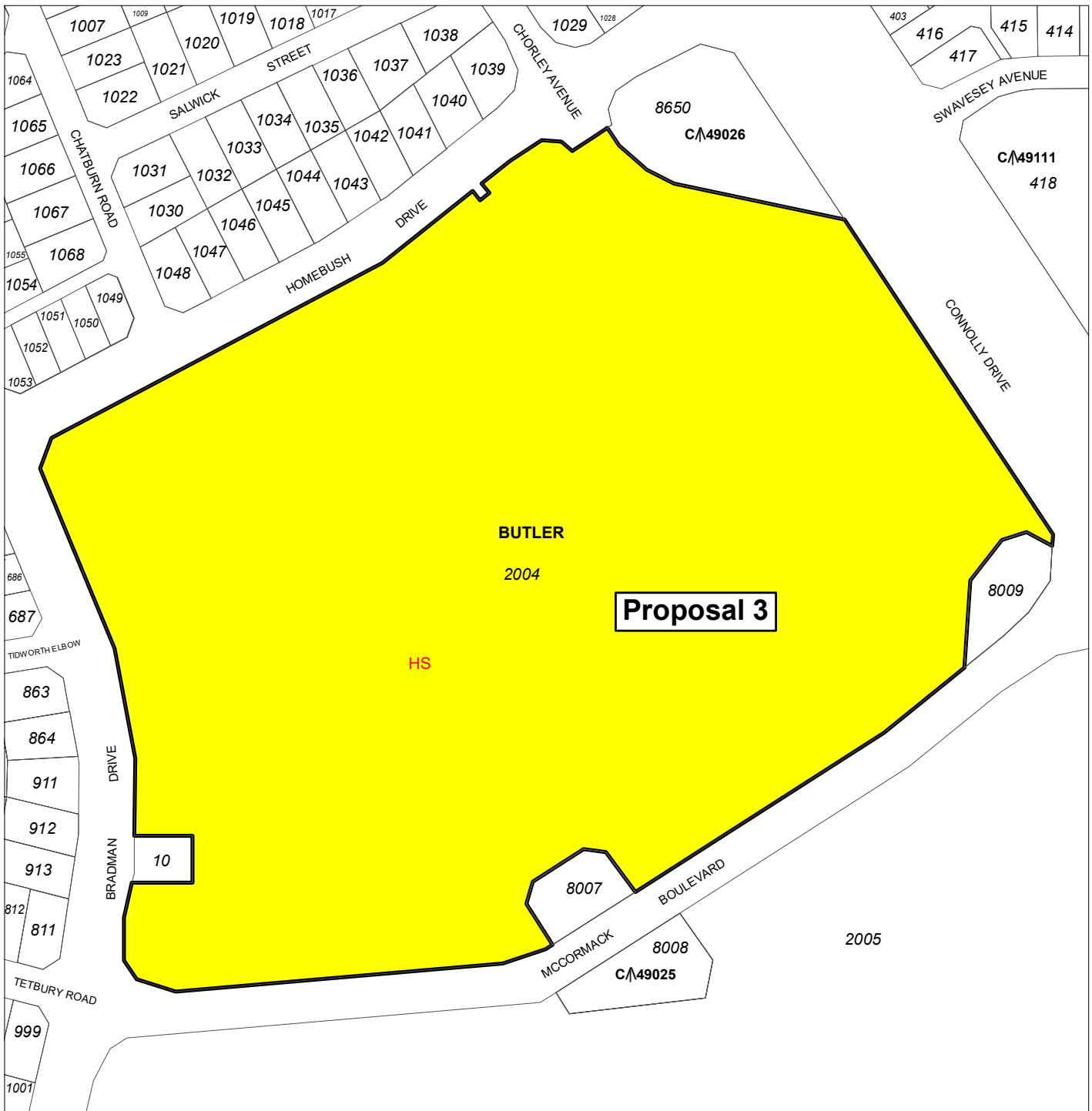
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Version number: 1



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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 3

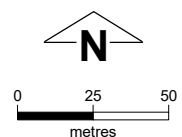
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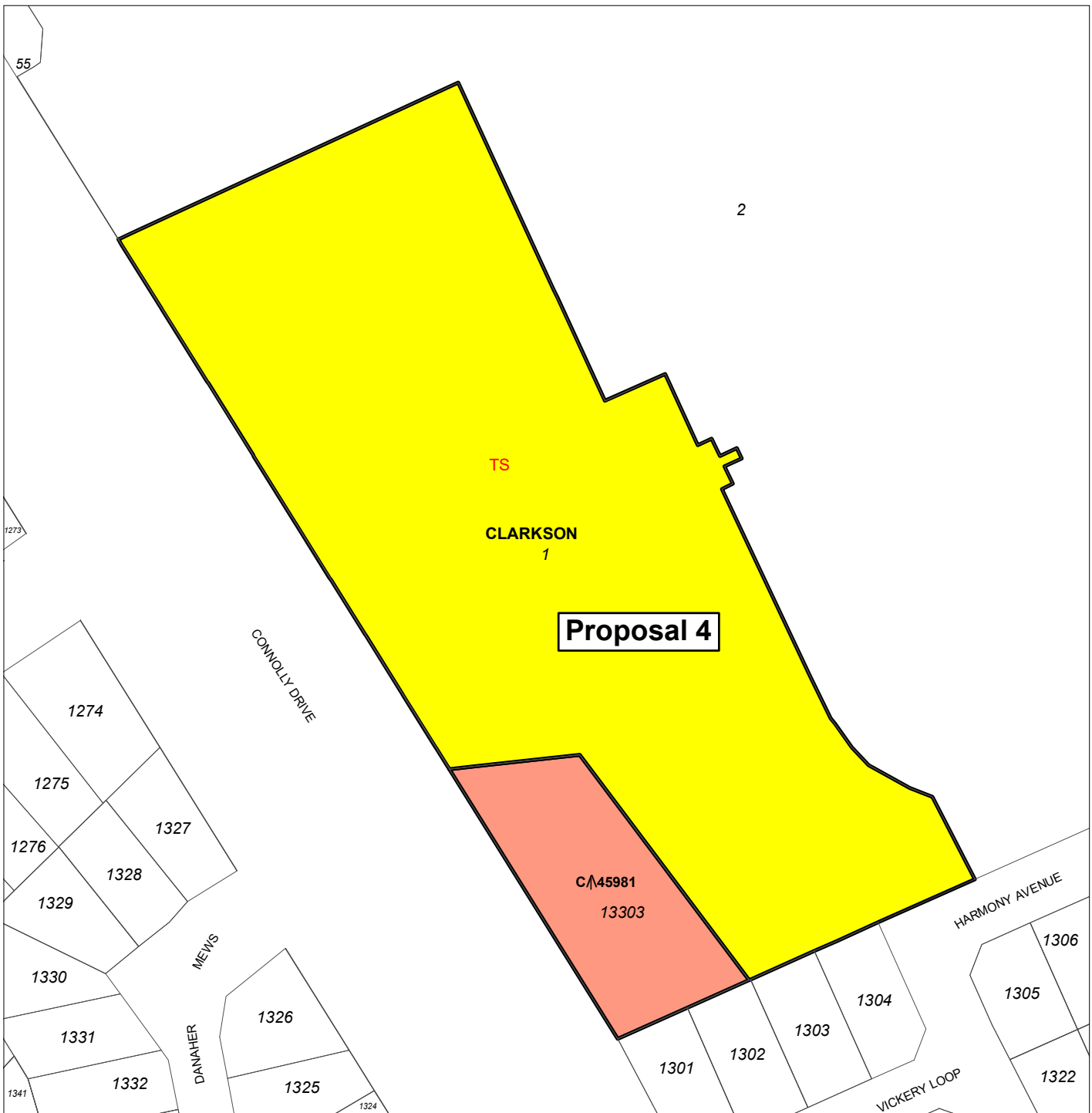
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Proposed minor amendment
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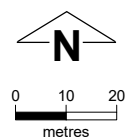
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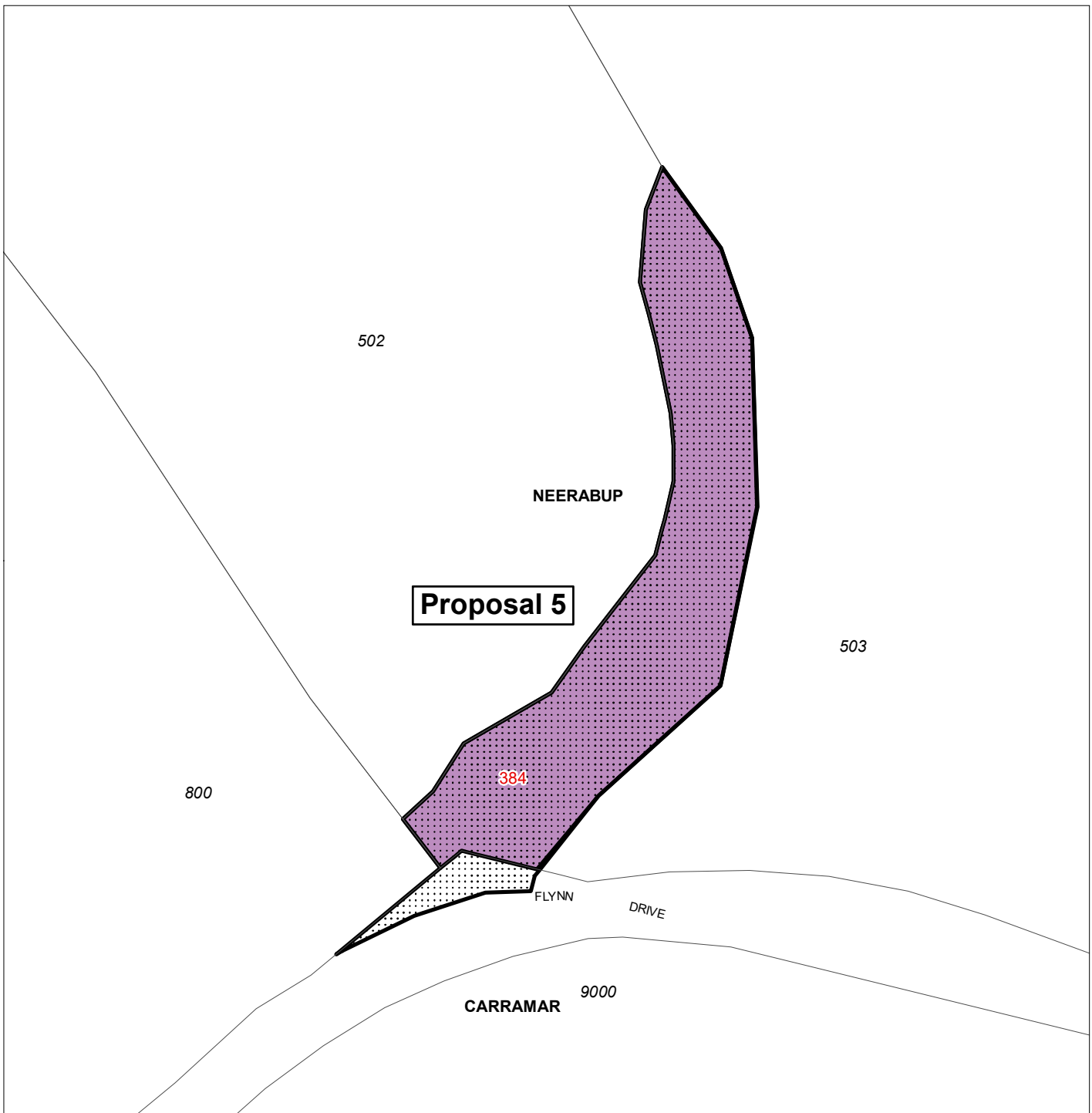
Proposal 4

Proposed Amendment:

-  TS Public purposes reservation - technical school
-  Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1





**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**


9 December 2020

Proposal 5

Proposed Amendment:

 Industrial zone

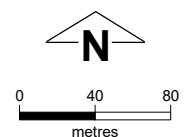
Notice of Delegation

 (Site No. 384) Bush Forever area for removal

Oracle reference no: 3068

File number: 833/02/01/0079

Version number: 1

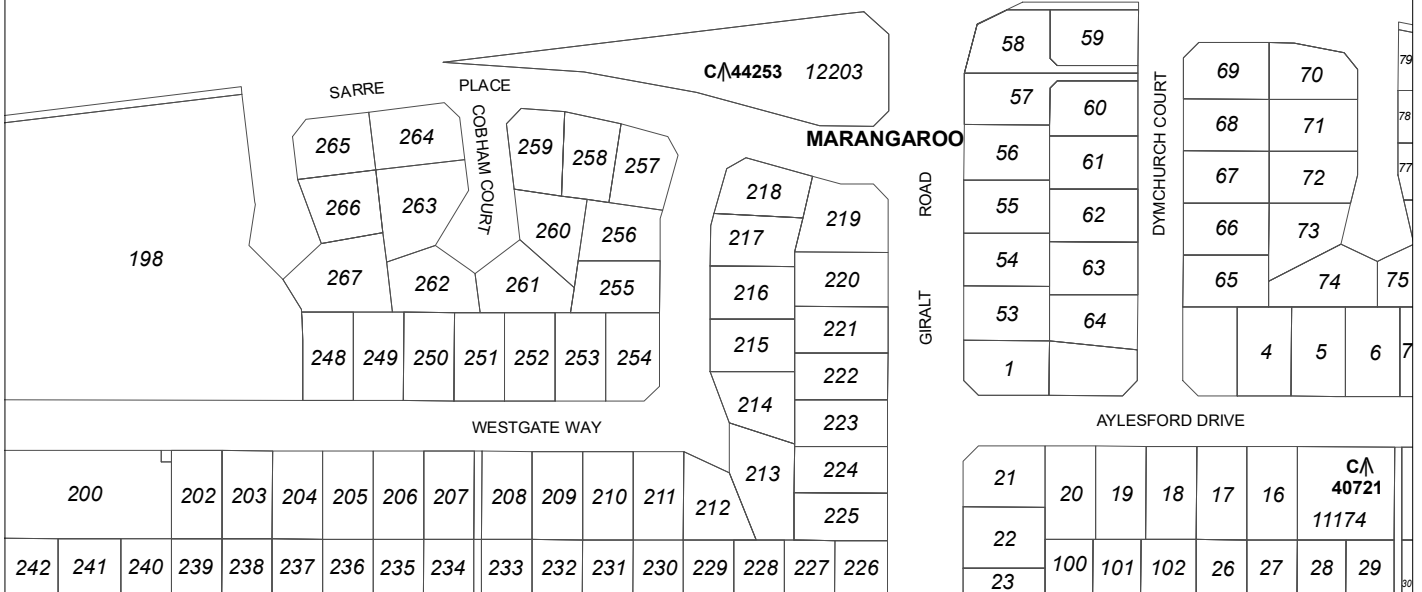
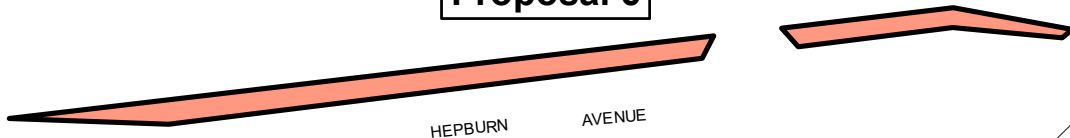


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MADELEY

2 **Proposal 6**



**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 6

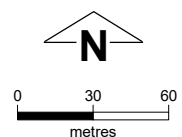
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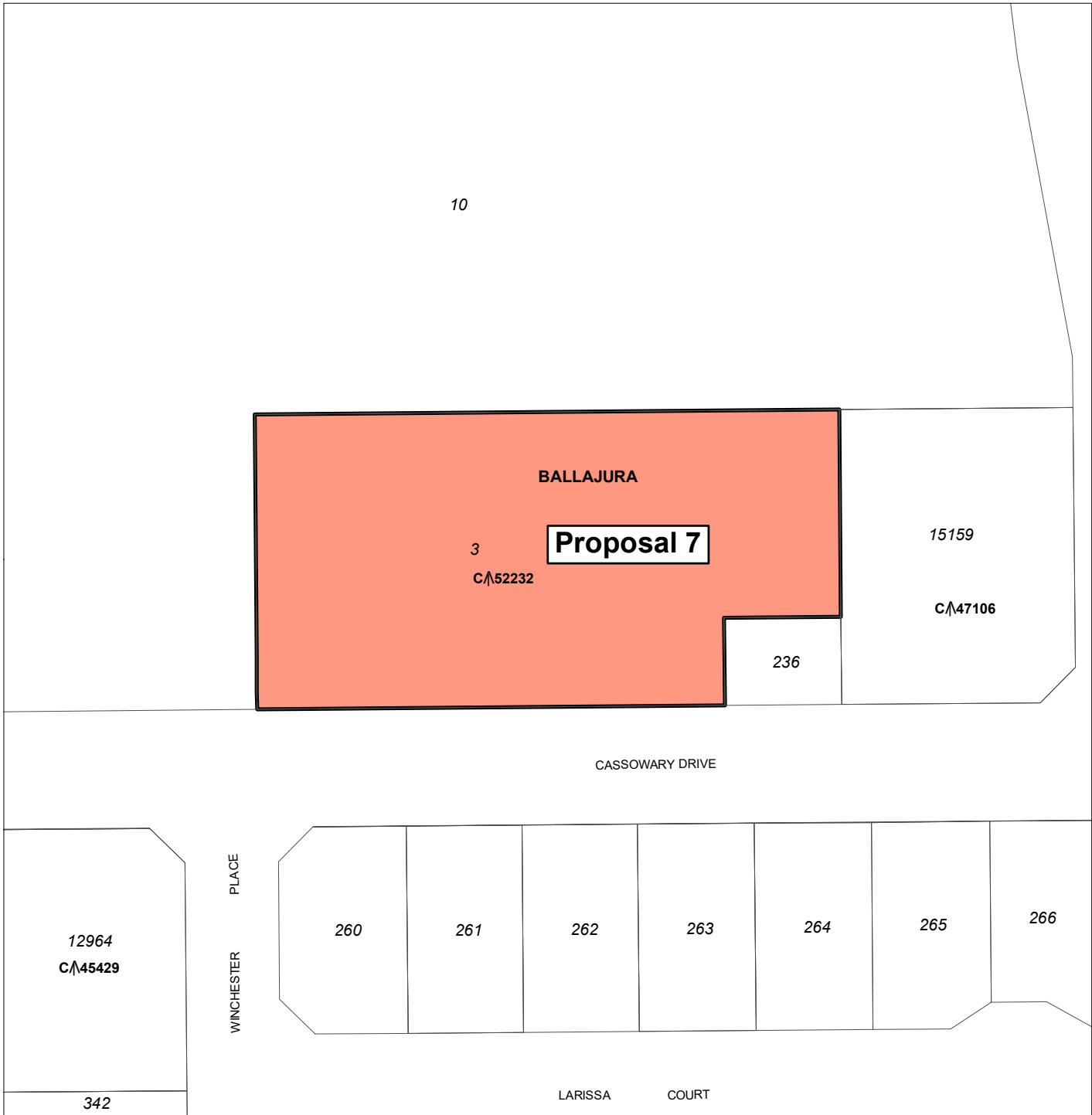


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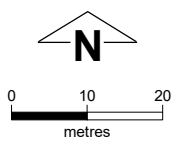
Proposal 7

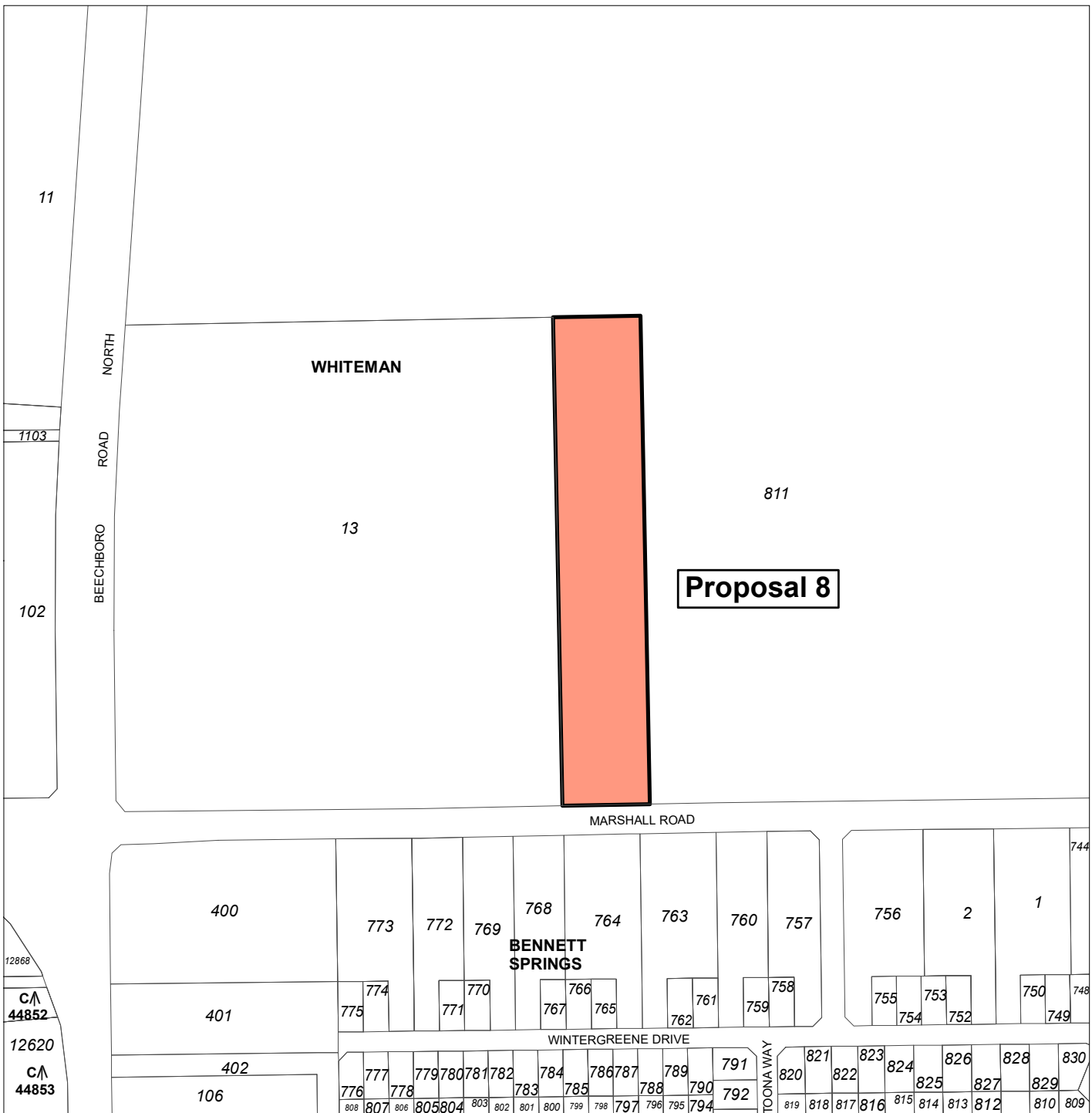
Proposed Amendment:
 Urban zone

Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 1



Date: 16/11/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1





**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 8

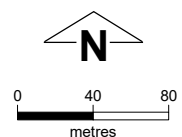
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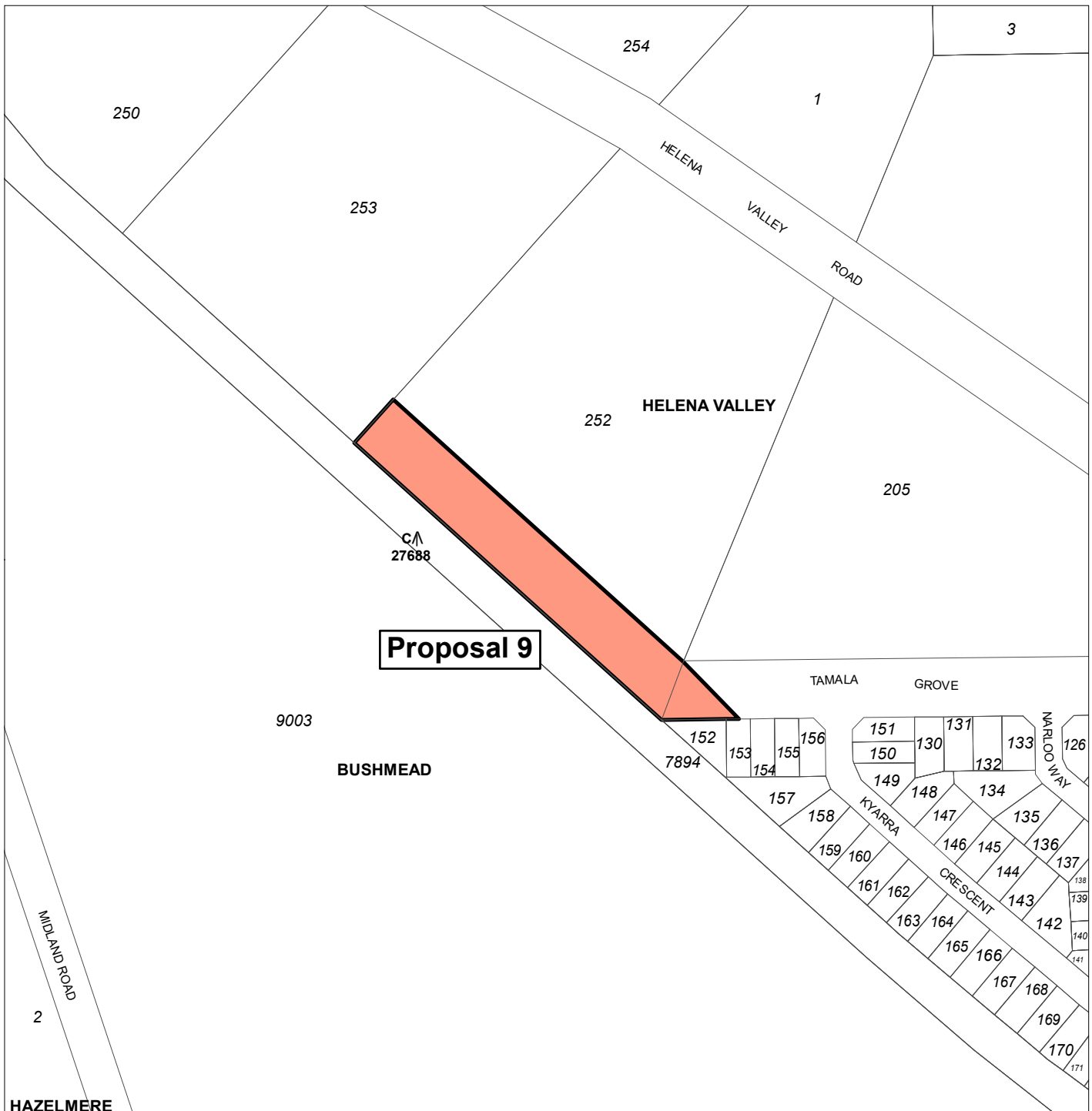
 Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1





**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 9

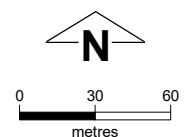
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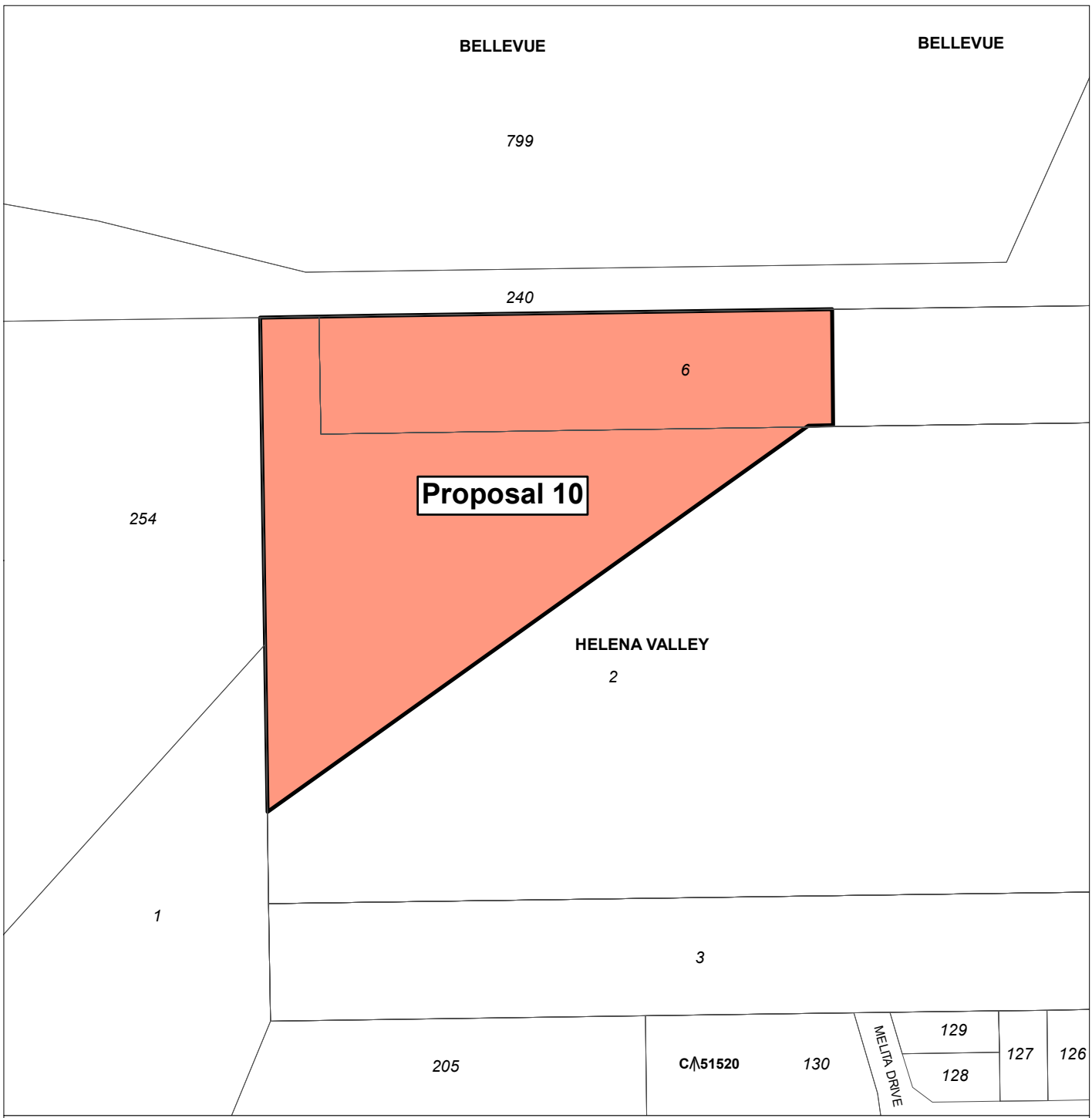
 Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1






**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

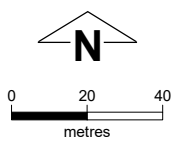
Proposal 10

Proposed Amendment:
 Urban zone

Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 1



Date: 16/11/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1



Appendix A

Notice of environmental assessment

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

Our Ref: CMS 17951
Enquiries: Renee Blandin, 6364 6499
Email: Renee.Blandin@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME	Metropolitan Region Scheme (MRS) Amendment 1379/57 North East and North West Districts Omnibus 3
LOCATION	Various zones and reservations in the North East and North West MRS Districts.
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

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

After consideration of the information provided by you, the EPA considers 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. I have also attached a copy of the Chair's determination of the scheme.

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 Chair's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Sutton', with a horizontal line extending to the right.

Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

23 August 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Metropolitan Region Scheme Amendment (MRS) 1379/57

Location: North East and North West MRS Districts

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 23 August 2021

Summary

The Western Australian Planning Commission (WAPC) proposes to rezone/change various zones and reservations in the Cities of Wanneroo and Swan and the Shire of Mundaring.

The Environmental Protection Authority (EPA) has considered the amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA expects future proposals likely to lead to significant environmental impacts are referred to the EPA pursuant to Part IV of the EP Act. The EPA has based its decision on the documentation provided by the WAPC, and having considered this matter, the following advice is provided.

Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings

Advice and Recommendations regarding Environmental Factors

The EPA considers there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA.

Proposal 1 Lot 1014 Skysail Avenue Alkimos City of Wanneroo

To transfer Lot 1014 Skysail Avenue Alkimos from the Urban zone to the Public Purposes - High School reservation. The site is identified as a high school site in the Central Alkimos Local Structure Plan (LSP).

Flora and Vegetation; Terrestrial Fauna

The amendment area is approximately 11.6 hectares (ha) in size and is fully vegetated. The vegetation is mapped as Floristic Community types 24 (*Northern Spearwood shrublands and woodlands*) and 28 (*Spearwood Banksia Northern attenuata or Banksia attenuata – Eucalyptus woodlands*), and is mapped as Excellent to Very Good condition.

The vegetation is foraging habitat for species of black cockatoo listed under both the *Biodiversity Conservation Act 2016* (BC Act) and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EPA notes approval for clearing within the Central Alkimos LSP area, including the amendment area, has been obtained under the EPBC Act (reference EPBC 2015/7561). The approval is subject to conditions requiring the preparation and approval of a construction environmental management plan and a parks and recreation reserve management plan to ensure the appropriate protection of Carnaby's black cockatoo habitat in the locality, and purchase of offsets. Any future development of the site must be consistent with the EPBC approval conditions.

Proposal 5 Lot 503 Flynn Drive City of Wanneroo

To:

- Rezone 3.6 ha of land in the south-western corner of Lot 503 from the Parks and Recreation reservation to the Industrial zone and remove this land from Bush Forever Site (BFS) 384; and
- Remove part of the adjacent road reserve for Flynn Drive from BFS 384 to rationalise its extent.

Flora and Vegetation and Terrestrial Fauna

The amendment area is approximately 3.6 ha, is part of BFS 384, and is mapped as containing vegetation in Good to Poor condition that is identified as potentially being part of the Tuart Woodlands Flora Community, a Threatened Ecological Community under the EPBC Act and a Priority 3 Priority Ecological Community under the BC Act. The vegetation is mapped as potential black cockatoo foraging and breeding habitat.

Future development associated with the amendment has the potential to impact threatened vegetation and fauna habitat through clearing.

The EPA notes the proposed amendment is an outcome of negotiations between DevelopmentWA and the WAPC as part of a strategic land exchange involving land within BFS 384 and BFS 293.

The EPA also notes approval subject to conditions has been obtained under the EPBC Act for clearing within Lot 801 Neerabup Industrial Estate (including the amendment area) (Ref: EPBC Act 2012/6424). The Department of Water and Environmental Regulation (DWER) granted a clearing permit for the amendment area in April 2019 (Ref: 7405/1), subject to conditions including purchasing of an offset site to be ceded to the Department of Biodiversity, Conservation and Attractions. Any future development of the site must be consistent with the approval conditions.

Proposal 8 Lot 811 Drumpellier Drive City of Swan

The proposal seeks to rezone approximately 2.01 ha of Lot 811 Drumpellier Drive from the Parks and Recreation reservation to the Urban zone, to enable the WAPC to acquire land required for proposed road works along Beechboro Road North and Marshall Road.

Inland Waters

A portion of the amendment area is classified as a resource enhancement wetland (REW). It is noted that the REW area is a completely cleared and highly modified environment.

Future development should maintain predevelopment groundwater and surface water hydrology and water quality associated with the REW, and an appropriate buffer to the wetland should be established.

Reclassification of the wetland in consultation with the Department of Biodiversity, Conservation and Attractions may be considered prior to development of the site.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3692 for Bennett Brook. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to the South West Aboriginal Land and Sea Council (SWALSC) during the formal advertising period.

Proposal 9 Lots 205 and 252 Helena Valley Road Shire of Mundaring

The amendment proposes to transfer portions of Lot 205 and 252 Helena Valley Road (approximately 0.78 ha) from the Rural zone to the Urban zone.

Flora and Vegetation and Terrestrial Fauna

The amendment area contains 0.65 ha of native remnant vegetation mapped as in Good to Degraded condition of which approximately 0.14 ha is mapped as Banksia Dominated Woodland of the Swan Coastal Plain TEC. The amendment area also contains potential black cockatoo foraging habitat.

Five potentially significant black cockatoo habitat trees were recorded by survey within the amendment area. None of these trees had suitable breeding hollows recorded, and no evidence of roosting was observed. However, as the trees could be used for roosting or breeding in the future, the EPA recommends significant trees within the future development area be retained where possible.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3758 for Helena River. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to SWALSC during the formal advertising period.

Proposal 10 Lots 2 and 6 Midland Road Shire of Mundaring

The proposal seeks to rezone the amendment area from the Rural zone to the Urban zone to make the zoning of the site consistent with the extent of the WAPC endorsed *Lots 2,3 & 6 Midland Road, Helena Valley Local Structure Plan* (LSP). Land within the amendment area is proposed in the LSP to have the designated land uses of Rural Residential and Public Open Space/Drainage.

Flora and Vegetation; Terrestrial Fauna; Inland Waters

The amendment area contains approximately 1 ha of vegetation mapped as Banksia Woodland of the Swan Coastal Plain TEC, in Good to Completely Degraded condition. The amendment area also contains foraging habitat and potential breeding habitat (Flooded Gum and Marri) for species of black cockatoo.

Kadina Brook runs through the amendment area. Approximately 0.7 ha of the amendment area is mapped as resource enhancement wetland (REW), and approximately 0.16 ha is mapped as within the floodway of the Helena River.

Development of the site for has the potential to impact groundwater and surface water quality and pre-development hydrology, including through nutrient run off. This impact can be managed through establishment of an appropriate buffer to the REW and implementation of

water management planning for the site. Water management planning should maintain or improve groundwater and surface quality, and pre-development hydrology.

The amendment area is within the Swan Canning Rivers Development Control Area, and will be managed under Part 5 of the *Swan and Canning Rivers Management Act 2006*, and any associated requirements of the MRS.

The EPA supports the intention to remove 0.16 ha of Rural Residential designated land from the rezoning when the Report on Submissions is presented to the WAPC for its consideration, given the designation of the land as a part of the Helena River floodway.

The proposed structure plan for the site designates the majority of the amendment area for Public Open Space/Drainage. Vegetation within the REW and Kadina Brook foreshore area is proposed to be retained within the 30m wetland buffer. The EPA supports this approach. The EPA recommends significant trees within the future development area be retained where possible.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3758 for Helena River. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to SWALSC during the formal advertising period.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through existing planning mechanisms. In addition, the EPA recommends its advice is implemented to further mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna, Inland Waters and Social Surroundings. Future local planning scheme amendments and structure planning should contain specific scheme reserves and/or text to ensure impacts to these values are avoided and/or managed.



GOVERNMENT OF
WESTERN AUSTRALIA

S48A Referrals

Environmental Protection Authority

Title: Metropolitan Region Scheme (MRS) Amendment 1379/57 North East and North West Districts Omnibus 3

Location: Various zones and reservations in the North East and North West MRS Districts.

Description: The Western Australian Planning Commission proposes to rezone/change various zones and reservations in the Cities of Wanneroo and Swan and the Shire of Mundaring, to reflect current land use and to facilitate future development.

Ref ID: CMS17951

Date Received: 27/01/2021 **Date Sufficient Information Received:** 27/07/2021

Responsible Authority: Western Australian Planning Commission Locked Bag 2506 Perth WA 6001

Contact: Brett Pye

Preliminary Environmental Factors: Flora and Vegetation, Terrestrial Fauna, Inland Waters and Social Surroundings

Potential Significant Effects: Potential clearing of native vegetation (including Threatened Ecological Community) and black cockatoo habitat, potential impact to groundwater and surface water quality and hydrology of Resource Enhancement Wetlands, potential impact to Registered Aboriginal Heritage sites.

Management: Potential impacts can be managed through existing planning controls. In addition, future planning processes will also manage potential impacts. EPA advice is also provided regarding management of environmental impacts.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)**

The 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: 18 August 2021

Appendix B

List of detail plans supporting the amendment

**Metropolitan Region Scheme
Amendment 1379/57**

North-East and North-West Districts Omnibus 3

as advertised

Amending Plan 1.7982

Detail Plans

1.5801, 1.5802, 1.5810, 1.5837, 1.5839, 1.5845

Amending Plan 1.7983

Detail Plans

1.6024, 1.6092, 1.6094, 1.6121, 1.6623, 1.6240

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. 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
- 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 1379/57

North-East and North-West Districts Omnibus 3

OFFICE USE ONLY

SUBMISSION NUMBER

RLS/0985

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

The following proposals are the subject of my submission:

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

turn over to complete your submission

(Submission continued. Please attach additional pages if required)

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You should be aware that:

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

To be signed by person(s) making the submission

Signature Date

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 19 NOVEMBER 2021. Late submissions will NOT be considered.