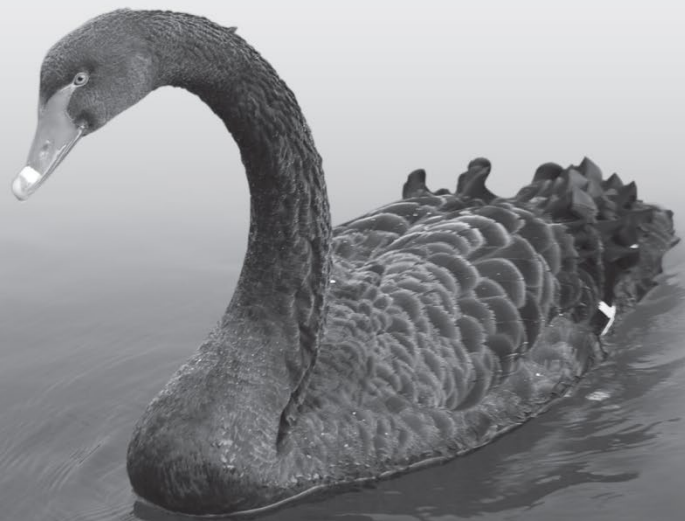


November 2020

Metropolitan Region Scheme Amendment 1364/57 (Minor Amendment)



Kwinana Freeway, Mundijong Road and Kulija Road Intersection – Primary Regional Roads Reservation

Report on Submissions
Submissions

City of Rockingham

**Metropolitan Region Scheme
Amendment 1364/57
(minor amendment)**

**Kwinana Freeway, Mundijong Road and
Kulija Road Intersection -
Primary Regional Roads Reservation**

**Report on Submissions
Submissions**

City of Rockingham



November 2020

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

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MRS Amendment 1364/57 Report on Submissions
Submissions

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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 1364/57
Kwinana Freeway, Mundijong Road and Kulija Road Intersection
Primary Regional Roads Reservation

Report on Submissions

1 Introduction

At its November 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

Purpose

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 transfer approximately 37.3 hectares of land in Baldivis from the Rural, Urban and Urban Deferred zones and the Other Regional Roads reservation to the Primary Regional Roads reservation under the MRS, as shown on *Amendment Figure - Proposal 1*.

The amendment will set aside and protect land required for the future upgrade of the interchange at the intersection of the Kwinana Freeway with Mundijong Road and Kulija Roads. The interchange is planned to be a key connection between the proposed Fremantle - Rockingham Highway, the Kwinana Freeway and Mundijong Road.

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 of the *Environmental Protection Act 1986*, and provided advice on terrestrial fauna environment factors relevant to the amendment.

In this respect, the EPA notes that the amendment area contains the Alcoa Wellard Wetlands which are used by a variety of birds, including the Wood Sandpiper and the Priority 4 Blue-Billed Duck, and that the wetlands and remnant vegetation in the amendment area may contain suitable habitat for threatened species of Black Cockatoos. The EPA recommends that terrestrial fauna habitat surveys are undertaken to inform the appropriate management of impacts to these values where possible when planning the future construction of the infrastructure.

The EPA concluded that the amendment could be managed to meet its environmental objectives.

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 advertised for public inspection during ordinary business hours at the:

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

Thirteen submissions, including one late submission, were received on the amendment. An alphabetical index of all persons and organisations lodging submissions is at Schedule 1.

Four submissions supported the amendment, three of which also provided comment on it. Nine submissions raised no objections and/or provided comment on the amendment, with one of these amendments seeking additional information on the preliminary design of the future interchange and another requesting a minor modification to the amendment. There were no objecting submissions to the amendment.

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 Main issues raised in submissions

(a) Transport planning

- Potential impact of the future interchange on the local and district road networks.

WAPC Comment: Two submissions raised concerns about the impact of the proposed interchange on the nearby Baldivis Road/Kulija Road intersection and the broader local and district road networks. In particular, concerns have been raised about how this intersection may be constructed as a grade separated crossover in the future and how this may adversely impact on the local road network or impede access between future development on land east of the Kwinana Freeway and the Wellard Train Station.

These comments are noted, but relate to matters which are beyond the scope of this amendment. In this respect, the purpose of the amendment is only to identify and protect land required for the future construction of an interchange in this location. The regional road requirements for Kulija and Baldivis Roads outside of the amendment area are beyond the scope of the current amendment. Should further transport planning investigations determine that additional land needs to be

reserved as Primary Regional Roads or Other Regional Roads for these roads, then separate amendments to the MRS can be progressed in the future.

(b) Drainage and urban water management

- The Water Corporation advises that the developer would be responsible for the cost of protecting or modifying any of its drainage infrastructure located within the amendment area, such as the Peel Main Drain.

WAPC Comment: Any requirement or need to protect or modify Water Corporation drainage infrastructure within the amendment area is most appropriately considered in the development stage of the planning process where the final design of the proposed interchange will be known and where development works will be undertaken. The developer may be liable for the cost of such works should the need to protect or modify this infrastructure arise from the construction of a new interchange in this location.

- Drainage from the proposed interchange will need to be appropriately managed and contained on-site where appropriate.

WAPC Comment: The Water Corporation advises that developments in the Peel Drainage Catchment are required to contain the flows from a one in one hundred year storm event on-site and to limit the discharge of drainage to its drains to pre-development levels. These requirements should ensure that the construction of any future interchange should not unduly impact on existing drainage regime in the locality or on the development potential of surrounding land. However, these requirements are most appropriately considered and addressed in the development stage of the planning process where the design for the interchange will be finalised.

7 Modifications

The amendment has been modified to include the balance of Lot 463 Baldivis Road, Baldivis and the road reserve for Bodman Place. The modified amendment does not require re-advertising as it does not change the intent of the advertised amendment (i.e. identification and protection of land required for a future interchange), is considered minor in nature and has been requested by the affected landowner. It is recommended that the modified amendment be adopted for finalisation.

8 Determinations

The responses to all submissions are detailed in Schedule 2 - *Summary of submissions and determinations*. A minor modification to the amendment has been undertaken as discussed above.

9 Co-ordination 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.

10 Conclusion and recommendation

This report summarises the background to MRS minor amendment 1364/57 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 4 (as modified), and in detail on the MRS Amendment Plan listed in Appendix 2 (as modified), should be approved and finalised.

The WAPC recommends that the Minister for Planning approves the modified amendment.

11 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 and Infrastructure 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 1364/57 is now finalised as modified and shown on WAPC Amending Plan 3.2750/1, and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on 17 November 2020.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1364/57

Kwinana Freeway, Mundijong Road and Kulija Road Intersection Primary Regional Roads Reservation

Submission Number	Name
5	ATCO Gas
7	CLE Town Planning + Design (on behalf of Cedar Woods Properties)
10	Education, Department of
2	Fire and Emergency Services, Department of
8	Health, Department of
12	Main Roads Western Australia
11	Mines, Industry Regulation and Safety, Department of
4	Rockingham, City of
6	Stockland
1	Transport, Department of
9	Water and Environmental Regulation, Department of
3	Water Corporation
Late Submission	Name
13	Biodiversity, Conservation and Attractions, Swan Region, 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, 5, 8, 10, 11, 12

Submitted by: Department of Transport, Department of Fire and Emergency Services, ATCO Gas, Department of Health, Department of Education, Department of Mines, Industry Regulation and Safety, Main Roads Western Australia

Summary of Submission: COMMENT

The above State Government agencies and servicing agency raise no objections and/or provide general comments on the amendment, or provide comments which relate to the subsequent and more detailed stages of the planning process.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 3

Submitted by: Water Corporation

Summary of Submission: COMMENT

The Water Corporation provides the following comments on the amendment:

- (a) Water: The Serpentine to Medina trunk water main is located within the amendment area, and provides advice in regards to the requirements relating to the protection, relocation or modification of existing water supply infrastructure which may be affected by future works and the approval requirements for such works.
- (b) Wastewater: There is an existing pressure main within the amendment area which may be affected by any future road works, that a permanent pump station is planned for a site on Lot 510 Bodman Place (located south of the amendment area), and that long-term planning for the area indicates that a large sewer main will be required along Baldivis Road to service the amendment area and other land in the area.
- (c) Drainage: The amendment area is located within the Peel Drainage Catchment in the Mundijong Drainage District, which is a rural drainage system, and that the Peel Main Drain traverses the amendment area. Any developer of land within the amendment area is required to fund the full cost of protecting or modifying any existing Water Corporation infrastructure which may be affected by future works.

Rural drains are not designed to give full flood protection at all times and that some inundation of land can be expected.

Developments within this catchment are required to contain the flows from a one in one hundred year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. The developer should liaise with the Water Corporation at the preliminary planning stages to determine detailed planning requirements, as this area could be prone to future flooding. At the time of development,

the developer may be required to demonstrate to the satisfaction of the Water Corporation that run-off from the development can be restricted to pre-development levels. The developer is also advised to liaise with the Department of Water and Environmental Regulations when determining flood levels for the area.

- (d) General Comments: The developer may be required to fund new works or the upgrading of existing works, and the protection of all works. The Water Corporation may also require land be ceded free of cost for works.

Planning Comment: Comments noted.

(a)(b)Noted.

- (c) Refer to Part 6 – Main issues raised in submissions, section (b) Drainage and urban water management.
- (d) Noted. This matter is most appropriately addressed in the development stage of the planning process. Steps can be taken at this stage to ensure that the final design and construction of the interchange appropriately provides for the upgrading and protection of drainage infrastructure within the amendment area.

Determination: Submission noted.

Submission: 4

Submitted by: City of Rockingham

Summary of Submission: Comment

The submitter supports the amendment and advises that it maintains its position as outlined in the preliminary comments previously provided on the amendment. These preliminary comments are summarised below:

- (a) The amendment is consistent with the *South Metropolitan Peel Sub-regional Planning Framework*, which identifies that Mundijong and Kulija Roads will be upgraded to a primary distributor road that will provide a strategic east-west freight linkage from the South West Highway to the Western Trade Coast.
- (b) The approved structure plan for north-east Baldivis, known as Millar's Landing, [the *North East Baldivis Structure Plan*] takes into account the land requirements for the future interchange upgrade.
- (c) North-west of Kwinana Freeway and Kulija Road: In July 2009, the MRS was amended to transfer land generally bound by Millar Road, Kwinana Freeway, Safety Bay Road and Baldivis Road (East Baldivis District Structure Plan) from the Rural zone to the Urban Deferred zone in the MRS. This amendment area covered both structure plan areas and the intersection the subject of the current amendment.

In December 2013, the WAPC resolved to lift the Urban Deferred zoning over Lots 459-461, Part of Lots 462 and 463 Baldivis Road and a portion of Pug Road, Baldivis. This left a portion of land zoned Urban Deferred where it was the subject of future investigations into regional transport planning requirements.

In 2014, the WAPC reconsidered its decision to exclude land from the Lifting of Urban Deferment, as a result an appeal lodged with the State Administrative Tribunal, which resulted in the originally excluded land being transferred to the Urban zone.

In March 2015, Amendment No. 145 to the *City of Rockingham Town Planning Scheme No. 2* was gazetted, which was modified to exclude land which was not zoned Urban in the MRS including an area impacted by regional road widening requirements.

The *North East Baldivis Structure Plan* was approved by the WAPC in September 2017. It covers the extent of the Development zone in TPS 2 and has been designed to ensure that the future road widening could be accommodated without impacting on future sensitive land uses.

- (d) South-west of Kwinana Freeway and Kulija Road: In May 2014 the majority of the Oswald land was transferred from the Urban Deferred zone to Urban zone in the MRS. The land abutting the Kulija Road intersection was retained in the Urban Deferred zone as it is intended to be reserved for the purpose of a future interchange. Hence the subject MRS amendment.

In August 2019, the WAPC resolved to refuse the Oswald Structure Plan [the Lots 1, 2, 5, 6, 511-531 & 521 Baldivis Road, Lots 3 & 4 Zig Zag Road and Lots 517-520 Sabrina Road, Baldivis Local Structure Plan]. This structure plan generally reflects the future road widening as per the proposed MRS amendment.

- (e) East of Kwinana Freeway: The majority of the amendment area east of the Kwinana Freeway is occupied by Alcoa clay extraction wetlands south of Mundijong Road and wetlands owned by the City to the north. Clay extraction north-east of the Kwinana Freeway is to occur outside of the amendment area, therefore it is consistent with the City's strategic intent for the use of this land.

- (f) Traffic: The concept plan for the Fremantle Rockingham Controlled Access Highway indicates that the existing staggered T-intersection of Baldivis and Kulija Roads would become grade separated, which will force drivers to take a different route to access the Kwinana Freeway. This would potentially have a significant impact on the City's road network, subject to the timeframe of the extension of Nairn Drive to Kulija Road. It is recommended a detailed traffic study and modelling be undertaken to understand the impact of eliminating the access to Baldivis Road from Kulija Road.

It is also recommended that the intersection of Baldivis and Kulija Road be included in the amendment, as a Primary Regional Road, due to the close proximity of this intersection to the freeway interchange and the possible impact of traffic movements if the intersection is not grade separated at the same time the freeway interchange is upgraded.

The width of the road reserve to the east of the freeway should be reviewed to ensure sufficient allowance has been made for Mundijong Road to be able to cater for traffic volumes that would be generated by the future extension of the Tonkin Highway.

- (g) Urban water: The amendment area covers a significant portion of the Peel Main Drain. To demonstrate the amendment will not impact on the capacity of the Peel Main Drain or create afflux conditions to the upstream floodplain, it is recommended that a stormwater model be provided. The stormwater model should be calibrated to the regional North-East Baldivis Flood Model and consider the Alcoa wetlands.

Planning Comment:

- (a)-(e) Comments noted.

- (f) Refer to Part 6 – Main issues raised in submissions, section (a) Transport Planning.
- (g) Refer to Part 6 – Main issues raised in submissions, section (b) Drainage and urban water management.

Determination: Submission noted.

Submission: 6

Submitted by: Stockland (nearby landowner)

Summary of Submission: COMMENT

The submitter is generally supportive of the amendment, but raises concerns about the following matters:

- (a) The amendment encroaches upon its landholding in North East Baldivis and may impact on its future plans and opportunities to deliver desirable planning outcomes for this site.
- (b) The Peel Main Drain is located within the amendment area. Accommodating this drain within the upgraded freeway interchange may impact on the submitter's landholdings in terms of earthworks and drainage requirements. The submitter also raises concerns about how stormwater runoff from a future interchange would be managed.
- (c) The arrangement and interface of the freeway interchange may inhibit current proposed locations and treatments for access into its landholdings in East Baldivis off Mundijong Road. Interface constraints posed by the interchange upgrade may also influence connectivity constraints indirectly to these landholdings. For example, Baldivis Road provides an important connection to the Wellard Train Station. If this is lost as a result of the interchange upgrade it will pose significant transport impacts.
- (d) It is unknown how the interface between the freeway interchange upgrade and its landholding will be treated. This is a significant item to understand as it forms the entrance to its landholding and implications on the adjoining land use and accessibility.
- (e) The submitter requests additional information to enable it to assess and understand the requirements of this amendment and the function and limitations of the proposed freeway interchange upgrade. The following additional information has been requested:
 - Copies of the preliminary interchange design, which will enable the submitter to substantiate the MRS boundary changes and enable support for the amendment and to progress alternate planning outcomes. This will assist in the review and close out of item 1 [point (a) above].
 - How the proposed interchange will affect the Peel Main Drain, access location and access treatments adjacent to the interchange (proposed and current). This will assist with the review and close out of items 2 and 4 [points (b) and (d) above].
 - How the interchange upgrade will deal with the interface treatments of the MRS amended boundary and the attenuation of stormwater drainage. This will assist with the review and close out of items 2 and 4.
 - Information on how the interchange upgrade will affect the wider transport network. As mentioned above, Baldivis Road is considered a critical transport route for public transport access (Wellard Station). Should the interchange inhibit its connection,

with other enabling works to be carried out in order to facilitate an appropriate transport connection. This will assist in the review and close out of item 3 [point (c) above].

- An indication on approximate timing for the proposed interchange upgrades, as well as an understanding of any associated compensation for the affected land would be appreciated.

Planning Comment:

- (a) Noted. However, the likely impact of the amendment and the construction of a future interchange on the planning of land in North East Baldivis is not clearly known at this time, given that design for a future interchange is not finalised at this time and that North East Baldivis is only identified as a Planning Investigation area in the *South Metropolitan Peel Sub-regional Planning Framework*. The potential impact of the proposed interchange on these landholdings are best considered in subsequent stages of the planning process (structure planning, subdivision and development) where the final design of the interchange and the likely development outcome for adjacent will be better known and understood.
- (b) Refer to Part 6 – Main issues raised in submissions section (b) Drainage and urban water management.
- (c) Refer to Part 6 – Main issues raised in submissions section (a) Transport Planning.
- (d) The treatment of the interface between an upgraded Mundijong Road and any potential future development on the adjacent land is most appropriately considered in the subsequent stages of the planning process (structure planning, subdivision and development stages) when the final design for the interchange and the likely development outcome for the submitter's landholdings are better known and understood.
- (e) *Request for additional information:* Dismissed. It would be more appropriate for the interface between the future interchange and development on the submitter's land to be considered in later stages of the planning process, as discussed in the responses to points (a) and (d) of this submission. Also refer Part 6 – Main issues raised in submissions section (a) Transport Planning and (b) Drainage and urban water management of this Report.

Timing of interchange construction: The *South Metropolitan Peel Sub-regional Planning Framework* indicates that the interchange is proposed to be upgraded in the long-term (2031-2050) and Beyond 2050 staging timeframes. However, this notwithstanding, the ultimate timing of the future construction/upgrade of this interchange is likely to be determined in response to changing traffic volumes in the locality and the need for interchange to be constructed.

Compensation for reserved land: The procedures for the acquisition of reserved land or compensation by the WAPC for reserved land are outlined in the *Your Property and the Planning System - Region Schemes* leaflet, a copy of which can be found at the back of the Amendment Report for this amendment.

Determination: Submission dismissed.

Submission: 7

Submitted by: CLE Planning and Design - on behalf of Cedar Woods Properties (affected landowner)

Summary of Submission: COMMENT

The submitter supports the amendment and provides the following comments:

- (a) Structure planning and development for the Millars Landing residential estate has, to date, taken into account the land zoned Urban Deferred near the Kwinana Freeway/Kulija Road interchange, which was left in place by the WAPC pending the future reservation of this land as Primary Regional Roads in the MRS.
- (b) The submitter supports the intent of the amendment, but requests it be modified in respect of the land south of Kulija Road to ensure it is consistent with previous intentions.
- (c) Land north of Kulija Road: The amendment area covers all area which has been left in the Urban Deferred zone pending reservation and acquisition for the planned interchange. The submitter is fully supportive of this aspect of the amendment.
- (d) Land south of Kulija Road: A small parcel, approximately 1.1 hectares, of Lot 463 Baldivis Road is located south of Kulija Road. This lot was severed in the late 1990s when the existing Kwinana Freeway/Mundijong Road interchange was constructed.

This portion of Lot 463 has been excluded from planning for Millars Landing (specifically, the applicable *North-East Baldivis Local Structure Plan*) for practical reasons associated with Kulija Road (road hierarchy and topography) but also because it has always been anticipated that, because it has been held in the Urban Deferred zone, it was needed for the interchange and would be reserved. Discussions with the Department of Planning, Lands and Heritage in 2019 confirmed that this was the intention, and it is the logical outcome.

The amendment, as advertised, only proposes to reserve part of Lot 463 south of Kulija Road, leaving the balance of this lot and the Bodman Place road reserve in the Urban Deferred zone. This would leave the landowner with an impractical 4,700 m² island of land zoned Urban Deferred. A piecemeal approach to classifying land such as this is, in our view, inconsistent with the principle of orderly and proper planning.

The Urban Deferred zoning is a zone that is supposed to be used where land is essentially suitable for urban development but is constrained by a specific issue - for example, an environmental buffer that will be redundant in the foreseeable future or - relevantly - because it is required for a public purpose and will be reserved. This does not mean that all of the land must be reserved, but the Urban Deferred zoning should not be left in place once a decision to the relevant issue has otherwise been made. In this case, the land should be either be reserved for Primary Regional Roads, as originally intended, or zoned Urban.

The landowner would prefer that the land be reserved and acquired. Whilst an Urban zoning would be consistent with abutting land to the south, that land is burdened by a critical constraint in the form of the Dampier-Bunbury Natural Gas Pipeline and its future is uncertain. Acquisition of the portion of Lot 463 not required for the interchange by that landowner and incorporation into their structure plan is highly unlikely in the short-term.

- (e) Requested modification to the Amendment: In light of the above points, the submitter contends that leaving the Urban Deferred zoning over a small portion of Lot 463 is not

an appropriate planning outcome and is to the landowner's disadvantage. The submitter requests that the land be reserved Primary Regional Roads

Planning Comment:

(a)-(d) Noted.

(e) Upheld. Refer to Part 7 - Modifications.

Determination: Submission upheld.

Submission: 9

Submitted by: Department of Water and Environmental Regulation

Summary of Submission: COMMENT

The Department does not object to the amendment and provides the following comments:

- (a) Native vegetation protection: Under section 51C of the *Environmental Protection Act 1986*, clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Based on the information provided, no exemption applies to the clearing of native vegetation within the amendment area. The Department has not received a clearing permit application relating to this proposal. Should the clearing of native vegetation be required as part of this amendment to facilitate future road development, a clearing permit would be required.
- (b) Environmental Protection Authority (EPA) advice: The EPA advice dated 18 December 2019 is to be adhered to.
- (c) Water Management: The amendment area appears to be subject to inundation and will likely require fill as well as water management infrastructure to maintain surface and groundwater hydrology. Drainage systems should be consistent with the *Stormwater Management Manual for Western Australia*.
- (d) In the event there are any modifications to the proposal that may have implications on aspects of environment or water management, the Department should be notified to enable the implications to be assessed.

Planning Comment:

- (a) Noted. The need for a clearing permit is most appropriately considered in the latter development stage of the planning process, where the final design of the future interchange will be known and when site works will be undertaken.
- (b)(d) Noted.
- (c) Refer to Part 6 – Main issues raised in submissions, section (b) Drainage and urban water management.

Determination: Submission noted.

Submission: 13 (Late Submission)

Submitted by: Department of Biodiversity, Conservation and Attractions,
Swan Region

Summary of Submission: COMMENT

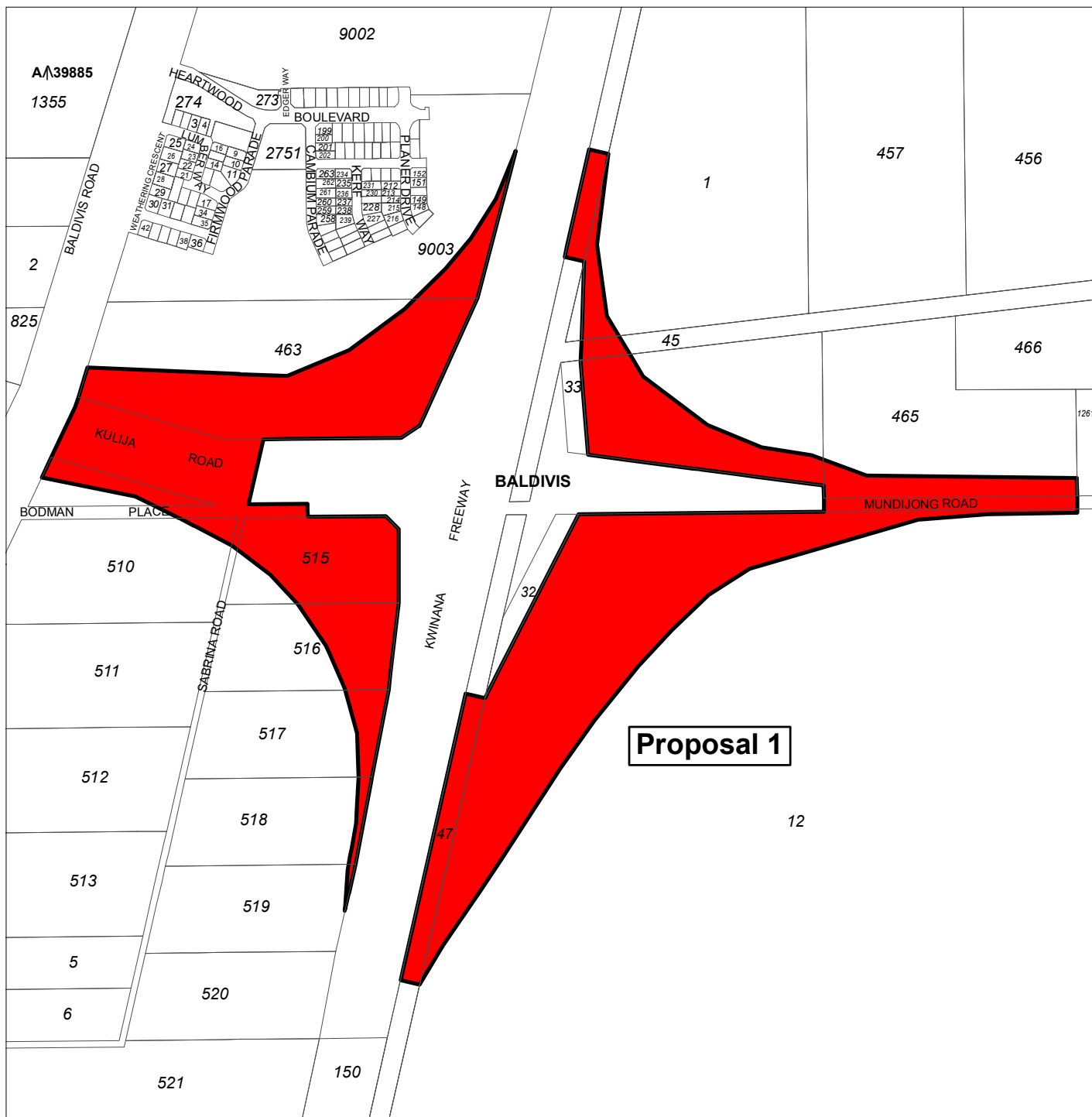
The Department notes that the Environmental Protection Authority (EPA) has provided advice on the amendment, in which it advises that the Alcoa Wellard Wetlands are used by a variety of birds, including the Wood Sandpiper and the Priority 4 Blue-Billed Duck. The EPA also noted that the wetlands and remnant vegetation may also contain suitable habitat for threatened species of Black Cockatoos and recommended that further terrestrial habitat studies are undertaken, consistent with EPA technical guidance, to inform the appropriate management of impacts to these environmental values when planning the future construction of the infrastructure.

Planning Comment: Comments noted.

Determination: Submission noted.

Schedule 3

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



**Kwinana Freeway, Mundijong Road and Kulija Road Intersection
- Primary Regional Roads Reservation
Proposed minor amendment
as advertised**

27 November 2019

Proposal 1

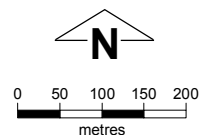
Proposed Amendment:

 Primary regional roads reservation

Oracle reference no: 3012
File number: 833/02/01/0075
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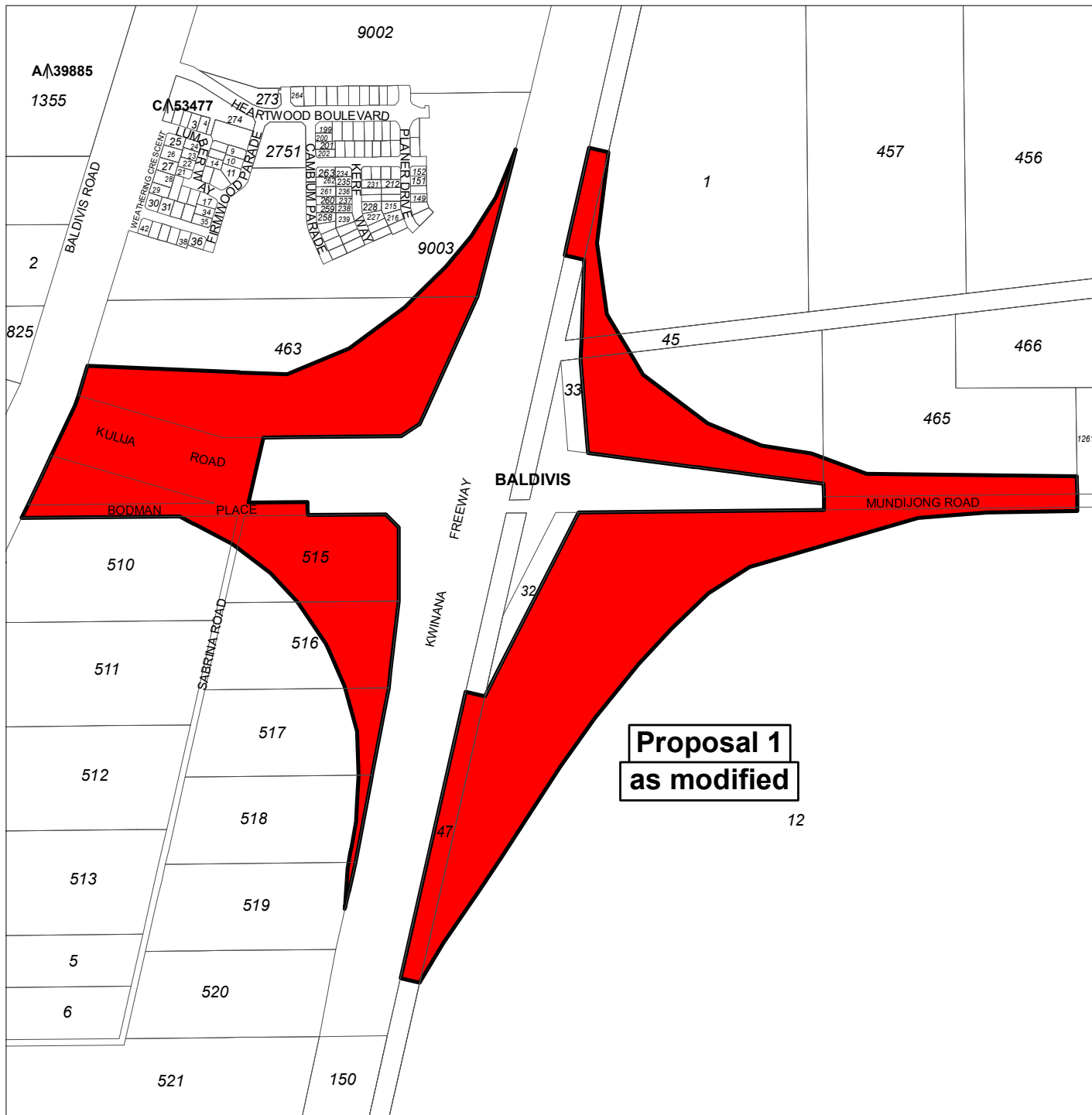


Date: 3/12/2019
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Schedule 4

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



**Kwinana Freeway, Mundijong Road, Kulija Road Intersection
- Primary Regional Roads Reservation
Proposed minor amendment
as modified**

19 August 2020

Proposal 1

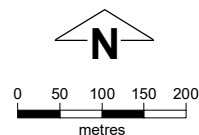
Proposed Amendment:

 Primary regional roads reservation

Oracle reference no: 3012
File number: 833/02/01/0075
Version number: 3



Date: 25/08/2020
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

**Metropolitan Region Scheme
Amendment 1364/57**

**Kwinana Freeway, Mundijong Road and
Kulija Road Intersection
Primary Regional Roads Reservation**

as advertised

Amending Plan 3.2750

Detail Plans

1.6824, 1.6825, 1.6840, 1.6841

Appendix 2

List of detail plans as modified

**Metropolitan Region Scheme
Amendment 1364/57**

**Kwinana Freeway, Mundijong Road and
Kulija Road Intersection
Primary Regional Roads Reservation**

as modified

Amending Plan 3.2750/1

Detail Plans

1.6824, 1.6825, 1.6840, 1.6841

Submissions

From: [Nugraha, Yohan](#)
To: [mrs](#)
Cc: [Brett Pye](#)
Subject: Metropolitan Region Scheme Proposed Amendment 1364/57 - Kwinana Freeway, Mundijong Road And Kulija Road Intersection - Primary Regional Roads Reservation
Date: Thursday, 19 March 2020 10:00:45 AM

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

Our ref: DT/15/05120

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

I refer to your email dated 10 March 2020 regarding the above MRS amendment.

The Department of Transport has no comment to provide for the proposal.

Thank you for the opportunity to comment on the application.

Kind Regards,

Yohan Nugraha

Transport Designer / Planner | Urban Mobility | Department of Transport

Level 8, 140 William Street, Perth WA 6000

Tel: (08) 65516103 | Fax: 65516947

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



» CLEAR DIRECTION » FRESH THINKING » EXCELLENT SERVICE » GREAT PEOPLE

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From: [GAJIC Joel](#)
To: [mrs](#)
Subject: Your Ref: 833-2-1-75 (RLS/0836), Metropolitan Region Scheme Proposed Amendment 1364/57 - Kwinana Freeway, Mundijong Road and Kulija Road Intersection - Primary Regional Roads Reservation
Date: Thursday, 26 March 2020 9:24:24 AM
Attachments: [image002.png](#)
[image003.png](#)

Our Ref: D13995

Dear Brett,

I refer to your email dated 13 March 2020 regarding the advertising of MRS Scheme Amendment 1364/57.

Given the proposal seeks to rezone land as Primary and Regional Road Reservation 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.

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 by email in the first instance or on 0488 327 715.

Regards,



Joel Gajic
Senior Land Use Planning Officer | Land Use Planning

363 Oxford Street, Mount Hawthorn WA 6016
T: 0488 327 715 | **E:** joel.gajic@dfes.wa.gov.au | **W:** dfes.wa.gov.au



FOR A SAFER STATE





Your Ref: 833-2-1-75(RLS/0857)
Our Ref: 57152397 - MRS366356
Enquiries: Michael Hoglin
Direct Tel: 9420 3147
Fax: 9420 3193

09 April 2020

Secretary
Western Australian Planning Commission
LOCKED BAG 2506
PERTH WA 6001

Attention of: Brett Pye,

Re: Proposed Amendment 1364/57 Kwinana Fwy, Mundijong & Kulija Rds

Thank you for your letter dated 10 March 2020. We offer the following comments in regard to this proposal.

Water

Existing water mains are located within the subject area, this being the Water Corporations DN1065 Serpentine to Medina Trunk Main.

Pressured water mains shall not be located in private land and should be located in and protected by reserves (i.e. road reserves) as no development would be allowed in this area. The developer, as in road works, is required to fund the full cost of protecting, relocating or modifying any of the existing infrastructure which may be affected by the above proposal. Whenever development is proposed near Water Corporation assets the applicant/owner needs to submit an Approval of Works application. For information about this application please follow this link:

<https://www.watercorporation.com.au/home/builders-and-developers/working-near-our-assets/approval-for-works>

Wastewater

There is an existing DN250 (Baldivis Rd) Pressure Main that may be affected by any future works (i.e. Road Works) in the subject area at the Baldivis Rd intersection.

There is no existing permanent pump station for the catchment the subject area falls within. This headworks infrastructure has funding available, and is planned on land to the Kulija Rd end – west side of the subject land (proposed to be located within existing Lot 510) - for a Pump Station.

Our long-term wastewater planning for the subject area indicates that large, headworks-sized sewerage mains (DN250 Pressure Main to the south of the proposed Pump Station & DN300 heading north along Baldivis Rd) will be required to be extended to service this and other land in the area.

Drainage

The subject area falls within the Peel Drainage Catchment in the Mundijong Drainage District, a rural drainage system. The Peel Main Drain traverses the subject site running parallel with Kwinana Freeway in this area.

Any developer of this land (i.e. Road Works), is required to fund the full cost of protecting or modifying any existing Water Corporation Drainage infrastructure which may be affected.

Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event, where contours and internal drainage make this physically possible.

Developments within this catchment are required to contain the flows from a one in one hundred year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. The developer of this land should be advised to liaise with Water Corporation at the preliminary planning stage to determine detailed planning requirements as this area could be prone to future flooding. At the time of development, the developer may be required to provide calculations from a Consulting Engineer to demonstrate, to the satisfaction of Water Corporation, that the runoff from the development has been restricted to pre development levels. To determine the flood level the developer should contact the Department of Water and Environmental Regulations regarding the Drainage and Water Management Plan which includes the subject area.

General Comments

The developer may be required to fund new works or the upgrading of existing works and protection of all works. Water Corporation may also require land being ceded free of cost for works.

Please note attached a pdf of the current Water Corporation Assets (as at 08 April 2020) that are within the proposal area and may be affected.

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.

Please provide the above comments to the land owner, developer and/or their representative.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.

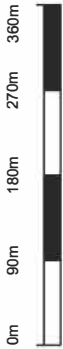
A handwritten signature in blue ink, appearing to read 'M. Hoglin', with a large, stylized flourish extending downwards and to the right.

Michael Hoglin
Planner
Development Services



Print Date: 08/04/2020 13:19:26

Scale 1:8000



Projection: MGA Zone 50 (m)

The Water Corporation has taken due care in the preparation of data comprised on this map, but accepts no responsibility for any inaccuracy of facility, cadastral or other information provided nor inappropriate use of this information. On the basis of the information displayed, the user acknowledges that the information hereafter displayed be changed, altered, modified or otherwise published in any form including the Internet without express permission of the Water Corporation. Prior to carrying out any physical activities in proximity to facilities displayed on this map the Water Corporation should be contacted on 13 13 95. Any inaccuracies found with information contained on this map should be advised to Asset Registration on (08) 9420 2089 or Email asset.registration@watercorporation.co.nu

Submitted to **MRS Minor amendment 1364/57 - Kwinana Freeway, Mundijong Road, Kulija Road Intersection**
Submitted on **2020-03-16 07:53:23**

Introduction

1 What is your first name?

First name: *Name removed at the request of the submitter*

2 What is your surname?

surname:

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:

City of Rockingham Administration
Civic Boulevard
Rockingham Western Australia 6168

6 Contact phone number:

phone number:

9528 0374

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:

The City of Rockingham supports the amendment and maintains it's position as per the preliminary comments provided to WAPC, dated 4th October 2019 (attached).

File upload:

D19 167138 Letter to WAPC - Proposed Metropolitan Region Scheme Amendment - Kwinana Freeway and Mundijong ~ Request for Preliminary Comment.pdf was uploaded

File upload:

No file was uploaded

File upload:

No file was uploaded

File upload:

No file was uploaded

File upload:

No file was uploaded

Our Ref: LUP/1480-03 - D19/167138
Your Ref: 833-2-21-75 (RLS/0836/1)
Enquiries to: **Name removed at the request of the submitter**



4th October 2019

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

ATT: Mr Brett Pye

Dear Sir/Madam

Re: City of Rockingham Comment Regarding Proposed Metropolitan Region Scheme (MRS) Amendment - Kwinana Freeway and Mundijong/Kulija Roads, Baldvis Intersection

The City appreciates the opportunity to provide its preliminary comments to the Western Australian Planning Commission (WAPC) on the MRS amendment proposal to reserve the Kwinana Freeway and Mundijong/Kulija Roads intersection in Baldvis from the Rural, Urban and Urban Deferred zones and Other Regional Roads reserve to the Primary Regional Roads (PRR) reserve, situated within the City.

The *South Metropolitan Peel Sub-Regional Planning Framework* identifies Mundijong Road / Kulija Road to be upgraded to serve as a primary distributor road, providing a strategic east-west freight linkage from South West Highway to the Western Trade Coast. The proposal to reserve the land to accommodate a future upgraded interchange is consistent with the regional planning framework.

The approved Structure Plan for North East Baldvis, known as Millar's Landing takes into account the land requirements for the future interchange upgrade and notes the following background information in relation to the subject land:

North-West of Kwinana Freeway & Kulija Road

- In July 2009, the WAPC confirmed to the City the decision to adopt MRS Amendment 1128/41 which rezoned land generally bound by Millar Road, Kwinana Freeway, Safety Bay Road and Baldvis Road (East Baldvis DSP) from 'Rural' to 'Urban Deferred', which covered both Structure Plan areas impacted by the regionally significant intersection, the subject of the MRS amendment.
- In December 2013, the WAPC resolved to lift 'Urban Deferment' over Lots 459-461, Pt Lots 462 and 463 Baldvis Road and a portion of Pug Road, Baldvis into the 'Urban' zone under the MRS (Millars Landing site). This left a balance portion of land zoned 'Urban Deferred' where it was the subject of future investigations into the regional transport planning requirements.
- In June 2014, WAPC reconsidered its decision to exclude land being lifted from Urban Deferment as a result of an appeal application made to the State Administrative Tribunal. This resulted in the originally excluded land, now being transferred into the 'Urban' zone. This took effect on 5th September 2014.
- In March 2015, the WAPC approved Scheme Amendment No.145, subject to modifications to the amendment document, which excluded the land yet to be zoned 'Urban' under the MRS. This included the area impacted by the regional road widening.



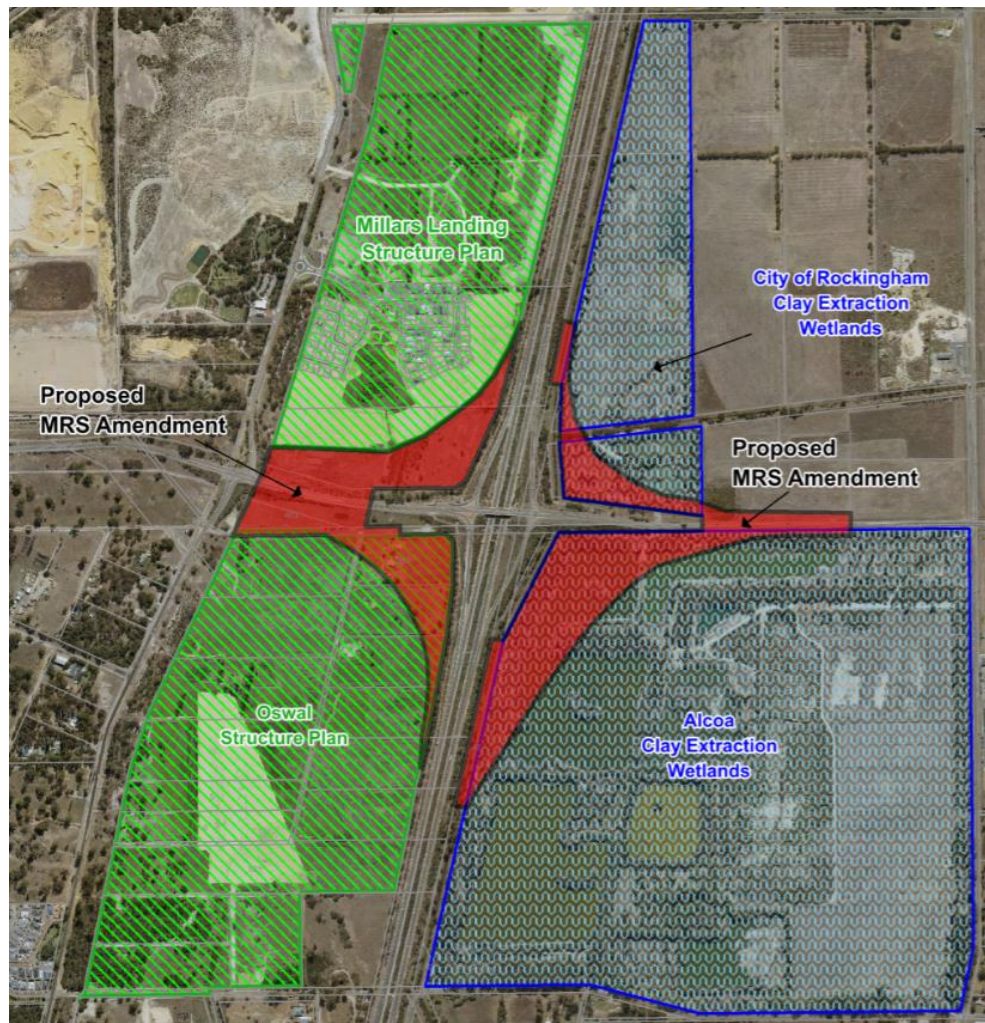
- The Millars Landing Structure Plan was subsequently approved on 6th September 2017 by the WAPC. The Structure Plan covers the extent of the 'Development' zone under the City's Town Planning Scheme No.2 (TPS2). The design of the Structure Plan ensured the future 'road widening' could be accommodated without impacting on future sensitive land uses.

South-West of Kwinana Freeway & Kulija Road

- On 13th May 2014, Hon. Minister for Planning approved the rezoning of the majority of the Oswal land from 'Urban Deferred' to 'Urban' under the MRS. The land abutting the Kulija Road intersection was retained as 'Urban Deferred', which is intended to be reserved for the purposes of a future interchange for the regionally significant intersection. Hence the subject MRS amendment.
- On 20th August 2019, the WAPC resolved to refuse the Oswal Structure Plan due to unresolved matters associated with the high pressure gas pipeline. It should be noted, the draft Structure Plan (recently refused) reflects the future road widening as per the proposed MRS Amendment, the subject of this assessment. Although, the proposed alignment of the proposed Primary Regional Road reservation extends beyond the 'Urban Deferred' zoned land, extending south along the western side of the Kwinana Freeway into the 'Urban' zoned land, forming part of the Oswal site.

East of Kwinana Freeway

The majority of the road widening to the east of the Kwinana Freeway is characterised by the Alcoa clay extraction wetlands to the south of Mundijong Road and wetlands under the City's ownership to the north. Clay extraction north-east of the Kwinana Freeway is to occur outside of the proposed MRS reserve, therefore it is consistent with the City's strategic intent for use of this land.



Traffic

The concept plan for the “*Fremantle Rockingham Control Access Highway*” (Drawing Number 201532-0157) suggests that the existing staggered T-intersection of Baldivis Road/Kulija Road would become grade separated which forces drivers to take a different route when accessing the Kwinana Freeway. The grade separation has the potential to generate a significant impact on the City's road network, subject to the timeframe of extension of Nairn Drive to Kulija Road. It is recommended a detailed Traffic Study and modelling be undertaken to understand the impact of eliminating Baldivis Road access from Kulija Road.

Furthermore, it is also recommended that the intersection of Baldivis Road and Kulija Road be included in the proposed MRS amendment (as a red road) due to the close proximity of the intersection to the future freeway interchange and possible impact of traffic movements, if the intersection is not grade separated at the same time as the freeway interchange is upgraded.

Additionally, the width of the road reserve to the east of the freeway should be reviewed to ensure sufficient allowance has been made (e.g. road cross sections), to ensure that Mundijong Road east of the Kwinana Freeway can cater for future traffic volumes generated from the future Tonkin Highway extension.

Urban Water

The proposed MRS Amendment area covers a significant portion of the Peel Main Drain (see figure below), managed by the Water Corporation. To demonstrate the Amendment will not impact on the capacity of the Peel Main Drain or create afflux conditions to the upstream floodplain, it is recommended that a stormwater model be provided. The stormwater model should be calibrated to the regional North-East Baldivis flood model (DWER, 2015) and consider the Alcoa wetlands.



Should you have any enquiries with respect to this advice, please contact
Senior Planning Officer on .

Yours faithfully

R M JEANS
DIRECTOR, PLANNING
& DEVELOPMENT SERVICES

Submitted to **MRS Minor amendment 1364/57 - Kwinana Freeway, Mundijong Road, Kulija Road Intersection**
Submitted on **2020-03-27 15:46:11**

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:

ATCO has no objection as ATCO do not own or operate gas mains within this area of the proposed Amendment.

File upload:

No file was uploaded

File upload:

No file was uploaded

File upload:

No file was uploaded

File upload:

No file was uploaded

File upload:

No file was uploaded

Submitted to **MRS Minor amendment 1364/57 - Kwinana Freeway, Mundijong Road, Kulija Road Intersection**
Submitted on **2020-05-15 15:04:11**

Introduction

1 What is your first name?

First name:

Rachel

2 What is your surname?

surname:

Ezzard

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:

rachel.ezzard@stockland.com.au

5 What is your address?

address:

Stockland, Level 12, 263 Adelaide Terrace, Perth WA 6000

6 Contact phone number:

phone number:

+61 422 941 942

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:

Please refer uploaded file.

File upload:

MRS Minor Amendment 1364 57 - Stockland WA Development Response.pdf was uploaded

File upload:

No file was uploaded

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No file was uploaded

15 May 2020

Department of Planning, Lands and Heritage

Gordon Stephenson House
2/140 William Street
PERTH WA 6000

To DPLH Assessment Officer,

MRS MINOR AMENDMENT 1364/57 – KWINANA FREEWAY, MUNDIJONG ROAD AND KULIJA ROAD INTERSECTION – STOCKLAND SUBMISSION

Thank you for the opportunity to comment in relation to the MRS Minor Amendment 1364/57 - Kwinana Freeway, Mundijong Road and Kulija Road intersection and Primary Regional Roads Reservation.

Stockland has a significant land ownership of circa 407 hectares located directly north-east of the proposed intersection, and is referred to as 'North East Baldvis'. While Stockland are generally in support of the intent of the proposed amendment, we do have a number of concerns pertaining to this, and would like to receive further information in order to understand the full impact to our property. These key concerns are outlined as follows:

1. The MRS Minor Amendment shows encroachment into our North East Baldvis landholding, which may impact any future plans for the site. Whilst planning to date is conceptual and subject to future change, we believe the MRS boundary modification may constrain the current and future opportunities to deliver desirable planning outcomes here.
2. The Peel Main Drain alignment currently follows the Kwinana Freeway on and off ramps of Mundijong Road (East). Accommodating the Peel Main Drain within the freeway interchange upgrade (MRS boundary) may pose implications to the North East Baldvis landholding from both earthworks and drainage perspectives. Similar consequences may apply when considering how the freeway interchange upgrade will accommodate stormwater runoff attenuation, whether this is included within the amended boundary or other.
3. We appreciate the freeway interchange upgrade will impact existing road networks and those networks planned within adjacent proposed developments. The arrangement and interface of the freeway interchange may inhibit current proposed locations and treatments for access into North East Baldvis landholding off Mundijong Road. Interface constraints posed by the interchange upgrade may also influence connectivity constraints indirectly to North East Baldvis Landholding. For example, Baldvis Road provides an important connection to the Wellard Train Station, if this is lost through the MRS boundary amendment as a result of the interchange upgrade it will pose significant transport impacts.
4. It is unknown how the interface between the freeway interchange upgrade (MRS boundary) and the North East Baldvis landholding will be treated. This is a significant item to understand as it forms the entrance to North East Baldvis landholding and also presents implications on the adjoining land use and accessibility.

Our submission in response to the MRS Minor Amendment 1364/57 is more or less a call for additional information which will then allow for assessment and understanding of the requirements of this amendment, along with the understanding of the function and limitations of the proposed freeway interchange upgrade. The additional information or clarification we request from DPLH is as follows:

- To enable Stockland to transparently understand the MRS amended boundary we would appreciate if the preliminary interchange designs could be provided for our appraisal. The review will allow Stockland to substantiate the MRS boundary changes to enable support of the MRS Minor Amendment 1364/57 and comfort to then progress alternate planning outcomes as a result. This will assist in the review and close out of Item 1.
- How the proposed interchange upgrade will affect the Peel Main Drain, access locations and access treatments adjacent to the interchange (proposed and current). This will assist in the review and close out of Item 2 and 4.
- How the interchange upgrade will deal with interface treatments of the MRS amended boundary and the attenuation of stormwater drainage. This will assist in the review and close out of Item 2 and 4.
- Information on how the interchange upgrade will affect the wider transport network. As mentioned above, Baldivis Road is considered a critical transport route for public transport access (Wellard Station). Should the interchange inhibit its connection, with other enabling works be carried out in order to facilitate an appropriate transport connection. This will assist in the review and close out of Item 3.
- An indication on approximate timing for the proposed interchange upgrades, as well as an understanding of any associated compensation proposed for the affected land would be appreciated.

We appreciate information may be sensitive at this point in time, however in order for Stockland to appropriately assess and conclude a supportive response to the MRS Minor Amendment 1364/57, we require additional information to be made available (where possible). We look forward to further reviewing the MRS Minor Amendment 1364/57 in light of additional information made available.

Should there be any queries in regards to the content of this response, please contact Rachel Ezzard, Development Manager (rachel.ezzard@stockland.com.au) on 6141 8205.

Yours sincerely,



Col Dutton
General Manager
Communities, WA

Submitted to **MRS Minor amendment 1364/57 - Kwinana Freeway, Mundijong Road, Kulija Road Intersection**
Submitted on **2020-05-15 12:21:28**

Introduction

1 What is your first name?

First name:

Alex

2 What is your surname?

surname:

Watson

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:

alex@cleplan.com.au

5 What is your address?

address:

L1, 2 Abbotsford Street
West Leederville WA 6007

6 Contact phone number:

phone number:

93821233

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:

File upload:

3043Ltr110A_Final.pdf was uploaded

File upload:

No file was uploaded

File upload:

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File upload:

No file was uploaded

Our Reference: 3043Ltr110A
Enquiries: Alex Watson

15 May 2020

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attention: Mr Brett Pye

Dear Brett

RE: MRS AMENDMENT 1364/57 – KWINANA FREEWAY / KULIJA ROAD INTERCHANGE

This submission is provided by CLE Town Planning + Design on behalf of Cedar Woods Properties, our Client ('Cedar Woods'). Cedar Woods is the proponent of the Millars Landing residential estate in Baldivis and is directly affected by this Amendment, being the owner of some of the land proposed to be reserved.

Structure planning and development for Millars Landing to date has taken into account the land zoned 'Urban Deferred' near the Kwinana Freeway / Kulija Road interchange, which was left in place by the WAPC pending future reservation for 'Primary Regional Roads' and acquisition on behalf of Main Roads. Cedar Woods has already lodged a request with the WAPC for all the 'Urban Deferred' land to be acquired, following on from discussions that commenced in 2019.

Cedar Woods supports the intent of the Amendment but requests that it be modified in respect of the land south of Kulija Road to ensure that it is consistent with previous intentions.

Land north of Kulija Road

North of Kulija Road, the proposed 'Primary Regional Road' reserve covers all of the land (approximately 7.2ha) left in the 'Urban Deferred' zone pending reservation and acquisition for the purpose of the planned new interchange. We are fully supportive of this aspect.

Land south of Kulija Road

A small (approximately 1.1 hectare) parcel of Cedar Woods' Millars Landing landholdings is south of Kulija Road. This is part of Lot 463 Baldivis Road. This lot was severed in the late 1990s when the existing Kwinana Freeway / Mundijong Road interchange was constructed. The section of Mundijong Road between the new Freeway and Baldivis Road was shifted northward from its original alignment and later renamed Kulija Road. This left a 1.1 hectare portion of Lot 463 on the south side of Kulija Road. In practical terms, this parcel has frontage to the original Mundijong Road reserve, which has been renamed Bodman Place.

The portion of Lot 463 south of Kulija Road has been excluded from planning for Millars Landing (specifically, the applicable North-East Baldivis Local Structure Plan) for practical reasons associated with Kulija Road (road hierarchy and topography) but also because it has always been anticipated that, because it has been held in the 'Urban Deferred' zone, it was needed for the interchange and would be reserved. Recent (2019) discussions with the Department of Planning, Lands and Heritage confirmed that this was the intention, and it is the logical outcome.

Amendment 1364/57 as advertised only proposes to reserve part of Lot 463 south of Kulija Road, leaving the balance (and the Bodman Place road reserve) in the 'Urban Deferred' zone. This would leave Cedar Woods with a very impractical 4700sqm island of land zoned 'Urban Deferred'. A piecemeal approach to classifying land such as this is, in our view, inconsistent with the principle of orderly and proper planning.

The 'Urban Deferred' zone is a zone that is supposed to be used where land is essentially suitable for urban development but is constrained by a specific issue – for example, an environmental buffer that will be redundant in the foreseeable future or – relevantly – because it is required for a public purpose and will be reserved. This does not mean that all of the land must be reserved, but the 'Urban Deferred' zone should not be left in place once a decision on the relevant issue has otherwise been made. In this case, the land should either be reserved for 'Primary Regional Roads', as originally intended, or zoned 'Urban'.

Cedar Woods would prefer that the land be reserved and acquired. Whilst an 'Urban' zone would be consistent with abutting land to the south, that land is burdened by a critical constraint in the form of the Dampier-Bunbury Natural Gas Pipeline and its future is uncertain. Acquisition of the portion of Lot 463 not required for the interchange by that landowner and incorporation into their structure plan is highly unlikely in the short-term.

Requested modification to the Amendment

In light of the points made above, we contend that leaving the 'Urban Deferred' zone in place over a small (4700sqm) portion of Lot 463 is not an appropriate planning outcome and is to our Client's disadvantage. We respectfully request that the land be reserved for 'Primary Regional Roads', consistent with the original intent and boundary of the 'Urban Deferred' zone.

In so doing, it would be logical to lift the Urban Deferment over the Bodman Place road reserve by either reserving it for 'Primary Regional Roads' as intended, or, to facilitate management as a local road by the local government, zoning it 'Urban'.

Any changes of this nature can be made post-advertising as minor modifications and adopted without re-advertising by the WAPC when it considers a recommendation to the Minister.

We would appreciate the opportunity to discuss the matters raised in this submission with you further either by telephone or at a meeting. Please contact the undersigned on 9382 1233 or at alex@cleplan.com.au.

Yours faithfully



**ALEX WATSON
SENIOR PLANNER
CLE TOWN PLANNING + DESIGN**

Cc: Karl White / Daniel Calderwood Cedar Woods Properties



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

Submission 8

Your Ref: 833-2-1-75 (RLS/0857)
Our Ref: F-AA-01465/9 D-AA-20/31955
Enquiries: Vic Andrich (08) 9222 2000

Department of Planning, Lands and Heritage Received	
Scanner	15 MAY 2020
Attachments	
Scan QA	
Doc No.	A10472281
File No.	

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

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

Dear Mr Brett Pye

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

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**

12 May 2020



Your ref: 833-2-1-75 (RLS/0857)
Our ref: RF1346-20, PA32990
Enquiries: Jane Sturgess, Ph 9550 4228

Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Attention: Brett Pye

Dear Brett

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

Thank you for providing the proposed amendment to the Metropolitan Region Scheme for the Department of Water and Environmental Regulation (Department) to consider.

The Department has identified that the proposed amendment has the potential for impact on environment and water values and/or management. In principle the Department does not object to the proposal, however key issues and recommendations are provided below and these matters should be addressed.

Issue

Native vegetation protection

Recommendation

Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations).

Based on the information provided, no exemption applies to the clearing of native vegetation within the proposed MRS Amendment area. The Department has not received a clearing permit application relating to this proposal.

Should the clearing of native vegetation be required as part of this MRS amendment to facilitate future road development, a clearing permit would be required.

Application forms are available from <https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms>.

Additional information on how to apply for a clearing permit is available here: [https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact sheets/Fact Sheet - how to apply.pdf](https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact%20sheets/Fact%20Sheet%20-%20how%20to%20apply.pdf)

Issue

EPA advice

Recommendation

Please note that EPA advice addressed to Ms Fagan dated 18 December 2019 is to be adhered to (see attachment 1).

Issue

Water Management

Recommendation

The land appears to be subject to inundation and will likely require fill as well as water management infrastructure to maintain surface and groundwater hydrology including water quality. Drainage systems should be designed and constructed consistent with the *Stormwater Management Manual for Western Australia* (DoW, 2004-2007).

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 Jane Sturgess on 9550 4228.

Yours sincerely



Brett Dunn
Program Manager – Planning Advice
Kwinana Peel Region

05 / 05 / 2020

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

Our Ref: CMS17741
Enquiries: Steve Pavey, 6364 7600
Email: Steve.Pavey@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME:	Metropolitan Region Scheme Amendment 1364/57
LOCATION:	The intersection of the Kwinana Freeway with Mundijong and Kulija Roads
RESPONSIBLE AUTHORITY:	Western Australian Planning Commission
DECISION:	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

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

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

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.

- There is no appeal right in respect of the EPA's decision to not assess the scheme.

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

Yours sincerely



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

18 December 2019

Encl. Scheme Advice and Recommendations
Chairman's Determination

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

Metropolitan Region Scheme Amendment 1364/57

Location: Intersection of Kwinana Freeway with Mundijong and Kulija Roads

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

Determination Published: 23 December 2019

Summary

The Western Australian Planning Commission (WAPC) proposes to reserve approximately 37.3 hectares of land as Primary Regional Roads at the intersection of the Kwinana Freeway with Mundijong and Kulija Roads.

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

1. Environmental Factors

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

- Terrestrial Fauna

2. Advice and Recommendations regarding Environmental Factors

Terrestrial Fauna

The EPA notes the amendment area contains the Alcoa Wellard wetlands which were constructed and revegetated following clay extraction in the 1990s. The wetlands are used by a variety of birds, including the migratory Wood Sandpiper and the Priority 4 Blue-Billed Duck. The wetlands and remnant vegetation may also contain suitable habitat for threatened species of black cockatoos.

The EPA recommends that further terrestrial fauna habitat surveys are undertaken consistent with EPA technical guidance to inform the appropriate management of impacts to these values where possible when planning for the future construction of infrastructure.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through appropriate planning controls. The future infrastructure development should appropriately identify and manage impacts to terrestrial fauna and their habitat.



Your ref : 833-2-1-75 (RLS/0857)
Our ref : D20/0243020
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. 1364/57
Kwinana Freeway, Mundijong Road and Kulija Road Intersection**

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 expansion of the Primary Regional Road Reservation.

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,

Matt Turnbull
A/Director
Asset Planning and Services

13 May 2020



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 12

Enquiries: Lucas Hodgson on (08) 9323 4806
Our Ref: 19/6469 (D20#375158)
Your Ref: 833-2-1-75

7 May 2020

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

ATTENTION: BRETT PYE

Dear Sir/ Madam

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

In response to your correspondence dated 10 March 2020, Main Roads has no objections to the proposed amendment.

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

If you require any further information please contact the enquires officer above or at planninginfo@mainroads.wa.gov.au.

Yours sincerely



Lindsay Broadhurst
Director Road Planning & Development



Department of Biodiversity,
Conservation and Attractions

Late Submission 13



Your ref: 833-2-1-75 (RLS/0857)
Our ref: 45178
Enquiries: Lyndon Mutter
Phone: 9442 0342
Email: lyndon.mutter@dbca.wa.gov.au

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Proposed Metropolitan Region Scheme Amendment 1364/57 – Kwinana Freeway, Mundijong Road and Kulija Road Intersection – Primary Regional Roads Reservation

Dear Madam

In reference to your correspondence dated 10 March 2020, the Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (the department) provide the following comments.

The department notes that the Environmental Protection Authority (EPA) has provided advice on the proposed amendment. The EPA advised that the Alcoa Wellard wetlands are used by a variety of birds, including the migratory Wood Sandpiper and the Priority 4 Blue-Billed Duck. that the EPA also noted the wetlands and remnant vegetation may also contain suitable habitat for threatened species of black cockatoo., and recommended that further terrestrial fauna habitat surveys are undertaken consistent with EPA technical guidance to inform appropriate management of impacts to these values where possible when planning for the future construction of infrastructure.

The department has no additional comments to the advice provided by EPA.

Thank you for the opportunity to provide comment. Should you have any queries regarding the above comments, please contact Lyndon Mutter on 9442 0342.

Yours sincerely

Benson Todd
REGIONAL MANAGER

19 May 2020

Swan Region
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Phone: (08) 9442 0300 Email: [lyndon.mutter@dbca.wa.gov.au]

