

March 2018

Metropolitan Region Scheme Amendments 1323/41, 1324/41, 1325/41



Amendments in the
Bullsbrook Urban Precinct
(South, Central, North)

Amendment Report

City of Swan

**Metropolitan Region Scheme
Amendments 1323/41, 1324/41, 1325/41**

**Amendments in the
Bullsbrook Urban Precinct (South, Central, North)**

1323/41 South Bullsbrook Urban Precinct

1324/41 Bullsbrook Central Urban Precinct

1325/41 North Bullsbrook Urban Precinct

City of Swan



March 2018

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MRS Amendments 1323/41, 1324/41, 1325/41
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Amendment Report

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The Metropolitan Region Scheme

What it is and how it is amended

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.

Provision must be made for future housing, employment opportunities and transport needs to meet this growth. It is also necessary to set aside land for conservation and recreation.

The Metropolitan Region Scheme (MRS) provides for this growth, and the means by which affected 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, an amendment to the MRS is advertised to seek comment from landowners, the broader community and all levels of government.

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 41 (often referred to as a major amendment).

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

- Request submitted and considered by the WAPC.
- WAPC determines to either progress or reject application.
- 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.
- Consent by the Minister for Planning to call for submissions.
- Proposed amendment is advertised for public comment. Advertisements are placed in local and statewide newspapers and the information is made available on www.planning.wa.gov.au/public-comment. 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 three months.
- WAPC considers submissions. Everyone who made a submission may also choose to present to a hearings committee appointed by the WAPC to consider and report on these submissions.
- WAPC reviews the proposed amendment in light of both the submissions and planning advice provided by the Department of Planning, Lands and Heritage.
- The WAPC provides a recommendation to the Minister whether to accept, reject or modify the proposed amendment.
- Proposed amendment may be required by the Minister for Planning to be

readvertised if the amendment is substantially modified as a result of submissions and planning advice.

- Minister presents the proposed amendment with the WAPC's recommendations to the Governor for approval.
- The proposed amendment, as approved by the Governor, is tabled before each House of State Parliament, where it must remain for 12 sitting days. During this time, the amendment is again on public display.
- In Parliament, a member may introduce a motion to disallow the amendment. If this motion succeeds, the MRS will not be amended. Otherwise, the amendment becomes legally effective in the MRS after 12 sitting days.
- 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 www.planning.wa.gov.au/regionschemes.

How can my views be heard?

You can lodge a submission to the proposed amendment during the advertised period:

- online at www.planning.wa.gov.au/public-comment
- 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).

The WAPC will try and make contact with everyone who nominated to attend a hearings committee following the advertised period.

Publications

In the course of each amendment to the MRS, information is 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

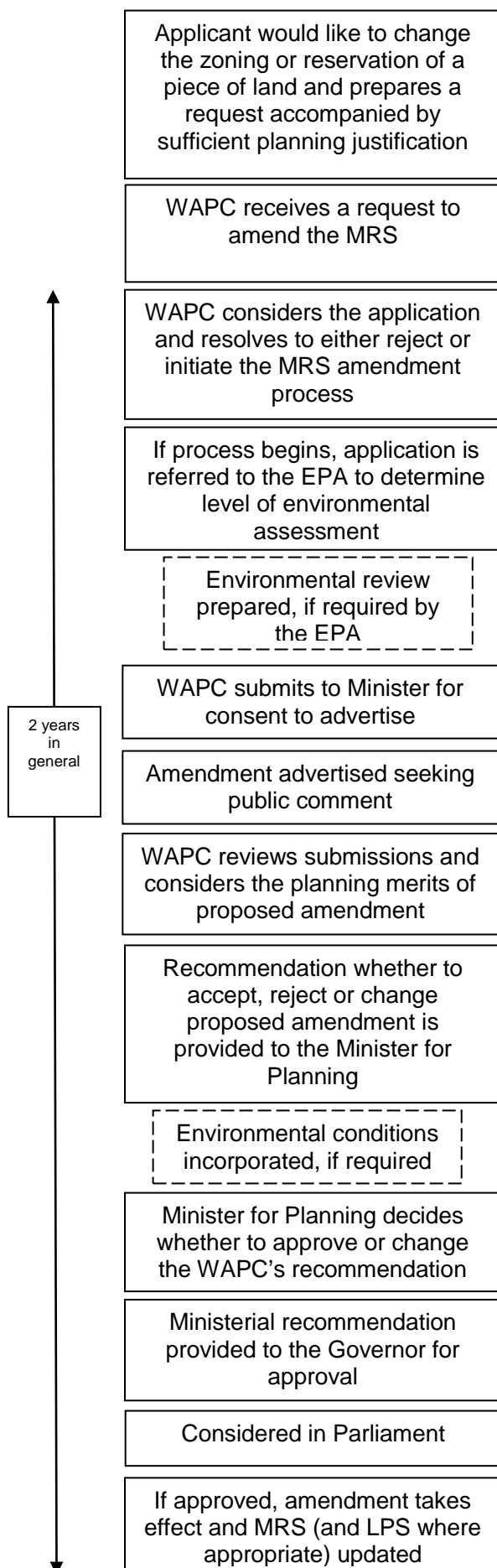
This publication documents the submissions received, the minutes of the hearings and the Hearings committee summary of the proceedings

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

The final scheme or amendment

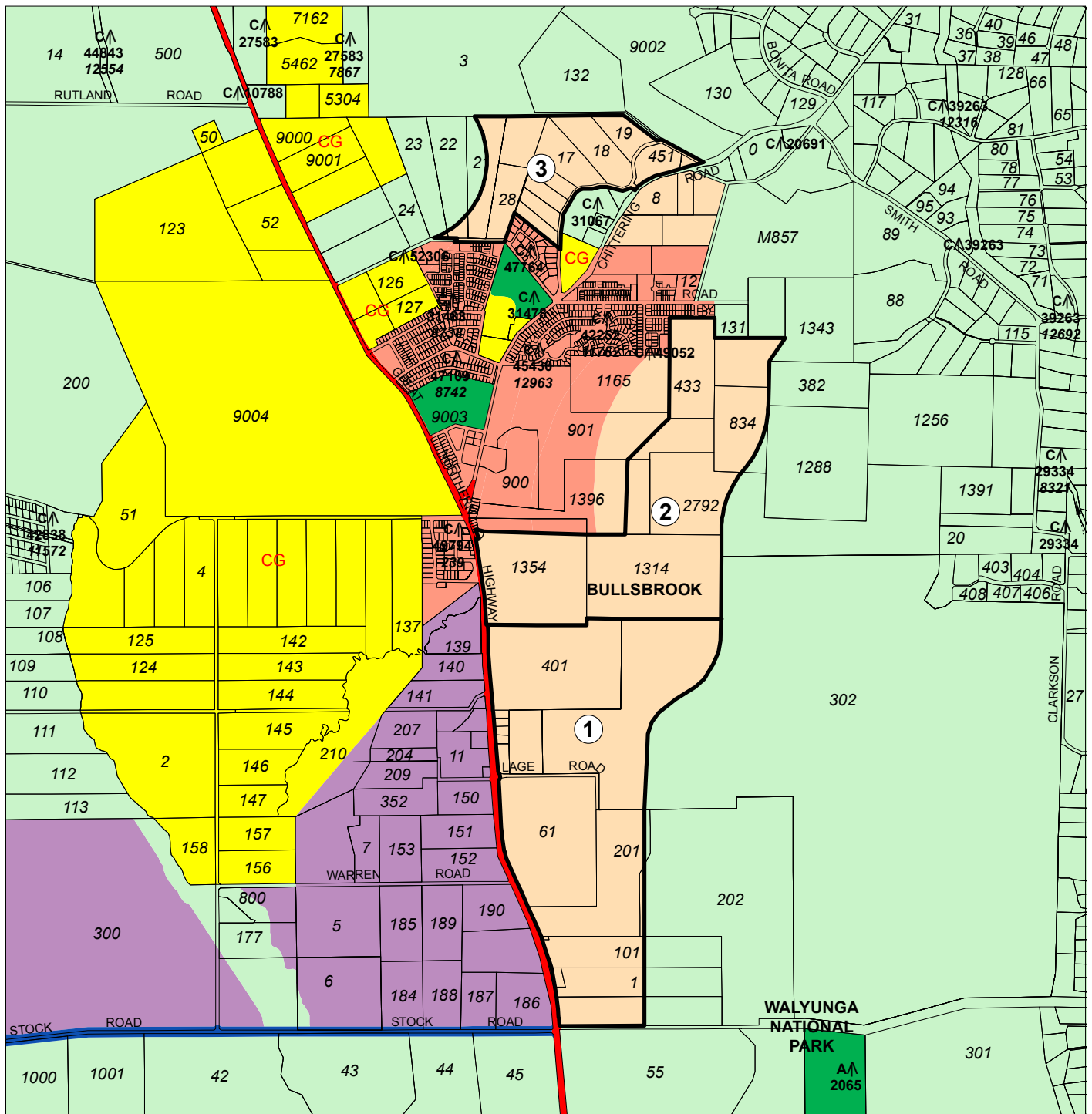
This publication documents the planning rationale for the amendment or scheme and the WAPC's recommendation to the Minister for Planning.

A simple diagram of the amendment process.



Abbreviations

AHA	Aboriginal Heritage Act
AHD	Australian Height Datum
BTLUMP	Bullsbrook Townsite Landuse Masterplan
CBD	Central Business District
DAA	Department of Aboriginal Affairs
DIA	Department of Indigenous Affairs
DWER	Department of Water and Environmental Regulation
DPLH	Department of Planning, Lands and Heritage
DSP	District Structure Plan
DWMS	District Water Management Strategy
EPA	Environmental Protection Authority
EPBC	Environment Protection and Biodiversity Conservation
GGP	Green Growth Plan
LPS	Local Planning Scheme
MRS	Metropolitan Region Scheme
MRWA	Main Roads Western Australia
OEPA	Office of the Environmental Protection Authority
POS	Public Open Space
RAAF	Royal Australian Air Force
SPP	State Planning Policy
WAPC	Western Australian Planning Commission
WWTP	Wastewater Treatment Plant



Metropolitan Region Scheme

Amendment Nos. 1323/41, 1324/41 & 1325/41

Proposed:

- ① amendment 1323/41
- ② amendment 1324/41
- ③ amendment 1325/41

Metropolitan Region Scheme Legend

Reserved Lands

- Parks and recreation
- Restricted public access
- Railways
- Port installations
- State forests
- Water catchments
- Civic and cultural
- Waterways

Roads:

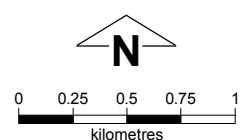
- Primary regional roads
- Other regional roads

- Public purposes - denoted as follows:
 - H Hospital
 - HS High school
 - TS Technical school
 - CP Car park
 - U University
 - CG Commonwealth Government
 - SEC State Energy Commission
 - SU Special uses
 - WSD Water Authority of WA
 - P Prison

- Bush forever area

Zones

- Urban
- Urban deferred
- Central city area
- Industrial
- Special industrial
- Rural
- Rural - water protection
- Private recreation



Amendment 1323/41

South Bullsbrook Urban Precinct

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Appendix A Notice of environmental assessment

Appendix B List of detail plans supporting the amendment

Appendix C Submission form for this amendment (form 41)

Metropolitan Region Scheme Amendment 1323/41

South Bullsbrook Urban Precinct

1 Purpose

The purpose of the amendment is to transfer approximately 210.7 ha of Rural zoned land to the Urban Deferred zone in the Metropolitan Region Scheme (MRS), as shown on the ***Amendment Figure – Proposal 1***.

The proposed amendment will facilitate future residential development, a neighbourhood centre, areas of public open space, a primary school and associated playing fields and conservation areas.

Requirements to lift the Urban Deferment

The subject land is being zoned Urban Deferred, as the following requirements are to be addressed prior to lifting of Urban Deferment:

- A District Structure Plan (DSP) or the *Bullsbrook Townsite Landuse Masterplan* (BTLUMP) being approved by the Western Australian Planning Commission (WAPC) to guide the development of the Bullsbrook townsite.

The DSP or BTLUMP should consider matters such as: a spatial staging plan, district developer contribution plan, MRS reservations (e.g. High Schools, Other or Primary Regional Roads etc), buffers (e.g. landfill and extractive industries etc), environmental constraints, transport modelling and traffic analysis (amongst other matters) in consultation with relevant State Government agencies and the City of Swan;

- Confirmation of water and wastewater infrastructure;
- Confirmation on the location of a High School site;
- Confirmation of road upgrading requirements to support the proposed scale of development;
- Confirmation that the existing landfill operations and associated buffer has ceased; and
- The eastern portion of the site is partly within a 500 metre separation buffer for clay resources. The clay extraction is to be completed, prior to the transfer of this land to the Urban zone.

2 Background

The subject land is located within the City of Swan and is approximately 32 km north-east of the Perth CBD and is 21 km north-east of the Midland strategic centre. The land has access to Great Northern Highway and existing local roads in the locality. The Bullsbrook townsite and RAAF Pearce Airbase are to the north-west and the Perth-Geraldton railway and Perth-Darwin Highway are further to the west of the site.

The site has historically been used for agricultural pursuits, including land uses such as cropping and grazing, and is therefore degraded state and cleared of any significant vegetation. There are some areas of remnant vegetation associated with existing creek lines, however these areas are generally devoid of understorey. There are existing dwellings and other farming related structures within the site.

An operational Class I inert landfill (includes crushing of building materials and a solid waste depot) is located to the east of the subject land. Once closed, the landfill is proposed to be rehabilitated in accordance with Department of Water and Environment Regulation (DWER) requirements.

Vegetation across the site ranges from “Completely Degraded” to “Degraded” condition. “Completely Degraded” areas occur across the vast majority of the site, consisting of cleared and grazed paddocks, dominated by pasture weeds. The small pockets of remnant plant communities were in “Degraded” condition, and contained an intact over-storey and a limited native understorey.

No Threatened or Priority flora has been identified within the subject site. No Threatened Ecological Communities or Priority Ecological Communities have been identified. There are no Bush Forever sites within or abutting the site.

Land use and development within the amendment area is generally controlled by the City of Swan Local Planning Scheme No. 17 (LPS 17). The subject is currently zoned Rural in the MRS and “General Rural”, “Landscape” and “Recreation” under LPS 17.

3 Scope and content of the amendment

The amendment proposes to rezone approximately 16 properties and road reserves bounded by Stock Road to the south, Great Northern Highway to the west and existing Rural zoned properties to the north and east.

The total area subject of this amendment is approximately 210.7 ha.

4 Discussion

STRATEGIC CONTEXT

Draft Perth and Peel @ 3.5 Million / Draft North-East Sub-regional Planning Framework

The draft *Perth and Peel @ 3.5 Million* document provides a snapshot of the Perth and Peel regions in the future. It makes the case for change from a “business-as-usual” perspective to a more considered, connected, consolidated urban form. It links four draft Frameworks and encourages the consideration of new urban growth opportunities.

Future areas for urban development have been determined in conjunction with the State Government’s draft *Perth and Peel Green Growth Plan for 3.5 Million*, in order to avoid and protect areas which have significant regional environmental value. The draft *North-East Sub-Regional Planning Framework* identifies the subject land as “*Urban Expansion*”, with a “*Medium-Long Term (2022+)*” timeframe.

The WAPC considers that the amendment contributes to the implementation of the draft Frameworks' recommendations and generally meets the criteria outlined for consideration ahead of its urban staging timeframe.

Bullsbrook Townsite Land Use Master Plan

In 2014, the City of Swan adopted the BTLUMP in response to the targets identified under *Directions 2031 and Beyond*. The BTLUMP provides guidance for the growth and development of the Bullsbrook town site, with population forecasts to increase from 5,614 to 26,483 people by 2036.

The subject site is identified under the BTLUMP for future residential development. The BTLUMP allocates a primary school and local playing fields within the subject site, as well as a Neighbourhood Centre generally at the intersection of Lage Road and the Great Northern Highway. There is also a conservation area identified traversing the site along the existing creek line. The proposed amendment request is generally in accordance with the BTLUMP.

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning addresses transport noise from within major transport corridors, including primary freight routes, and its impact on nearby noise-sensitive land uses.

As the Great Northern Highway abuts the western boundary of the subject land, there is the potential for noise attenuation to be required. The exact nature of these measures will be determined at the detailed structure planning stage. Noise reduction strategies will be designed and implemented in conjunction with local government recommendations and government agency guidelines.

In subsequent planning stages, management measures will be incorporated into the future development to minimise the impacts of noise and may also be subject to subdivision and development approval conditions.

State Planning Policy 2.4 - Basic Raw Materials

State Planning Policy 2.4 - Basic Raw Materials sets out the matters which are to be taken into account by the WAPC and local governments in considering zoning, subdivision and development applications for extractive industries zoning, subdivision and development applications in the vicinity of identified basic raw material resource areas.

The former Department of Mines and Petroleum advises that the eastern portion of the amendment area is partly located within the 500 metre separation buffer from clay resources. The clay extraction is required to be completed, prior to the transfer of this land to the Urban zone.

State Planning Policy 4.1 - State Industrial Buffer Policy

State Planning Policy 4.1 - State Industrial Buffer Policy (SPP 4.1) applies statewide, to planning decision-making, and proposals which seek to provide for new industrial areas and uses, and essential infrastructure, sensitive land uses in proximity to existing industrial areas. The objectives of the policy are to:

- avoid conflict between industry and/or essential infrastructure and sensitive land uses;

- protect industry and/or essential infrastructure from encroachment by those land uses that would be sensitive to impacts and adversely impact the efficient operations;
- provide for the development of industry and/or the provision of essential infrastructure in a way that maximises amenity, minimises environmental and health impacts and takes account of risk to nearby sensitive land uses; and
- promote compatible uses in areas affected by off-site impacts of industry and/or essential infrastructure.

The proposed amendment is in accordance with SPP 4.1 as the subject land is being zoned Urban Deferred, and will require that the landfill operations have ceased, prior to the land being transferred to the Urban zone.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas (unless exemptions apply).

The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7. They provide advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area. A Bushfire Management Plan has been approved for the site by the Department of Fire and Emergency Services.

STATUTORY CONTEXT

Environment

The former Office of the Environmental Protection Authority (OEPA) raises no objections to the proposed amendment, subject to the retention of remnant vegetation consistent with work undertaken for the draft *Perth and Peel Green Growth Plan for 3.5 Million*.

Where possible, remnant vegetation should be retained, particularly remnant vegetation along the Nambad Brook which provides potential habitat for Carnaby's Black Cockatoos. This species is listed as 'Endangered' under the *Environment Protection and Biodiversity Conservation Act 1999*. The OEPA acknowledges that further consultation and investigations will be required in the subsequent local structure plan, subdivision or a development application stages.

Urban Water Management

A District Water Management Strategy is required to be approved by the DWER prior to the WAPC's consideration of the amendment for a final determination.

Infrastructure

Water & Wastewater

The Water Corporation has adopted long-term, conceptual water and wastewater planning that provides for the ultimate urban expansion of the Bullsbrook townsite. This infrastructure planning may be varied by the developers in consultation with the Corporation in the subsequent structure planning stage, when more detailed land use, lot yield and timing information becomes available.

The subject land is physically separated from the current townsite and is not serviced with water or sewerage, and extensions will be needed. The Corporation's infrastructure planning for new water storages, distribution mains, permanent wastewater pumping stations, large gravity sewers etc, is premised on a logical and orderly progression of the development front.

If the proponent wishes to develop this land ahead of the Corporation's planned capital expenditure program, the developers may be required to fund some headworks infrastructure. Developers may also need to build temporary water and wastewater infrastructure to service the land. A temporary servicing solution may be acceptable to the Corporation, provided it does not compromise the Corporation's long-term planning.

Transportation

Main Roads WA (MRWA) advises as follows.

- The proposed concept plan (for the eastern portion of Great Northern Highway) should align with the various structure plans on the western side of the Highway;
- The concept plan shows a Neighbourhood Centre at the intersection of Great Northern Highway/Lage Road. No direct vehicle access will be provided to Great Northern Highway, therefore the neighbourhood centre should be relocated further eastward; and
- The City of Swan, former Department of Planning, Department of Transport and MRWA endorsed an access strategy for Great Northern Highway. Further detail of the preferred treatment for the Dewar Road/Lage Road intersection potentially being relocated south has been provided.

This information has been provided to the proponent as it relates to the subsequent stages of the planning and development process.

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 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.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC / Department of Planning, Lands and Heritage has 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 have Aboriginal interest are now referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's south west region, and as such is also well placed to provide advice on Aboriginal heritage.

This amendment has been pre-referred to the SWALSC but no response was received. However, it will be referred to SWALSC during the advertising period for the amendment.

6 Coordination of local and region scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option to concurrently rezone land being zoned Urban under the MRS to a "Development" zone (or similar) in the Local Planning Scheme. As no land is being zoned Urban, section 126(3) of the *Planning and Development Act 2005* is not applicable.

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. WAPC Policy *DC 1.9 Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. In this regard, the amendment is proposed to be processed as a "major" amendment given it seeks to zone a new urban area which is considered to be a substantial/regional change in the MRS and in the general Bullsbrook locality.

8 Sustainability

The proposed amendment will facilitate the future urban development of the site in accordance with the BTLUMP and will complement the existing Industrial zoned areas in Bullsbrook, has regard to the protection of the environment and has access to the regional road network e.g. Great Northern Highway.

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*. 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.

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 41 of that act.

In essence, this procedure for a substantial alteration to the MRS (often referred to as a 'major' 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 being sought on the proposed amendment (including the Environmental Review if it was required);
- consideration of submissions (including hearings where requested);
- referral of WAPC recommendations, with or without any modifications to the amendment in response to submissions, to the Minister for Planning;
- approval by the Governor;
- consideration by both Houses of Parliament, which can disallow the amendment;
- amendment takes legal effect when no longer subject to disallowance after 12 sitting days; and
- where the WAPC has agreed to the parallel amendment of a local planning scheme under section 126(3) of the *Planning and Development Act 2005*, the local planning scheme amendment becomes effective upon gazettal of the MRS amendment.

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

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 three months from Friday 2 March 2018 to Friday 8 June 2018.

Copies of the amendment will be available for public inspection at:

- i) Western Australian Planning Commission, 140 William Street, Perth
- ii) City of Perth
- ii) City of Fremantle

- ii) City of Swan
- ii) City of Kalamunda
- iii) the State Reference Library, Northbridge.

Online submissions are encouraged via: www.planning.wa.gov.au/public-comment.

Written submissions on the amendment should be sent to:

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

and **must be received by Friday 8 June 2018.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (Form 41) for this amendment 1323/41 is attached to this report (Appendix C). Additional copies of this form are available from the display locations listed above and from the PlanningWA website www.dplh.wa.gov.au.

You should be aware that the calling for submissions is a public process, and all submissions lodged will together become a public document. It will be published and made available when the amendment is presented to both Houses of Parliament. Advice of disclosure and access requirements is shown on side two of the submission form.

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

12 Hearings

Any person making a written submission also has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. Details required for attending the hearings are on side two of the submission form.

Presentations made to the hearings committee are an extension of the submission process, and the minutes of all hearings will become a public document. The minutes will be published and made available when the amendment is presented to both Houses of Parliament.

Before completing your submission form, please refer to the information regarding hearings in Appendix II of this report.

13 Modifications to the amendment

After considering any comments received from the public and Government agencies, the WAPC may make modifications to the amendment.

The recommendations of the WAPC, including any modifications, are published in a report on submissions. Anyone who has made a submission will receive a copy of this document when the amendment is tabled in Parliament. The report will also be available on the PlanningWA website www.dplh.wa.gov.au.

14 Final outcome

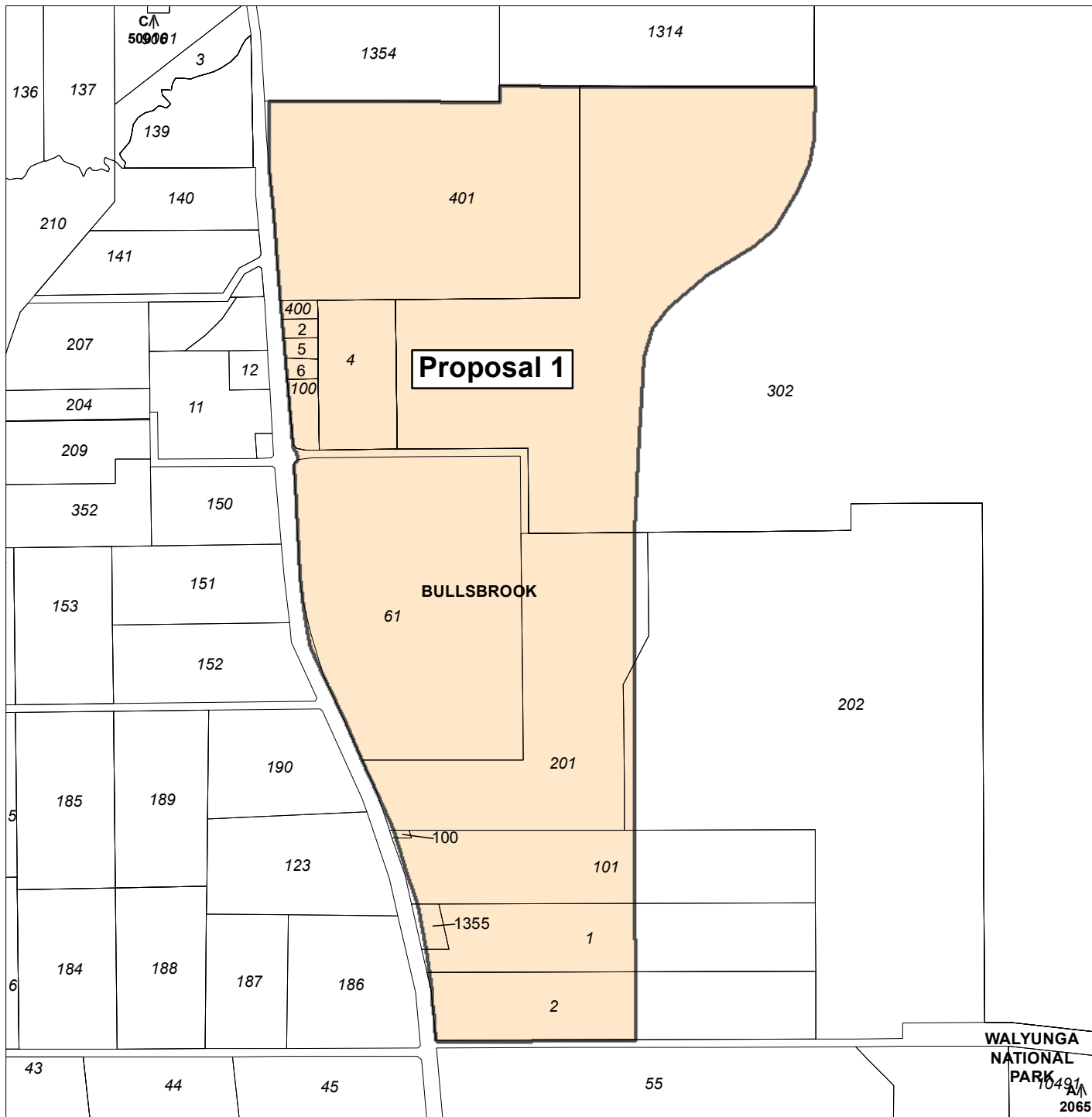
After considering the submissions, the WAPC may make modifications to the amendment. The WAPC will then submit the amendment plans, together with a *Report on Submissions* and a copy of all written submissions, to the Minister for Planning for presentation to the Governor.

If the Governor approves, a copy of the plans of the amendment together with the *Report on Submissions* will be laid before each House of Parliament for twelve sitting days. Either House may, by resolution, disallow an amendment within that time. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the MRS.

People who have made submissions will be kept advised on the progress of the amendment, and along with all affected landowners, will be notified of the final outcome.

**MRS Amendment 1323/41
South Bullsbrook Urban Precinct**


**Amendment Figure
Proposal 1**



South Bullsbrook Urban Precinct Proposed major amendment as advertised

27 April 2017

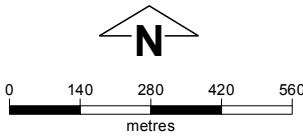
Proposal 1

Proposed Amendment:
 Urban deferred zone

Oracle reference no: 2908
 File number: 809/02/21/0039P V
 Version number: 2



Date: 10/10/2017
 Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority LI 862-2016-1



Appendix A

Notice of environmental assessment



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

Your Ref:
Our Ref: CMS15321
Enquiries: Billie-J Hughes, 6364 7600
Email: Billie-J.Hughes@dwer.wa.gov.au

Dear Sir/Madam

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

SCHEME:	Metropolitan Region Scheme - Amendment 1323/41 South Bullsbrook Urban Precinct
LOCATION:	Various properties and road reserves bounded by Stock Road to the south, Great Northern Highway to the west and existing Rural zoned properties to the north and east
RESPONSIBLE AUTHORITY:	Western Australian Planning Commission
DECISION:	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

Thank you for referring the above proposed 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 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 dark ink, appearing to read 'R Harvey'.

Robert Harvey
DEPUTY CHAIRMAN

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 40 published 7 March 2017

17 July 2017

Encl. Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1323/41 South Bullsbrook Urban Precinct

Location: Various properties and road reserves bounded by Stock Road to the south, Great Northern Highway to the west and existing Rural zoned properties to the north and east

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 17 July 2017

Summary

The Western Australian Planning Commission (WAPC) has resolved to proceed with Metropolitan Region Scheme Amendment 1323/41 South Bullsbrook Urban Precinct. The purpose of the amendment is to transfer approximately 210.7 hectares of Rural zoned land to Urban Deferred.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment, as set out, is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. Having considered this matter the following advice is provided.

1. Environmental Factors

Having regard to EPA's *Statement of Environmental Principles, Factors and Objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Hydrological Processes;
- d) Inland Water Environmental Quality;
- e) Social Surroundings; and
- f) Human Health

Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the documentation provided by the WAPC.

**a. Flora and Vegetation, Terrestrial Fauna, Hydrological Processes and Inland Waters
Environmental Quality**

The remnant native vegetation within the amendment area is mapped as Guildford Complex, which only has 5.3% of its original extent remaining. The vegetation ranges in condition from Degraded to Completely Degraded. Within the amendment area, this vegetation occurs along Nambad Brook and a small pocket of vegetation in the south east.

The vegetation associated with the Nambad Brook is identified as Carnaby's Black Cockatoo foraging habitat. The EPA notes an environmental assessment did not identify the presence of Black Cockatoos or evidence to suggest it is habitat. All species of Black Cockatoos are protected under both the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Any proposed development may require referral to the Commonwealth Department of the Environment and Energy under the EPBC Act due to impacts to Black Cockatoo habitat.

The EPA supports the retention of Nambad Brook and associated vegetation in public open space as depicted in concept planning for the future urban development. The retention of other areas of vegetation that provides habitat for Black Cockatoo would also be supported.

b. Social Surroundings and Human Health

An operational Class I inert landfill is located to north east of the subject land and a clay schist quarry to the east.

The separation distance between the landfill and proposed amendment area is approximately 500 metres (m). The EPA notes the generic separation distance exceeds the 150m recommended for inert landfills in the EPA's Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* (EPA GS 3) (EPA 2005).

A buffer of 500m has been provided between the quarry and the proposed amendment area. EPA GS 3 also advises 500 to 1000m depending on the size of the operation. The EPA supports the requirement for the land to not be transferred to the Urban zone until clay extraction has ceased.

Recommendation

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through the requirements identified to lift Urban Deferment in the amendment report, preparation of future local planning scheme provisions and/or structure planning to manage and protect the identified environmental factors above.

Appendix B

**List of detail plans supporting
the amendment**

South Bullsbrook Urban Precinct

Proposed Major Amendment

Amendment 1323/41

as advertised

Amending Plan 3.2701

Detail Plans

1.5866 & 1.5870

Appendix C

Submission form for this amendment
(form 41)

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

☐ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ Myself – My telephone number (business hours):

or

☐ A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

☐ Public (members from the general public may attend your presentation)

OR

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

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.
- Hearings may be recorded and transcribed. The minutes of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

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 8 JUNE 2018. Late submissions will NOT be considered.

Amendment 1324/41

Central Bullsbrook Urban Precinct

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Appendix A Notice of environmental assessment

Appendix B List of detail plans supporting the amendment

Appendix C Submission form for this amendment (form 41)

Metropolitan Region Scheme Amendment 1324/41

Central Bullsbrook Urban Precinct

1 Purpose

The purpose of the amendment is to rezone approximately 153.17 ha of Rural zoned land to the Urban Deferred zone in the Metropolitan Region Scheme (MRS), as shown on the ***Amendment Figure – Proposal 1***.

The proposed amendment will facilitate future residential development, a district centre, a primary school, conservation and public open space areas.

Requirements to Lift the Urban Deferment

The subject land is being zoned Urban Deferred, as the following requirements are to be addressed prior to lifting of Urban Deferment:

- A District Structure Plan (DSP) or the *Bullsbrook Townsite Landuse Masterplan* (BTLMP) being approved by the Western Australian Planning Commission (WAPC) to guide the development of the Bullsbrook townsite.

The DSP or BTLUMP should consider matters such as: a spatial staging plan, district developer contribution plan, MRS reservations (e.g. High Schools, Other or Primary Regional Roads etc), buffers (e.g. landfill and extractive industries etc), environmental constraints, transport modelling and traffic analysis (amongst other matters) in consultation with relevant State Government agencies and the City of Swan;

- Confirmation of water and wastewater infrastructure;
- Confirmation on the location of a High School site;
- Confirmation of road upgrading requirements to support the proposed scale of development; and
- Confirmation that the existing landfill operations and associated buffer has ceased.

2 Background

The subject land is located within the City of Swan and is approximately 35 km north-east of the Perth CBD and is 21 km north-east of the Midland strategic centre. The Bullsbrook townsite is to the north and west, the RAAF Pearce Airbase, the Perth-Geraldton railway and Perth-Darwin Highway are further to the west. The site is located at the foothills of the Darling Scarp.

Historically, the subject land has been extensively cleared for agricultural purposes, and is predominantly characterised by large, grassed paddocks. Remnant native vegetation within the subject land is restricted to the Ki-It Monger Brook and pockets of vegetation across the subject land.

An operational Class I inert landfill (includes crushing of building materials and a solid waste depot) is located to the east of the subject land. Once closed, the landfill is proposed to be rehabilitated in accordance with Department of Water and Environment Regulation (DWER) requirements.

Vegetation across the site ranges from “Completely Degraded” to “Degraded” condition. Stands of remnant vegetation associated with Ki-It Monger Brook are proposed to be retained, as they are a potential habitat for black cockatoo species. The banks of the seasonal creek line may also support the migratory Rainbow Bee-eater.

No Threatened or Priority Flora has been identified within the site. No Threatened Ecological Communities or Priority Ecological Communities are within the site.

Land use and development within the amendment area is generally controlled by the City of Swan Local Planning Scheme No. 17 (LPS 17). The subject is currently zoned Rural in the MRS and “General Rural”, “Landscape” and “Additional Uses (A46) & (A68)” in the LPS 17.

3 Scope and content of the amendment

The amendment proposes to rezone approximately five properties bounded by Great Northern Highway and a mix of Urban, Urban Deferred and Rural zoned land.

The total area subject of this amendment is approximately 106.25 ha.

4 Discussion

STRATEGIC CONTEXT

Draft Perth and Peel @ 3.5 Million / Draft North-East Sub-regional Planning Framework

The draft *Perth and Peel @ 3.5 Million* document provides a snapshot of the Perth and Peel regions in the future. It makes the case for change from a “business-as-usual” perspective to a more considered, connected, consolidated urban form. It links four draft Frameworks and encourages the consideration of new urban growth opportunities.

Future areas for urban development have been determined in conjunction with the State Government’s draft *Perth and Peel Green Growth Plan for 3.5 Million*, in order to avoid and protect areas which have significant regional environmental value. The draft *North-East Sub-Regional Planning Framework* identifies the subject land as “*Urban Expansion*”, with a “*Medium-Long Term (2022+)*” timeframe.

The WAPC considers that the amendment contributes to the implementation of the draft Frameworks’ recommendations and generally meets the criteria outlined for consideration ahead of its urban staging timeframe.

Bullsbrook Townsite Land Use Master Plan

In 2014, the City of Swan adopted the BTLUMP in response to the targets identified under *Directions 2031 and Beyond*. The BTLUMP provides guidance for the growth and development of the Bullsbrook town site, with population forecasts to increase from 5,614 to 26,483 people by 2036.

The BTLUMP proposes the subject land be developed for urban purposes as a mix of district centre, future residential, conservation, mixed use, public open space and primary school, as well as a rapid transit route and rapid transit route terminus.

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4) addresses transport noise from within major transport corridors, including primary freight routes, and its impact on nearby noise-sensitive land uses.

As Great Northern Highway abuts the western boundary of the subject land, there is the potential for noise attenuation to be required. The exact nature of these measures will be determined at the detailed structure planning stage. Noise reduction strategies will be designed and implemented in conjunction with local government recommendations and government agency guidelines.

State Planning Policy 4.1 - State Industrial Buffer Policy

State Planning Policy 4.1 - State Industrial Buffer Policy (SPP 4.1) applies statewide, to planning decision-making, and proposals which seek to provide for new industrial areas and uses, and essential infrastructure, sensitive land uses in proximity to existing industrial areas. The objectives of the policy are to:

- avoid conflict between industry and/or essential infrastructure and sensitive land uses;
- protect industry and/or essential infrastructure from encroachment by those land uses that would be sensitive to impacts and adversely impact the efficient operations;
- provide for the development of industry and/or the provision of essential infrastructure in a way that maximises amenity, minimises environmental and health impacts and takes account of risk to nearby sensitive land uses; and
- promote compatible uses in areas affected by off-site impacts of industry and/or essential infrastructure.

The proposed amendment is in accordance with SPP 4.1 as the subject land is being zoned Urban Deferred, and will require that the landfill operations have ceased prior to being transferred to the Urban zone.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas (unless exemptions apply).

The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7. They provide advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

STATUTORY CONTEXT

Environment

The former Office of the Environmental Protection Authority (OEPA) notes that it has considered the BTLUMP in 2014. The subject land has been extensively cleared for agricultural purposes, and as a result is predominantly characterised by large, grassed paddocks. Remnant native vegetation is restricted to the Ki-It Monger Brook and pockets of vegetation within the proposed amendment area. The OEPA notes the following in relation to the proposed amendment:

- A Ki-It Monger Brook Management plan will be prepared and implemented to mitigate potential impacts to the native vegetation and fauna habitat retained within the brook;
- A Wetland Management plan for the portion of the Conservation Category Wetland within the Ki-It Monger Brook will be prepared prior to subdivision; and
- Road noise associated with heavy haulage from the Great Northern Highway will be considered at the structure planning stage in accordance with SPP 5.4.

At a regional level, the majority of the remnant vegetation on the subject land is mapped as Guildford Complex, which is below 10% of the pre-European extent. From the information provided, the Guildford Complex is mostly associated with the Ki-It Monger Brook and is to be retained. The OEPA supports the retention of the remnant vegetation within the Ki-It Monger Brook, through the establishment of buffer areas, development setbacks, drainage retention and open space areas consistent with the BTLUMP.

The other pockets of remnant vegetation outside of the Ki-It Monger Brook, will be considered for retention through the local structure plan and Remnant Vegetation Management Plan. The OEPA supports the retention of the portions of remnant vegetation and recommends that these areas are prioritised for retention in the structure planning process.

A pocket of remnant Guildford Complex occurs within Lot 1314 Chittering Road, Bullsbrook, which has been identified as active Public Open Space (POS) associated with a Primary School in the BTLUMP. This vegetation should be prioritised as POS and not result in the clearing of the vegetation for a school oval.

The OEPA is of the view that the proposed MRS amendment does not raise any environmental issues that are likely to be significant in terms of the Environmental Protection Authority's (EPA) environmental objectives. However, all amendments to the MRS still require referral to the EPA in accordance with Section 38 of the *Planning and Development Act 2005* for a decision on whether or not the amendment requires formal environmental assessment.

Urban Water Management

A District Water Management Strategy for the site has been approved by former Department of Water.

Infrastructure

Water and Wastewater

The Water Corporation has prepared long-term, conceptual water and wastewater planning that provides for the ultimate urban expansion of the Bullsbrook townsite. This conceptual infrastructure planning may be staged and varied in consultation with the Corporation.

The Corporation's role in the ongoing planning for Bullsbrook is to prepare, maintain and review its long term water and wastewater system planning for the town at the headworks level. The Corporation's adopted infrastructure planning for new water storages, water distribution mains, permanent wastewater pumping stations and large gravity sewers is premised on the logical and orderly spatial progression of the townsite development front.

The water and wastewater planning for the town and environs is subject to ongoing review and the Corporation will continue to adjust the planning and timing on capital upgrades as needed to meet the proposed townsite growth. Depending on location and hydraulic considerations, opportunities may exist for developers to prefund some Corporation permanent works to align better with their development timeframes. The option also exists for developers to request the Corporation to adjust the timing of capital project/s to an earlier delivery date to suit their development timeframe.

The north-eastern corner of the subject land, north of the Ki-Ilt Monger Brook is readily serviceable by extensions of mains from the existing water and wastewater systems. The balance of the amendment area is spatially separated from the current town development front. If subdivision and development of the land to the south occurs ahead of the Corporation's planned capital expenditure on headworks infrastructure, the developers may be required to fund the headworks to serve the area.

"Leap-frogging" ahead of the logical development front would require developers to individually or jointly investigate the feasibility of installing temporary wastewater pump stations and long water main extensions from the town. Temporary servicing arrangements may be considered, provided that they do not detract from or compromise the Corporation's long-term planning and the hydraulic capacity exists in the town's systems to support long reticulation water mains extensions to accept pumped wastewater flows.

Transportation

Main Roads WA (MRWA) acknowledges that the Perth-Darwin National Highway will attract and divert some freight traffic away from Great Northern Highway. However, the Great Northern Highway will remain a major freight route and distributor road from these precincts.

It is likely that Great Northern Highway will need to be upgraded through the Bullsbrook area in order to cater for the proposed increased traffic volumes. Future planning work for this has not yet commenced.

Access to the Perth-Darwin National Highway will be via Stock Road to the south or via Rutland Road to Neaves Road to the north. These roads will need to be upgraded to highway standard or possibly four lane dual carriageways.

MRWA supports the BTLUMP to guide the development of the area. However, it is necessary to have some foundation infrastructure in place to support the development. The connection of Stock Road to the Perth-Darwin National Highway is important. Prior to the transfer of the land to the Urban zone, confirmation is required on the upgrading requirements to support the proposed scale of development.

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 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.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC / Department of Planning, Lands and Heritage has 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 have Aboriginal interest are now referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's south west region, and as such is also well placed to provide advice on Aboriginal heritage.

This amendment has been pre-referred to the SWALSC but no response was received. However, it will be referred to SWALSC during the advertising period for the amendment.

6 Coordination of local and region scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option to concurrently rezone land being zoned Urban under the MRS to a "Development" zone (or similar) in the Local Planning Scheme. As no land is being zoned Urban, section 126(3) of the *Planning and Development Act 2005* is not applicable.

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. WAPC Policy *DC 1.9 Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. In this regard, the amendment is proposed to be processed as a "major" amendment given it seeks to zone a new urban area which is considered to be a substantial/regional change in the MRS and in the general Bullsbrook locality.

8 Sustainability

The proposed amendment will facilitate the future urban development of the site in accordance with the BTLUMP and will complement the existing Industrial zoned areas in Bullsbrook, has regard to the protection of the environment and has access to the regional road network e.g. Great Northern Highway.

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*. 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.

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 41 of that act.

In essence, this procedure for a substantial alteration to the MRS (often referred to as a 'major' 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 being sought on the proposed amendment (including the Environmental Review if it was required);
- consideration of submissions (including hearings where requested);
- referral of WAPC recommendations, with or without any modifications to the amendment in response to submissions, to the Minister for Planning;
- approval by the Governor;
- consideration by both Houses of Parliament, which can disallow the amendment;
- amendment takes legal effect when no longer subject to disallowance after 12 sitting days; and
- where the WAPC has agreed to the parallel amendment of a local planning scheme under section 126(3) of the *Planning and Development Act 2005*, the local planning scheme amendment becomes effective upon gazettal of the MRS amendment.

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

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 three months from Friday 2 March 2018 to Friday 8 June 2018.

Copies of the amendment will be available for public inspection at:

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

Online submissions are encouraged via: www.planning.wa.gov.au/public-comment.

Written submissions on the amendment should be sent to:

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

and **must be received by Friday 8 June 2018.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (Form 41) for this amendment 1324/41 is attached to this report (Appendix C). Additional copies of this form are available from the display locations listed above and from the PlanningWA website www.dplh.wa.gov.au.

You should be aware that the calling for submissions is a public process, and all submissions lodged will together become a public document. It will be published and made available when the amendment is presented to both Houses of Parliament. Advice of disclosure and access requirements is shown on side two of the submission form.

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

12 Hearings

Any person making a written submission also has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. Details required for attending the hearings are on side two of the submission form.

Presentations made to the hearings committee are an extension of the submission process, and the minutes of all hearings will become a public document. The minutes will be published and made available when the amendment is presented to both Houses of Parliament.

Before completing your submission form, please refer to the information regarding hearings in Appendix II of this report.

13 Modifications to the amendment

After considering any comments received from the public and Government agencies, the WAPC may make modifications to the amendment.

The recommendations of the WAPC, including any modifications, are published in a report on submissions. Anyone who has made a submission will receive a copy of this document when the amendment is tabled in Parliament. The report will also be available on the PlanningWA website www.dplh.wa.gov.au.

14 Final outcome

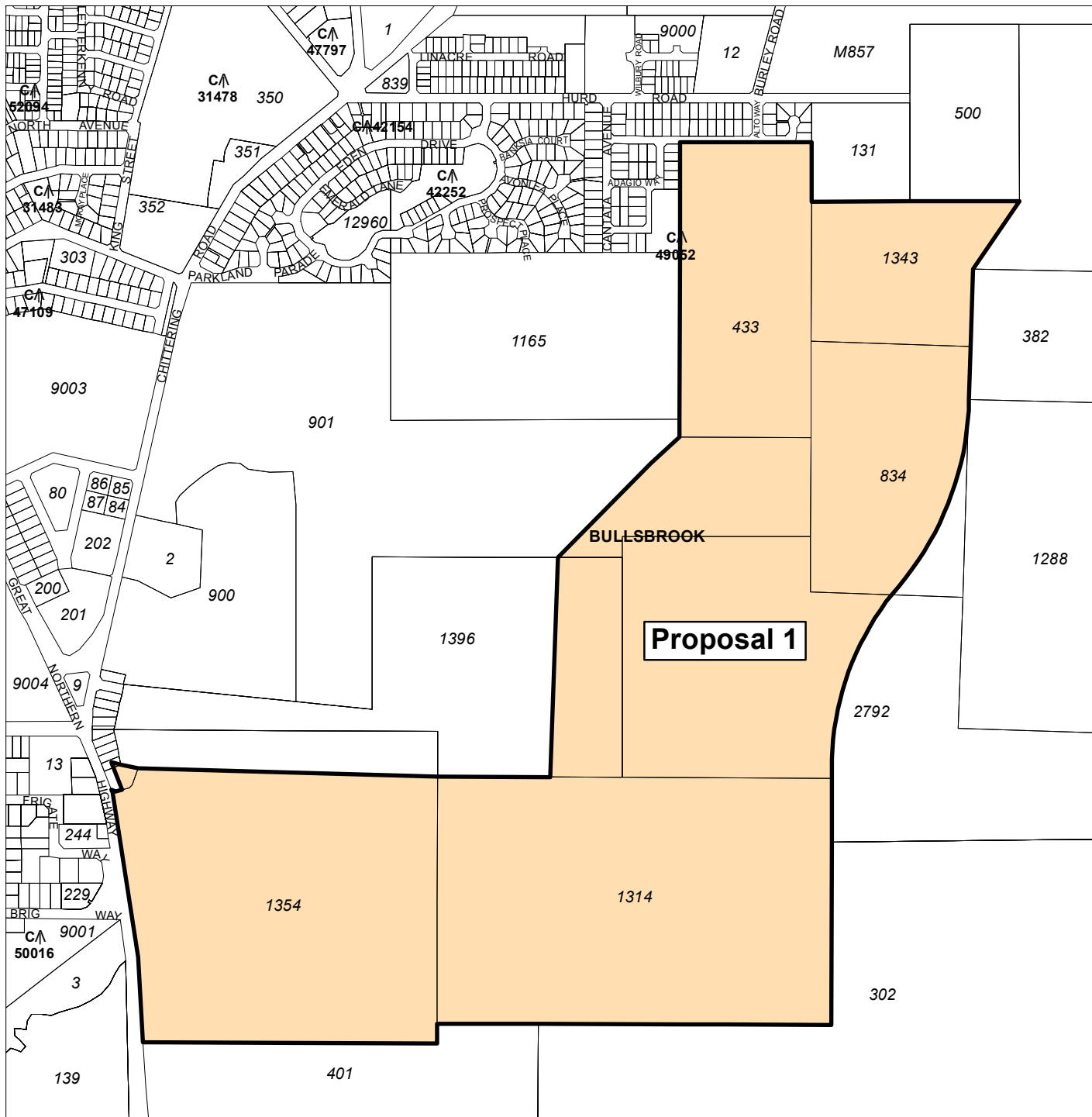
After considering the submissions, the WAPC may make modifications to the amendment. The WAPC will then submit the amendment plans, together with a *Report on Submissions* and a copy of all written submissions, to the Minister for Planning for presentation to the Governor.

If the Governor approves, a copy of the plans of the amendment together with the *Report on Submissions* will be laid before each House of Parliament for twelve sitting days. Either House may, by resolution, disallow an amendment within that time. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the MRS.

People who have made submissions will be kept advised on the progress of the amendment, and along with all affected landowners, will be notified of the final outcome.

**MRS Amendment 1324/41
Central Bullsbrook Urban Precinct**

**Amendment Figure
Proposal 1**




Central Bullsbrook Urban Precinct Proposed major amendment as advertised

27th April 2017

Proposal 1

Proposed Amendment:

 Urban deferred zone

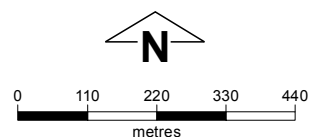
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Date: 10/10/2017
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority LI 862-2016-1



Appendix A

Notice of environmental assessment

DEPARTMENT OF PLANNING

19 JUL 2017

FILE *PL5/0694*

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

Your Ref:
Our Ref: CMS16275
Enquiries: Billie-J Hughes, 6364 7600
Email: Billie-J.Hughes@dwer.wa.gov.au

Dear Sir/Madam

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

SCHEME: Metropolitan Region Scheme – Amendment
1324/41 Bullsbrook Central Urban Precinct
LOCATION: Various properties bounded by Great Northern
Highway and a mix of Urban, Urban Deferred and
Rural zoned land
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (Not Appealable)

Thank you for referring the above proposed 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 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 dark ink, appearing to read 'R Harvey'.

Robert Harvey
DEPUTY CHAIRMAN

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 40 published 7 March 2017

17 July 2017

Encl. Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1324/41 Bullsbrook Central Urban Precinct

Location: Approximately 5 properties bounded by Great Northern Highway and a mix of Urban, Urban Deferred and Rural zoned land

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 17 July 2017

Summary

The Western Australian Planning Commission (WAPC) has resolved to proceed with Metropolitan Region Scheme Amendment 1324/41 Bullsbrook Central Urban Precinct. The purpose of the scheme amendment is to transfer approximately 153.17 hectares of Rural zoned land to Urban Deferred.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment, as set out, is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. Having considered this matter the following advice is provided.

1. Environmental Factors

Having regard to EPA's *Statement of Environmental Principles, Factors and Objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Hydrological Processes;
- d) Inland Water Environmental Quality;
- e) Social Surroundings; and
- f) Human Health

Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the documentation provided by the WAPC.

a. Flora and Vegetation, Terrestrial fauna

The remnant native vegetation within the amendment area is mapped as Guildford Complex, which only has 5.3% of its original extent remaining. The occurrence of Guildford Complex is mostly associated with the Ki-it Monger Brook. The vegetation ranges in condition from Degraded to Completely Degraded with the better quality along the Ki-it Monger Brook, the associated Conservation Category Wetland (CCW) and in Lot 1314.

The vegetation along the Ki-it Monger Brook and in the southern portion of Lot 1314 is also potential Carnaby's Black Cockatoo habitat. All species of Black Cockatoos are protected

under both the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Any proposed development may require referral to the Commonwealth Department of the Environment and Energy under the EPBC Act due to impacts to Black Cockatoo habitat.

The EPA supports the retention of the remnant vegetation associated with the Ki-it Monger Brook as proposed in the scheme amendment documentation and concept planning. The EPA would also support the conservation of remnant vegetation mapped as Guildford Complex, which are specific commitments for retention under the Strategic Assessment of the Perth and Peel regions. The EPA notes the vegetated area within Lot 1314, proposed for active Public Open Space is Guildford Complex, and recommends this vegetation is prioritised for retention in the structure planning process.

b. Hydrological Processes and Inland Water Environmental Quality

Two wetland areas are associated with the Ki-it Monger Brook, with one identified as a Conservation Category Wetland (CCW). Other minor drainage lines also traverse the area.

The EPA considers CCWs to be of high conservation value that require a high level of protection. EPA Guidance Statement No. 33 *Environmental Guidance for Planning and Development* (GS 33) states that CCWs are wetlands which support a high level of attributes and functions, with the EPA urging that all CCWs and appropriate buffers are fully protected. The retention and management of the Ki-it Monger Brook, other drainage lines and the CCW with a buffer is recommended and supported. GS 33 recommends a 50 metre buffer for CCWs from the geomorphic wetland boundary to ensure wetland values are protected. Alternatively a site specific buffer requirement may be determined.

It is noted a District Water Management Strategy has been approved by the Department of Water. The Ki-it Monger Brook flows to Ellen Brook and therefore management and maintenance of water quality and quantity is an important component of the future development of the site.

c. Social Surroundings and Human Health

An Aboriginal heritage site, mythological site 3583, is registered over the scheme amendment area. The EPA recommends consultation with the Traditional Owner group and investigations into the extent of the mythological site be undertaken prior to structure planning.

An operational Class 1 inert landfill is located in the eastern portion of the Amendment area. The separation distance between the landfill and proposed amendment area is approximately 500 metres (m). The generic separation distance recommended for inert landfills in the EPA's *Guidance for the Assessment of Environmental Factors No. 3: Separation Distances between Industrial and Sensitive Land Uses* (EPA 2005) is 150m.

The EPA supports the requirement for the land to not be transferred to the Urban zone until operations have ceased and the proposed rehabilitation of the landfill site once closed.

Recommendation

The EPA concludes that the scheme amendment can be managed to meet the EPA's environmental objectives through the requirements to lift Urban Deferment, preparation of

future local planning scheme provisions and/or structure planning to further and identify, manage and protect the above environmental values.

The EPA does not consider it appropriate for a concurrent amendment to the region and local planning schemes under section 126 of the *Planning and Development Act 2005* to be undertaken.

Appendix B

**List of detail plans supporting
the amendment**

Bullsbrook Central Urban Precinct

Proposed Major Amendment

Amendment 1324/41

as advertised

Amending Plan 3.2700

Detail Plans

1.5826, 1.5827, 1.5830 & 1.5866

Appendix C

Submission form for this amendment
(form 41)

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

☐ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ Myself – My telephone number (business hours):

or

☐ A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

☐ Public (members from the general public may attend your presentation)

OR

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

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.
- Hearings may be recorded and transcribed. The minutes of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

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 8 JUNE 2018. Late submissions will NOT be considered.

Amendment 1325/41

North Bullsbrook Urban Precinct

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Appendix A Notice of environmental assessment

Appendix B List of detail plans supporting the amendment

Appendix C Submission form for this amendment (form 41)

Metropolitan Region Scheme Amendment 1325/41

North Bullsbrook Urban Precinct

1 Purpose

The purpose of the amendment is to rezone approximately 63.75 ha in Bullsbrook from the Rural zone to the Urban Deferred zone in the Metropolitan Region Scheme (MRS), as shown on ***Amendment Figure – Proposal 1***.

The proposed amendment will facilitate future residential development, areas of public open space, a primary school and associated playing fields.

Requirements to lift the Urban Deferment

The subject land is being zoned Urban Deferred, as the following requirements are to be addressed prior to lifting of Urban Deferment:

- A District Structure Plan (DSP) or the *Bullsbrook Townsite Land Use Masterplan* (BTLUMP) being approved by the Western Australian Planning Commission (WAPC) to guide the development of the Bullsbrook townsite.

The DSP or BTLUMP should consider matters such as: a spatial staging plan, district developer contribution plan, MRS reservations (e.g. High Schools, Other or Primary Regional Roads etc), buffers (e.g. landfill and extractive industries etc), environmental constraints, transport modelling and traffic analysis (amongst other matters) in consultation with relevant State Government agencies and the City of Swan;

- Confirmation of water and wastewater infrastructure;
- Confirmation on the location of a High School site; and
- Confirmation of road upgrading requirements to support the proposed scale of development.

2 Background

The subject land is located within the City of Swan and is approximately 36 km north-east of the Perth CBD and is 23 km north-east of the Midland strategic centre. The land has access to Great Northern Highway and existing local roads in the locality. The Bullsbrook townsite and RAAF Pearce Airbase are to the south and the Perth-Geraldton railway and Perth-Darwin Highway are further to the west of the site.

The land has been used for a range of rural uses such as cropping and grazing and rural-residential uses. A number of existing dwellings and (associated outbuildings and infrastructure) are located within the land. The elevation of the site ranges from 56 m Australian Height Datum (AHD) in the west to 143 m AHD in the east.

The Bullsbrook Wastewater Treatment Plant (WWTP) and associated 500 m buffer is located to the west of the site. The proposed amendment area is located outside the 500 m WWTP buffer area.

Vegetation across the site ranges from “Completely Degraded” to “Very Good” condition. “Completely Degraded” areas dominate the majority of the site, consisting of cleared and grazed paddocks dominated by pasture weeds and developed areas. The pockets of remnant plant communities vary from “Degraded” to “Very Good” condition depending on the level of previous disturbance, extent of weed invasion and loss of native species. Areas of vegetation in “Good” or better condition are limited to Lots 17 and 18 Ashton Road, Bullsbrook.

A Threatened Ecological Community or Priority Ecological Community (SCP 3c) may be present within the site. Therefore a future detailed spring survey is proposed to be undertaken to inform a local structure plan. There are no Bush Forever sites within the site.

There is potential fauna habitat for three threatened species of Black Cockatoo and the Chuditch occurs within the site, primarily within Lots 17 and 18 Ashton Road. The proposal must comply with State and Federal environmental legislative requirements.

Land use and development within the amendment area is generally controlled by the City of Swan Local Planning Scheme No. 17 (LPS 17). The subject is currently zoned “General Rural” in LPS 17.

3 Scope and content of the amendment

The amendment proposes to rezone approximately 14 properties and road reserves to the east of Great Northern Highway, generally bound by Ashton Road and Chittering Road to north-east, Kimberley Road and residential lots to the south and Rural zoned lots to the north and west.

The total area subject of this amendment is approximately 63.75 ha.

4 Discussion

STRATEGIC CONTEXT

Draft Perth and Peel @ 3.5 Million / Draft North-East Sub-regional Planning Framework

The draft *Perth and Peel @ 3.5 Million* document provides a snapshot of the Perth and Peel regions in the future. It makes the case for change from a “business-as-usual” perspective to a more considered, connected, consolidated urban form. It links four draft Frameworks and encourages the consideration of new urban growth opportunities.

Future areas for urban development have been determined in conjunction with the State Government’s draft *Perth and Peel Green Growth Plan for 3.5 Million*, in order to avoid and protect areas which have significant regional environmental value. The draft *North-East Sub-Regional Planning Framework* identifies the subject land as “*Urban Expansion*”, with a “*Medium-Long Term (2022+)*” timeframe.

The WAPC considers that the amendment contributes to the implementation of the draft Frameworks’ recommendations and generally meets the criteria outlined for consideration ahead of its urban staging timeframe.

Bullsbrook Townsite Land Use Master Plan

In 2014, the City of Swan adopted the BTLUMP in response to the targets identified under *Directions 2031 and Beyond*. The BTLUMP provides guidance for the growth and development of the Bullsbrook town site, with population forecasts to increase from 5,614 to 26,483 people by 2036.

The subject site forms part of the Bullsbrook townsite and is identified for future residential development. The BTLUMP shows the location of a new primary school and adjacent playing fields. The BTLUMP also shows a portion of Ashton Road adjoining the subject site as an activity corridor which connects south to Chittering Road and a new north-south arterial route.

A neighbourhood centre node is identified along Ashton Road, adjacent to the Primary School site. However, the proponent considers a more suitable location for the neighbourhood centre node along Kimberley Street, which acts as a neighbourhood connector with linkages to the existing road network. The proposed amendment is generally in accordance with the BTLUMP.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications located in designated bushfire prone areas (unless exemptions apply).

The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7. They provide advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area. A Bushfire Management Plan has been approved for the site by the Department of Fire and Emergency Services.

STATUTORY CONTEXT

Environment

The former Office of the Environmental Protection Authority (OEPA) advises that remnant vegetation within the subject area may have potential habitat for Carnaby's Cockatoos. All species of Cockatoos are protected under both the *Wildlife Conservation Act 1950* and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The former OEPA has no objection to the WAPC initiating the proposed amendment, subject to the retention of remnant vegetation consistent with work undertaken for the draft Green Growth Plan (GGP). The former OEPA notes that the associated concept plan does not protect the areas identified for retention in the draft GGP.

The former OEPA acknowledges that further consultation and investigations will be required in the preparation of relevant management plans as a condition of a local structure plan, subdivision or a development application with relevant agencies.

All amendments to the MRS require referral to the Environmental Protection Authority (EPA) in accordance with Section 38 of the *Planning and Development Act 2005* for a decision on whether or not the amendment requires formal environmental assessment.

Urban Water Management

A District Water Management Strategy is required to be approved by the Department of Water and Environmental Regulation prior to the WAPC's consideration of the amendment for a final determination.

Infrastructure

Water & Wastewater

The Water Corporation advises as follows:

Water: There is water planning for the proposed amendment area. However, the Bullsbrook scheme can only service land to 90 m AHD. The Corporation has planned the acquisition and construction of a high level tank site that will allow the entire site to be serviced. This upgrade is expected in the next five years.

Wastewater: Currently there is no wastewater planning for the proposed amendment area. However, the proponents reports state there is capacity to serve the area with some off-site upgrades to the system. The planning and servicing upgrade issues will need to be refined in the subsequent structure planning stage.

Transportation

Main Roads WA and Department of Transport raise no objections to the proposed amendment.

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 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.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC / Department of Planning, Lands and Heritage has 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 have Aboriginal interest are now referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's south west region, and as such is also well placed to provide advice on Aboriginal heritage.

This amendment has been pre-referred to the SWALSC but no response was been received. However, it will be referred to SWALSC during the advertising period for the amendment.

6 Coordination of local and region scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option to concurrently rezone land being zoned Urban under the MRS to a "Development" zone (or similar) in the Local Planning Scheme. As the subject land is being zoned Urban Deferred in the MRS, section 126(3) of the *Planning and Development Act 2005* is not applicable.

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. WAPC Policy *DC 1.9 Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. In this regard, the amendment is proposed to be processed as a "major" amendment given it seeks to zone a new urban area which is considered to be a substantial/regional change in the MRS and in the general Bullsbrook locality.

8 Sustainability

The proposed amendment will facilitate the future urban development of the site in accordance with the BTLUMP and will complement the existing Industrial zoned areas in Bullsbrook, has regard to the protection of the environment and has access to the regional road network e.g. Great Northern Highway.

9 Environmental Protection Authority advice

The proposed amendment was referred to the 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.

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 41 of that act.

In essence, this procedure for a substantial alteration to the MRS (often referred to as a 'major' 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 being sought on the proposed amendment (including the Environmental Review if it was required);

- consideration of submissions (including hearings where requested);
- referral of WAPC recommendations, with or without any modifications to the amendment in response to submissions, to the Minister for Planning;
- approval by the Governor;
- consideration by both Houses of Parliament, which can disallow the amendment;
- amendment takes legal effect when no longer subject to disallowance after 12 sitting days; and
- where the WAPC has agreed to the parallel amendment of a local planning scheme under section 126(3) of the *Planning and Development Act 2005*, the local planning scheme amendment becomes effective upon gazettal of the MRS amendment.

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

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 three months from Friday 2 March 2018 to Friday 8 June 2018.

Copies of the amendment will be available for public inspection at:

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

Online submissions are encouraged via: www.planning.wa.gov.au/public-comment.

Written submissions on the amendment should be sent to:

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

and **must be received by Friday 8 June 2018.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (Form 41) for this amendment 1325/41 is attached to this report (Appendix C). Additional copies of this form are available from the display locations listed above and from the PlanningWA website www.dplh.wa.gov.au.

You should be aware that the calling for submissions is a public process, and all submissions lodged will together become a public document. It will be published and made available when the amendment is presented to both Houses of Parliament. Advice of disclosure and access requirements is shown on side two of the submission form.

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

12 Hearings

Any person making a written submission also has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. Details required for attending the hearings are on side two of the submission form.

Presentations made to the hearings committee are an extension of the submission process, and the minutes of all hearings will become a public document. The minutes will be published and made available when the amendment is presented to both Houses of Parliament.

Before completing your submission form, please refer to the information regarding hearings in Appendix II of this report.

13 Modifications to the amendment

After considering any comments received from the public and Government agencies, the WAPC may make modifications to the amendment.

The recommendations of the WAPC, including any modifications, are published in a *Report on Submissions*. Anyone who has made a submission will receive a copy of this document when the amendment is tabled in Parliament. The report will also be available on the PlanningWA website www.dplh.wa.gov.au.

14 Final outcome

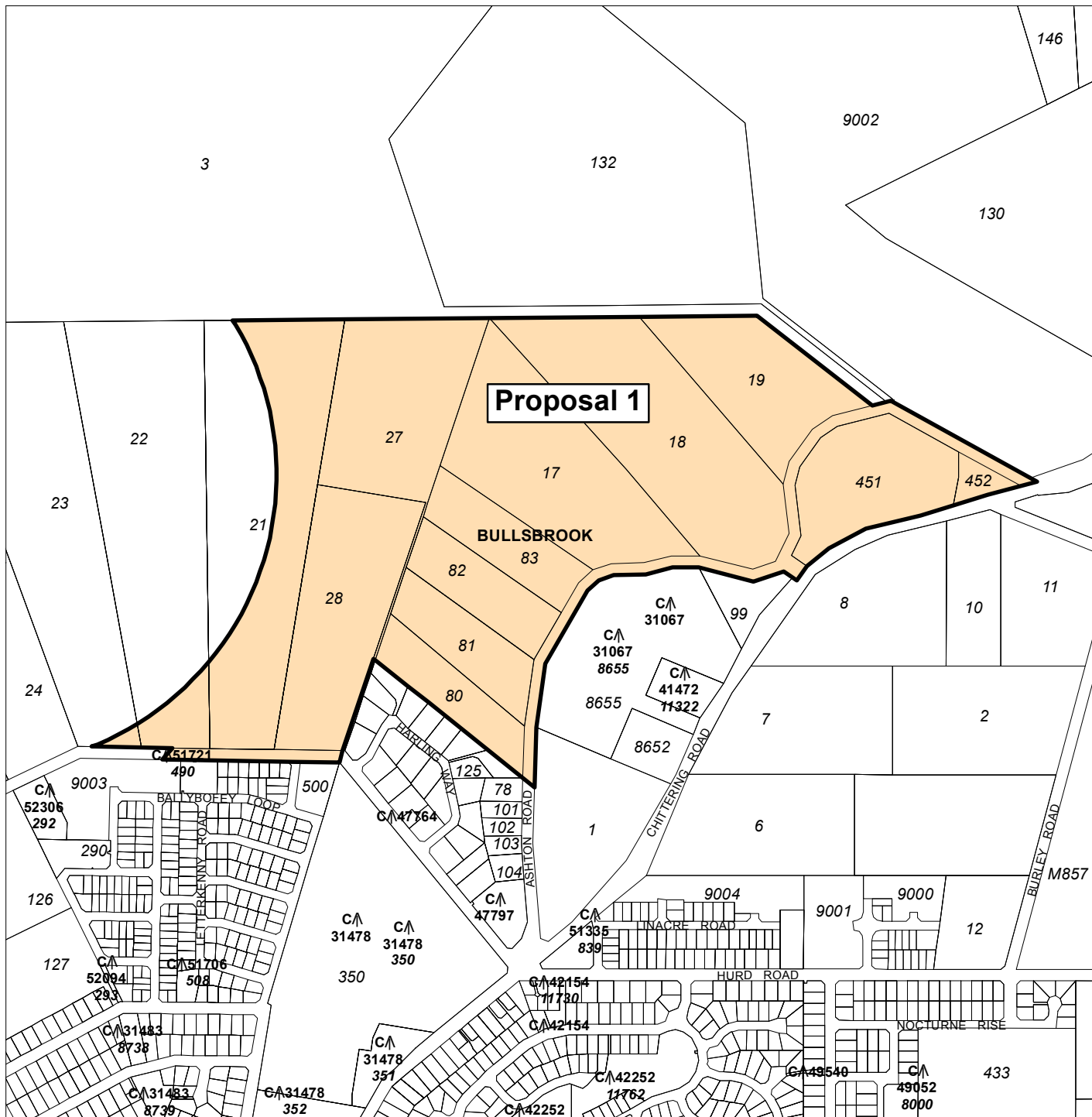
After considering the submissions, the WAPC may make modifications to the amendment. The WAPC will then submit the amendment plans, together with a *Report on Submissions* and a copy of all written submissions, to the Minister for Planning for presentation to the Governor.

If the Governor approves, a copy of the plans of the amendment together with the *Report on Submissions* will be laid before each House of Parliament for twelve sitting days. Either House may, by resolution, disallow an amendment within that time. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the MRS.

People who have made submissions will be kept advised on the progress of the amendment, and along with all affected landowners, will be notified of the final outcome.

**MRS Amendment 1325/41
North Bullsbrook Urban Precinct**


**Amendment Figure
Proposal 1**



North Bullsbrook Urban Precinct
 Proposed major amendment
 as advertised

27 April 2017

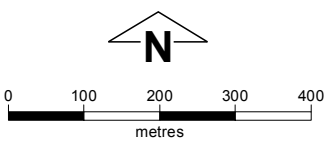
Proposal 1

Proposed Amendment:
 Urban deferred zone

Oracle reference no: 2865
 File number: 809/02/21/0042P
 Version number: 2



Date: 10/10/2017
 Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority LI 862-2016-1



Appendix A

Notice of environmental assessment

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

Your Ref:
Our Ref: CMS15209
Enquiries: Angela.Coletti, 6364 7600
Email: Angela.Coletti@dwer.wa.gov.au

Department of Planning, Lands and Heritage Received	
Scanned	20 SEP 2017
Attachments	<input type="checkbox"/>
Scan QA	<input type="checkbox"/>
Doc No.	<input type="checkbox"/>
File No.	RUS/0570

Dear Sir/Madam

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

SCHEME: Metropolitan Region Scheme Amendment 1325-41 – North Bullsbrook Urban Precinct
LOCATION: North Bullsbrook
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

Thank you for referring the above proposed 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 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 stylized flourish at the end.

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

18 September 2017

Encl. Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1325/41 North Bullsbrook Urban Precinct

Location: Bullsbrook

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 18 September 2017

Summary

The Western Australian Planning Commission (WAPC) has initiated Metropolitan Region Scheme Amendment 1325/41 to rezone approximately 63.75 hectares (ha) from Rural to the Urban Deferred zone in Bullsbrook.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment, as set out, 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 has based its decision on the documentation provided by the WAPC. Having considered this matter the following advice is provided.

1. Environmental Factors

Having regard to EPA's *Statement of Environmental Principles, Factors and Objectives*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and Vegetation
- b) Terrestrial Fauna

Advice and Recommendations regarding Environmental Factors

Flora and Vegetation and Terrestrial Fauna

The amendment area contains vegetation ranging from 'Completely Degraded' to 'Very Good' condition. Lots 17 and 18 Ashton Road, Bullsbrook contain remnant vegetation in 'Very Good' condition and may potentially contain a Threatened Ecological Community Swan Coastal Plain (SCP) 3c *Corymbia calophylla* – *Xanthorrhoea preissii* woodlands and shrublands. SCP 3c is listed as Endangered under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Critically Endangered, by the Department of Biodiversity, Conservation and Attractions.

There is potential habitat for threatened species including Black Cockatoos and Chuditch. All species of Black Cockatoos and Chuditch are protected under both the *Wildlife Conservation Act 1950* and under the EPBC Act.

The EPA expects flora and vegetation, and fauna surveys, will be undertaken prior to the local scheme amendment being referred to the EPA. The scheme amendment shall include

provisions to retain, protect and manage consolidated, and where required, linked areas of native vegetation, to protect threatened flora and vegetation, and fauna values.

Given the above, the EPA does not consider a concurrent amendment to the region and local planning schemes under section 126 of the *Planning and Development Act 2005* appropriate. The EPA's decision not to assess the MRS amendment is on the expectation that a separate local scheme amendment will be referred to the EPA for its consideration under section 48A of the EP Act.

EPA's Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development* provides guidance on the protection of naturally vegetated areas.

Recommendation

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives, through investigation of the environmental values of the area and subsequent preparation of local planning scheme provisions to manage and protect the identified environmental factors of flora and vegetation, and terrestrial fauna as they relate to Black Cockatoos and Chuditch.

Appendix B

**List of detail plans supporting
the amendment**

North Bullsbrook Urban Precinct

Proposed Major Amendment

Amendment No. 1325/41

As Advertised

Amending Plan 3.2702

Detail Plans

1.5825, 1.5826 & 1.5823

Appendix C

Submission form for this amendment
(form 41)

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

☐ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ Myself – My telephone number (business hours):

or

☐ A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

☐ Public (members from the general public may attend your presentation)

OR

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

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.
- Hearings may be recorded and transcribed. The minutes of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

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 8 JUNE 2018. Late submissions will NOT be considered.

Appendix I

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.planning.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.planning.wa.gov.au/regionscheme
- 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 February 2018.

Appendix II

Preparing a submission and hearings committees

Preparing a submission and hearings committees

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 www.planning.wa.gov.au/public-comment, however, hardcopy submissions can also be accepted (form 41 – appendix C).

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 41 and in the submissions on the amendment section of the amendment report. To be eligible to make a presentation to the hearing committee, your written submission must be received by the closing date.

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. Presentations made to the hearings committee are an extension of the submission process.

Do you want a hearing?

The *Planning and Development Act 2005* provides the opportunity for people who have made a submission to personally present the basis of their submission to a sub-committee of the WAPC. You do not have to attend a hearing. The comments presented by you in your submission will be considered in determining the recommendation for the proposed amendment.

Hearings are arranged so a person can explain or expand on their written submission to the WAPC in person. A hearing is for listening to points of view and planning rationale and is not a forum for general public debate. In the case of a group, a spokesperson must be appointed to represent the group. The time allocated for each presentation is five minutes.

The hearings committee is appointed by the WAPC and is usually comprised of two WAPC committee members and one other person with planning knowledge and expertise related to issues raised in submissions.

You may choose to have your presentation conducted in public or private. A public hearing allows other persons, including the media, to attend. In a private hearing only those persons nominated by you and by the hearings committee may attend.