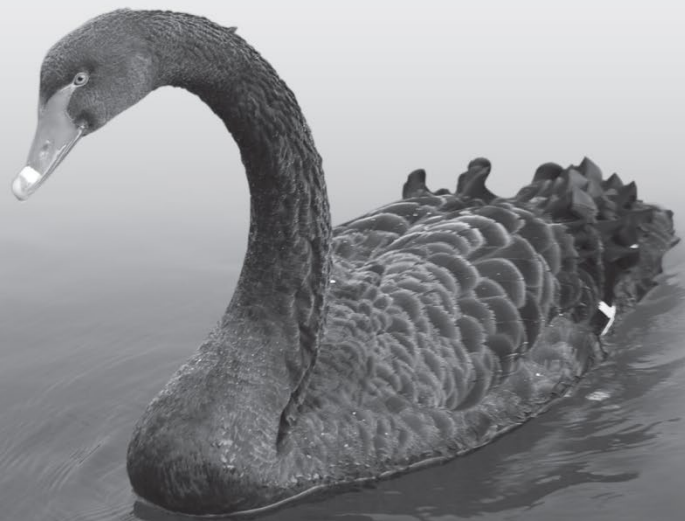


November 2020

**Metropolitan Region
Scheme Amendment
1366/57 (Minor Amendment)**



Lot 912 Midland Road, Bushmead

Report on Submissions
Submissions

City of Swan

**Metropolitan Region Scheme
Amendment 1366/57
(Minor Amendment)**

Lot 912 Midland Road, Bushmead

**Report on Submissions
Submissions**

City of Swan



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 1366/57 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 1366/57

Lot 912 Midland Road, Bushmead

Report on Submissions

1 Introduction

At its December 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 23.89 hectares of land in Bushmead from the Public Purposes - Commonwealth Government reservation to the Urban and Urban Deferred zones under the Metropolitan Region Scheme (MRS), as shown on *Amendment Figure - Proposal 1*.

The proposed amendment will facilitate the development of residential and related land uses within the amendment area, following local structure planning and subdivision approval.

Requirement to lift the Urban Deferment

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

- Confirmation that the poultry farm at Lot 15 Midland Road, Hazelmere has permanently ceased operating, or it being determined that a reduced separation distance would be appropriate upon the advice of the Department of Water and Environmental Regulation.

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 flora and vegetation, terrestrial fauna, inland waters and social surroundings factors relevant to the amendment.

In respect of these environmental factors, the EPA advises that the amendment area potentially contains two threatened ecological communities: (*Corymbia calophylla* over *Xanthorrhoea preissii* woodlands and shrublands and *Banksia* Woodlands of the Swan Coastal Plain), Forrestfield vegetation complex and habitat for Black Cockatoo species.

The EPA also advises it does not support the concurrent amendment of the *City of Swan Local Planning Scheme No. 17*, pursuant to section 126(3) of the *Planning and Development Act 2005*, and that a separate amendment to this Local Planning Scheme should contain provisions which address how impacts on significant environmental values should be avoided or managed.

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 27 March 2020 to 5 June 2020. The amendment was advertised for public inspection during ordinary business hours at:

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

Twenty four submissions (includes two late submissions) were received on the amendment. An alphabetical index of all persons and organisations lodging submissions is at Schedule 1.

One submission supported and provided comment on the amendment, twelve submissions raised no objections to and/or provided comment on the amendment, and eleven submissions objected to and provided comment on 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

6.1 Traffic and transport planning

- Future development of the amendment area will increase traffic volumes along Sadler Drive, which already carries too much traffic, and the local road network will need to be upgraded to handle the additional traffic generated by development.

WAPC Comment: The preparation of a future structure plan for this land will be accompanied by consideration of traffic and access issues, which may include the identification of any potential requirement to upgrade of the local road network. This is likely to require consultation with Main Roads Western Australia and the Cities of Swan and Kalamunda and may result in conditions requiring modifications to the local road network at the subdivision approval stage.

- Traffic generated by the future development of the amendment area will adversely impact on the intersection of Priory and Kalamunda Roads in Maida Vale.

WAPC Comment: This matter is beyond the scope of the assessment of this amendment and is most appropriately considered in the local planning scheme amendment and structure planning stages of the planning process.

6.2 Environmental impacts

- The clearing of vegetation for future development would result in the loss of habitat for native fauna, including Black Cockatoo species. The amendment area should be retained and rehabilitated as a natural area, and reserved Parks and Recreation in the MRS.

WAPC Comment: The EPA and the Department of Biodiversity, Conservation and Attractions (DBCA) advise, that in subsequent stages of the planning process, that further flora and vegetation and fauna surveys will need to be undertaken to ascertain the significance of the following environmental values and how impacts to these values will need to be avoided and/or managed:

- the Floristic Community Type (FCT) 3c - *Corymbia Calophylla* over *Xanthorrhoea preissii* woodlands and shrublands Threatened Ecological Community (TEC)
- the Banksia Woodlands of the Swan Coastal Plain TEC
- the Forrestfield vegetation complex (which has only 12.3% of its original extent remaining)
- habitat for threatened species of Black Cockatoos.

It is likely that the FCT 3c TEC will need to be protected and provided with an appropriate interface to any future development and that other areas of remnant vegetation would need to be retained in the subsequent stages of the planning process.

Additionally, the EPA and the DBCA do not support the concurrent amendment of the City of Swan Local Planning Scheme No. 17 (LPS 17), as a separate amendment to LPS 17 would allow for the inclusion of provisions which will address the avoidance and/or management of impacts on the above environmental values.

Whether or not LPS 17 is concurrently amended, the advice provided by the EPA and the DBCA indicates that impacts on the significant environmental values of the amendment area can be avoided and/or appropriately managed in subsequent stages of the planning process. On this basis, it is not considered necessary to modify the amendment to reserve any part of the amendment area as Parks and Recreation in the MRS.

6.3 Kadina Brook

- The foreshore area for Kadina Brook should be determined and protected from development, and should be reserved Parks and Recreation in the MRS.

WAPC Comment: The EPA and the DBCA note that Kadina Brook is located within the adjacent Lot 9000/Bush Forever Site 213 and that it is in close proximity to the north-eastern boundary of the amendment area, and that the likely foreshore area for this waterway would extend into the amendment area. The EPA advises it supports the foreshore area for Kadina Brook be determined and set aside in subsequent stages of the planning process. However, the DBCA recommends that the amendment should be modified to reserve this area as Parks and Recreation in the MRS.

In this respect, it is considered appropriate for an appropriate buffer for Kadina Brook to be determined and to be set aside as a foreshore reserve/public open space area in the subsequent structure planning and subdivision approval stages of the planning process pursuant to the recommendations of State Planning Policy 2.9: Water Resources, Liveable Neighbourhoods and Development Control Policy 2.3: Public Open Space in Residential Areas. This approach is consistent with the EPA advice and would ensure that the future development of land within the amendment area does have a significant adverse impact on the environmental values of Kadina Brook. As such, it is not considered necessary to modify the amendment to reserve the foreshore area as Parks and Recreation in the MRS.

6.4 Aboriginal heritage

- The amendment would have unacceptable impacts on Aboriginal heritage values.

WAPC Comment: The transfer of land to the Urban and Urban Development zones in the MRS does not in itself have any physical effect on the land or Aboriginal heritage sites. Furthermore, the Urban and Urban Deferred zonings do not specify any requirements in regards to the location of roads, buildings or public open space - which may be allocated to include significant Aboriginal sites. For this reason, the MRS amendment stage of the planning process is neither capable of, or intended to, identify and make appropriate arrangements for the protection of significant Aboriginal heritage sites.

What sites are required to be protected from development is decided by way of Section 18 of the Aboriginal Heritage Act 1972 and detailed archaeological and ethnographic studies undertake by the proponent at the subsequent structure planning stage of the planning process. Therefore, the matter raised by the submitter is noted, but is a matter which is best addressed in the preparation of a structure plan for the amendment area. Any future structure plan prepared for the amendment area will also be advertised for public comment, and will be considered by the City of Swan and requires WAPC approval.

6.5 Amenity impacts

- Development of the amendment area would have an adverse impact on the amenity of the existing residential area south of Sadler Drive.

WAPC Comment: The purpose of the current MRS amendment is to determine whether land within the amendment areas is broadly suitable for a range of urban

land uses. These land uses can include residential development, public open space, schools and commercial development in addition to range or other urban land uses. The ultimate mix of land uses and the density and form of future development within the amendment area is determined in the subsequent stages of the planning process (structure planning and subdivision and development approval stages) by the City of Swan and the WAPC.

As such, it is in these subsequent stages where the consistency of any proposed development of the amendment area with the amenity of the locality and existing residential uses is more appropriately considered and addressed. In this respect, the proponent has prepared a development concept plan for the site which indicates how a combination of public open space and larger lot sizes could be used to provide an appropriate interface to existing residential development south of Sadler Drive and minimise the impact of future development on the amendment of these existing residential areas.

- A buffer should be provided and/or other appropriate measures (i.e. lower residential densities/larger lots and public open space areas) should be implemented in order to protect the amenity of existing residential properties south of Sadler Drive.

WAPC Comment: The treatment of the interface of the future development of the amendment area with existing residential areas is a matter which is most appropriately considered in the subsequent structure planning stage of the planning process, as outlined above.

- Increased traffic volumes resulting from development of the amendment area will lead to increase traffic noise levels, which would adversely affect the amenity of adjacent residential areas.

WAPC Comment: Any potential amenity impacts arising from increased traffic levels in the area, which may arise from the future development of the amendment area, are most appropriately addressed in the subsequent structure planning and subdivision approval stages of the planning process.

6.6 Substantiality of the amendment

- The amendment is not a minor amendment because it does not recognise or protect the Aboriginal cultural heritage, flora, fauna and greenway values which are of national, state and regional significance.

WAPC Comment: Development Control Policy 1.9 - Amendment to Region Schemes sets out the criteria for deciding whether the "major" or "minor" processes should be followed. The WAPC carefully considered the amendment and resolved that it be processed as a "minor" amendment as follows:

- *The size and scale of the amendment is not regionally significant and does not reflect a significant change in the strategic planning for the Metropolitan Region.*
- *The amendment is consistent with the key planning principles of the North-East Sub-regional Planning Framework.*

- *The amendment area is identified as being suitable for urban development in the WAPC endorsed Hazelmere Enterprise Area Structure Plan.*
- *Rezoning land in the amendment area to the Urban and Urban Deferred zones constitutes a logical extension of the extent of these zones under the MRS for this locality.*
- *The City of Swan and key State Government agencies agree to the initiation of the amendment.*

Further to the above, the WAPC also notes that:

- *The purpose of the amendment is to determine whether land within the amendment area is broadly suitable for urban land uses.*
- *The avoidance and/or management of potential impacts on significant environmental and Aboriginal heritage values within the amendment area are most appropriately considered and addressed in the subsequent stages of the planning process, as outlined in Parts 6.2 Environmental Impacts, 6.3 Kadina Brook and 6.4 Aboriginal heritage.*

7 Determinations

The responses to all submissions are detailed in Schedule 2 - Summary of submissions and determinations. The submissions of objection are recommended to be dismissed.

It is recommended the amendment be adopted for finalisation, subject to the 'Requirement to be addressed prior to the lifting of Urban Deferment' being modified as follows:

Requirement to be addressed prior to the lifting of Urban Deferment

The proposed Urban Deferred zoned area is located within a portion of a buffer of an existing poultry farm located on Lot 15 Midland Road, Hazelmere.

Prior to the transfer of this land to the Urban zone in the MRS, the WAPC will require that the poultry farm at Lot 15 Midland Road, Hazelmere has permanently ceased operating, or it being determined that a reduced separation distance would be appropriate pursuant to the recommendations of *State Planning Policy 2.5: Rural Planning* and upon the advice of the Department of Water and Environmental Regulation and the Department of Primary Industries and Regional Development.

8 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 the City of Swan does not support the concurrent amendment of *Local Planning Scheme No. 17*, Section 126(3) is not applicable to the amendment.

9 Conclusion and recommendation

This report summarises the background to MRS minor amendment 1366/57 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.

10 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 1366/57 is now finalised as advertised and shown on WAPC Amending Plan 3.2752, 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 1366/57

Lot 912 Midland Road, Bushmead

Submission Number	Name
2	Begg, Lisa
22	Biodiversity Conservation and Attractions, Swan Region, Department of
15	Corunna, Vanessa (Representing the Corunna Family Traditional Owners of Perth and Bushmead Areas)
6	English, Maria
4	Farrall, Glen
3	Fielder, David
8	Fire and Emergency Services, Department of
11	Health, Department of
12	Kalamunda, City of
9	Main Roads WA
17	McNab, Doug
18	McNab, Mary
19	McWalters, Maxine
20	Mewett, Penelope
7	Mines, Industry Regulation and Safety, Department of
1	<i>Name removed at the request of the submitter</i>
5	<i>Name removed at the request of the submitter</i>
16	<i>Name removed at the request of the submitter</i>
14	Primary Industries and Regional Development, Department of
21	Swan, City of
10	Urban Bushland Council WA Inc.
13	Water and Environmental Regulation, Department of

Late Submissions	Name
24	Biodiversity Conservation and Attractions, Rivers and Estuaries Branch, Department of
23	Education, 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

Submitted by: *Name removed at the request of the submitter* (Local Resident)

Summary of Submission: OBJECTION

The submitter objects to the amendment as development of the amendment area will disrupt and destroy what is a quiet and lovely estate and will adversely impact on wildlife in the area. The submitter also expresses disappointment with the development outcomes in the development further down Midland Road.

Planning Comment: Refer Parts 6.2 Environmental impacts and 6.5 Amenity impacts.

Determination: Submission dismissed.

Submission: 2

Submitted by: Lisa Begg (Local Resident)

Summary of Submission: OBJECTION

The submitter objects to the amendment and raises concerns about the following matters:

- (a) The area is not equipped for more urban development, the roads are not handling the amount of traffic with the Bushmead development as it is.
- (b) The amount of traffic on Midland Road and its impact on wildlife.
- (c) The visual and noise pollution associated with the development of the amendment area, and the need for a small buffer between new development within the amendment area and existing residential areas.

Planning Comment: Refer Parts 6.1 Traffic and transport planning, 6.2 Environmental impacts and 6.5 Amenity impacts.

Determination: Submission dismissed.

Submission: 3

Submitted by: David Fielder (Local Resident)

Summary of Submission: OBJECTION

The submitter objects to the amendment and provides the following comments:

- (a) When the Bushmead estate was first proposed, it was put forward as containing two distinct development area with bushland being maintained on the remainder of the lot. This amendment proposes a third area that borders existing residents who have 1 - 2.5

acre properties. The reason people brought these properties is that they do not want to live in or adjacent to high density residential development.

- (b) The submitter is concerned about the impact of development on local wildlife, including quendas and kangaroos.
- (c) There is already too much traffic on Sadler Drive which would worsen with the introduction of more development. This road is used as thoroughfare by everyone travelling from Gooseberry Hill to Midland or the Perth CBD.
- (d) The submitter is concerned about the impact of development on a significant natural creek [Kadina Brook].
- (e) The submitter asks if the density of the proposed development will be consistent with the existing R2.5 density in the area. If not, the submitter recommends the establishment of a buffer distance of 100 metres between future building envelopes and Sadler Drive.

Planning Comment: Refer Parts 6.1 Traffic and transport planning, 6.2 Environmental impacts 6.3 Kadina Brook and 6.5 Amenity impacts.

Determination: Submission dismissed.

Submission: 4

Submitted by: Glen Farrall

Summary of Submission: OBJECTION

The submitter objects to the amendment and provides the following comments:

- (a) Insufficient emphasis on the impact of extra traffic on surrounding areas.
- (b) The amendment area, like the Bushmead estate, only has indirect access to Roe Highway. This causes a very high amount of traffic to travel from Midland Road to Priory Road and onto Roe Highway. This is because it is easier to turn left and immediately change lanes in front of the primary school and then turn right onto Priory Road. This is done instead of turning right onto Kalamunda Road and accessing the highway.
- (c) The Priory Road/Kalamunda Road intersection is insufficient to handle the extra traffic created by this pattern of behaviour. Building another residential area would make this intersection and the bend further along Priory Road extremely dangerous.
- (d) Priory Road should be cut off from Kalamunda Road. This would divert the traffic to the traffic lights at either Roe Highway or Hawtin Road.
- (e) The submitter supports bringing more people into the area, but advises the road system must be changed or lives will be lost.

Planning Comment: Refer Part 6.1 Traffic and transport planning.

Determination: Submission dismissed.

Submission: 5

Submitted by: *Name removed at the request of the submitter* (Local Resident)

Summary of Submission: OBJECTION

The submitter objects to the amendment and provides the following comments:

- (a) The area can barely support the Bushmead residential area.
- (b) In the last two years since Bushmead has ramped up with building, the traffic on Midland Road is not sustainable for a small urban road.
- (c) The noise pollution from the amount of traffic is unbearable for residents living in the Darling Fields Estate.
- (d) The intersection of Kalamunda Road and Midland Road is a massive black spot due to the increase in road traffic, and to add to this is unforgiveable.

Planning Comment: Refer Parts 6.1 Traffic and transport planning and 6.5 Amenity impacts.

Determination: Submission dismissed.

Submission: 6

Submitted by: Maria English

Summary of Submission: OBJECTION

The submitter objects to the amendment and provides the following comments:

- (a) There is not enough discussion in the amendment about the impact of traffic that will substantially increase along Midland Road and in surrounding areas.
- (b) There is already a huge increase in traffic along the section of Kalamunda Road from the Midland Road to Priory Road. This is because it is more convenient to turn left and immediately turn right into Priory Road in front of Maida Vale Primary School, instead of turning right and accessing Roe Highway.
- (c) The intersection of Priory Road/Kalamunda Road is already experiencing a huge increase of traffic since the Bushmead development and the Roe Highway/Kalamunda Road interchange works have commenced.
- (d) Priory Road residents have been campaigning 20 plus years to have traffic deviated away from Priory Road.
- (e) Priory Road will not be able to cope with the huge increase in traffic, and the extreme bend in the road is very dangerous. It is also a school zone, which is an accident waiting to happen.

Planning Comment: Refer Part 6.1 Traffic and transport planning.

Determination: Submission dismissed.

Submissions: 7, 9, 11

Submitted by: Department of Mines, Industry Regulation and Safety, Main Roads Western Australia and Department of Health

Summary of Submissions: COMMENT

The above State Government agencies and infrastructure providers raise no objections, no comment or provide general comments on the amendment.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 8

Submitted by: Department of Fire and Emergency Services

Summary of Submission: COMMENT

The Department provides the following comments on the amendment:

- (a) The intensification of land use in this location is supported given the continuation of residential zoned land to the east of the amendment area.
- (b) The subdivision concept plan submitted in support of the amendment does not demonstrate compliance with the bushfire protection criteria of the *Guidelines for Planning in Bushfire Prone Areas* (the Guidelines).
- (c) The Department of Planning, Lands and Heritage and the City of Swan are encouraged to ensure that further consideration is given to bushfire protection in subsequent planning stages, to reduce the vulnerability of dwellings and residents from the impact of bushfire and to ensure compliance with *State Planning Policy 3.7: Planning in Bushfire Prone Areas* and the Guidelines.
- (d) The bushfire management plan has adequately identified issues arising from the bushfire hazard level assessment and considered how compliance with the bushfire protection criteria can be achieved in subsequent planning stages. However, minor modifications are necessary. It is recommended that the amendment proceeds and that the applicant be advised of the modifications that need to be undertaken in subsequent planning stages.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 10

Submitted by: Urban Bushland Council of Western Australia

Summary of Submission: OBJECTION

The submitter does not support the amendment and provides the following comments:

- (a) The submitter recommends that the amendment area be protected from development by reserving it Parks and Recreation, for the purpose of conservation and passive recreation with no other uses being permitted. The submitter also recommends that the amendment area be added to Bush Forever Site No. 213.
- (b) The Environmental Protection Authority (EPA) identified and provided advice on the following environmental factors for this amendment: Flora and vegetation, Terrestrial Fauna, Inland Waters and Social Surroundings.
- (c) Flora and Vegetation: One hectare of the Threatened Ecological Community (TEC), Floristic Community Type SCP3c - 'Corymbia calophylla over Xanthorrhoea preissii woodlands and shrublands' is located in the northern part of the amendment area. This vegetation community is listed as 'Endangered' under Federal legislation and as 'Critically Endangered' under State legislation. The submitter agrees with the EPA advice that the TEC should be set aside for conservation purposes.
- (d) Flora and Vegetation - Forrestfield Complex vegetation: Most of the Marri, Jarrah and native trees on the site are mapped as Forrestfield Complex vegetation, and the EPA notes that this complex only has 12.3% of its original extent remaining (EPA Advice dated 13 January 2020). This advice does not accord with the section 16 advice given by the EPA in *Perth and Peel @ 3.5 million*. In this document, the extent remaining in the Perth Peel Region in 2015 is 10.3% and the cell containing the 10.3% is coloured burnt amber, which represents vegetation complexes with less than 10% of the pre-European settlement extent remaining within the Perth and Peel Regions. Only 2.5% of the Forrestfield Complex is preserved in these regions as Parks and Recreation or Regional Open Space reservations in the MRS and the Peel Region Scheme. In the column 'PRR Secure for Conservation', only one per cent remains.

With only one per cent of the Forrestfield Complex secure for conservation from what previously existed, it is obvious that we, as a society, need to desperately protect what remains. Therefore this whole area must be retained and legally protected. As stated in *EPA Bulletin No. 20: Protection of naturally vegetated areas through planning and development*, the best places to protect naturally vegetated areas is where they occur.

On these grounds alone, it is recommended that the amendment be refused and that the amendment area be added to adjacent to the adjacent Bush Forever site.

- (e) Flora and Vegetation - Greenway 49: Bush Forever Site 213 is part of a regionally significant fragmented bushland/wetland linkage - Greenway 49 (Bush Forever Vol 2, p 142). Protection of the amendment area will avoid contraction of the Greenway.

Therefore, it is recommended that the amendment on these grounds alone be refused.

- (f) Terrestrial Fauna/Black Cockatoo habitat: The amendment report states that 'Development of the amendment area may impact on breeding and foraging habitat for threatened Black Cockatoo species'. Considering how developers prepare a site for residential and related land usage, the submitter does not have any confidence that the advice 'Provisions should be made to retain as much of this habitat as possible in subsequent stages of the planning process, ...' will be effective and does not accept that possible offsets may mitigate any impacts. This is nonsense as mature trees will be lost and this will be a nett loss of Black Cockatoo habitat.

The probable loss of most if not all of the mature native trees on the site is an example of how each loss of our urban forest contributes to the cumulative loss. The ability of species to survive into the future is made more difficult. Opportunities for endangered species such as Black Cockatoos to feed and breed are yet again reduced. Loss of habitat for the endangered Carnaby's Black Cockatoo is inconsistent with the approved recovery plan for this species, and therefore should not be permitted.

The submitter's previous submission on the proposal for Lot 911 Midland Road (dated June 2013) [for the Bushmead Estate area] stated 'It is our view that all remaining Black Cockatoo habitat should be regarded as habitat critical to the survival of the species'. All three species are now in endangered.

- (g) Inland Waters/Kadina Brook: The EPA states 'An appropriate foreshore area would need to be identified over part of the amendment area and a foreshore management plan should be prepared at the local structure planning stage of the planning process'. The part of Kadina Brook is 'one of the few remaining flow-lines in the area that has not been canalised' (p7, Landscape Masterplan Report, EPCAD). The submitter supports the identification of an appropriate foreshore area with a management plan, and states that the foreshore and adjacent buffer zones must be protected as public land in a reserve at this stage of the process.
- (h) Inland Waters/Buffers: The EPA supports the proposed buffer to the waterway being extended into Lot 912 where necessary, through future stages of planning. The EPA also states that the Department of Biodiversity, Conservation and Attractions should also be consulted regarding the interface between the proposed development and Bush Forever Site 213.

Rather than rezoning to Urban and Urban Deferred as proposed, rezoning to Parks and Recreation for conservation would enhance protection of the Bush Forever site and Kadina Brook, as well as benefiting tree retention, flora, fauna and linkage. The submitter also recommends that all of the amendment area should be added to Bush Forever Site 213.

- (i) Climate change and trees: Even though much of the amendment area is mapped as 'Completely Degraded', the mature native trees - Marri, Jarrah and other native trees - are of significance. The impact of climate change on the South West region of Western Australia will be 'more than almost any other place on the planet' (Climate Change Issues Paper). It is therefore essential that vegetation cover is increased, not decreased.
- (j) Under the Strategic Planning Context heading in Section 4 - Discussion of the amendment report it is stated that 'Whilst the amendment area is not designated as Urban, Urban Deferred, Urban Expansion, or Urban Investigation in the [North-East Sub-regional Planning] Framework, the amendment is still consistent with the intent of the Framework given it is consistent with the key planning framework principles of the Framework, for the following reasons: ... It represents a logical extension to, and rounding out of, the urban form in the locality, given adjacent land is currently zoned Urban or Urban Deferred under the MRS.' The submitter contends that the MRS could just as well have stated that the proposed amendment to conservation of the amendment area represents a logical extension to and rounding out of the conservation area in the surrounding locality, given the amendment area is adjacent to a Bush Forever site and Kadina Brook, and is significant for endangered species.
- (k) Also, being on the foothills of the Darling Scarp, the amendment area presents an extreme fire risk area for housing and, therefore, this is not a suitable or acceptable

land use. Due to the fire risk alone, the submitter recommends that the amendment be refused and that the amendment area be reserved Parks and Recreation and be added to Bush Forever Site 213.

- (l) Conclusion: For the reasons outlined above the amendment should be refused, and the amendment area should be reserved Parks and Recreation and added to Bush Forever Site 213 in the MRS.

Planning Comment:

(a) Refer Parts 6.1 Environmental Impacts and 6.3 Kadina Brook.

- (k) Dismissed. The Department of Fire of Emergency Services advises that the bushfire management plan prepared in support of the amendment adequately considers how compliance with the requirements of the *Guidelines for Planning in Bushfire Prone Areas* can be considered in subsequent stages of the planning process.

Determination: Submission dismissed.

Submission: 12

Submitted by: City of Kalamunda

Summary of Submission: COMMENT

The City provides the following comments on the amendment:

- (a) Social: Existing residents on Sadler Drive are likely to experience changes to their locality as a result of any future development of the amendment area. Measures should be taken to ensure the protection of the amenity for residents on the south side of Sadler Drive. In this regard, consideration should be given to large lot sizes, additional setbacks, and landscaping and tree retention requirements to minimise the impact of urbanisation on existing residents.
- (b) Environmental: The amendment area contains significant areas of remnant vegetation and habitat for native animals. It is requested that any future development account for the following:
- retention of significant trees;
 - protection and enhancement of vegetation in the Kadina Brook buffer and Bush Forever area to the east of the amendment area;
 - management of drainage in accordance with water sensitive urban design principles, in order to maintain or improve the water quality of Kadina Brook; and
 - future development should include features to minimise the incidence of road kill to native species such as the Quenda.
- (c) Transport and Infrastructure: Any impacts or improvements to infrastructure within the City of Kalamunda are expected to be borne by the developer, landowner or City of Swan.
- (d) The City advises that it has undertaken a preliminary assessment of traffic impacts associated with development on Midland Road has been undertaken based on review of previous traffic studies prepared to support development in the Bushmead and

Hazelmere locality, the *City of Swan Transport Strategy*, the submitter's own internal traffic data, and the Main Roads WA Regional Operations Model 2031. The City provides a summary of the results of this preliminary assessment, of which the key findings are:

- The existing two-lane single carriageway and the Kalamunda Road/Midland Road intersection are suitable to cater for existing traffic demand within existing geometry, particularly at the Kalamunda Road/Midland Road intersection, resulting in significant capacity to cater to these demands during peak periods.
- Practical capacity for Midland Road between Kalamunda Road and Sadler Drive is in the order of 15,000 vehicles per day for a single carriageway, and is consistent with a road classification and function as a district distributor road. Midland Road is currently classified as a District Distributor B road between Kalamunda Road and Ridge Hill Road and the balance of this road within the City of Kalamunda is classified as a local distributor road. The existing volume demands on the northern section are currently within the maximum practical capacity of a local distributor road which at this location and serving current uses is in the order of 7,000 to 10,000 vehicles per day.
- Previous transport studies for developments in the Bushmead and Hazelmere localities indicate that the duplication of Midland Road is not warranted as a result of the respective developments, and it has been noted in the *City of Swan Transport Strategy* that the role of Midland Road as an interregional de facto north-south link will diminish over time due to improvements at the key Roe Highway links west with Midland Road functioning as a parallel reliever road to the east of Roe Highway.
- The transport study for the Hazelmere cell indicates that as development proceeds in the Hazelmere cell that simple BAR (Basic Right-Turn Treatments) will be required in the short to transition-term (1-10 years) to accommodate site-generated traffic travelling southbound on Midland Road with more significant upgrades potentially required in the long-term if at such time, Midland Road will be required to be upgraded to a full dual carriageway.
- The transport study for the Bushmead cell also indicates that Midland Road will carry a maximum of 11,600 vpd in the short to transition-term and will not be required to be upgraded to a dual carriageway. It should be noted that these traffic projections are currently out of date and the MRWA ROM 2031 model has now assumed a 20-year Road Network Development Plan with a focus on the Midland Study area and with updated land use/activity projections incorporated into the model, inclusive of both urban development cells.
- The MRWA model indicates that the Kalamunda Road/Midland Road intersection will continue to function as a major connection to these urban cells located within the City of Swan with a projected increase on Midland Road under the 2031+ scenario to 18,000 vpd between Kalamunda Road and Ridge Hill Road and 13,500 vpd between Ridge Hill Road and Sadler Drive. A review of the base case scenario whereby only ambient background traffic increases to the horizon scenario of 2031 indicates that base background traffic on these links would be 11,200 vpd and 7,900 vpd respectively. This indicates that the majority of the increases from existing to 2031 full build out on these two road links results from development traffic with background traffic increasing on the City's road links to be in the order of 30% only into the future.

- Approximately 42% of the growth is associated with the Bushmead Cell and 28% is associated with the Hazelmere cell.
 - The trigger for duplication of Midland Road would be shared equally between these two cells and is not likely to occur until 75% of the urban land uses within these two cells are delivered. Neither development on its own triggers the duplication and conversely neither does the ambient annual growth in traffic volumes on the road without urban development.
 - It is anticipated that traffic delays and road safety risks associated with increased traffic will be evident from around 2025 onwards (subject to the level of development completed). It is considered that funding for any future road upgrades noted above should include contributions from developers, landowners and/or the City of Swan generating the demand on the road network. Further discussions are required with the City of Swan and the Department of Planning, Lands and Heritage (DPLH) in this regard.
 - More detailed modelling is required as noted in the *City of Swan Transport Strategy*, and was intended to be undertaken by 2015. However, confirmation from the City of Swan indicates that modelling has not yet been undertaken.
 - In regard to the development of Lot 912 Midland Road, and any further development areas in the Bushmead and Hazelmere localities, any developer should be required to undertake a transport impact assessment (TIA) as part of any future local planning scheme amendment and local structure plan. The TIA will need to identify the traffic volumes generated from the development and in turn the contributions needed towards the upgrade of Midland Road and its intersections. Developers should anticipate the need to contribute to the cost of upgrading Midland Road and intersections, with proportion of cost dependent on proportion of contributing traffic volumes to Midland Road and intersections based on the ROM 2031 volumes.
- (e) It is requested that the points detailed in this letter and within the May 2020 Ordinary Council Meeting report be considered as part of the MRS amendment proposal and that the City remain involved in future discussions with the City of Swan and DPLH.

Planning Comment:

- (a) Refer Part 6.5 Amenity impacts.
- (b) Refer Parts 6.2 Environmental impacts and 6.3 Kadina Brook.
- (c) Noted. Where future subdivision and development of the amendment area would necessitate the upgrade of any existing roads or other infrastructure in the surrounding locality, the landowner/development may be liable for the costs of such upgrades, in accordance with relevant WAPC policies such as *State Planning Policy 3.6: Development Contributions for Infrastructure*.
- (d) Refer Part 6.1 Traffic and transport planning.
- (e) Noted.

Determination: Submission noted.

Submission: 13

Submitted by: Department of Water and Environmental Regulation

Summary of Submission: COMMENT

The Department advises it has assessed and endorsed the revised district water management strategy associated with the amendment, and that it is satisfied that the development can proceed to the next planning stage.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 14

Submitted by: Department of Primary Industries and Regional Development

Summary of Submission: COMMENT

The Department notes that the amendment will facilitate the development of residential and related land uses in close proximity to a commercial poultry farm. In this respect, the Department recommends that the wording of the requirement for the lifting of the Urban Deferred zoning in the Amendment Report be modified to ensure greater consistency with *State Planning Policy 2.5: Rural Planning* (SPP 2.5) and to require consultation with the Department of Primary Industries and Region Development and the owner of the poultry farm regarding any proposed reduction of the separation distance.

Planning Comment: The wording of the requirement to lift urban deferment in the Amendment Report is generally consistent with the requirements of SPP 2.5, as section 5.12.3 (Determining a buffer) of this policy provides for reduce separation distances to be applied subject to certain requirements being met. This notwithstanding, it is recommended that the wording of this requirement be modified to include a reference to the Department of Primary Industries and Regional Development.

Determination: Submission partly upheld.

Submission: 15

Submitted by: Vanessa Corunna (Representing the Corunna Family Traditional Owners of Perth and Bushmead Areas)

Summary of Submission: OBJECTION

The submitter objects to the amendment and provides the following comments:

- (a) The submitter does not consider this amendment to be a minor amendment because of National, State and local significance of Aboriginal cultural heritage, flora, fauna, greenway values not being recognised or protected in the amendment.

The submitter considers these values to be of National environmental significance and should not be dismissed as being of minor consequence. The Federal Minister Dr Kemp was very aware two decades ago of the National Environmental Significance when Bushmead was proposed for sale. The Minister disallowed this because of National Environmental significance values which were subsequently stated in the heritage lists for areas of Commonwealth/National heritage. The Commonwealth Government at this time recognised the proper detailed archaeological work appropriate for this site had not been adequately completed for an area where extensive artefacts and knowledge of ceremonial activity was carried out.

- (b) The submitter is concerned that the impacts of this current development proposal are very poorly understood and not properly appreciated or investigated in the reports. The proposal will have unacceptable impacts on Aboriginal heritage values and flora, fauna and regional greenway linkage values of National Environmental Significance. There is an important cultural corridor along Kadina Brook and Adelaide Street to Redcliffe.
- (c) A sale proposal was considered by lawyer Peter Marks in an Aboriginal Heritage Declaration for Federal Minister Dr Kemp over twenty years ago. Peter Marks spoke to the Nyoongar Circle of Elders, found considerable substance in their concerns and disallowed the sale. My parents attended the Circle of Elders meeting with Peter Marks.
- (d) Thirty years ago, three environmental reports for that time included a HGM report (1991) with very good appendices, a HGM supplementary report (1992), and also a report by Danes and Moore (1989). While the environmental studies were being done, numerous artefacts were found along Kadina Brook and in the vicinity of the transport centre and elsewhere along the southern boundary. This drew the attention of Authorities to the need for a major investigation in support of perceptions that the Transport Centre was a ceremonial site. The cultural information in the more recent Environmental Assessment Report for the Bushmead Local Structure Plan (RPS, 2014) shows this area as a ceremonial site and the area with scattered artefacts.
- (e) Reports that the current amendment relies on present the threatened ecological community (areas of National Environmental Significance) vegetation as being very degraded. This is a distortion and is not true. Perth has had a drought for the last 40 years. The soil has a high clay content. These threatened ecological communities occurrences remain very vulnerable. The misrepresentation of the health of these communities is unacceptable and must not lead to bad and unsustainable extinctions.
- (f) The consultant reports on the fauna of the area lists are incomplete. Michael Brooks and Penny Hussey completed flora and fauna papers (2000, published by the Naturalist Club in WA) show this area has many rare and migratory species that are not properly considered in the report for this assessment. This area has all three Black Cockatoo species flying through daily. Has the range of Cuckoos found in Perth (Black faced Cuckoo Shrikes, Sacred Kingfisher, Sea Eagle, Australasian Reed Warblers, all of which have cultural significance) and have not been properly considered or properly treated at all in the any of the supporting documentation. Our people advised Dr Kemp through his lawyer Peter Marks that this area is culturally significant to us and the proposal here is at odds with the respect that Dr Kemp showed two decades ago.
- (g) The report ignores the significance of the Adelaide Street Greenway. This is unacceptable. Corridors that allow cultural passage to the Swan River and Hazelmere Lakes remain important for the traditional owners of Perth. The submitter understands that the Federal Government required the developer of the Bushmead Estate to pass over the covenanted areas into National Park within six years.

- (h) The Environmental Protection Authority (1983) long proposed Helena Valley National Park in the System 6 study have not yet in 2020 been established. The Gooseberry Hill Regional Open Space in 2020 has not yet been added to the Helena Valley or Gooseberry Hill National Parks. The covenanted Bushmead high conservation and culturally important land in 2020 has not yet become part of the Helena Valley National Park. The submitter also notes recent reports of heavy machinery/excavator works in revegetation areas of the covenanted land at Bushmead.
- (i) The submitter requests that the State Government use this occasion to recognise and protect the special Aboriginal heritage sites of the Darling Range Regional Park north of Gooseberry Hill Road and add them to Helena Valley National Park.
- (j) The submitter requests that the rezoning of the transport area in the south-west of the old Bushmead site be rejected. The submitter also states that this area was previously recognised as a heritage area by the Federal Government and that they wish for it stay this way and become part of the, needing to be declared, Helena Valley National Park as has long been proposed.
- (k) The submitter states that protecting the greenways in this area will protect many Aboriginal heritage sites in the long-term.
- (l) The submitters recommends that the proposed Helena Valley National Park should be named Boya Ngura National Park.
- (m) The submitter would like the opportunity to present their views.

Planning Comment:

- (a) Refer Part 6.6 Substantiality of the amendment.
- (b) Refer Parts 6.1 Traffic and Transport Planning, 6.2 Environmental Impacts, 6.3 Kadina Brook and 6.4 Aboriginal heritage.
- (c) Noted.
- (d)(k) Refer Part 6.4 Aboriginal heritage.
- (e)(g) Refer Parts 6.2 Environmental impacts and 6.4 Aboriginal heritage.
- (h)(l) The establishment and inclusion of land within the Helena Valley National Park and the changing of its name are beyond the scope of the assessment of the current amendment.
- (m) Noted. The submitter was advised of the opportunity to request a deputation to the WAPC.

Determination: Submission dismissed.

Submission: 16

Submitted by: *Name removed at the request of the submitter* (Local Resident)

Summary of Submission: OBJECTION

The submitter objects to the amendment and provides the following comments:

- (a) Any more development of high density development that we have just had recently is detrimental to the environment, lifestyle and my reason for moving to this area, so any new development would destroy the way of life that the submitter originally moved here for.
- (b) Even now the increase in traffic is becoming a concern, so any more development would impact severely on our way of life.
- (c) The environmental impact has been seen with the continuing carnage of kangaroos on Midland Road, and the destruction of trees has increased the impact on the wild bird population. The submitter would love to see the area left as it is.

Planning Comment: Refer Parts 6.1 Traffic and transport planning, 6.2 Environmental impacts and 6.5 Amenity impacts.

Determination: Submission dismissed.

Submission: 17

Submitted by: Doug McNab (Local Resident)

Summary of Submission: OBJECTION

The submitter objects to the amendment and provides the following comments:

- (a) Objection 1 - Lot 912 is defined and allocated as a buffer zone: The amendment area is currently allocated as a buffer zone between the rural residences of south of Sadler Drive and the Lot 911 area now known as Bushmead. The development application is invalid.

In 2014, Lot 911 (the lot north of the amendment area) was rezoned and is now known as Bushmead. A number of residents to the south of Sadler Drive objected to the rezoning of Lot 911. To appease these residents, the land between Sadler Drive and, the then, Lot 911 was allocated to be the setback to provide a buffer from the existing rural lots. To quote the answer of the proponents endorsed by the City of Swan:

“Consistency with the Existing Amenity - Various submissions raised concern that future development of the site for residential purposes would be inconsistent with the prevailing amenity of the surrounding area. Development of the Special Use zones will require the preparation of a structure plan, this will need to designate appropriate densities which will be guided by the requirements to apply appropriate setbacks for bushfire hazard separation and preservation of vegetation.

The land immediately to the west of Midland Road is currently zoned General Rural under the City's LPS 17. That land is identified in the Hazelmere Enterprise Area Structure Plan for future rezoning to Commercial/Light Industrial.

The land to the south of Sadler Drive within the Shire of Kalamunda is zoned Rural under the MRS and Rural Bushland in accordance with the Shire of Kalamunda Local Planning Scheme No. 3 and has a density of R2.5. The area is characterised by lots between 4,000 m² and 1 ha. The Southern Cell is located between 130 m – 400 m from properties south of Sadler Drive. It is considered that this setback which is

characterised by dense vegetation will provide an adequate buffer from the existing rural lots."

- (b) Objection 2 - Rezoning to Urban and Urban Deferred is not appropriate: Rezoning Lot 912 to Parks and Recreation would be much more appropriate and in keeping with the land's present purpose and usage of the environment.

In the documents provided by the WAPC, the EPA has not objected to the amendment, but the EPA has published objections to the City of Swan proposal to amend the Local Structure Plan as it applies to this same land. The EPA objection to the LPS amendment is because the proposed LPS amendment has not been informed by an updated flora and vegetation and fauna survey (To quote the EPA 'updated flora and vegetation and fauna surveys should be undertaken consistent with the EPA technical guidance to determine the values present and inform the appropriate management of impacts to these values'). The proper action is to reject the Section 57 amendment at this time. At some time in the future, when the EPA technical guidance has been fully investigated and the land is fully and appropriately assessed, then an amendment to the MRS could be considered in the light of full information about the land.

- (c) Objection 3: The WAPC must give proper consideration to all the matters that affect the land in question before deciding on the rezoning classification. However, without the full input of the EPA this consideration will be missing and therefore the proposal has to be rejected. The WAPC proposal makes no endeavour to address these EPA matters. To quote the EPA in the documents supplied:

"In addition to the proposed retention of the FCT 3c TEC, the EPA would support the additional retention of flora and vegetation through the future stages of planning, informed by the surveys discussed above. Any proposed conservation areas should be consistent with the guidelines described in EPA Environmental Protection Bulletin No. 20: Protection of naturally vegetated areas through planning and development."

Additionally, the WAPC proposal makes no reference to including any consideration by the Department of Biodiversity, Conservation and Attractions, so the proposal is incomplete and deficient, and therefore has to be declined.

- (d) Objection 4: Constraints to the development, as identified by the City of Kalamunda, are extensive and encompass the whole site such that alteration to Urban and Urban Deferred will be very difficult if not impossible.

The City of Kalamunda will be submitting to the WAPC a series of matters that need to be fully addressed as part of the process of consideration for the future use of the land. Whilst the City of Kalamunda does not object to the amendment, it points out a number of constraints that should be met by the planners. These constraints include additional setback distances, tree retention, landscaping, large lot sizes, and the minimisation of impacts on fauna including Quenda, possums, carpet python and Black Cockatoos.

- (e) Objection 5 - A plea for an alternative consideration: Lot 912 flora is suffering from dying trees, thinning vegetation, ingress of weeds and generally looks neglected and degraded, but that does not mean that the only way forward is to clear fell the site and replace it with high density housing and roads. A ground level inspection of the site reveals there are portions of the bush that is healthy and thriving. The fencing of the south end of Kadina Brook creek line by Cedar Woods at Lot 911 has left no access for the kangaroos to reach the better, ground dwelling vegetation along the

creek line. The fencing has protected the vegetation from grazing kangaroos and quenda.

The Australian Army occupation of the site for a very long time has left significant damage to the land. An alternative proposal for the area would be to clear away the remnant army facilities and roads, restore the contours of the surface to allow water to be absorbed into the ground and revegetate with suitable species able to survive the drying climate and falling water table in the area. Instead of using the degraded nature of the site as a reason to clear the site and build housing, a clean-up and restoration project could invigorate and enhance the bushland. The property can then be assigned to the care and stewardship of Parks and Wildlife [now known as Department of Biodiversity, Conservation and Attractions (DBCA)].

After 34 years of living across the road from the site, I have witnessed the gradual degradation and destruction of the area. I would like to hope instead of someone ticking a box to approve more of the same sort of destruction and renewal to a built environment, that there will instead be foresight to improve the site for the long-term. For a Department as large as the WAPC this is a small site of low significance, but the site has other less commercial values and could be an add on to the other landholdings of DBCA that are close by including the Gooseberry Hill National Park and Bush Forever Site 213.

Planning Comment: Refer Parts 6.1 Traffic and Transport Planning, 6.2 Environmental Impacts, 6.3 Kadina Brook and 6.5 Amenity Impacts.

Determination: Submission dismissed.

Submission: 18
Submitted by: Mary McNab (Local Resident)
Summary of Submission: OBJECTION

The submitter objects to the amendment and provides the following comments:

- (a) Neighbourhood amenity and compatibility: Urban development is not compatible with the lifestyle of residents in the Rural and Rural Residential zones in adjoining City of Kalamunda. Objections to the urban development currently occurring in the adjoining Special Use zone Lot 911 Midland Road were presented to a meeting of the City of Swan Council on 28 May 2014. They were rejected with the statement *'The proposed zoning is consistent with the surrounding development within Mundaring and Kalamunda. The southern cell is located greater than 200 m from the Kalamunda R2.5 zoned land with lower densities proposed on the periphery of the development. Any development within the cell will be buffered by the vegetation which will remain in the Parks and Recreation Reserve. Additionally those lots on the eastern boundary are zoned R15 and will have a vegetation buffer as a transition'*. An urban density of R25-R60 soon to be developed in the southern Bushmead cell is not compatible with existing R2.5 development in the adjoining City of Kalamunda and should not be extended in Lot 912. Importantly, rezoning of Lot 912 to Urban removes the 200 m buffer put in place in the above amendment in 2014.
- (b) Environmental destruction: The loss of Jarrah and Marri in the area has been significant in recent years. Residents in the R2.5 Rural Residential zone continue to remove dead and dying Jarrahs and Marris. Lot 912 and the Sadler Drive road verge

have been become degraded with the death of these trees and understorey plants. Retaining trees in Lot 911 and the proposed Urban Lot 912 will be even more difficult while there is Jarrah Dieback, Marri Canker, lowered water table and human damage due to development. The remaining 'Threatened Ecological Community (TEC) - *Corymbia calophylla* over *Xanthorrea preissii* woodlands and shrublands' in the area will be under greater threat by urban development. Loss of these plants is a threat to the Black Cockatoos (threatened species) which roost and forage for food in the rural residential Maida Vale and Lot 912. Dead mature trees pose a danger for urban development but are vital for roosting and nesting and need to be retained.

Kangaroos and quenda (threatened species) have been displaced by the development of Lot 911. They now feed in large numbers on properties along Sadler Drive and Quendas are now breeding in gardens. Further displacement will occur with the imminent development of the southern Bushmead cell. The proposed urban development of Lot 912, which is part of the wildlife corridor between Bush Forever and Gooseberry Hill National Park, will further threaten these and other animals.

Rezoning of the land to Parks and Recreation in the MRS followed by replanting of trees and understorey plants native to the area would reduce the threat on the environment while providing habitat for threatened species and safer movement of animals between existing bushland areas.

- (c) Traffic issues: The latest traffic impact assessment [for the locality?] in 2014 deemed roads and intersections in the area to be suitable for future traffic volumes. Maida Vale residents are yet to experience their local road, Sadler Drive, become a neighbourhood connector road for the southern cell of Bushmead, with no plans to provide footpaths or bike paths for resident safety. Rezoning Lot 912 to become Urban with residential development like Bushmead is of great concern due to added traffic. In such developments, shopping, education, health and recreation facilities are not available locally and residents need to travel to these needs and jobs. With a limited bus service there will be an increase in traffic. This traffic should be considered before rezoning Lot 912 to Urban and Urban Deferred.

Planning Comment: Refer Parts 6.1 Traffic and transport planning, 6.2 Environmental impacts, 6.3 Kadina Brook and 6.5 Amenity impacts.

Determination: Submission dismissed.

Submission:	19
Submitted by:	Maxine McWalters
Summary of Submission:	COMMENT

The submitter provides the following comments on the amendment:

- (a) A petition was submitted to the City of Kalamunda by the residents of Priory Road, Maida Vale which raised concerns with traffic safety and management.
- (b) The comments herewith are intended to give an insight as to the current and on-going traffic concerns of a road in close vicinity to Midland Road, Bushmead and any proposal or likely future urban development in Bushmead will no doubt impact Priory Road with traffic heading to/from the future High Wycombe Train Station, hence increasing the traffic which is now an issue given it is currently at maximum capacity.

- (c) Priory Road is currently used as a short cut for many commuters and once the new bridge at the intersection of Kalamunda Road and Roe Highway and the new High Wycombe Train Station is complete this may likely prove more problematic.
- (d) We have made a submission/petition for discussion which will be tabled at the City of Kalamunda Briefing Forum on 9 June 2020 and will likely be discussed at the next meeting of the City of Kalamunda on the 23 June 2020 for final considerations and discussions. Reference relating to our notes/petition is available for public view in the latest City of Kalamunda Council Agenda.
- (e) Please know that my main reason for making a submission is to advise you of our submission with the City of Kalamunda, given that you may not of otherwise been aware and to voice concerns of any future traffic impacts on Priory Road, Maida Vale.

Planning Comment: Refer Part 6.1 Traffic and transport planning.

Determination: Submission dismissed.

Submission: 20

Submitted by: Penelope Mewett (Local Resident)

Summary of Submission: OBJECTION

The submitter objects to the amendment on the following grounds:

- (a) Traffic conditions at Sadler Road at present are dangerous. It is a narrow winding road, with one complete right angle corner, lined with huge trees at the road's edge. When the construction of the new road into the southern cell of Bushmead Estate is complete, this will further worsen the traffic problem. By developing Lot 912 Midland, this will make the traffic impossible.

Many cars use Sadler Drive as a main road from Kalamunda to Midland. It is near impossible to turn right at the end of Sadler Drive onto Ridge Hill Drive in the mornings due to the speed cars travel down Ridge Hill Road and the poor visibility due to the bend in the road. There are already a number of slow portions on Sadler Road which are not effective. One recommendation would be to make Sadler Drive a no through road. If the new development at Lot 912 does go ahead, access to this development should not be from Sadler Drive.

- (b) Wildlife has been critically impacted by development in the Bushmead Estate. Further development of the amendment area will continue to drive the kangaroos onto the road and the golf course. Especially throughout summer many kangaroos are killed each week from collisions with cars on Sadler Drive and Midland Road, making it dangerous for drivers and wildlife.
- (c) Development of the amendment area will greatly reduce the integrity of existing properties in the Darling Fields Estate. Currently our properties are all one acre properties with single dwellings. A densely populated development within the amendment area would significantly reduce property values.
- (d) The endangered Black Cockatoo habitat will be significantly reduced by development of the amendment area.

- (e) There is no footpath on Sadler Drive. The increase in traffic will make Sadler Drive a danger to pedestrians. A footpath needs to be constructed along Sadler Drive.
- (f) Increase in development will put more pressure on the local primary school. Many residents in Maida Vale are already struggling to find a place for their children in kindergarten and pre-primary, and have to travel to Helena Valley Primary School.

Planning Comment:

- (a)(c) Refer Parts 6.1 Traffic and transport planning, 6.2 Environmental impacts and 6.5 Amenity impacts.
- (e) Dismissed. The provision of footpaths within the amendment area and in adjacent area is a matter which is beyond the scope of the MRS amendment process and is a matter which is most appropriately addressed in subsequent stages of the planning process, where appropriate.
- (f) Dismissed. The demand generated for primary schools by the future development of the amendment area and the need for additional school sites is considered in the subsequent structure planning stage of the planning process. In this respect, the Department of Education advises that a primary school site may need to be provided as part of any future structure planning of the amendment area.

Determination: Submission dismissed.

Submission: 21
Submitted by: City of Swan
Summary of Submission: COMMENT

The City advises that the Council considered the amendment at its 9 June 2020 meeting and resolved to advise that it:

- has no objection to the amendment;
- considers Special Use Zone No. 14, and not the Residential Development zone, to be the most suitable land use classification for the amendment area in its *Local Planning Scheme No. 17*;
- does not request or support the concurrent amendment of *Local Planning Scheme No. 17*; and
- will consider initiating an amendment to *Local Planning Scheme No. 17* once the outcome the amendment to the MRS is known.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 22

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

Summary of Submission: COMMENT

The Department advises that the previous advice provided on the amendment, dated 10 July and 19 September 2017, is still considered relevant to the amendment and therefore no further comments are considered necessary at this stage.

The previous advice on the amendment provided comment on the following matters:

- (a) Corymbia calophylla: Xanthorrhoea preissii woodlands and shrublands (SCP 3c) - a flora and vegetation survey identified an area of very good quality vegetation of this floristic community at the northern end of the amendment area. This floristic community is considered to be a threatened ecological community (TEC), is a State endorsed TEC, and is listed as endangered under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* (the EPBC Act). Any proposal which has the potential to impact on this TEC occurrence would require referral to the Environmental Protection Authority (EPA) and the Commonwealth Department of Agriculture, Water and the Environment.
- (b) Matters of National Environmental Significance: As identified in the flora and vegetation survey undertaken by PGV Environmental, the amendment area contains predominantly *Corymbia calophylla* and *Eucalyptus marginata* over grassland of weeds. Due to the native vegetation clearing required to facilitate future development, the Department considers there may be an impact to the breeding and foraging habitat of threatened species listed under State and Federal legislation such as Carnaby's Black Cockatoo, forest red-tailed Black Cockatoo and Baudin's Black Cockatoo. Planning for the proposed development should make provision to retain as much of this habitat as possible, identify and quantify habitat which will be lost, and consider if offsets may be required to mitigate any residual impacts on this habitat.

Consideration should also be given to the obligations for assessment of the proposal in accordance with the *Wildlife Conservation Act 1950* and the EPBC Act. The proponent should contact the Commonwealth Department of Environment and Energy for further information on these responsibilities, prior to future planning stages.

The Department understands that the environmental consultants did not undertake a targeted cockatoo habitat tree assessment of the amendment area. As such, it is recommended that a habitat tree assessment is undertaken at the structure planning stage to identify cockatoo habitat values within the amendment area.

- (c) Kadina Brook: Although Kadina Brook is located on the adjacent Lot 911 and is not identified in the Department's Geomorphic Wetlands of the Swan Coastal Plain database, the ephemeral watercourse is recognised in a foreshore management plan for the *Lot 911 Sadler Drive Local Structure Plan*. Given the proposed foreshore extends into the amendment area, the Department supports the recommendation in the proponent's report to prepare and implement a foreshore management plan as an addendum to the original plan as part of structure planning for the amendment area.
- (d) Other matters: The Department recognises that the amendment has not been considered as part of the Framework as the amendment area is still designated as 'Public Purposes - Commonwealth Government'. The amendment area was also not

considered by the Strategic Assessment of the Perth and Peel Regions (SAPPR) as it is outside the SAPPR Classes of Action. However, given ownership of the land has transferred from the Commonwealth Government to Landcorp [now Development WA] and the fact that the above planning and environmental documents are still in draft phase, the WAPC should consider whether the amendment area should now be included in the SAPPR process.

- (e) Black Cockatoo habitat: The amendment area contains foraging, and potential roosting, habitat for Black Cockatoos which will need to be considered later in the planning process. The EPA has a role in determining the level of significance of the future of this foraging habitat and whether it considers that the impact needs to be formally assessed by the EPA. Additionally, the proponent has been clearly advised by the report's author to consider referring future development proposals to the Commonwealth Department of Environmental and Energy for consideration under the EPBC Act.

Planning Comment

~~(a)(c)~~(e) Refer Parts 6.2 Environmental impacts and 6.3 Kadina Brook.

(d) Noted.

Determination: Submission noted.

Submission: 23 (Late Submission)

Submitted by: Department of Education

Summary of Submission: COMMENT

The Department advises it does not object to the amendment in principle and provides the following comments:

- (a) Requirement for primary school sites: The amendment area falls within the Maida Vale Primary School (MVPS) Local Intake Area (LIA). There are currently 1,643 dwellings within the primary LIA and 310 additional dwellings within the MVPS and Helena Valley Primary School optional LIA. An additional 766 dwellings will be provided in the LIA, as projected in the *Urban Land Development Outlook* (2017) and the *Bushmead Local Structure Plan* area (located adjacent to the northern and eastern boundaries of the amendment area).

Should the amendment area be developed at an average density of 22.2 dwellings per hectare, approximately 530 dwellings would be delivered. This would result in the MVPS accommodating up to 3,248 dwellings within its LIA in the medium to long term, which exceeds the number of dwellings per primary school site recommended by *Development Control Policy 2.4: School Sites*. It is considered that the MVPS would not provide adequate support for student enrolment demand from the projected dwelling yield for the LIA. Accordingly, the Department requires a public primary school site to be provided as part of any future structure planning and subdivision of the structure plan area.

- (b) Requirement for secondary school site: The amendment area falls within the optional LIA of Kalamunda Senior High School and the Darling Range Sports College. These schools are currently operating on a limited operation capacity. As such, the

anticipated increase in the dwelling yield and resultant student yield in the amendment areas will exacerbate the student enrolment pressure on these schools over time. This warrants careful planning consideration to ensure that the anticipated student demand balances with the provision of public secondary schools in the locality.

It is worth noting that there are undeveloped areas in the surrounding locality identified as Planning and Urban Investigation Areas in the *North East Sub-regional Planning Framework*, which may result in significant secondary school student contribution in the long-term. Accordingly, the Department will continue to closely monitor the student enrolment demand on public secondary schools and, if required, identify the suitable number and location of future secondary school sites having regard for the current and potential residential growth in the broader locality.

- (c) Site constraints: The amendment report indicates that the amendment area may contain the following site constraints: approximately one hectare of a threatened ecological community, a large number of marri and jarrah trees and breeding and foraging habitat for Black Cockatoos. A school site will only be supported by the Department where it is clearly demonstrated that there are no significant constraints which would prevent a school site being delivered in the future.
- (d) The Department would welcome the opportunity to liaise with the Department of Planning, Lands and Heritage, the City of Swan and the proponent directly to appropriately forward plan for the future demand of primary school sites in the area.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 24 (Late Submission)

Submitted by: Department of Biodiversity, Conservation and Attractions,
Rivers and Estuaries Branch

Summary of Submission: COMMENT

The Department provides the following comments on the amendment:

- (a) Threatened Ecological Community (TEC): The site contains one hectare of a TEC mapped as Floristic Community Type 3C 'Corymbia calophylla over Xanthorrhoea preissii woodlands and shrublands' located in the northern part of the site. The Amendment Report states that the area containing this TEC should be set aside for conservation purposes, but it also suggests the concurrent amendment of the *City of Swan Local Planning Scheme No. 17*, which is the planning mechanism required to provide conservation zoning for the area. The Department does not support this approach, as a separate local planning scheme amendment would provide the opportunity to retain and enhance the ecological values of the TEC by outlining the management requirements for the area and ensure it is protected from adjoining development.
- (b) Kadina Brook: Kadina Brook runs adjacent to the amendment area, and the provision of a minimum 30 metre wide foreshore reserve will result in a portion of the reserve protruding into the amendment area. It is acknowledged that a foreshore management plan is intended to be prepared at the structure planning stage, however, considering the land is currently owned by the State, the portion of foreshore reserve within the

amendment area could be reserved Parks and Recreation in the MRS by the current amendment. This would keep the reservation of the land consistent with that of Lot 9000 which contains and would provide further protection to vegetation in this reserve.

The vegetation in this future reserve will need to be considered within preparing the bushfire management plan for the area. In this respect, the Department would not support removal of native vegetation within the foreshore reserve, and it is expected that this area would be rehabilitated. It is requested that any future bushfire management plan or foreshore management plan is provided to the Department for comment.

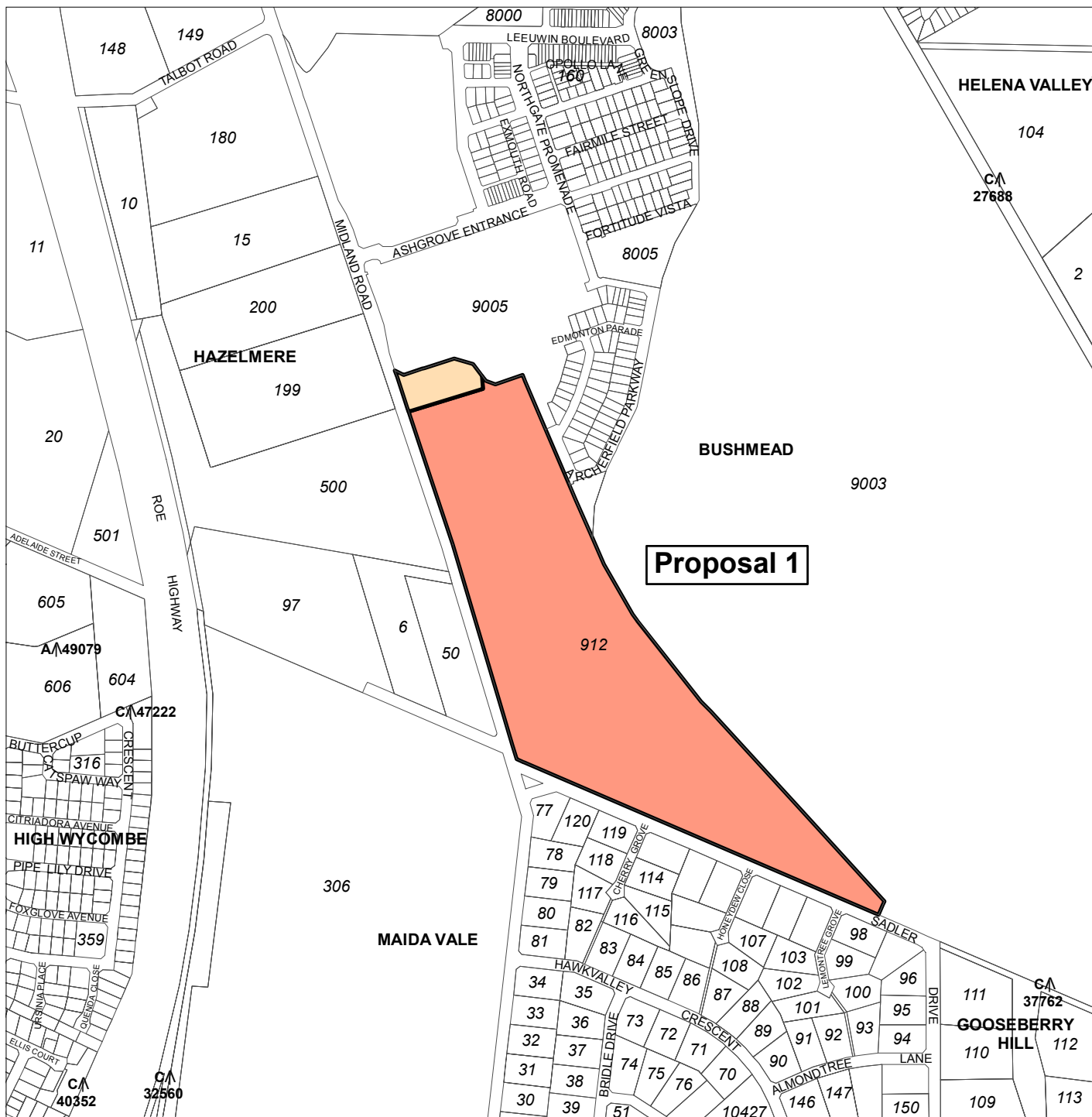
- (c) Overall, the Department is unable to support the amendment in its current form, particularly the concurrent amendment. It is recommended that the amendment to LPS 17 be processed separately to ensure that the TEC area is zoned to an appropriate conservation zoning with appropriate provisions in the scheme text. It is also recommended that the amendment be modified to include the Parks and Recreation reservation in addition to the Urban and Urban Deferred zonings in order to incorporate the Kadina Brook foreshore reserve. These modifications will provide the opportunity to ensure that the TEC and the Kadina Brook foreshore reserve are appropriately protected.

Planning Comment: Refer Parts 6.2 Environmental impacts and 6.3 Kadina Brook.

Determination: Submission partly noted, partly dismissed.

Schedule 3

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



Lot 912 Midland Road, Bushmead
Proposed minor amendment
as advertised

11 December 2019

Proposal 1

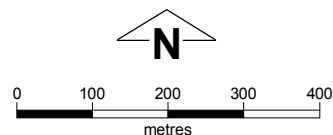
Proposed Amendment:

- Urban zone
- Urban deferred zone

Oracle reference no: 2963
 File number: 833/02/21/0128
 Version number: 3



Date: 13/12/2019
 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

**Metropolitan Region Scheme
Amendment 1366/57
Lot 912 Midland Road, Bushmead**

as advertised

Amending Plan 3.2752

Detail Plans

1.6266, 1.6267, 1.6281, 1.6282

Submissions

Response ID ANON-W35G-YBQD-P

Submitted to **MRS Minor amendment 1366/57 – Lot 912 Midland Road, Bushmead**
Submitted on **2020-04-01 14:02:11**

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:

Maida Vale

6 Contact phone number:

phone number:

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

Oppose

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:

We DO NOT support this. All this development you are doing around the foothills is destroying the area and for what, more rates?

You will completely disrupt and destroy what is currently a lovely and quiet estate. People have moved here to live a quiet lifestyle while maintaining close proximity to the city. The development further down Midland road is so disappointing. You have allowed people to build large houses on tiny blocks in order to fit as many people as possible in the estate and you have done this during a period of saturation in the housing market.

The other issue I have with this is the wildlife. You have already destroyed the land in a good part of this area and now you want more. The lot you are proposing to destroy is occupied by loads of kangaroos and I am sure, other wildlife.

We moved here 2 years ago for a quieter life and now you are about to take that away. I watched this happen in many areas of Sydney many years ago and now look at it!

So so disappointed to hear you are considering this.

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Response ID ANON-W35G-YBQB-M

Submitted to **MRS Minor amendment 1366/57 – Lot 912 Midland Road, Bushmead**
Submitted on **2020-04-02 11:52:02**

Introduction

1 What is your first name?

First name:

Lisa

2 What is your surname?

surname:

Begg

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:

lisabegg@iinet.net.au

5 What is your address?

address:

41 Bridle Drive Maida Vale

6 Contact phone number:

phone number:

0419936006

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

Oppose

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:

I oppose this submission as this area is not equipped for more urban development. Our roads are not handling the amount of traffic with the Bushmead development as it is.

Our native wildlife are also being endangered by the amount of traffic on Midland road. Everyday there are dead animals over the road.

The visual and noise pollution that this will cause is detrimental to all that live in the Darling Fields estate and we need a small buffer between us and the Bushmead estate.

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Submitted to **MRS Minor amendment 1366/57 – Lot 912 Midland Road, Bushmead**
Submitted on **2020-04-02 12:13:07**

Introduction

1 What is your first name?

First name:

David

2 What is your surname?

surname:

Fielder

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:

dfielder@cpceng.com.au

5 What is your address?

address:

2 Lemontree Grove
Maida Vale

6 Contact phone number:

phone number:

0439917183

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

Oppose

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:

1. When the bushmead estate was first proposed, it was put forward as containing 2 distinct area's, and that it was going to maintain ALL OTHER BUSHLAND on the lot. I see that now this is a third area, and that it borders existing residents who all have 1 – 2.5 acre properties.
2. The reason we bought these properties is that we do not want to live in or next to high density (ie. 400m² blocks) housing, as will most likely be the case should this go ahead.
3. The amount of wildlife we have seen coming onto our properties (Quenda and Kangaroos) has increased significantly since the bushmead development began. This has caused numerous animal strikes on Sadler drive which will only get worse with the introduction of more development in this existing bushland. From the abc article regarding quenda
"Helping quendas before they are at risk. While the quenda is not considered endangered, Dr Baudains said it was important to understand how urban sprawl and the loss of natural habitat had affected them in order to avert potential threats to their population."
4. There is already too much traffic for Sadler drive as this is used as a thoroughfare by everyone from Gooseberry hill travelling to midland or CBD. The 2nd development area in bushmead is already (as far as I understand) going to utilise this road and add even more traffic. If this block goes ahead it will mean even more again.
5. There is a significant natural creek that runs along this area that is home to a lot of ducks in the winter, again high density housing will upset this.
6. If the development is still going to go ahead, can the zoning be inline with existing zoning in the area ie. R2.5
7. If the zoning is intended to be more than this, can a buffer distance be put it of 100m (typical block length +20m) from sadler drive before the building envelope. I would also suggest another road be put in that has direct access to Midland road, rather than utilising Sadler drive.

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Submitted to **MRS Minor amendment 1366/57 – Lot 912 Midland Road, Bushmead**

Submitted on **2020-04-02 16:33:29**

Introduction

1 What is your first name?

First name:

Glen

2 What is your surname?

surname:

Farrall

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:

Glenthen@gmail.com

5 What is your address?

address:

24 priory road maida vale

6 Contact phone number:

phone number:

0477 829 998

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

Oppose

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:

Insufficient emphasis on impact of extra traffic in surrounding areas.

Specific to my opposition is that the proposed area (like bushmead) has only indirect access to roe Hwy. This causes a very high amount of traffic to travel from midland road to priory road and on to roe highway.

This is because it is easier to turn left and immediately change lanes (in front of the primary school) and then turn right onto priory. This is done instead of turning right on Kalamunda Rd and accessing the highway.

The priory road / Kalamunda road intersection is insufficient to handle the extra traffic created by this pattern of behaviour. Building another residential area would make this intersection, and the bend further along priory road extremely dangerous.

In my opinion, priory road should be cut off from Kalamunda road. This would divert the traffic to the traffic lights at either roe highway or Hawtin road.

I support bringing more people to the area, although the road system must mature as changed are approved or lives will be lost.

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Submitted to **MRS Minor amendment 1366/57 – Lot 912 Midland Road, Bushmead**
Submitted on **2020-04-08 09:25:55**

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:

6 Contact phone number:

phone number:

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

Oppose

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:

This amendment should not go ahead as the area can barely support the Bushmead residential area.

In the last two years since Bushmead has ramped up with building the traffic on Midland Road is not sustainable for a small urban road.

The noise pollution from the amount of traffic is unbearable for residents living in Darling Fields estate.

The intersection of Kalamunda Road and Midland Road is a massive black spot due to the increase in road traffic and to add to this is unforgiveable.

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Submitted to **MRS Minor amendment 1366/57 – Lot 912 Midland Road, Bushmead**
Submitted on **2020-05-05 10:33:59**

Introduction

1 What is your first name?

First name:

Maria

2 What is your surname?

surname:

English

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:

marjoenglish@yahoo.com.au

5 What is your address?

address:

12 Priory Rd., Maida Vale

6 Contact phone number:

phone number:

0429 943 452

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

Oppose

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:

There is not enough discussion or planning in the proposed amendment about the impact of the traffic flow that will substantially increase along Midland Rd and surrounding areas!

There is already a huge increase of traffic along the section of Kalamunda Road from the intersection of Midland Rd. to Priory Rd.

This is because it is more convenient to turn left and then immediately turn right into Priory Rd., in front of Maida Vale primary school, instead of turning right and accessing Roe Highway!

The intersection of Priory Rd/Kalamunda Rd. is already experiencing a huge increase of traffic volume since the Bushmead development was commenced and also while the Roe H'way/Kalamunda Rd interchange works are in progress.

Priory Rd. residents have been campaigning for 20 + years to have the traffic flow deviated away from Priory Rd.

Priory Rd will not be able to cope with the huge increase in traffic and the extreme bend in the road is very dangerous.

It is also a school zone! And an accident is waiting to happen!

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Your ref 833-2-21-128 Pt 1 (RLS/0862)
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 MINOR AMENDMENT 1366/57
LOT 912 MIDLAND ROAD, BUSHMEAD**

Thank you for your letter dated 24 March 2020, inviting comment on the above proposal to rezone from the 'Public Purposes – Commonwealth Government reservation' to the 'Urban' and 'Urban Deferred' zones.

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



Our Ref: D14180
Your Ref: 833-2-21-128 Pt 1 (RLS/0862)

Brett Pye
Department of Planning, Lands and Heritage
MRS@dplh.wa.gov.au

Dear Mt Pye

**RE: METROPOLITAN REGION SCHEME MINOR AMENDMENT NO 1366/57 – LOT 912
MIDLAND ROAD, BUSHMEAD**

I refer to your email dated 25 March 2020 regarding the submission of a Bushfire Management Plan (BMP) (Revision B) prepared by Strategen and dated 29 May 2020, for the above proposal.

It should be noted that these comments relate only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

- DFES supports the intensification of land use in this location given the continuation of residential zoned land to the east of the site.
- However, the Subdivision Concept Plan (Appendix 1 of BMP) submitted in support of the amendment does not demonstrate compliance with the bushfire protection criteria, including the provision of cul-de-sac design without demonstration that an alternative design option such as a loop road does not exist.
- DFES encourage the Department of Planning, Lands and Heritage in consultation with the City of Swan to ensure that further consideration is given to bushfire protection at subsequent planning stages, to reduce the vulnerability of dwellings and residents from the impact of a bushfire, and to ensure compliance with SPP 3.7 and the Guidelines.
- The following assessment is intended to guide subsequent planning stages.

1. Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location & Siting and Design	<p>A1.1 and A2.1 – not demonstrated</p> <p>The indicative road layout as depicted in Appendix 1 of the BMP has predominantly optimised hazard separation through the provision of public roads/laneways or managed public open spaces between the bushfire hazard and proposed development.</p> <p>The BMP statement in Table 4 states that <i>the post-development BHL assessment (Figure 5) identifies that on completion of development, all developable land will comprise either a Low or Moderate bushfire hazard level, which will meet compliance with acceptable solution A1.1</i>. DFES notes the BAL Contour Map identifies numerous areas of the site exposed to BAL-40/BAL-FZ which does not demonstrate compliance with A1.1.</p>	<p>Modification required at subsequent planning stage.</p> <p>Adequate hazard separation should be provided to ensure compliance to Element 1 – Location and Element 2 – Siting and Design.</p>
Vehicular Access	<p>A3.1 – comment</p> <p>Notwithstanding that the lot layout is to be confirmed an indicative road layout has been identified that warrants due consideration.</p> <p>Two access routes have not been demonstrated for proposed lots to the northern-most and southern-most portions of the site. Lots to the northern-most portion are reliant upon future development of land denoted in the BMP as Cedar Woods development, the timing of which is unknown. Lots in the southern-most portion of the site are accessed via a non-compliant cul-de-sac.</p>	<p>Modification required at subsequent planning stages.</p>
Vehicular Access	<p>A3.3 Cul-de-sac – does not comply</p> <p>DFES acknowledges the concept plan submitted in support of the amendment is likely to change at subsequent planning stages. However, DFES does not support the justification for non-compliance to this acceptable solution, particularly where no existing legacy development exists. The justification does not substantiate why the cul-de-sac design cannot be avoided, for example by providing a loop road.</p>	<p>Modification required at subsequent planning stages.</p>

Recommendation – supported subject to modifications

The BMP has adequately identified issues arising from the bushfire hazard level assessment and considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages.

However, minor modifications (as detailed in the table above) to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the MRS amendment, DFES recommends the amendment proceed and the applicant be advised that these modifications be undertaken to support subsequent stages of the planning process (structure plan, subdivision and development applications).

If you require further information, please contact me on telephone number 9413 3715.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Joel Gajic', with a stylized, flowing script.

Joel Gajic
Senior Land Use Planning Officer

25 May 2020

CC Marija.Bubanic@dplh.wa.gov.au



mainroads
WESTERN AUSTRALIA

Enquiries: Steve Fernandez on (08) 9323 4078
Our Ref: 17/3119 (D20#336734)
Your Ref: 833-2-21-128 Pt 1 (RLS/0862)

24 April 2020

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

Email: mrs@dplh.wa.gov.au

Dear Sir/Madam

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1366/57
LOT 912 MIDLAND ROAD, BUSHMEAD**

I refer to your correspondence received on 1 April 2020, initiating the above amendment to the Metropolitan Region Scheme and is seeking public comment.

Main Roads has now had the opportunity to review the information provided and can confirm we have no objection to the proposed amendment.

Main Roads requests a copy of the WAPC'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



18th May 2020

mrs@dplh.wa.gov.au

Submission on proposed MRS Amendment 1366/57 to transfer 23.89 ha, Lot 912 Midland Road Bushmead from Public Purposes – Commonwealth Government reservation to the Urban and Urban deferred zones.

The Urban Bushland Council WA Inc. (UBC) made comment to the developer Cedar Woods Properties Limited in June 2013, so we have had an interest in the Bushmead site since that time. In our submission we stated

‘To see conservation provisions being made more or less on site or in the immediate vicinity of development is refreshing and it is a model we would prefer to see as the standard rather than the exception.’

‘The Lot 911 proposal does protect valuable portions of this remnant habitat and the Commonwealth would be well advised to insist on such “on-site” conservation provisions being made with respect to other development proposals affecting the eastern side of the Coastal Plain’

However, this most recent proposed MRS Amendment 1366/57 to rezone Lot 912 Midland Road is not supported.

The UBC strongly recommends that the area of 23.89 ha of Lot 912 Midland Road which is adjacent to Bush Forever site 213 and to Kadina Creek, and contains mature native Marri, Jarrah and other native trees, be protected from development by amending the zoning to Parks and Recreation (P&R) for the purpose of conservation of nature and passive recreation only, no other uses permitted.

Further, it is recommended that the whole area of 23.89ha be added to Bush Forever site 213.

The EPA identified and gave advice on four factors in this MRS amendment proposal:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings (Poultry Farm)

Flora and Vegetation

- 1.) **TEC:** The area contains one hectare of the TEC, Floristic Community Type SCP3c – ‘*Corymbia calophylla* over *Xanthorrhoea preissii* woodlands and shrublands’ in the northern part of the site. This vegetation community is listed as ‘Endangered’ under Federal legislation and as ‘Critically endangered’ under State legislation.
The UBC agrees with the EPA’s advice that “*The TEC should be set aside for conservation purposes.....*” (p4 EPA).
- 2.) **Forrestfield Complex vegetation:** Most of the Marri, Jarrah and native trees on the site are mapped as Forrestfield Complex vegetation and the EPA notes that this complex has only ‘12.3% of its original extent remaining.’ (EPA Advice 13 Jan 2020, MRS document). This does not accord with S16 advice given by the EPA to the Minister in ‘*Perth and Peel @ 3.5million*’ July 2015: In this document the extent remaining in the Perth Peel region 2015 is 10.3% and the cell containing the 10.3% is coloured burnt amber that represents ‘*Vegetation complexes with less than 10% of pre-European extent remaining within the PPR.*’ (p113). Only 2.5% of the Forrestfield Complex is preserved in the Perth Peel Region (PPR) in ‘Region Schemes, P&R or ROS’ remains. In the column ‘PPR Secure for conservation’ only 1% remains.

With only 1% of the Forrestfield Complex secure for conservation from what previously existed, it is obvious that we, as a society need to desperately protect what remains. Therefore this whole area must be retained and legally protected.

As stated in EPA Bulletin number 20, '*Protection of naturally vegetated areas through planning and development*': '*The best places to protect naturally vegetated areas are where they occur*'.

On these grounds alone, it is recommended that the MRS Amendment be refused; and further, that this area be added to the adjacent Bush Forever site.

3) Greenway 49: Bush Forever site 213 is '*part of a regionally significant fragmented bushland/wetland linkage*', (Bush Forever Vol 2 p 142) - Greenway 49. Protection of the proposed amendment area will avoid contraction of the Greenway.

Therefore it is recommended that the MRS Amendment on these grounds alone be refused.

Terrestrial Fauna

4) Black Cockatoo habitat: The MRS document states that '*Development of the amendment area may impact on breeding and foraging habit for threatened Black Cockatoo species.*'

Considering how developers prepare a site for residential and related land usage, the UBC does not have confidence that the advice '*Provisions should be made to retain as much of this habitat as possible in subsequent stages of the planning process,...*' will be effective, and we do not accept that possible '*offsets may mitigate any impacts.*' Indeed this is nonsense as mature trees will be lost and this will be a net loss of Black Cockatoo habitat.

The probable loss of most if not all of the mature native trees on site is an example of how each loss of our urban forest contributes to the cumulative loss. The ability of species to survive into the future is made more difficult. Opportunities for endangered species such as black cockatoos to feed and breed are yet again reduced. Loss of habitat for the endangered Carnaby's Cockatoo is inconsistent with the approved Recovery Plan for this species, and therefore should not be permitted.

In the UBC's submission to Cedar Woods (June 2013) relating to the previous proposal, (Lot 911), we said "*It is our view that all remaining Black Cockatoo habitat should be regarded as 'habitat critical to the survival of the species.'*" All three species are now endangered.

Inland waters

5) Kadina Brook: The EPA states that '*An appropriate foreshore area would need to be identified over part of the amendment area and a foreshore management plan should be prepared at the local structure planning stage of the planning process*'. (p4)

The part of Kadina Brook in the application area is '*one of the few remaining flow-lines in the area that has not been canalised*' (p 7 Landscape Masterplan Report EPCAD). We support the identification of '*an appropriate foreshore area*' with a management plan.

This means that the foreshore and adjacent buffer zones must be protected as public land in a reserve at this stage of the process.

5.1) Buffers: *The EPA supports the proposed buffer to the waterway being extended into Lot 912 where necessary, through the future stages of planning.'*

The EPA also states that '*The Department of Biodiversity, Conservation and Attraction should also be consulted regarding the interface between the proposed development and Bush Forever Site 312 Bushmead Bushland.*'

Rather than rezoning to 'urban' and 'urban deferred', as proposed, rezoning to Parks and Recreation reservation for conservation would enhance protection of the Bush Forever site and Kadina Creek, as well as benefitting tree retention, flora, fauna and the linkage.

We further recommend that the whole Lot 912 site be added to the Bush Forever Area in the MRS and shown as such on the MRS map.

- 6) Climate change and trees:** Even though much of the proposed site is mapped as ‘Completely Degraded’, the mature native trees – Marri, Jarrah and other native trees - are of significance. The impact of climate change on the South West region of Western Australia will be ‘*more than almost any other place on the planet*’. (Climate Change Issues Paper). **It is therefore essential that vegetation cover is increased, not decreased.**

Further:

Under the MRS document’s ‘4 Discussion ‘Strategic Planning Context’ it is stated (p4) of

‘The North-East Sub-regional Planning Framework (the Framework) forms part of the Perth and Peel@3.5million suite of planning documents.

Whilst the amendment area is not designated as Urban, Urban Deferred, Urban Expansion or Urban Investigation in the Framework, the amendment is still consistent with the intent of the Framework given it is consistent with the key planning framework principles of the Framework, for the following reasons:

- It represents a logical extension to, and rounding out of, the urban form in the locality, given adjacent land is currently zoned Urban or Deferred under the MRS’.*

The UBC maintains that the MRS could just as well have stated that the proposed amendment to conservation of the proposed area represents a logical extension to and rounding out of the conservation area in the locality, given the adjacent land is a Bush Forever site, is adjacent to Kadina Brook and is significant for endangered species. Also being on the foothills of the Darling Scarp, the site presents an extreme fire risk area for housing and this is therefore not a suitable or acceptable land use.

Due to the fire risk location alone, it is recommended that the rezoning be refused, and that Lot 912 be rezoned P&R and be added to the Bushmead Bush Forever Area.

CONCLUSION

1. For the eight reasons described above, the MRS Amendment 1366/57 to transfer 23.89 ha, Lot 912 Midland Road Bushmead from Public Purposes – Commonwealth Government reservation to the Urban and Urban deferred zones should be refused.

2. Instead, Lot 912 should be rezoned to P&R for the purpose of conservation

3. Lot 912 Midland Road Bushmead should be added to Bush Forever site 213 Bushmead and shown as such on the MRS map.

We appreciate the opportunity to provide comments. We will also appreciate the opportunity to meet with the WAPC to discuss these matters.

Yours sincerely



C. Mary Gray
Chairperson, Urban Bushland Council WA Inc.



Your Ref: 833-2-21-128 Pt 1 (RLS/0862)
Our Ref: F-AA-00808/24 D-AA-20/39915
Contact: Vic Andrich (08) 9222 2000

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

Attention: Mr Brett Pye, Principal Planning Officer

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

Dear Ms Fagan

MRS MINOR AMENDMENT 1366/57 – REZONE FROM ‘PUBLIC PURPOSES – COMMONWEALTH GOVERNMENT’ TO ‘URBAN AND URBAN DEFERRED’ – LOT 912 MIDLAND ROAD, BUSHMEAD

Thank you for your letter of 24 March 2020 requesting comments from the Department of Health (DOH) on the above proposal.

The DOH provides the following comment:

1. Water Supply and Wastewater Disposal

The amendment is to require that any development is be connected to scheme water and reticulated sewerage and be in accordance with the *Government Sewerage Policy 2019*.

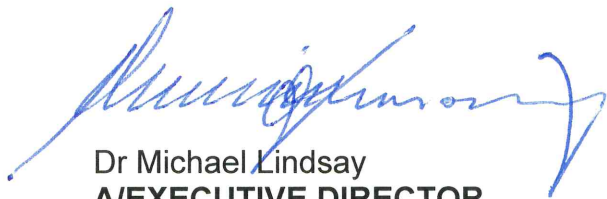
2. Public Health Impacts

The amendment is to acknowledge and incorporate appropriate separation distances in accordance with the EPA Environmental Assessment Guideline (EAG) 3 *‘Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses’*. Available for download from:
http://epa.wa.gov.au/sites/default/files/Policies_and_Guidance/GS3-Separation-distances-270605.pdf

You should also acknowledge the DOH’s *‘Guidelines for the Separation of Agricultural and Residential Land Use’* as a means to help avoid conflict and potential adverse health effects and nuisance impacts from odour, dust and other rural pursuits. A copy is attached or it may be accessed from the WA Health website:
http://ww2.health.wa.gov.au/Articles/F_I/Guidelines-for-separation-of-agricultural-and-residential-land-uses

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

Yours sincerely



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

3 June 2020

Att: Guidelines for the Separation of Agricultural and Residential Land Use

Your Ref: MRS -1366/57

29 May 2020

Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Emailed to: mrs@dplh.wa.gov.au

Dear Sir/Madam,

Proposed MRS Amendment 1366/57 - Lot 912 Midland Road, Bushmead

Thank you for the opportunity to comment on the above-mentioned Metropolitan Region Scheme (MRS) Amendment. The City of Kalamunda (City) submits the following comments for consideration:

Social

1. Existing residents on Sadler Drive are likely to experience changes to their locality as a result of the potential future development of the site. Measures should be taken to ensure the protection of amenity for residents on the south side of Sadler Drive. In this regard, consideration should be given to large lot sizes, additional setbacks, landscaping requirements and tree retention to minimise the impact of urbanisation on existing residents within the City of Kalamunda.

Environmental

2. The site contains significant areas of remnant vegetation and habitat for native animals. It is requested any future development account for the following:
 - a) Retention of significant trees;
 - b) Protection and enhancement of vegetation in the Kadina Brook buffer and Bush Forever site to the east of the site;
 - c) Manage drainage in accordance with Water Sensitive Urban Design principles, so the water quality of Kadina Brook is maintained or improved;
 - d) Any future development should include features to minimise the incidence of roadkill to native animals such as Quenda (threatened species), possums, carpet python (threatened species) and Black Cockatoos (threatened species).

Transport and Infrastructure

3. Any impacts or required improvements to infrastructure within the City of Kalamunda would be expected to be borne by the future developer, landowner or the City of Swan.
4. A preliminary traffic assessment of traffic impacts associated with development on Midland Road has been undertaken based upon a review of the Cardno (2014) and TARSC (2015) reports prepared to support the developments within Bushmead residential development and Hazelmere Precinct 9a Light Industrial Area respectively, the City of Swan's Transport Strategy, the City's internal traffic data and the MRWA Regional Operations Model 2031. The details of the results are presented as follows:
 - a) Existing traffic volumes on Midland Road within the City are:
 - i. 7,719 vpd (2019, City of Kalamunda) between Kalamunda Road and Ridge Hill Road;
 - ii. 5,462 vpd (2019, City of Kalamunda) between Ridge Hill Road and Sadler Drive;
 - iii. Background traffic growth in through traffic has been relatively stagnant (less than 3.5% per annum)
 - b) The existing two-lane single carriageway is suitable to cater to existing demands with existing geometry, particularly at the Kalamunda Road/Midland Road intersection, resulting in sufficient capacity to cater to these demands during peak periods.
 - c) Growth between 2018 and the present time in traffic between Kalamunda Road and Sadler Drive is a result in construction traffic associated with the ongoing build-out of urban uses within the Bushmead residential precinct and is in the order of approximately 1,000 to 1,200 vpd with volumes pre-2018 (from 2008 to present) measuring in at 6,200 to 6,500 vpd.
 - d) Practical capacity on Midland Road between Kalamunda Road and Sadler Drive is in the order of 15,000 vpd for a single carriageway and is consistent with a road classification and function as a District Distributor road. It should be noted that Midland Road is currently classified as a District Distributor B road between Kalamunda Road and Ridge Hill Road and the balance of the road within the City's boundaries is classified as a Local Distributor road. The existing volume demands on the northern section are currently within the maximum practical capacity of a Local Distributor road which at this location and serving the current uses is in the order of 7,000 to 10,000 vpd.

- e) Both the Cardno study for the Bushmead urban area and the TARSC report for the Hazelmere Precinct 9A indicate that the duplication of Midland Road is not warranted as a result of their respective developments and it has been noted that in the City of Swan's Transport Strategy that the role of Midland Road as an interregional de facto north-south link will be diminished over time due to improvements at the key Roe Highway links to the west with Midland Road functioning as a parallel reliever route to the east of Roe Highway. The Bushmead cell is estimated to generate in the order of 6,500 vpd and the Hazelmere cell is estimated to generate in the order of 3,000 vpd.
- f) The TARSC review indicates that as development proceeds within the Hazelmere cell that simple BAR (Basic Right-Turn Treatments) will be required in the short to transition-term (1-10 years) to accommodate site-generated traffic travelling southbound on Midland Road with more significant upgrades potentially required in the long-term if at such time, Midland Road will be required to be upgraded to a full dual carriageway.
- g) Cardno also indicates that Midland Road will carry a maximum of 11,600 vpd in the short to transition-term and will not be required to be upgraded to a dual carriageway. It should be noted that these traffic projections are currently out of date and the MRWA ROM2031 model has now assumed a 20-year Road Network Development Plan with a focus on the Midland Study area with updated land use/activity projections incorporated into the model, inclusive of both urban development cells.
- h) The MRWA model indicates that Kalamunda Road/Midland Road will continue to function as a major connection to these urban cells located within the City of Swan with a projected increase on Midland Road under the 2031+ scenario to 18,000 vpd between Kalamunda Road and Ridge Hill Road and 13,500 vpd between Ridge Hill Road and Sadler Drive. A review of the base case scenario whereby only ambient background traffic increases to the horizon scenario of 2031 indicates that base background traffic volumes on these links would be 11,200 vpd and 7,900 vpd, respectively. This indicates that the majority of the increases from existing to 2031 full-build out on these two-road links result from development traffic with background traffic increasing on the City's road links to be in order of 30% only into the future.
- i) Approximately 42% of the growth is associated with the Bushmead cell and 28% is associated with the Hazelmere cell.

- j) The trigger for duplication of Midland Road would be shared equally between these two cells and is not likely to occur until 75% of the urban land uses within these two cells are delivered. Neither development on its own triggers the duplication and conversely neither does the ambient annual growth in traffic volumes on the road without urban development.
- k) It is anticipated that traffic delays and road safety risks associated with increased traffic will be evident from around 2025 onwards (subject to the level of development completed). It is considered that funding for any future road upgrades noted above should include contributions from developers, landowners and/or the City of Swan generating the demand on the road network. Further discussions are required with the City of Swan and the Department of Planning, Lands and Heritage in this regard.
- l) More detailed modelling is required, as noted in the City of Swan's Transport Strategy, and was intended to be undertaken by 2015; however, confirmation from the City of Swan indicates that no modelling has been undertaken yet.
- m) In regard to the development of Lot 912 Midland Road, and any further development areas in the Bushmead and Hazelmere localities, any developer should be required to undertake Transport Impact Assessments (TIA) as part of a future Local Planning Scheme amendment and Local Structure Plan. The TIA will need to identify the traffic volumes generated from the development and in turn the contribution needed towards the upgrade of Midland Road and intersections. Developers should anticipate the need to contribute to the cost of upgrading Midland Road and intersections, with proportion of cost dependent on proportion of contributing traffic volumes to Midland Road and intersections based on the ROM 2031 values.

It is requested that the points detailed in this letter and within the May 2020 Ordinary Council Meeting report be considered as part of the MRS Amendment proposal and that the City remain involved in future discussions with the City of Swan and DPLH as required.

Yours sincerely



Peter Varelis
Director Development Services



Your ref: 833-2-21-128 Pt 1 (RLS 0862)
Our ref: DWERT950, PA 033243
Enquiries: Diana Nussey
Ph: 6250 8014

Secretary
Western Australian Planning Commission
Locked Bag 250
PERTH WA 6001

Via email – mrs@dplh.wa.gov.au

Dear Sir/Madam,

***METROPOLITAN REGION SCHEME AMENDMENT 1366/57 – LOT 912 MIDLAND ROAD,
BUSHMEAD***

Thank you for providing the above referral for the Department of Water and Environmental Regulation (Department) to consider. The Department has the following advice to provide:

The Department has assessed the revised District Water Management Strategy (DWMS) associated with the proposed Metropolitan Region Scheme (MRS) Amendment and has endorsed the document. As such, the Department is satisfied the development can proceed to the next planning stage.

If you would like more information regarding this matter, please contact Diana Nussey on 6250 8014 or diana.nussey@dwer.wa.gov.au.

Yours sincerely,

Bree Lyons
A/Senior Natural Resource Management Officer
Planning Advice
Swan Avon Region

27 May 2020



Your reference: 833-2-21-128 Pt
1 (RLS/0862)
1366/57
Our reference: LUP 833
Enquiries: Heather Percy

Ms Sam Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2506 Perth WA 6000
mrs@dplh.wa.gov.au
Attention: Mr Brett Pye

Date: 5 June 2020

Dear Ms Fagan

**Metropolitan Region Scheme Minor Amendment 1366/57
Lot 912 Midland Road, Bushmead**

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the Metropolitan Region Scheme Minor Amendment (Ref: 1366/57).

DPIRD notes that the proposed amendment will facilitate the development of residential and related land uses in close proximity to a commercial poultry farm.

The amendment includes a requirement to lift the Urban Deferment as follows:

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

- *Confirmation that the poultry farm at Lot 15 Midland Road, Hazelmere has permanently ceased operating, or it being determined that a reduced separation distance would be appropriate upon the advice of the Department of Water and Environmental Regulation.*

The wording of the requirement is not fully consistent with the Western Australian Planning Commission's policy approach outlined under section 5.12.5 of *State Planning Policy 2.5 (SPP2.5) Rural Planning: Planning approach for managing land use transition*. Specifically, section 5.12.5 does not refer to reducing the separation distance

for rural land transitioning to other land uses, on advice from the Department of Water and Environmental Regulation.

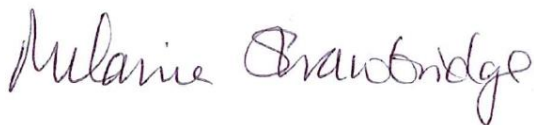
DPIRD requests that to ensure the established poultry farm is not affected by nuisance complaints which may impact its lawful operations, the requirement to lift Urban Deferred is reworded as follows:

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

- ***Written*** confirmation that the poultry farm at Lot 15 Midland Road, Hazelmere has permanently ceased operating **and therefore the buffer is no longer required**, or it being determined that a reduced separation distance would **maintain an appropriate buffer** upon the advice of the Department of Water and Environmental Regulation **and the Department of Primary Industries and Regional Development, and that the reduced separation distance is agreed to in writing by the owners(s) of the poultry farm.**

For more information please contact Heather Percy on 9780 6262 or heather.percy@dpiird.wa.gov.au

Yours sincerely



Dr Melanie Strawbridge
**Director Agriculture Resource Management Assessment
Sustainability and Biosecurity**

Submission 15

Planning and Development Act 2005 Section 57 Amendment (Minor)

Form 57 Submission

Metropolitan Region Scheme Amendment 1366/57 Lot 912 Midland Road, Bushmead

OFFICE USE ONLY

To: Secretary Western Australian Planning Commission

Locked Bag 2506

PERTH WA 6001

Title (Mr, Mrs, Miss, Ms)Ms..... First NameVanessa.....
SurnameCorunna..... (PLEASE PRINT CLEARLY)
Address8 Banjine Koongamia WA Postcode6064..... Contact phone number
.0475 787 351..... Email address vcorunna@gmail.com.....

Submissions will be published as part of the consultation process.

Do you wish to have your contact details removed from your submission? ☐ No

Submission

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

We do not believe this is a minor amendment because of National, State and Local significance of Aboriginal cultural heritage, flora, fauna, greenway values are not recognized or protected in the proposals.

We, consider these values are all of National environmental significance and should not be dismissed as of being of minor consequence. The Federal Minister Dr Kemp was very aware two decades ago of the National Environmental significance when Bushmead was proposed for sale. The Minister disallowed this because of National Environmental significance values which were subsequently stated in the heritage lists for areas of Commonwealth/National heritage. The Commonwealth Government at this time recognized the proper detailed archaeological work appropriate for this site had not been adequately completed for an area where extensive artefacts and knowledge of ceremonial activity was carried out.

We are very concerned that the impacts of this current development proposal are very poorly understood and not properly appreciated or investigated in the reports. The proposal will have unacceptable impacts on Aboriginal Heritage values and, National Environmental Significant Flora and Fauna and Regional Linkage (Greenway) Values. There is an important cultural corridor along Kadina Brook and Adelaide Street to Redcliffe.

A sale proposal was considered by lawyer Peter Marks in an Aboriginal Heritage Declaration for Federal Minister Dr Kemp over 20 years ago. Peter Marks spoke to the Nyoongar Circle of Elders, found considerable substance in their concerns and disallowed the sale. My parents attended the Circle of Elders meeting with Peter Marks.

Thirty years ago three environmental reports of that time included a HGM report (1991) with very good Appendices, and a HGM supplementary report (1992), and also a report by Dames and Moore (1989).

While the environmental studies were being done numerous artefacts were found along Kadina Brook and in the vicinity of the transport centre and elsewhere along the southern boundary. This drew Authorities attention to a need for a major investigation in support of perceptions that the Transport Centre area was a Ceremonial site.

The cultural information in the more recent, RPS (2014) ENVIRONMENTAL ASSESSMENT REPORT Bushmead Local Structure Plan (https://www.swan.wa.gov.au/files/50e51a43-baf3-4f94-83ea-a467008155bb/SP17-039_Environmental_Assessment_Report.pdf), shows this area as a ceremonial site and the areas with scattered artefacts.

Reports that the current MRS amendment report (2020) that WAPC relies on to invite comment, present the threatened ecological community (areas of NES) vegetation as very degraded. This is a distortion and is not true. Perth has had a drought for the last 40 years. The soil has a high clay content. These threatened ecological community occurrences remain very valuable.

The misrepresentation of their health is unacceptable and must not be allowed to lead to bad and unsustainable extinctions.

The Consultant reports on the fauna of the area lists are incomplete. Michael Brooks and Penny Hussey (2000) completed Flora and Fauna papers published by the Naturalist Club in WA show this area has many rare and migratory species that are not properly considered in the reports for this amendment. This area has all three Black Cockatoos flying through daily. Has the range of Cuckoos found in Perth, Black faced Cuckoo shrikes, Sacred Kingfisher, Sea Eagle, Australasian Reed Warblers, all of which have cultural significance and have not been considered or properly treated at all in any of the supporting documentation. Our people advised Dr Kemp through his lawyer Peter Marks that this area is culturally significant to us and the proposal here is at odds with the respect that Dr Kemp showed two decades ago.

The report ignores the significance of the Adelaide Street Greenway. This is unacceptable. Corridors that allow cultural passage to the Swan River and Hazelmere Lakes remain important for the traditional owners of Perth. We understand that the Federal Government required the Developer at Bushmead to pass over the covenanted areas into National Park within six years.

The EPA (1983) long proposed Helena Valley National Park in the System 6 study have not yet in 2020 been established. The Gooseberry Hill Regional Open Space in 2020 has not yet been added to the Helena Valley or Gooseberry Hill National Parks. The covenanted Bushmead high conservation and culturally important land in 2020 has not yet become part of the Helena Valley National Park.

We have also noted with alarm some quite disturbing recent reports of heavy machinery/ excavator works in revegetation areas of the covenanted land at Bushmead.

We request that the State Government use this occasion to recognize and protect the special Aboriginal Heritage sites of the Darling Range regional Park north of Gooseberry Hill Road and add them to the Helena Valley National Park.

In this proposed amendment we ask you to reject the rezoning of this transport area, in the south west of the old Bushmead site. It was previously recognized as a Heritage area by the Federal Government and we want it to stay that way and to become part of the needing to be declared Helena Valley National Park as has long been proposed.

We understand finally protecting the Greenways in this area will protect many of the Aboriginal Heritage sites in the long term.

We think the new long awaited Helena Valley National Park should be named Boya Ngura National Park.

We would like the opportunity to present our views.

Vanessa Corunna

Archaeologist and Anthropologist

Representing the Corunna Family

Traditional Owners of Perth and Bushmead Areas.

You should be aware that: • The WAPC is subject to the Freedom of Information Act 1992 and as such, submissions made to the WAPC may be subject to applications for access under the act. • In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties. To be signed by person(s) making the submission

SignatureVanessa Corunna..... Date June 5th 2020.....

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 5 JUNE 2020. Late submissions will NOT be considered. Contacts: Tel - (08) 6551 8002 Fax - (08) 6551 9001 Email - mrs@dplh.wa.gov.au Website - <http://www.dplh.wa.gov.au/mrs-amendments>

Section 57 Amendment (Minor)

Form 57

Submission

Metropolitan Region Scheme Amendment 1366/57

Lot 912 Midland Road, Bushmead

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

OFFICE USE ONLY

SUBMISSION NUMBER

16

RLS/0889

Title (*Mr, Mrs, Miss, Ms*) First Name *Name removed at the request of the submitter*

Surname (PLEASE PRINT CLEARLY)

Address Postcode

Contact phone number Email address

Submissions will be published as part of the consultation process. Do you wish to have your contact details removed from your submission? ☒ Yes ☐ No

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

I would like you to accept my opposition to this development at lot912 Bushmead.

I feel any more development of this high density living that we have just had recently is detrimental to the environment, life style and my reason for moving to this area, so any new development would destroy the way of life that I originally moved here for.

Even now the increase of traffic is becoming a concern so any more development would impact serverelly on our way of life

The environmental impact has been seen with the continuing carnage of the kangaroos on Midland Road the distruction of trees has increased the impact on the wild bird popultion.

I would love to see this area left as it is too nature.

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turn over to complete your submission

This image shows a full page of white paper with horizontal dotted lines. The lines are evenly spaced and run across the entire width of the page, providing a guide for handwriting or typing. There are no margins, text, or other markings on the page.

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

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 5 JUNE 2020. Late submissions will NOT be considered.

From: Doug McNab <mcnab_doug@yahoo.com.au>
Sent: Friday, 5 June 2020 9:42 AM
To: mrs
Subject: MRS Lot 912 Submission
Attachments: MRS Lot 912 Submission D McNab.pdf

Categories: OBJ, PDF

Dear Sir,

Please find attached my submission for this proposed amendment.

Kind regards,

Doug McNab

mob 0412 083 768
5 Honeydew Close
Maida Vale
6057

Section 57 Amendment (Minor)

Submission

Metropolitan Region Scheme Amendment 1366/57

Lot 912 Midland Road, Bushmead

I object to the Section 57 amendment.

Objection 1

Lot 912 is defined and allocated as a buffer zone:-

The land now known as Lot 912 is currently allocated as a buffer zone between the rural residences south of Sadler Drive and the Lot 911 area now known as Bushmead. The land is therefore not available for redevelopment to Urban and Urban Deferred. The development application is invalid.

In 2014 Lot 911, the next lot to the north of lot 912 was rezoned and is now known as Bushmead. A number of residents to the south of Sadler Drive objected to the rezoning of Lot 911. To appease these residents the land between Sadler Drive and the Lot 911 was allocated to be the setback to provide a buffer from the existing rural lots. To quote the answer of the proponents endorsed by the City of Swan:-

“..Consistency with the Existing Amenity

Various submissions raised concern that future development of the site for residential purposes would be inconsistent with the prevailing amenity of the surrounding area. Development of the Special Use zones will require the preparation of a Structure Plan, this will need to designate appropriate densities which will be guided by the requirements to apply appropriate setbacks for bushfire hazard separation and preservation of vegetation.

The land immediately to the west of Midland Road is currently zoned General Rural under the City's LPS 17. That land is identified in the Hazelmere Enterprise Area Structure Plan for future rezoning to Commercial/Light Industrial.

The land to the south of Sadler Drive within the Shire of Kalamunda is zoned Rural under the MRS and Rural Bushland in accordance with the Shire of Kalamunda Local Planning Scheme No.3 and has a density of R2.5. The area is characterised by lots between 4000m² and 1ha. The Southern Cell is located between 130m – 400m from properties south of Sadler Drive. It is considered that this setback which is characterised by dense vegetation will provide an adequate buffer from the existing rural lots. “

Objection 2

Rezoning to Urban and Urban deferred is not appropriate

Rezoning Lot 912 to Parks and Recreation would be much more appropriate and in keeping with the land's present purpose and usage and the environment.

In the documents provided by the WAPC the EPA has not objected to the MRS amendment, but the EPA has published objections to the City of Swan proposal to amend the Local Structure Plan as it applies to this same land. The EPA objection to the LPS amendment is because the proposed

LPS amendment has not been informed by an updated flora and vegetation and fauna survey. (To quote the EPA "updated flora and vegetation and fauna surveys should be undertaken consistent with EPA technical guidance to determine the values present and inform the appropriate management of impacts to these value")

The proper action is to reject the Section 57 amendment at this time. At some time in the future, when the EPA technical guidance has been fully investigated and the land is fully and properly assessed, then an amendment to the MRS could be considered in the light of full information about the land.

Objection 3

The WAPC must give proper consideration to all the matters that affect the land in question before deciding on the rezoning classification. However, without the EPA full input this consideration will be missing and therefore this proposal has to be rejected. The WAPC proposal makes no endeavour to address these EPA matters. To quote the EPA in the documents supplied:-

"In addition to the proposed retention of the FCT 3c TEC, the EPA would support the additional retention of flora and vegetation through the future stages of planning, informed by the surveys discussed above. Any proposed conservation areas should be consistent with the guidelines described in EPA Environmental Protection Bulletin No. 20 Protection of naturally vegetated areas through planning and development.

** FCT 3C: predominantly low woodland of Eucalyptus pleurocarpa over low shrubland of mixed species including Tetraria octandra, Cristonia biboba and Hibbertia spicata as well as Mesomelaena tetragonal on white-grey, grey and brown sands with lateritic gravel or over laterite; TEC translates to Threatened Ecological Communities. "

Additionally, the WAPC proposal makes no reference to including any consideration by the Department of Biodiversity, Conservation and Attractions so the proposal is incomplete and deficient and therefore has to be declined.

Specifically the EPA submission states:-

"The Department of Biodiversity, Conservation and Attractions should also be consulted regarding the interface between the proposed development and Bush Forever Site 213 Bushmead Bushland. "

Without the input of all the relevant experts the MRS proposal can only be inadequate and must therefore be rejected.

Objection 4

Restraints to the development as identified by the City of Kalamunda are extensive and encompass the whole site such that alteration to Urban and Urban Deferred will be very difficult if not impossible.

The City of Kalamunda will be submitting to the WAPC a series of matters that need to be fully addressed as part of the process of consideration for the future use of the land. Whilst the matters raised by the City of Kalamunda does not object to the rezoning it points out a range of restraints that should be met by the planners. These restraints e.g. additional setback distances, tree retention, landscaping, large lot sizes, minimise impact on fauna including Quenda, possums, carpet python and Black cockatoos.

Objection 5

A plea for an alternative consideration

Lot 912 flora is suffering from dying trees, thinning vegetation, ingress of weeds and generally looks neglected and degraded but that does not mean that the only way forward is to clear fell the site and replace it with high density housing and roads. A ground level inspection of the site reveals there are portions of the bush that is healthy and thriving. The fencing of the south end of Kadina Brook creek line by Cedar Woods at lot 911 has left no access for the kangaroos to reach the better, ground dwelling vegetation along the creek line. The fencing has protected the vegetation from grazing kangaroos and Quenda.

The Australian Army occupation of the site for a very long time has left significant damage to the land. The buildings and other structures including below concrete pits, earth trenches and old hard surfaced roads should have been removed when the Army vacated the site. An alternative proposal for the area would be to clear away the remnant army facilities and roads, restore the contours of the surface to allow water to be absorbed into the ground and revegetate with suitable species able to survive the drying climate and falling water table in the area. Instead of using the degraded nature of the site as a reason to clear the site and build housing a clean up and restoration project could invigorate and enhance the bushland. The property could then be assigned to the care and stewardship of Parks and Wildlife (DPAW).

After 34 years living across the road from the site I have witnessed the gradual degradation and destruction of the area. I would like to hope that instead of some one ticking a box to approve more of the same sort of destruction and renewal to a built environment that there will instead be foresight to improve the site for the long-term. For a department as large as WAPC this is a small site of low significance but the site has other less commercial values and could be an add on to the other land holdings of the DPAW that are close by including the Gooseberry Hill National Park and the bush forever site 213 just across Kadina Brook.

Section 57 Amendment (Minor)
Form 57

Submission

Metropolitan Region Scheme Amendment 1366/57

Lot 912 Midland Road, Bushmead

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

OFFICE USE ONLY

SUBMISSION NUMBER

18

PLS/0889

Title (Mr, Mrs, Miss, Ms) MRS First Name MARY
Surname MCNAB (PLEASE PRINT CLEARLY)
Address 5 HONEYDEW CLOSE, MAIDA VALE Postcode 6057
Contact phone number 9454 7160 Email address mary.mc@linet.net.au

Submissions will be published as part of the consultation process. Do you wish to have your contact details removed from your submission? ☐ Yes ☒ No

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

..... PLEASE FIND ATTACHED DOCUMENT (2 pages)

turn over to complete your submission

[Faint handwritten marks are visible across the page.]

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

Signature M. M. Nab Date 4th June 2020

Contacts: Tel - (08) 6551 8002 Fax - (08) 6551 9001 Email - mrs@dplh.wa.gov.au Website - <http://www.dplh.wa.gov.au/mrs-amendments>

Thank you for the opportunity to comment on the proposed Metropolitan Regional Scheme (MRS) Amendment 1366/57-Lot 912 Midland Road, Bushmead. I object to the proposal to rezone the area to Urban and Urban deferred on several grounds.

1. Neighbourhood Amenity and compatability

Urban development is not compatible with the lifestyle of residents in the *Rural* and *Rural Residential* zones in adjoining City of Kalamunda. Objections to the Urban development currently occurring in the adjoining *Special Use* zone Lot 911 Midland Road were presented to a meeting of the City Of Swan Council on 28 May 2014. They were rejected with the statement, "*The proposed zoning is consistent with the surrounding development within Mundaring and Kalamunda. The southern cell is located greater than 200m from the Kalamunda R2.5 zoned land with lower densities proposed on the periphery of the development. Any development within the cell will be buffered by the vegetation which will remain in the Park and Rec Reserve. Additionally those lots on the eastern boundary are zoned R15 and will have a vegetation buffer as a transition.*" An Urban density of R25 – R60 soon to be developed in the southern Bushmead cell is not compatible with existing R2.5 development in the adjoining City of Kalamunda and should not be extended in Lot 912. Importantly, rezoning of Lot 912 to Urban removes the 200m buffer put in place in the above Amendment in 2014.

2. Environmental Destruction

The loss of Jarrah and Marri in the area has been significant in recent years. Residents in the R2.5 Rural Residential zone continue to remove dead and dying Jarrahs and Marris. Lot 912 and the Sadler Drive road verge has become degraded with the death of these trees and understorey plants. Retaining trees in Lot 911 and the proposed Urban Lot 912 will be even more difficult while there is Jarrah Dieback, Marri Canker, lowered water table and human damage due to development. The remaining "*Threatened Ecological Community (TEC) – *Corymbia calophylla* over *Xanthorrea preissii* woodlands and shrublands*" in the area will be under greater threat by Urban development .

Loss of these plants is a threat to Black Cockatoos (Threatened species) which roost and forage for food in the Rural Residential Maida Vale and Lot 912. Dead mature trees pose a danger for Urban development but are vital for roosting and nesting and need to be retained.

Kangaroos and Quenda (Threatened species) have been displaced by the development of Lot 911. They now feed in large numbers on properties along Sadler Drive and Quendas are now breeding in gardens. Further displacement will occur with the imminent development of the Southern Bushmead cell. The proposed Urban development of Lot 912, which is part of the wildlife corridor between Bush Forever and Gooseberry Hill National Park, will further threaten these and other animals.

Rezoning of the land to Parks and Recreation under the MRS followed by replanting of trees and understorey plants native to the area would reduce the threat on the environment while providing habitat for threatened species and safer movement of animals between existing bushland areas.

3. Traffic Issues

The latest Traffic Impact Assessment in 2014 deemed roads and intersections in the area to be suitable for future traffic volumes. Maida Vale residents are yet to experience their local road, Sadler Drive, becoming a neighbourhood connector for the southern cell of Bushmead with no plans to provide footpaths or bike paths for resident safety. Rezoning Lot 912 to become Urban with residential development like Bushmead is of great concern due to added traffic. In such developments, shopping, education, health and recreation facilities are not available locally and residents need to travel for all these needs and jobs. With a limited bus service there will be an increase in traffic. This traffic should be considered before rezoning Lot 112 to *Urban* and *Urban Deferred*.

Marija Bubanic

From: Maxine McWalters <mmcwalters@icloud.com>
Sent: Friday, 5 June 2020 2:54 PM
To: mrs
Subject: MRS Minor Amendment 1366/57 Lot 912, Midland Road, Bushmead for public comment

Please forgive the eleventh hour submission. A petition was submitted with signatures to the City of Kalamunda of recent in relation to traffic safety and management concerns by the residents of Priory Road, Maida Vale.

Reason for my comments herewith are intended to give you an insight as to the current and on-going traffic concerns of a road in close vicinity to Midland Road, Bushmead and any proposal or likely future urban development in Bushmead will no doubt impact Priory Road with traffic heading to/from the future new High Wycombe Train Station, hence increasing the traffic which is now an issue given it is already currently at maximum capacity.

Please know Priory Road is currently used as a short cut route for many commuters and once the new bridge at the intersection of Kalamunda Road/Roe Highway and the new High Wycombe Train Station is complete this may likely prove more problematic.

We have made a submission /petition for discussion which we understand will be tabled at the City of Kalamunda Briefing Forum on 9th June, 2020 (not open to public due to Covid 19) and will likely be formally discussed and allow deputations at the next meeting at the C.O.K. on 23rd June, 2020 for final considerations and discussion (public welcome).

Reference relating to our notes/petition is available for public view on the C.O.K. latest council committee agenda minutes.

Please know my main reason in sending these notes is to advise you of our submission with the City of Kalamunda, given you may not of otherwise been aware and to voice concerns of any future traffic that may impact Priory Road, Maida Vale.

I would appreciate a response and any feedback you may think relates in due course.

Kind regards
Maxine McWalters
mmcwalters@icloud.com

Sent from my iPhone

Submitted to **MRS Minor amendment 1366/57 – Lot 912 Midland Road, Bushmead**
Submitted on **2020-06-04 16:59:14**

Introduction

1 What is your first name?

First name:

Penelope

2 What is your surname?

surname:

Mewett

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:

pennymewett@westnet.com.au

5 What is your address?

address:

3 Lemontree Grove, Maida Vale

6 Contact phone number:

phone number:

0438746727

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

Oppose

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:

We do not support the amendment for Lot 912 Midland Road on the following grounds.

1. Traffic conditions on Sadler Drive at present are dangerous. It is a narrow winding road, with one complete right angle corner, lined with huge trees at the roads edge. When the construction of the new road into the southern cell of Bushmead Estate is complete, this will further worsen the traffic problem. By developing Lot 912 Midland Road this will make the traffic impossible. Many cars use Sadler Drive as a main road from Kalamunda to Midland. It is near impossible to turn right at the end of Sadler Drive on to Ridgehill Road in the mornings due to the speed cars travel down Ridgehill Road and the poor visibility due to the bend in the road. There is already a number of slow points on Sadler Drive which are not effective. One recommendation would be to make Sadler Drive a no through road. If the new development at Lot 912 does go ahead, access to this development should NOT be from Sadler Drive.

2. Wildlife has been critically impacted by the current development in Bushmead Estate. Further developing of Lot 912 Midland Road will continue to drive the Kangaroos onto the roads and the golf course. Especially throughout summer many Kangaroos are killed each week from collisions with cars on Sadler Drive and Midland Road. Making it dangerous for drivers and wildlife.

3. The new development at Lot 912 Midland Road will greatly reduce the integrity of the existing properties in the Darling Fields Estate. Currently our properties are all 1 acres property with single dwellings. A densely populated development on Lot 912 would reduce our property valuation significantly.

4. The endangered Black Cockatoo habitat will be significantly reduced by the development of Lot 912 Midland Road.

5. There is no footpath on Sadler Drive. The increase in traffic will make Sadler Drive a danger to pedestrians. A Footpath needs to be constructed along Sadler Drive

6. Increase in development will put more pressure on the local primary school. Many residents in Maida Vale are already struggling to find a place for their children in Kindergarten and Pre Primary. They have to travel to Helena Valley Primary School.

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From: John Elliott <John.Elliott@swan.wa.gov.au>
Sent: Friday, 5 June 2020 2:38 PM
To: mrs
Cc: Kris Angell; Anthony Muscara
Subject: MRS 1366/57 - City of Swan interim comments that it will FW Council's 3 June 2020 resolution shortly - Metropolitan Region Scheme Amendment No.1366/57 (Lot 912 Midland Road, Bushmead)

Hi MRS schemes,

WAPC Ref. & our ref.
Proposal

MRS 1366/57
Metropolitan Region Scheme Amendment No.1366/57 (Lot 912 Midland Road, Bushmead)

Please accept this email as the City of Swan's **interim comments** on the abovementioned proposal, whereby -

- Council did consider an item at its Wednesday 3 June 2020 Ordinary Meeting to make a submission on Metropolitan Region Scheme Amendment No.1366/57
- However the minutes of that meeting are not yet finalised to make available to the WAPC before COB today.
- The City of Swan will forward its submission, along with the minutes, once the minutes have been finalised and made available. Understand this will occur before Friday 11 June 2020.

It would be appreciated if the WAPC can accept as the City of Swan's interim position until our minutes are finalised.


Please call me should you require an interim indication of what I know of the resolution that was made on the night of 3 June 2020, should you require it beforehand our formal correspondence. My contact details are below.

Alternatively you can also view the relevant agenda item that was considered that night – it is currently available on our website until the minutes are released. It is item 3.1 under Part B

<https://www.swan.wa.gov.au/Your-Council/Council/Council-Meetings/Latest-Ordinary-Meeting-of-Council-Agenda-June-03-2020>

Please do not hesitate to contact me should you have any issues or questions.

Kind regards,

John Elliott  Coordinator - Statutory Project Planning
Statutory Planning



PO Box 196
MIDLAND WA 6936

t 08 9267 9095

f 08 9267 9444

e John.Elliott@swan.wa.gov.au

www.swan.wa.gov.au

Protect against COVID-19 with healthy hygiene habits



Wash hands regularly
for at least 20s, using soap and
water or alcohol-based gel



**Cover mouth and nose when
coughing or sneezing**
using a tissue or flexed elbow



Stay home if you are sick
don't go to work or school if you
have symptoms



Avoid shaking hands
or making other unnecessary
physical contact with others



Avoid
W
keep

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From: John Elliott <John.Elliott@swan.wa.gov.au>
Sent: Tuesday, 9 June 2020 8:55 AM
To: mrs
Cc: Anthony Muscara; Kris Angell
Subject: MRS 1366/57 - City of Swan submission on Metropolitan Region Scheme Amendment No.1366/57 (Lot 912 Midland Road, Bushmead)
Attachments: 3.1-Metropolitan-Region-Scheme-Amendment-No.1366-57-for-Lot-912-Midland-Road-Bushmead-City-of-Swan-Submission.pdf; LETTER TO WAPC - METROPOLITAN REGION SCHEME AMENDMENT NO.1366-57 FOR LOT 912 MIDLAND ROAD, BUSHMEAD - CITY OF SWAN SUBMISSION.pdf

Hi MRS schemes,

*WAPC Ref. & our ref.
Proposal*


*MRS 1366/57
Metropolitan Region Scheme Amendment No.1366/57 (Lot 912 Midland Road, Bushmead)*

Please accept this email and the attached correspondence as the City of Swan's submission on proposed Metropolitan Region Scheme Amendment No.1366/57 (Lot 912 Midland Road, Bushmead), along with the relevant minutes from Council's Wednesday 3 June 2020 Ordinary Meeting.

In addition to the relevant minutes being attached they are also attached obtainable from our website at:
<https://www.swan.wa.gov.au/files/assets/public/document-resources/council-meetings/2020/06-jun/03/3.1-metropolitan-region-scheme-amendment-no.1366-57-for-lot-912-midland-road-bushmead-city-of-swan-submission.pdf>

Please do not hesitate to contact me should you have any issues or questions on the matter.

Kind regards,

John Elliott  Coordinator - Statutory Project Planning
Statutory Planning



PO Box 196
MIDLAND WA 6936
t 08 9267 9095
f 08 9267 9444
e John.Elliott@swan.wa.gov.au
www.swan.wa.gov.au

Protect against COVID-19 with healthy hygiene habits



Wash hands regularly
for at least 20s, using soap and water or alcohol-based gel



Cover mouth and nose when coughing or sneezing
using a tissue or flexed elbow



Stay home if you are sick
don't go to work or school if you have symptoms



Avoid shaking hands
or making other unnecessary physical contact with others



Avoid W
keep

Your Ref: MRS 1366/57
Officer: John Elliott
Phone: 08 9267 9095
Email: john.elliott@swan.wa.gov.au
Fax: 9267 9444

9 June 2020

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

**METROPOLITAN REGION SCHEME AMENDMENT NO. 1366/57 FOR LOT 912
MIDLAND ROAD, BUSHMEAD - CITY OF SWAN SUBMISSION**

Council, at its meeting on 3 June 2020, considered the above matter and resolved to:

- 1) Make a submission on proposed Metropolitan Region Scheme Amendment No.1366/57 (Lot 912 Midland Road, Bushmead) advising the Western Australian Planning Commission that the City of Swan:
 - a. Has no objection to the proposed Metropolitan Region Scheme 'Urban Deferred' and 'Urban' zones, as advertised.
 - b. Considers 'Special Use Zone No.14' (not the 'Residential Development' zone) to be the most suitable local classification for land proposed to be rezoned to 'Urban' in the Metropolitan Region Scheme. As this is not a development zone Council does not request or support the concurrent amendment and coordination of City of Swan Local Planning Scheme No.17 with that of Metropolitan Region Scheme Amendment No.1366/57.
- 2) Advise the Western Australian Planning Commission that Council will consider initiating an amendment to Local Planning Scheme No.17 to reclassify the subject portions of land once the outcome of Metropolitan Region Scheme Amendment No.1366/57 is known.

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

Yours faithfully



for M J Foley
CHIEF EXECUTIVE OFFICER



3.1 METROPOLITAN REGION SCHEME AMENDMENT NO.1366/57 FOR LOT 912 MIDLAND ROAD, BUSHMEAD - CITY OF SWAN SUBMISSION

Ward: (Midland/Guildford Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

KEY ISSUES

- The Western Australian Planning Commission (WAPC) seeks comment on advertised Metropolitan Region Scheme (MRS) Amendment No.1366/57 to rezone the former Bushmead army transport depot from 'Public Purpose - Commonwealth Government' to the 'Urban' zone or 'Urban Deferred' where the part of this site is located within 340m of an operating poultry farm shed.
- This proposal is to facilitate WA Land Authority's desire to repurpose this decommissioned site for future residential development opportunities.
- On the proposed changes to the Metropolitan Region Scheme City staff:
 - Have no objection to rezoning part of the land to 'Urban Deferred' as it is the most suitable classification to respect the operation of the poultry farm and ensure future residents are not unduly impacted by unacceptable odour impact.
 - Have no objection to the proposed 'Urban' MRS rezoning area as this relatively small 23 ha site represents a more efficient location for urban development closer to the CBD, existing roads and existing services compared to other urban growth precincts. The repurposing of this site is also supported by the Hazelmere Enterprise Area Structure Plan.
- MRS Amendment No.1366/57 also requires Council to consider how and when it will amend Local Planning Scheme No.17 (LPS17) to install local zones consistent with the objectives of the new MRS zones.
- It is recommended that the same local zones that apply to other 'Urban Deferred' and 'Urban' lands in Bushmead ought to be applied here. The 'General Rural' zone for the MRS 'Urban Deferred' area and 'Special Use Zone No.14' (SUZ14) for the MRS 'Urban' area are fit for purpose and will best manage the repurposing of these lands under the same regulatory environment that applies to developer's Cedar Woods lands north-east of this site.
- A local planning scheme amendment for this land will be the subject of a future report to Council once the outcome of this MRS Amendment is known.

It is recommended that the Council make a submission advising the Western Australian Planning Commission that it does not object to the proposal as advertised and will consider initiating an amendment to Local Planning Scheme No.17 to reclassify the subject lands once the outcome of the MRS Amendment is known.

AUTHORITY/DISCRETION

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

BACKGROUND

Landowner:	WA Land Authority
Subject land:	Portion of Lot 912 (No.234) Midland Road, Bushmead
Subject area:	Approx. 23.89 ha
Existing uses:	The site was formerly used as an army transport depot and vehicle training facility. This facility was divested to the State Government as it was surplus to the Commonwealth's requirements. The site is mostly undeveloped, characterised by native bushland with tracks criss-crossing the site and decommissioned buildings and outbuildings consolidated at the north-west corner of the site. Access to the site is from Midland Road.
Surrounding uses:	280m north-west of the site is land owned as a poultry farm operating from Lot 15 (No.255) Midland Road, Hazelmere. This poultry farm is restricting the urbanisation of land within approx. 340m of the existing poultry farm sheds. North of this site and outside of the poultry farm odour buffer is the balance of developer Cedar Wood's Bushmead residential estate being subdivided for residential purposes. East of the site is the Kadina Brook and Bush Forever site and these significant environmental features are reserved 'Parks and Recreation' in the MRS. South of the site is Sadler Drive and low-density residences within the City of Kalamunda. West of the site is Midland Road and land identified for light industrial development in the approved Hazelmere Precinct 9A Local Structure Plan (SWAN-SP/2017/3). A mixture of activities currently occur west of the site, including the Banksia Tourist Park and Home Village.
Existing zoning:	'Public Purpose - Commonwealth Government (CG)' regional reserve applies in both the MRS and LPS17.
Proposed MRS zoning:	Mostly 'Urban' in the MRS (approx. 23.0725 ha) with a small portion of the site (approx. 0.8175 ha) located within approx. 340m of the poultry farm sheds proposed to be 'Urban Deferred'.
Relevant strategies:	Hazelmere Enterprise Area Structure Plan (City of Swan and WAPC endorsed, 2011)

CONSULTATION

The WAPC is seeking public comment on the advertised Metropolitan Region Scheme (MRS) Amendment No.1366/57 and submissions are to be made to the Western Australian Planning Commission (WAPC) on or before 5 June 2020.

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

Interested persons and landowners are encouraged to make comments directly to the WAPC. Council is advised that as of 5 May 2020 there has not been any written advice or requests received from landowner(s) or agency's expressing their views on the advertised proposal.

DETAILS

Advertised Metropolitan Region Scheme (MRS) Amendment No.1366/57 represents the WA Land Authority proposal to repurpose the former Bushmead army transport depot on Lot 912 Midland Road, Bushmead for urban development purposes.

It proposes to do away with the current 'Public Purpose - Commonwealth Government' regional reservation over this 23.89 ha site and will replace it with two (2) MRS zones:

'Urban Deferred': This MRS zone will cover a tiny northern portion of Lot 912 (approx. 3-4%) that is located within, and therefore affected by, an odour buffer from the poultry farm sheds at Lot 15 Midland Road, Bushmead. This is a transitional zone and will remain until the WAPC is satisfied that the criteria for the lifting of urban deferment is met and the land is transferred to the MRS 'Urban' zone as part of a future, separate request.

'Urban': This MRS zone will cover the remaining majority of Lot 912 - approx. 23.0725 ha (96-97%). This zone represents the first necessary step to make it available for urban development purposes.

Staff have reviewed the advertised proposal and have no objections. It is recommended that Council make a submission on this proposal to this effect and outline our position on how the City's local planning scheme ought to be amended.

The following headings address the merits of the proposed changes in detail. The recommended content of our submission is addressed in the staff recommendations.

Redundancy of the current 'Public Purpose - Commonwealth Government'

Staff find the current regional reservation of this land is in need of replacement. With the land no longer owned or used by the commonwealth this classification is obsolete and only acts as unnecessary red-tape to the land's repurposing.

Suitability of the proposed 'Urban Deferred' zone

Odour emitted from poultry farms is a recognised impediment to urban development and a poultry farm shed is located 280m north-west of the site at Lot 15 Midland Road, Bushmead. To manage land use conflict the 'Urban Deferred' MRS zone is proposed to apply to those portions of the site that is located within approx. 340m of the closest poultry farm shed. This involves approx. 0.8175 ha (3-4%) of the site.

Staff have no objections to the proposed 'Urban Deferred' zone. The merits of this zone and the science underpinning the separation distances are consistent with those that the WAPC approved in 2014 and 2018 on developer Cedar Wood's land situated in-between the subject site and the poultry farm shed.

Suitability of the proposed 'Urban' zone

Staff have no objection to the proposal to rezone approx. 23ha of Lot 912 Midland Road, Bushmead to 'Urban' in the MRS because:

- The future urban development of Lot 912 is supported by the City and WAPC endorsed 2011 Hazelmere Enterprise Area Structure Plan (HEASP).
- This rezoning will increase the availability of land in HEASP Precinct 9B cell that is outside and unconstrained by the approx. 340m poultry farm odour buffer.
- Compared to other growth precincts on the urban fringe, this site represents a more efficient location for urban development, given its closer proximity to the CBD, employment areas, shopping precincts, the existing Bushmead residential estate and the availability of more established roads, and social services.
- While more detailed investigations will need to take place to inform the future layout and its interface with its surrounds these investigations can take place at the subsequent structure planning stage in a similar way as to how the adjoining Bushmead Estate has been planned and approved.

Consideration of Council's 11 December 2019 resolution on the item "Managing Growth in the City of Swan"

Council at its 11 December 2019 Ordinary Meeting made a position as to if it can continue to support multiple new growth areas within the City of Swan, resolving to not support any further or future Metropolitan Regional Scheme (MRS) amendments of land within the 'Urban Investigation' and 'Planning Investigation' areas identified in the North-East Sub-Regional Planning Framework (March 2018).

The subject site is usual in that it is not identified at all in the North-East Sub-Regional Planning Framework, so is not 'Urban Investigation' or 'Planning Investigation'. Because of this it is necessary for Council to evaluate MRS Amendment No.1366/57 on its merits and compatibility with its December 2019 resolution.

Supporting MRS Amendment No.1366/57 is not considered to conflict with the intent and purpose of the December 2019 resolution. This is because:

- The development potential of this site is small (up to 23.89 ha) and beyond the partial upgrading on Midland Road & associated intersections, it doesn't generate the need to upgrade or construct city roads, ovals or community facilities outside of the site. In this respect this proposal is expected to have low to negligible demands on the City's resources to secure funding and infrastructure arrangements, making it more preferable when compared to other proposals located out on the urban fringe.
- With the land no longer owned or used by the commonwealth an MRS Amendment is needed and its repurposing for urban development is not ad-hoc given it is supported by the state and local endorsed strategy specific for this locality; the 2011 Hazelmere Enterprise Area Structure Plan (HEASP).
- The December 2019 resolution is principally concerned with further MRS Amendments in 'Urban Investigation' or 'Planning Investigation' areas on the urban fringe where there is significant financial risks to the City and ratepayers. This proposal - with its small size, identification in HEASP, low demands on city infrastructure and low financial risks - does not fall into that category in terms of risk or size. This proposal is comparable to an infill opportunity that will 'round out' the Precinct 9B urban cell envisaged by HEASP.

IMPLICATIONS TO LOCAL PLANNING SCHEME NO.17 (LPS17)

If the proposed Metropolitan Region Scheme (MRS) Amendment is approved, Council has a statutory obligation to take steps to update Local Planning Scheme No.17 so that it complies with the Metropolitan Region Scheme (MRS).

How Council can achieve compliance and its implications to Local Planning Scheme No.17 (LPS17) is outlined below along with the staff recommendations.

Implications for land rezoned to MRS 'Urban Deferred'

For 'Urban Deferred' rezoning area - Council will have 90 days after the MRS Amendment is approved to initiate an amendment to Local Planning Scheme No.17 (LPS 17) to give the land a suitable local classification compatible with the MRS 'Urban Deferred' zone. This is needed because MRS Amendment No.1366/57 will remove the current 'Public Purpose - Commonwealth Government' regional reservation leaving this land unzoned in the LPS17 maps until this anomaly is corrected.

The particulars of such a scheme amendment will be the subject of a future report to Council. All that needs to be said at this time is that the 'General Rural' local zone was applied to other MRS 'Urban Deferred' immediately north of this site in the same poultry farm odour buffer and is seen as the most pragmatic option to reflect its limited land use potential until the MRS 'Urban Deferred' zone is lifted.

Implications for land rezoned to MRS 'Urban'

For the 'Urban' rezoning area - Council has the following options available as to how Local Planning Scheme No.17 (LPS17) can be updated:

Option A: Council can request the WAPC utilise powers under s.126(3) of the *Planning and Development Act 2005* to concurrently amend Local Planning Scheme No.17 (LPS17) when MRS Amendment No.1366/57 is approved. These powers are limited and can only be used to reclassify the MRS 'Urban' rezoning area to the 'Residential Development' zone in LPS17. These powers cannot make concurrent changes for zones - like a Special Use Zone - that have textual provisions in the scheme.

Option B: If the 'Residential Development' zone is not sought then Council ought to advise the WAPC that it does not support a concurrent MRS / LPS17 amendment. Instead - as per the 'Urban Deferred' rezoning area - Council will have to initiate an amendment to Local Planning Scheme No.17 (LPS17) within 90 days of MRS Amendment No.1366/57 being approved to provide a local zone compatible with the 'Urban' MRS zone.

Option B is recommended and Council should advise the WAPC that it does not support a concurrent MRS / LPS17 Amendment.

This is because 'Special Use Zone No.14' (SUZ14) is considered the most appropriate local zone to apply to the MRS 'Urban' rezoning area, for the following reasons:

- The merits of making this land available for urban development are little to no difference from those used to support the rezoning of the Bushmead residential estate area immediately north-east of this site. That land is zoned Special Use Zone 14 (SUZ14). By extending this existing zone it will result in one (1) consistent zoning framework across all MRS 'Urban' lands in Bushmead.
- SUZ14 is fit for purpose as its requirement for a structure plan will ensure further investigations and detailed designs take place before the subdivision and development of the land.
- This zone already has tailored conditions to ensure future subdivision and development appropriately manages the risk of bushfire from the adjacent regionally significant bushland. Managing the threat of bushfire is essential for this site and this zone with its scheme conditions makes these requirements legally binding in a way no other alternative can.
- The subject site, like land already zoned SUZ14, is adjacent to the Kardina Brook and this zone already has a condition to ensure groundwater and surface water management measures will maintain the existing environmental values of the site and Kardina Brook in particular. This only reinforces the appropriateness of using SUZ14 for the MRS Amendment No.1366/57 area, compared to using another structure planning zone (like 'Residential Development').

Should the WAPC agree and not enact a concurrent MRS / LPS17 amendment a separate future report to Council will progress the particulars of the local planning scheme amendment when the outcome of MRS Amendment No.1366/57 is known.

OPTIONS AND IMPLICATIONS

Option 1: Council may resolve to make a submission of conditional support of MRS Amendment No.1366/57 as per the staff recommendations.

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

This is the recommended option.

Option 2: Council may instead resolve to advise the Western Australian Planning Commission (WAPC) that it has no comment to make.

Implications: The WAPC and Minister for Planning will still make a decision on the Metropolitan Region Scheme amendment but without this local government's input. As part of their decision they may (or may not) decide to enact concurrent changes to our Local Planning Scheme No.17 to rezone the land to a suitable development zone (like 'Residential Development'). The City will not know the outcome until after the Minister has made a decision. This option is not the recommended option as the City is forfeiting the right to express a view on this land and how our local planning scheme ought to be reviewed and because 'Special Use Zone No.14' is considered the most fit-for-purpose local zone for urban land in Bushmead.

This is not the recommended option.

ATTACHMENTS

Attachment 1: Location map

Attachment 2: Proposed MRS Amendment No.1366/57 rezoning map

Attachment 3: Current Local Planning Scheme No.17 map

Attachment 4: Extracts of the Hazelmere Enterprise Area Structure Plan (HEASP) relevant to MRS Amendment No.1366/57

Attachment 5: Relevant extracts of MRS Amendment No.1366/57 Report

STRATEGIC IMPLICATIONS

MRS Amendment No.1366/57 is considered generally compliant with the strategic intent for this land. See the heading entitled "Consideration of Council's 11 December 2019 resolution on the item "Managing Growth in the City of Swan"" above for a more detailed assessment.

STATUTORY IMPLICATIONS

Under s.124(3) of the *Planning and Development Act 2005*, if a region planning scheme is amended and is inconsistent with a local planning scheme, the local government is required to initiate an amendment to the local planning scheme to remove this inconsistency. As identified in this report - an amendment to Local Planning Scheme No.17 (LPS17) will be the subject of a future report to Council.

Should the WAPC and the Minister disagree with the City's comments and instead decide to enact powers under s.126(3) of the *Planning and Development Act 2005* to concurrently amend our scheme to give effect to a 'Residential Development' zone over the MRS 'Urban' rezoning area - this change will be automatically introduced into LPS17 if and when MRS Amendment No.1366/57 comes into effect. Should this occur Council will only need to progress a local planning scheme amendment for the 'Urban Deferred' zoning area.

FINANCIAL IMPLICATIONS

Nil arising from providing comments on a Metropolitan Region Scheme Amendment.

Should MRS Amendment No.1366/57 be approved - the direct financial implications are still negligible as the rezoning and subsequent actions to update our Local Planning Scheme No.17 do not automatically permit residential subdivision to occur.

The rezoning may result in a change in the basis of valuation or differential rates category applied and may have an impact on future rates revenue.

Subsequent to if a Local Planning Scheme Amendment is ultimately approved there could be some financial implications associated with the future urban development of this land, in particular securing infrastructure upgrades to Midland Road, including any associated intersections. Given its location and small scale the financial risks associated with this proposal are considered to be comparatively low to negligible, particularly when compared to other proposals on the urban fringe that are identified as 'Urban Investigation' and 'Planning Investigation' areas in the North-East Sub-Regional Planning Framework (March 2018).

It is expected that conditions on subdivision approvals and infrastructure deeds will be the primary mechanism to secure contributions from developers to upgrade this road. This is what occurred with developer Cedar Woods in the nearby Bushmead estate. Council will have the opportunity to review the financial implications again at the structure planning stage.

VOTING REQUIREMENTS

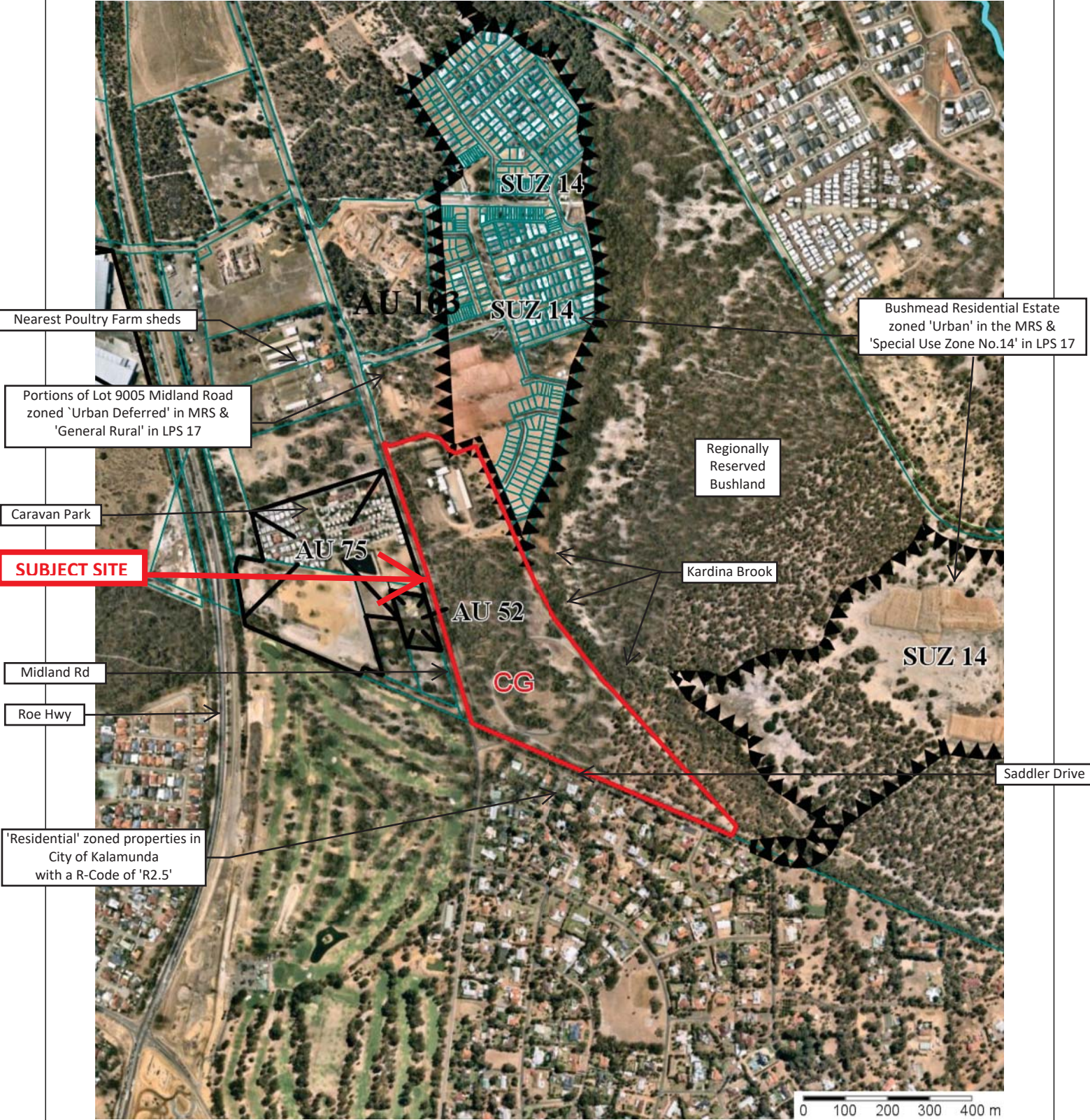
Simple majority

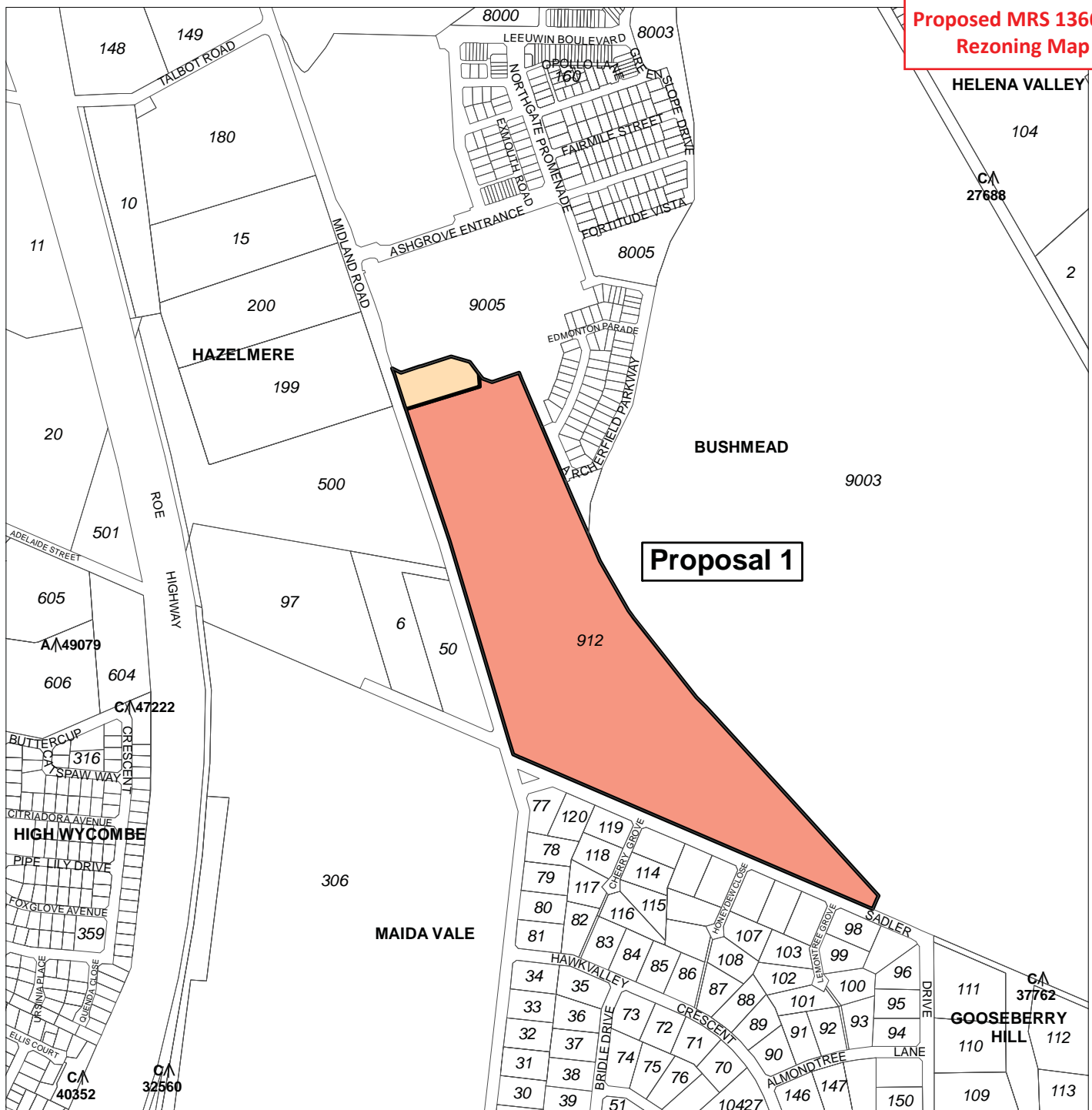
RECOMMENDATION

That the Council resolve to:

- 1) Make a submission on proposed Metropolitan Region Scheme Amendment No.1366/57 (Lot 912 Midland Road, Bushmead) advising the Western Australian Planning Commission that the City of Swan:
 - a. Has no objection to the proposed Metropolitan Region Scheme 'Urban Deferred' and 'Urban' zones, as advertised.
 - b. Considers 'Special Use Zone No.14' (not the 'Residential Development' zone) to be the most suitable local classification for land proposed to be rezoned to 'Urban' in the Metropolitan Region Scheme. As this is not a development zone Council does not request or support the concurrent amendment and coordination of City of Swan Local Planning Scheme No.17 with that of Metropolitan Region Scheme Amendment No.1366/57.
- 2) Advise the Western Australian Planning Commission that Council will consider initiating an amendment to Local Planning Scheme No.17 to reclassify the subject portions of land once the outcome of Metropolitan Region Scheme Amendment No.1366/57 is known.

CARRIED





Lot 912 Midland Road, Bushmead
Proposed minor amendment
as advertised

11 December 2019

Proposal 1

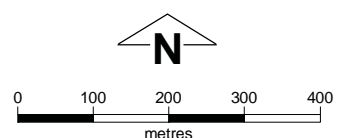
Proposed Amendment:

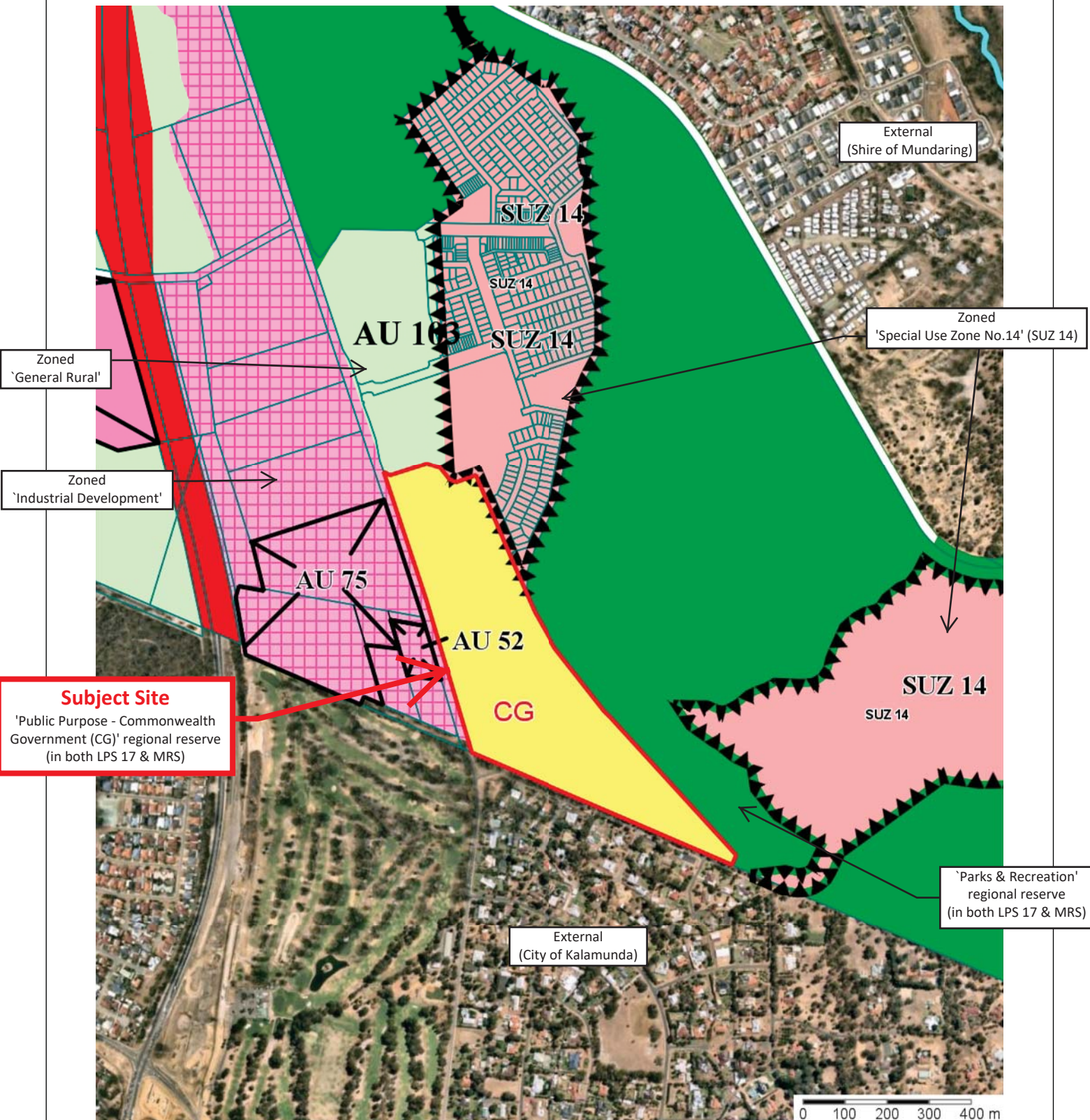
- Urban zone
- Urban deferred zone

Oracle reference no: 2963
 File number: 833/02/21/0128
 Version number: 3



Date: 13/12/2019
 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





08 Precincts

Precinct 9 - Bushmead

Objective

Provide suitable urban development for which the detailed land uses will be determined through local structure plans, whilst protecting the integrity of Bush Forever sites.

Precinct Rationale

Comprises the land east of the Roe Highway. Structure plans that take into account future development for both Precincts 9A and 9B are required as part of any future development.

The precinct has a number of constraints which limit development, including:

- Significant cost to bring Maida Vale sewer forward in Water Corporation's headworks plans
- Limited access to north and south due to restricted access onto Roe Highway;
- An existing poultry farm and its associated buffer
- Caravan park that is under consideration for expansion to the south
- Kadina Brook
- Bush Forever sites 481 and 213
- Western Power 330kv powerlines and easement

Site Characteristics

- The ground water is well below the surface in this area;
- A poultry farm and buffer exists centrally in the Precinct;
- Substantial areas of remnant bushland identified in Bush Forever;
- 330kv power lines traversing part of Precinct 9A and
- Kadina Brook traversing Precinct 9B.

Land Use Intent

Precinct 9A

- Potential for industrial/commercial uses and/or residential uses to be identified through the local structure planning process and dependent upon suitability within constraints and surrounding land uses;
- Conservation of Bush Forever sites;
- A Special Use Zone under the local planning scheme will be required to facilitate structure planning and determine appropriate land uses and land use provisions.

Precinct 9B

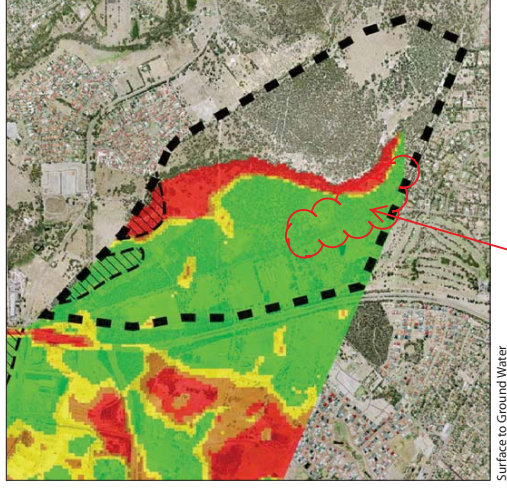
- Potential for residential and some non-residential uses to be identified through the local structure planning process and dependent on suitability within constraints and surrounding land uses;

Conservation of Bush Forever sites;

- A Special Use zone under the local planning scheme will be required to facilitate structure planning and determine appropriate land uses and land use provisions

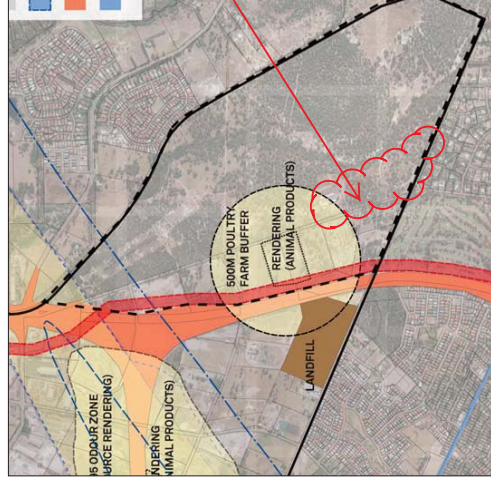
Development Requirements

- Local structure plans for Precinct 9A and 9B required. Structure plans are to consider development on both Precinct 9A and Precinct 9B;
- Local structure plans to address, but not limited to:
- Traffic impact assessment and traffic management plan;
- Local water management strategy;
- Protection of Aboriginal heritage;
- Poultry farm buffer assessment;
- Protection of Kadina Brook; and
- Protection of Carnaby's Black Cockatoo habitat.
- Subdivision and development subject to connection to reticulated sewer;
- Midland Road and intersections to be upgraded to an appropriate standard identified in the Traffic Impact Assessment and Traffic Management Plan;
- Limit flows discharging from lots to those discussed in the District Stormwater Management Strategy (Appendix C)



Surface to Ground Water

Approx. Subject Site



Buffers

08 Precincts

Precinct 9 - Bushmead

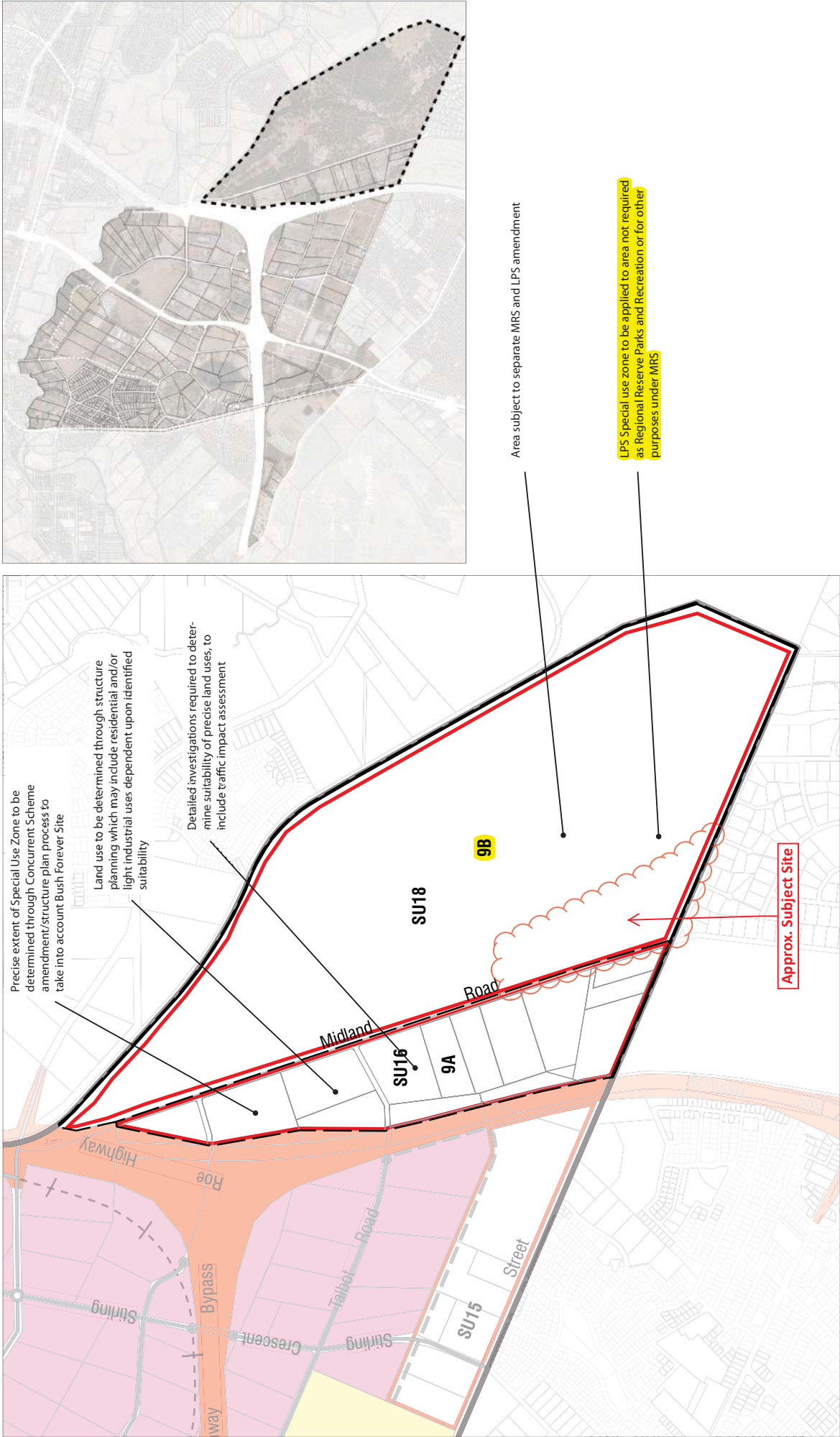


Figure 41. Precinct 9 - Bushmead



*We're working for
Western Australia.*

March 2020

Metropolitan Region Scheme Amendment 1366/57 (Minor Amendment)



Lot 912 Midland Road,
Bushmead

Amendment Report

City of Swan

Metropolitan Region Scheme Amendment 1366/57

Lot 912 Midland Road, Bushmead

1 Purpose

The purpose of the amendment is to transfer approximately 23.89 hectares of land in Bushmead from the Public Purposes - Commonwealth Government reservation to the Urban and Urban Deferred zones under the Metropolitan Region Scheme (MRS), as shown on the Amending Figure - Proposal 1.

The proposed amendment will facilitate the development of residential and related land uses within the amendment area, following local structure planning and subdivision approval.

Requirement to lift the Urban Deferment

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

- Confirmation that the poultry farm at Lot 15 Midland Road, Hazelmere has permanently ceased operating, or it being determined that a reduced separation distance would be appropriate upon the advice of the Department of Water and Environmental Regulation.

2 Background

The subject land is located within the City of Swan and is approximately 13 kilometres east of the Perth Central Business District and 4 kilometres south of the Midland strategic metropolitan centre.

The subject land is privately owned, but was formerly owned by the Department of Defence and was used as a transport depot and driver training facility by the Australian Army. The subject land is occupied by buildings, a driver training course and infrastructure associated with this former use.

The amendment area is predominantly covered by remnant vegetation which, for the most part, has been parkland cleared and is in a "Completely Degraded" condition.

Remnant vegetation in the north-west corner of the amendment area is in a "Good" to "Very Good" condition and is also identified as a Threatened Ecological Community (TEC) - *Corymbia calophylla* over *Xanthorrhoea preissii* woodlands and shrublands.

Land to the west, north and north-east of the amendment area is zoned Urban and Urban Deferred and land to the south is zoned Rural under the MRS. Land to the east is reserved Parks and Recreation under the MRS and is part of Bush Forever area 213.

Land use and development within the amendment area is generally controlled by the MRS which identifies the land as "Public Purposes - Commonwealth Government". Should the amendment area be zoned Urban and Urban Deferred under the MRS, land use and development would be generally controlled by the *City of Swan Local Planning Scheme No. 17*.

3 Scope and content of the amendment

The amendment proposes to rezone approximately 23.89 hectares of land from the Public Purposes - Commonwealth Government reservation to the Urban and Urban Deferred zones under the MRS.

4 Discussion

Strategic Planning Context

Perth and Peel@3.5million and North-East Sub-Regional Planning Framework

The *Perth and Peel@3.5million* suite of planning documents outlines an envisaged development outcome for the Perth and Peel regions in the future. It makes the case for change from a “business-as-usual” perspective to a more considered, connected, consolidated urban form. Future areas for urban development have been determined in conjunction with the State Government’s draft *Strategic Assessment of the Perth and Peel Regions*, in order to avoid and protect areas that have significant regional environmental value.

The *North-East Sub-regional Planning Framework* (the Framework) forms part of the *Perth and Peel@3.5million* suite of planning documents. The Framework identifies the subject land as “Public Purposes” consistent with its “Public Purposes - Commonwealth Government” reservation under the MRS. However, this reservation is no longer appropriate given the subject is no longer owned by the Department of Defence and, as such, it is appropriate for the subject land to be transferred to another zone or reservation under the MRS.

Whilst the amendment area is not designated as Urban, Urban Deferred, Urban Expansion or Urban Investigation in the Framework, the amendment is still consistent with the intent of the Framework given it is consistent with the key planning framework principles of the Framework, for the following reasons:

- It represents a logical extension to, and rounding out of, the urban form in the locality, given adjacent land is currently zoned Urban or Deferred under the MRS.
- Residential development of the subject land would facilitate more people living close to where they work, given the proximity of the subject land to key employment areas in Midland, Hazelmere and Forrestfield and at Perth Airport.
- Significant environmental values of the amendment area can be appropriately protected in subsequent stages of the planning process.

Hazelmere Enterprise Area Structure Plan

The *Hazelmere Enterprise Area Structure Plan* (HEASP) was jointly prepared by the City of Swan and the Western Australian Planning Commission (WAPC), and was endorsed by the WAPC in October 2011. The HEASP seeks to facilitate appropriate industrial development in the area whilst protecting sensitive wetlands, ground and surface water resources and surrounding residential areas.

The amendment area is located within Precinct 9(B) - Bushmead of the HEASP, which is identified as having potential for residential and non-residential development identified through the local structure planning process and dependent upon suitability with constraints and surrounding land uses. The amendment is consistent with the HEASP as it is consistent with the intended planning direction for Precinct 9(B).

State Planning Policy 2.5: Rural Planning

State Planning Policy 2.5: Rural Planning (SPP 2.5) seeks to support existing, expanded and future primary production through the protection of rural land and to avoid and minimise land use conflicts. SPP 2.5 states that where an area is transitioning from a rural land uses to urban land uses, that appropriate separation distances may be required to manage the transition and allow rural land uses to continue operations until such time as production ceases or relocation occurs.

A poultry farm is located approximately 280 metres north-west of the subject land. A site-specific odour study has previously been undertaken for this poultry farm in support of a lifting of urban deferment request (MRS amendment 1337/27) for land adjacent to the amendment area (Lot 9503 Midland Road). The WAPC approved this request on the basis that it had been demonstrated that nearby poultry farm will not cause unacceptable odour impacts within the lifting of Urban Deferment area that cannot be appropriately addressed in subsequent stages of the planning process.

As Lot 9503 is located adjacent to the northern part of the amendment area, it appropriate for the same approach to be used to determine the extent of the Urban and Urban Deferred zones over the subject land. It is likely that any potential unacceptable impacts within the proposed Urban zone can appropriately managed in a similar fashion to how they can be managed on the adjacent land.

However, the Urban Deferred zoning over the northern portion of the subject land can only be lifted once it is demonstrated that the poultry farm has permanently ceased operations or that a reduced separation distance would be appropriate.

State Planning Policy 3.0: Urban Growth and Settlement

State Planning Policy 3.0 - Urban Growth and Settlement (SPP 3.0) sets out the principles and considerations that guide the development of new urban growth areas and settlements. Its objectives include promoting a sustainable and well-planned pattern of development across the State and managing the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community constraints.

The amendment is consistent with SPP 3.0 as it will provide additional Urban zoned land in a suitable location, which can be serviced, and that can be developed without resulting in significant environmental impacts.

State Planning Policy 3.7: Planning in Bushfire Prone Areas

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

The accompanying *Guidelines for the Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7. They provide advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a bushfire prone area. The Department of Fire and Emergency Services advises that the bushfire management plan prepared for the amendment is acceptable.

Statutory Planning Context

Environment

The former Office of the Environmental Protection Authority advises that potential environmental impacts associated with the development can be managed in subsequent planning stages. The Department of Water and Environmental Regulation (DWER) and the Department of Biodiversity, Conservation and Attractions do not raise any objections. These agencies provide the following advice.

Flora and vegetation

The amendment area contains one hectare of a Threatened Ecological Community (TEC) mapped as Floristic Community Type 3c '*Corymbia calophylla* over *Xanthorrhoea preissii* woodlands and shrublands' located in the northern part of the site. This TEC is listed as Endangered under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* and is listed as Critically Endangered at the State level.

The amendment area also contains a large number of Marri and Jarrah trees. Most of this vegetation is mapped as "Completely Degraded", but is also mapped as Forrestfield Complex vegetation, which only has 11.5 per cent of its original extent remaining.

The above TEC should be set aside for conservation purposes and other vegetation and fauna habitat values across the site should be appropriately protected and managed in any structure planning for the subject land.

Black Cockatoo habitat

Development of the amendment area may impact on breeding and foraging habit for threatened Black Cockatoo species. Provisions should be made to retain as much of this habitat as possible in subsequent stages of the planning process, and consideration should be given to whether offsets may be required to mitigate any impacts.

Development of the subject land may also require assessment under the *Wildlife Conservation Act 1950* and the *Environmental Protection and Biodiversity Conservation Act 1999*.

Kadina Brook

Kadina Brook is located adjacent to the eastern boundary of the amendment area. An appropriate foreshore area would need to be identified over part of the amendment area and a foreshore management plan should be prepared at the local structure planning stage of the planning process.

Urban Water Management

The DWER has endorsed a District Water Management Strategy for the subject land.

Water and wastewater infrastructure

The Water Corporation advises that the information in the Servicing Report prepared by the proponent is sufficient to allow initiation the amendment. The subject land is capable of being provided with water and wastewater services, subject to servicing requirements being reviewed further at the structure planning and subdivision stages of the planning process. These reviews will determine the extent and staging of any upgrades required to service the subject land.

5 Aboriginal heritage

The *Aboriginal Heritage Act 1972* (AHA) is administered by the Department of Planning, Lands and Heritage and provides for the protection and preservation of Aboriginal heritage and culture throughout Western Australia, including places and objects that are of significance to Aboriginal people. Aboriginal sites and materials are protected whether or not they have been previously recorded or reported.

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the AHA. Proposed changes to land-use at MRS amendment stage are broad by nature and do not physically interfere with the land. Consideration of any protection that may be required is addressed more specifically at later stages of the planning process, typically being a local planning scheme amendment and when preparing a local structure plan.

Proponents of proposals are advised to familiarise themselves with the State's *Cultural Heritage Due Diligence Guidelines* (the Guidelines). These have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The Guidelines are available electronically at: <http://www/dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/aboriginal-heritage-surveys>.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC and the Department of Planning, Lands and Heritage have entered into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All MRS amendment proposals likely to be of interest to Aboriginal persons are referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

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

6 Co-ordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005*, the City of Swan has the option of requesting the WAPC to concurrently rezone land being zoned Urban under the MRS to a "Development" zone (or similar) in the Local Planning Scheme. In this regard, the WAPC will make a decision on the concurrent MRS amendment of the site following the public submission period.

7 Substantiality

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. Development Control Policy 1.9 - *Amendments Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. In this regard, the amendment is proposed to be processed as a "minor" amendment as follows:

- The size and scale of the amendment is not regionally significant and does not reflect a significant change to the strategic planning for the Metropolitan region.
- The amendment is consistent with the key planning framework principles of the *North-East Sub-regional Planning Framework*.
- The amendment area is identified as being suitable for urban development in the WAPC endorsed *Hazelmere Enterprise Area Structure Plan*.
- Rezoning land in the amendment area to the Urban and Urban Deferred zones constitutes a logical extension of the extent of these zone under the MRS for this locality.
- The City of Swan and key State Government agencies agree to the initiation of the amendment.

8 Sustainability appraisal

The proposed amendment will facilitate the future urban development of the subject site consistent with the intent the *Perth and Peel@3.5million* document and the intent and key planning framework principles of the *North-East Sub-regional Planning Framework*, and the residential character of adjacent land. Furthermore, it is likely that the environmental values of the site will be protected wherever possible and given further consideration in subsequent stages of the planning process.

9 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required.

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. A copy of the notice from the EPA is included at appendix A.

10 The amendment process

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 57 of that Act.

In essence, the procedure for an amendment not constituting a substantial alteration to the MRS (often referred to as a minor amendment) involves:

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment
- completion of an environmental review (if required) to EPA instructions
- public submissions sought on the proposed amendment (including environmental review if required)
- consideration of submissions
- approval, with or without any modifications in response to submissions, or decline to approve by the Minister
- the amendment takes legal effect with gazettal of the Minister's approval.

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

11 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the MRS.

The amendment will be advertised for public submissions for a period of 60 days from Friday 27 March 2020 to Friday 5 June 2020.

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

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

Online submissions are encouraged via: <https://consultation.dplh.wa.gov.au>.

Written submissions commenting on the amendment should be sent to:-

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

or by email to:-

mrs@dplh.wa.gov.au

and must be received by 5 pm Friday 5 June 2020.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 57) is contained in this report (appendix E). Additional copies of the form are available from the display locations and the Department of Planning, Lands and Heritage website www.dplh.wa.gov.au/mrs-amendments.

You should be aware that calling for submissions is a public process and all submissions lodged will become public. All submissions are published and made available when the Minister has made a determination on the amendment. Advice of disclosure and access requirements are shown on side two of the submission form.

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

12 Modifications to the amendment

After considering any comments received from the public and government agencies, the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

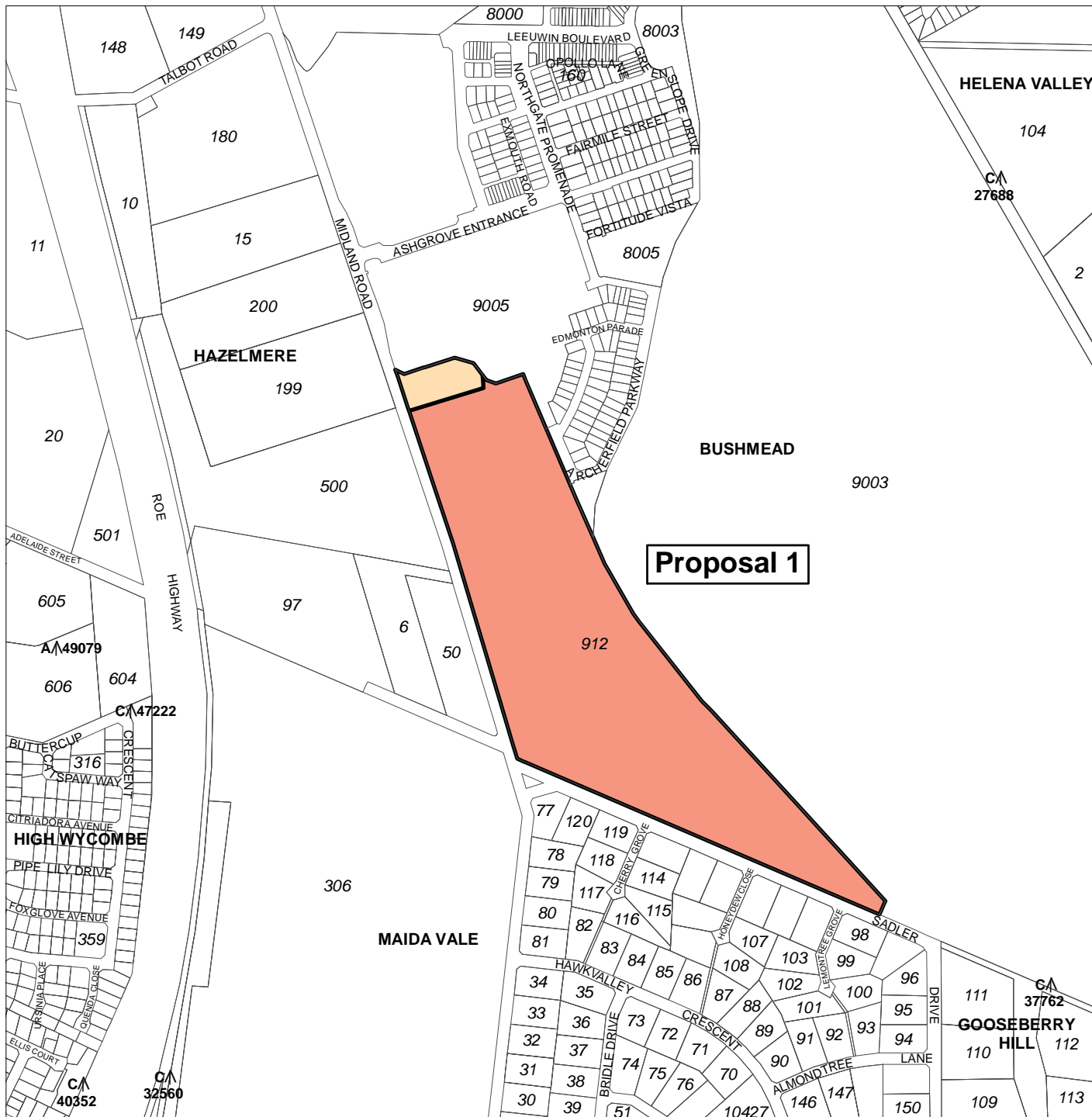
13 Final outcome

The recommendations of the WAPC, including any modifications, along with the determination of the Minister, are published in a report on submissions. Anyone who has made a submission, along with affected landowners, will be notified of the outcome when the amendment is Gazetted to give it legal effect.

MRS Amendment 1366/57

Lot 912 Midland Road, Bushmead

Amending Figure
Proposal 1



Lot 912 Midland Road, Bushmead
Proposed minor amendment
as advertised

11 December 2019

Proposal 1

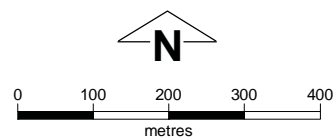
Proposed Amendment:

- Urban zone
- Urban deferred zone

Oracle reference no: 2963
 File number: 833/02/21/0128
 Version number: 3



Date: 13/12/2019
 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





Department of **Biodiversity,
Conservation and Attractions**



Your ref: 833-2-21-128 (RLS/0689/1)
Our ref: PRS 41078
Enquiries: Michael Roberts
Phone: 9303 7755
Email: Michael.Roberts@dbca.wa.gov.au

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

Attention: Brett Pye

Dear Ms Fagan

MRS AMENDMENT – LOT 912 MIDLAND ROAD, BUSHMEAD

I refer to your correspondence of 24 March 2020 requesting comments on the above. The Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (the department) advises that the previous advice provided in a letter dated 10 July 2017 and email dated 19 September 2017 is still considered relevant to the MRS Amendment process and therefore no further additional comments are considered necessary at this stage.

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

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Benson Todd'.

Benson Todd
REGIONAL MANAGER

8 June 2020



Your ref: 833-2-21-128
Our ref: PRS 41078
Enquiries: Michael Roberts
Phone: 9303 7755
Email: Michael.Roberts@dbca.wa.gov.au

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

Attention: Andrew Thomas

PROPOSED MRS AMENDMENT – LOT 912 SADLER DRIVE HAZELMERE

I refer to your correspondence of 9 May 2017 requesting comments on the above MRS Amendment. The Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (the department) has reviewed the amendment to rezone the subject land from 'Public Purposes – Commonwealth Government' to 'Urban' and 'Urban Deferred' zoning and provides the following advice.

***Corymbia calophylla* - *Xanthorrhoea preissii* woodlands and shrublands (SCP 3c)**

A Flora and Vegetation survey undertaken by PGV Environmental in December 2016 identified an area of very good quality vegetation at the northern end of the site, which was inferred by the environmental consultant to be an occurrence of Floristic Community Type (SCP) 3c - *Corymbia calophylla* - *Xanthorrhoea preissii* woodlands and shrublands, Swan Coastal Plain. This floristic community is considered a Threatened Ecological Community (TEC) is a State endorsed TEC and listed as Endangered under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). Any proposal which has the potential to impact on this TEC occurrence would require referral to the Environmental Protection Authority (EPA) and Commonwealth Department of Environment and Energy to determine if formal environmental assessment is required.

It is recommended that the department's Species and Communities Branch are consulted by the proponent to determine if the survey undertaken by PGV Environmental employed the correct survey methodology and analysis. This will enable the department to verify that this community is a TEC. Once verified, the TEC can then be incorporated into the department's threatened and priority ecological communities database and geographical information system.

If this community is confirmed to be a TEC, the department would consider it to be environmentally significant given its conservation status under both state and commonwealth environmental legislation. Any future planning of the site (ie Structure Plan) should recognise the significance of the community and take appropriate steps to retain and enhance the ecological values of this occurrence. In addition, the interface between development and environmentally sensitive sites such as TEC's should be carefully planned in consultation with the department with consideration of appropriate adjacent land uses abutting vegetation. Any areas proposed to be retained for

conservation should be managed in accordance with appropriate management plans, prepared at further stages in the planning process.

Matters of National Environmental Significance

As identified in the Flora and Vegetation survey undertaken by PGV Environmental, the subject lot contains predominantly *Corymbia calophylla* (Marri) and *Eucalyptus marginata* subsp. *marginata* (Jarrah) over grassland of weeds. Due to the native vegetation clearing required to facilitate future development, the department considers there may be an impact to the breeding and foraging habitat of threatened species listed under State and Federal legislation such as Carnaby's black cockatoo (*Calyptorhynchus latirostris*), forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) and Baudin's cockatoo (*Calyptorhynchus baudinii*). Planning for the proposed development should make provision to retain as much of the cockatoo habitat as possible, identify and quantify habitat which will be lost, and consider if offsets may be required to mitigate any residual impact on habitat of these species.

Consideration should also be given to the obligations for assessment of the proposal in accordance with the *Wildlife Conservation Act 1950* and the Commonwealth EPBC Act. The proponent should contact the Commonwealth Department of Environment and Energy for further information on these responsibilities, prior to future planning stages.

The department understands that the environmental consultants did not undertake a targeted cockatoo habitat tree assessment of the amendment area to identify the locations of potential habitat trees. As such it is recommended that a habitat tree assessment is undertaken at Structure Plan stage to identify cockatoo habitat values within the amendment area.

Kadina Brook

Although Kadina Brook located on the adjacent Lot 911 is not identified in the department's *Geomorphic Wetlands of the Swan Coastal Plain* database, the ephemeral watercourse is recognised in a foreshore management plan prepared as part of the (Bushmead development) *Lot 911 Sadler Drive Local Structure Plan*. Given that the proposed foreshore reserve extends into the subject lot, the department supports the recommendation in the applicants report to prepare and implement a foreshore management plan as an addendum to the original plan as part of structure planning for the subject land.

Other matters

The department recognises that this proposed scheme amendment was not considered as part of the Western Australian Planning Commission's (WAPC) Draft North-East Sub-Regional Planning Framework as the area is still recognised as land zoned 'Public Purposes - Commonwealth Government'. The land was also not considered by the Strategic Assessment of the Perth Peel Regions (SAPPR) as the land is outside of the SAPPR Classes of Action. Given that the land has now transferred ownership from the Commonwealth to LandCorp and the fact that the above planning and environmental documents are still in draft phase, the WAPC should consider whether this amendment area should now be included in the SAPPR process.

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

Yours faithfully

A handwritten signature in dark ink, reading 'Stefan de Haan'. The script is cursive and fluid, with the first name 'Stefan' and last name 'de Haan' clearly distinguishable.

Stefan de Haan
REGIONAL MANAGER

10 July 2017

From: Michael Roberts <michael.roberts@dbca.wa.gov.au>
Sent: Tuesday, 19 September 2017 6:00 PM
To: Thomas, Andrew
Subject: RE: Part 1 - DWER (OEPA) and DBCA Comments on Proposed MRS Amendment for Lot 912 Sadler Drive, Hazelmere

Follow Up Flag: Follow up
Flag Status: Completed

Hi Andrew

These reports supports the previous comments made by the department that the area contains foraging habit(and potential roosting habitat) for Black Cockatoo which will need to be considered later in the planning process. The OEPA obviously have a role in determine the level of significance of the future clearing of this foraging habitat and whether they consider that the impact would need to be formally assessed by the EPA. In addition the proponent has been clearly advised by the report's author to consider referring future development proposals to the Commonwealth department of Environment for consideration under the EPBC Act.

I do not consider that the department would necessarily need to update or change our previous advise in this case.

Regards

Michael Roberts | Planning Officer (Land Use) |

Department of Biodiversity,Conservation and Attractions
Parks and Wildlife Service
Swan Coastal District
5 Dundobar Road Wanneroo WA 6065
P 9303 7755



Department of Biodiversity,
Conservation and Attractions



www.dbca.wa.gov.au

From: Thomas, Andrew [mailto:Andrew.Thomas@planning.wa.gov.au]
Sent: Thursday, 7 September 2017 12:46 PM
To: 'Gerard O'Brien (gerard.o'brien@dwer.wa.gov.au)'; Michael Roberts
Subject: Part 1 - DWER (OEPA) and DBCA Comments on Proposed MRS Amendment for Lot 912 Sadler Drive, Hazelmere

Hi Gerard and Michael,

Further to the former OEPA (Your Ref: Ac04 2017 0094) and DBCA (Your Ref PRS 41078) comments on the proposed MRS Amendment for Lot 912 Sadler Drive, Hazelmere, please find attached Part 1 (of 4) of a Black Cockatoo Habitat Assessment for the amendment area undertaken by the proponent. I will send parts 2-4 via separate emails as the full document is 30+mb.

Can you please advise if this requires any update to your previous advice in relation to the proposal?

Happy to discuss further if required.

Kind regards,

Andrew

Andrew Thomas | Senior Planning Officer | Perth and Peel Planning
140 William Street, Perth WA 6000
(08) 6551 9615 |
Andrew.Thomas@planning.wa.gov.au | www.dplh.wa.gov.au



**Department of Planning,
Lands and Heritage**

*The departments of Planning, Lands, State Heritage Office
and the Aboriginal heritage and land functions of the
Department of Aboriginal Affairs have been amalgamated
to form the Department of Planning, Lands and Heritage.*

The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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Your ref : 833-2-21-128 Pt 1 (RLS/0862)
Our ref : D20/0274944
Enquiries : Matthew Cosson
((08) 9264 4008)

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

Attention: Mr Brett Pye

Dear Ms Fagan

**Proposed Metropolitan Region Scheme Minor Amendment 1366/57
Lot 912 Midland Road, Bushmead**

I refer to your letter dated 24 March 2020 providing the Department of Education (Department) the opportunity to provide comments on the abovementioned proposed Metropolitan Region Scheme (MRS) Amendment (Amendment). The Amendment proposes to transfer approximately 23.89 hectares of land in Bushmead from the Public Purposes – Commonwealth Government reserve to the Urban and Urban Deferred zones.

With reference to the relevant provisions of Western Australian Planning Commission Development Control Policy 2.4 – School Sites (DC Policy 2.4) and Liveable Neighbourhoods, the Department wishes to provide the following comments:

Requirement for Public School Sites

Primary School

The Amendment area falls within the Maida Vale Primary School (MVPS) student enrolment Local Intake Area (LIA). There are currently 1,643 dwellings within the primary LIA and 310 additional dwellings within the MVPS and Helena Valley Primary School optional LIA. An additional 41 dwellings will be provided in the LIA as projected by the Urban Land Development Outlook (2017) to the south of MVPS and approximately 725 dwellings will be delivered within the Bushmead Local Structure Plan (BLSP) area. The BLSP area surrounds the MRS Amendment site to the north and to the east.

Should the Amendment area be developed in accordance with the average greenfield density rate of 22.2 dwellings per hectare, approximately 530 dwellings would be delivered as a result of the Amendment (subject to future structure planning and subdivision stages). This would result in MVPS accommodating up to 3,248 dwellings within its LIA in the medium to long-term, exceeding the dwelling yield threshold of 1500 dwellings as per the requirements of DC Policy 2.4.

It is considered that MVPS would not provide adequate support for the future student enrolment demand from the projected dwelling yield for the LIA. Accordingly, the Department requires a public primary school site to be provided as part of any future structure planning and subdivision for the Amendment area.

Secondary School

The Amendment area falls within the optional LIA of Kalamunda Senior High School and Darling Range Sports College. Currently, the subject schools are operating on limited accommodation capacity. As such, the anticipated increase in the dwelling yield and resultant student yield in the Amendment area will exacerbate the student enrolment pressure on these schools over time. This warrants careful planning consideration to ensure that the anticipated student demand balances with the provision of public secondary schools in the locality.

It is worth noting that there are undeveloped areas identified as Planning and Urban Investigation Areas in the surrounding locality based on the Perth and Peel @3.5million North-East Sub-regional Planning Framework which may result in significant secondary school student contribution in the long term.

Accordingly, the Department will continue to closely monitor the student enrolment demand on public secondary schools and if required, identify the suitable number and location of future public secondary school site(s) having regard to the current and potential residential growth in the broader locality.

Site Constraints

The amendment report indicates that the area may contain (but not be limited to) the following site constraints:

- approximately 1 hectare of a Threatened Ecological Community (TEC). The TEC is listed as 'Endangered' under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 and is listed as Critically Endangered at the State Level;
- a large number of Marri and Jarrah trees; and
- breeding and foraging habitat for Black Cockatoos.

A school site will only be supported by the Department where it is clearly demonstrated that there are no significant constraints that would prevent a public school being delivered in the future.

Subject to the above matters being addressed, the Department has no in principle objections to the MRS Amendment. The Department would welcome the opportunity to liaise with the Department of Planning, Lands and Heritage, the City of Swan and the developer/land owner directly to appropriately forward plan for the future demand for public school sites within the area.

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
**Manager Land and Property
 Asset Planning and Services**

16 June 2020



Department of **Biodiversity,
Conservation and Attractions**



Your ref: 833-2-21-128
Our ref: 2020/1029
Enquiries: Liz Harrison
Phone: 9278 0921
Email: liz.harrison@dbca.wa.gov.au

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

Dear Ms Fagan

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1366/57 – LOT 912 MIDLAND ROAD, BUSHMEAD

Thank you for providing the Department of Biodiversity, Conservation and Attractions (DBCA) with the opportunity to comment on the above metropolitan region scheme (MRS) amendment received on 24 March 2020.

Officers from DBCA have reviewed the current application and recommend that the following comments be considered before the proposed MRS amendment proceeds, noting that DBCA's previous advice (letter dated 10 July 2017 – attached) highlighted issues that still stand.

The site contains one hectare of a Threatened Ecological Community (TEC) mapped as Floristic Community Type 3c '*Corymbia calophylla* over *Xanthorrhoea preissii* woodlands and shrublands' located in the northern part of the site. The proposed amendment states that the area containing the TEC should be set aside for conservation purposes. However, the report also suggests concurrently progressing the forthcoming local planning scheme (LPS) amendment, which is the planning mechanism required to provide conservation zoning to the area (concurrent amendment would result in the TEC area being zoned "development" under the LPS). As also stated by the Environmental Protection Authority (EPA), DBCA is not supportive of this approach. A separate amendment process would provide the opportunity to retain and enhance the ecological values of the TEC by outlining the appropriate management requirements for the area and ensure it is protected from adjoining development.

It is understood that the Kadina Brook runs through Lot 9000 (adjacent to Lot 912), and the provision of a minimum 30-metre foreshore reserve will result in a portion of the reserve protruding into Lot 912. It is acknowledged that a foreshore management plan (FMP) is intended to be prepared for submission at the local structure planning stage. However, considering the land is currently owned by the State, the portion of foreshore reserve that extends into Lot 912 is in a position to be rezoned from "public purposes" to "parks and recreation reserve" under the current amendment. This would keep the zoning consistent with that of the adjacent lot containing the Kadina Brook and would provide further protection to the foreshore reserve vegetation during development. Regardless of zoning, the vegetation within this future reserve will need to be considered when preparing the bushfire management plan (BMP) for the area (i.e. DBCA would not support the removal of native vegetation within this space and it will be expected that the area be rehabilitated as a foreshore reserve). Once prepared, please ensure that the FMP and BMP is provided to DBCA for comment.

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

Thank you for the opportunity to comment on the proposed MRS amendment. Overall, DBCA is unable to support the proposal in its current form, particularly the intention to process the MRS and LPS amendment concurrently. It is recommended that the LPS amendment be processed separately; to ensure "conservation" LPS zoning, with appropriate scheme text, is applied to the TEC. It is also recommended that the current MRS amendment be modified to include "parks and recreation reserve" zoning in addition to the "urban" and "urban deferred" zoning proposed, in order to incorporate the Kadina Brook foreshore reserve. These modifications will provide the opportunity to ensure the TEC and the Kadina Brook foreshore reserve are appropriately protected; ensuring these existing environmental benefits remain available to the future community.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jacey Mills', written in a cursive style.

Jacey Mills
Manager, Statutory Assessments

17 June 2020



Department of **Biodiversity,
Conservation and Attractions**



Your ref: 833-2-21-128
 Our ref: PRS 41078
 Enquiries: Michael Roberts
 Phone: 9303 7755
 Email: Michael.Roberts@dbca.wa.gov.au

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

Attention: Andrew Thomas

PROPOSED MRS AMENDMENT – LOT 912 SADLER DRIVE HAZELMERE

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Swan Region
 Cnr Australia II Drive and Hackett Drive, Crawley WA 6009
 Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
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Yours faithfully

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Stefan de Haan
REGIONAL MANAGER

10 July 2017

