



December 2020

Metropolitan Region Scheme Amendment 1373/57 (Minor Amendment)



Old Railway Reserve, Kalamunda and Surrounds

Report on Submissions
Submissions

City of Kalamunda

**Metropolitan Region Scheme
Amendment 1373/57
(Minor Amendment)**

**Old Railway Reserve,
Kalamunda and Surrounds**

**Report on Submissions
Submissions**

City of Kalamunda



December 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 1373/57 Report on Submissions
Submissions

File 833-2-24-68 Pt 1 & 2

Published December 2020

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

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 1373/57 Old Railway Reserve, Kalamunda and Surrounds

Report on Submissions

1 Introduction

At its May 2020 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 principal differences between the minor and the major MRS amendment processes are that the former includes a 60 day advertising period while the period for the latter is 90 days, the former is not required to be placed before Parliament (for 12 sitting days) while the latter is and there is not requirement for submitters to be offered hearings for minor amendments.

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 9.02 ha of land from the Urban zone to the Parks and Recreation reservation in the MRS. The proposed amendment will facilitate the reservation of land for recreation and conservation purposes.

3 Environmental Protection Authority advice

On 26 June 2020, the Environmental Protection Authority (EPA) advised that the proposed amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*, and that it was not necessary to provide any advice or recommendations.

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 21 July 2020 to 25 September 2020. The amendment was made available for public inspection during ordinary business hours at the:

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

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

5 Submissions

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

Two submissions were of support, one submission was of objection and 10 were of non-objection / comment. There were no complex matters raised in submissions which required further discussion.

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

6 Determinations

The responses to all submissions are detailed in Schedule 2 - *Summary of submissions and determinations*. It is recommended that the amendment be adopted for finalisation as advertised.

7 Coordination of region and local scheme amendments

Under section 126(3) of the *Planning and Development Act 2005*, the WAPC has the option of concurrently rezoning land that is being zoned Urban under the MRS, to a “Development” zone (or similar) in the corresponding Local Planning Scheme (LPS). Section 126(3) does not apply as the Parks and Recreation reservation is automatically reflected in the City of Kalamunda LPS 3.

8 Conclusion and recommendation

This report summarises the background to minor amendment 1373/57 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the amendment as shown generally on Amendment Figure - Proposal 1 in Schedule 3 and in detail on the MRS amendment Plan listed in Appendix 1 should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning approves the amendment.

9 Ministers decision

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

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

MRS Amendment 1373/57 is now finalised as advertised and shown on WAPC Amending Plan 3.2772 and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on 22 December 2020.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1373/57

Old Railway Reserve, Kalamunda and Surrounds

Submission Number	Name
1	ATCO Gas
12	Biodiversity, Conservation and Attractions (Swan Region), Department of
9	Communities, Department of
8	Jobs, Tourism, Science and Innovation, Department of
7	Kalamunda, City of
10	Main Roads WA
2	Mines, Industry Regulation and Safety, Department of
11	Nature Reserves Preservation Group Inc.
5	Tomlinson, Lynda (Co-ordinator, Friends of Kalamunda Railway Heritage Trail)
3	Transport, Department of
6	Water and Environmental Regulation (Swan Avon Region), Department of
4	Water Corporation
Late Submissions	Name
13	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, 2, 3, 4, 6, 8, 9, 10, 12, 13 (Late submission)

Submitted by: ATCO Gas, Department of Mines, Industry Regulation and Safety, Department of Transport, Water Corporation, Department of Water and Environmental Regulation (Swan Avon Region), Department of Jobs, Tourism Science and Innovation, Department of Communities, Main Roads WA, Department of Biodiversity, Conservation and Attractions (Swan Region), Department of Education

Summary of Submission: 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. Where applicable the proponent has been provided a copy of the above comments for consideration.

Determination: Submissions noted.

Submission: 5

Submitted by: Lynda Tomlinson (Co-ordinator, Friends of Kalamunda Railway Heritage Trail)

Summary of Submission: OBJECTION

The submission advises of concerns that portion of the amendment area may be cleared for other purposes and not retained in full as an A-Class Reserve. It is important to retain the remnants of this bushland adjoining the Trail to Schmitt Road as an A-Class Reserve as it is an example of the flora to be found within the City of Kalamunda.

Flora attracts fauna for survival e.g. food source for the Red-tailed Black Cockatoo and Australian Ringneck Parrot and many smaller species of birds and Quendas. Local people and tourists are astounded at its diversity and enjoy walking along the paths. It is well worth preserving.

Planning Comment: Comments noted. The inclusion of land within an A-Class Reservation is outside the scope of the MRS amendment process. However, the purpose of this amendment is to reserve the subject land as Parks & Recreation and ensure the retention of exiting vegetation.

The amendment contains three Crown Reserves (22576, 28545 & 25574) and an old road reserve and forms part of the Old Railway Reserve managed by the City of Kalamunda. These lots contain remnant native vegetation and existing tennis courts.

The remaining land (Lots 23, 24 & 50 Schmitt Road, Kalamunda) contains native remnant vegetation and is owned by the WAPC. The reservation of this land as Parks and Recreation

will remove its subdivision and development potential. This land is to be added to the abutting Old Railway Reserve and managed by the City of Kalamunda.

Determination: Submission dismissed.

Submission: 7
Submitted by: City of Kalamunda
Summary of Submission: SUPPORT

The City of Kalamunda has invested significantly in the de-constraining and technical investigations to progress the proposed amendment. Consistent with the Council's resolution of 26 November 2019, the City supports the amendment and content of the *Amendment Report* and recommends that the amendment is progressed as a matter of priority to achieve the environmental benefits.

Planning Comment: Support noted.

Determination: Submission noted.

Submission: 11
Submitted by: Nature Reserves Preservation Group Inc.
Summary of Submission: SUPPORT

The Nature Reserves Preservation Group Inc. (NRPG) supports the proposal to transfer land from the Urban zone to the Parks and Recreation in the MRS. This action acknowledges the environmental and recreational importance of this area, the substantial work carried out by the Friends of Railway Reserve, Local Member Matthew Hughes MLA and the assistance and support of the City of Kalamunda.

The importance of the Kalamunda Railway Heritage Trail is reflected in the significant work involved in producing the Trail brochure. Produced by the City of Kalamunda, in collaboration with the Friends of Railway Reserve, it relates the history of the trail and surrounding sites, such as the well-preserved Eli Wallis timber house. This makes fascinating reading for local residents and, for the stream of visitors to the City of Kalamunda and the hills.

The brochure also highlights the rich biodiversity of the bushland through which the trail passes. The richness and diversity of the surrounding flora attracts much native wildlife. Both flora and wildlife may be seen by those using the trail. The trail runs alongside, then through, A-Class reserve 22576, containing some of the greatest biodiversity. This reserve is of vital importance for the long-term future of the area. The lasting protection from any future MRS amendments, provided by such a classification, would also protect any other reserves serving a similar purpose when added to Reserve 22576.

The importance of this section of the Railway Heritage Trail and surrounds, as a green link and wildlife corridor, has long been accepted. In 1996, the importance of such a link between Gooseberry Hill National Park and the State Forest was stressed in the Shire of Kalamunda Proposal K13, a response to Amendment No. 978/33 - Darling Range Regional Park. A-

Class Reserve 22576, intended for inclusion in the Darling Range Regional Park, failed to be included. The other failed proposed inclusion was Reserve 30314 - Lot 59 Wilkins Road, Kalamunda. Both form part of this valuable ecological green link.

The support for this amendment from the DBCA illustrates a recognition of the value of retaining all the natural vegetation on these lots and reserves. By increasing the total area of retained vegetation within the bounds of Railway Road and Schmitt Road, the amendment will increase the survival prospects of the rich biodiversity of this area.

Scope and content of the amendment

The subject blocks (Lots 23, 24 and 50) are zoned residential R5 under LPS 3. Reserve 22576 is an A-Class reserve. The proposal to rezone the above lots to Parks and Recreation reserve in the MRS, whilst a very welcome first step, provides no protection from future MRS amendment proposals. NRPG was involved in the considerable efforts required to save another Parks and Recreation reserve (R. 30314) from an MRS amendment emphasising the vulnerability of such reserves.

Given its A-Class status, Reserve 22576 would be the only reserve to be fully protected from future MRS amendment proposals. It fits perfectly into its classification, “...*to protect areas of high conservation or high community value.*” Its high conservation value is acknowledged, its high community value demonstrated by its high profile within the City, (reflected in the Railway Heritage Trail publication) and the community drive in support of this rezoning proposal. This drive to save the lots from sale resulted in a petition by 1,767 residents being presented to the Legislative Assembly on 22 November 2018 by local Member Matthew Hughes, MLA.

Should the rezoning to Parks and Recreation succeed, NRPG will be advocating for these areas be added to the existing A-Class Reserve 22576. NRPG understands this action is available to the appropriate Minister without the need to go before Parliament.

Planning Comment: Support noted.

Determination: Submission noted.

Schedule 3

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



Old Railway Reserve, Kalamunda and Surrounds Proposed minor amendment as advertised

06 May 2020

Proposal 1

Proposed Amendment:



Parks and recreation reservation

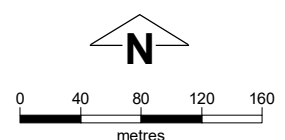
Oracle reference no: 3027

File number: 833/02/24/0068

Version number: 1



Date: 26/05/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1



Appendix 1

List of detail plans as advertised

Proposed Minor Amendment 1373/57

Old Railway Reserve, Kalamunda and Surrounds

as advertised

Amending Plan 3.2772

Detail Plans

1.6375, 1.6392

Submissions

Submitted to **MRS minor amendments - 1372/57 - Pt Lot 800 Canning Road, Carmel and 1373/57 - Old Railway Reserve, Kalamunda and Surrounds**
Submitted on **2020-08-06 11:17:17**

Introduction

1 What is your first name?

First name:

Fiona

2 What is your surname?

surname:

Snellin

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

No

4 What is your email address?

Email:

fiona.snellin@atco.com

5 What is your address?

address:

81 Prinsep Road, Jandakot WA 6164

6 Contact phone number:

phone number:

61635000

7 Please indicate which MRS amendment you are making a submission for:

Both

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

Support

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

Submission:

ATCO do not operate gas mains or infrastructure within the immediate vicinity nor within the Lots nominated in the proposed Amendments

File upload:

No file was uploaded

File upload:

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File upload:

No file was uploaded

File upload:

No file was uploaded

File upload:

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Your ref 833/2/24/67 Pt 1 (RLS/0920)
833/2/24/68 Pt 1 (RLS/0922)
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: Anthony Muscara

Dear Ms Fagan

**METROPOLITAM REGION SCHEME AMENDMENTS:
1372/57 – PART LOT 800 CANNING ROAD, CARMEL (HEILDELBERG PARK)
1373/57 – OLD RAILWAY RESERVE, KALAMUNDA AND SURROUNDS**

Thank you for your letter dated 16 July 2020 inviting comment on the above proposals being the transfer of approximately 10.78ha from the Parks and Recreation reservation to the Urban zone in the MRS (1372/57) and the transfer of approximately 9.02ha from the Urban zone to the Parks and Recreation reservation (1373/57)

The Department of Mines, Industry Regulation and Safety has determined that these proposals raise no significant issues with respect to mineral and petroleum resources, geothermal energy and basic raw materials.

Yours sincerely

Samantha Carter

Samantha Carter
Acting General Manager Land Use Planning
Minerals and Petroleum Resources Directorate
27 July 2020

Subject: FW: Metropolitan Region Scheme Amendment: 1373/57 Old Railway Reserve, Kalamunda & Surrounds - DoT

From: Zhang, Angela [<mailto:Angela.Zhang@transport.wa.gov.au>]

Sent: Tuesday, 11 August 2020 10:29 AM

To: Anthony Muscara <Anthony.Muscara@dplh.wa.gov.au>

Subject: Metropolitan Region Scheme Amendment: 1373/57 Old Railway Reserve, Kalamunda & Surrounds

Your ref: 833/2/24/68 Pt 1 (RLS/0922) - 13/73/57

Our ref: DT/15/05069

Dear Anthony

METROPOLITAN REGION SCHEME AMENDMENT: 1373/57 OLD RAILWAY RESERVE, KALMUNDA & SURROUNDS

I refer to your letter dated 16 July 2020 regarding a request for comment for the abovementioned.

The Department of Transport have no comment to provide for this proposal.

Thank you for providing the opportunity to provide comment.

Kind regards,

Angela Zhang

Transport Planner | Urban Mobility | Department of Transport

140 William Street, Perth WA 6000

Tel: (08) 6551 6542 | Fax: (08) 6551 6492

Email: Angela.Zhang@transport.wa.gov.au | Web: www.transport.wa.gov.au



Department of
Transport

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Development
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629 Newcastle Street
Leederville WA 6007

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Leederville WA 6902

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F (08) 9420 3193

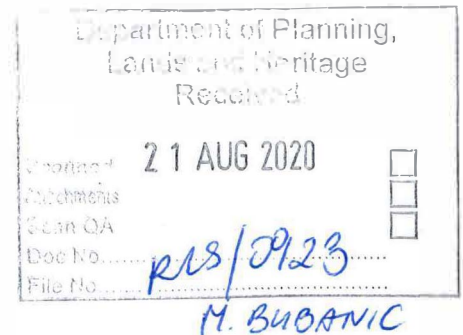


Your Ref: 833/2/2468 Pt 1 (RLS/0922) – 1373/57
Our Ref: 57126057 - MRS369254
Enquiries: Ross Crockett
Direct Tel: 9420 2013

14th August 2020

Western Australian Planning Commission
LOCKED BAG 2506
PERTH WA 6001

Attention of: **Anthony Muscara**



Re: MRS Amendment 1373/57 Railway Reserve, Kalamunda & Surrounds

Thank you for your letter dated 5th August 2020. We offer the following comments in regard to this proposal.

Water and Wastewater

There is no Water or Wastewater infrastructure within the land proposed to be rezoned. (See attached Plan)

Therefore the proposed changes to the Scheme do not appear to impact Water Corporation's infrastructure or operations.

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

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

Ross Crockett
Development Planner
Land Planning



Submitted to **MRS minor amendments - 1372/57 - Pt Lot 800 Canning Road, Carmel and 1373/57 - Old Railway Reserve, Kalamunda and Surrounds**
Submitted on **2020-08-17 09:09:59**

Introduction

1 What is your first name?

First name:

Lynda

2 What is your surname?

surname:

Tomlinson

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:

lktom555@gmail.com

5 What is your address?

address:

50 Mitchell Road, Walliston

6 Contact phone number:

phone number:

9291 8753

7 Please indicate which MRS amendment you are making a submission for:

1373/57

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

Oppose

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

Submission:

As Co-ordinator of the Friends of Kalamunda Railway Heritage Trail, I am concerned that portion of 1373/57 may be still cleared for other purposes and not retained in full as an A Class Reserve. It is important to retain the remnants of this bushland adjoining the Trail to Schmitt Road as an A Class Reserve as it is a beautiful example of the Flora to be found within the City of Kalamunda. Flora attracts Fauna for survival, eg. food source for the Red-tailed Black Cockatoo and Australian Ringneck Parrot + many smaller species of birds and Quendas. Local people and tourists alike are astounded at its diversity and enjoy walking along the paths. It is well worth preserving!

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File upload:

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mrs

Subject: FW: Metropolitan Region Scheme Amendment - 1373/57

From: Corey Boivin [mailto:Corey.Boivin@dwer.wa.gov.au]
Sent: Thursday, 3 September 2020 1:42 PM
To: DPI Referrals <Referrals@dplh.wa.gov.au>
Subject: Metropolitan Region Scheme Amendment - 1373/57

To whom it may concern,

The Department of Water and Environmental Regulation has assessed **Metropolitan Region Scheme Amendment 1373/57** and has no comments to provide.

Feel free to contact me if you have any questions.

Kind regards,

Corey Boivin

Natural Resource Management Officer
Planning Advice Section

Department of Water and Environmental Regulation

Swan Avon Region

7 Ellam St, Victoria Park, WA 6100

T: (08) 6250 8027 | F: (08) 6250 8050

E: corey.boivin@dwer.wa.gov.au | www.dwer.wa.gov.au

Twitter: [@DWER_WA](https://twitter.com/DWER_WA)



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Our Ref: 3.009580
Your Ref: MRS 1372/57 and MRS 1373/57

2 September 2020

Chairman
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir,

Metropolitan Region Scheme (MRS) Amendments 1372/57 and 1373/57

Thank you for the opportunity to comment on MRS Amendment 1372/57 – Part Lot 800 Canning Road, Carmel, and MRS Amendment 1373/57 – Old Railway Reserve, Kalamunda.

The City has invested significantly in the de-constraining exercises and technical investigations to progress the subject amendments. Consistent with the Council's resolution OCM 260/2019 and OCM 261/2019 on 26 November 2019, the City supports the initiation of the MRS Amendments, content of the Amendment Report and recommends the MRS Amendments are progressed as a matter of priority to achieve the intended age care, environmental and social benefits of the projects.

Senior level discussions between the City and Department of Planning, Lands and Heritage (DPLH) earlier in the year indicated that the DPLH would prepare a City of Kalamunda – Local Planning Scheme No.3 amendment (LPS3 Amendment) for Heidelberg Park for submission to the City to support the MRS Amendment and future development of the land. The City is eager to understand where the DPLH are at with the LPS3 Amendment.

Should you have any queries, please, do not hesitate to contact the City's Senior Strategic Planner, Mr Mitchell Brooks on 9257 9999 or mitchell.brooks@kalamunda.wa.gov.au.

Regards,

A handwritten signature in blue ink, appearing to read "P. Varelis".

Peter Varelis
Director Development Services

Enc:

1. 26 November 2019 Ordinary Council Meeting Report – 420 Canning Road, Carmel (Heidelberg Park)
2. 26 November 2019 Ordinary Council Meeting Report – 30, 34 and 38 Schmitt Road (Old Railway Reserve)

10.1.7. Request for the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment- 420 Canning Road, Carmel (Heidelberg Park)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Cr Janelle Sewell declared an Interest Affecting Impartiality on Item 10.1.7 Request the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 420 Canning Road, Carmel (Heidelberg Park). Cr Sewell is employed by the Member for Kalamunda as a Research Officer.

Previous Items	OCM 99/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	CN-01/420 and 3.009580
Applicant	City of Kalamunda
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> 1. Existing MRS [10.1.7.1 - 1 page] 2. Proposed MRS [10.1.7.2 - 1 page] 3. Preliminary Concept Plan [10.1.7.3 - 1 page] 4. Heidelberg Park - Engagement Summary [10.1.7.4 - 20 pages]

EXECUTIVE SUMMARY

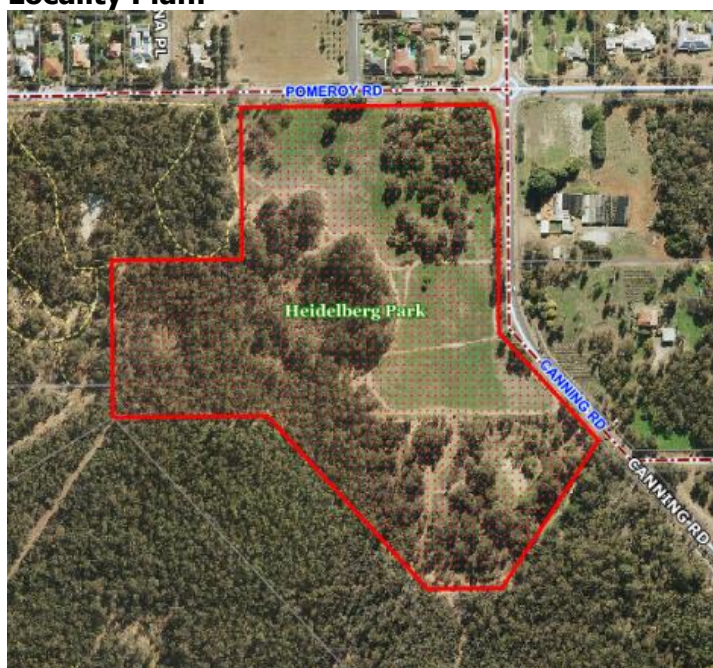
1. The purpose of this report is to provide Council the opportunity to request a Metropolitan Region Scheme (MRS) amendment to change Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from a Parks and Recreation reservation to an Urban zone. A portion of Heidelberg Park is to be retained as Parks and Recreation where environmental values exist.
2. Amending the MRS from Parks and Recreation to Urban will allow a portion of the site to be developed for aged care and residential purposes, with the balance to be retained as public open space.
3. Community engagement on the visions and values for the site was undertaken during June - July 2019 and indicated a strong desire for aged care development and improved public open space at the site.
4. The recommendation seeks Council endorsement to request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from the Parks and Recreation reservation to an Urban zone.

BACKGROUND

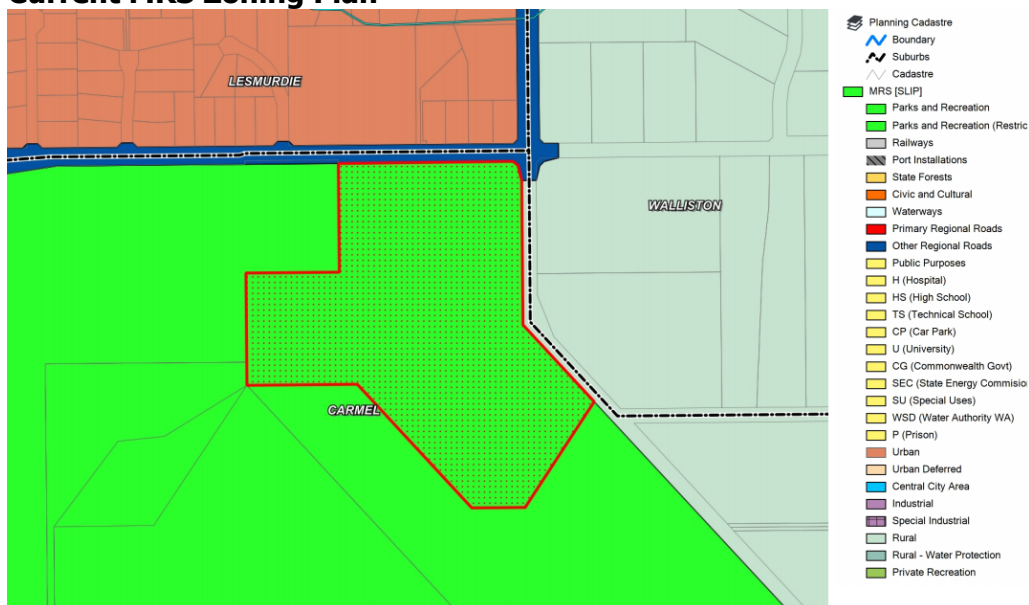
5. Land Details:

Land Area:	13.5608ha
Local Planning Scheme Zone:	Not zoned within Local Planning Scheme No. 3
Metropolitan Regional Scheme Zone:	Parks and Recreation

6. Locality Plan:



7. Current MRS Zoning Plan



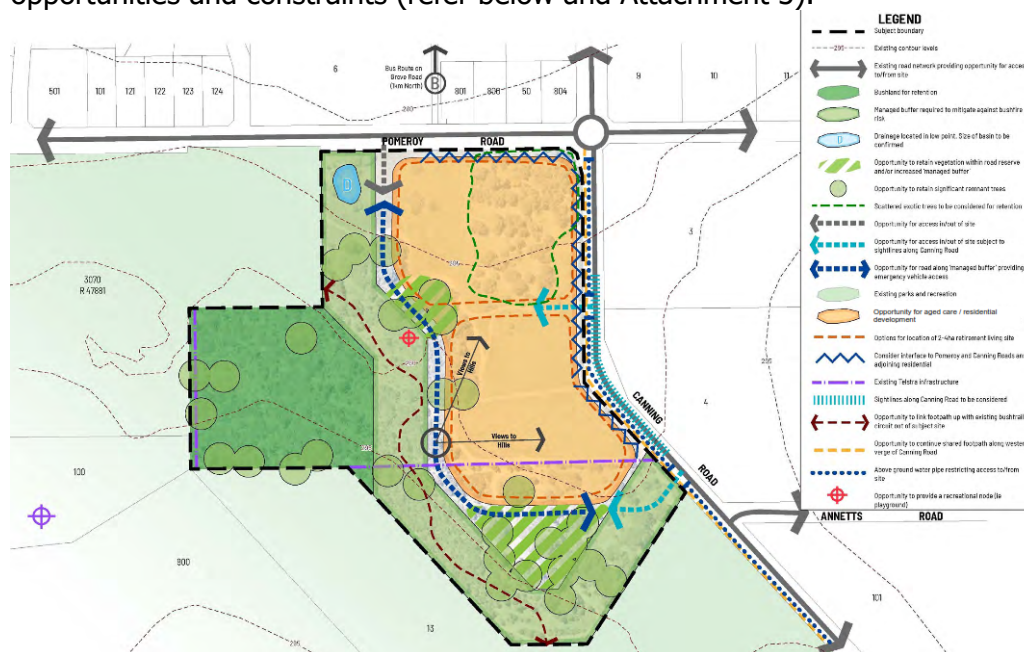
8. In undertaking the MRS amendment process, the Western Australian Planning Commission (WAPC) may resolve to prepare a regional planning scheme amendment in accordance with Part 4, Division 1, s. 36 of the *Planning and Development Act 2005*. The proposed MRS amendment must comply with the following processes set out in Division 2, 3 and 4:
 - a) Referral to the EPA in accordance section 48A of the Environmental Protection Act.
 - b) Minister consents to public advertising for no less than three months.
 - c) Commission provides a report and recommendation to the Minister.
 - d) The Minister provides a report and recommendation to the Governor.
 - e) The Governor may approve the MRS Amendment with or without modification and gazette the resolution.
 - f) A copy of the amendment is to be laid before both Houses of Parliament for at least 12 sitting days.
9. In 2016, the Council adopted an Aged Accommodation Strategy which has a series of key recommendations, including (in part):
 - a) The City not directly undertaking any retirement or aged care developments; and
 - b) Utilising underutilised government assets to encourage retirement living and aged care developments that are near amenities and public transport.
10. During the Council's consideration of the Aged Accommodation Strategy, the document was referred to the City's Aged Care Advisory Committee (the Committee) and the following relevant comments were provided for the Council's consideration:
 1. The City should provide land at minimal cost to appropriate developers to encourage retirement and aged care developments; and
 2. The City has a role in monitoring and stimulating service providers to develop in the City. The City should look to remove barriers to entry and eliminate red tape wherever possible.
11. In response to this strategic direction and comments received from the Committee and further to the preparation and adoption of the City's Public Open Space Strategy 2018, the City has identified Heidelberg Park as a potential opportunity for an aged care development.
12. The findings of various technical reports (environmental, geotechnical and infrastructure and servicing) indicated that the north-eastern portion of the site may be suitable for urban development.
13. Community engagement was undertaken during June – July 2019 on the vision and values for Heidelberg Park. During the consultation there was a strong desire expressed by the community for aged care and improved public open space at the site. A summary of the engagement outcomes is provided in Attachment 4.

14. In October 2019, the City's officers met with senior representatives of the Department of Planning, Lands and Heritage (DPLH), resulting in an in-principle agreement to progress with the MRS amendment to rezone the site from Parks and Recreation to Urban to allow for the development of aged care.
15. The City currently manages the site. A change to the management order will be required as part from the MRS amendment process.

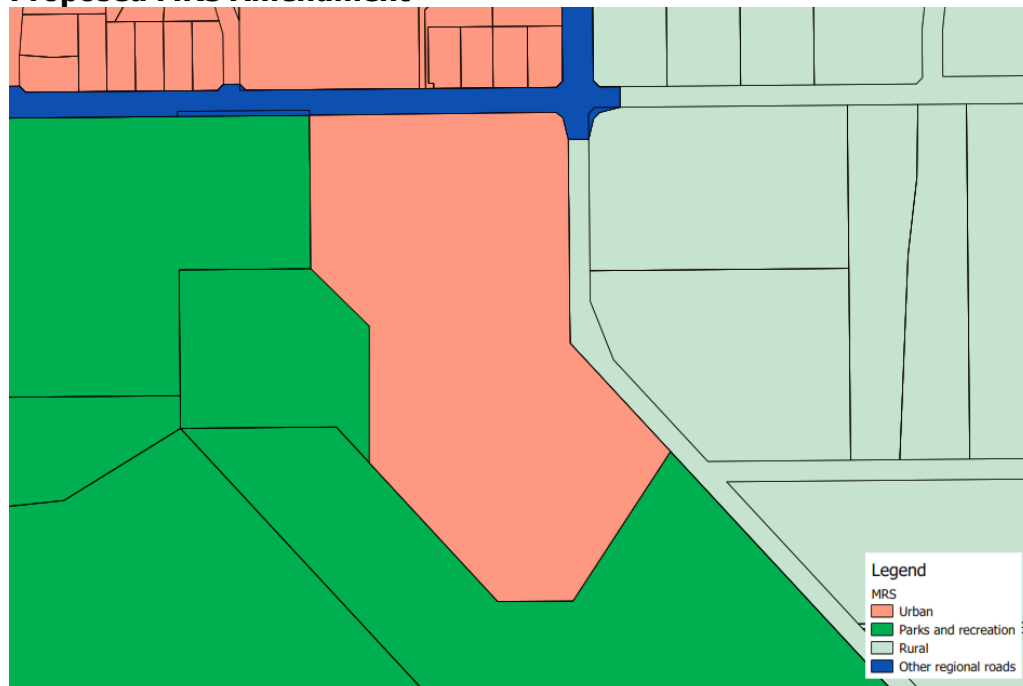
DETAILS

16. Heidelberg Park is located at the intersection of Pomeroy Road and Canning Road in Carmel. The south and west of the site is reserved as Parks and Recreation. To the north of the site are rural residential lots, typically 2000m², and to the east of the site are Rural Landscape Interest lots, typically 2-8ha.
17. Heidelberg Park is zoned Parks and Recreation under the MRS (refer Attachment 1) and has no zoning under the City's Local Planning Scheme No. 3 (LPS3).
18. To determine the feasibility of development on the site, technical investigations were undertaken including the following key studies:
 - a) Environmental Assessment Report (including flora and fauna studies).
 - b) Geotechnical Report (including ground testing for wastewater).
19. The Environmental Assessment Report investigated flora and fauna including black cockatoo and other threatened or protected ecological communities. The report concluded that ecological linkages should be retained and that the surrounding bushland be protected from edge effects through appropriate design considerations.
20. The Geotechnical Report prepared in November 2018, found the site was suitable for development, and is capable of wastewater disposal with no special requirements.
21. Community engagement undertaken during June – July 2019 included a drop-in workshop on site, a community survey and written submissions. The purpose of the community engagement was for the community to express their vision for the future of Heidelberg Park. Approximately 150 community members attended the workshop and participated in the activities.
22. Participants at the workshop were asked to indicate their most preferred outcomes for Heidelberg Park. The most popular votes were natural paths (20 votes), aged care facility (17 votes), traditional playground (16 votes) and nature play (9 votes). The other activities at the workshop included ideas mapping, co-design and positive ideas which yielded similar results with participants expressing the need for intergenerational living, integrated aged care, natural bushland protection and enhanced public open space.

23. A total of 393 surveys were completed, of the potential uses for the site, the most popular response was 'Home for aged care' with 247 votes. 'Home for over 55s' was the second most popular vote (147 votes), followed by a nature area (140 votes).
24. The City received six written submissions. Four submissions suggested the site be used as an aged care facility. The remaining two submissions suggested the site be used for other purposes, like a peace park or enhanced community park.
25. As a result of community engagement, the City seeks the Council's endorsement to request the WAPC to initiate an MRS amendment for 420 Canning Road, Carmel (Heidelberg Park) from Parks and Recreation to Urban (Attachment 2). The rezoning of the site from Parks and Recreation to Urban will allow for the site to be developed for aged care and improved public open space. A portion of the site to the west (approximately 2.75ha) will be retained as Parks and Recreation to conserve the high-quality bushland.
26. A Preliminary Concept Plan has been prepared which addresses site opportunities and constraints (refer below and Attachment 3).



27. **Proposed MRS Amendment**



STATUTORY AND LEGAL CONSIDERATIONS

28. The MRS may be amended in accordance with Part 4, Division 2, Section 37 (1) of the *Planning and Development Act 2005*.
29. The Council may endorse the proposed MRS amendment request for referral to the WAPC. As the MRS is a State Government Region Scheme, it is the responsibility of the WAPC to resolve to amend a region planning scheme subject to Section 36 of the *Planning and Development Act 2005*.
30. If the WAPC resolves to prepare the proposed MRS amendment, the proposal is to be referred to the EPA for comment and review. The proposal may then be referred to the Minister for consent to seek public submissions.
31. Part II Division 3 of the MRS Scheme Text covers Reserved Land not Owned by or Vested in a Public Authority. This section, in essence, requires that development on land so reserved shall not be commenced or carried out without the approval of the WAPC.

POLICY CONSIDERATIONS

32. **State Planning Policy 2.0 Environment and Natural Resources**
State Planning Policy 2.0 (SPP 2.0) defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. Supplemented by more detailed planning policies on particular natural resource matters.

SPP 2.0 objectives are to:

- a) Integrate environment and natural resource management with broader land use planning and decision making;
- b) Protect, conserve and enhance the natural environment; and
- c) Promote and assist in the wise and sustainable use and management of natural resources.

The proposed Heidelberg Park project incorporates these objectives by ensuring development occurs only on degraded land and that surrounding bushland is protected and managed to retain the existing ecological value.

33. **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

This policy directs how land use planning should address bushfire risk management in Western Australia. The bushfire risk at Heidelberg Park originates from the bushland to the west and south-west. The managed parkland POS surrounding the proposed development area, identified in the concept feasibility plan, is designed to act concurrently as a recreation space and Asset Protection Zone buffer to meet the requirements of this policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

34. The project has been prepared having regard for all built form and developed oriented disciplines.

External Referrals

35. The City undertook preliminary community consultation during June – July 2019 on the vision for the site. The community expressed a desire for aged care, improved public open space and protection of bushland on the site. A summary of the engagement outcomes is provided in Attachment 4.
36. Should the Council endorse the request for the proposed MRS amendment, referral of the proposal to relevant government agencies, which may be affected by the change, will be undertaken as part of the WAPC amendment process. This may include surrounding local governments, Department of Biodiversity, Conservation and Attractions, Environmental Protection Authority (for prior notification) and Department of Water and Environmental Regulation.
37. If the WAPC accept the MRS amendment request, landowners affected by the proposed MRS amendment will be consulted by the WAPC through the advertising process.

FINANCIAL CONSIDERATIONS

38. The MRS amendment process does not incur any financial cost to the City. The burden of the ongoing maintenance and management of the balance of public open space and Parks and Recreation land will continue to be undertaken by the City.

39. Given the public open space portion will be enhanced, there will likely be an increase to the City's maintenance funding to maintain the improvements.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

40. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilitates and provides quality lifestyles choices.

Strategy 1.1.1 - Facilitates the inclusion of the ageing population and people with disability to have access to information, facilities and services.

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

Strategy 2.1.1 - Enhance our bushland, natural areas, waterways and reserves.

Strategy 2.1.2 - Support the conservation and enhancement of our biodiversity.

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

41. The City is investigating opportunities to redevelop underutilised land to provide aged persons accommodation as a priority further to adoption of the Aged Accommodation Strategy in 2016. In this way, the City can assist in providing a choice of suitable accommodation for an ageing demographic which will help residents to remain close to friends, family and within the community as they age.

Economic Implications

42. Development of underutilised land for aged persons accommodation and a community park will increase community use of public assets.
43. Increasing the amount of aged person accommodation will mean residents seeking to downsize have the opportunity to move nearby, which may provide opportunities for other residents to move into existing properties.

Environmental Implications

44. The property was previously used for orcharding activity in the 1960's and, therefore, a large proportion of the bushland is revegetation. Most of the native vegetation on the western part of the site is considered to be in very good or excellent condition. In the southern area the vegetation ranges from good and very good to completely degraded. Any development is proposed to be located in the north-eastern aspect of the site in areas that are completely degraded to mitigate clearing of any high value vegetation.
45. The preliminary plan shows that some vegetation to the fringe of the development area may be affected as it is proposed to become managed parkland as a bushfire asset protection zone to the proposed development area. This will be further considered through more detailed design processes for this public open space area.
46. In relation to the cockatoo habitat, there are some significant trees that are present on the site and these have been surveyed. All the potential black cockatoo breeding habitat trees are likely to be retained. As it is anticipated that the affected area is likely to be less than 1 ha, referral under the Environmental Protection and Biodiversity Conservation Act is unlikely to be required. This can be confirmed during later detailed design phases.

RISK MANAGEMENT CONSIDERATIONS

47. **Risk:** The City / DPLH does not secure an aged care provider or sufficient landowners for development of the project.
- | Likelihood | Consequence | Rating |
|---|-------------|--------|
| Unlikely | Major | High |
| Action/Strategy | | |
| Discuss the project with existing aged care providers during the MRS amendment advertising phase and through an appropriate registration of interest process. | | |
48. **Risk:** The WAPC decides to not initiate the MRS Request / refuses the MRS Amendment.
- | Likelihood | Consequence | Rating |
|--|-------------|--------|
| Unlikely | Significant | Medium |
| Action/Strategy | | |
| Endorse the request for the MRS amendment and refer the proposal to the WAPC to initiate the process. City officers continue dialogue with the WAPC to ensure the MRS amendment is formalised and ultimately approved. | | |

OFFICER COMMENT

49. Results from the community engagement exercise indicated strong support for the development of aged care on the site, improved public open space and retaining high quality bushland.

50. Undertaking an MRS amendment to rezone the site from a Parks and Recreation reservation to Urban will allow the site to be developed for aged care and improved public open space. A condition for any aged care provider will be to retain approximately 3ha for public open space, consistent with the concept plan and to achieve bushfire requirements.
51. A portion of the site to the west (approximately 2.75ha) will be retained as Parks and Recreation to conserve the high-quality bushland.

Voting Requirements: Simple Majority

RESOLVED OCM 261/2019

That Council ENDORSE the request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from the Parks and Recreation reservation to an Urban zone.

Moved: **Cr Sue Bilich**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.1.6. Request for the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 30, 34, 38 Schmitt Road and Old Railway Reserve Kalamunda

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Cr Janelle Sewell declared an Interest Affecting Impartiality on Item 10.1.6 Request the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 30, 34, 38 Schmitt Road and Old Railway Reserve Kalamunda. Cr Sewell's undertook community advocacy for Schmitt Road.

Cr Sewell left the meeting at 7:56pm and did not vote on this item. Cr Sewell returned to the meeting at 7:57pm.

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	SC-3/30, SC-3/34, SC-3/38, MN-7/2, RL-1/22
Applicant	City of Kalamunda
Owner	Western Australian Planning Commission / City of Kalamunda
Attachments	1. Existing MRS [10.1.6.1 - 1 page] 2. Proposed MRS [10.1.6.2 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council the opportunity to request a Metropolitan Region Scheme (MRS) amendment to change Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road and the Old Railway Reserve (portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road) from an Urban zone to a Parks and Recreation reservation.
2. Once the land is reserved as Parks and Recreation under the MRS, the land at 30, 34 and 38 Schmitt Road will no longer have any subdivision / development potential for residential purposes and will formally be brought into the Old Railway Reserve reservation. A land management order will be put in place for the City to take over the management of these land parcels.
3. By rezoning the portion of Old Railway Reserve between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to the Parks and Recreation reserve, it will be consistent with the entire Old Railway Reserve which extends from Gooseberry Hill to Walliston.
4. The recommendations seeks Council endorsement to request the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road , Kalamunda and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to a Parks and Recreation reservation.

BACKGROUND

5.

Land Details:

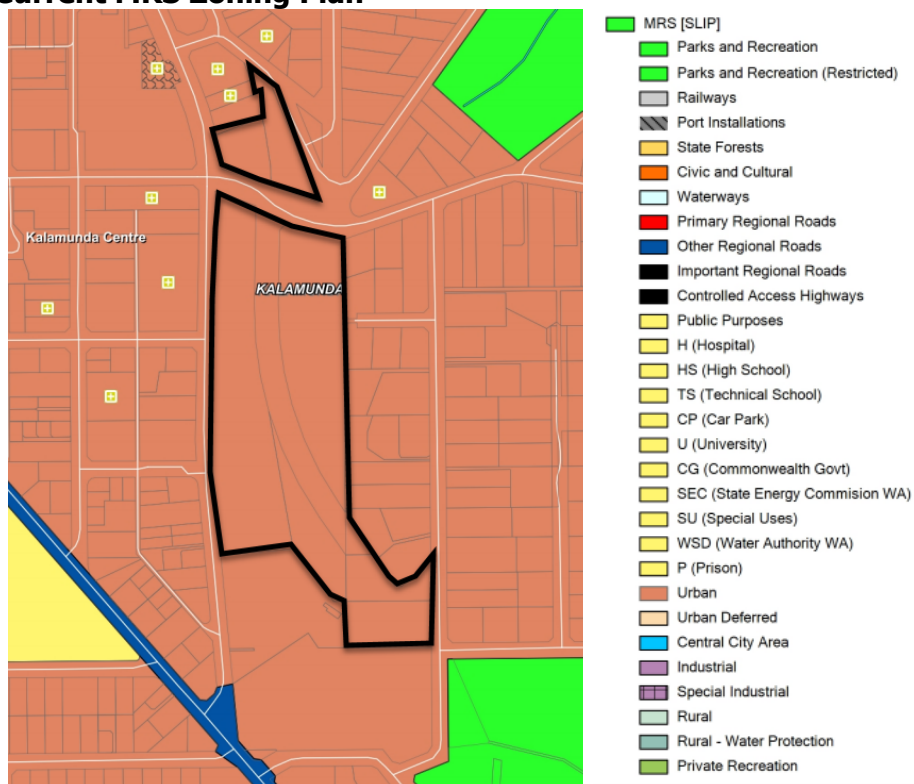
Lot / Property	Land Area	Local Planning Scheme Zone:	Metropolitan Region Scheme Zone
Old Railway Reserve			
60 Dixon Road	5014.16m ²	Local Open Space	Urban
Lot 443 Railway Road	3893.60m ²	Local Open Space	Urban
22 Railway Road	28,722.64m ²	Local Open Space	Urban
2A Mundaring Weir Road	21,784.60m ²	Local Open Space	Urban
Lot 372	6662.17m ²	Local Open Space	Urban
Decommissioned road reserve (within Old Railway Reserve) Referred to as 'Old Road Reserve' in below locality plan	12,792m ²	Local Open Space	Urban
WAPC Owned Land			
30 Schmitt Road	992m ²	Residential R5	Urban
34 Schmitt Road	4379m ²	Residential R5	Urban
38 Schmitt Road	6094.95m ²	Residential R5	Urban
Total	90,335.12m²		

6. **Locality Plan:**



7.

Current MRS Zoning Plan

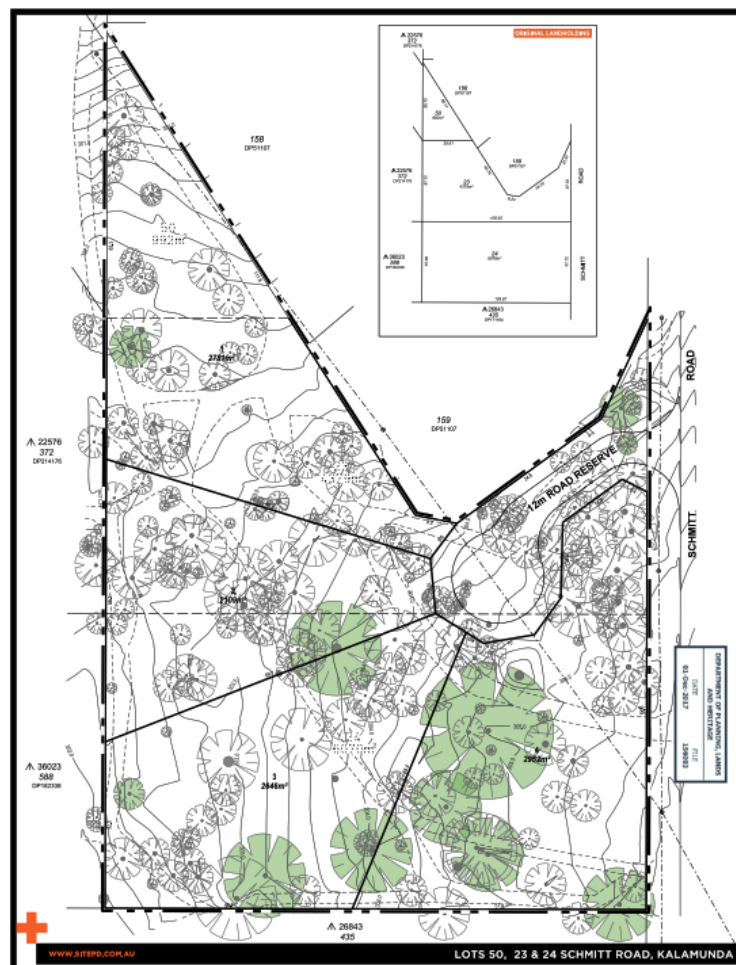


8.

Current Local Planning Scheme Zoning Plan



9. The properties at 30, 34 and 38 Schmitt Road are currently owned in freehold by the Western Australian Planning Commission (WAPC). The Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is Local Open Space (Crown Land) and is vested to the City of Kalamunda for management.
10. The properties at 30, 34 and 38 Schmitt Road are vacant lots through which the Old Railway trail informally traverses.
11. On 6 December 2017, a four-lot subdivision (156002 and 156003) was referred to the City at 30, 34 and 38 Schmitt Road Kalamunda.



12. On 16 March 2018 the four-lot subdivision was approved by the WAPC.
13. As a result of the approved subdivision and prospective sale of the land for residential development, a significant contingent of the community strongly voiced their opposition and sought support from the City and the WAPC to retain the lots as part of the Old Railway Reserve.

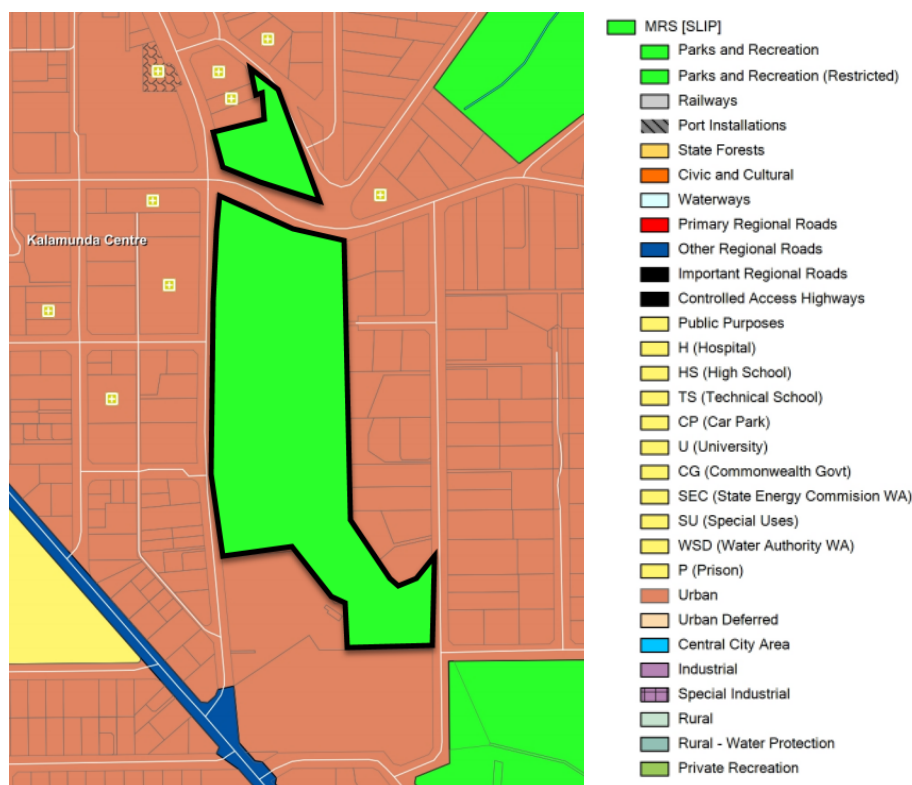
14. The City and the Department of Planning, Lands and Heritage (DPLH) held a meeting in January 2019 and again in October 2019 and agreed in principle to rezone 30, 34 and 38 Schmitt Road as well as the portion of the Old Railway Reserve, between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road, from Urban to Parks and Recreation.

DETAILS

15. The land at 30, 34 and 38 Schmitt Road, and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is located on the periphery of the Kalamunda Town Centre.
16. The properties at 30, 34 and 38 Schmitt Road are zoned Urban under the MRS (refer Attachment 1) and Residential R5 under the City's Local Planning Scheme No. 3 (LPS3). The Old Railway trail informally traverses through these parcels.
17. The Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is zoned Urban under the MRS (refer Attachment 1) and Local Open Space under the City's LPS3.
18. The other portions of the Old Railway Reserve are zoned Parks and Recreation under the MRS and have no zoning under the City's LPS3. The Old Railway Reserve extends from Gooseberry Hill to Walliston, and includes an unsealed trail which is popular amongst locals and visitors for recreating. It also includes stretches of dense native vegetation typical of the Darling Scarp.
19. As a result of the approved 4 lot subdivision over 30, 34 and 38 Schmitt Road, the community strongly voiced their opposition to any residential development on these parcels due to the importance of the Old Railway Reserve trail traversing those parcels.
20. In view of the strong community opinion, the City and DPLH have agreed, in principle, to protect the Old Railway Reserve trail traversing the lots and rezone the parcels from Urban to Parks and Recreation (refer Attachment 2).
21. It is also agreed, in-principle, that the portion of the Old Railway Reserve between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road be rezoned from Urban to Parks and Recreation to be consistent with the entire Old Railway Reserve (Refer Attachment 2) and reflect its recreational function.
22. A management order will be required for the City to take over the management of 30, 34 and 38 Schmitt Road. The City currently manages the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road.

23. The rezoning will also provide an opportunity for the property cadastres to be adjusted by amalgamating all lots into two consolidated parcels, with the Mundaring Weir Road / Railway Road intersection separating the two consolidated lots.
24. In summary, the City seeks Council's endorsement to request the WAPC to initiate an MRS Amendment for 30, 34, 38 Schmitt Road and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from Urban to Parks and Recreation.

25. **Proposed MRS Zoning**



STATUTORY AND LEGAL CONSIDERATIONS

26. The MRS may be amended in accordance with Part 4, Division 2, Section 37 (1) of the *Planning and Development Act 2005*.
27. The Council may endorse the proposed MRS amendment request for referral to the WAPC. As the MRS is a State Government Region Scheme, it is the responsibility of the WAPC to resolve to amend a region planning scheme subject to Section 36 of the *Planning and Development Act 2005*.
28. If the WAPC resolves to prepare the proposed MRS amendment, the proposal is to be referred to the EPA for comment and review. The proposal may then be referred to the Minister for consent to seek public submissions.

29. Part II Division 3 of the MRS Scheme Text covers Reserved Land not Owned by or Vested in a Public Authority. This section, in essence, requires that development on land so reserved shall not be commenced or carried out without the approval of the WAPC.

POLICY CONSIDERATIONS

30. Nil

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

31. N/A

External Referrals

32. Should the Council endorse the request for the proposed MRS amendment, referral of the proposal to relevant government agencies, which may be affected by the change, will be undertaken as part of the WAPC amendment process. This may include surrounding local governments, Department of Biodiversity, Conservation and Attractions, Environmental Protection Authority (for prior notification) and Department of Water and Environmental Regulation.
33. If the WAPC accept the MRS amendment request, landowners affected by the proposed MRS amendment will be consulted by the WAPC through the advertising process.

FINANCIAL CONSIDERATIONS

34. The MRS amendment process does not incur any financial cost to the City. The burden of the ongoing maintenance and management of the inclusion of 30, 34 and 38 Schmitt Road to the Old Railway Reserve will be taken on by the City as part of its existing management costs for Old Railway Reserve.
35. It is considered that the inclusion of 1.1ha of land (the Schmitt Road properties) to the City's overall bushland reserves under care would not require a substantive increase in maintenance funding beyond the current \$1.7m pa for all of the City's Bushland Reserves.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

36. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

Strategy 2.1.1 - Enhance our bushland, natural areas, waterways and reserves.

Strategy 2.1.2 - Support the conservation and enhancement of our biodiversity.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

37. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will enable the land to formally be part of the Old Railway Reserve and protect the land for recreation and conservation purposes which provides the community with health benefits such physical activity, positive mental health, improved amenity and social interaction.

Economic Implications

38. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will prevent the WAPC from making profit on the land through land sale. Profits to the WAPC are incorporated into the State budget which funds public infrastructure and benefits including investment in the City of Kalamunda.

Environmental Implications

39. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will prevent substantial clearing of native vegetation as a result of development. This will provide a positive conservation outcome for the protection of native flora and fauna.

RISK MANAGEMENT CONSIDERATIONS

40.	Risk: Council does not endorse the request for the MRS Amendment, and the areas remain zoned urban, with the possibility of the WAPC then acting on their subdivision and selling for residential development with resultant community opposition. (Note the WAPC may still initiate the MRS Amendment without the City's Request)		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/Strategy		
	Endorse the request for the MRS Amendment and refer the proposal to the WAPC to make a determination.		

41.	Risk: The WAPC decides to not initiate the MRS Request / refuses the MRS Amendment resulting in delays to the conclusion of this matter.		
	Likelihood	Consequence	Rating
	Unlikely	Significant	Medium
	Action/Strategy		
	Endorse the request for the MRS Amendment and refer the proposal to the WAPC to make a determination. City officers continue dialogue with the WAPC to ensure the MRS Amendment is initiated and approved.		

OFFICER COMMENT

42. As a result of the strong community opinion, the City and DPLH have agreed, in principle, to protect the Old Railway Reserve trail traversing the lots and rezone the parcels from Urban to Parks and Recreation.
43. The rezoning of 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will provide a positive conservation outcome for the protection of native flora and fauna.
44. The rezoning of 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will enable the land to formally be part of the Old Railway Reserve and protect the land for recreation and conservation purposes, thereby providing the community with health benefits such physical activity, positive mental health, improved amenity and social interaction.
45. By rezoning the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from Urban to Parks and Recreation, the Old Railway Reserve will be consistent with the entire stretch of the Old Railway Reserve from Gooseberry Hill to Walliston.
46. A management order will be required for the City to take over the management of 30, 34 and 38 Schmitt Road.

Voting Requirements: Simple Majority

RESOLVED OCM 260/2019

That Council ENDORSE the request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road , Kalamunda and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to a Parks and Recreation reservation.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (9/0)**



Your ref: RLS/0920 – 1872/57, RLS/0922 – 1373/57
Our ref: J0820/201701
Enquiries: freya.symons@jtsi.wa.gov.au
Phone: 08 6277 2914

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

ATTENTION: ANTHONY MUSCARA

Dear Ms Fagan

Thank you for providing the Department of Jobs, Tourism, Science and Innovation with the opportunity to provide comment on the proposed Metropolitan Region Scheme amendments over Heidelberg Park, Carmel and Old Railway Reserve, Kalamunda to change the zoning of the properties.

The Department has reviewed the proposal and has no comment to provide at this time.

Yours sincerely

Kristian Dawson
A/EXECUTIVE DIRECTOR
INFRASTRUCTURE, PLANNING AND ECONOMIC DEVELOPMENT

16 September 2020



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

Your ref: 833/2/24/67 Pt 1 (RLS/0920) – 1372/57
833/2/24/68 Pt 1 (RLS/0922) – 1373/57
Our ref: 2020/17508

Department of Planning, Lands and Heritage Received:	
Scanned	23 SEP 2020
Attachments	
Scan QA	
Doc No.	
File No.	RLS/0923

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

Dear Ms Fagan

Metropolitan Region Scheme Amendments:
1372/57 – Part Lot 800 Canning Road, Carmel (Heidelberg Park)
1373/57 – Old Railway Reserve, Kalamunda and Surrounds

Thank you for your letter dated 16 July 2020, regarding the proposed Metropolitan Region Scheme (MRS) amendments 1372-57 and 1373-57. The Department of Communities has provided its comments on each of the proposed amendments below, as well as online at the Department of Planning, Lands and Heritage's Consultation Hub.

1372/57 – Part Lot 800 Canning Road, Carmel (Heidelberg Park)

The Department of Communities supports the purpose of the proposed amendment to provide aged care beds to fulfil an identified need within the City of Kalamunda.

The ecological value of the site is recognised however we note that the bulk of development is proposed on the degraded parts of the site with the valued vegetation and habitat on the southern and western boundaries being maintained as public open space.

It is important for aged care provision to be close to daily amenities, yet the site is located 1.7km away from the Lesmurdie Village Shopping Centre in an area without frequent public transport and with few walkable routes. The City of Kalamunda Local Housing Strategy however identifies a specific shortage of aged care beds in the hills and the provision of aged care on the subject site will help meet this shortage and allow aging in place. It is further recognised that land to the north of the subject site is designated urban development in the Local Planning Scheme and that whilst the subject site is likely to remain on the periphery of the residential area over the long term, the residential area to the north is likely to become more developed and change in character over time.

1373/57 – Old Railway Reserve, Kalamunda and Surrounds

The Department of Communities owns a large vacant land parcel to the north of the subject site at Lot 608 (6) Dixon Road (29,119m²). The proposed amendment is not considered to have any impact on the future development of this site and is reflective of the existing use of the Old Railway Reserve and its designation as Local Open

Space in Local Planning Scheme No. 3. Therefore, we have no objection to the proposed amendment.

If you have any further queries, please contact Lisette Traves, Strategic Planner, at the Department of Communities on 08 9222 4566 or at Lisette.Traves@communities.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Hindmarsh', with a stylized, flowing script.

Nigel Hindmarsh
**A/Assistant Director General
Assets**

9 September 2020

Submitted to **MRS minor amendments - 1372/57 - Pt Lot 800 Canning Road, Carmel and 1373/57 - Old Railway Reserve, Kalamunda and Surrounds**
Submitted on **2020-09-15 09:44:25**

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:

Department of Communities, Locked Bag 5000 Fremantle WA 6959

6 Contact phone number:

phone number:

7 Please indicate which MRS amendment you are making a submission for:

Both

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

Support

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

Submission:

Thank you for your letter dated 16 July 2020 regarding the proposed Metropolitan Region Scheme (MRS) amendments 1372-57 and 1373-57. The Department of Communities (the Department) have provided our comments on each of the proposed amendments below:

1372/57 – Part Lot 800 Canning Road Carmel (Heidelberg Park)

The Department support the purpose of the proposed amendment to provide aged care beds to fulfil an identified need within the City of Kalamunda.

The ecological value of the site is recognised however we note that the bulk of development is proposed on the degraded parts of the site with the valued vegetation and habitat on the southern and western boundaries being maintained as public open space.

It is important for aged care provision to be close to daily amenities, yet the site is located 1.7km away from the Lesmurdie Village Shopping Centre in an area without frequent public transport and with few walkable routes. The City of Kalamunda Local Housing Strategy however identifies a specific shortage of aged care beds in the hills and the provision of aged care on the subject site will help meet this shortage and allow aging in place. It is further recognised that land to the north of the subject site is designated urban development in the Local Planning Scheme and that whilst the subject site is likely to remain on the periphery of the residential area over the long term, the residential area to the north is likely to become more developed and change in character over time.

1373/57 – Old Railway Reserve, Kalamunda and Surrounds

The Department own a large vacant land parcel to the north of the subject site at Lot 608 (6) Dixon Road (29,119m²). The proposed amendment is not considered to have any impact on the future development of this site and is reflective of the existing use of the Old Railway Reserve and its designation as Local Open Space in Local Planning Scheme No. 3. We, therefore, have no objection to the proposed amendment.

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Enquiries: Thai Truong on (08) 9323 4815
Our Ref: 19/9070 (D20#821625)
Your Ref: 833/2/24/67 Pt 1 and 833/2/24/68 Pt 1

24 September 2020

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

Email: mrs@dplh.wa.gov.au (via email)

Dear Sir/ Madam

METROPLITIAN REGION SCHEME AMENDMENTS:

1372/57 – PART LOT 800 CANNING ROAD, CARMEL (HEIDELBERG PARK)
1373/57 – OLD RAILWAY RESERVE, KALAMUNDA & SURROUNDS

In response to your correspondence received on 16 July 2020, Main Roads has no comment to the proposed amendments.

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

Yours Sincerely

Lindsay Broadhurst
Director Road Planning and Development



NATURE RESERVES PRESERVATION GROUP

KALAMUNDA WA 6926

www.nrpg.org.au

President : Steve Gates 9293 2915, Mob. 0400 870 887

Vice President : Tony Fowler 9293 2283

To: consultation@dplh.wa.gov.au

Date. 24 September 2020

Subject: MRS Amendment 1373/57 Old Railway Reserve, Kalamunda and Surrounds.

NRPG fully supports the proposal to transfer land from the Urban zone to the Parks and Recreation (P&R) in the MRS. This action acknowledges the environmental and recreational importance of this area, the substantial work carried out by the Friends of Railway Reserve, Local Member Matthew Hughes, MLA and, the assistance and support of the City of Kalamunda.

The importance of the Kalamunda Railway Heritage Trail is reflected in the significant work involved in producing the Trail brochure. Produced by the Shire (now City) of Kalamunda, in collaboration with the Friends of Railway Reserve, it relates the history of the trail and surrounding sites, such as the well-preserved Eli Wallis timber house. This makes fascinating reading for local residents and, for the stream of visitors to the City of Kalamunda and the hills.

The brochure also highlights the rich biodiversity of the bushland through which the trail passes. The richness and diversity of the surrounding flora attracts much native wildlife. Both flora and wildlife may be seen by those using the trail. The trail runs alongside, then through, A-Class reserve 22576, containing some of the greatest biodiversity. This reserve is of vital importance for the long-term future of the area. The lasting protection from any future MRS amendments, provided by such a classification, would also protect any other reserves, serving a similar purpose, when added to Reserve 22576.

The importance of this section of the Railway Heritage Trail and surrounds, as a green link and wildlife corridor, has long been accepted. In 1996, the importance of such a link between Gooseberry Hill National Park and the State Forest was stressed in the Shire of Kalamunda Proposal K13, a response to Western Australian Planning Commission MRS amendment No. 978/33, Darling Range Regional Park Amendment. A-Class Reserve 22576, intended for inclusion in the Darling Range Regional Park, failed to be included. The other failed proposed inclusion was Reserve 30314, Lot 59 Wilkins Road. Both form part of this valuable ecological green link.

The support for this amendment from DBCA illustrates a recognition of the value of retaining all the natural vegetation on these lots and reserves. By increasing the total area of retained vegetation within the bounds of Railway Road and Schmitt Road, the amendment will increase the survival prospects of the rich biodiversity of this area.

Scope and content of the amendment.

“The amendment proposes to rezone Lots 23, 24 and 50 Schmitt Road Kalamunda, crown reserves: 22576, 28545 and 25574 and an old road reserve from the Urban zone to the Parks and Recreation reservation.”

The subject blocks, Lots 23, 24 and 50, are zoned residential R5 under LPS 3. Reserve 22576 is an A-Class reserve. The proposal to rezone the above lots to Parks and Recreation (P&R) in the MRS, whilst a very welcome first step, provides no protection from future MRS amendment proposals. NRPG was involved in the considerable efforts required to save another P&R reserve, (R. 30314) from an MRS amendment, emphasising the vulnerability of such reserves.

Given its A-Class status, Reserve 22576 would be the only reserve to be fully protected from future MRS amendment proposals. It fits perfectly into its classification, “...to protect areas of high conservation or high community value.” Its high conservation value is acknowledged, its high community value demonstrated by its high profile within the City, (reflected in the Railway Heritage Trail publication) and the community drive in support of this rezoning proposal. This drive, to save the lots from sale, resulted in a petition, by 1767 residents, being presented to the Legislative Assembly on Nov. 22, 2018, by local Member, Matthew Hughes, MLA (Tabled paper Number 117 (P)).

Should the rezoning to Parks and Recreation succeed, Nature Reserves Preservation Group will be advocating these areas be added to the existing A-Class Reserve 22576. We understand this action is available to the appropriate Minister, without the need for the action to go before Parliament.

NRPG welcomes this proposed rezoning and appreciates the opportunity to make this submission.



Tony Fowler.

pp. Steve Gates, President.



Department of Biodiversity,
Conservation and Attractions



*We're working for
Western Australia.*

Your ref: 833-2-24-68 (RLS/0860/1)
Our ref: PRS44901
Enquiries: Jacqui Clinton
Phone: 9442 0312
Email: jacqui.clinton@dbca.wa.gov.au

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

Att: Anthony Muscara

**Proposed Metropolitan Region Scheme Amendment – Old Railway Reserve, Kalamunda
– Request for Preliminary Comment**

I refer to your correspondence of 16 December 2019, requesting comments on the proposed Metropolitan Region Scheme (MRS) amendment to rezone Lots 30, 34 and 38 Schmitt Road and Old Railway Reserve, Kalamunda from 'Urban' to a 'Parks and Recreation' reservation. The Parks and Wildlife Service at the Department of Biodiversity, Conservation and Attractions (DBCA) has reviewed the proposal and provides the following advice.

The proposed scheme amendment will ensure all vegetation within Lots 30, 34 and 38 Schmitt Road is retained and enable the lots to be added to the existing Old Railway Reserve to be managed by the City of Kalamunda. The proposed reservation of the lots comprising the existing and proposed Crown reserve is considered appropriate and in line with the future purpose of the local open space.

Thank you for the opportunity to comment on this proposed amendment. Please contact Jacqui Clinton at Parks and Wildlife's Swan Region office on 9442 0312 or by email at jacqui.clinton@dbca.wa.gov.au if you have any queries regarding this advice.

Yours faithfully,

Benson Todd
REGIONAL MANAGER

23 January 2020



Your ref : 833/2/24/67 Pt 1 (RLS/0920) – 1372/57
833-2-24-68 Pt 1 (RLS/0922) – 1373/57
Our ref : D20/0493244
Enquiries : Matthew Cosson

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

Attention: Anthony Muscara
Principal Planning Officer

Dear Sir/Madam

Metropolitan Region Scheme Amendments
1372/57 – Part Lot 800 Canning Road, Carmel (Heidelberg Park)
1373/57 – Old Railway Reserve, Kalamunda & Surrounds

Thank you for your letter dated 16 July 2020 providing the Department of Education (Department) with the opportunity to comment on the above proposals to amend the Metropolitan Region Scheme (MRS). Please accept this letter as the Department's response on both proposals. The Department has reviewed the information submitted in support of the amendments and wishes to make the following comments on each:

Amendment No. 1372/57

The Department notes that the intent of the proposed amendment is to allow for the development of aged persons accommodation on the amendment site. Aged Persons accommodation is not expected to generate a student yield. Therefore, the proposed amendment is unlikely to affect the enrolment capacity of the public schools within the area.

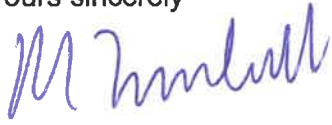
Subject to the site being developed for aged persons accommodation, the Department has no in principle objections to the proposed MRS amendment. However, the Department should be consulted if an alternative proposal is considered for the amendment site to ensure that there is no impact upon the existing public school sites within the area.

Amendment No. 1273/57

The Department notes that the proposed amendment would facilitate the reservation of land for recreation and conservation purposes. As the amendment would remove the ability for residential development to occur, there would be no impact upon the enrolment capacities of existing public schools within the area. As such, the Department offers no in principle objections to the proposed MRS amendment.

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 by email at matthew.cosson@education.wa.edu.au.

Yours sincerely



Matt Turnbull
A/ Director
Asset Planning and Services

1 October 2020