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Western Australia.*

August 2020

Metropolitan Region Scheme Amendment **1363/57** (Minor Amendment)



Lots 15 and 18 Mason Road,
Kwinana Beach

Report on Submissions
Submissions

City of Kwinana

**Metropolitan Region Scheme
Amendment 1363/57
(minor amendment)**

Lots 15 and 16 Mason Road, Kwinana Beach

**Report on Submissions
Submissions**

City of Kwinana



August 2020

Introduction to Metropolitan Region Scheme minor amendments

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

The Metropolitan Region Scheme (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.

An amendment 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 non-substantial amendment, often referred to as a minor amendment (made under section 57 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 for approval. The amendment takes legal effect with Gazettal of the Minister's approval.

In the process of making a non-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. While formal assessment would be unlikely for a non-substantial amendment, were it required then an environmental review would be 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 WAPC's recommendations 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.

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Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1363/57
Lots 15 and 18 Mason Road, Kwinana Beach

Report on Submissions

1 Introduction

At its October 2019 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 57 of the *Planning and Development Act 2005*.

The amendment was initiated as a minor amendment to the MRS as the proposal was considered to be relatively minor in nature. The reasons for that decision are included in the previously published *Amendment Report* for this amendment.

2 The proposed amendment

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

The purpose of the amendment is to rezone portions of Lots 15 and 18 Mason Road, Kwinana Beach and an area of local road reserve from the Railways reservation to the Industrial zone, as shown on *Amendment Figure - Proposal 1*. The total area of land subject to the amendment is approximately 8.1 hectares.

The amendment seeks to reflect existing land uses on-site and will facilitate the future development of the amendment area, and adjacent Industrial zoned land, for strategic industrial purposes.

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*.

A copy of the notice from the EPA is in *Appendix A* of the *Amendment Report*.

4 Call for submissions

The amendment was advertised for public submissions from 13 March 2020 to 15 May 2020.

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

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

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

5 Submissions

Eleven submissions were received on the amendment. An alphabetical index of all persons and organisations lodging submissions is at Schedule 1.

Three submissions supported the amendment and eight submissions contained neutral comments, non-objections or general comments on the amendment (primarily from government agencies). There were no particularly significant issues raised in submissions which required further consideration.

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 Determinations

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

7 Coordination of region and local scheme amendments

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

8 Conclusion and recommendation

This report summarises the background to MRS minor amendment 1363/57 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 Amendment Figure - Proposal 1 in *Schedule 3*, and in detail on the MRS Amendment Plan listed in *Appendix 1*, should be approved and finalised.

The WAPC recommends that the Minister for Planning approves the amendment as advertised.

9 Ministers decision

Amendments to the Metropolitan Region Scheme using the provisions of section 57 of the *Planning and Development Act 2005* require the WAPC to provide a report and recommendation to the Minister for Planning for approval. The Minister may approve, approve with modification or decline to approve the proposed amendment.

The Minister, after considering the amendment, has agreed with the recommendation of the WAPC and approved the amendment.

MRS Amendment 1363/57 is now finalised as advertised and shown on WAPC Amending Plan 3.2747, and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on 21 August 2020.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1363/57

Lots 15 and 18 Mason Road, Kwinana Beach

Submission Number	Name
4	ATCO Gas
2	Biodiversity Conservation and Attractions - Swan Region Office, Department of
1	Development WA
10	Education, Department of
6	Fire and Emergency Services, Department of
9	Health, Department of
8	Main Roads Western Australia
7	Mines, Industry Regulation and Safety, Department of
3	Water and Environmental Regulation, Department of
5	Westport

Late Submissions	Name
11	Jobs, Tourism, Science and Innovation, 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

Submissions: 1, 2, 3, 4, 7, 9, 10

Submitted by: Development WA, Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation, ATCO Gas Australia Pty Ltd, Department of Mines, Industry Regulation and Safety, Department of Health, Department of Education

Summary of Submission: SUPPORT, COMMENT OR NO OBJECTION

The above servicing authority and State Government agencies raise no objections, provide no comment or general comments that relate to the subsequent more detailed stages of the planning and development process.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 5

Submitted by: Westport

Summary of Submission: SUPPORT

The submitter does not oppose the amendment and advises that it is unlikely that the amendment area could be used for railway purposes given the BP Refinery on Lot 18 is subject to a State agreement.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 6

Submitted by: Department of Fire and Emergency Services

Summary of Submission: COMMENT

The Submitter advises that application of *State Planning Policy 3.7: Planning in Bushfire Prone Areas* may not be required given that the amendment may not be considered to be an intensification of land use. However, the submitter advises that application of this policy may be required in subsequent stages of the planning process.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 8

Submitted by: Main Roads Western Australia

Summary of Submission: COMMENT

The submitter advises it has no comments on the amendment and recommends that comment be sought from Westport and the Department of Transport on the proposed amendment.

Planning Comment:

Comments noted. The amendment has been referred to Westport and the Department of Transport for comment.

Determination: Submission noted.

Submission: 11 (Late)

Submitted by: Department of Jobs, Tourism, Science and Innovation

Summary of Submission: SUPPORT

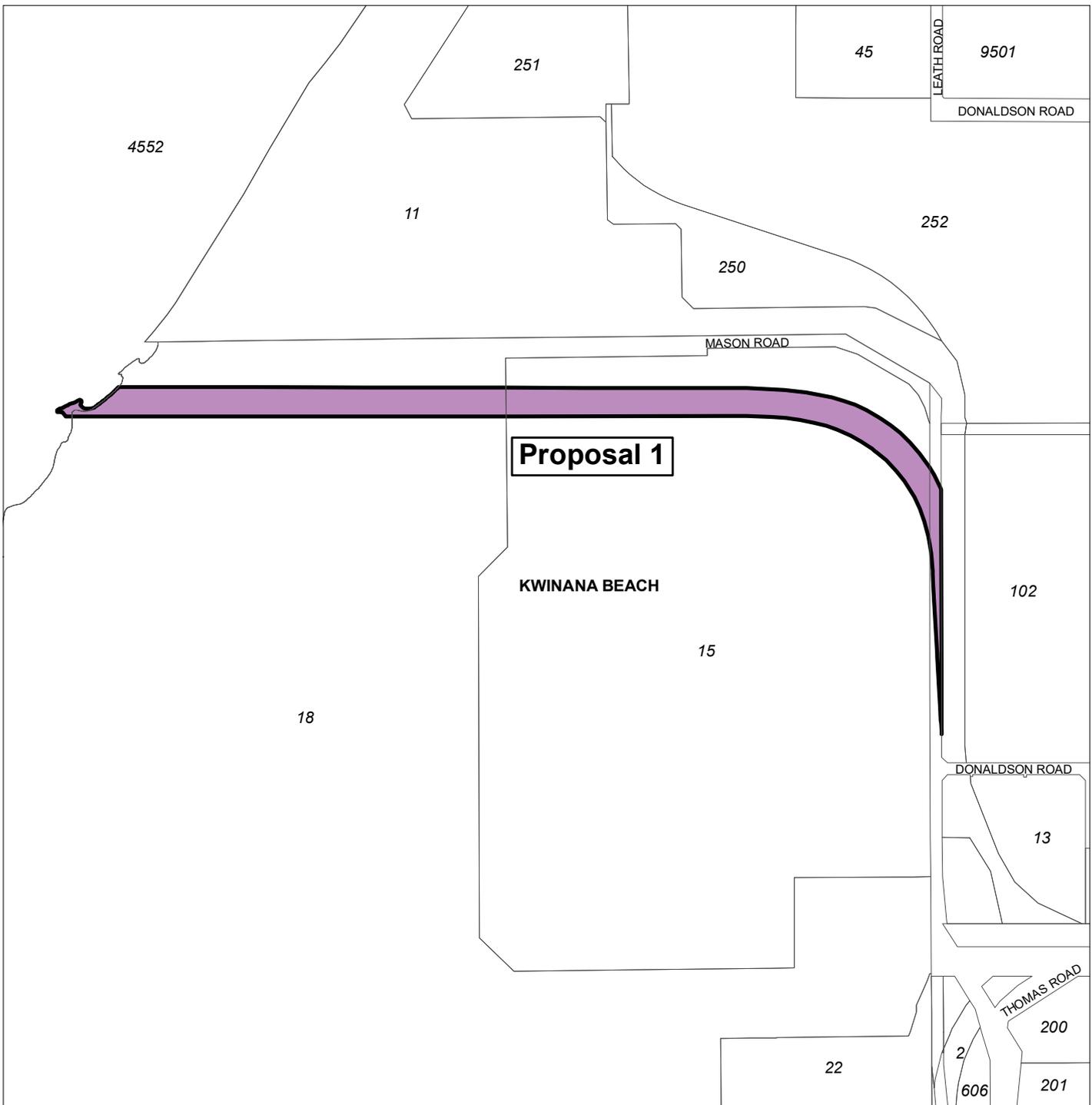
The Department supports the amendment and notes that it will enable the development of Covalent Lithium's proposed lithium hydroxide refinery on Lot 15 Mason Road. The Department also notes that amendment overlaps Lot 18 Mason Road, held pursuant to the *Oil Refinery (Kwinana) Agreement Act 1952*, and that the proposed zoning would be more compatible with BP's refinery activities.

Planning Comment: Comments noted.

Determination: Submission noted.

Schedule 3

**The amendment figure - proposal 1
as advertised**



**LOTS 15 AND 18 MASON ROAD, KWINANA BEACH
Proposed Minor Amendment
as advertised**

30 October 2019

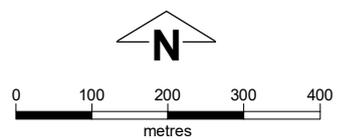
Proposal 1

Proposed Amendment:
 Industrial zone

Oracle reference no: 3009
 File number: 833/02/26/0023
 Version number: 1



Date: 14/08/2019
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1



Appendix 1

List of detail plans as advertised

Proposed Minor Amendment 1363/57
Metropolitan Region Scheme
Lots 15 and 18 Mason Road, Kwinana Beach

as advertised

Amending Plan 3.2747
Detail Plans
1.6722 & 1.6723

Submissions



Your Ref: 833-2-26-23 (RLS/0848)
Our Ref: A1786454
Enquiries: 9482 7522
Date: 20 March 2020

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

Dear Ms Fagan,

**Metropolitan Region Scheme Proposed Amendment 1363/57
Lots 15 and 18 Mason Rd, Kwinana Beach**

I refer to your letter, dated 10 March 2020, regarding the above-mentioned proposed MRS amendment.

As the owner of Lot 15 Mason Rd I can confirm DevelopmentWA is supportive of the rezoning of the portions of Lot 15 and 18 Mason Rd from the current Railways reservation to the Industrial zoning to reflect the balance of these lots.

Should you have any queries please do not hesitate to contact Ellen Sherman, Leasing Manager on 9482 7522.

Yours sincerely

Andrew Williams
General Manager Industrial Land Authority

Submission 2

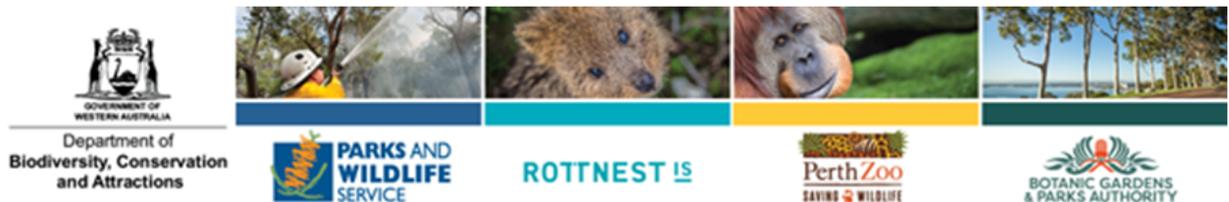
From: [Lyndon Mutter](#)
To: [DPI Referrals](#); info@dphl.wa.gov.au
Cc: [Brett Pye](#)
Subject: Metropolitan Region Scheme Proposed Amendment 1363/57 Lots 15 and 18 Mason Road Kwinana Beach
Date: Friday, 27 March 2020 11:46:52 AM
Attachments: [image001.png](#)

The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the proposed amendment.

Regards,

Lyndon Mutter
Senior Landuse Planning Officer | Swan Region
Parks and Wildlife Service
Department of Biodiversity, Conservation and Attractions
P: (08) 9442 0342; M: 0408 920 985; E: lyndon.mutter@dbca.wa.gov.au

Swan Region Office: +61 (08) 9442 0300
Postal Address: Locked Bag 104 Bentley Delivery Centre, WA 6983
Office Location: Cnr of Australia II Drive and Hackett Drive, Crawley WA 6609



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Your ref: 833-2-26-23 (RLS/0848)
Our ref: RF3771-03 & PA032988
Enquiries: Victoria Evans, Ph 9550 4237

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Mr Brett Pye

Dear Brett

***METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1363/57
LOTS 15 AND 18 MASON ROAD, KWINANA BEACH.***

Thank you for providing the Proposed Scheme Amendment for the Department of Water and Environmental Regulation (Department) to consider.

The Department does not object to the proposed amendment to rezone portions of Lots 15 and 18 Mason Road, Kwinana Beach to an Industrial Zone, and has no comments.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact Victoria Evans on 9550 4237.

Yours sincerely

Brett Dunn
Program Manager – Planning Advice
Kwinana Peel Region

15 / 04 / 2020

Response ID ANON-ANZ4-SBH6-G

Submitted to **MRS Minor Amendment 1363/57 – Lots 15 and 18 Mason Road, Kwinana Beach**
Submitted on **2020-03-27 14:33:16**

Introduction

1 What is your first name?

First name:

Fiona

2 What is your surname?

surname:

Snellin

3 Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?

No

4 What is your email address?

Email:

fiona.snellin@atco.com

5 What is your address?

address:

81 Prinsep Rd Jandakot WA 6164

6 Contact phone number:

phone number:

61635000

7 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Support

8 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document.

Submission:

ATOC Gas has no objection to the proposed Amendment within portions of Lots 15 and 18 Mason Road Kwinana Beach and does not own or operate any gas mains or associated gas infrastructure within these portions of land to be rezoned.

File upload:

No file was uploaded

Submitted to **MRS Minor Amendment 1363/57 – Lots 15 and 18 Mason Road, Kwinana Beach**
Submitted on **2020-03-31 15:40:20**

Introduction

1 What is your first name?

First name:

Westport

2 What is your surname?

surname: ***Name removed at the request of the submitter***

3 Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?

Yes

4 What is your email address?

Email:

5 What is your address?

address:

Albert Facey House

6 Contact phone number:

phone number:

7 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Support

8 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document.

Submission:

Westport does not oppose the proposed rezoning to the MRS from Railways reservation to Industrial Zone. The adjacent Lot 18 through which the corridor traverses is BP Refinery which is subject to a State Agreement. It is therefore it is extremely unlikely that the corridor could ever be used for its intended purpose (rail).

File upload:

No file was uploaded

From: mrs
Subject: FW: Your Ref: RLS/0824 / MRS Amendment 1363/57 DFES response

From: DFES Land Use Planning [<mailto:advice@dfes.wa.gov.au>]
Sent: Tuesday, 5 May 2020 12:15 PM
To: Brett Pye <Brett.Pye@dplh.wa.gov.au>
Subject: Your Ref: RLS/0824 / MRS Amendment 1363/57 DFES response

DFES Ref: D13998

Dear Mr Pye,

I refer to your email dated 13 March 2020 regarding the advertising of Scheme Amendment No. 1363/57.

Given the proposal seeks to amalgamate land reserved for Railway purposes with the predominant industrial zoning of the broader area as per your correspondence, which may not be considered an intensification of land use, the application of *State of Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) may not be required, in this instance. It is; however, noted that the application of SPP 3.7 may be required at later planning stages such as development of the land.

Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.

Thank you for providing us with the opportunity to make a submission, DFES has no further comments.

Should you require clarification of any of the matters raised please do not hesitate to contact me on (08) 9413 3715.

Kind Regards,



Joel Gajic
Senior Land Use Planning Officer | Land Use Planning

DFES Land Use Planning | Emergency Services Complex | 20 Stockton Bend Cockburn Central WA 6164 | PO Box P1174 Perth WA 6844

T : 9413 3715 E: joel.gajic@dfes.wa.gov.au W: dfes.wa.gov.au



FOR A SAFER STATE

IS YOUR HOME
FIRE SAFE?





Your ref 833-2-1-75 (RLS/0857)

Our ref A0781/201901

Enquiries Hannah Wallace
9222 3235

Hannah.WALLACE@dmirs.wa.gov.au

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

Attention: Mr Brett Pye

Dear Ms Fagan

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1364/57 –
KWINANA FREEWAY, MUNDIJONG ROAD AND KULIJA ROAD INTERSECTION –
PRIMARY REGIONAL ROADS RESERVATION**

Thank you for your letter dated 10 March 2020, inviting comment on the above proposal to rezone from 'Rural', 'Urban' and 'Urban Deferred' zones and the 'Other Regional Roads reservation' to the 'Primary Regional Roads reservation'.

The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.

Yours sincerely

Samantha Carter

Samantha Carter
Acting Manager Land Use Planning
Minerals and Petroleum Resources Directorate
22 April 2020



mainroads
WESTERN AUSTRALIA

Submission 8

Enquiries: Thai Truong on (08) 9323 4815
Our Ref: 20/1901 (D20#396723)
Your Ref: 833-2-26-33

18 May 2020

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

Email: mrs@dplh.wa.gov.au

Dear Sir/ Madam

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1363/57 LOT 15
AND 18 MASON ROAD KWINANA BEACH**

Main Roads has reviewed the information received on 16 March 2020. It is advised, Main Roads has no comments to offer regarding the proposed MRS amendment.

It is recommended that comments from Westport and the Department of Transport freight area are sought on the proposed amendment.

Main Roads requests a copy of the Commission's final determination to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

Yours Sincerely

Lindsay Broadhurst
Director Road Planning & Development



Your Ref: 833-2-26-23 (RLS/0848)
Our Ref: F-AA-09555/05 D-AA-20/31945
Contact: Vic Andrich (08) 9222 2000

Ms Sam Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2506]
PERTH WA 6000

Via email: referrals@dph.wa.gov.au

Attention: Mr Brett Pye

Dear Ms Fagan

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1363/57 LOTS
15 AND 18 MASON ROAD, KWINANA BEACH SUBJECT HEADING**

Thank you for your letter of 10 March 2020 requesting comments from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the amendment.

Should you have any queries or require further information please contact Vic Andrich on (08) 9222 2000 or at ehinfo@health.wa.gov.au

Yours sincerely

Dr Michael Lindsay
**A/EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

8 May 2020



Government of Western Australia
Department of Education

Submission 10

Your ref : 833-2-26-23 (RLS/0848)
Our ref : D20/0243071
Enquiries : **Matthew Cosson**
9264 4008

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

Attention: Mr Brett Pye

Proposed Metropolitan Region Scheme Amendment No. 1363/57
Lots 15 and 18 Mason Road, Kwinana Beach

I refer to your letter dated 10 March 2020 providing the Department of Education (Department) the opportunity to comment on the proposed Metropolitan Region Scheme Amendment.

The Department has reviewed all of the relevant information in support of the proposed amendment and has no objection to the rezoning of portions of Lots 15 and 18 Mason Road, Kwinana Beach and an area of local road reserve from Railways reservation to the Industrial Zone.

Should you have any questions in relation to the above, please do not hesitate to contact Mr Matthew Cosson, Senior Consultant – Land Planning on (08) 9264 4008 or email matthew.cosson@education.wa.edu.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Turnbull'.

Matt Turnbull
A/Director
Asset Planning and Services

14 May 2020



Your ref: 833-2-26-23 (RLS/0848)
Our ref: J0820/201701
Enquiries: Georgia Gillies - Georgia.GILLIES@jtsi.wa.gov.au
Phone: (08) 6277 2874

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

Attention: Brett Pye

Dear Ms Fagan

Thank you for providing the Department of Jobs, Tourism, Science and Innovation with the opportunity to comment on Metropolitan Region Scheme Proposed Amendment 1363/57 Lots 15 and 18 Mason Road, Kwinana Beach.

The Department supports the proposed amendment, and notes that this amendment will enable the development of Covalent Lithium's proposed Lithium Hydroxide Refinery on Lot 15. This project represents a total integrated capital cost of US\$755M and the creation of 700 construction jobs and 300 operational jobs. The Department has been assisting Covalent with approvals required for the Project.

The Department also notes that the amendment overlaps Lot 18 on Plan 17311 held pursuant to the *Oil Refinery (Kwinana) Agreement Act 1952*, and that the proposed industrial zoning would be more compatible with BP's refinery activities.

Yours sincerely

A handwritten signature in black ink that reads "Marzia Zamir".

Marzia Zamir
A/EXECUTIVE DIRECTOR
INFRASTRUCTURE, PLANNING AND ECONOMIC DEVELOPMENT

22 May 2020

