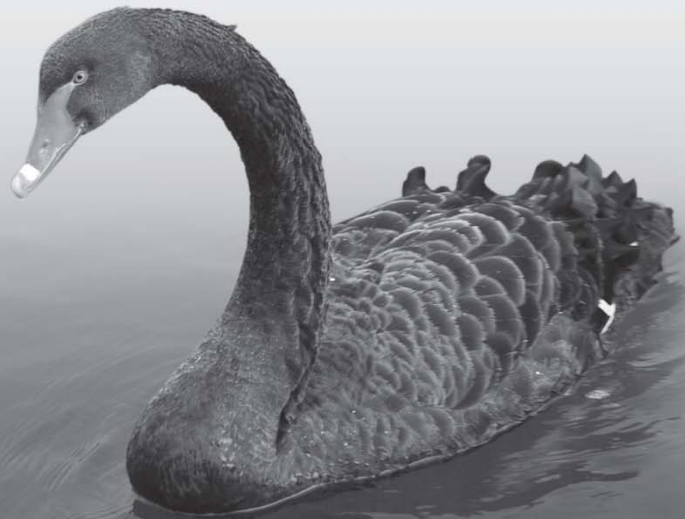


April 2019

Metropolitan Region Scheme Amendment 1332/41



Swan Valley Omnibus 1

Report on Submissions
Submissions

City of Swan

Metropolitan Region Scheme Amendment 1332/41

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Report on Submissions Submissions

City of Swan



April 2019

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MRS Amendment 1332/41 Report on Submissions
Submissions

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Introduction to Metropolitan Region Scheme major amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Metropolitan Region Scheme (MRS) under review and initiating changes where they are seen as necessary.

The MRS sets out the broad pattern of land use for the whole Perth metropolitan region. The MRS is constantly under review to best reflect regional planning and development needs.

A proposal to change land use reservations and zones in the MRS is regulated by the *Planning and Development Act 2005*. That legislation provides for public submissions to be made on proposed amendments.

For a substantial amendment, often referred to as a major amendment (made under section 41 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning and to the Governor for approval. Both Houses of Parliament must then scrutinise the amendment before it can take legal effect.

In the process of making a substantial amendment to the MRS, information is published as a public record under the following titles:

Amendment report

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

Environmental review report

The Environmental Protection Authority must consider the environmental impact of an amendment to the MRS before it can be advertised. Should it require formal assessment, an environmental review is undertaken and made available for information and comment at the same time as the amendment report.

Report on submissions

The planning rationale, determination of submissions and the recommendations of the WAPC for final approval of the amendment, with or without modification, is documented in this report.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

Transcript of hearings

A person who has made a written submission may also choose to appear before a hearings committee to express their views. The hearings proceedings may be recorded and transcribed, and reproduced in this volume.

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Submissions

Report on Submissions

Metropolitan Region Scheme amendment 1332/41

Swan Valley Omnibus 1

Report on Submissions

1 Introduction

At its October 2017 meeting, the Western Australian Planning Commission (WAPC), resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of Section 41 of the *Planning and Development Act 2005*.

2 The proposed amendment

Purpose

The amendment proposal was described in the previously published *Amendment Report*, and a description of the proposal is repeated below:

The proposed amendment comprises three proposals relating to land within the Swan Valley for the purposes of rationalising the zoning and reservation of land to cadastral boundaries and to reflect ownership appropriately, as shown in the amending figures for Proposals 1 - 3.

Proposal 1 - Lot 33 Padbury Avenue, Millendon

To transfer an area of approximately 6.50 ha, being Lot 33 Padbury Avenue, Millendon and a portion of the Padbury Avenue road reserve, from the Parks and Recreation reservation to the Rural zone.

Proposal 2 - Lot 102 Harrow Street, West Swan

To transfer an area of approximately 3.29 ha, being Lot 102 Harrow Street, West Swan, from the Public Purposes - Commonwealth Government reservation to the Rural zone.

Proposal 3 - Riverbank Detention Centre, Caversham

To transfer an approximately 0.19 ha portion of Lot 9332 Hamersley Road, Caversham from the Parks and Recreation reservation to the Rural zone.

3 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 advised that the proposed scheme amendment does not require assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.

The EPA provided the following advice in relation to Proposal 1 of the amendment:

Proposal 1 will transfer Lot 33 from Parks and Recreation reserve to Rural zone. Lot 33 is within the boundary of Bush Forever Site 302 (Swan River and Jane Brook, Ashfield to Upper Swan). The EPA advises that rural land uses would need to be limited to avoid impacts on the Swan River and Bush Forever Site 302. The Department of Biodiversity,

Conservation and Attraction (DBCA) Rivers and Estuaries Division should also be consulted regarding development within the Swan River Trust Development Control Area, and impacts to the Swan River. The EPA also understands that any future development of Lot 33 is subject to *State Planning Policy 2.10: Swan-Canning River System* (SPP2.10) for ceding of land to retain a foreshore reserve.

Clearing of remnant vegetation may also require a clearing permit from the Department of Water and Environmental Regulation.

Recommendation

The EPA concluded that the amendment can be managed to meet the EPA's environmental objectives, through the limitation of rural land uses to not impact the Swan River and manage and protect the identified environmental factors above.

A copy of the notice from the EPA was included at Appendix A of the previously published *Amendment Report*.

4 Call for submissions

The amendment was advertised for public submissions from 20 March to 22 June 2018.

The amendment was made available for public inspection during ordinary business hours at:

- i) the offices of the Western Australian Planning Commission, 140 William Street, Perth;
- ii) the offices of the Cities of Perth, Fremantle and Swan and the Shire of Mundaring; and
- iii) the State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in *The West Australian* and *Sunday Times* newspapers and relevant local newspaper/s circulating in the locality of the amendment.

5 Submissions

Twenty submissions (including one late submission) were received on the amendment. An alphabetic index of all the persons and organisations lodging submissions is at Schedule 1.

- Fifteen submissions contained neutral or no comments on the amendment, or raised matters relating to subsequent stages of the planning process. These submissions are primarily from government agencies;
- Two submissions support various proposals in the amendment;
- Two submissions object various proposals in the amendment; and
- One submission requested the modification of Proposal 2 of the amendment.

Significant issues raised in submissions which require further consideration are discussed in Part 7 of this report below.

A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions is contained in this report.

6 Hearings

Section 46 of the *Planning and Development Act 2005* provides that each person who makes a submission is to be offered the opportunity of being heard by the WAPC or a Committee formed by the WAPC for that purpose.

All persons who made submissions were invited to present their submission to the WAPC. Two hearings were requested and these occurred on 12 December 2018.

7 Main issues raised in submissions

7.1 Proposal 1 - Objection to Removal of Parks and Recreation Reservation

The DBCA and one other submitter object to the proposed rezoning.

The DBCA raised the following matters:

- i) the land presents substantial recreational value and is the most significant area of Parks and Recreation reserved land within the immediate locality;
- ii) the Parks and Recreation reserve provides a valuable buffer to the Swan River;
- iii) the land is part of the flood fringe and floodway corridor and should be protected and preserved as part of the foreshore corridor for the Swan River consistent with 7.2.1 of *State Planning Policy 2.10: Swan-Canning River System*;
- iv) the land contains a large portion of Bush Forever Site 302 that has a direct interface with the waterway providing a valuable recreation and environmental contribution to the Swan River - consistent with Clauses 7.2.4 and 7.2.5 of SPP2.10 the protection of fringing vegetation should be promoted; and
- v) the land is located wholly within the Swan Canning Development Control Area.

A second submitter objected to the removal of the Parks and Recreation reservation from Lot 33, as follows:

- i) a significant effort has been expended by the former Swan River Trust and the associated Councils to build and consolidate the Swan Riverpark and Swan River Trails project; and
- ii) with the new development at the Swan River Resort and the desire of many to visit the Swan Valley region, an opportunity presents itself to utilise the current reservation to connect what is becoming a well-used area by both locals and tourists with the rest of the Swan Valley.

The submitter requests that a portion of Lot 33 be set aside so that cycle and foot traffic can be connected between Padbury Avenue and Henley Street, and so that a river trail can be started in consultation with landowners in the locality.

WAPC Comments

Whilst Lot 33 is reserved for Parks and Recreation under the MRS it has never been purchased by the WAPC or been available for that purpose, as a result it has continued to be used by the current landowners and has not performed a buffer function. Given that the WAPC has no intention to purchase the subject land, its current reservation for Parks and Recreation prevents the application of land use controls reflecting its proximity to the Swan River through the City of Swan's Local Planning Scheme 17. Further, the land has limited recreational value as it is located almost entirely within the Swan River floodway, which renders it unsuitable for improvements such as toilets, barbeques and picnic facilities.

The requirements of SPP 2.10 have been considered in resolving to amend the MRS. The floodplain of the river and its dynamic nature will not be affected by the zoning change which will reflect the existing tenure and use of the land.

The amendment does not propose any changes to the Bush Forever designation over the portion of the amendment area abutting the Swan River. The fringing riparian vegetation on the site will continue to be protected by this designation, consistent with the requirements of Clauses 7.2.4. and 7.2.5 of SPP 2.10. The site has limited recreational value as discussed above.

The proposal area does not form part of the Swan Riverpark as it is not in public ownership, and the land does not currently contain any public access trails. A future connection between Henley Street and Padbury Avenue, or expansion of the trail network, should be planned and undertaken in a comprehensive manner, taking into account the impact of the Swan River floodway on future infrastructure, and the impact of proposed infrastructure on the health of the river and its fringing vegetation.

Submissions dismissed.

7.2 Proposal 2 - Other Regional Road Land Requirements

Modifications Requested by the City of Swan

The City of Swan objects to Proposal 2 as it conflicts with the City's latest designs for Henley Brook Avenue which require further road widening. The City considers the proposal prejudicial to the orderly and proper planning of this Other Regional Road and contrary to work the City is undertaking on behalf of the WAPC.

The City recommends that Proposal 2 is modified to exclude the land required for road widening, resulting in the approximately 0.49 ha of Lot 102 Harrow Street, West Swan remaining in the Public Purposes - Commonwealth Government reservation. This excluded land should be reserved as Other Regional Roads in a future MRS amendment for Henley Brook Avenue.

The Council advised that the additional land is required from Lot 102 as the latest designs for the Henley Brook Avenue / Harrow Street intersection propose a roundabout, which requires more land than the previously planned signalised intersection. The City advises that the additional land can only be taken from Lot 102 as the western side of the proposed intersection contains a metering station for the Parmelia high pressure gas pipeline, and discussions with the pipeline operator about its potential relocation have not yet led to a resolution.

Landowners Response to City's Requested Modifications

CLE Town Planning, which acts on behalf of the owner of the proposal area, does not support the City's requested modifications as follows:

- i) the requirement for additional land is contrary to previous planning for Henley Brook Avenue, including the basis for the City's Developer Contribution Plan for Dayton, which included cost contributions for a signalised intersection;
- ii) the construction of a roundabout at the location required by the City will necessitate the demolition of buildings currently used as part of the construction academy and the relocation of its effluent disposal system. A considerable number of trees would also need to be removed, to the detriment of the local environment and the amenity of the site;
- iii) the submitter does not consider a roundabout to be a superior option to a signalised intersection at this location due to the unbalanced nature of future forecast traffic flows, with the vast majority of vehicles predicted to be travelling north-south on Henley Brook Avenue. The submitter has attached a Technical Advice note prepared by a traffic consultant in this regard;
- iv) Main Roads WA's support for a roundabout must be considered in light of all other factors, including; the additional land acquisition cost, the impact on the ongoing operations and functionality of the academy and the disadvantages that a roundabout presents for the movement of pedestrians, cyclists and heavy vehicles; and
- v) as discussions between the City and the APA group are ongoing there remains the potential for the gas pipeline metering station to be relocated, reducing the need for a land take from Lot 102.

Given the above, it is the position of the submitter that adequate land for the intersection of Henley Brook Avenue and Harrow Street has already been reserved in the MRS and that the City's requested modifications are unreasonable.

WAPC Comments

Whilst the landowners comments regarding the design of the Henley Brook / Harrow Street intersection are noted, these pertain to the preferred design of Henley Brook avenue, which is outside the scope of this MRS amendment. Following finalisation of the work currently being undertaken by the City, an MRS amendment will be initiated to reflect the agreed road design, at which point matters raised by the landowner regarding the suitability of a roundabout at this location can be addressed.

Notwithstanding this, the modification requested by the City is not supported as follows:

- i) *it is premature as the design of Henley Brook Avenue has not been finalised and has been ongoing since 2015, and may be subject to further changes;*
- ii) *the retention of land in the Public Purposes – Commonwealth Government reservation will retain a MRS zoning anomaly as it does not accurately reflect the current ownership or use of the land; and*
- iii) *the transfer of the entirety of Lot 102 to the Rural zone does not preclude the adjustment of the Henley Brook Avenue Other Regional Roads reserve in the future.*

The submission supporting the proposal as advertised is noted, as discussed above, and the submission requesting the modification of the proposal is dismissed.

7.3 Proposal 3 - Objection to Removal of Parks and Recreation Reservation

The DBCA objects to Proposal 3 as follows:

- i) the land presents substantial recreational value and should be retained as part of the adjoining Parks and Recreation reserve;
- ii) rezoning of the land would significantly constrain its future potential uses as the majority of the remainder of the lot is part of the flood fringe and floodway corridor; and
- iii) the Parks and Recreation reserve provides a valuable recreation and environmental contribution to the Swan River. Access to river foreshores should be secured through the establishment of uninterrupted foreshore reserves Consistent with Clause 7.1.11 of SPP 2.10.

WAPC Comments

The proposal area forms part of the former Riverbank Detention Centre which is included in the Government's Land Asset Sales Program and is to be disposed of by the State. It currently has no public recreational value as it is surrounded by a tall perimeter fence due to its former use as the exercise yard for the detention centre. The remainder of the lot will continue to serve an environmental function, protecting the large number of trees within the lot and its foreshore vegetation.

The Parks and Recreation reservation of the remainder of the site is unmodified by the proposal and will continue to provide uninterrupted access to the adjacent river foreshore.

Submission dismissed.

8 Responses and determinations

The responses to all submissions are detailed in this report. It is recommended that the amendment be adopted for finalisation without modification.

9 Coordination of region and local scheme amendments

Section 126(3) of the *Planning and Development Act 2005* allows for the concurrent amendment of a local planning scheme where land is to be transferred to the Urban zone in the MRS.

As no land is being zoned Urban under the MRS, section 126(3) is not applicable.

10 Conclusion and recommendation

This report summarises the background to minor MRS amendment 1332/41 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the advertised amendment as shown generally on the amending figures for Proposals 1 to 3 in Schedule 3, and in detail on the MRS Amendment Plans listed in Appendix 1, should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning presents the amendment to His Excellency the Governor for consideration and approval and subsequently commend the amendment to both Houses of Parliament.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1332/41

Swan Valley Omnibus 1

Submission Number	Name
3	ATCO Gas Australia
18	Communities, Department of
16	Dampier Bunbury Pipeline
14	Dawson, Howard
15	Ertech Holdings, CLE Town Planning + Design on behalf of
9	Health, Department of
8	Jobs, Tourism, Science and Innovation, Department of
17	Logan MLA, Francis
12	Main Roads Western Australia
11	Mines, Industry Regulation and Safety, Department of
13	Mundaring, Shire of
5	Poli, Andrew
6	Primary Industries and Regional Development, Department of
4	Public Transport Authority
7	Sardelich, Shirley
10	Swan, City of
2	Transport, Department of
19	Water and Environmental Regulation, Department of
1	Water Corporation
Late Submission	Name
20	Biodiversity, Conservation and Attractions, Department of

Schedule 2

Summary of submissions and determinations

REFER TO THE SUBMISSIONS SECTION FOR A FULL COPY OF EACH WRITTEN SUBMISSION AND SUPPORTING INFORMATION

Submission: 1, 2, 3, 4, 6, 8, 9, 11, 12, 13, 16, 18 & 19

Submitted by: Water Corporation, Department of Transport, ATCO Gas Australia, Public Transport Authority, Department of Primary Industries and Regional Development, Department of Jobs, Tourism, Science and Innovation, Department of Health, Department of Mines, Industry Regulation and Safety, Main Roads WA, Shire of Mundaring, Dampier Bunbury Pipeline, Department of Communities, Department of Water and Environmental Regulation,

Summary of Submission: COMMENT

The above servicing authorities and State Government agencies raise no objections, no comment, refer to comments previously considered as part of the amendment process or provide general comments that relate to the subsequent more detailed stages of the planning and development process.

The proponent has been made aware of the above comments through their inclusion in this Report on Submissions.

Planning Comment: Comments Noted.

Determination: Submissions Noted.

Submission: 5

Submitted by: Andrew Poli

Summary of Submission: OBJECTION

Lot 33 Padbury Avenue, Millendon should not be removed from the Parks and Recreation reservation in its entirety.

A significant effort has been expended by the Swan River Trust and the associated councils to build and consolidate the Swan Riverpark and Swan River Trails project.

With the new development at the Swan River Resort and the desire of many to visit the Swan Valley region along the Great Northern Highway an opportunity presents itself to utilise the current reservation to connect what is becoming a well-used area by both locals and tourists with the rest of the Swan Valley and to build on the great work of the City of Swan showcasing the beautiful Swan River.

At least a portion of Lot 33 should be set aside so that cycle and foot traffic can be connected between Padbury Avenue and Henley Street, and a river trail can be started with consultation with landowners up and down stream.

Planning Comment: Refer to Part 7.1 of the Report on Submissions above for discussion of objections to the removal of the Parks and Recreation Reservation from Lot 33 Padbury Avenue, Millendon.

Determination: Submission dismissed.

Submission: 7

Submitted by: Shirley Sardelich

Summary of Submission: COMMENT

The submitter queried the location of Lot 33 Padbury Avenue, Millendon.

Planning Comment: Officers of the Department of Planning, Lands and Heritage discussed the location of Lot 33 Padbury Avenue, Millendon, and the content of the amendment, with the submitter during the submission period. No further comments were received from the submitter.

Determination: Submission noted.

Submission: 10

Submitted by: City of Swan

Summary of Submission: COMMENT / OBJECTION

The City of Swan provided the following comments in relation to the amendment proposals:

Proposal 1

The City has no objections to Proposal 1.

Proposal 2

The City objects to Proposal 2 as advertised, specifically where it conflicts with the latest designs for Henley Brook Avenue. These designs have found that further road widening is needed. To zone all of the Proposal 2 area (approximately 3.29 ha) Rural is prejudicial to the proper and orderly planning of this key regional road and is contrary to work the City is undertaking on behalf of the WAPC.

The City recommends that Proposal 2 is modified to exclude the land required road widening purposes, leaving approximately 0.49 ha of Lot 102 Harrow Street, West Swan, in the Public Purposes - Commonwealth Government reservation, with this excluded land to be addressed within a future MRS amendment for Henley Brook Avenue that the City and WAPC are working on.

The Council Report, attached to the submission, advises that the additional land is required from Lot 102 as:

- 1 the latest designs for the Henley Brook Avenue / Harrow Street intersection propose a roundabout, which requires more land than the previously proposed signalised intersection; and

- 2 the additional land can only be taken from Lot 102 as the western side of the proposed intersection contains a metering station for the Parmelia high pressure gas pipeline, and discussions with the pipeline operator about its relocation have not yet led to a resolution.

Proposal 3

The City has no objections to Proposal 3.

The City requests that the WAPC and relevant State Government agencies cede (at no cost) the southern portion of Lot 9332 Hamersley Road, Caversham which is currently reserved for Parks and Recreation to the City to open land for community recreation in the Swan Valley.

The City provided copies of draft road designs for Henley Brook Avenue and a copy of the minutes of the Council meeting at which the amendment was considered as part of its submission.

Planning Comment: Refer to Part 7.2 of the Report on Submissions above for discussion of the matters the City has raised in relation to Proposal 2.

The ceding of the southern portion of Lot 9332 Hamersley Road, Caversham requested by the City as part of its submission is outside the scope of this MRS amendment process.

Determination: Submission dismissed.

Submission: 14

Submitted by: Howard Dawson

Summary of Submission: SUPPORT

The submitter and his wife are the joint owners of Lot 33 Padbury Avenue, Millendon.

The submitter advises that Lot 33 forms part of a contiguous group of Lots (33 - 35 and 62) which they have used as a thoroughbred breeding farm since approximately 1983, following the purchase of the lots as a single holding in 1978.

The submitter advises that they first became aware of the Parks and Recreation reservation of Lot 33 in 2015, and that they do not have any documentation regarding the reservation of the property.

The submitter supports the transfer of Lot 33 to the Rural zone for the following reasons:

- 1 Lot 33 is entirely affected by the Swan River floodway, being effectively cut in half during annual winter floods, and being almost completely inundated by more extreme floods. Due to this no structures which would normally be required for a park, such as ablutions, can be constructed on Lot 33.
- 2 About 85% of Lot 33 is covered in trees, the majority of which are River Gums which drop branches without notice - presenting a safety hazard.
- 3 Lot 33 was used as a sand quarry and rubbish dump from the 1930's - 60's. As a consequence there are a number of reasonably deep excavations across the site which may present a public hazard. The submitters had commenced filling these

holes and remediating the lot before being informed that this was illegal due to the status of Lot 33. Should the lot be transferred to the Rural zone they intend to re-commence this work.

- 4 Since purchasing Lot 33 the submitters have undertaken significant environmental remediation work, including the removal of non-native vegetation and establishment of native vegetation, which is also illegal given the status of the lot. Should the lot be transferred to the Rural zone they intend to re-commence this work.
- 5 The return of Lot 33 to the Rural zone will allow the submitter to use the land for the purposes they had been prior to becoming aware of its Parks and Recreation reservation, that being light stocking and the production of feed.
- 6 The submitters track record of caring for Lot 33 for over forty years demonstrates that they have undertaken proper care of the property and preserved it as a rural block with significant natural habitat. By returning the lot to the Rural zone the State can be assured that this stewardship will continue.

This submission was supported by a hearing.

Planning Comment: Support noted.

Determination: Submission noted.

Submission: 15

Submitted by: CLE on behalf of Ertech Holdings Pty Ltd.

Summary of Submission: SUPPORT / COMMENT

The submitter acts on behalf of Ertech Holdings Pty Ltd, the owner of Lot 102 Harrow Street, West Swan which is the subject of Proposal 2 for the transfer of that lot from the Public Purposes - Commonwealth Government reservation to the Rural zone.

The submitter supports Proposal 2 as advertised. The submission provides background regarding the use of Lot 102, including most recently by Ertech as a construction academy.

The submitter is aware of the City of Swan's objection to Proposal 2 as advertised (refer to submission 10 above) and has significant concerns with the objections raised by the City and its request for a portion of Lot 102 to remain reserved for Public Purposes - Commonwealth Government.

The submitter understands that the City's objections are motivated by the need to preserve options for the Henley Brook Avenue Other Regional Roads reservation (which already affects Lot 102) as part of its current review. The submitter advises that it is their understanding that the primary reason for the City's objection is advice from Main Roads WA that a greater land take is required from Lot 102 as it will not support a the signalisation of the Henley Brook Avenue / Harrow Street intersection located adjacent to it.

The submitter raises the following objections to the City's requested modification:

- 1 The requirement for additional land is contrary to previous planning for Henley Brook Avenue, including the basis for the City's Developer Contribution Plan for Dayton, which included cost contributions for a signalised intersection.

- 2 The construction of a roundabout at the location required by the City will necessitate the demolition of buildings currently used as part of the construction academy and the relocation of its effluent disposal system. A considerable number of trees would also need to be removed, to the detriment of the local environment and the amenity of the site.
- 3 The existing Other Regional Roads reservation affecting Lot 102 has been factored into the operations of the academy since it opened, the expansion proposed by the City has not.
- 4 The submitter does not consider a roundabout to be a superior option to a signalised intersection at this location due to the unbalanced nature of future forecast traffic flows, with the vast majority of vehicles predicted to be travelling north-south on Henley Brook Avenue. The submitter has attached a Technical Advice note prepared by a traffic consultant in this regard.
- 5 Main Roads WA's support for a roundabout must be considered in light of all other factors, including; the additional land acquisition cost, the impact on the ongoing operations and functionality of the academy and the disadvantages that a roundabout presents for the movement of pedestrians, cyclists and heavy vehicles.
- 6 As discussions between the City and the APA group are ongoing there remains the potential for the gas pipeline metering station to be relocated, reducing the need for a land take from Lot 102.

Given the above, it is the position of the submitter that adequate land for the intersection of Henley Brook Avenue and Harrow Street has already been reserved in the MRS.

The City requested modifications are considered unreasonable given the above, and premature given that the review of Henley Brook Avenue has been ongoing since 2015 and is not yet completed. To retain a portion of Lot 102 in the Public Purposes - Commonwealth Government reservation will create uncertainty for the owner of Lot 102.

This submission was supported by a hearing.

Planning Comment: Refer to Part 7.2 of the Report on Submissions above for discussion of matters has raised in relation to Proposal 2.

Determination: Submission noted.

Submission: 17

Submitted by: Hon Fran Logan MLA, Minister for Emergency Services, Corrective Services

Summary of Submission: COMMENT

The Hon Fran Logan MLA advises that the Department of Justice has no objections to Proposal 3 which is for the rezoning of a 0.19 ha portion of the Riverbank Detention Centre site in Caversham.

Planning Comment: Comment noted.

Determination: Submission noted.

Submission: 20

Submitted by: Department of Biodiversity, Conservation and Attractions

Summary of Submission: OBJECTION

Proposal 1

The DBCA objects to the proposed rezoning on the grounds listed below.

- the land presents substantial recreational value and is the most significant area of Parks and Recreation reserved land within the immediate locality;
- the land is part of the flood fringe and floodway corridor and should be protected and preserved as part of the foreshore corridor for the Swan River consistent with 7.2.1 of State Planning Policy 2.10: Swan-Canning River System (SPP2.1 0);
- the Parks and Recreation reserve provides a valuable buffer to the Swan River;
- the land contains a large portion of Bush Forever (Site 302) that has a direct interface with the waterway providing a valuable recreation and environmental contribution to the Swan River - consistent with 7.2.4 and 7.2.5 of SPP2.10 the protection of fringing vegetation should be promoted; and
- the land is located wholly within the Swan Canning Development Control Area.

Further, the DBCA notes that portions of the private property this proposal relates to are within the boundaries of Bush Forever Site 302 (Swan River and Jane Brook, Ashfield to Upper Swan) and therefore recommends that the WAPC's Bush Forever Team is consulted regarding the potential for the change in zoning and future rural land uses to impact on that designation.

Proposal 2

The DBCA raises no objections to and makes no comments regarding Proposal 2.

Proposal 3

The DBCA objects to the proposed rezoning on the grounds listed below.

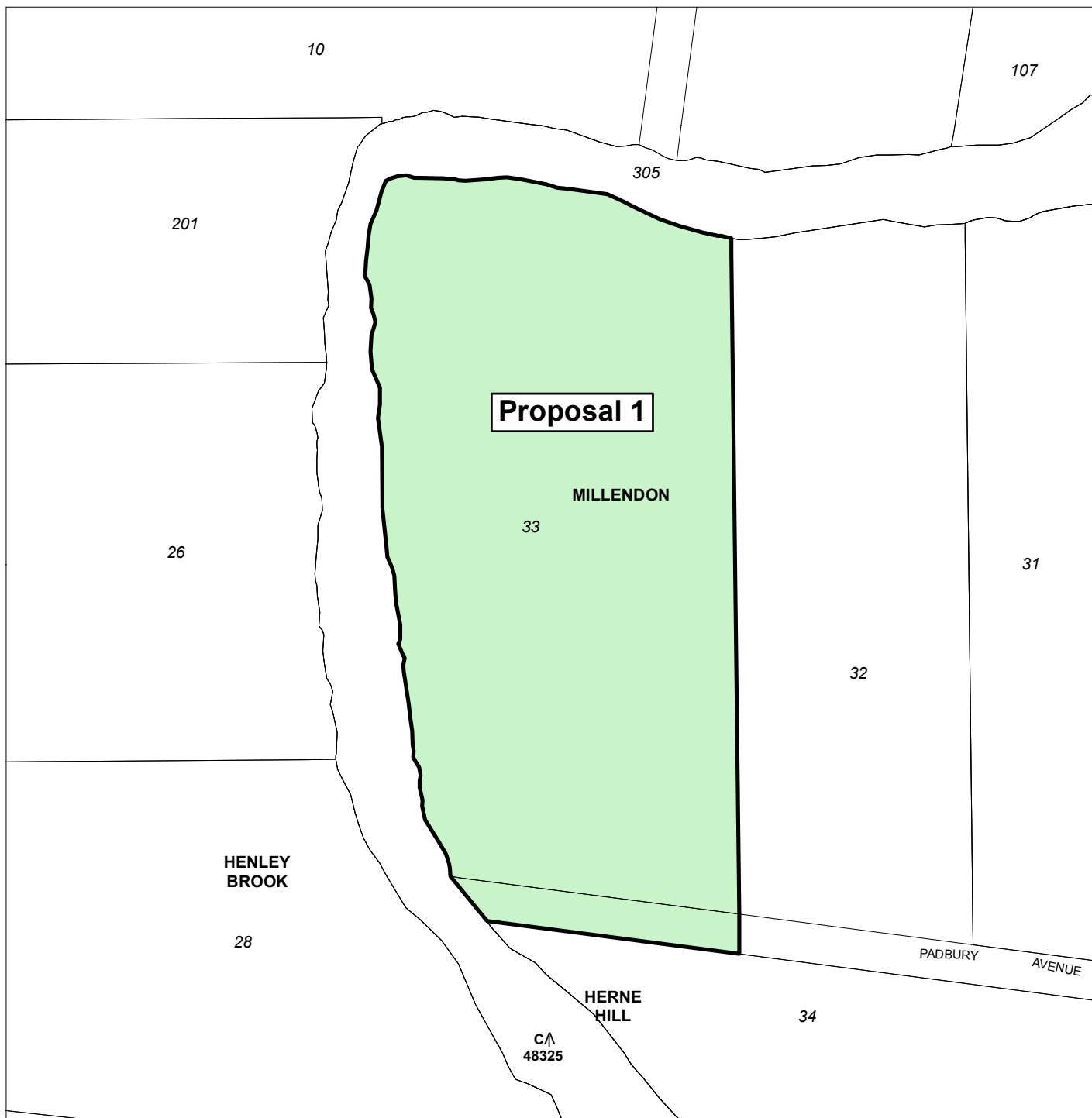
- the land presents substantial recreational value and should be retained as part of the adjoining Parks and Recreation reserve;
- rezoning of the land would significantly constrain its future potential uses as the majority of the remainder of the lot is part of the flood fringe and floodway corridor; and
- the Parks and Recreation reserve provides a valuable recreation and environmental contribution to the Swan River. Consistent with 7.1.11 of SPP 2.10, access to river foreshores should be secured through the establishment of uninterrupted foreshore reserves.

Planning Comment: Refer to Parts 7.1 and 7.3 of the Report on Submissions above for discussion of the DBCA's objections to Proposal 1 and Proposal 3.

Determination: Submission dismissed.

Schedule 3

The amendment figures - proposals 1 - 3
as advertised



**Swan Valley Omnibus No.1
Proposed Major Amendment
as advertised**

4 September 2017

Proposal 1

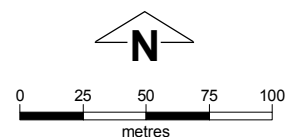
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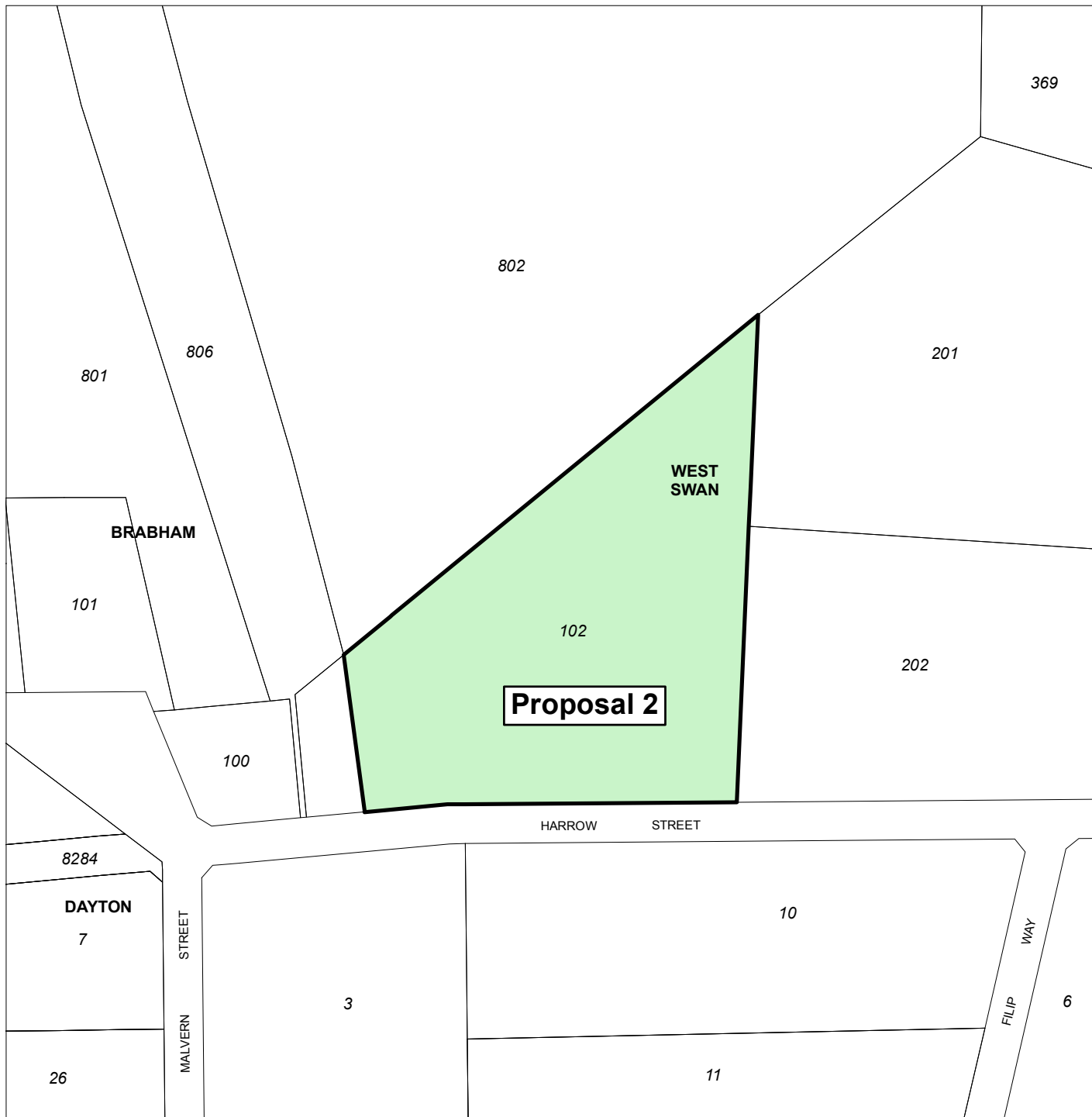


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Base information supplied by Western Australian Land Information Authority LI 862-2016-1





**Swan Valley Omnibus No.1
Proposed Major Amendment
as advertised**

4 September 2017

Proposal 2

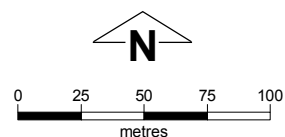
Proposed Amendment:

 Rural zone

Oracle reference no: 2936
File number: 809/02/21/0043
Version number: 1



Date: 17/08/2017
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





**Swan Valley Omnibus No.1
Proposed Major Amendment
as advertised**

4 September 2017

Proposal 3

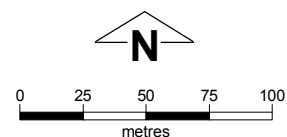
Proposed Amendment:

 Rural zone

Oracle reference no: 2936
File number: 809/02/21/0043
Version number: 1



Date: 17/08/2017
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 1

List of detail plans as advertised

Swan Valley Omnibus 1
Proposed Major Amendment
Amendment 1332/41
as advertised
1.7729

Detail Plans

1.6032, 1.6078, 1.6096, 1.6172

Submissions

Development 629 Newcastle Street PO Box 100 T (08) 9420 2099
Services Leederville WA 6007 Leederville WA 6902 F (08) 9420 3193



Your Ref: 809-2-21-43 Pt1 (RLS/0736/1)
Our Ref: JT1 2011 09252 V01 (MRS353091)
Enquiries: Brett Coombes
Direct Tel: 9420-3165
Fax: 9420-3193

23 March 2018

Secretary
Western Australian Planning Commission
LOCKED BAG 2506
PERTH WA 6001

Attention: Andrew Thomas

Metropolitan Region Scheme Major Amendment 1332/41 Swan Valley Omnibus 1

Thank you for your letter of 16 March 2018 inviting comments on the Swan Valley Omnibus Amendment.

The amendments are minor in nature and the Water Corporation has no objections to the three proposals.

If you have any queries or require further clarification on any of the above issues, please contact me on Tel.9420-3165.

A handwritten signature in black ink that reads "B. Coombes". The signature is written in a cursive, flowing style.

Brett Coombes
Senior Planner
Development Services

DEPARTMENT OF PLANNING	
23 MAR 2018	
FILE	RLS/0741

Thomas, Andrew

From: Nugraha, Yohan

Sent: Monday, 26 March 2018 3:29 PM

To: Thomas, Andrew

Subject: Metropolitan Region Scheme Major Amendment 1332/41 Swan Valley Omnibus 1

Your ref: 809-2-21-43

Our ref: DT/09/01927

METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1332/41 SWAN VALLEY OMNIBUS 1

I refer to your letter dated 16 March 2018 regarding the above application.

The Department of Transport has no comment to provide.

Thank you for the opportunity to comment on the proposal.

regard

Yohan Nugraha

Transport Designer / Planner | Integrated Transport Planning | Department of Transport

140 William Street, Perth WA 6000

Tel: (08) 65516103 | Fax: 65516947

Email: Yohan.Nugraha@transport.wa.gov.au | Web: www.transport.wa.gov.au



Department of
Transport

Clear Direction • Fresh Thinking • Excellent Service • Great People



Submitted to Metropolitan Region Scheme Major Amendment 1332/41 – Swan Valley Omnibus 1
Submitted on 2018-03-29 13:53:39

Introduction

1 What is your name?

Name:

Fiona Snellin

2 What is your email address?

Email:

Fiona.Snellin@atcogas.com.au

3 What is your address?

address:

81 Prinsep Road Jandakot WA

4 Contact phone number:

phone number:

61635058

Submission

5 Submission:

submission text:

ATCO Gas Australia (ATCO Gas) has gas mains of varying pressures and infrastructure within the vicinity of Lot 102 Harrow Street (High Pressure) and Lot 9332 (Medium Pressure). ATCO Gas does not object to formalising the change in land tenure and zoning.
ATCO Gas will not be lodging an objection.

6 File upload:

file upload:

C:\Users\Fsnellin\Desktop\LM18091_Locations 1_3 Millendon, West Swan and Caversham_ATCO Gas Maps.pdf was uploaded

Hearing of submissions

7 Please choose one of the following:

No, I do not wish to speak at the hearings. (No further information)

8 If you answered yes, please indicate who you will be represented by:

9 If you are representing yourself, please provide a contact phone number:

hearing contact phone:

10 If you are being represented by a spokesperson, please provide their details

Name of spokesperson:

Contact phone number (business hours):

Postal address:

11 I would prefer my hearing to be conducted in:

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

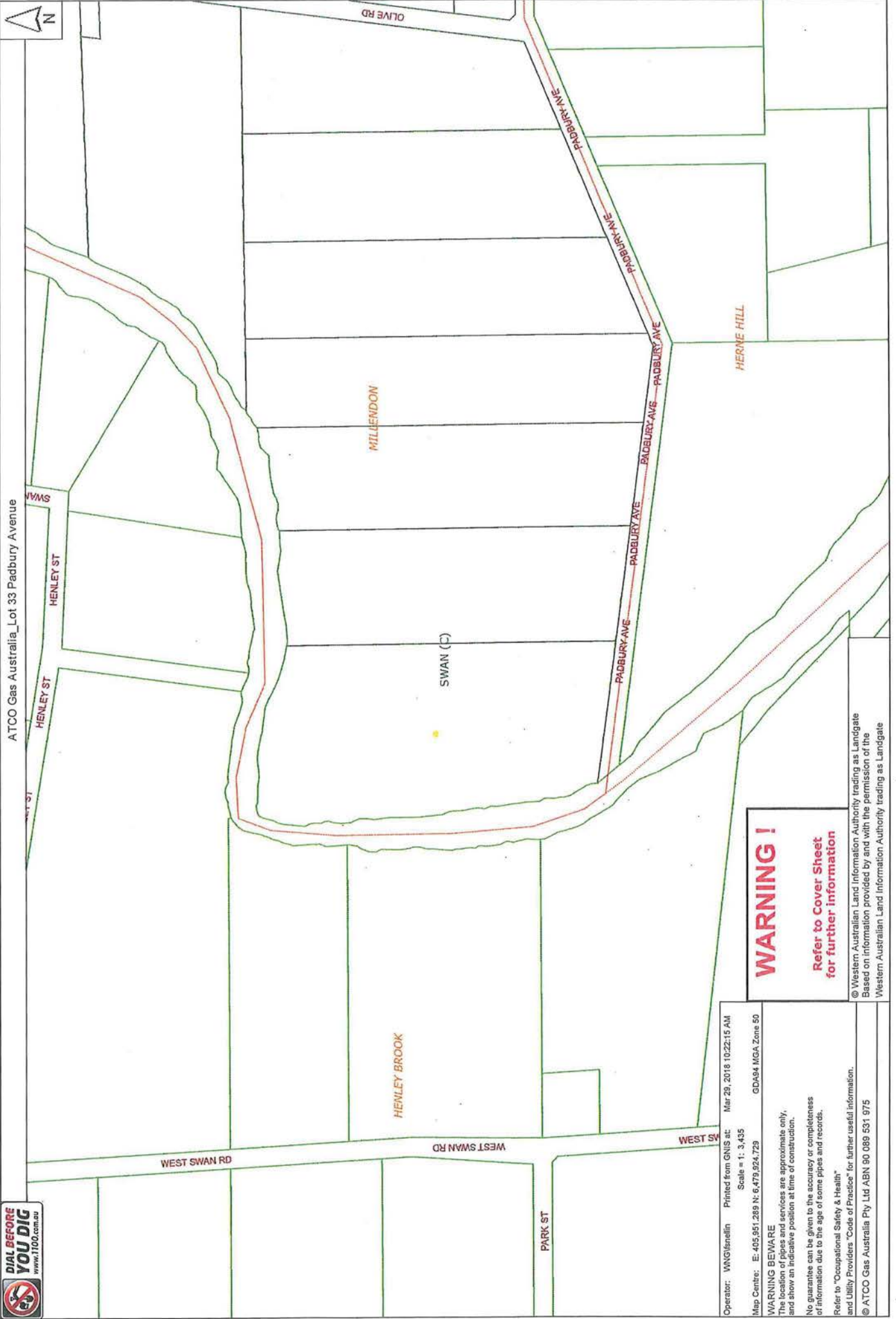
Additional information

12 You should be aware that:

DEPARTMENT OF PLANNING	
29 MAR 2018	
FILE	RES 6741/1



ATCO Gas Australia_Lot 33 Padbury Avenue



Operator: WNG/Isrellin Printed from GNIS at: Mar 29, 2018 10:22:15 AM
Map Centre: E: 405,951,289 N: 6,479,924,729 Scale = 1: 3,435 GDA84 MGA Zone 50

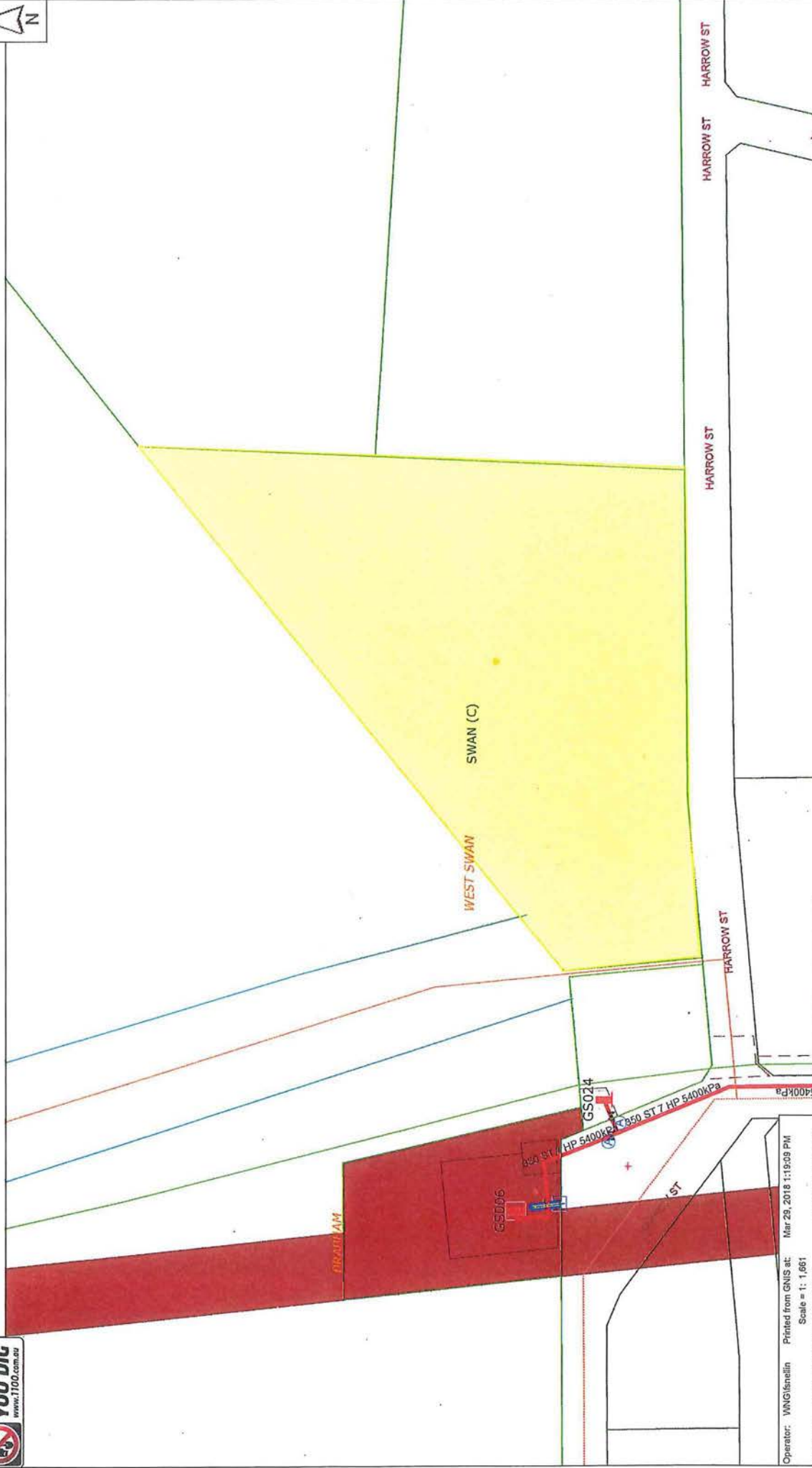
WARNING !
Refer to Cover Sheet for further information

WARNING BEWARE
The location of pipes and services are approximate only, and show an indicative position at time of construction.
No guarantee can be given to the accuracy or completeness of information due to the age of some pipes and records.
Refer to "Occupational Safety & Health" and Utility Providers "Code of Practice" for further useful information.
© ATCO Gas Australia Pty Ltd ABN 90 089 531 975

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ATCO Gas Australia_Lot 102 Harrow St



Operator: VNG/Inshellin Printed from GNIS at: Mar 29, 2018 1:19:09 PM

Scale = 1:1,661

Map Centre: E: 403,812,608 N: 6,476,287,667 GDA04 MGA Zone 50

WARNING BEWARE

The location of pipes and services are approximate only, and show an indicative position at time of construction.

No guarantee can be given to the accuracy or completeness of information due to the age of some pipes and records.

Refer to "Occupational Safety & Health"

and Utility Providers "Code of Practice" for further useful information.

© ATCO Gas Australia Pty Ltd ABN 90 089 531 975

WARNING HIGH PRESSURE GAS PIPELINE IN THE VICINITY

No excavation permitted without the prior approval of ATCO Gas Australia
PHONE 1300 926 755

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Western Australian Land Information Authority trading as Landgate



ATCO Gas Australia_Lot 9332 Hamersley Road



2 D1
138

100 HAMERSLEY RD

297 D1
125

297 D1
127

20PE

HAMERSLEY RD

25PVC
25mm
GLS

HAMERSLEY RD

SWANSHAM

9332 DLS C1
SWANSHAM
130

HAMERSLEY RD

WARNING !

**Refer to Cover Sheet
for further information**

Operator: VNGL/nellin Printed from GNIS at: Mar 29, 2018 1:24:09 PM
Scale = 1: 1,447

Map Centre: E: 404,387.332 N: 6,472,042.277 GDA94 MGA Zone 50

WARNING BEWARE

The location of pipes and services are approximate only,
and show an indicative position at time of construction.

No guarantee can be given to the accuracy or completeness
of information due to the age of some pipes and records.

Refer to "Occupational Safety & Health"
and Utility Providers "Code of Practice" for further useful information.

© ATCO Gas Australia Pty Ltd ABN 90 089 531 975

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Western Australian Land Information Authority trading as Landgate

Thomas, Andrew

From: Ricciardi, Janelle [<mailto:Janelle.Ricciardi@pta.wa.gov.au>]
Sent: Wednesday, 4 April 2018 7:33 AM
To: Thomas, Andrew
Cc: Muscara, Anthony
Subject: Major Scheme Amendment 1332/41 - Swan Valley Omnibus 1.

PTA File No. 00378/18

Hi Andrew,

I refer to your letter dated 16 March 2018 regarding MRS Amendment 1332/41.

The Public Transport Authority has no comments to make regarding the above amendment.

Kind regards,

Janelle Ricciardi
A/Strategic Railway Network Planner | IP&LS
Public Transport Authority of Western Australia
Public Transport Centre, West Parade, Perth, 6000
PO Box 8125, Perth Business Centre, WA, 6849
Tel: (08) 6551 6517
Email: janelle.ricciardi@pta.wa.gov.au | Web: www.pta.wa.gov.au



The Public Transport Authority of Western Australia cannot accept any liability for any loss or damage sustained as a result of software viruses. You must carry out such virus checking as is necessary before opening any attachment to this message. The information in this email and any files transmitted with it may be of a privileged and/or confidential nature and is intended solely for the addressee(s). If you are not an intended addressee please notify the sender immediately, and note that any disclosure, copying or distribution by you is prohibited and may be unlawful. The views expressed in this email are not necessarily the views of the Public Transport Authority.

DEPARTMENT OF PLANNING	
- 4 APR 2018	
FILE	RUS/074/1

Response ID ANON-NHS6-G89Z-H

Submitted to Metropolitan Region Scheme Major Amendment 1332/41 – Swan Valley Omnibus 1
Submitted on 2018-04-04 13:30:03

Introduction

1 What is your name?

Name:
Andrew Poli

2 What is your email address?

Email:
felix@inet.net.au

3 What is your address?

address:
48 Oakhill Heights, Ellenbrook

4 Contact phone number:

phone number:
0418172285

Submission

5 Submission:

submission text:

Lot 33 Padbury Av , Millendon should not be moved in totality from the Parks and Recreation reservation to the Rural zone.

A significant effort has been expended by the Swan River Trust and the associated councils to build and consolidate the Swan Riverpark and Swan River Trails project.

With the new development at the Swan River resort and the desire of many to visit the Swan Valley region along Great Northern Hwy an opportunity presents itself to utilise the current reservation at (Land ID 3133042, Polygon ID 1164447) and (Land ID 3133038, Polygon ID 1164443) to connect what is becoming a well used area by both locals and tourists with the rest of the Swan Valley and to build on the great work of the Swan shire in showcasing the beautiful Swan River.

At the least a portion of Lot 33 should be set aside so that cycle and foot traffic can be connected between Padbury Av and Henley St, and a river trail can be started with consultation with landowners up and down stream.

6 File upload:

file upload:
No file was uploaded

Hearing of submissions

7 Please choose one of the following:

No, I do not wish to speak at the hearings. (No further information)

8 If you answered yes, please indicate who you will be represented by:

9 If you are representing yourself, please provide a contact phone number:

hearing contact phone:

10 If you are being represented by a spokesperson, please provide their details

Name of spokesperson:

Contact phone number (business hours):

Postal address:

11 I would prefer my hearing to be conducted in:

DEPARTMENT OF PLANNING	
- 4 APR 2018	
FILE	WS/0741/1

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

Additional information

12 You should be aware that:



Department of
**Primary Industries and
Regional Development**

Submission 6

Your reference: 809-2-21-43 Pt 1
(RLS/0736/1)
Our reference: LUP 341
Enquiries: Rod Safstrom

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked Bag 2506 Perth WA
Info@dplh.wa.gov.au

Dear Ms. Blenkinsop,

**Metropolitan Region Scheme Amendment 1332/41
Swan Vally Omnibus 1**

Thank you for the opportunity to provide comment on the above MRS amendment.

The Department of Primary Industries and Regional Development has no objection to the three Proposals in the amendment as there is little potential impact on agricultural land use.

For further information, contact Mr Rod Safstrom on 9368 3169 or
rodney.safstrom@dpird.wa.gov.au.

Yours sincerely

Melanie Strawbridge
DIRECTOR
LAND AND WATER ASSESSMENT

16 April 2018

DEPARTMENT OF PLANNING	
17 APR 2018	
FILE	RLS/0741

Agriculture and Food
3 Baron-Hay Court, South Perth WA 6151
Locked Bag 4, Bentley Delivery Centre WA 6983
Telephone +61 (0)8 9368 xxxx Facsimile +61 (0)8 9474 xxxx enquiries@dpird.wa.gov.au
dpird.wa.gov.au
ABN: 18 951 343 745

Response ID ANON-NHS6-G893-A

Submitted to Metropolitan Region Scheme Major Amendment 1332/41 – Swan Valley Omnibus 1
Submitted on 2018-04-29 08:38:34

Introduction

1 What is your name?

Name:

Shirley Sardelich

2 What is your email address?

Email:

shirleysardelich@aapt.net.au

3 What is your address?

address:

44 View Street, Dianella W.A. 6059

4 Contact phone number:

phone number:

9276 7938

Submission

5 Submission:

submission text:

I would like you to tell me where is exactly Lot 33 Padbury Avenue Millendon. Is this near the Hills or the River?

6 File upload:

file upload:

No file was uploaded

Hearing of submissions

7 Please choose one of the following:

No, I do not wish to speak at the hearings. (No further information)

8 If you answered yes, please indicate who you will be represented by:

9 If you are representing yourself, please provide a contact phone number:

hearing contact phone:

10 If you are being represented by a spokesperson, please provide their details

Name of spokesperson:

Contact phone number (business hours):

Postal address:

11 I would prefer my hearing to be conducted in:

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

Additional information

12 You should be aware that:

DEPARTMENT OF PLANNING	
29 APR 2018	
FILE	RES/074



Government of Western Australia
Department of Jobs, Tourism, Science and Innovation

Your ref: 809-2-21-43 Pt 1 (RLS/0736/1)
Our ref: J0820/201701
Enquiries: simone.soliman@jtsi.wa.gov.au -
Phone: 9222 0476

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

Attention: Andrew Thomas

I refer to your letter dated 16 March 2018, inviting the Department of Jobs, Tourism, Science and Innovation to comment on the proposed Metropolitan Region Scheme Major Amendment 1332/41.

The Department has reviewed the proposed amendment and does not have any comment to provide.

For all enquiries, please contact Simone Soliman, Project Officer on 9222 0476.

Yours sincerely

Christine Ginbey
EXECUTIVE DIRECTOR
Infrastructure and Land Planning

2 May 2018





Government of **Western Australia**
Department of **Health**

Submission 9

Your Ref: 809-2-21-43 Pt1 (RLS/0736/1)
Our Ref: F-AA-00808/21 D-AA-18/12714
Enquiries: Vic Andrich 9388 4999

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attention: Andrew Thomas, Senior Planning Officer

Department of Planning, Lands and Heritage Received	
Scanned	18 MAY 2018
Attachments	A9688724
Scan QA	
Doc No	RLS/0741
File No	

Dear Ms Blenkinsop

METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1332/41 – SWAN VALLEY OMNIBUS 1

Thank you for your letter of 16 March 2018 requesting comment from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the proposed amendments.

Should you have queries or require further information please contact Vic Andrich on 9388 4999 or ehinfo@health.wa.gov.au

Yours sincerely

Jim Dodds
**EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

14 May 2018

Your Ref: MRS 1332/41
Officer: John Elliott
Phone: 08 9267 9095
Email: john.elliott@swan.wa.gov.au
Fax: 9267 9444

Department of Planning, Lands and Heritage Received	
Scanned	18 MAY 2018
Attachments	A9688854
Scan QA	
Doc No.	
File No.	RUS/0741

15 May 2018

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

METROPOLITAN REGION SCHEME AMENDMENT NO. 1332/41 (SWAN VALLEY OMNIBUS 1) - CITY OF SWAN SUBMISSION

Council, at its meeting on 9 May 2018, considered the above matter and resolved to:

- 1) Make a submission on proposed Metropolitan Region Scheme Amendment No.1332/41 (Swan Valley Omnibus) advising the Western Australian Planning Commission (WAPC) that the City of Swan:

Proposal 1:

- a. Has no objection to Proposal 1 to transfer of Lot 33 Padbury Avenue, Millendon and part of the Padbury Avenue road reserve from 'Regional Reserve - Parks and Recreation' to 'Rural' as the inability to construct permanent structures on the land undermines the recreational value, function and utility of this land.

Proposal 2:

- a. Objects to Proposal 2 as advertised, specifically where it conflicts with the latest designs for the Henley Brook Avenue road reserve. These designs have found that further road widening is needed. To zone all of the Proposal 2 area (approx. 3.29ha) to 'Rural' is prejudicial to the proper and orderly planning of this key regional road and is contrary to work that the City is undertaking on behalf of the WAPC.
- b. Recommend that Proposal 2 be modified to exclude land required for road widening purposes (leaving 0.49966ha of Lot 102 Harrow Street, West Swan as 'Regional Reserve - Public Purpose - Commonwealth Government') for this excluded land to be addressed within a future MRS Amendment for Henley Brook Avenue that the City of Swan and WAPC are working on. The area to be excluded is to be consistent with the attached latest designs.



2 Midland Square, Midland
PO Box 196, Midland WA 6936

enquiries 08 9267 9267
facsimile 08 9267 9444

Proposal 3:

- a. Has no objection to Proposal 3 to transfer a portion of Lot 9332 Hamersley Road, Caversham from 'Parks and Recreation' to 'Rural' because the existing perimeter fence has excluded public access to that portion of the disused detention centre reserved 'Parks and Recreation' and there is no compelling recreational need or demand to require more land to be open for public recreational purposes. This makes part of the existing 'Parks and Recreation' regional reserve redundant where it lies within decommissioned Riverbank Detention Centre.
 - b. Request that the WAPC and relevant State Government agencies cede (at no cost) the southern portion of Lot 9332 Hamersley Road, Caversham reserved for Parks and Recreation to the City of Swan to open land for community recreation in the Swan Valley.
- 2) Advise the WAPC that Council will consider initiating an amendment to Local Planning Scheme No.17 (LPS17) to reclassify the subject portions of land once a MRS Amendment come into effect.

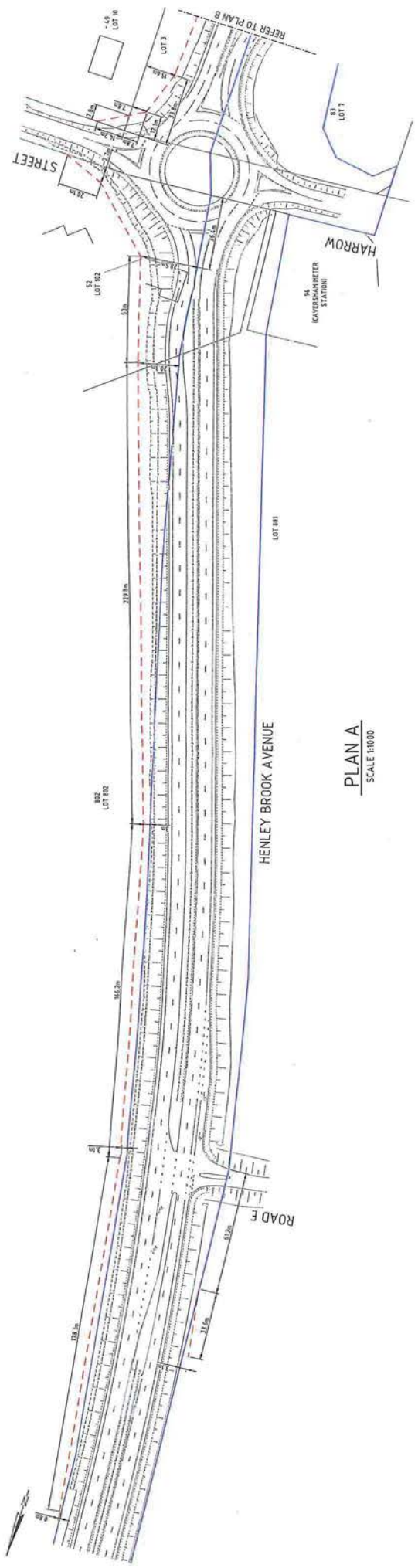
Should you have any queries regarding this matter, please do not hesitate to contact John Elliott on 08 9267 9095.

Yours faithfully



for M J Foley
CHIEF EXECUTIVE OFFICER

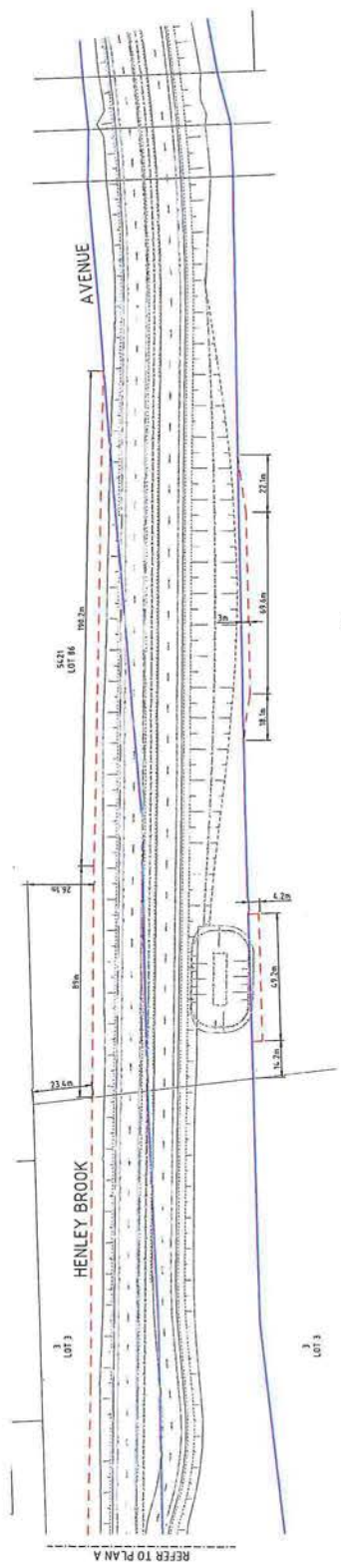
Enc:



PLAN A
SCALE 1:1000

LEGEND

PROPOSED	EXISTING
SCALED EDGE/FORMATION	SCALED EDGE/FORMATION
KERB FACE	KERB FACE
PATH	PATH
EARTHWORKS BATTER CUT/FILL	EARTHWORKS BATTER CUT/FILL
OPEN GRAIN	OPEN GRAIN
BOUNDARY (HWS)	BOUNDARY (HWS)
BOUNDARY (HWS) MODIFICATION	BOUNDARY (HWS) MODIFICATION
BOUNDARY (HWS) MODIFICATION OPTION C	BOUNDARY (HWS) MODIFICATION OPTION C
BUILDING	BUILDING
BOUNDARY	BOUNDARY



PLAN B
SCALE 1:1000



REVISIONS

NO.	DATE	BY	DESCRIPTION
1	15.11.18	DM	PRELIMINARY
2	15.11.18	DM	PRELIMINARY

AUTHORISATION	APPROVED	SCALE	DATE
PROJECT MANAGER	DESIGN COORDINATOR	1:1000	A.H.D.
DESIGNED	CHECKED	DATUM	
DRAWN	DIVERTS		

(A1)
HENLEY BROOK AVENUE
THE PROMENADE TO RED HWY
DUAL CARRIAGEWAY CONCEPT
LAND RESUMPTION PLAN OPTION C

PROFORM CIVIL
ENGINEERING DESIGN CONSULTANTS
www.proformcivil.com



DRAWING No.	REV No.
R648-305	A
OPERATIONS	

PRELIMINARY

COUNCIL MINUTES

3.1 METROPOLITAN REGION SCHEME AMENDMENT NO.1332/41 (SWAN VALLEY OMNIBUS 1) - CITY OF SWAN SUBMISSION

Ward: (Swan Valley/Gidgegannup Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

KEY ISSUES

- The Western Australian Planning Commission (WAPC) seeks comment on advertised Metropolitan Region Scheme Amendment 1332/41 (Swan Valley Omnibus 1) before 22 June 2018.
- This omnibus proposal is part of the WAPC's continuing program to keep the Metropolitan Region Scheme maps up to date. It involves the 3 proposals:

Proposal 1: Transfer Lot 33 Padbury Avenue, Millendon and part of the Padbury Avenue road reserve from 'Regional Reserve - Parks and Recreation' to 'Rural'.

Proposal 2: Transfer approx. 3.29ha of Lot 102 Harrow Street, West Swan from 'Regional Reserve - Public Purpose - Commonwealth Government' to 'Rural'.

Proposal 3: Transfer a portion (approx. 0.19ha) of Lot 9332 Hamersley Road, Caversham from 'Regional Reserve - Parks and Recreation' to 'Rural'.
- Proposal 2 abuts the future Henley Brook Avenue and the latest designs identify that part of the rezoning area is needed for this future road reservation and its intersection with Harrow Street. It is recommended that the required portions of land be omitted from the amendment area.
- From a planning perspective staff do not object to the Proposals 1 and 3. Neither site is accessible to the public and their recreational function and utility is constrained by environmental or existing site conditions.
- The particulars of a local planning scheme amendment do not need to be determined at this time and will be the subject of a future report to Council. Future uses may occur on these sites (excluding the areas required for road widening) within a compatible local zone that has regard to the *Swan Valley Planning Act 1995*.

It is recommended that the Council make a submission advising the Western Australian Planning Commission that it:

- Objects to rezoning the entire Proposal 2 area to 'Rural' and recommend that the WAPC modify Proposal 2 in such a way that omits the road widening area for it to be dealt with as part of a separate MRS Amendment.
- Does not object to 'Proposal 1' and 'Proposal 3' within its Swan Valley Omnibus MRS Amendment No.1332/41.

AUTHORITY/DISCRETION

The Council's resolution is required because staff do not have delegation to make comment on proposed amendments to the Metropolitan Region Scheme.

DESCRIPTION OF SITE

Proposal 1:

Location: Involves approximately 6.5ha of land comprising of part of the unsealed Padbury Avenue road reserve (approximately 0.4ha) and Lot 33 Padbury Avenue, Millendon (approximately 6.1ha). It is located within 'Area B' of the *Swan Valley Planning Act 1995* and is reserved 'Parks and Recreation' in the MRS.

Land owner(s): Lot 33 is owned by Mrs Leigh Valerie Dawson and Mr Howard Graham Dawson. Padbury Avenue is a local road reserve managed by the City of Swan.

Use: The subject land doesn't contain any structures and is mostly covered by trees. It is entirely affected by the floodway of the Swan River and around half the site (approximately 3.3ha of the 6.5ha site) is designated Bush Forever by the WAPC. Padbury Avenue is unconstructed in this location but is available for emergency services to access the Swan River.

Surrounding uses: The surrounding area is rural in nature with a bend in the Swan River forming the northern and western boundaries of the Proposal 1 area. It is important to note that Lot 33 is currently in the same ownership as land parcel immediately south of the subject site (lot 34), explaining why this site identifies as "Swan River Thoroughbreds No.24 Padbury Avenue, Herne Hill".

Proposal 2:

Location: Proposal 2 involves the majority of Lot 102 Harrow Street, West Swan (approx. 3.29ha of the approx. 3.5ha site). It is located within 'Area B' of the *Swan Valley Planning Act 1995* and was formerly owned by the Commonwealth Government, explaining its classification as a 'Public Purpose - Commonwealth Government (CG)' regional reserve.

The balance of Lot 102 (0.21ha) is affected by the future Henley Brook Avenue reservation, which bisects the western portion of Lot 102 and also extends into the adjoining Lot 100 Harrow Street. This portion of Lot 102 is immediately west of the Proposal 1 area and is an 'Other Regional Roads' reservation in the MRS.

Land owner: Motivation Investments Pty Ltd (*directors: Gavin Robert Miller, Claire Miranda Giumelli, and; James Robert Giumelli*).

Use: The subject portion of Proposal 2 area has buildings and outbuildings that forms part of the Ertech Construction Academy Grounds. It was previously the site of the former Culunga School.

Surrounding uses: The future Henley Brook Avenue road reserve bisects the western portion of the subject Lot 102 along with the adjoining Lot 100 Harrow Street. This road will be a key regional distributor road needed to support the urban development of the Urban Growth Corridor. The neighbouring Lot 100 is APA Group's Caversham gas pipeline sub-substation. North of the subject Proposal 2 area is a Bush Forever site and surrounding land to the east is rural paddocks or rural-residential in nature.

Proposal 3:

Location: Involves a small portion of Lot 9332 Hamersley Road, Caversham (approximately 0.19ha) which is located within 'Area B' of the *Swan Valley Planning Act 1995*. It is currently reserved 'Regional Reserve - Parks and Recreation'.

Land owner: Department of Justice.

Use: The subject area was developed for the use as the Riverbank Detention Centre with a main building, several associated outbuildings and a perimeter fence. This detention centre has since been decommissioned and is considered a surplus government asset to the Department of Correctional Services.

Surround uses: Surrounding non-reserved land parcels to the north and west of the subject site are used for rural purposes including horse stables and viticulture. The Swan River abuts the eastern boundary.

CONSULTATION

The WAPC is seeking public comment on the advertised Metropolitan Region Scheme Amendment No.1332/41 and submissions are to be made to the WAPC on or before 22 June 2018.

The City, like affected owners, relevant agencies and the general public have the choice of making a submission to the WAPC. The City's submission will be considered by the WAPC alongside other submissions in their assessment and decision.

Landowners are encouraged to make comments directly to the WAPC. Council is advised that to date there has not been any written advice or requests received from landowner(s) expressing their views on the proposal.

Council is further advised that the WAPC sought the advice of the Swan Valley Planning Committee (SVPC) prior to advertising. The SVPC considered this proposal at its 4 September 2017 meeting and resolved it considered the proposal was consistent with clauses 8.4 and 8.7 of the *Swan Valley Planning Act 1995*.

DETAILS

The Swan Valley Omnibus Metropolitan Region Scheme (MRS) Amendment No.1332/41 is largely an administrative exercise by the WAPC to keep its MRS Maps up-to-date and reflective of its intentions.

It involves 3 proposal areas affecting 1 property in Millendon, part of the Padbury Avenue road reserve, 1 property in West Swan and 1 property in Caversham.

City staff have reviewed the 3 proposals and offer no objection with the exception of where road widening extends into the "Proposal 2" area. An assessment of each of the 3 proposals is provided under the following headings along with staff's recommendations.

Proposal 1: Lot 33 Padbury Avenue Millendon + part of the local road reserve

The subject land was made 'Parks and Recreation' in 1986 to facilitate the WAPC's purchase of the land to provide a regional park with picnic and canoe facilities. However, since that time land negotiations have failed and further investigations have found that environmental factors that would impede the ability to construct permanent amenities onsite, bringing into question the recreational value and benefits of the site.

As such the motivation for Proposal 1 is that the WAPC no longer seeks to acquire the privately owned Lot 33 Padbury Avenue for a future regional recreation park.

From a planning and facilities perspective city staff have no objections to the proposed transfer of this land from 'Regional Reserve - Parks and Recreation' to 'Rural' for the following reasons:

- The development potential of the site for recreational purposes is heavily constrained by the bend in Swan River and its associated floodway, which limits the ability to install any permanent amenities like toilets, benches and/or other improvements on the land.
- Vegetation covers the majority of the site, which is protected by the site's designation as a Bush Forever area. This designation further constrains the ability to provide a multi-purpose recreational area for the public to enjoy.
- The above restrictions to future development will apply irrespective of if the land was zoned 'Rural' or left as a regional reserve. This is because the land will still be within the Swan River Development Control Area and western portion of the site nearest to the Swan River will still remain Bush Forever.
- The City does not have plans to acquire or develop the site as a public open space. This position should not change given the inability to build anything on the site beyond a natural foreshore area with no amenities i.e. of more limited recreational value for the public to use and enjoy.
- The 'Rural' zone reflects the private use of the land and reflects the State's disinterest in acquiring the land for recreation purposes.
- The fact that the proposal includes the unconstructed Padbury Avenue road reserve does not prejudice the ability of the City to designate the land as a local road reserve as part of a Local Planning Scheme Amendment proposal once the MRS Amendment is finalised. The City intends to keep this road reserve so that emergency services have the legal right to access the river.

Proposal 2: Part of Lot 102 Harrow Street, West Swan

Proposal 2 is to transfer the majority of Lot 102 Harrow Street, West Swan (approximately 3.29ha) from 'Regional Reserve - Public Purpose - Commonwealth Government' to 'Rural' in the MRS. The motivation is largely because Lot 102 is no longer owned or used by the commonwealth government.

The remaining balance of Lot 102 (approx. 0.19ha) will remain unchanged as an 'Other Regional Roads' (ORR) regional reserve. This is for the future Henley Brook Avenue, which is a critical and necessary road for supporting traffic from adjacent growth suburbs. It is important to note that this ORR alignment straddles both Lot 102 and APA's gas infrastructure facility on Lot 100 and the adjacent Harrow Street will be one of a few roads that will have an intersection with Henley Brook Avenue.

City staff have significant concerns with progressing Proposal 2 at this time. This is because the proposed rezoning of the 'Proposal 2' area is prejudicial to the proper and orderly review of the Henley Brook Avenue 'Other Regional Roads' (ORR) reservation that the City has been leading on behalf of the WAPC since 2015.

The City's review is currently at the stage where it has found that the ORR reservation needs further widening on Lot 102 for the following reasons:

- Main Roads WA advised it will not support signalised intersections in this location. This has compelled the City to change its previous design to a roundabout. This requires more land than what is currently provided in the 'Other Regional Roads' reserve and will encroach into the Proposal 2 area.
- The extent of widening on Lot 102 is entirely dependent on the viability of relocating APA's high-pressure gas infrastructure on the abutting Lot 100. Negotiations and requests have been submitted to APA who is currently in the process of determining this, but they have yet to get back to the City to inform its viability and if the costs are prohibitive.
- With the outcomes on Lot 100 unknown and uncertain the City has prepared designs that remove the requirement to relocate regionally significant gas infrastructure. This design involves less risk but requires more land to be set aside within Proposal 2 area for road widening purposes. This design is attached to this report with the red line showing the additional land required.

This design requires approx. 0.50ha (or approx. 4994.6sqm) of Lot 102 to set aside for Henley Brook Avenue road reserve, which extends beyond the current road reservation area on Lot 102 (approx. 0.19ha).

To protect this regionally significant road it is recommended that Council object to Proposal 2 as advertised, using the latest designs prepared by the City. The City is advancing road designs for the benefit of the WAPC to inform a separate MRS Amendment; so it is considered entirely reasonable that the WAPC modify Proposal 2 in such a way that excludes the area in contention for it to be dealt with as part of the future MRS Amendment reviewing Henley Brook Avenue.

The implications of this recommended approach are as follows on Lot 102:

- The proposed 'Rural' area will decrease from approx. 3.29ha to approx. 2.99ha. Provided the road widening requirements are satisfactorily resolved city staff have no immediate concerns with the balance area. This is because Lot 102 is no longer used by the commonwealth and 'Rural' zone will better reflect the land use potential of land beyond this road widening area.
- Approx. 0.5ha (approx. 4994.6sqm) of Lot 102 will be excluded from the Proposal 2 and left as a 'Public Purpose - Commonwealth Government' reserve. The classification of this land will be reviewed as part of a separate MRS Amendment dealing with the Henley Brook Avenue reserve that landowners will have the opportunity to comment on.
- Approx. 0.19ha will remain an 'Other Regional Roads' (ORR) regional reserve, with its reservation to be reviewed as part of the abovementioned separate MRS Amendment.

This is considered a balanced and pragmatic approach that addresses the City's concerns while enabling the balance of Lot 102 Harrow Street (approx. 2.99ha) to progress as proposed in this MRS Amendment No. 1332/41.

Proposal 3: Part of Lot 9332 Hamersley Road, Caversham

This proposal seeks to apply one consistent 'Rural' zone over the decommissioned Riverbank Detention Centre as to facilitate the State's disposal of that disused facility. If approved it will transfer of approximately 0.19ha of this land from 'Parks and Recreation' to 'Rural' in the MRS, using the existing perimeter fence as the proposed boundary.

Council previously gave preliminary comments in support this particular proposal at its 18 January 2017 Ordinary Meeting. Proposal 3 is consistent with what Council previously considered and supported. As such city staff still offer no objections to this proposal because:

- A MRS 'Rural' zone already applies to part of the land that the decommissioned Riverbank Detention Centre is situated upon.
- The existing perimeter fence has excluded public access to that portion of the disused centre reserved 'Parks and Recreation'. As such the using the perimeter fence to redefine the area zoned 'Rural' will better reflect the historical use of the land and enable the facility to be sold together, as opposed to being divided by the MRS.
- The rezoning will not prejudice the ability to access and use the balance of the site that will remain 'Parks and Recreation' in the MRS. This is because there is and will be a 30-33 metre wide setback distance between the eastern-most perimeter fence and Lot 9332's common boundary with the Swan River. This area is open to the public to access the Swan River. City staff considered the existing area is sufficient for public access, use and enjoyment. As such there is no compelling recreational need or demand to suggest that this 0.19ha of land needs to be opened up for public recreation.

At 18 January 2017 Ordinary Meeting Council additionally resolved unanimously to write to the WAPC and request that they cede (at no cost) the southern portion of Lot 9332 reserved for Parks and Recreation to the City of Swan. The reason to add this to the staff recommendation was to provide additional community recreation area. This request was submitted to the WAPC but no progress has occurred to date and the land remains in the ownership of the Department of Justice. As such this prior request is reiterated in the staff's recommendations.

OPTIONS AND IMPLICATIONS

Option 1: Council may resolve to provide comments as per the staff's recommendations

Implications: The Western Australian Planning Commission (WAPC) will consider the City's comments and make a recommendation to the Minister of Planning on whether or not to amend the proposed Metropolitan Region Scheme (MRS) amendment. Whether or not the WAPC will agree or disagree with the Council's recommendation will not be known until after the Minister has made a decision.

This is the recommended option

This is because it explains the Council's concerns with Proposal 2 and highlights the need to reserve for the future intersection at Henley Brook Avenue and Harrow Street in West Swan.

Option 2: Council may instead resolve to advise the Western Australian Planning Commission (WAPC) that it objects to Proposal 1 and Proposal 3 on the grounds that these proposals collectively represent a loss of regional recreational space in the Swan Valley.

Implications: The Western Australian Planning Commission (WAPC) will consider the City's comments and make a recommendation to the Minister of Planning on whether or not to amend the proposed Metropolitan Region Scheme (MRS) amendment. Whether or not the WAPC will agree or disagree with the Council's recommendation will not be known until after the Minister has made a decision.

This is not the recommended option.

On Proposal 1 the functionality of Lot 33 Padbury Avenue, Millendon as a recreation reserve is compromised by the inability to build amenities onsite (like a toilet or other structure) and the environmental approvals required. The City would be left a highly constrained natural foreshore area with no amenities. This brings into question the value to ratepayers on taking on this space for recreation with its additional maintenance and approval costs.

On Proposal 3 there is no need or benefit on Council insisting on keeping 0.19ha of Lot 9332 Hamersley Road, Caversham (Proposal 3). The balance area is sufficient for public access and recreational uses without needing to encroach within the former detention centre area.

ATTACHMENTS

Location maps

Proposed Changes to the Metropolitan Region Scheme Maps

Extracts of the MRS Amendment No.1332/41 Report

Reservation requirements for Henley Brook Avenue

STRATEGIC IMPLICATIONS

Henley Brook Avenue is a key future road required to support the growing populations in Dayton, Brabham, Henley Brook, Ellenbrook and Aveley. Mechanisms to ensure sufficient land is set aside on Lot 102 Harrow Street, West Swan (Proposal 2) is of strategic interest and upmost importance and is reflected in the staff recommendation.

STATUTORY IMPLICATIONS

Under s.124(3) of the *Planning and Development Act 2005*, if a region planning scheme is amended and is inconsistent with a local planning scheme, the local government is required to initiate an amendment to the local planning scheme to eliminate this inconsistency.

If the MRS Amendment is approved and gazetted, the City of Swan will have 90 days from the date of Gazettal to initiate an amendment to LPS17 to rezone the subject area to ensure that it is consistent with the objectives of the 'Rural' zone under the MRS where land is no longer the subject of a regional reserve.

The particulars of a local planning scheme amendment do not need to be determined at this time and will be the subject of a future report to Council. This is because the proposed changes to the Metropolitan Region Scheme do not permit the WAPC to make concurrent changes to a local planning scheme.

Without prejudicing Council's future consideration all that can be said at this time is that there are local zones and reserves that would be compatible with the changes to the underlying MRS maps that have regard to the *Swan Valley Planning Act 1995*.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Council resolve to:

- 1) Make a submission on proposed Metropolitan Region Scheme Amendment No.1332/41 (Swan Valley Omnibus) advising the Western Australian Planning Commission (WAPC) that the City of Swan:

Proposal 1:

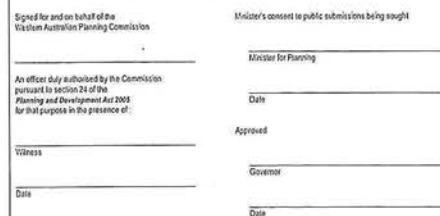
- a. Has no objection to Proposal 1 to transfer of Lot 33 Padbury Avenue, Millendon and part of the Padbury Avenue road reserve from 'Regional Reserve - Parks and Recreation' to 'Rural' as the inability to construct permanent structures on the land undermines the recreational value, function and utility of this land.

Proposal 2:


- a. Objects to Proposal 2 as advertised, specifically where it conflicts with the latest designs for the Henley Brook Avenue road reserve. These designs have found that further road widening is needed. To zone all of the Proposal 2 area (approx. 3.29ha) to 'Rural' is prejudicial to the proper and orderly planning of this key regional road and is contrary to work that the City is undertaking on behalf of the WAPC.
- b. Recommend that Proposal 2 be modified to exclude land required for road widening purposes (leaving 0.49966ha of Lot 102 Harrow Street, West Swan as 'Regional Reserve - Public Purpose - Commonwealth Government') for this excluded land to be addressed within a future MRS Amendment for Henley Brook Avenue that the City of Swan and WAPC are working on. The area to be excluded is to be consistent with the attached latest designs.

Proposal 3:

- a. Has no objection to Proposal 3 to transfer a portion of Lot 9332 Hamersley Road, Caversham from 'Parks and Recreation' to 'Rural' because the existing perimeter fence has excluded public access to that portion of the disused detention centre reserved 'Parks and Recreation' and there is no compelling recreational need or demand to require more land to be open for public recreational purposes. This makes part of the existing 'Parks and Recreation' regional reserve redundant where it lies within decommissioned Riverbank Detention Centre.
 - b. Request that the WAPC and relevant State Government agencies cede (at no cost) the southern portion of Lot 9332 Hamersley Road, Caversham reserved for Parks and Recreation to the City of Swan to open land for community recreation in the Swan Valley.
- 2) Advise the WAPC that Council will consider initiating an amendment to Local Planning Scheme No.17 (LPS17) to reclassify the subject portions of land once a MRS Amendment come into effect.



Legend

 Excluded from parks and recreation and public purposes (CQ) reservations and included in rural zone

AMENDMENT PLAN
Metropolitan Region Scheme

Amendment No 1332 /41

As advertised

Program Manager: A. Muscara
Geospatial Officer: J. Ballarotta
Examined: A. Power
Revised:

Version No: 1

Date: WAPC/260.11.425 October 2017

1.7729

File number: 603 02/21/0343
Plan reference:
Metropolitan Region Scheme
1:25000 sheet 12 and 16

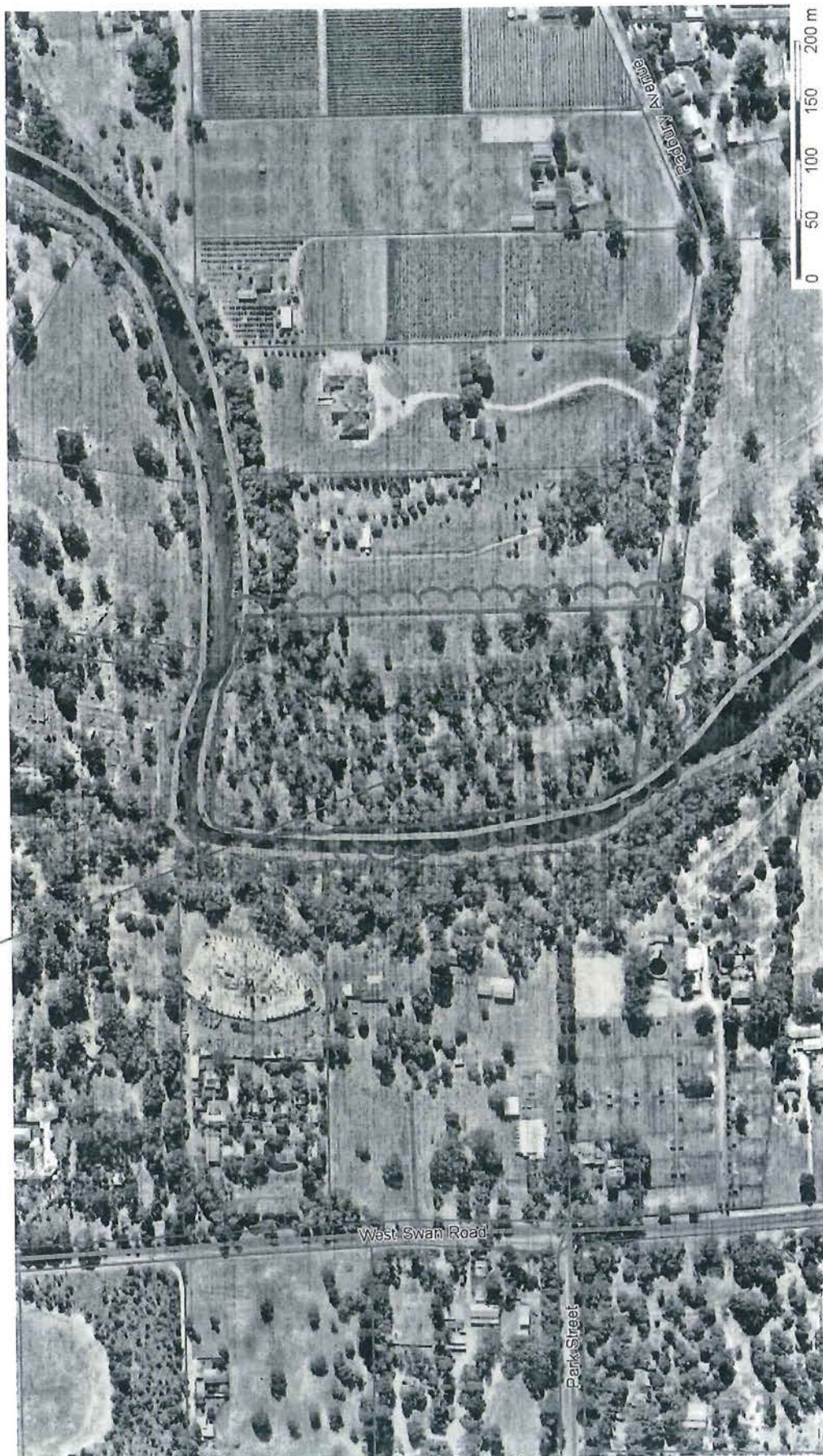
delta/pairs: 1.8032, 1.6078, 1.8000, 1.8172

Oracle reference no: 2936



Submitted: February 20 December 2017
 Received: 100 2021, 11 2018 1728
 Produced by Computer Research and Modeling Department of Mining, Metallurgy and Fuels
 ISSN 2073-2014

Subject Area
(includes part of Padbury Ave road reserve)



Proposal 1



19/03/2018

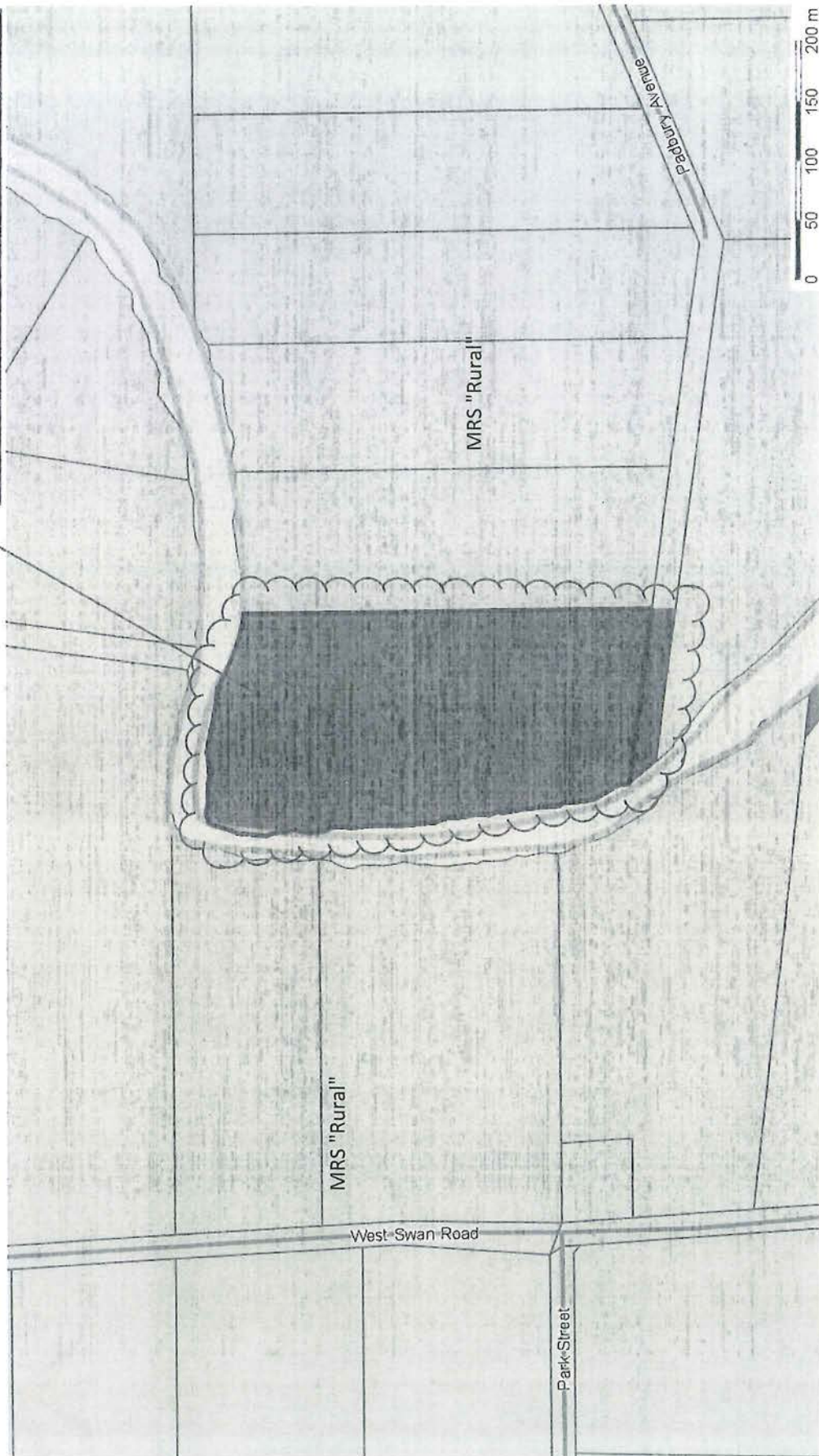
1:5000

Proposal 1:
Lot 33 (No.24) Padbury
Avenue HERNE HILL

DISCLAIMER: Information shown here on is a composite of information from various different data sources. Users are warned that the information is provided by the City of Swan in this format as a general resource on the understanding that it is not suitable as a basis for decision making without verification with the original source.



Proposal 1 area is currently
"Regional Reserve - Parks and Recreation"



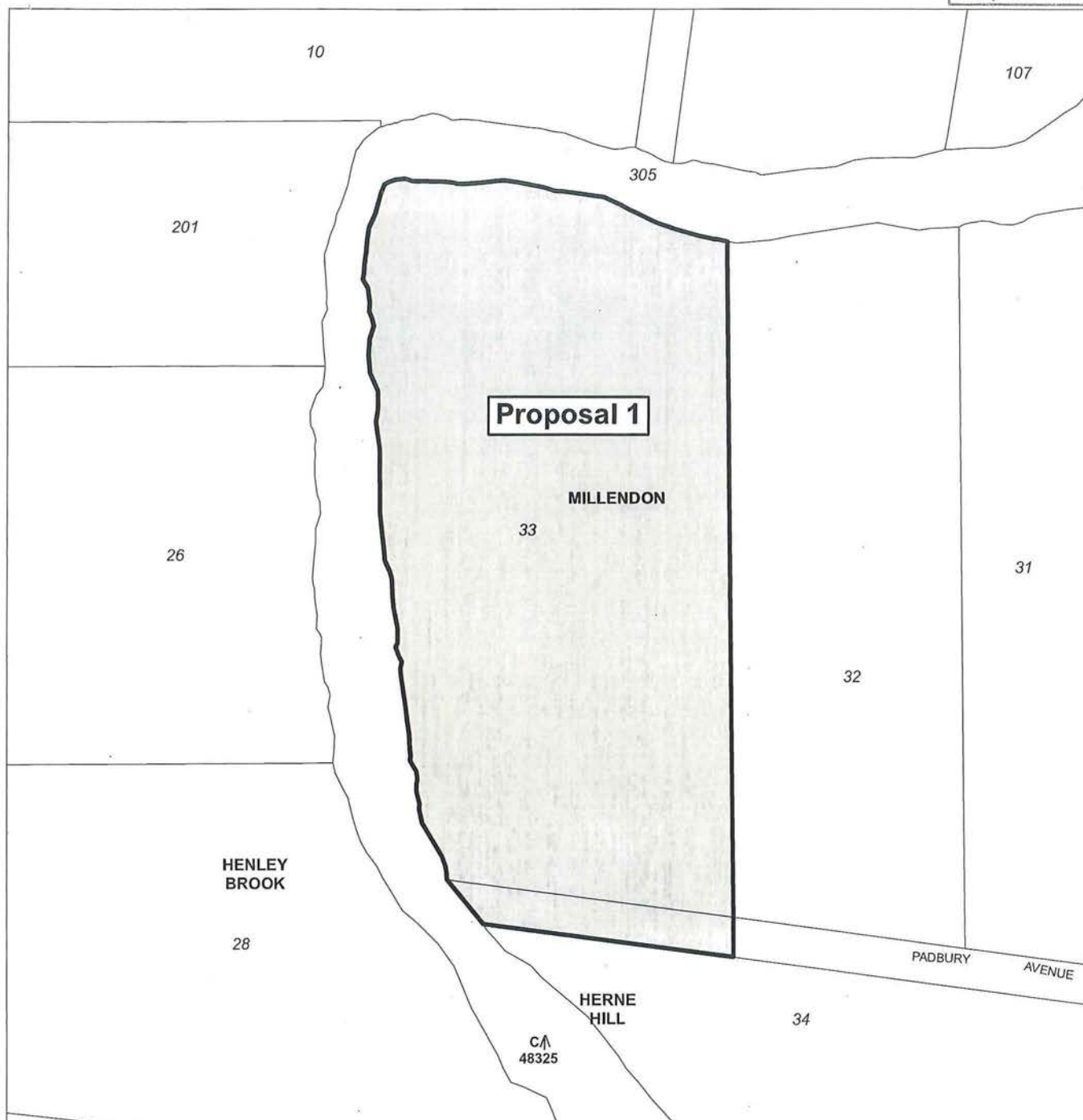
19/03/2018

1:5000

Proposal 1: MRS Zone
Lot 33 (No.24) Padbury
Avenue HERNE HILL

DISCLAIMER: Information shown here on is a composite of information from various different data sources. Users are warned that the information is provided by the City of Swan in this format as a general resource on the understanding that it is not suitable as a basis for decision making without verification with the original source.





**Swan Valley Omnibus No.1
Proposed Major Amendment
as advertised**

4 September 2017

Proposal 1

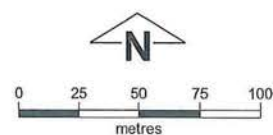
Proposed Amendment:

 Rural zone

Oracle reference no: 2936
File number: 809/02/21/0043
Version number: 1



Date: 17/08/2017
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



Subject Area



19/03/2018

1:3000

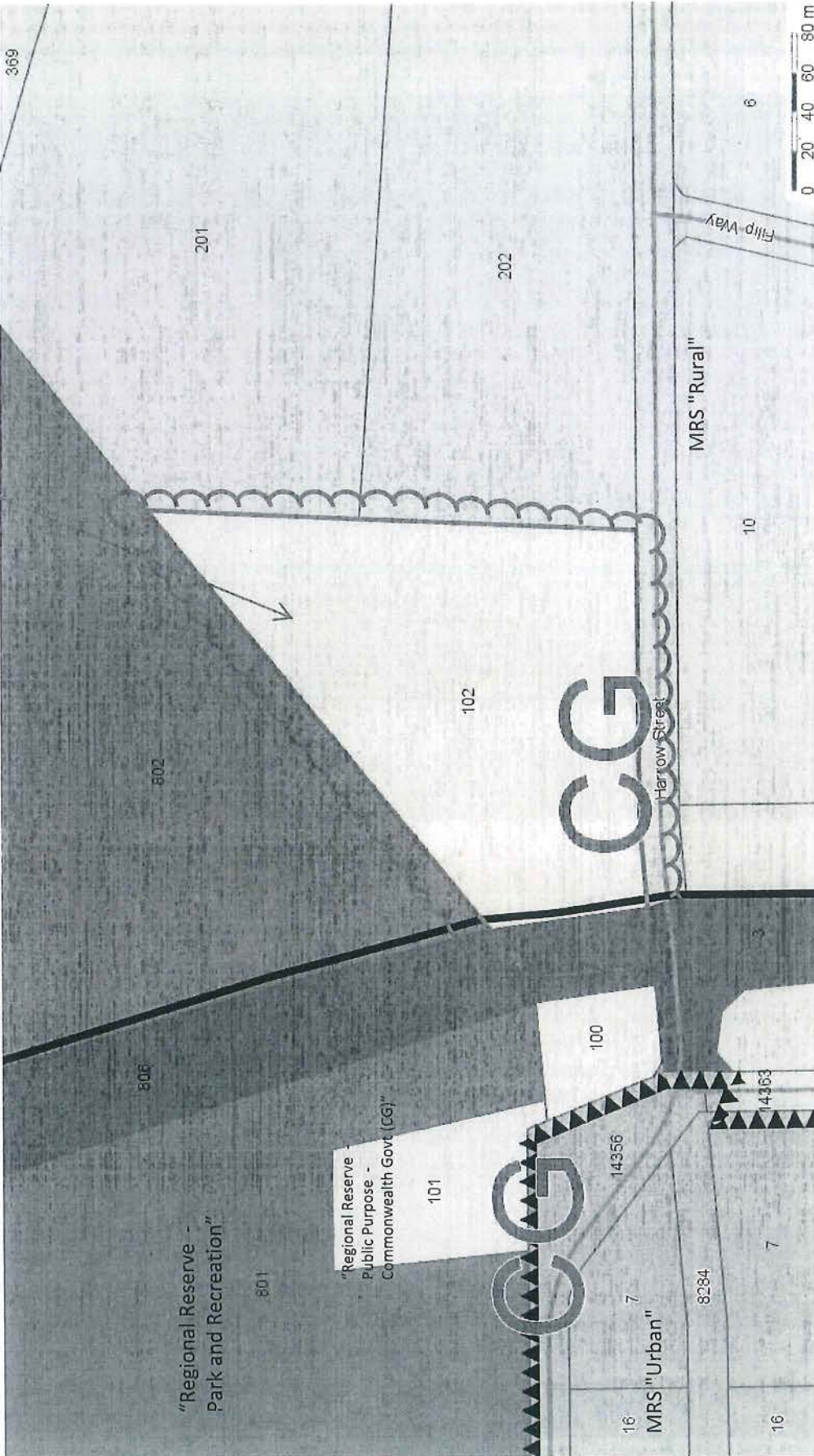
Proposal 2: Lot 102 (No.52)
Harrow Street WEST SWAN

DISCLAIMER: Information shown here on is a composite of information from various different data sources. Users are warned that the information is provided by the City of Swan in this format as a general resource on the understanding that it is not suitable as a basis for decision making without verification with the original source.



Proposal 2 area is currently
"Regional Reserve - Public Purpose -
Commonwealth Government" (CG)

"Regional Reserve -
Other Regional Roads"
(future Henley Brook Ave)



Proposal 2

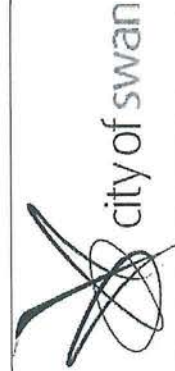


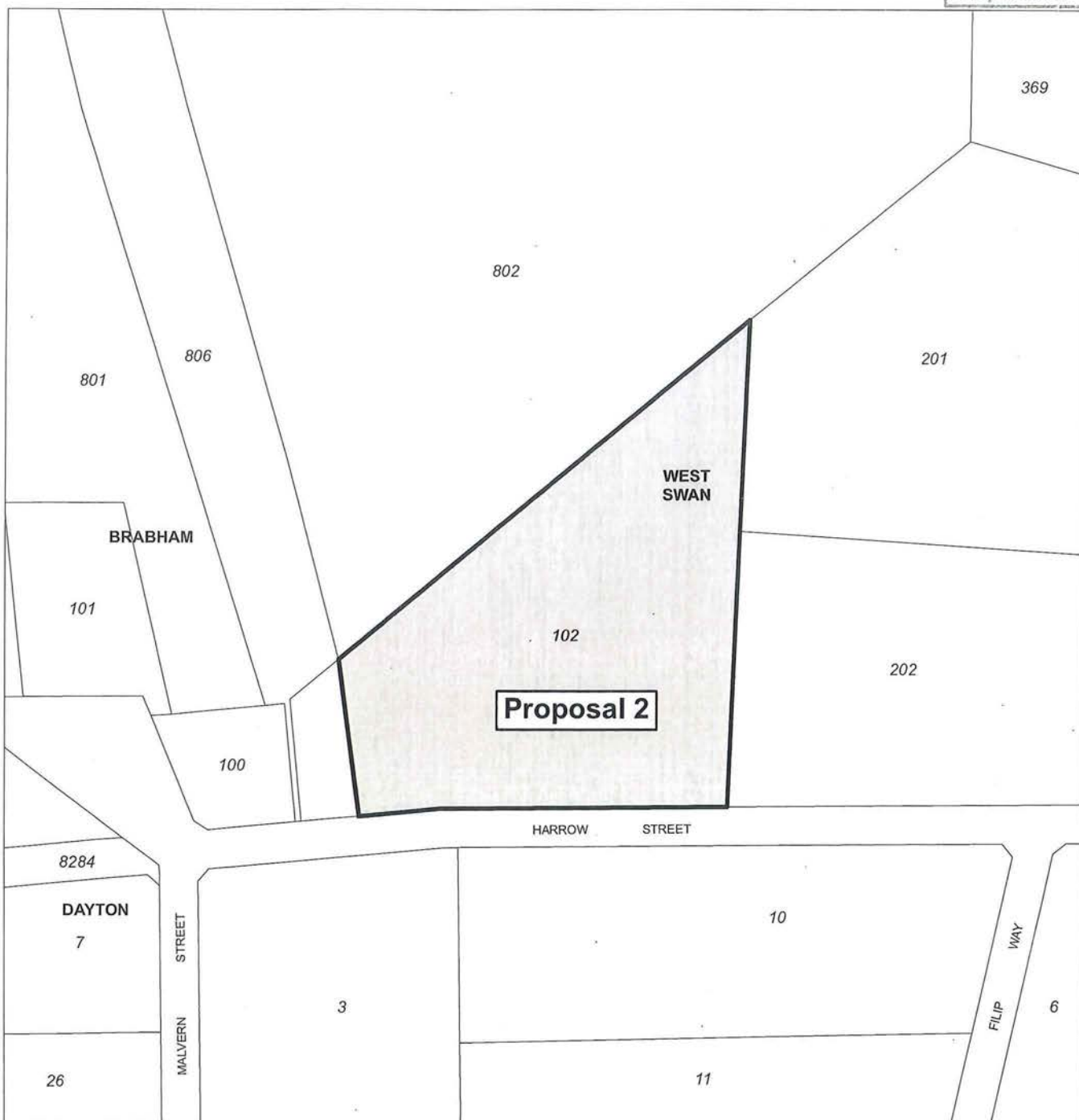
19/03/2018

1:3000

Proposal 2: MRS Zone
Lot 102 (No.52) Harrow
Street WEST SWAN

DISCLAIMER: Information shown here on is a composite of information from various different data sources. Users are warned that the information is provided by the City of Swan in this format as a general resource on the understanding that it is not suitable as a basis for decision making without verification with the original source.





**Swan Valley Omnibus No.1
Proposed Major Amendment
as advertised**

4 September 2017

Proposal 2

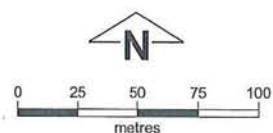
Proposed Amendment:

 Rural zone

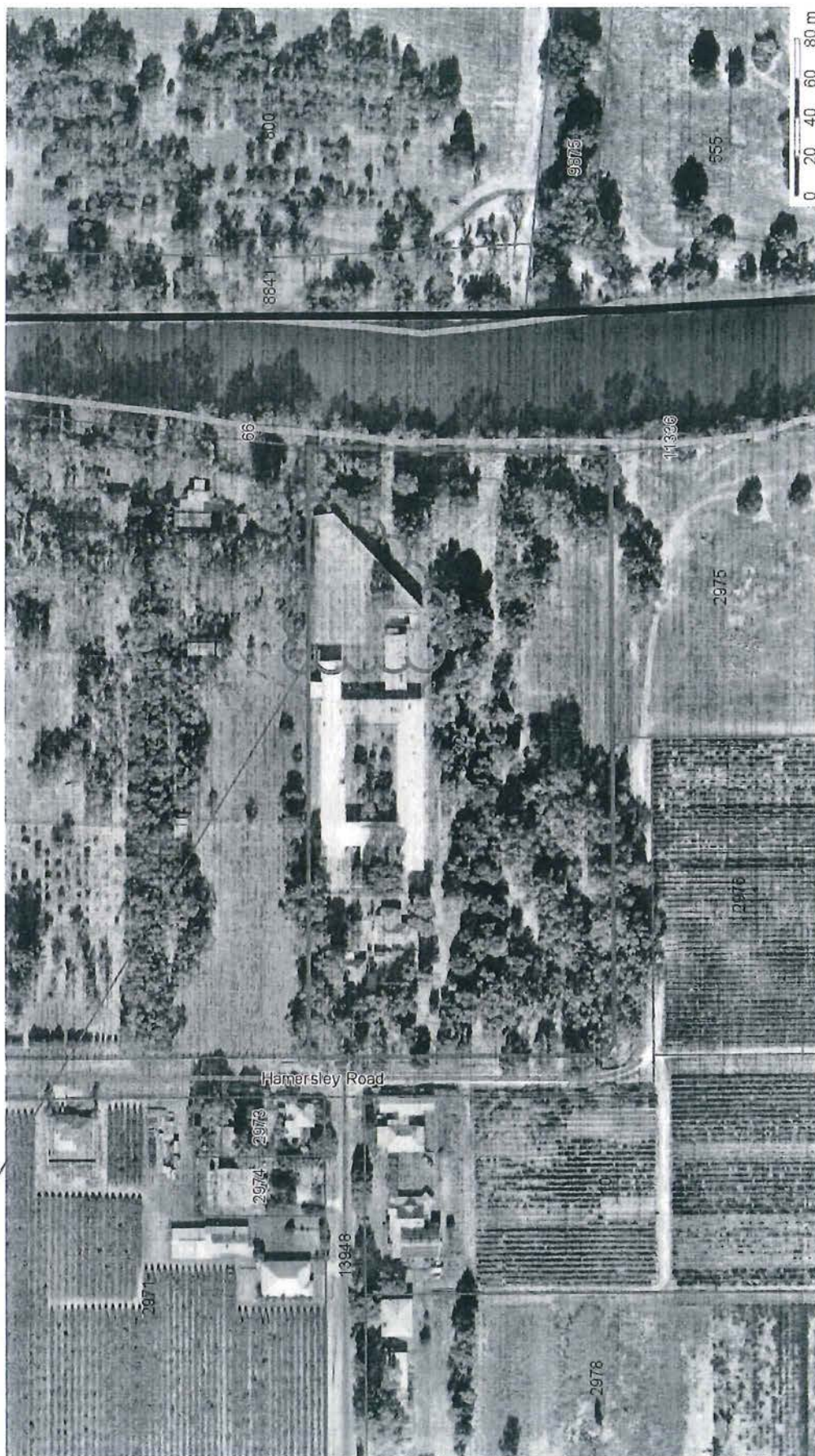
Oracle reference no: 2936
File number: 809/02/21/0043
Version number: 1



Date: 17/08/2017
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



Approx.
Site Area



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Proposal 3:
Lot 9332 (No.130) Hamersley
Road CAVERSHAM

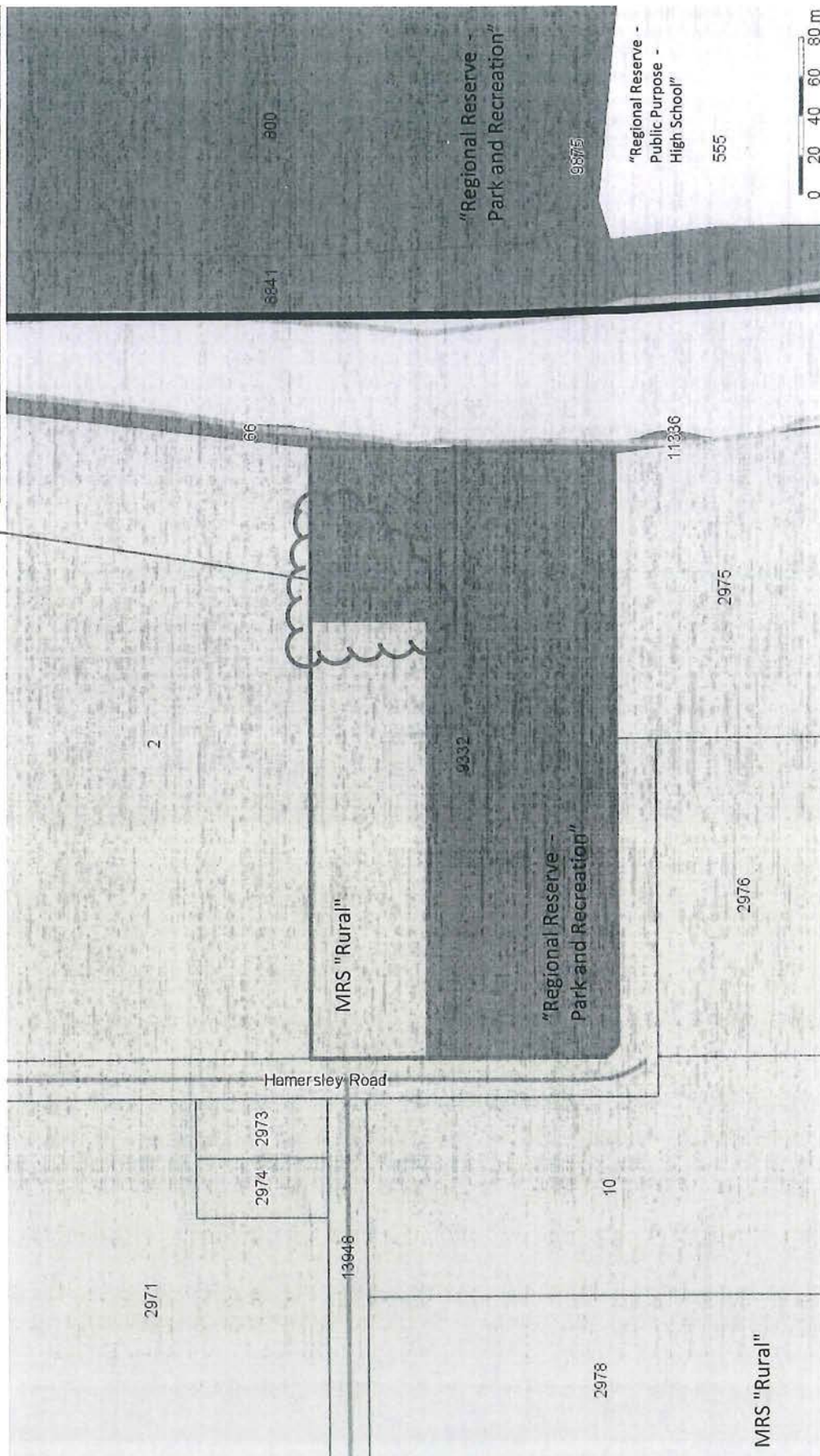
19/03/2018

1:3000



Proposal 3

Approx. Proposal 3 area is currently
"Regional Reserve - Parks and Recreation"



Proposal 3



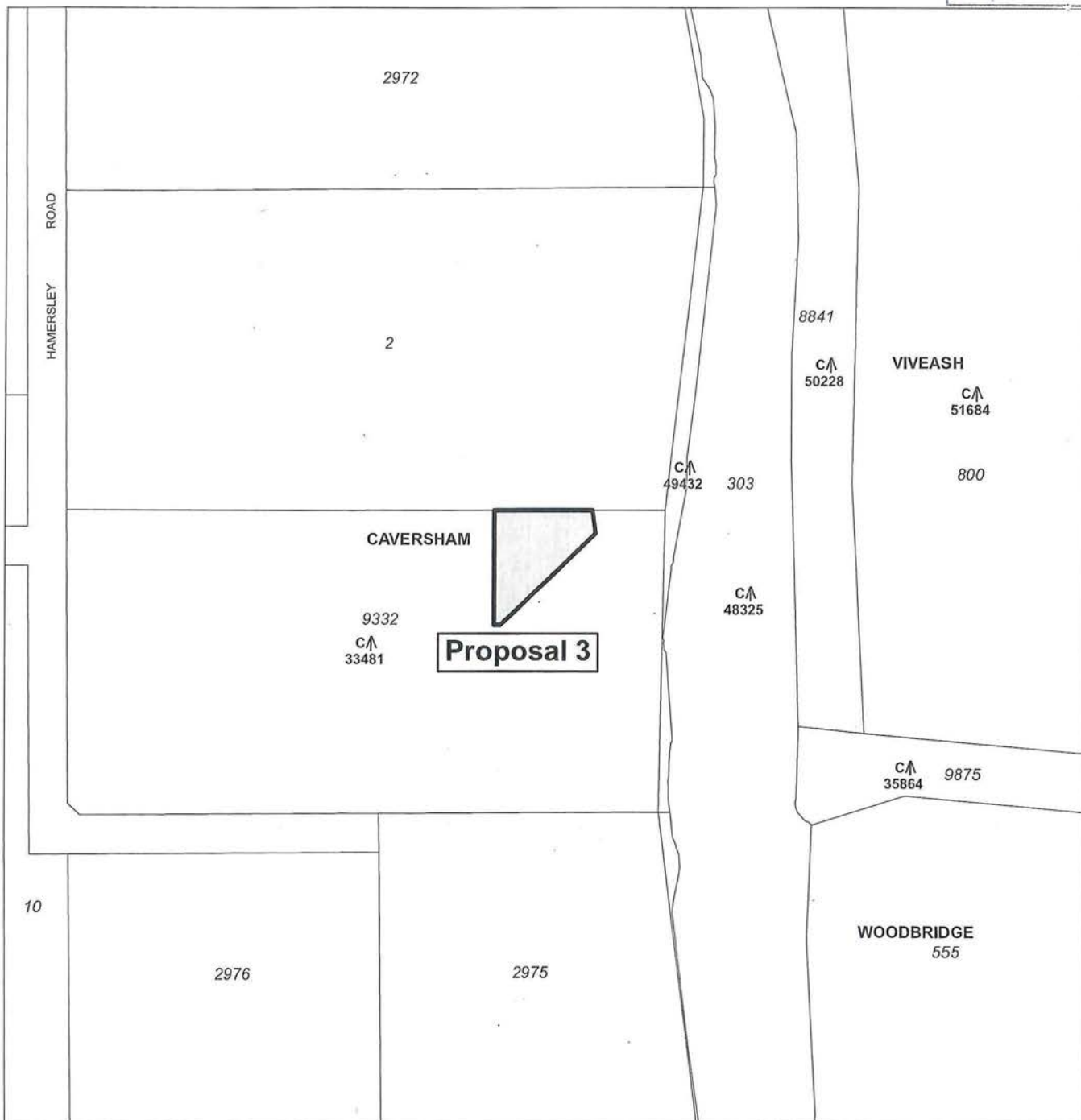
19/03/2018

1:3000

Proposal 3: MRS Zone
Lot 9332 (No.130) Hamersley
Road CAVERSHAM

DISCLAIMER: Information shown here on is a composite of information from various different data sources. Users are warned that the information is provided by the City of Swan in this format as a general resource on the understanding that it is not suitable as a basis for decision making without verification with the original source.





**Swan Valley Omnibus No.1
Proposed Major Amendment
as advertised**

4 September 2017

Proposal 3

Proposed Amendment:

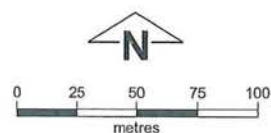


Rural zone

Oracle reference no: 2936
File number: 809/02/21/0043
Version number: 1



Date: 17/08/2017
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





Government of Western Australia
Department of Mines, Industry Regulation and Safety

Submission 11

Your ref 809-2-21-43 Pt 1 (RLS/0736/1)

Our ref A0755/201801

Enquiries David Hamdorf
92223533

David.Hamdorf@dmirs.wa.gov.au

Secretary
Western Australia Planning Commission
Locked Bag 2506
PERTH WA

Department of Planning, Lands and Heritage Received	
Scanned	08 JUN 2018
Attachments	A9713193
Scan QA	
Doc No.	RLS/0741
File No.	

Department of Planning, Lands and Heritage Received	
08 JUN 2018	

Dear Madam/Sir

**METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1332/41 - SWAN
VALLEY OMNIBUS 1**

Thank you for letter of 16 March 2018 inviting comment on the proposed amendment containing three separate proposals to transfer land from the Parks and Recreation and Public Purposes - Commonwealth Government reservations to the Rural zone in the Metropolitan Region Scheme.

The Department of Mines, Industry Regulation and Safety (DMIRS) has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials and has no significant concerns with the proposed amendment.

Yours sincerely

per 
Jeffrey HAWORTH
Executive Director Geoscience and Resource Strategy
Geoscience and Resource Strategy

5 June 2018



mainroads
WESTERN AUSTRALIA

Enquiries: Byron McKie on (08) 9323 6364
Our Ref: 18/1814 (D18#492418)
Your Ref: 809-2-21-43 PT 1 (RLS/0736/1)

8 June 2018

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001
Email: referrals@planning.wa.gov.au (via email)

ATTENTION: ANDREW THOMAS

Dear Sir

**PROPOSED METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1332/41
SWAN VALLEY OMNIBUS 1**

Thank you for your correspondence dated 16 March 2018 requesting Main Roads comments on the above proposal.

Main Roads has now had the opportunity to review the information provided and has no objection to the proposed amendments.

Would you please forward a copy of the Commission's final determination on this proposal quoting file reference 18/1814 (D18#492418).

If you require any further information please contact Planning Information Officer Byron McKie on (08) 9323 6364 or via email at byron.mckie@mainroads.wa.gov.au.

Yours faithfully

Justin McKirdy
Manager Statutory Road Planning



Our Ref: PS.DEV 12.06

06 June 2018

Department of Planning, Lands & Heritage
Locked Bag 2506
PERTH WA 6001

Department of Planning, Lands and Heritage Received	
Scanned	15 JUN 2018
Attachments	A 9721619
Scan QA	
Doc No.	RLS/0741
File No.	

Dear Sir/Madam

SHIRE OF MUNDARING – MRS AMENDMENT 1332/41

Thank you for the opportunity to comment on the above amendment which relates to:

- Lot 33 Padbury Avenue, Millendon;
- Lot 102 Harrow Street, West Swan; and
- Riverbank Detention Centre, Caversham.

The Shire has no comment with regards to these proposed amendments.

Should you wish to discuss the Shire's comments further, please contact Christopher Jennings (Senior Strategic Planning Officer) of the Shire's Planning Service Team on **9290 6652**.

Yours sincerely

Angus Money
MANAGER PLANNING & ENVIRONMENT

Response ID ANON-NHS6-G89E-V

Submitted to Metropolitan Region Scheme Major Amendment 1332/41 – Swan Valley Omnibus 1
Submitted on 2018-06-20 15:10:10

Introduction

1 What is your name?

Name:

Howard Dawson

2 What is your email address?

Email:

howard.dawson@iinet.net.au

3 What is your address?

address:

24 Padbury Ave
Millendon WA 6056

4 Contact phone number:

phone number:

0417986369

Submission

5 Submission:

submission text:

Proposal 1 : Transfer Lot 33 Padbury Ave Millendon and part of Padbury Ave road reserve from "Regional Reserve - Parks & Recreation" to "Rural"

Thank you for the opportunity to present a submission.

Firstly, a declaration of interest. I am a joint owner of Lot 33 with my wife Leigh Dawson.

Lot 33 forms part of a contiguous group of Lots - 33, 34, 35 and 62 which we have used as a thoroughbred breeding farm (Swan River Stud - ABN 80 056 109 980) since on or around 1983.

All of the Lots were purchased as a single holding in 1978.

We first became aware of the Parks & Recreation reserve over Lot 33 in 2015. We have no documentation showing when it was reserved and it does not appear on our title deeds. With that said we respectfully provide this submission in support of the transfer of Lot 33 from Regional Reserve : Parks & Recreation to Rural for the following reasons:

1. Lot 33 is entirely affected by the floodway of the Swan River. On an annual basis it is effectively cut in half through winter floods and in extreme floods - such as what occurred in February 2017, it is virtually entirely inundated. As a consequence of this floodway no structures which would normally be required for a park - such as ablutions - can be built on Lot 33.
2. About 85% of Lot 33 is covered by trees - the majority of these trees are river gums which drop limbs on a regular basis and present a significant risk to any public use.
3. Lot 33 was used as a sand quarry and rubbish dump through the 1930's to the 1960's. As a consequence, across the Lot there are a number of reasonably deep excavations which could present risk to any public use. As an aside we had commenced filling a number of these excavations and remediating Lot 33 until we were advised of the Recreation Reserve status and that this remediation work was therefore illegal. If Lot 33 is returned to Rural status we would plan to re-commence this remediation work which can only be of benefit to future generations.
4. Since our purchase of Lot 33 we have undertaken significant environmental rehabilitation including the removal of noxious weeds and trees such as castor oil, olive and Japanese pepper from the property. We have also undertaken significant remediation work along the property edge through the cultivation of natives and grass to reduce erosion. These activities we were advised in 2015 are technically illegal under the Parks & Recreation Reserve. If Lot 33 is returned to Rural status we would continue this remediation work.
5. Until we became aware of the Parks & Recreation reserve over Lot 33 it had been used as a key part of our stock management for the Swan River Stud business - albeit it was only lightly stocked because of its terrain. We had also been using part of Lot 33 for annual oaten and meadow hay growing. The return of Lot 33 to Rural would thus allow us to better manage our farming business and also allow us to receive proper and fair benefit from a property we own and pay significant council rates.

6. Our track record over our near 40 years of ownership of Lot 33 demonstrates we have undertaken proper care of the property and preserved it as a rural block with significant vegetation and fauna habitat. By returning it to Rural you can be assured that our environmental care for Lot 33 will continue.

Thank you.

6 File upload:

file upload:

No file was uploaded

Hearing of submissions

7 Please choose one of the following:

No, I do not wish to speak at the hearings. (No further information)

8 If you answered yes, please indicate who you will be represented by:

Myself

9 If you are representing yourself, please provide a contact phone number:

hearing contact phone:

0417986369

10 If you are being represented by a spokesperson, please provide their details

Name of spokesperson:

Contact phone number (business hours):

Postal address:

11 I would prefer my hearing to be conducted in:

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

Additional information

12 You should be aware that:



Our Reference: 3031Ltr13
Enquiries: Tony Lambert / Alex Watson

21 June 2018

Secretary
Western Australian Planning Commission
Locked Bay 2506
Perth WA 6001

Attention: Mr Andrew Thomas

Dear Andrew

**RE: MRS AMENDMENT 1332/41 – SWAN VALLEY OMNIBUS
PROPOSAL 2 – LOT 102 HARROW STREET, WEST SWAN**

Thank you for the opportunity to make a submission on the aforementioned Metropolitan Region Scheme ('MRS') amendment. This submission is made by CLE Town Planning + Design ('CLE') on behalf of the landowner, Ertech Holdings Pty Ltd (our Client).

CLE is pleased to advise that it is supportive of the advertised proposal to reclassify the part of Lot 102 Harrow Street, West Swan currently reserved for 'Public Purposes – Commonwealth Government' to the 'Rural' zone.

Background

Lot 102 Harrow Street, West Swan ('Lot 102') covers approximately 3.5 hectares and has been developed by our Client as the Ertech Construction Academy ('the Academy'). The Academy's purpose is to provide Year 11 and 12 students with a pathway into the construction industry through offering a Certificate II course in Civil Construction. This consists of on-site training and workplace experience undertaken concurrently with school attendance.

The Academy's campus at Lot 102 consists of five main buildings connected by a covered walkway and two separate outbuildings. A playing field and tennis court are in place at the eastern end of the property. Lot 102 has accommodated an educational establishment since the mid-1980s, when development approval to relocate the Guildford Education Centre, later the Culunga Aboriginal Community School, was granted by the then-Shire of Swan. Culunga closed in 2011, and in 2016 Ertech Holdings Pty Ltd repurposed the buildings for the Academy. Two new outbuildings were approved in 2016 and constructed in 2017, and our Client's intention is that the Academy will remain on this site for the foreseeable future.

The majority of Lot 102 (the part developed for the Academy) is currently reserved for 'Public Purposes – Commonwealth Government'. It is this part to which Amendment 1332/41 relates. The western end of Lot 102 (approximately 0.2 hectares) is currently reserved for 'Other Regional Roads' under the MRS (for the Henley Brook Avenue extension) and is not subject to this amendment.

Suitability of the proposed 'Rural' zone

CLE and our Client are supportive of the proposed 'Rural' zone. The existing 'Public Purposes – Commonwealth Government' reservation is an anachronism requiring rectification, and the 'Rural' zone is an appropriate replacement.

The 'Rural' zone will enable a subsequent amendment to the City of Swan's local planning scheme designating a suitable local zone. This is likely to be the 'Private Clubs and Institutions' zone, but agreement on this will be sought from the City in due course.

Submission from the City of Swan

At its May 2018 Council meeting, the City of Swan resolved to object to Proposal 2 in its current form on the grounds that it conflicts with the latest designs for the Henley Brook Avenue/Harrow Street intersection. The intersection was previously planned to be signalised, but a roundabout is now being entertained.

The Council report advises that:

- The City has been undertaking a review of the Henley Brook Avenue reserve on behalf of the Western Australian Planning Commission ('WAPC') since 2015.
- The latest designs for the Henley Brook Avenue/Harrow Street intersection propose a roundabout, which would require more land than traffic lights.
- The additional land can only be taken from the eastern side of Harrow Street (i.e. from Lot 102) because of the presence of a metering station for the Parmelia high-pressure gas pipeline on the western side.
- Discussions with the owner of the pipeline, the APA Group, about potentially relocating the metering station have not yet led to a resolution.

It is understood that the City's review of the Henley Brook Avenue reserve is ongoing and that as such, the City wishes to preserve all options for the Harrow Street intersection.

The Council report indicates that the need to accommodate a roundabout has arisen because Main Roads has *"has advised that it will not support signalised intersections in this location"*. This is contrary to previous planning. The existing 'Other Regional Roads' reservation was designated on the assumption that the intersection would be signalised and the City's Developer Contribution Plan for Dayton (DCA 2) apportioned upgrade costs on this basis.

Implications of the Proposed Road Widening

Our Client has significant concerns about the potential for additional land to be taken from Lot 102. As indicated on the attached plan, construction of a roundabout on the land identified by the City would necessitate the removal of an integral part of the Academy campus, being the westernmost building. In addition, the costly relocation of the Academy's effluent disposal system would be required and a considerable number of trees would need to be removed, which would be to the detriment of the local environment and the amenity of the site.

We acknowledge that town planning schemes change from time to time. However, landowners are entitled to a reasonable degree of certainty about the planning framework affecting their property. In this case, part of Lot 102 has already been reserved for Other Regional Roads. This reservation, which covers approximately 0.2 hectares of Lot 102, has been factored into the operation of the Academy since it was designated in the mid-1990s. Expansion of this 0.2 hectare area by an additional 0.5 hectares is a significant increase that has a material impact on the Academy.

Options for the Harrow Street intersection

CLE understands that the primary reason for this additional land being required from Lot 102 is that Main Roads has expressed a preference for a roundabout at the Henley Brook Avenue / Harrow Street intersection, which is not the most land-efficient option.

It is imperative that Main Roads' advice be underpinned by modelling demonstrating that a roundabout is a superior option to traffic lights for this location in terms of traffic management. Technical advice provided to CLE by Transcore in this regard indicates that because of the unbalanced nature of forecast traffic flows on Henley Brook Avenue (20,000 vehicles per day to 2031) relative to Harrow Street (2000 vehicles per day to 2031), traffic lights would be more appropriate. Transcore's advice is attached.

Main Roads' advice must also be considered in the context of all other relevant factors, which include:

- The additional land acquisition cost. In this regard, we note that as Henley Brook Avenue is an 'Other Regional Road', Main Roads will not necessarily bear the acquisition cost.
- The impact on the functionality and amenity of the Academy. The cost of adapting the Academy, which is funded without government assistance, would be considerable for its owners.
- The disadvantages of roundabouts relative to traffic lights in terms of pedestrian and cyclist safety, and heavy vehicle movement.
- The viability and cost-effectiveness of relocating the pipeline metering station. The City has indicated that discussions with the APA Group in this regard are incomplete. If these conclude that the relocation is a realistic option, there would be no need for any additional part of Lot 102 to be acquired.

In the absence of a final decision on the intersection, taking into account all options, it is appropriate for the WAPC to proceed with this amendment in its advertised form. The City's review of the Henley Brook Avenue corridor has been underway since 2015 and without this being concluded, the holding of part of Lot 102 in the 'Public Purposes – Commonwealth Government' reserve would create unreasonable uncertainty for our Client.

Conclusion

The acquisition of additional land from Lot 102 Harrow Street, West Swan is unnecessary and disruptive to the operation of the Ertech Construction Academy. Proposal 2 within MRS Amendment 1332/41 should be progressed as advertised, with Lot 102 transferred to the 'Rural' zone in its entirety to provide certainty for our Client. Adequate land for the Henley Brook Avenue / Harrow Street intersection has been reserved in the MRS already.

Please do not hesitate to contact Tony Lambert or Alex Watson of this office should you wish to discuss any aspect of this correspondence. We would appreciate the opportunity to participate further in the amendment process through the hearings should the Department of Planning, Lands and Heritage be of a mind to recommend that Proposal 2 be modified to the effect suggested by the City of Swan.

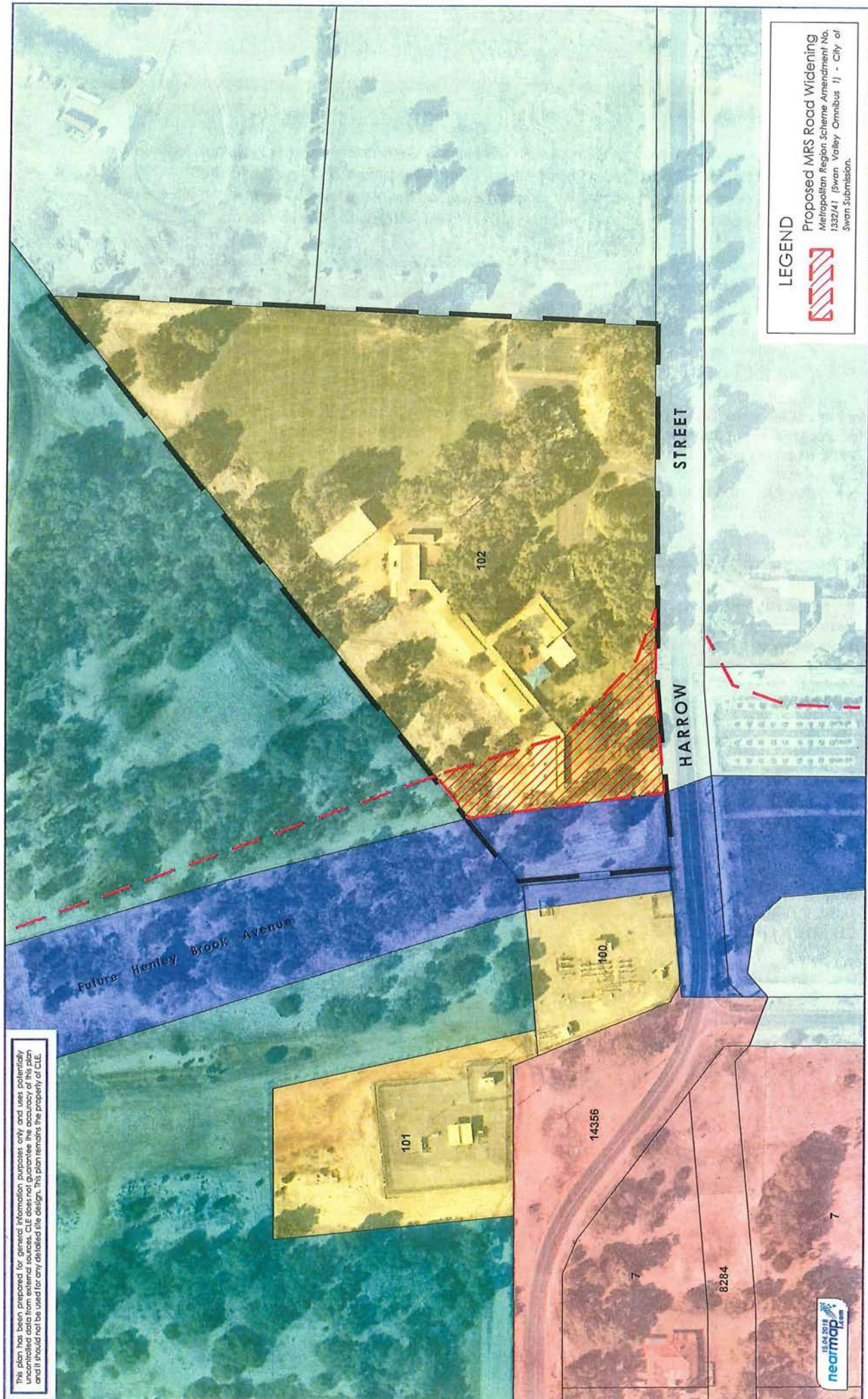
Yours faithfully



ALEX WATSON
SENIOR PLANNER
CLE TOWN PLANNING + DESIGN


Enc. Attachment 1 - Aerial photograph with City of Swan land requirement overlaid; and
Attachment 2 - Technical note from Transcore (June 2018).

CC. Jim Giumelli



This plan has been prepared for general information purposes only and uses potentially uncontrolled data from external sources. CLE does not guarantee the accuracy of this plan and it should not be used for any detailed site design. This plan remains the property of CLE.

LEGEND



Proposed MRS Road Widening
Metropolitan Region Scheme Amendment No. 1332/41
Svan Valley Omnibus II - City of Swan Submission.

plan no: **3031-12-01**
date: 23 May 2018
scale: 1:2000 @A4



PROPOSED MRS ROAD WIDENING
Lot 102 Harrow Street
Caversham

CLE
TOWN PLANNING + DESIGN



This plan is current at the revised date & subject to approval, survey & engineering detail. This plan remains the property of CLE © www.cleplan.com.au



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transport planning • traffic engineering • project management

TRANSCORE PTY LTD AS TRUSTEE FOR THE TRANSCORE TRUST
ACN 094 951 318 ABN 85 707 500 280

Technical Note: No 1

Date: 21/06/2018

Project No: t18.153

Project: Lot 102 Harrow St, West Swan

Subject: Intersection of Harrow Street/ Henley Brook Avenue

Introduction

Based on the information provided to Transcore it is understood that the WAPC has initiated an MRS amendment (No. 1332/41) to reclassify Lot 102 Harrow Street from 'Public Purposes-Commonwealth Government' to 'Rural'. Lot 102 Harrow Street contains the Ertech Construction Academy, which is a privately-funded vocational education and training institution.

Part of Lot 102 is already reserved for 'Other Regional Roads' (ORR) for the Henley Brook Avenue extension. The ORR reservation for the future Henley Brook Avenue / Harrow Street intersection is based on a design to accommodate traffic lights at this intersection. The City of Swan Development Contribution Plan (October 2017) also shows traffic lights at this intersection. Main Roads WA has recently advised the City that they do not support traffic lights at this intersection and that a roundabout is preferred. Provision of a roundabout would require more land than is currently reserved for ORR. Appendix A shows the extent of the additional land (as outlined in red).

The proposed road widening/ land take may result in part of the Academy being demolished. Therefore, Transcore has been commissioned by CLE to review the projected traffic volumes at the future intersection of Harrow Street/ Henley Brook Avenue and investigate the appropriate intersection treatment as it relates to traffic operations.

Existing Situation

Harrow Street is a local distributor road with a two-lane single carriageway, under the care and control of City of Swan. The latest traffic counts sourced from Main Roads WA indicates that Harrow Street carried about 1000vpd in 2015/2016 with about 19% heavy vehicle component. Figure 1 shows the existing traffic flow along harrow Street west of West Swan Road. The AM and PM peak hour traffic is recorded as 140vph and 130vph respectively.

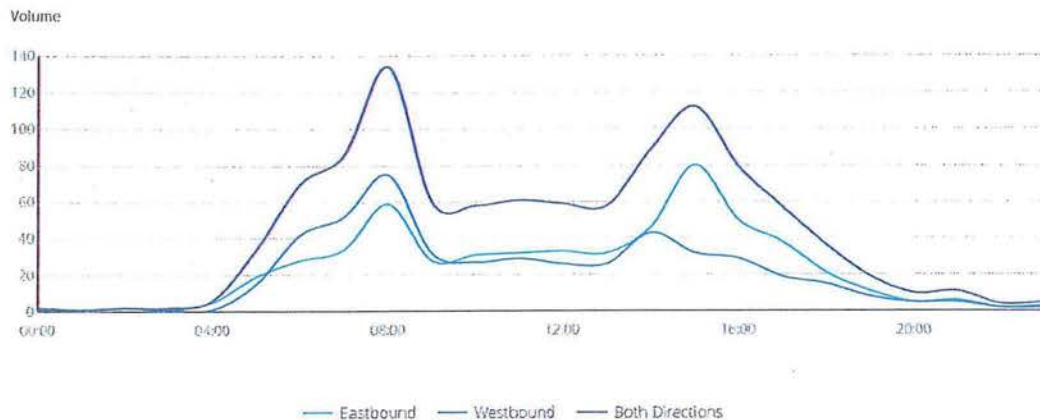


Figure 1: Existing Traffic flow on Harrow Street

Henley Brook Avenue is reserved as an Other Regional Road under the Perth Metropolitan Region Scheme (MRS). Henley Brook Avenue is not yet constructed at this locality. Considering the projected traffic volumes along this road in 2031 it is expected that Henley Brook Avenue would be constructed as a dual carriage standard road.

Future Traffic Flows

Transcore has developed transport models for weekday traffic flows for the Albion District Structure Plan (DSP) and Dayton locality using the EMME transport modelling software package. The projected daily traffic volumes on Harrow Street and Henley Brook Avenue are estimated to be about 2,000vpd and 20,000vpd respectively. The projected traffic volume on Henley Brook Avenue is significantly higher than Harrow Street traffic projection at this location.

Appropriate Intersection Treatment

Based on available information it is considered that traffic lights at the intersection of Harrow Street/ Henley Brook Avenue are more appropriate than the roundabout option because of the following reasons:

- **Land take:** Installation of a dual lane roundabout requires significant additional land take from the adjacent land owners and in particular Lot 102 Harrow St.
- **Capacity Performance:** SIDRA or Linsig analysis was not undertaken to assess the capacity of the intersection under both options, however considering the unbalanced traffic flow at this intersection traffic lights are deemed to be more appropriate.
- **Heavy Vehicle Safety:** Negotiating a roundabout by heavy vehicles is not as efficient as traffic lights as these vehicles will need to “pick a gap” due to poor acceleration characteristics of these vehicles at a

roundabout which may cause hazardous and unsafe situations (Guidelines for the selection of intersection control, Main Roads WA November 2015).

- **Pedestrian Safety:** roundabouts do not provide legal priority for pedestrians and therefore are considered less safe for pedestrians than traffic lights, particularly for elderly and children (Guidelines for the selection of intersection control, Main Roads WA November 2015).
- **Cyclist Safety:** Roundabouts are not as safe for cyclists as for other motorised road users. Traffic lights are generally safer for cyclists (Guidelines for the selection of intersection control, Main Roads WA November 2015).

Conclusion

Provision of a roundabout at the Intersection of Harrow Street/ Henley Brook Avenue would require more land than is currently reserved for in the MRS for the Henley Brook Avenue extension.

The recommendation for installation of traffic lights at this intersection is acknowledged in the City of Swan Development Contribution Plan (October 2017).

The projected traffic volume on Henley Brook Avenue is significantly higher than Harrow Street traffic projection at this location. The unbalanced traffic flow at this intersection will result in inefficient traffic operations and potential hazardous and unsafe situations for a roundabout option in comparison to traffic lights. The unbalanced traffic on approaches to the intersection will be better controlled better by traffic lights.

Traffic lights at this intersection will also work better and creates a safer environment for pedestrian and cyclists.

It is finally concluded that traffic lights is a more appropriate treatment at the intersection of Harrow Street/ Henley Brook Avenue considering land take, traffic operations and safety.

Appendix A

Proposed MRS Road Widening

Your Ref: 809-2-21-43 Pt 1 (RLS/0736/1)
Our Ref: LM: Planning Jun 2018
Contact: Neil Parry
Telephone: 08 9223 4944



ABN 78 081 609 289
Level 6, 12-14 The Esplanade
Perth WA 6000
Postal Address
PO Box Z5267
Perth St Georges Tce WA 6831
Telephone: +61 8 9223 4300
Facsimile: +61 8 9223 4301

21 June 2018

Ms Sam Fagan
Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

Attention: Andrew Thomas

Dear Ms Fagan

**METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1332/41 SWAN VALLEY
OMNIBUS 1**

Thank you for your letter dated 16 March 2018 requesting comments on the proposed Metropolitan Region Scheme Amendment. DBP understands the proposed amendment contains three separate proposals in the City of Swan which seeks to transfer land from the Parks and Recreations and Public Purposes and Commonwealth Government reservations to the Rural zone in the Metropolitan Region Scheme.

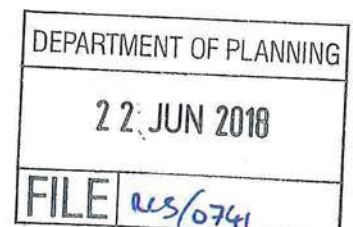
DBP has reviewed the supporting documentation that has been prepared for the Scheme Amendment and has no objection to the proposal.

DBP appreciate this opportunity to provide comments on the Proposed Metropolitan Region Scheme Amendment and should you have any further inquiries, please do not hesitate to contact me on the number above.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Neil Parry", is written over a light blue horizontal line.

Neil Parry
Manager, Land Management
Dampier Bunbury Pipeline





Minister for Emergency Services; Corrective Services

Our Ref: 65-03997

Ms Kerrine Blenkinsopp
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Department of Planning, Lands and Heritage Received	
Scanned	22 JUN 2018
Attachments	A 9730243
Scan QA	
Doc No.	RL3/0741
File No.	

Dear Ms Blenkinsopp

Thank you for your letter dated 16 March 2018, regarding the Metropolitan Region Scheme Major Amendment 1332/41 Swan Valley Omnibus 1.

I advise that the Department of Justice (the Department) has no objection to the proposed rezoning of the 0.19 hectare of the Riverbank Detention Centre site in Caversham.

Thank you for giving my Department the opportunity to comment.

Yours sincerely

**HON FRANCIS LOGAN MLA
MINISTER FOR EMERGENCY SERVICES; CORRECTIVE SERVICES**

20 JUN 2018



Government of **Western Australia**
Department of **Communities**

Your ref: 809-2-21-43
Our ref: 00540-2018

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Dear Ms Blenkinsop

Metropolitan Region Scheme Amendment 1332/41 - Swan Valley Omnibus 1

Thank you for the opportunity to comment on the proposed Metropolitan Region Scheme Amendment 1332/41, Swan Valley Omnibus 1.

I confirm that the Department of Communities has no objection to the proposed amendment.

Yours sincerely



Paul Whyte
Assistant Director General
Corporate Operations

22 June 2018

DEPARTMENT OF PLANNING	
22 JUN 2018	
FILE	115/0741



Government of Western Australia
Department of Water and Environmental Regulation

Your ref: 809-2-21-43 Pt 1 (RLS/0736/1)
Our ref: DWERDG219/18
Enquiries: Carlie Slodecki Ph 6250 8012

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Via email – referrals@planning.wa.gov.au

Attention: Andrew Thomas – Senior Planning Officer

Dear Ms Blenkinsop

**METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1332/41 –
SWAN VALLEY OMNIBUS 1**

Thank you for the above referral dated 16 March 2018. The Department of Water and Environmental Regulation (the Department) appreciates the opportunity to comment on the proposed amendment to the Metropolitan Region Scheme.

The Department has reviewed the proposals and has no comment in reference to water resource management and the Department's regulatory responsibilities under Part V of the *Environmental Protection Act 1986* and the *Contaminated Sites Act 2003*. Where required the Department will provide input at subsequent stages of planning.

The Department recently received a copy of 'Swan Valley Planning Review, Report to the Minister for Planning: An independent review of Swan Valley planning' by Mr John Kobelke JP, and is giving consideration to the water aspects and implications of the reports recommendations.

If you wish to discuss the matter further, please contact Ms Carlie Slodecki on (08) 6250 8012 or carlie.slodecki@dwer.wa.gov.au.

Yours sincerely

Mike Rowe
DIRECTOR GENERAL

22 June 2018

DEPARTMENT OF PLANNING	
22 JUN 2018	
FILE	RLS/0741

Late



Department of Biodiversity,
Conservation and Attractions



Your ref: 809-2-21-43
Our ref: PRS 42355
Enquiries: Michael Roberts
Phone: 9303 7755
Email: Michael.Roberts@dbca.wa.gov.au

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

Attention: Andrew Thomas

Dear Ms Fagan

MRS AMENDMENT 1332/41 – SWAN VALLEY OMNIBUS 1

I refer to your correspondence of 21 March 2018 requesting comments on the above MRS Amendment. The Swan Region of the Department of Biodiversity, Conservation and Attractions (the department) provides the following advice.

Proposal 1 – Lot 33 Padbury Avenue, Millendon

It is noted that the proposal will transfer Lot 33 from Parks and Recreation zoning to Rural zoning. Portions of this private property lot are within the boundaries of Bush Forever Site 302 (Swan River and Jane Brook, Ashfield to Upper Swan) and as such it is recommended that the WAPC's Bush Forever Program is consulted regarding the potential for the change in zoning and future rural landuses to impact on the designation of portions of the property as a Bush Forever site.

The Parks and Wildlife Service advises that the department's Rivers and Estuaries Branch have also been referred this proposal and will provide advice regarding the potential impacts of the proposal on the adjacent Swan River.

Proposal 2 – Lot 102 Harrow Street, West Swan

No comments

Proposal 3 – Riverbank Detention Centre, Caversham

No comments

DEPARTMENT OF PLANNING	
27 JUN 2018	
FILE	LS/0741

Swan Region
Cnr Australia II Drive and Hackett Drive, Crawley WA 6009
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Phone: (08) 9303 7755 Email: michael.roberts@dbca.wa.gov.au
www.dbca.wa.gov.au

Thank you for the opportunity to comment on this proposal. Please contact Michael Roberts at Parks and Wildlife Service's Swan Coastal District on 9303 7755 or by email at michael.roberts@dbca.wa.gov.au if you have any queries regarding this advice.

Yours faithfully

Benson Todd
A/REGIONAL MANAGER

25 June 2018

Addition to Late Submission



Department of Biodiversity,
Conservation and Attractions



Your ref: 809-2-21-43 Pt1 (RLS/0736/1)
Our ref: 2018/2098
Enquiries: Greg Comiskey
Phone: 9278 0922
Email: Greg.Comiskey@dbca.wa.gov.au

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

Attention: Anthony Muscara

Dear Ms Fagan

METROPOLITAN REGION SCHEME AMENDMENT – SWAN VALLEY OMNIBUS 1

Thank you for providing the Department of Biodiversity, Conservation and Attractions (the department) with the opportunity for comment on the above-mentioned Metropolitan Region Scheme (MRS) amendment.

The department notes that three proposals have been included in the package of amendments. Please note that the department does not object to Proposal 2, however objects to Proposals 1 and 3 to rezone land from the Parks and Recreation reserve to the Rural zone.

The department objects to the proposed rezoning on the grounds listed below.

a) In relation to Proposal 1 – Lot 33 Padbury Avenue, Millendon:

- the land presents substantial recreational value and is the most significant area of Parks and Recreation reserved land within the immediate locality;
- the land is part of the flood fringe and floodway corridor and should be protected and preserved as part of the foreshore corridor for the Swan River consistent with 7.2.1 of State Planning Policy 2.10: Swan-Canning River System (SPP2.10);
- the Parks and Recreation reserve provides a valuable buffer to the Swan River;
- the land contains a large portion of Bush Forever (Site 302) that has a direct interface with the waterway providing a valuable recreation and environmental contribution to the Swan River – consistent with 7.2.4 and 7.2.5 of SPP2.10 the protection of fringing vegetation should be promoted; and
- the land is located wholly within the Swan Canning Development Control Area.

b) In relation to Proposal 3 – Riverbank Detention Centre, Lot 33481 Hamersley Road, Caversham:

- the land presents substantial recreational value and should be retained as part of the adjoining Parks and Recreation reserve;

DEPARTMENT OF PLANNING	
12 SEP 2018	
FILE	65/0741/1

Rivers and Estuaries Division
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Phone: (08) 9219 9000 Email: rivers.planning@dbca.wa.gov.au
www.dbca.wa.gov.au

- Rezoning of the land would significantly constrain its future potential uses as the majority of the remainder of the lot is part of the flood fringe and floodway corridor; and
- the Parks and Recreation reserve provides a valuable recreation and environmental contribution to the Swan River.

Consistent with 7.1.11 of SPP2.10, access to river foreshores should be secured through the establishment of uninterrupted foreshore reserves. Proposals 1 and 3 prejudice this policy objective.

If you have any queries regarding this matter, please contact the above officer. In all correspondence please quote the above reference number.

Yours sincerely



Jacey Mills
A/Manager, Statutory Assessments

12 September 2018