



*We're working for
Western Australia.*

May 2020

Metropolitan Region Scheme Amendments 1369/57 & 1370/57

(Minor Amendments)



1369/57 - West Piara
Urban Precinct

1370/57 - West Piara
High School Site

Amendment Report

City of Armadale

**Metropolitan Region Scheme
Amendments 1369/57 & 1370/57
(minor amendments)**

**West Piara Urban Precinct
West Piara High School Site**

Amendment Report

City of Armadale



May 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.

Disclaimer

This document has been published by the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© State of Western Australia

Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

MRS Amendment 1369/57 & 1370/57 Amendment Report
File 833-2-22-79 Pt 1 & 833-2-22-83 Pt 1

Published May 2020

Internet: www.dplh.wa.gov.au
Email: info@dplh.wa.gov.au
Phone: (08) 6551 8002
Fax: (08) 6551 9001
National Relay Service: 13 36 77

This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.

CONTENTS

The Metropolitan Region Scheme v

Abbreviations ix

SECTION 1 **Amendment 1369/57**
West Piara Urban Precinct

SECTION 2 **Amendment 1370/57**
West Piara High School Site

Appendix I Your property and the planning system - region schemes

Appendix II Preparing a submission

The Metropolitan Region Scheme

What it is and how it is amended - minor

Planning Perth's future

Perth is currently home to more than 2 million people and this is anticipated to grow to 3.5 million by 2050.

To meet this growth, land must be identified for future housing, employment opportunities, transport, conservation and recreation.

The Metropolitan Region Scheme (MRS) provides for this by defining what land can be used for. It is also the means by which landowners can be compensated for land acquired for public purposes.

The role of the WAPC?

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. The WAPC comprises a Chair and 16 members, representing industry, government and the community.

The WAPC is a statutory authority and operates in accordance with the *Planning and Development Act 2005*. It is supported by the Department of Planning, Lands and Heritage, which provides professional and technical expertise, administrative services and corporate resources.

What is the Metropolitan Region Scheme?

The MRS is a large town planning scheme which defines how land can be used in the Perth metropolitan area, dividing it into broad zones and reservations. The metropolitan area stretches from south of Rockingham to north of Yanchep and east of Mundaring.

The MRS uses a set of maps and a scheme text to set the planning rules and identify the various zones and reservations.

This plan has been in operation since 1963 and provides the legal basis for planning in the Perth metropolitan area.

The MRS is amended frequently as the region grows and changes.

What is an amendment?

An amendment to the MRS changes the zoning or reservation of land to allow for a different land use.

When a rezoning or a new reservation is considered, it is classified as either a major or a minor amendment and is advertised to seek comment from landowners, the broader community and all levels of government. Under the Act, the process for proposed major and minor amendments is different.

This process allows for extensive community consultation and discussion in Parliament, prior to a final decision being made.

How is the Metropolitan Region Scheme amended?

The WAPC is responsible for maintaining the MRS, including reviewing and initiating changes where necessary.

The amendment process is regulated by the *Planning and Development Act 2005*. The Act requires an amendment to be consistent with both the *Swan River Trust Act 1988* and the *Heritage of Western Australia Act 1990* and does not allow for an amendment to occur within the defined area of which a redevelopment scheme applies.

The amendment proposed in this report is being made under the provisions of section 57 (often referred to as a minor amendment).

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

- Request submitted and considered by the WAPC.
- WAPC determines to either progress or reject application, classifying it as either a major or minor amendment.

- If progressed, the application is referred to the Environmental Protection Authority (EPA) to set the level of environmental assessment. If the EPA requires an environmental review, this is carried out before the amendment is advertised.
- Consent by the Minister for Planning to call for submissions.
- Proposed amendment is advertised for public comment. Advertisements are placed in local and statewide newspapers and the information is made available on www.dplh.wa.gov.au/mrs-amendments. Landowners directly affected by a proposed amendment are contacted in writing. Where there is an environmental review, this is also made available for comment.
- WAPC receives public submissions over a period of 60 days.
- WAPC reviews the proposed amendment in light of both the submissions and planning advice provided by the Department of Planning, Lands and Heritage.
- WAPC provides recommendation to the Minister for Planning whether to accept, reject or modify the proposed amendment.
- Minister considers proposed amendment.
- If approved, with or without modification, the amendment becomes legally effective in the MRS with the publishing of a notice in the Government Gazette. If declined, the amendment is discarded.
- Within three months of an MRS amendment being finalised, all affected local governments must initiate an amendment to its local planning scheme to match the new zonings.

Zones and reservations

Zones and reservations in the MRS are broad categories to define how land can be used and developed. The following descriptions are a guide only.

Zones

Urban: areas in which a range of activities are undertaken including residential, commercial, recreational and light industry.

Urban deferred: land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.

The WAPC must be satisfied that these issues have been addressed before rezoning to urban.

Central city area: strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

Industrial and special industrial: land on which manufacturing, processing, warehousing and related activities are undertaken.

Rural: land on which a range of agricultural, extractive and conservation uses is undertaken.

Private recreation: areas of significance to the region's recreation resource, which are (or are proposed to be) managed by the private sector.

Rural - water protection: rural land over public groundwater areas where land use is controlled to avoid contamination.

Reservations

Land reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure.

Parks and recreation: land of regional significance for ecological, recreation or landscape purposes.

Railways: provides for public transit routes, freight rail lines and associated facilities such as marshalling yards, maintenance depots and park n' ride stations.

Port installations: regional maritime shipping facilities.

State forests: areas of woodland located on Crown land and managed under the *Conservation and Land Management Act 1984*.

Water catchments: water sources protected for high quality public water supply. These areas have strict controls on land use to avoid pollution of the water resource.

Civic and cultural: significant civic precincts and buildings.

Waterways: permanent inland and coastal waters including many rivers and reservoirs.

Public purposes: land for public facilities such as hospitals, high schools, universities, prisons, utilities for electricity, water and treatment of wastewater, commonwealth government and other special uses.

Primary regional roads: important regionally significant roads as part of the planned road network that are currently, or proposed to be declared, under the *Main Roads Act 1930*.

Other regional roads: roads of regional significance in the planned road network for which the planning responsibilities are shared by the WAPC and local governments.

What if my land is rezoned?

Landowners may find that an amendment seeks to rezone their property, for example from rural to urban or urban deferred.

If the zoning is changed, landowners do not have to change their lifestyle or the way they use the land. However, depending on the new zone, there may be opportunities to change the land use, such as seek approval to subdivide or apply to develop it in some way that suits the new zoning.

The WAPC realises that many people choose their properties because they like them as they are and may not want to change from, for example, a rural-residential lifestyle to an urban area. Others are keen to change the land use.

For these reasons, amendments to the MRS are advertised so that all affected landowners and the broader community have time to examine the proposal and provide their comment.

What if my land is reserved?

Land is reserved because it will eventually be needed for a public purpose such as parks and recreation or other regional roads.

If your land is proposed to be reserved in an advertised amendment, you can continue to use and enjoy your property. Generally, reserved land can remain in private ownership until it is needed for the purpose for which it is reserved.

To protect landowners, there are procedures for acquisition or compensation by the WAPC. These are outlined in *Your Property and the planning system – region schemes*, a leaflet reproduced at the back of this report and online at <https://www.dplh.wa.gov.au/your-property-and-region-schemes>.

How can my views be heard?

You can lodge a submission during the advertised period:

- online at www.dplh.wa.gov.au/mrs-amendments.
- in writing to Western Australian Planning Commission, Level 2, 140 William Street, Perth 6000 (a submission form is included at the back of this report).

Publications

Amendments made to the MRS using the provisions of section 57 will in most cases have information published under the following titles:

Amendment report

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

Environmental review report

The EPA considers the environmental impact of an amendment to the MRS before it is advertised. Should the EPA require formal assessment, an environmental review is undertaken, and that information is made available for comment at the same time as the *Amendment Report*.

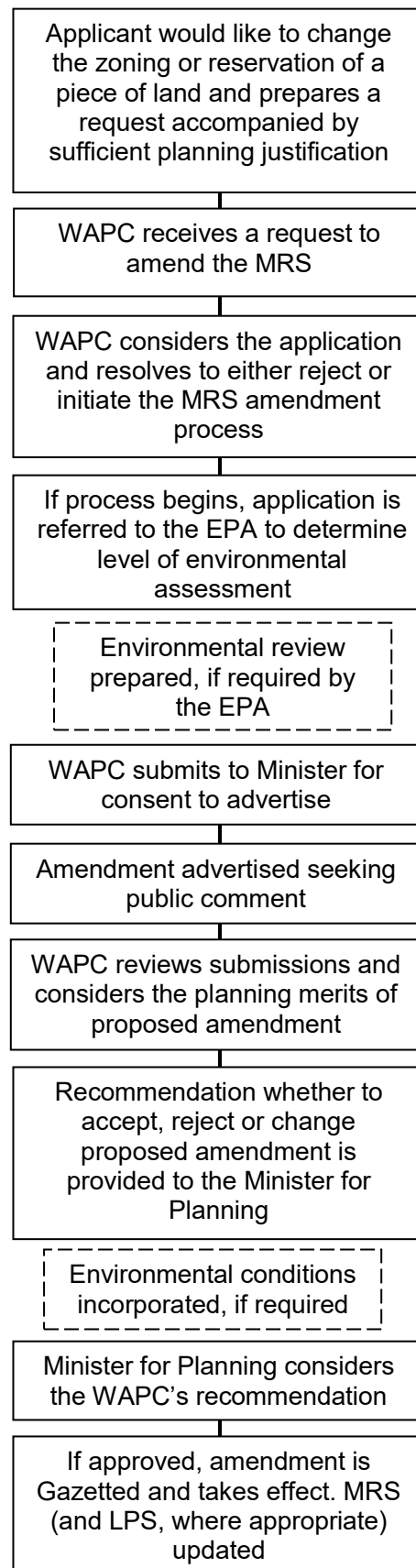
Report on submissions

This publication documents the planning rationale, determination of submissions received, and the recommendations for final approval of the amendment made by the WAPC.

Submissions

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

A simple diagram of the amendment process.



Abbreviations

AHA	Aboriginal Heritage Act
DCP	Development Control Policy
DPLH	Department of Planning, Lands and Heritage
DWER	Department of Water and Environmental Regulation
DWMS	District Water Management Strategy
EPA	Environmental Protection Authority
LPS	Local Planning Scheme
MRS	Metropolitan Region Scheme
MRWA	Main Roads Western Australia
PDWSA	Public Drinking Water Supply Area
PRR	Primary Regional Roads
SPP	State Planning Policy
SWALSC	South West Aboriginal Land and Sea Council
TIA	Transport Impact Assessment
TPS	Town Planning Scheme
WAPC	Western Australian Planning Commission
WWPS	Wastewater Pump Stations

Amendment 1369/57**West Piara Urban Precinct****Contents****Amendment Report**

1	Purpose.....	1
2	Background.....	1
3	Scope and content of the amendment.....	1
4	Discussion.....	2
5	Aboriginal Heritage.....	6
6	Co-ordination of local and region scheme amendments.....	7
7	Substantiality.....	7
8	Sustainability appraisal.....	7
9	Environmental Protection Authority advice	7
10	The amendment process.....	8
11	Submissions on the amendment	8
12	Modifications to the amendment.....	9
13	Final outcome.....	9
	Amendment Figure – Proposal 1	13

Appendix A Notice of environmental assessment

Appendix B List of plans supporting the amendment

Appendix C Submission form for this amendment (form 57)

Amendment Report

Metropolitan Region Scheme Amendment 1369/57

West Piara Urban Precinct

Amendment Report

1 Purpose

The purpose of the amendment is to rezone approximately 112.26 ha of land in Piara Waters from the Rural-Water Protection zone to the Urban and Urban Deferred zones and Primary Regional Roads reservation (including Water Catchments adjustment) under the Metropolitan Region Scheme (MRS), as shown at *Amendment Figure – Proposal 1*.

The amendment will allow for primarily residential development of the subject land, following a local scheme amendment, structure planning and subdivision approval.

Lifting of Urban Deferment Requirements

A portion of the amendment area is being zoned Urban Deferred as it is within a 300 m sand mining buffer. Prior to the transfer of this land to the Urban zone, the WAPC requires confirmation that sand extraction activities have been completed or justification that potential extraction activities will not occur or consideration of compatible land use options.

2 Background

The subject land is located in the City of Armadale and is approximately 20 km south of the Perth Central Business District. The site has been used as rural lifestyle lots and horse agistment. Past agricultural and mining activities have had a considerable impact upon the natural environment. Armadale Road abuts to the south and powerlines traverse the southern portion of the site.

The subject land is primarily cleared of vegetation except for scattered trees and small pockets of vegetation. Historically, the site has been used for agricultural and extractive industry purposes, and as a result, a significant portion of the native vegetation has been cleared or highly disturbed.

Of the remaining vegetation, the majority ranges from 'Degraded' to 'Completely Degraded'. There are no natural waterways or Conservation Category Wetlands within the amendment area. Bush Forever sites 390 and 344 are located to the west and south of the site.

Land use and development within the amendment area is generally controlled by the City of Armadale's Town Planning Scheme No. 4 (TPS 4). The subject land is zoned "General Rural" and "Rural Living X", and is within "Special Control Area No. 2 - Public Drinking Water Protection Area - Priority 2 Source Protection Area" under TPS 4.

3 Scope and content of the amendment

The amendment proposes to rezone 110.52 ha of land in Treeby from the Rural-Water Protection zone to the Urban and Urban Deferred zones. The amendment also reserves

1.74 ha as Primary Regional Roads (Armadale Road) and associated Water Catchments adjustment in the MRS.

The total area the subject of this amendment is: 112.26 ha.

4 Discussion

Strategic Planning Context

Perth and Peel@3.5million / South Metropolitan Peel Sub-regional Planning Framework

The *South Metropolitan Peel Sub-regional Planning Framework* forms part of the *Perth and Peel@3.5million* strategic suite of planning documents. 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 *South Metropolitan Peel Sub-regional Planning Framework* identifies the site as *Urban Investigation* with a *Short-Medium Term (2015-2031)* staging timeframe. The Framework states that the: "*Impacts, risks and management of Jandakot groundwater resources (existing Priority 2 Source Protection Area)*" is a key consideration - this is discussed further below.

State Planning Policy No. 2.3 - Jandakot Groundwater Protection

State Planning Policy No. 2.3 - Jandakot Groundwater Protection (SPP 2.3) seeks to ensure that development over the Jandakot water mound is compatible with the long-term use of the groundwater for human consumption. SPP 2.3 states that there is a general presumption against new residential, special residential, industrial or commercial zones within the Jandakot Underground Water Protection Control Area. These are all uses that are permissible on land zoned Urban under the MRS.

However, SPP 2.3 states that proposals which satisfy the following criteria may be supported:

- Large landholdings that were previously cleared and disturbed.
- Land directly adjacent to already-developed areas.
- Land identified as being appropriate for more intensive development through strategic planning instruments such as a regional or sub-regional structure plan.

The subject land has been used primarily for agricultural pursuits and has been cleared of vegetation in parts. It abuts an existing Urban zoned area to the east and is identified in the *South Metropolitan Peel Sub-regional Strategy* as *Urban Investigation* with a *Short-Medium Term (2015 – 2031)* timeframe. The proposed amendment is considered to be consistent with the intent of SPP 2.3.

An updated District Water Management Strategy (DWMS) has been prepared and referred to the Department of Water and Environmental Regulation (DWER) to demonstrate that the site is capable of accommodating urban development. The DWMS will need to be determined by the DWER, prior to a final determination being made on the amendment.

Draft State Planning Policy No. 2.4 - Basic Raw Materials

Draft *State Planning Policy No. 2.4 - Basic Raw Materials (SPP 2.4)* sets out the matters to be taken into account in considering zoning applications for land in the vicinity of identified basic raw material resource areas. It classifies resource areas as 'Priority Resource Locations', 'Key Extraction Areas' and 'Extraction Areas'.

A portion of the amendment area is being zoned Urban Deferred as it is within a 300 m sand mining buffer. Prior to the transfer of the land to the Urban zone, the WAPC requires confirmation that the sand extraction activities have been completed or justification that potential mining activities will not occur or consideration of compatible land use options. It is considered that the proposed amendment is consistent with the intent of SPP 2.4.

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8) aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it is consistent with policy measures and other planning and environmental considerations.

The subject land has been used primarily for agricultural and mining pursuits and has been cleared of vegetation in parts. It is identified in the *South Metropolitan Peel Sub-regional Strategy* as *Urban Investigation* with a *Short-Medium Term (2015 – 2031)* timeframe. It is considered that the proposed amendment is consistent with the intent of SPP 2.8.

State Planning Policy 3.7 - Planning for Bushfire Risk Management

State Planning Policy 3.7 - Planning for Bushfire Risk Management forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

A Bushfire Management Plan has been approved by the Department of Fire and Emergency Services, it is considered that the proposed amendment is consistent with the intent of SPP 2.8.

State Planning Policy 5.4 - Road and Rail Noise

State Planning Policy 5.4 - Road and Rail Noise seeks to minimise the adverse impact of road and rail noise on noise-sensitive land use and/or development within the specified trigger distance of major transport corridors. The Policy also seeks to protect the functionality of the State's transport corridors by protecting them from encroaching incompatible development.

As Armadale and Warton Roads abut the southern and western boundaries of the subject land, there is the potential for noise attenuation to be required. The exact nature of these measures will be determined at the detailed structure planning stage through negotiations with Main Roads WA and the local government. It is considered that the proposed amendment is consistent with the intent of SPP 5.4.

Environmental Protection Authority Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Landuses

EPA Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Landuses provides advice on generic separation distances between specific industry and

sensitive land uses to avoid or minimise the potential for land use conflict. A sound site-specific technical analysis is generally the most appropriate guide to the separation distance that should be maintained between an industry or industrial estate and sensitive land use.

The proponent has undertaken a noise impact assessment given there are active dog kennels on Lots 1, 2 & 17 Hybrid Court and Lot 20 Warton Road, Treeby (west of the site). The noise assessment has determined that in order to achieve compliance with noise requirements (including traffic noise from Warton Road) the following is proposed to be undertaken opposite the kennel zone:

- Construction of a minimum 2.4 m high noise wall.
- Incorporation of architectural packages into the design of houses for specific lots identified in the noise report.
- Strategically located public open space to buffer dog kennel noise.

The WAPC supports the use of appropriate noise mitigation measures which will be given further detailed consideration in the subsequent structure plan stage.

The proposed amendment area is also partially located within a 300 m sand mining buffer and this area is being zoned Urban Deferred.

Statutory Planning Context

Environment

The DWER notes that the subject site contains Resource Enhancement and Multiple Use Wetlands. The site is identified as containing vegetation of the Southern River Complex which is predominately open woodland with fringing woodland. This vegetation is classified as “very good” to “completely degraded” and has the potential to provide habitat for Black Cockatoos.

The vegetation condition of UF-7176 is rated as “very good” to “good” and may be commensurate with either a Resource Enhancement or Conservation Category Wetland. A wetland buffer and management plan identifying wetland values and how these values will be protected, is recommended.

The wetland UFI-7176 vegetation also contains an occurrence of endangered banksia woodland Threatened Ecological Community in “very good” condition and is considered to be Carnaby Cockatoos foraging habitat.

The Department of Biodiversity, Conservation and Attractions raises no objections to the proposed amendment, and notes that a subsequent TPS amendment is to be undertaken which proposes a number of provisions in TPS 4 to ensure planning commitments will be enforced at the local structure plan and subdivision stages.

Urban Water Management

An updated DWMS has been prepared and referred to the DWER to demonstrate that the site is capable of accommodating urban development. The WAPC has resolved that the draft DWMS will need to be determined by the DWER prior to a final determination being made on the amendment.

Infrastructure

Regional Roads

Main Roads WA (MRWA) advises that the proponent's revised Transport Impact Assessment (TIA) needs further clarification/information as follows:

1. A modelling report on the methodology and outputs of the EMME model should be provided to MRWA for review.
2. No justification has been provided for the trip generation rate used for the residential land use. The rate of 8 vehicle trips/day per dwelling used appears to be an extrapolation of the WAPC's recommended weekday peak hour rate of 0.8 trips per dwelling. However, trip generation rates published by Roads and Maritime Services and the Institute of Transportation Engineers for the same land use are higher. As a result, the total trip generation of the subject area has been underestimated.
3. An intersection performance analysis for the Warton/Nicholson Roads intersection has not been included in the TIA. The assessment of the intersection performance of the Nicholson/Warton Roads intersection is critical because it is a major intersection of two regional roads approximately 400 metres from the site. Nicholson Road is classed as Other Regional Roads and is likely to become a State administered road in the future. The intersection is known to experience a high level of peak hour congestion, so the impact on that intersection needs to be clearly understood.
4. The Peak Flow Factor in the intersection analyses in the TIA was changed from the default value without substantiation. This parameter should not be changed from its default value of 95%.

Acoustic Noise Report: The following comments are provided regarding the Noise Impact Assessment by Lloyd George Acoustics:

- Any development within the subject land should implement the noise mitigation measures recommended in the Noise Assessment Report.
- Specialist acoustic advice should be sought for any 2-storey dwelling proposed.
- The acoustic report incorrectly states "up to 62 LAeq(Day) and 62 LAeq(Day) to achieve noise exposure categories A or B respectively" but it should have stated "up to 58 LAeq(Day) and 62 LAeq(Day) to achieve noise exposure categories A or B respectively".

Land Requirements: MRWA is currently acquiring land along the Armadale Road frontage of the subject site for the ultimate road layout and will work with the WAPC regarding an amendment to the MRS Primary Regional Roads reservation in future. Therefore, it is important that the southern boundary of the area subject to the proposed amendment is based on the new road reserve boundary.

The WAPC resolved to support the amendment for advertising pending the resolution of the above matters, prior to a final determination being made on the amendment.

Water and Wastewater

Jandakot Public Drinking Water Supply Area (PDWSA): The Water Corporation is a major licensed abstractor of groundwater as part of a multi-source approach for consumption within the metropolitan integrated water supply system, and seeks to protect these sources.

The Corporation operates groundwater abstraction bores along Warton Road and south of Armadale Road within the Priority 1 and Priority 2 classified areas (outside the amendment area). These bores have wellhead protection zones of either 300 m or 500 m radius depending on their depth and priority classification.

Water and Wastewater: The Corporation advises that a preliminary assessment of wastewater servicing indicates that major upgrades will be required to the sewerage network to allow sewers to be extended off the Corporation's existing networks. The Corporation's two nearest wastewater pump stations are in Piara Waters (Wright Road and Clout Lane Wastewater Pump Stations - WWPS).

Several upgrades will be required to accept additional wastewater flows, including: upgrading gravity sewers to the Wright Road and Clout Lane WWPS, rebuilding both WWPS civil structures and upgrading their pressure mains and discharge points. The cost of these works will be significant and will need to be met by the developers.

The Corporation will continue to examine the downstream impacts of the additional wastewater flows in more detail and will undertake costings of these upgrades. An examination of the water servicing requirements will also be required.

5 Aboriginal Heritage

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

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the AHA. Proposed changes to land-use 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 identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The Guidelines are available electronically at: <https://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.

This amendment was not pre-referred to SWALSC as it was not expected to impact on Aboriginal heritage values. However, the amendment has been referred to SWALSC during the public advertising period.

6 Co-ordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land being zoned Urban under the MRS to a 'Development' zone (or equivalent) in a Local Planning Scheme (LPS). The proponent has confirmed that a separate LPS amendment is to be undertaken for the site.

7 Substantiality

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

- The subject land has been identified in the *Perth and Peel@3.5million* document and associated *South Metropolitan Peel Sub-Regional Planning Framework* as *Urban Investigation* area with a *Short-Medium Term (2015-2031)* staging timeframe.
- The proposed amendment is not considered complex and is consistent with the *South Metropolitan Peel Sub-regional Planning Framework* and SPP 2.3.
- The proposed amendment is considered to represent a logical consolidation of the existing Piara Waters Urban Precinct, is located between the Cockburn Central and Armadale activity centres and in close proximity to regional roads i.e. Armadale and Warton Roads.
- The City of Armadale and relevant State Government agencies have not raised matters which would prevent the initiation and advertising of the amendment or which can't be resolved in subsequent planning stages.

8 Sustainability appraisal

The proposed amendment will allow further planning and development to facilitate residential development in close proximity to regional road and urban infrastructure in accordance with the intent of *Perth and Peel@3.5million* and the associated *South Metropolitan Peel Sub-regional Planning Framework*.

9 Environmental Protection Authority advice

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

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. However, it has provided advice on the key environmental factors for the amendment. A copy of the notice from the EPA is included at appendix A.

10 The amendment process

As discussed above, the *Planning and Development Act 2005* allows for MRS amendments to be processed as either 'major' or 'minor' amendments and it is recommended that this amendment be processed as a minor amendment. The procedures are set out in Section 57 of the Act. Briefly, the procedure involves:

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

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

11 Submissions on the amendment

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

The amendment is being advertised for public submissions for a period of 60 days from Tuesday 12 May 2020 to Friday 17 July 2020.

Copies of the *Amendment Report* can be accessed from the Department of Planning, Lands and Heritage website: <https://www.dplh.wa.gov.au/mrs-amendments> or are available on request from the Department of Planning, Lands and Heritage.

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 6001

or by email to:-

mrs@dplh.wa.gov.au

and must be received by 5 pm Friday 17 July 2020.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 57) is contained in this report (appendix C). Additional copies of the form are available from the Department of Planning, Lands and Heritage website <https://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 II of this report regarding preparing a submission.

12 Modifications to the amendment

After considering any submissions received from Government agencies and the public, 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.

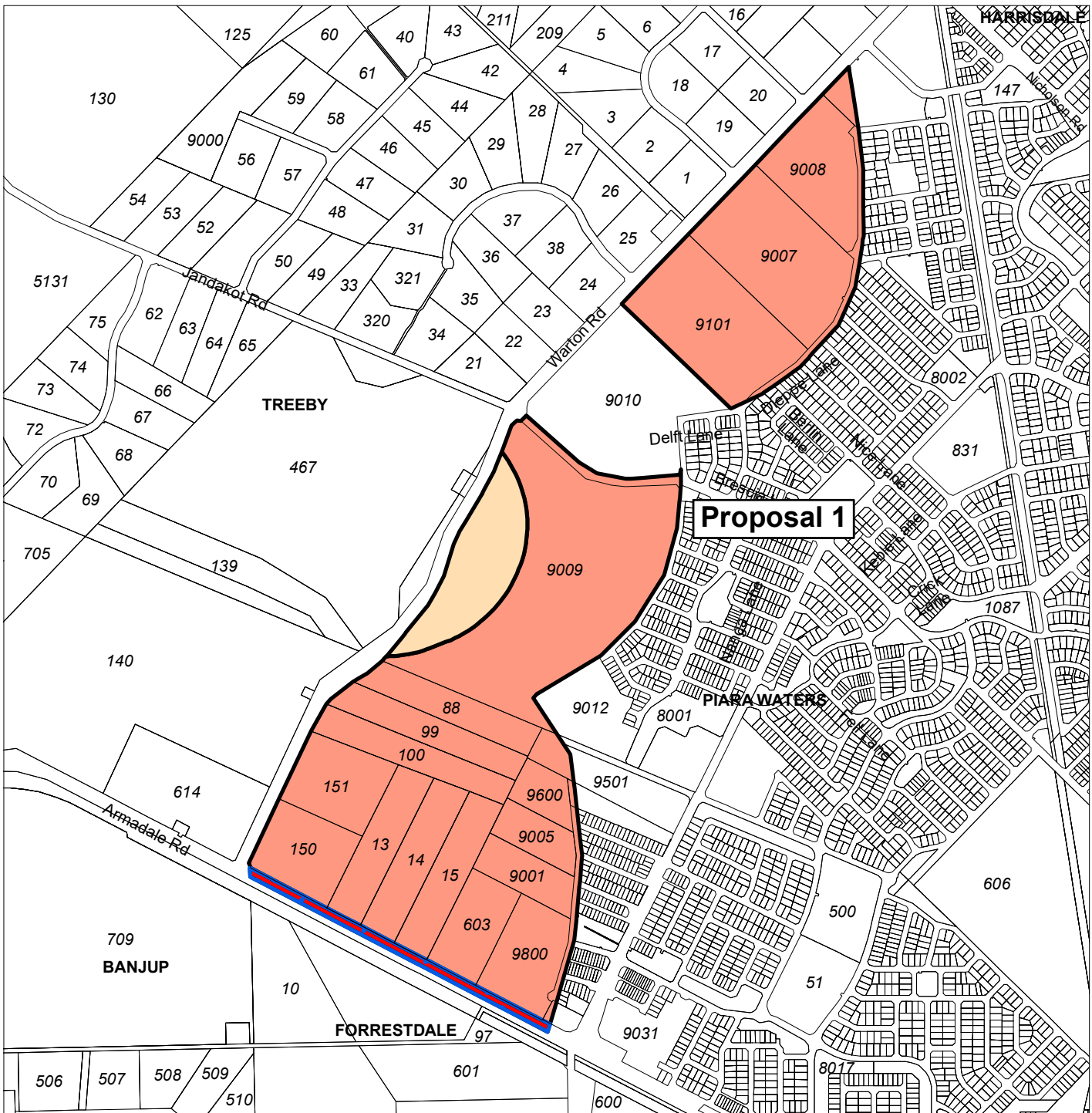
13 Final outcome

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 1369/57

West Piara Urban Precinct

**Amending Figure
Proposal 1**



**West Piara Urban Precinct
Proposed Minor Amendment
as advertised**

19 February 2020

Proposal 1

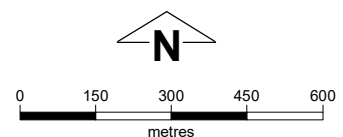
Proposed Amendment:

- Primary regional roads reservation
- Urban zone
- Urban deferred zone
- Water catchment reservation addition

Oracle reference no: 2980
File number: 833/02/22/0079
Version number: 5



Date: 14/01/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1



Appendix A

Notice of environmental assessment



Environmental Protection Authority

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

Our Ref: CMS17541
Enquiries: Steve Pavey, 6364 7600
Email: Steve.Pavey@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME: Metropolitan Region Scheme Amendment
1369/57 - West Piara Urban Precinct

LOCATION: West Piara

RESPONSIBLE AUTHORITY: Western Australian Planning Commission

DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (Not Appealable)

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

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

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

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

Yours sincerely



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

27 March 2020

Encl. Scheme Advice and Recommendations
Chairman's Determination

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

Metropolitan Region Scheme Amendment 1369/57 - West Piara Urban Precinct

Location: West Piara

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

Determination Published: 30 March 2020

Summary

The Western Australian Planning Commission (WAPC) proposes to rezone approximately 112 hectares (ha) of land in Piara Waters from the 'Rural-Water Protection' zone to the 'Urban' and 'Urban Deferred' zones, and 'Primary Regional Roads' reservation. The rezoning will facilitate future urban development.

The Environmental Protection Authority (EPA) has considered Metropolitan Region Scheme Amendment 1369/57 (MRS 1369/57) in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA has based its decision on the documentation provided by the WAPC and having considered this matter, the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to MRS 1369/57:

- Inland Waters;
- Flora and Vegetation;
- Terrestrial Fauna; and
- Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

The EPA considers MRS 1369/57 is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. However there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA. The following advice is provided in this regard:

Inland Waters

The amendment area is within a Priority 2 Drinking Water Source Protection Area, the Jandakot Underground Water Pollution Control Area and partially within two drinking water wellhead protection zones. There are also Resource Enhancement wetlands and Multiple Use wetlands in the southern and northern sections of the amendment area.

The District Water Management Strategy (DWMS) submitted to the Department of Water and Environmental Regulation (DWER) for approval requires changes to sufficiently address the impacts, risks and management of urban development for surface water and groundwater resources.

The EPA recommends approval of the DWMS by the DWER prior to finalisation of MRS1369/57.

Flora and Vegetation and Terrestrial Fauna

The amendment area contains poorly represented remnant vegetation (Southern River complex - 14% remaining), threatened species of black cockatoo habitat and wetland vegetation and fauna habitat. The amendment area may also contain threatened flora known to occur within the local area.

Updated flora and vegetation and fauna surveys are required to inform future local planning scheme amendments. Since the provided October 2011 Bennett Environmental Consulting survey, several threatened and priority taxa are now known to occur in the local area (within 10km). The survey was also likely to have been too late to identify any *Caladenia huegelii* and possibly other threatened orchids. The EPA recommends that future surveys are undertaken consistent with EPA technical guidance.

The EPA does not support a concurrent amendment to the City of Armadale local planning scheme for West Piara when MRS 1369/57 is finalised. The EPA recommends future local planning scheme amendments be referred to the EPA which contain scheme map and/or text provisions which demonstrate avoidance and management of impacts to the environmental values, informed by the surveys required above.

Social Surroundings

The EPA notes a sand mining operation is located to the west of the amendment area. The EPA's Guidance Statement 3 – *Separation Distances between Industrial and Sensitive Land Uses* (GS 3) recommends a 300 to 500 metre separation distance, depending on size, between the mining proposal and sensitive land uses.

The EPA supports the proposed Urban Deferred zone for land within proximity to the sand mine. The Urban Deferred zone should remain until either sand mining has been completed or confirmation the proposal will not occur is provided.

The EPA also notes there are several existing dog kennels to the north-west of the amendment area with potential for impacts on future residents. The EPA's GS 3 recommends a separation distance of 500 metres due to potential noise and odour impacts, unless site specific studies inform a reduced separation distance.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through existing planning controls. The EPA further recommends future City of Armadale local planning scheme amendment should contain specific scheme provisions, informed by surveys, to demonstrate how impacts to these values will be avoided and/or managed.

Appendix B

List of plans supporting the amendment

Proposed Minor Amendment 1369/57

West Piara Urban Precinct

as advertised

Amending Plan 3.2758

Detail Plans

1.6561, 1.6585 & 1.6601

Appendix C

**Submission form for this amendment
(form 57)**

Section 57 Amendment (Minor)

Form 57

Submission

Metropolitan Region Scheme Amendment 1369/57

West Piara Urban Precinct

OFFICE USE ONLY

SUBMISSION NUMBER

RLS/0896

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

Title (*Mr, Mrs, Miss, Ms*) First Name

Surname (PLEASE PRINT CLEARLY)

Address Postcode

Contact phone number Email address

Submissions may be published as part of the consultation process. Do you wish to have your name 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)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

turn over to complete your submission

Amendment 1370/57**West Piara High School Site****Contents****Amendment Report**

1	Purpose.....	1
2	Background.....	1
3	Scope and content of the amendment.....	1
4	Discussion.....	1
5	Aboriginal Heritage.....	5
6	Co-ordination of local and region scheme amendments.....	6
7	Substantiality.....	6
8	Sustainability appraisal.....	6
9	Environmental Protection Authority advice	7
10	The amendment process.....	7
11	Submissions on the amendment	7
12	Modifications to the amendment.....	8
13	Final outcome.....	8
	Amendment Figure – Proposal 1	11

Appendix A Notice of environmental assessment

Appendix B List of plans supporting the amendment

Appendix C Submission form for this amendment (form 57)

Amendment Report

Metropolitan Region Scheme Amendment 1370/57

West Piara High School Site

Amendment Report

1 Purpose

The purpose of the amendment is to rezone approximately 12.84 ha of land in the Piara Waters locality from the Rural-Water Protection zone to the Public Purposes – High School reserve under the Metropolitan Region Scheme (MRS), as shown at *Amendment Figure – Proposal 1*. The amendment will facilitate the future construction of a new High School.

2 Background

The subject land is located in the City of Armadale and is approximately 20 km south of the Perth Central Business District. The site has been used as rural lifestyle lots and horse agistment. Past agricultural and mining activities have had a considerable impact upon the natural environment. Warton Road abuts to the west, existing residential development is to the east and rural uses abut the remaining area.

The subject land is primarily cleared of vegetation except for scattered trees and small pockets of vegetation on the boundary of the site. Historically, the site has been used for agricultural and extractive industry purposes, and as a result a significant portion of native vegetation has been cleared or highly disturbed.

Of the remaining vegetation, the majority ranges from 'Degraded' to 'Completely Degraded'. There are no natural waterways or Conservation Category Wetlands within the amendment area. Bush Forever site 390 is located to the south-west of the site.

Land use and development within the amendment area is generally controlled by the City of Armadale's Town Planning Scheme No. 4 (TPS 4). The subject land is zoned "General Rural" and is within "Special Control Area No. 2 - Public Drinking Water Protection Area - Priority 2 Source Protection Area" under TPS 4.

3 Scope and content of the amendment

The amendment proposes to rezone Lot 9010 Warton Road, Piara Waters from the Rural-Water Protection zone to the Public Purposes - High School reservation.

The total area the subject of this amendment is: 12.8 ha.

4 Discussion

Strategic Planning Context

Perth and Peel@3.5million / South Metropolitan Peel Sub-regional Planning Framework

The *South Metropolitan Peel Sub-regional Planning Framework* forms part of the *Perth and Peel@3.5million* strategic suite of planning documents. 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 *South Metropolitan Peel Sub-regional Planning Framework* identifies the site as *Urban Investigation with a Short-Medium Term (2015-2031)* staging timeframe. The proposed high school site is considered to be a compatible landuse within an urban investigation area.

The Framework states that the: "*Impacts, risks and management of Jandakot groundwater resources (existing Priority 2 Source Protection Area)*" is a key consideration - this is discussed further below.

Development Control Policy 2.4 - School Sites

Development Control Policy 2.4 - School Sites (DCP 2.4) sets out general criteria and design standards for the provision of school sites in residential districts. It also contains the requirements for TAFE colleges (technical colleges) and recognises the need to consider any requirements for higher education facilities.

Secondary schools should be at least 10 ha in area and should be provided with frontage access to through roads constructed on at least two sides. These roads must be designed to allow for the safe pick-up and set-down of students from both private cars and public transport systems within the road reserve. The proposed amendment is considered to be consistent with the intent of DCP 2.4.

State Planning Policy No. 2.3 - Jandakot Groundwater Protection

State Planning Policy No. 2.3 - Jandakot Groundwater Protection (SPP 2.3) seeks to ensure that development over the Jandakot water mound is compatible with the long-term use of the groundwater for human consumption. SPP 2.3 states that there is a general presumption against new residential, special residential, industrial or commercial zones within the Jandakot Underground Water Protection Control Area.

These are all uses that are permissible on land zoned Urban under the MRS. However, SPP 2.3 states that proposals which satisfy the following criteria may be supported:

- Large landholdings that were previously cleared and disturbed.
- Land directly adjacent to already-developed areas.
- Land identified as being appropriate for more intensive development through strategic planning instruments such as a regional or sub-regional structure plan.

The subject land has been primarily used for agricultural pursuits and has been cleared of vegetation in parts and is proposed as a high school site. It abuts an existing Urban zoned area to the east and is identified in the *South Metropolitan Peel Sub-regional Strategy as Urban Investigation with a Short-Medium Term (2015 – 2031)* timeframe. The proposed high school site is considered a compatible landuse within an urban investigation area. The proposed amendment is considered to be consistent with the intent of SPP 2.3.

An updated District Water Management Strategy (DWMS) has been prepared and referred to the Department of Water and Environmental Regulation (DWER) to demonstrate that the site is capable of accommodating urban development. The DWMS will need to be determined by the DWER, prior to a final determination being made on the amendment.

Draft State Planning Policy No. 2.4 - Basic Raw Materials

Draft *State Planning Policy No. 2.4 - Basic Raw Materials* sets out, *inter alia*, the matters to be taken into account in considering zoning applications for land in the vicinity of identified basic raw material resource areas. It classifies resource areas as 'Priority Resource Locations', 'Key Extraction Areas' and 'Extraction Areas'. The proposed amendment is located outside the 300 m sand buffer area located to the west of the site.

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8) aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it is consistent with policy measures and other planning and environmental considerations.

The subject land has been used primarily for agricultural and mining pursuits and has been cleared of vegetation in parts. It abuts an existing Urban zoned area and is identified in the *South Metropolitan Peel Sub-regional Strategy* as *Urban Investigation* with a *Short-Medium Term (2015 – 2031)* timeframe. The proposed high school is considered a compatible land use in an urban investigation area. The proposed amendment is considered to be consistent with the intent of SPP 2.8.

State Planning Policy 3.7 - Planning for Bushfire Risk Management

State Planning Policy 3.7 - Planning for Bushfire Risk Management forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas. A Bushfire Management Plan has been approved by the Department of Fire and Emergency Services.

State Planning Policy 5.4 - Road and Rail Noise

State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4) seeks to minimise the adverse impact of road and rail noise on noise-sensitive land use and/or development within the specified trigger distance of major transport corridors. The Policy also seeks to protect the functionality of the State's transport corridors by protecting them from encroaching incompatible development.

As Warton Road abuts the western boundary of the subject land there is the potential for noise attenuation to be required. The exact nature of these measures will be determined at the detailed development approval stage through negotiations with Main Roads WA and local government. The proposed amendment is considered to be consistent with the intent of SPP 5.4.

Environmental Protection Authority Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Landuses

Environmental Protection Authority Guidance Statement No. 3 - Separation Distances Between Industrial and Sensitive Landuses provides advice on generic separation distances between specific industry and sensitive land uses to avoid or minimise the potential for land use conflict. A sound site-specific technical analysis is generally the most appropriate guide to the separation distance that should be maintained between an industry or industrial estate and sensitive land use.

The proponent has undertaken a noise impact given there are active dog kennels on Lots 1, 2 & 17 Hybrid Court and Lot 20 Warton Road, Treeby (north-west of the site). The Department of Education is proposing to place high school playing fields and open space along the western side of Lot 9010, therefore school buildings will be buffered from kennel noise. The Western Australian Planning Commission (WAPC) supports the use of appropriate noise mitigation measures which will be given further detailed consideration in the subsequent development approval stage.

Statutory Planning Context

Environment

The DWER has verbally advised of the need to retain remnant vegetation wherever possible, otherwise vegetation surveys may be required to determine biodiversity values.

Urban Water Management

An updated DWMS has been prepared and referred to the DWER to demonstrate that the site is capable of accommodating urban development. The WAPC has resolved that the draft DWMS will need to be determined by the DWER, prior to a final determination being made on the amendment.

Infrastructure

Regional Roads

Main Roads WA (MRWA) advises that the proponent's revised Transport Impact Assessment (TIA) needs further clarification/information as follows:

1. A modelling report on the methodology and outputs of the EMME model should be provided to MRWA for review.
2. No justification has been provided for the trip generation rate used for the residential land use. The rate of 8 vehicle trips/day per dwelling used appears to be an extrapolation of the WAPC's recommended weekday peak hour rate of 0.8 trips per dwelling. However, trip generation rates published by Roads and Maritime Services and the Institute of Transportation Engineers for the same land use are higher. As a result, the total trip generation of the subject area has been underestimated.
3. An intersection performance analysis for the Warton/Nicholson Roads intersection has not been included in the TIA. The assessment of the intersection performance of the Nicholson/Warton Roads intersection is critical because it is a major intersection of two regional roads approximately 400 metres from the site. Nicholson Road is classed as Other Regional Roads and is likely to become a State administered road in the future. The intersection is known to experience a high level of peak hour congestion, so the impact on that intersection needs to be clearly understood.
4. The Peak Flow Factor in the intersection analyses in the TIA was changed from the default value without substantiation. This parameter should not be changed from its default value of 95%.

Acoustic Noise Report: The following comments are provided regarding the Noise Impact Assessment by Lloyd George Acoustics:

- Any development within the subject land should implement the noise mitigation measures recommended in the Noise Assessment Report.

- Specialist acoustic advice should be sought for any 2-storey dwelling proposed.
- The acoustic report incorrectly states “up to 62 LAeq(Day) and 62 LAeq(Day) to achieve noise exposure categories A or B respectively” but it should have stated “up to 58 LAeq(Day) and 62 LAeq(Day) to achieve noise exposure categories A or B respectively”.

Land Requirements: MRWA is currently acquiring land along the Armadale Road frontage of the subject site for the ultimate road layout and will work with the WAPC regarding an amendment to the MRS Primary Regional Roads reservation in future. Therefore, it is important that the southern boundary of the area subject to the proposed amendment is based on the new road reserve boundary.

The WAPC resolved to support the amendment for advertising pending the resolution of the above matters, prior to a final determination being made on the amendment.

Water and Wastewater

Jandakot Public Drinking Water Supply Area (PDWSA): The Water Corporation is a major licensed abstractor of groundwater as part of a multi-source approach for consumption within the metropolitan integrated water supply system, and seeks to protect these sources.

The Corporation operates groundwater abstraction bores along Warton Road and south of Armadale Road within the Priority 1 and Priority 2 classified areas (outside the amendment area). These bores have wellhead protection zones of either 300 m or 500 m radius depending on their depth and priority classification.

Water and Wastewater: The Corporation advises that a preliminary assessment of wastewater servicing indicates that major upgrades will be required to the sewerage network to allow sewers to be extended off the Corporation’s existing networks. The Corporation’s two nearest wastewater pump stations are in Piara Waters (Wright Road and Clout Lane Wastewater Pump Stations - WWPS).

Several upgrades will be required to accept additional wastewater flows, including: upgrading gravity sewers to the Wright Road and Cloutt Lane WWPS, rebuilding both WWPS civil structures and upgrading their pressure mains and discharge points. The cost of these works will be significant and will need to be met by the developers.

The Corporation will continue to examine the downstream impacts of the additional wastewater flows in more detail and will undertake costings of these upgrades. An examination of the water servicing requirements will also be required.

5 Aboriginal heritage

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

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the AHA. Proposed changes to land-use 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 identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The Guidelines are available electronically at: <https://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.

This amendment was not pre-referred to SWALSC as it was not expected to impact on Aboriginal heritage values. However, the amendment will be referred to SWALSC during the public advertising period.

6 Co-ordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land being zoned Urban under the MRS to a "Development" zone (or equivalent) in a local planning scheme. As no land is being zoned Urban section 126(3) is not applicable.

7 Substantiality

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

- The subject land is identified in the *Perth and Peel@3.5million/South Metropolitan Peel Sub-Regional Planning Framework* as an *Urban Investigation* area with a *Short-Medium Term (2015-2031)* staging timeframe. The proposed high school site is considered a compatible landuse within an urban investigation area.
- The proposed amendment is not considered complex and is consistent with the *South Metropolitan Peel Sub-regional Planning Framework* and SPP 2.3.
- The City of Armadale and State Government agencies have not raised any matters which would prevent the initiation and advertising of the amendment, or which can't be resolved in subsequent planning stages.

8 Sustainability appraisal

The proposed amendment will allow further detailed planning and development to facilitate the future construction of a High School site in close proximity to regional road and urban

infrastructure in accordance with the intent of *Perth and Peel@3.5million* and the associated *South Metropolitan Peel Sub-regional Strategy*.

9 Environmental Protection Authority advice

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

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. However, it has provided advice on the key environmental factors for the amendment. A copy of the notice from the EPA is included at appendix A.

10 The amendment process

As discussed above, the *Planning and Development Act 2005* allows for MRS amendments to be processed as either 'major' or 'minor' amendments and it is recommended that this amendment be processed as a minor amendment. The procedures are set out in Section 57 of the Act. Briefly, the procedure involves:

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

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

11 Submissions on the amendment

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

The amendment is being advertised for public submissions for a period of 60 days from Tuesday 12 May 2020 to Friday 17 July 2020.

Copies of the *Amendment Report* can be accessed from the Department of Planning, Lands and Heritage website: <https://www.dplh.wa.gov.au/mrs-amendments> or are available on request from the Department of Planning, Lands and Heritage.

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 6001

or by email to:-

mrs@dplh.wa.gov.au

and must be received by 5 pm Friday 17 July 2020.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 57) is contained in this report (appendix C). Additional copies of the form are available from the Department of Planning, Lands and Heritage website <https://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 II of this report regarding preparing a submission.

12 Modifications to the amendment

After considering any submissions received from Government agencies and the public, 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.

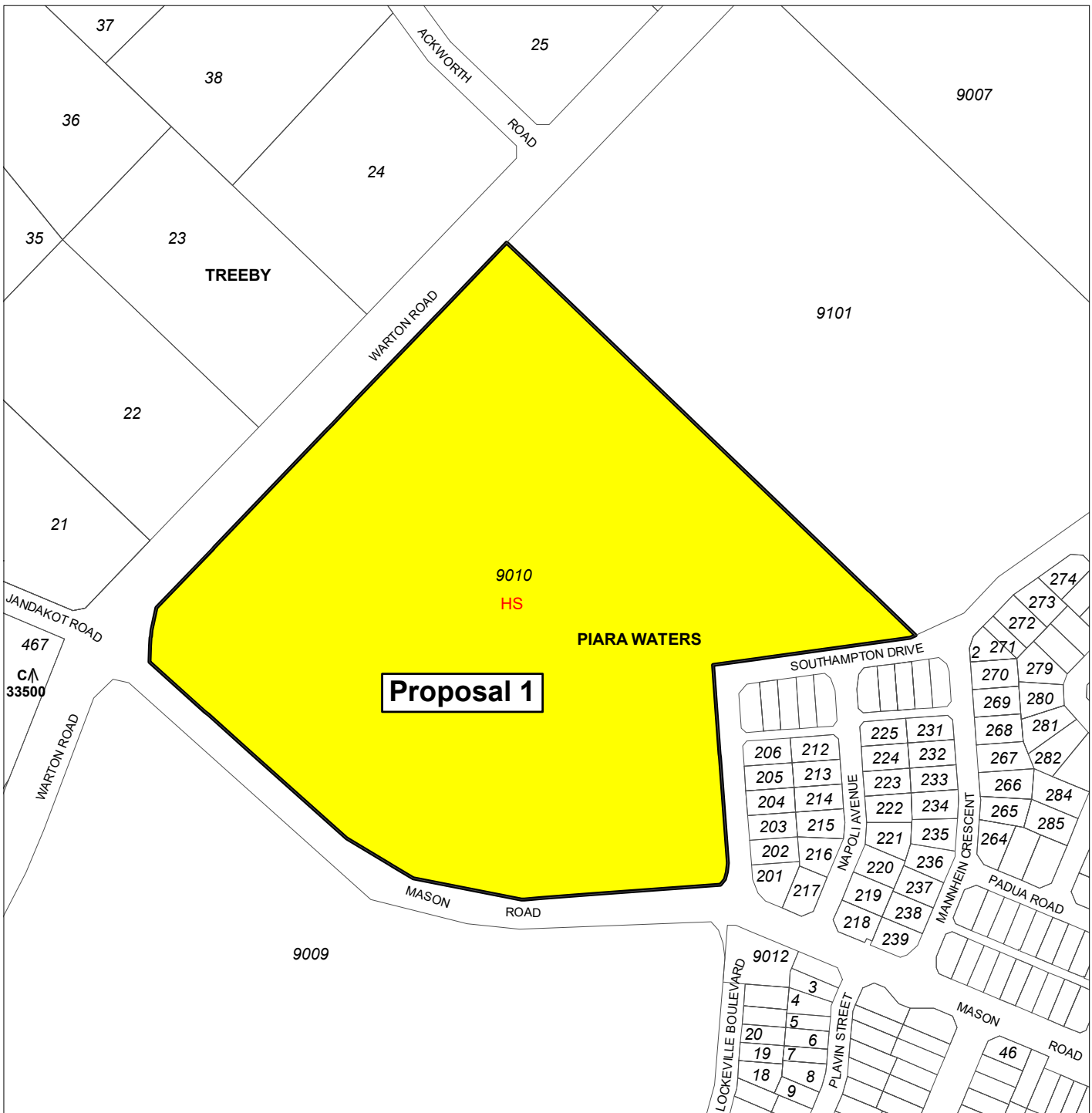
13 Final outcome

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 1370/57

West Piara High School Site

**Amending Figure
Proposal 1**



**West Piara High School Site
Proposed minor amendment
as advertised**

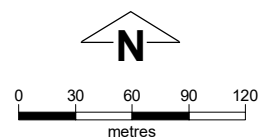
19 February 2020

Proposal 1

Proposed Amendment:

HS Public purposes reservation - high school

Oracle reference no: 3013
File number: 833/02/22/0083
Version number: 1



Appendix A

Notice of environmental assessment

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

Our Ref: CMS17787
Enquiries: Steve Pavey, 6364 7600
Email: Steve.Pavey@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME: Metropolitan Region Scheme Amendment
1370/57 – West Piara High School Site
LOCATION: West Piara
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act.
Advice Given. (Not Appealable)

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

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

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

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

Yours sincerely



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

27 March 2020

Encl. Scheme Advice and Recommendations
Chairman's Determination

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

Metropolitan Region Scheme Amendment 1370/57 - West Piara High School Site

Location: West Piara

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

Determination Published: 30 March 2020

Summary

The Western Australian Planning Commission (WAPC) proposes to reserve approximately 13 hectares (ha) of land in Piara Waters as 'Public Purposes – High School' to facilitate the future construction of a high school. The land is currently zoned 'Rural-Water Protection'.

The Environmental Protection Authority (EPA) has considered Metropolitan Region Scheme Amendment 1370/57 (MRS 1370/57) in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA has based its decision on the documentation provided by the WAPC and having considered this matter, the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to MRS 1370/57:

- Inland Waters;
- Flora and Vegetation;
- Terrestrial Fauna; and
- Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

The EPA considers MRS 1370/57 is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. However there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA. The following advice is provided in this regard:

Inland Waters

The amendment area is within a Priority 2 Drinking Water Source Protection Area, the Jandakot Underground Water Pollution Control Area and partially within two drinking water wellhead protection zones.

The District Water Management Strategy (DWMS) submitted to the Department of Water and Environmental Regulation (DWER) for approval requires changes to sufficiently address the impacts, risks and management of urban development for surface water and groundwater resources.

The EPA recommends approval of the DWMS by the DWER prior to finalisation of MRS1370/57.

Flora and Vegetation, Terrestrial Fauna

The amendment area contains poorly represented remnant vegetation (Southern River complex - 14% remaining) and threatened species of black cockatoo habitat. The amendment area may also contain threatened flora known to occur within the local area.

Updated flora and vegetation and fauna surveys are required to inform future local planning scheme amendments. Since the provided October 2011 Bennett Environmental Consulting survey, several threatened and priority taxa are now known to occur in the local area (within 10km). The survey was also likely to have been too late to identify any *Caladenia huegellii* and possibly other threatened orchids. The EPA recommends that future surveys are undertaken consistent with EPA technical guidance.

The EPA does not support a concurrent amendment to the City of Armadale local planning scheme for West Piara when MRS 1370/57 is finalised. The EPA recommends future local planning scheme amendments be referred to the EPA which contain scheme map and/or text provisions which demonstrate avoidance and management of impacts to the environmental values, informed by the surveys required above.

Social Surroundings

The EPA notes there are several existing dog kennels to the north-west of the amendment area with potential for impacts on future residents. The EPA's GS 3 recommends a separation distance of 500 metres due to potential noise and odour impacts, unless site specific studies inform a reduced separation distance.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through existing planning controls. The EPA further recommends future City of Armadale local planning scheme amendment should contain specific scheme provisions, informed by surveys, to demonstrate how impacts to these values will be avoided and/or managed.

Appendix B

List of plans supporting the amendment

Proposed Minor Amendment 1370/57

West Piara High School Site

as advertised

Amending Plan 3.2759

Detail Plans

1.6561 & 1.6585

Appendix C

**Submission form for this amendment
(form 57)**

Section 57 Amendment (Minor)

Form 57

Submission

Metropolitan Region Scheme Amendment 1370/57

West Piara High School Site

OFFICE USE ONLY

SUBMISSION NUMBER

RLS/0897

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

Title (*Mr, Mrs, Miss, Ms*) First Name

Surname (PLEASE PRINT CLEARLY)

Address Postcode

Contact phone number Email address

Submissions may be published as part of the consultation process. Do you wish to have your name 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)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

turn over to complete your submission

Appendix I

**Your property and the
planning system - region schemes**

Your property and the planning system – region schemes

Rights to compensation in relation to reserved land

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. It does this by reserving and zoning land for immediate and future development through region schemes and/or planning control areas.

Region schemes

The WAPC administers three region schemes which classify land into zones and reservations:

- Metropolitan Region Scheme
- Peel Region Scheme
- Greater Bunbury Region Scheme.

Zones are large areas identified for purposes such as industry (industrial zone) and residential (urban zone).

Reservations are required for public purposes such as schools, railways, major roads, and parks and recreation.

How do you amend a region scheme?

Schemes can be amended as regions grow and change. This process begins with the local government, landowner, State Government or WAPC making a request to amend a scheme. The WAPC considers the request and can either refuse or approve the initiation of an amendment.

The amendment process is lengthy and in general, takes between 12 to 24 months to complete and includes extensive consultation with landowners and the broader community. In some cases amendments are subject to assessment by the Environmental Protection Authority. Amendments can be classified as Major or Minor, in accordance with *Development Control Policy 1.9 – Amendment to Region Schemes*.

Planning Control Area

In some instances, the WAPC will use a planning control area (PCA) to protect land required for a particular purpose from development until it may be reserved in one of the region schemes. A PCA acts in a similar manner as a region scheme but can be applied as a temporary measure to enable an amendment to be progressed. This also provides affected landowners with rights to claim compensation while a decision is made to reserve land or not. A PCA is valid for up to five years.

This means the WAPC is the decision-making authority for any development applications on land within a PCA. A person must not commence and carry out development within the PCA area without the prior approval of the WAPC. There are penalties for failure to comply with this requirement.

The same compensation and alternative purchase rules apply as with a region scheme. However, if compensation is paid and the PCA or reservation is reduced or removed in the future, the compensation is repayable in whole or part upon the subsequent sale or subdivision of the property.

What if your land is proposed to be reserved?

The WAPC approaches landowners on land proposed to be reserved and invites them to comment through the amendment process.

The Government will ultimately acquire reserved land, but as the reservations are strategic and long-term requirements, the land can generally remain in private ownership until it is needed for the public purpose. Several options are available to the owners of reserved land:

- **Retain ownership of your property** and continue quiet enjoyment until it is needed for the public purpose. You may complete any development or subdivision approved prior to the reservation taking effect. Under non-conforming use rights, you may continue to use the property for the purpose for which it was legally being used immediately before the reservation came into effect.
- **Sell the property on the open market** to another person(s). The WAPC recognises that the reservation may make this difficult. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property if an owner is unable to achieve a private sale on the open market. This does affect your right to otherwise claim statutory compensation (outlined in the compensation section below).
- **Offer the property for sale** to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property. The WAPC purchases a property at its current market value, ignoring the impact of the reservation and proposed public purpose. The WAPC obtains two independent valuations to provide it with advice on the value of the property.

Am I entitled to claim compensation?

If your land is reserved in a region scheme or subject to a PCA and **you are the owner of the land when it was first reserved or the PCA was declared**, you may be able to make a claim for compensation for injurious affection if:

1. **Private Sale** – you sell the property on the open market at a reduced price (due to the effect of the reservation or PCA);
or
2. **Refused development** – the WAPC has either refused a development application over the property or approved it subject to conditions that are unacceptable to you.

What is injurious affection?

Injurious affection occurs when the value of a piece of land is affected by the application of a reservation or restriction for a public purpose.

How do I claim compensation?

1. Private sale

If you wish to sell your property on the open market at a reduced price (affected value), you will need to complete a *Notice of Intention to Sell* form, which is available online at www.dplh.wa.gov.au. The Department of Planning, Lands and Heritage will establish the extent of the reservation and forward the notice to the Board of Valuers.

The Board of Valuers will determine the value of the property as if there was no reservation or PCA (unaffected value). You may wish to attend the board's meeting to present any matters you believe are relevant to the value of your property.

Following the board's decision:

- The board will advise you of the unaffected value of the property.
- You pay the board's valuation fee to the department and you will be advised of the affected value of the property (as determined by the WAPC) – the minimum price for which you can sell the property and receive the full amount of compensation (the difference between the affected and unaffected values). The valuation fee is refundable upon the sale of the property and the payment of compensation.
- You then arrange the sale of the property (either privately or through an agent) – the sale price must not be less than the affected value.

You (and your agent) must inform prospective purchasers that you are selling the property at a reduced price and that you will be claiming compensation for injurious affection from the WAPC. You must also include a special condition in the offer and acceptance.

- After you sell the property, you can make a claim for compensation for injurious affection through the WAPC **within six months** of the property being sold (registered at Landgate).
- After the WAPC pays compensation, the WAPC will lodge a notification on the Certificate of Title to identify that it has paid compensation, which is only payable once.
- If the property does not sell within one year of the board's valuation, you may ask the board to revalue the property. The sale process is then repeated.
- Alternatively, you may wish to ask the WAPC to purchase the property, as you have been unable to sell it privately. The WAPC will purchase the property at its then fair market value (unaffected value).

2. Refused development

If the WAPC refused your development application or approved it subject to unacceptable conditions, you may make a claim for compensation for injurious affection **within six months** of the WAPC's decision.

The WAPC will either pay compensation or may elect to purchase the property instead of paying compensation. If the WAPC elects to purchase the property, it obtains valuations for the fair market value (unaffected value) as at the date of the election to purchase.

What is compulsory acquisition?

If land is required for a reservation and has not been previously acquired or compensation has been claimed, the Government may compulsorily acquire the property. The WAPC will obtain independent valuations and make an offer of compensation, in accordance with the *Land Administration Act 1997*.

How can I view a region scheme?

- online at www.dplh.wa.gov.au/your-property-and-region-schemes
- office of the WAPC and the Department of Planning, Lands and Heritage Level 2, 140 William Street, Perth
- any local government office.

The WAPC operates in accordance with the *Planning and Development Act 2005* and receives administrative support from the Department of Planning, Lands and Heritage.

This information is correct as at January 2019.

Appendix II

Preparing a submission

Preparing a submission

The WAPC welcomes comment on proposed amendments to the MRS from interested individuals, groups and organisations.

What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding. Advertised proposals are often modified in response to the public submission process.

What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

Before lodging your submission

The WAPC prefers to receive submissions online at <https://consultation.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (form 57 – appendix C).

Please remember to complete all fields in the submission form including your name, contact details and whether you would like to attend a hearing. Please limit the number of attachments, where possible, ensuring they are directly relevant to the proposed amendment you are commenting on.

The closing date for submissions and how to lodge them is shown on form 57 and in the submissions on the amendment section of the amendment report.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and your submission will become a public document.

