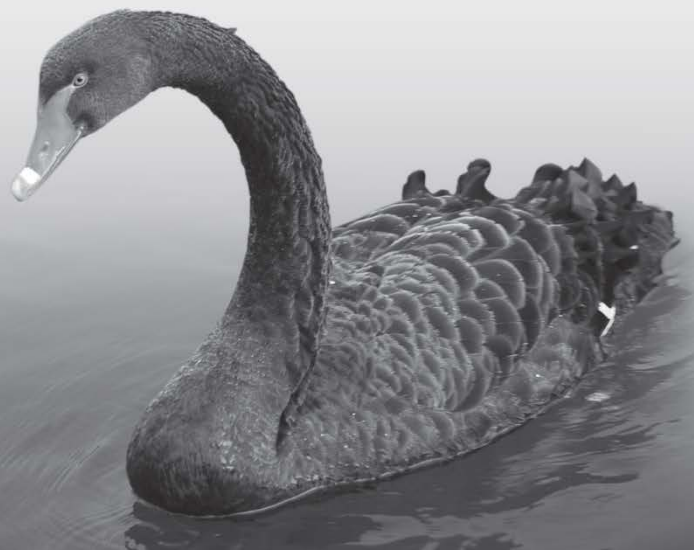


March 2019

# **Metropolitan Region Scheme Amendment 1333/57** (Minor Amendment)



## **Bush Forever Omnibus 1 (North)**

Amendment Report

Cities of Joondalup, Kalamunda,  
Swan and Wanneroo

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**Metropolitan Region Scheme  
Amendment 1333/57  
(Minor Amendment)**

**Bush Forever Omnibus 1  
(North)**

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**Amendment Report**

Cities of Joondalup, Kalamunda, Swan and Wanneroo



March 2019

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

Locked Bag 2506  
Perth WA 6001

MRS Amendment 1333/57                      Amendment Report  
File 833-2-1-65 Pt 1

Published March 2019

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# 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](http://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](http://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*.

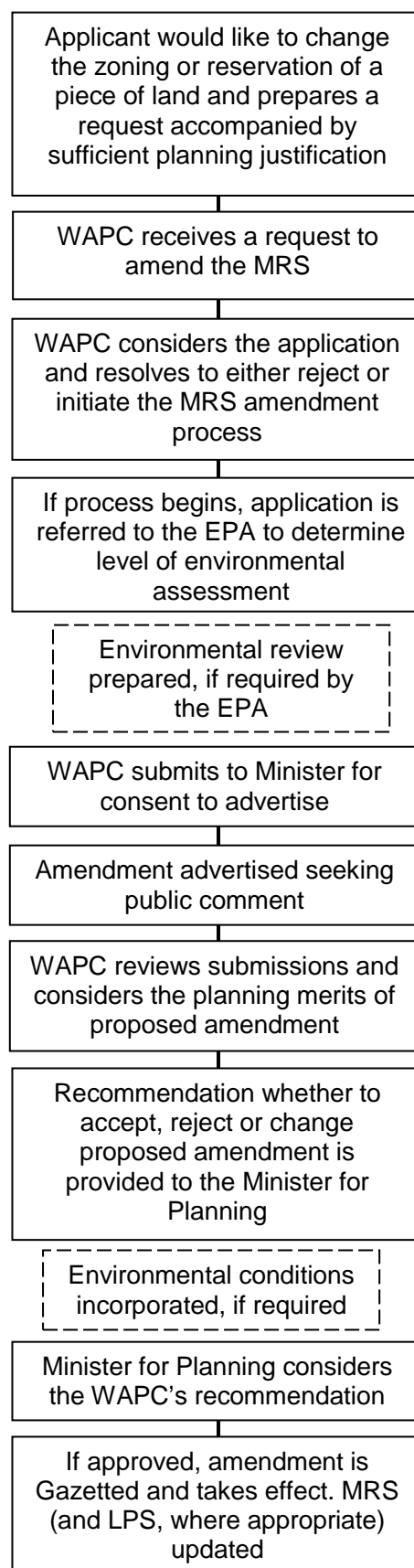
### Report on submissions

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

<b>AHA</b>	Aboriginal Heritage Act
<b>EPA</b>	Environmental Protection Authority
<b>MCB</b>	Metropolitan Cemeteries Board
<b>MRS</b>	Metropolitan Region Scheme
<b>NPS</b>	Negotiated Planning Solution
<b>SWALSC</b>	South West Aboriginal Land and Sea Council
<b>WAPC</b>	Western Australian Planning Commission

## Amendment Report

## Metropolitan Region Scheme Amendment 1333/57

### Bush Forever Omnibus 1 (North)

#### 1 Purpose

The purpose of the amendment is to amend various Bush Forever area boundaries in the Perth Metropolitan Region Scheme (MRS) in relation to rationalisations of zones and reservations to match cadastral boundaries and generally to ensure the MRS is kept up-to-date as the statutory regional plan for Perth. Amendments are proposed to address existing anomalies, amendments to cadastral boundaries and changes in Bush Forever areas as a result of planning decisions.

The amendment contains 24 separate proposals in Cities of Joondalup, Kalamunda, Swan and Wanneroo.

#### 2 Background

The amendment is part of a continuing program of amendments to the MRS. During this time, omnibus amendments have been utilised for progressing groups of proposals of relatively less significance in a regional context rather than progressing the proposals as individual amendments. This amendment is linked to the Central and South Bush Forever omnibus MRS amendments.

#### 3 Environmental Protection Authority advice

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

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

#### 4 Scope and content of the amendment

The draft amendment seeks to add 167.9 ha to Bush Forever and remove 478.55 ha of cleared areas. Included in the area to be removed is 423.13 ha of developed land from Pearce airport which has been developed and was cleared prior to 2000. The amendment proposes the following changes to Bush Forever area boundaries, zones and reservations in the MRS.

##### **City of Wanneroo**

##### **Proposal 1**

**Bush Forever area 494: to reserve Lot 8033 Flynn Drive, Carramar to Parks and Recreation and remove Bush Forever from the Flynn Drive road cadastre (Fig. 1).**

Bush Forever area 494 was part of a negotiated planning solution (NPS). As the NPS has been finalised, and Lot 8033 is now in State ownership, this amendment seeks to reserve

Lot 8033 as Parks and Recreation. A small portion of Bush Forever is within the Flynn Drive road cadastre. This proposal also seeks to rationalise the boundary to the cadastre of Lot 8033 and 8032.

### **Proposal 2**

**Bush Forever area 147: to add Crown Allotments 10916, 1646 and part Lot 42 Caporn Street, Mariginiup to Bush Forever area 147 (Fig. 2).**

The above lots are reserved as Parks and Recreation and are owned by the Western Australian Planning Commission (WAPC). As such, this amendment seeks to add the land to Bush Forever.

### **Proposal 3**

**Bush Forever area 295: to modify boundary of Bush Forever area 295 to Lot 503 Old Yanchep Road cadastre boundary (Fig. 3).**

This amendment seeks to rationalise the Bush Forever boundary so the built road is outside of Bush Forever, in accordance with clearing approved though clearing permits 6736/1 and 3731/7. The road reserve is allocated to the City of Wanneroo.

### **Proposal 4**

**Bush Forever area 397: to extend the Bush Forever boundary into the Parks and Recreation reservation in Lots 8003, 8004 and 8005 Sovereign Drive, Two Rocks and include part of Crown Allotment 12871 (R45379) into Parks and Recreation (Fig. 4)**

Reserve R45379 and Lots 8003, 8004 and 8005 Sovereign Drive are vested in the City of Wanneroo for foreshore management, so it is appropriate the reserve and lots are reserved for Parks and Recreation and included into Bush Forever area 397. It is noted however this amendment is to tidy up the current anomalies, it does not indicate future foreshore requirements.

### **Proposal 5**

**Bush Forever area 397: to remove the marina and breakwaters, Lot 8796 Pope Street, Two Rocks, from Bush Forever and add part Lot 8989 to Bush Forever area 397 and reserve for Parks and Recreation; and reserve Crown Allotment 9609 for Parks and Recreation (Fig 5).**

The marina and breakwater is void of vegetation as it is a developed marina and car park (as it has historically been) therefore there is no environmental reason to include the marina in Bush Forever.

Lot 8989 is owned by the WAPC and the majority of the lot is reserved for Parks and Recreation and Bush Forever. It is logical to add this small portion to Parks and Recreation and Bush Forever.

The lots adjacent to Crown Allotment 9069 are reserved for Parks and Recreation, for consistency, it is proposed this lot (Reserve 34601) be reserved for Parks and Recreation also. The lots subject to this proposal are owned or vested in State government agencies.

### **Proposal 6**

**Bush Forever area 397: to reserve all of Crown Allotment 13321 (Reserve R45935) Two Rocks Road, Two Rocks for Parks and Recreation (Fig. 6a & b).**

Reserve 45935 is vested in the City of Wanneroo for management and is Bush Forever. It is proposed R45935 is reserved for Parks and Recreation also. It is noted however this amendment is to tidy up the current anomalies, it does not indicate future foreshore requirements.

#### **Proposal 7**

**Bush Forever area 397: to modify Bush Forever boundary of Crown Allotment 15454 (Reserve 22915) Ocean Drive, Quinns Rock to the Parks and Recreation reservation (Fig. 7).**

The boundary of Bush Forever area 397 on Crown Allotment 15454 Ocean Drive, Quinns Rock extends into the ocean, and therefore this amendment is to amend the Bush Forever boundary to the Parks and Recreation reservation boundary.

#### **Proposal 8**

**Bush Forever area 397: to modify the Bush Forever boundary to be in accordance with MRS Amendment 1029/33 Environmental Conditions (Fig. 8).**

EPA Bulletin 1207 sets out the environmental conditions for MRS Amendment 1029/33 - Alkimos-Eglinton. The zoning and reservation amendments for this have been implemented however the Bush Forever designation was not amended to align with the Parks and Recreation reservation at that time. The proposed amendment is to align Bush Forever and the Parks and Recreation reservation except for a small portion adjacent to the railway for the proposed future Alkimos Station (which may be subject to change). The lots subject to this proposal are owned by the WAPC, LandCorp and Water Corporation.

#### **Proposal 9**

**Bush Forever area 397: to include the Parks and Recreation reservation portion of Lot 9036 Marmion Avenue and Crown Allotment 11593 (Reserve 11929), Jindalee in Bush Forever area 397 (Fig. 9).**

A transfer of land has been undertaken between the land owner and the WAPC. This portion was acquired by the WAPC in exchange for urban development closer to the foreshore. The inclusion of this land into Bush Forever once the land was transferred was the agreed outcome.

#### **Proposal 10**

**Bush Forever area 469: to amend the Bush Forever boundary to remove the cleared portion of the Caporn Street road reserve (Fig. 10).**

Caporn Street has been upgraded, and a portion of the Bush Forever area has been cleared with the relevant planning and environmental approvals (clearing permit 2163/1), so this amendment seeks to remove this portion of Bush Forever. The subject area is owned or vested in the City of Wanneroo for management.

#### **Proposal 11**

**Bush Forever area 470: to amend the Bush Forever boundary to follow the Parks and Recreation reservation on Crown Allotment 10857 (Reserve R36601), and to increase both the Bush Forever area and the Parks and Recreation reservation to the clearly demarcated fenceline (Fig. 11).**

The land is vested in the City of Wanneroo, and has a clearly defined boundary, so this amendment seeks to follow the fenceline, which increases the Bush Forever area to the south, and moves the east/west cadastre.

### **City of Swan**

#### **Proposal 12**

**Bush Forever area 22: to modify the Bush Forever boundary to contain the whole of Lot 8021 Torres Parade, and add Lot 8022 to Bush Forever; to transfer Lot 8021 and 8022 Torres Parade from the Urban zone to Parks and Recreation reservation; to remove portions of Thomby and Holdsworth Avenue and Bellazario Promenade from Bush Forever (Fig. 12).**

The WAPC has advised that the subject land Lot 8021 was acquired for the purposes of Bush Forever and conservation, and therefore is appropriate to be reserved as Parks and Recreation. This was part of a NPS.

Lot 8022 was acquired by the WAPC for conservation and should also be added to Bush Forever and reserved for Parks and Recreation.

The road reserves for Holdsworth and Thomby Avenues and Bellazario Promenade are cleared, and therefore this amendment seeks to modify the Bush Forever overlay to the cadastral boundary.

#### **Proposal 13**

**Bush Forever area 291: to modify the boundary of Bush Forever area 291 to include the whole of Lot 13974 Woodsend Court Bullsbrook (Fig. 13).**

Lot 13974 (Reserve R46564) is vested with the Conservation Commission of Western Australia, and is reserved Parks and Recreation. Therefore this amendment seeks to rationalise the Bush Forever overlay to the cadastral boundary for ease of management.

#### **Proposal 14**

**Bush Forever area 292: to include all of Lot 3739 Great Northern Highway, Bullsbrook into Bush Forever area 292 (Fig. 14).**

Lot 3739 (Reserve R1654) is vested in the National Parks and Natural Conservation Authority and is reserved Parks and Recreation. Therefore this amendment seeks to modify the Bush Forever overlay to the Parks and Recreation boundary.

#### **Proposal 15**

**Bush Forever area 294: to exclude the Pearce Airport runways and buildings from Bush Forever area 294; to add Lot 52 Great Northern Highway and vegetated portions of Lots 200 Almeria Parade, 123 Great Northern Highway, 156 and 157 Turner Road, Bullsbrook to Bush Forever area 294 (Fig. 15).**

All the land is owned by the Commonwealth of Australia. The airport does not historically have any mapped native vegetation, so this amendment seeks to remove the cleared areas from Bush Forever, and include the small vegetated pockets within Lots 52 and 123 Great Northern Highway, Lot 200 Almeria Parade and Lots 156 and 157 Turner Road, which are currently not within Bush Forever.

### **Proposal 16**

**Bush Forever area 300: to remove Lots 8377, 8378, 8379, 8158, 8157, 8148, 8147, 8146, 8139, 8138, 8137, 8129, 8128, 8127, 7350, 7351, 7349, 7348, 7347, 7346, 7345, 7344, 7341, 7340, 7342 and part Lots 8159, 8149, 8145, 8130, 8126, 8165, 7352, 7353, 7354, 7355, 7356, 7339, 7343, 7338, 9268, Grassdale Parkway, Stonyford Bend, Pineroo Terrace from Bush Forever (Urban zoned land). The small part of Bush Forever within the public road reservations of Stonyford Bend, Grassdale Parkway, Pineroo Terrace, Derwent Street, Waggego Outlook and Riverland Drive is also to be removed (Fig. 16).**

The various lots and public roads above are zoned Urban, built upon and many in private ownership. As such, this amendment seeks to remove the Bush Forever overlay and align it to the Bushland side of Pineroo Terrace within Reserve 46875. This is in accordance with approved subdivision (WAPC ref: 140081) and EPA Bulletin 642.

### **Proposal 17**

**Bush Forever area 300: to include all of Reserve 46875 into Bush Forever area 300. Remove Lots 9383 and 9384 Wilding Boulevard and part Lots, 9378, 9379, 9380, 9381, 9382, 9385, 9386, 9387, 9407, 9408, 9409 Wilding Boulevard. Remove part Lot 9521 and 9308 Spring Street, Lot 9136 and part Lot 8915 and 9095 (unnamed road) and part Lots 9127, 9128, 9129, 9130, 9131, 9132, 9133, 9135 Hawthornden Avenue. Remove part Wilding Boulevard, Sadlier Lane, Moraba Grove, Banrock Drive, Helms Loop, Dalgarp Way, Gonaning Street and Hawthornden Avenue from Bush Forever (Urban zoned land) (Fig. 17 a, b, c).**

Reserve 46875 (Lots 545 and 542) is vested in the Conservation Commission of Western Australia and (Lot 544) is owned by the State of WA. They are reserved as Parks and Recreation, so this amendment seeks to modify the Bush Forever boundary to the Parks and Recreation reservation and cadastre boundaries.

The various lots and public roads above are zoned Urban, built upon and many in private ownership therefore it is appropriate to remove from Bush Forever. This is in accordance with approved subdivision (WAPC ref: 140081, 149350) and EPA Bulletin 642.

### **Proposal 18**

**Bush Forever area 385: to include Lot 15141 Alexander Drive, Malaga into Bush Forever area 385 and reserve as Parks and Recreation (Fig. 18).**

Lot 15141 Alexander Drive, Malaga is unallocated Crown Land which is mapped Karrakatta Central and South vegetation complex and directly abuts Bush Forever area 385. This amendment seeks to include into Bush Forever, and reserve as Parks and Recreation from Industrial zoned land. Lot 15141 is also identified as a specific commitment in the draft Perth and Peel Green Growth Plan for 3.5 million.

### **Proposal 19**

**Bush Forever area 386: to modify the boundary of Bush Forever within Lot 1 Kalamunda Road, Perth Airport (Fig. 19).**

Lot 1 Kalamunda Road, Perth Airport is owned by the Commonwealth of Australia. Part of Lot 1 should be removed from Bush Forever as it has been developed, in accordance with the Perth Airport Master Plan, and no longer serves an environmental purpose.

### **Proposal 20**

**Bush Forever area 481: to remove Lot 3 Midland Road, Hazelmere and adjoining public road from Bush Forever area 481 (Fig. 20).**

Lot 3 Midland Road (and adjoining public road), Hazelmere was cleared of all vegetation before 2000, and as such, this amendment seeks to remove the Bush Forever overlay, as it was not appropriately identified previously. Lot 3 is in private ownership.

### **Proposal 21**

**Bush Forever area 491: to modify the boundary of Bush Forever area 491 within Lot 400 Wilkie Street, South Guildford to remove the river and to include bushland that was omitted (Fig. 21).**

This amendment seeks to rationalise the Bush Forever overlay in accordance with cadastral and Parks and Recreation reservation boundaries. The subject lots are State government owned and managed.

## **City of Joondalup**

### **Proposal 22**

**Bush Forever area 299: to modify the boundary of Bush Forever area 299 to remove Lake Side Drive (Fig. 22).**

Part of Bush Forever area 299 is located in the Joondalup City Centre, which is largely devoid of vegetation, so this amendment seeks to modify the Bush Forever overlay to abut the eastern side of the constructed Lakeside Drive road. The inclusion of the public road into Bush Forever was an anomaly from 2000.

### **Proposal 23**

**Bush Forever area 303: to modify the boundary of Bush Forever area 303 to remove one hectare for the Metropolitan Cemeteries Board at Pinnaroo cemetery (Fig. 23).**

In 2004, a commitment was made by the Bush Forever Technical Advisory Group to provide the Metropolitan Cemeteries Board (MCB) one hectare of land within Bush Forever area 303, for one hectare of MCB land that was provided to Western Power for a substation. Western Power previously relinquished its one hectare site, which was incorporated into Bush Forever area 303 in 2005.

MBC provided three alternative sites for the one hectare, based on the needs of MCB and location to other burial sites. A site visit was conducted with officers of MCB, the then Department of Planning and Office of Environmental Protection Agency, and an alternative site (current proposal) was recommended, which took into account MCB's needs for the site to be near a road, and the vegetation condition.

## **City of Kalamunda**

### **Proposal 24**

**Bush Forever area 50: to include Lot 2611 Schofield Road and 236 Hartfield Road, Wattle Grove into Bush Forever area 50 (Fig. 24).**

The amendment seeks to include Lot 2611 Schofield Road (R33963) and Lot 236 Hartfield Road (R3486) to Bush Forever area 50. In 2000, this area was investigated to be included in Bush Forever, however the vegetation was not deemed to be regionally



significant at that time as it was a rehabilitated gravel pit. The majority of the site is now mapped Forrestfield vegetation complex, which is an underrepresented vegetation complex, and appears to have been successfully re-established. The land is owned by the State with a land use for Government Requirements.

## 5 Sustainability appraisal

Due to the small scale of the proposals in this amendment, many have no significant sustainability impacts. Where proposals do have environmental, economic, social or other sustainability issues, these are discussed in the sections on each individual proposal.

## 6 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. 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 criteria relate to a variety of matters, not all of which relate to every amendment. In this regard, the amendment is proposed to be processed as a "minor" amendment as the extent and minor nature of each proposal does not constitute a substantial or regional change to the planning philosophy of the MRS.

## 7 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 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.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC / Department of Planning, Lands and Heritage has 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 have Aboriginal interest are now referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's South-West region, and as such is also well placed to provide advice on Aboriginal heritage.

In this regard, this omnibus amendment has not been pre-referred to SWALSC as it was considered that it did not impact on Aboriginal Heritage issues. However, it will be referred to SWALSC during the advertising period.

## 8 Co-ordination of region and local scheme amendments

Section 126(3) of the *Planning and Development Act 2005* allows for the concurrent amendment of a Local Planning Scheme to a "Development" zone (or similar) where land is to be transferred to the Urban zone in the MRS.

The concurrent Local Scheme amendment of proposals which zone land Urban, under Section 126(3) of the *Planning and Development Act 2005*, will be considered by the WAPC after all submissions have been received.

## 9 The amendment process

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

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

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

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

## 10 Submissions on the amendment

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

The amendment will be advertised for public submissions for a period of 60 days from Tuesday 26 March 2019 to Friday 31 May 2019.

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

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

- v) City of Wanneroo
- vi) State Reference Library, Northbridge.

Online submissions are encouraged via: [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments).

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@planning.wa.gov.au](mailto:mrs@planning.wa.gov.au)

**and must be received by 5 pm Friday 31 May 2019.**

All submissions received by the WAPC will be acknowledged.

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

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

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

## 11 Modifications to the amendment

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

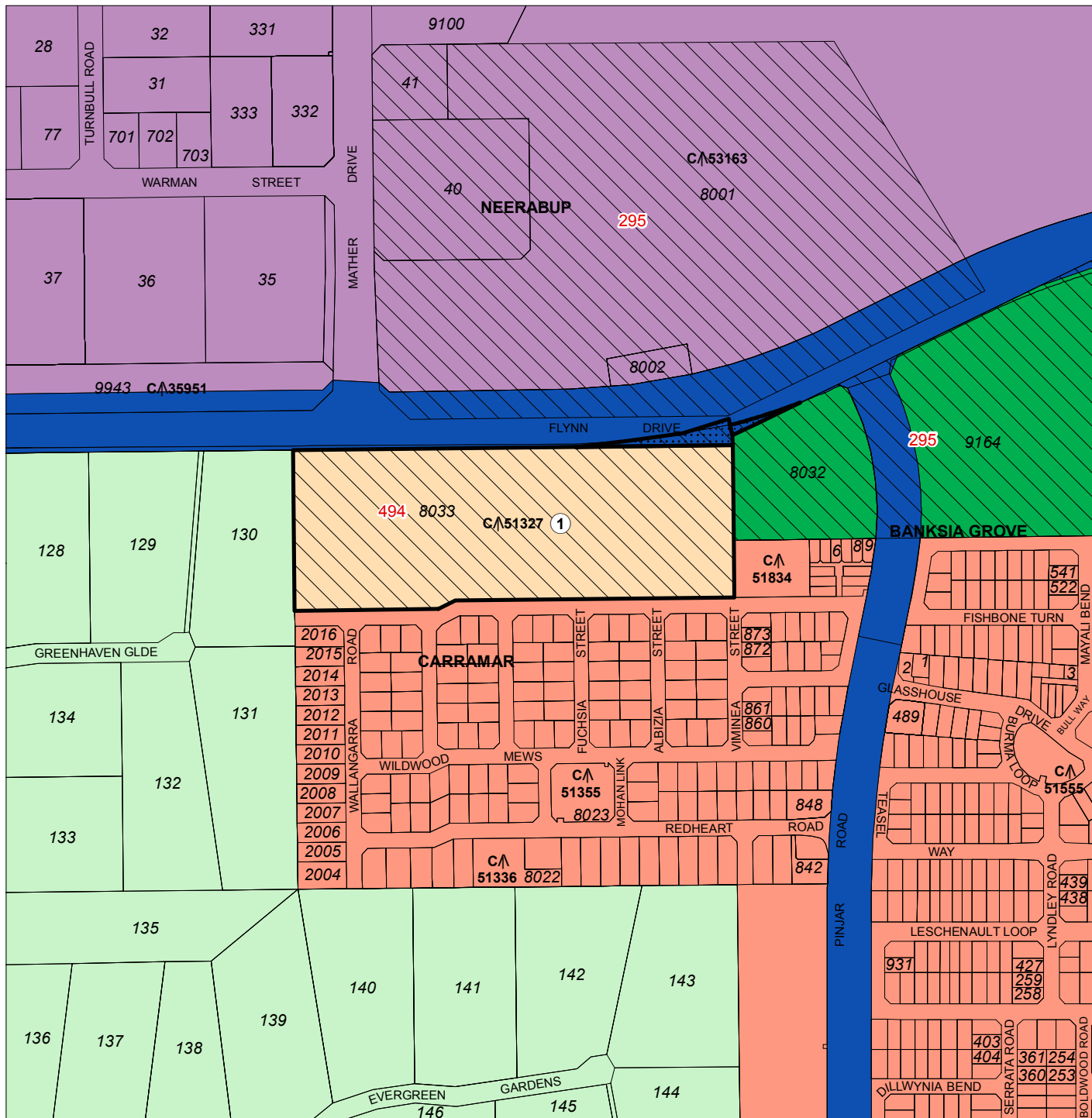
## 12 Final outcome

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 1333/57

Bush Forever Omnibus 1

Amending Figures  
Proposals 1 - 24



# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 1

## Proposed Amendment:

**①** Parks and recreation reservation

## Notice of Delegation

**(Site No)** Bush Forever area removal

## Existing Region Scheme:

Industrial	Urban deferred
Other regional roads	(Site No) Bush forever areas
Parks and recreation	
Rural	
Urban	

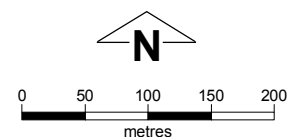
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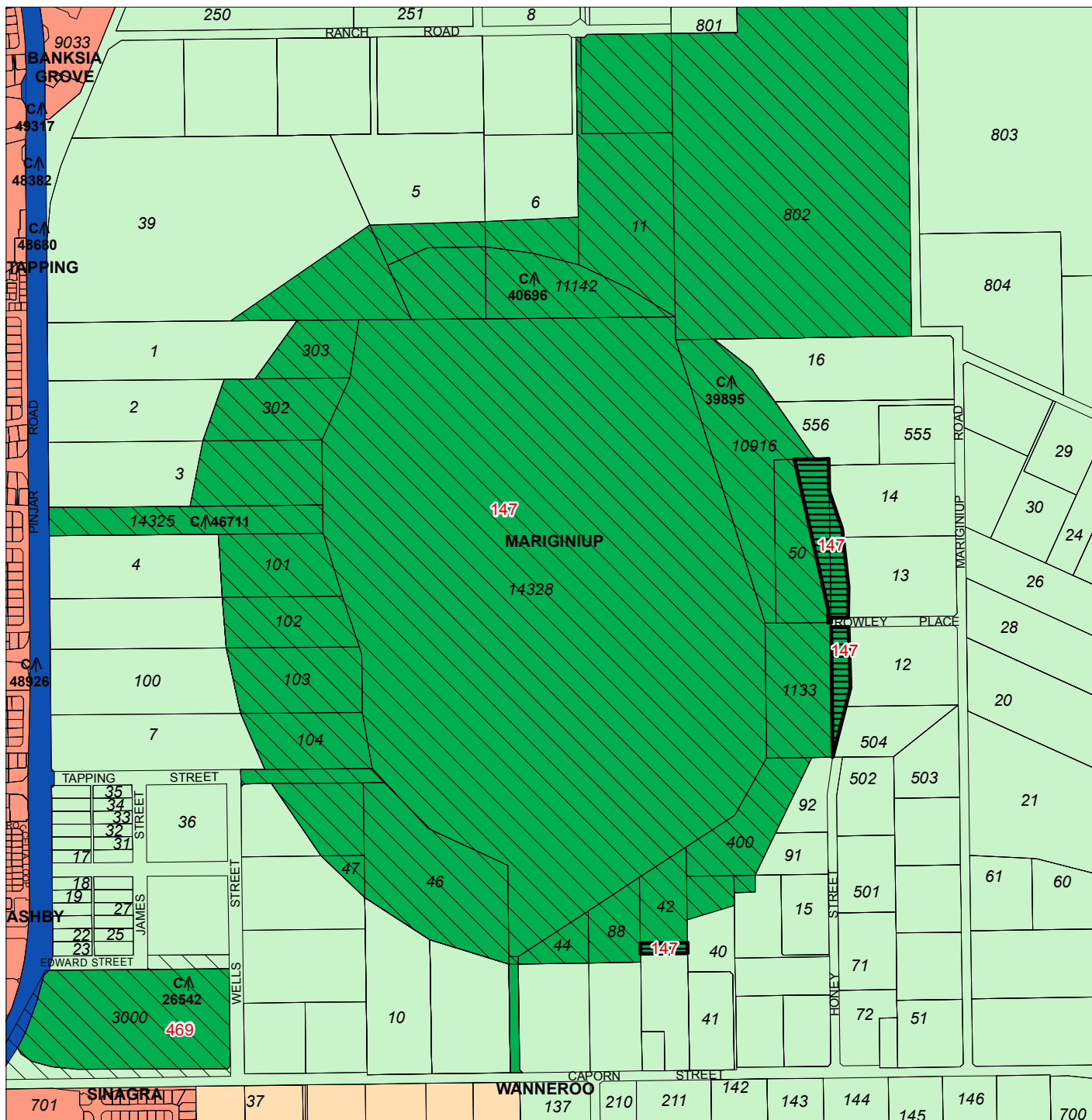
File number: 833/02/01/0065P

Version number: 3



Date: 1/10/2018  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1






# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017



Proposal 2


Proposed Amendment:


Notice of Delegation


 (Site No) Bush Forever area addition


Existing Region Scheme:

 Other regional roads  (Site No) Bush forever areas

 Parks and recreation

 Rural

 Urban

 Urban deferred

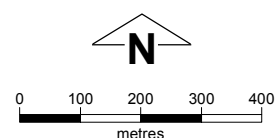
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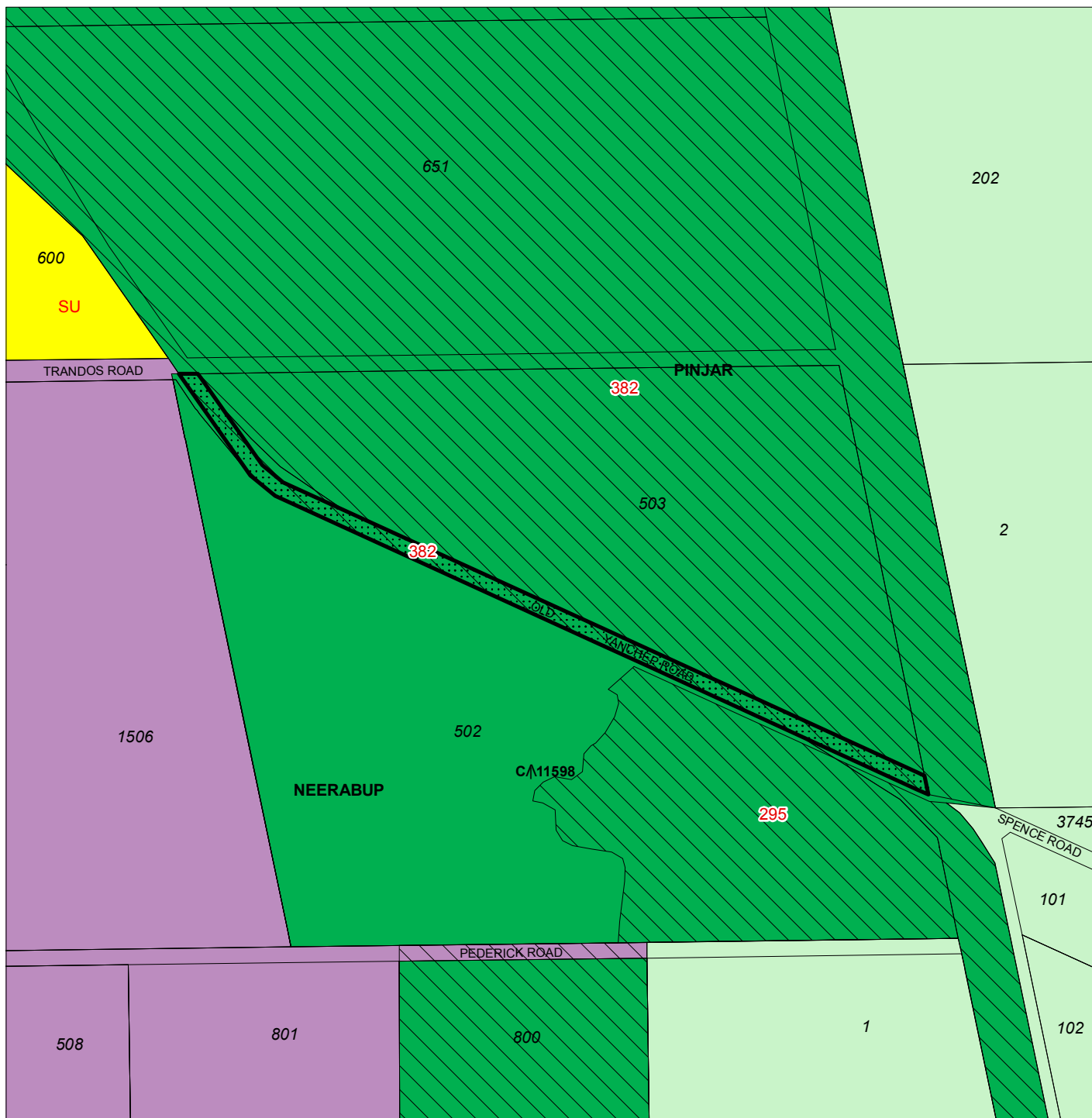
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Version number: 3



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Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
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
# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 3

## Proposed Amendment:

### Notice of Delegation

 (Site No) Bush Forever area removal

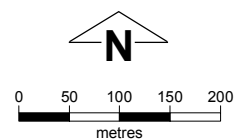
## Existing Region Scheme:

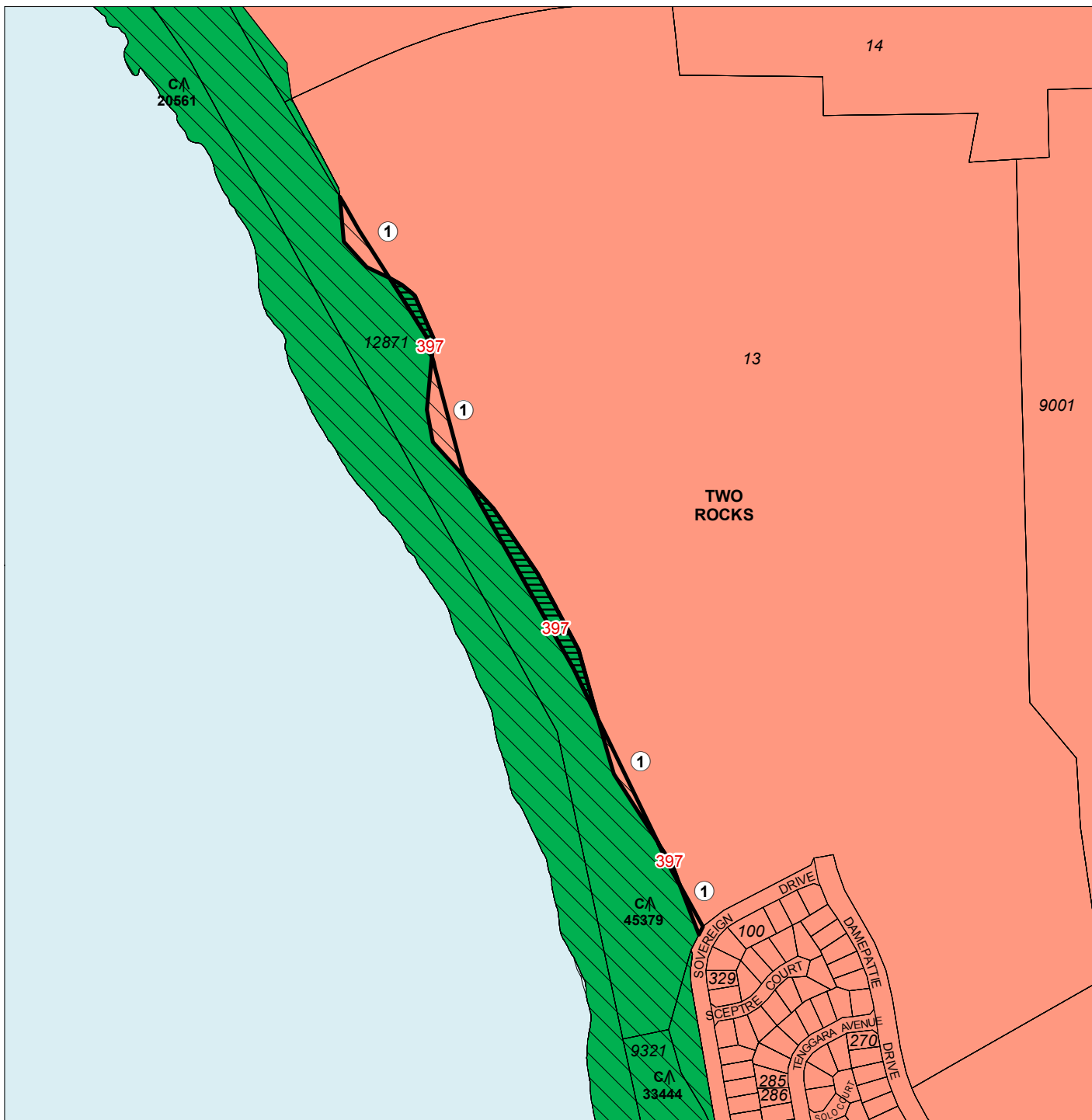
-  Industrial
-  Parks and recreation
-  SU Public purposes - special uses
-  Rural
-  (Site No) Bush forever areas

Oracle reference no: 2882  
File number: 833/02/01/0065P  
Version number: 3



Date: 13/08/2018  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1





# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 4

## Proposed Amendment:

**①** Parks and recreation reservation

## Notice of Delegation

**②** (Site No) Bush Forever area addition

## Existing Region Scheme:

**■** Parks and recreation

**■** Urban

**■** Waterways

**■** (Site No) Bush forever areas

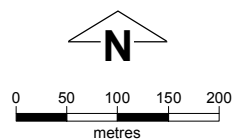
Oracle reference no: 2882

File number: 833/02/01/0065P

Version number: 3



Date: 3/10/2017  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
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# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 6a

## Proposed Amendment:

① Parks and recreation reservation

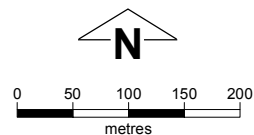
## Existing Region Scheme:

- Other regional roads
- Parks and recreation
- Urban
- Urban deferred
- Waterways
- (Site No) Bush forever areas

Oracle reference no: 2882  
File number: 833/02/01/0065P  
Version number: 3



Date: 3/10/2017  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1





# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 6b

Proposed Amendment:

**①** Parks and recreation reservation

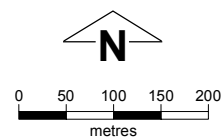
Existing Region Scheme:

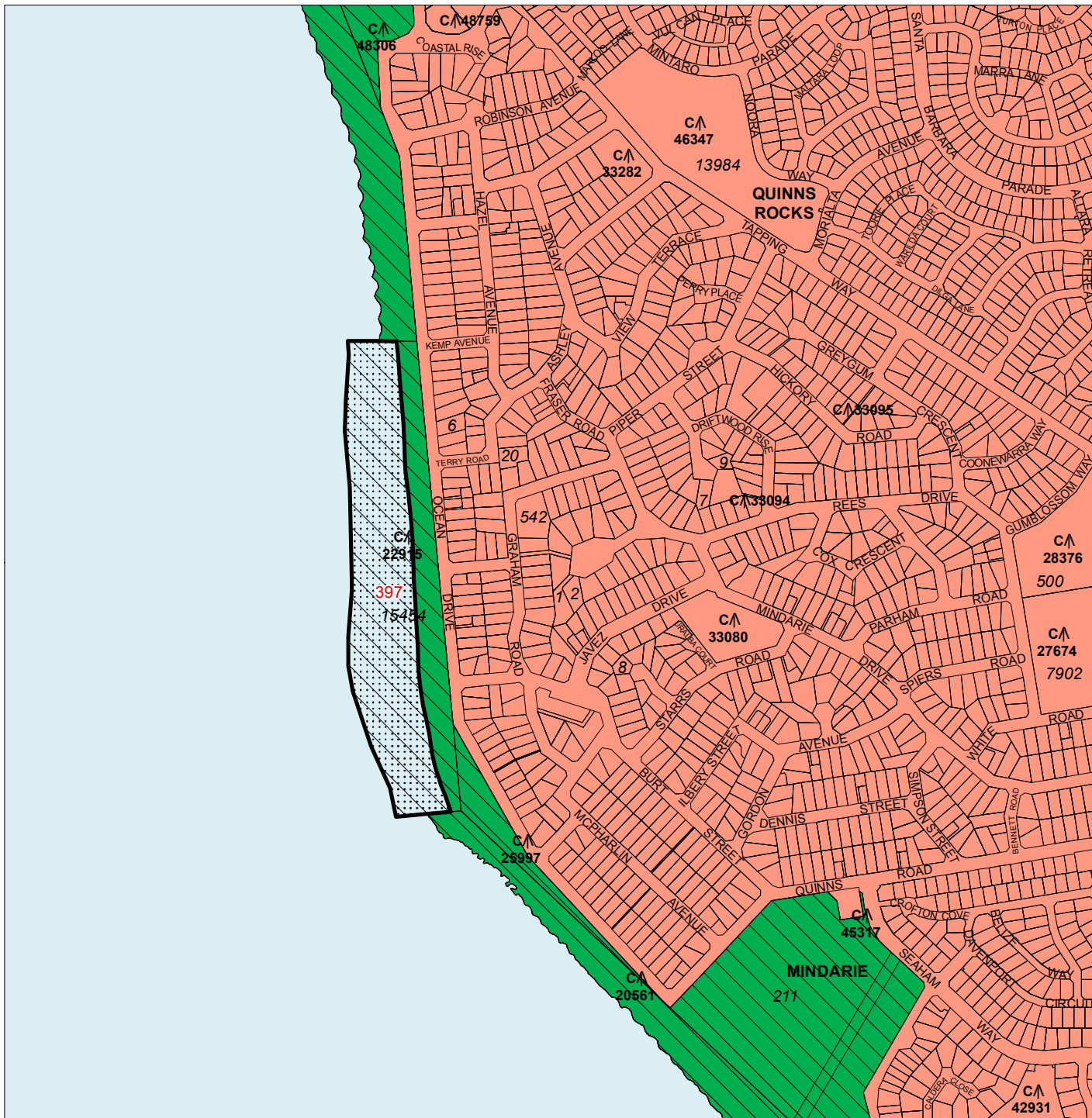
**■** Parks and recreation  
**■** Urban deferred  
**■** Waterways  
**■** (Site No) Bush forever areas

Oracle reference no: 2882  
 File number: 833/02/01/0065P  
 Version number: 3



Date: 3/10/2017  
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# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 7

Proposed Amendment:

Notice of Delegation



(Site No) Bush Forever area removal

Existing Region Scheme:



Parks and recreation



Urban



Waterways



(Site No) Bush forever areas

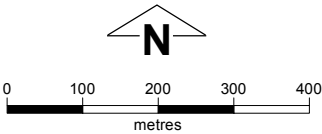
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Version number: 3

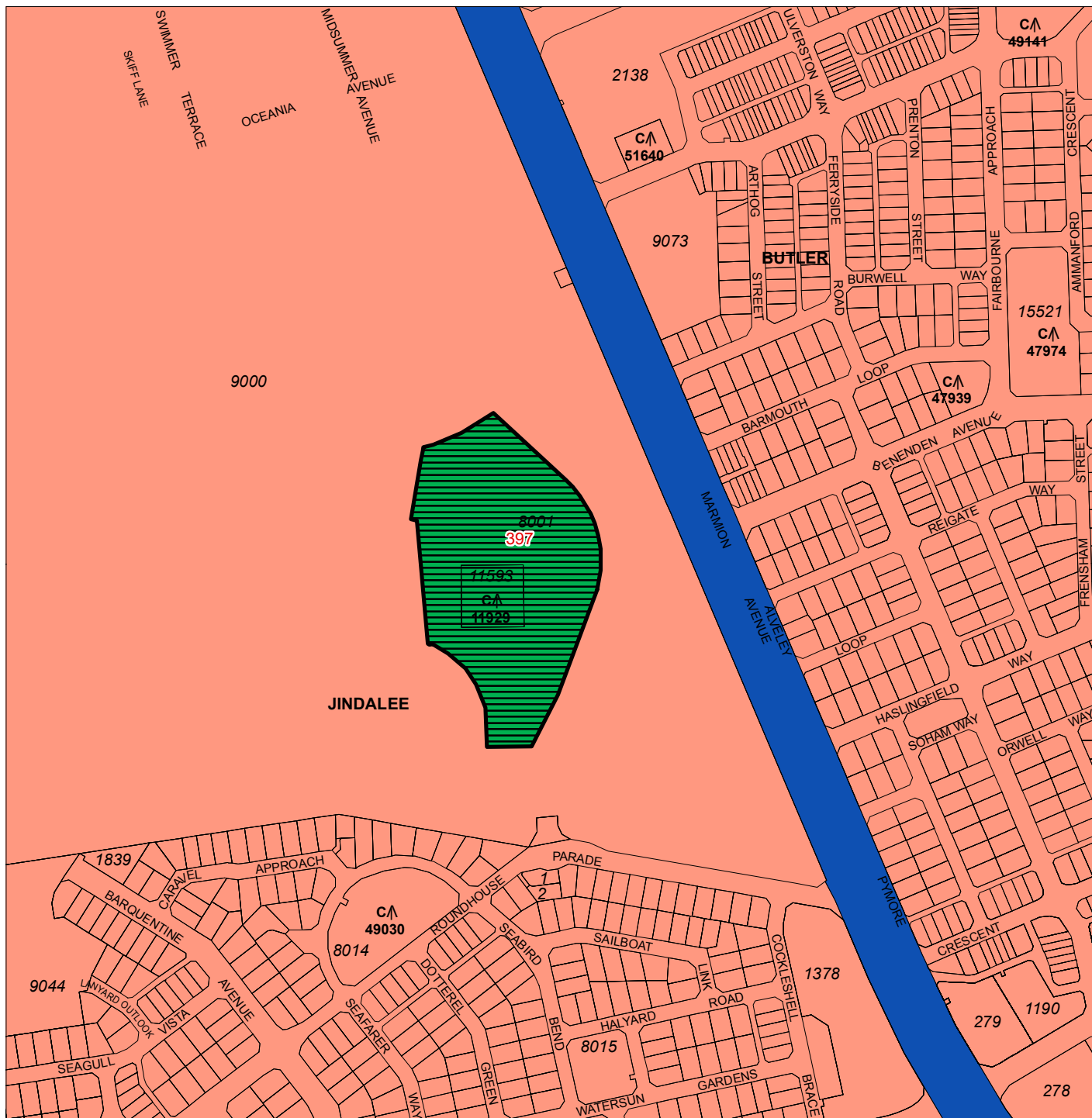


Date: 3/10/2017  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1









## Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 9

### Proposed Amendment:

#### Notice of Delegation



(Site No) Bush Forever area addition

### Existing Region Scheme:



Other regional roads



Parks and recreation



Urban

Oracle reference no: 2882

File number: 833/02/01/0065P

Version number: 3

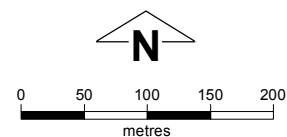


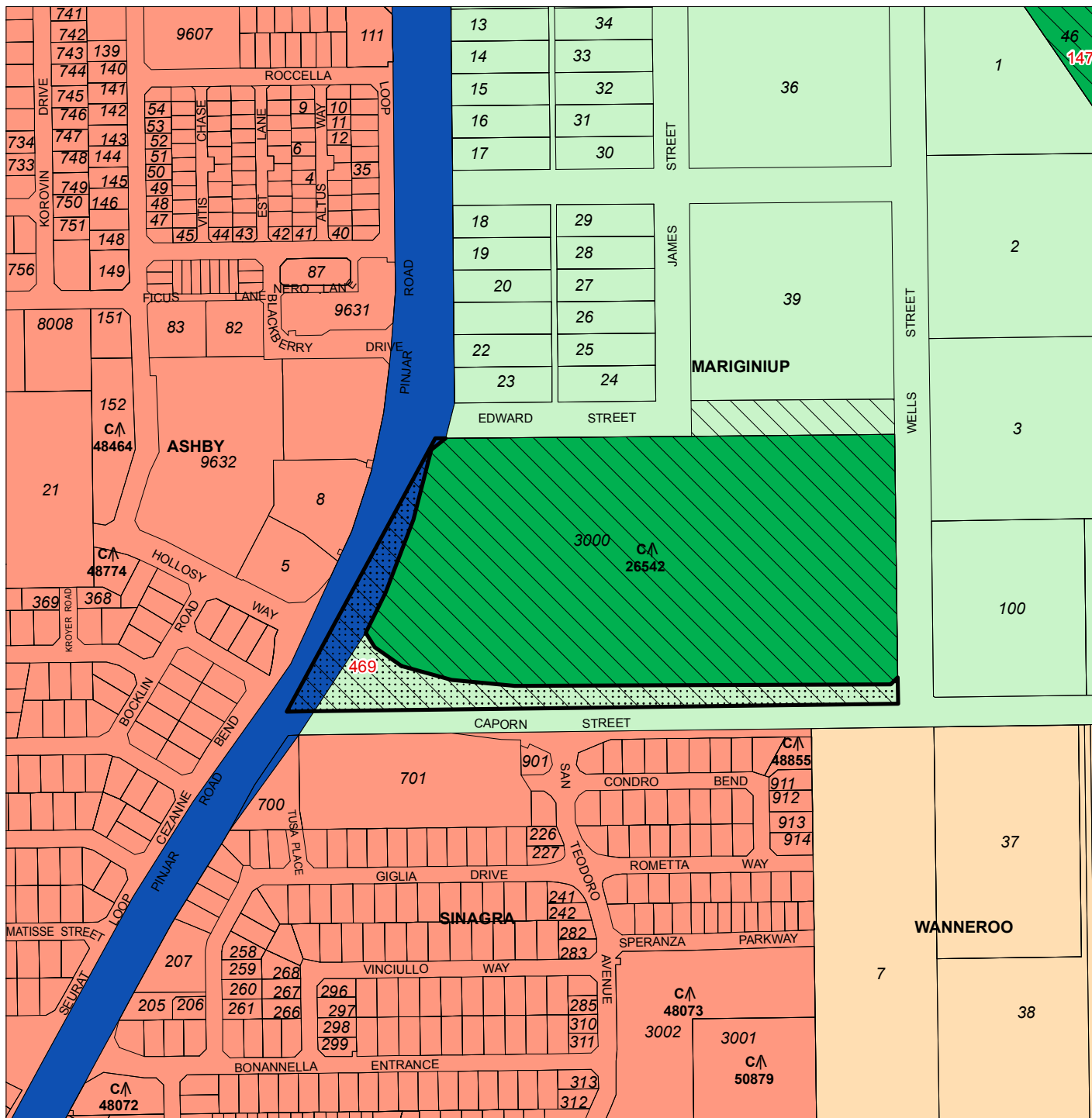
Western  
Australian  
Planning  
Commission

Date: 3/10/2017

Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA

Base information supplied by Western Australian Land Information Authority LI 862-2016-1





# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017







Proposal 10

Proposed Amendment:

Notice of Delegation

 (Site No) Bush Forever area removal

Existing Region Scheme:

-  Other regional roads
-  Parks and recreation
-  Rural
-  Urban
-  Urban deferred
-  (Site No) Bush forever areas

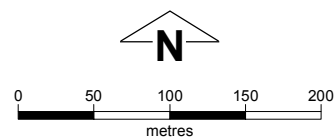
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Version number: 3



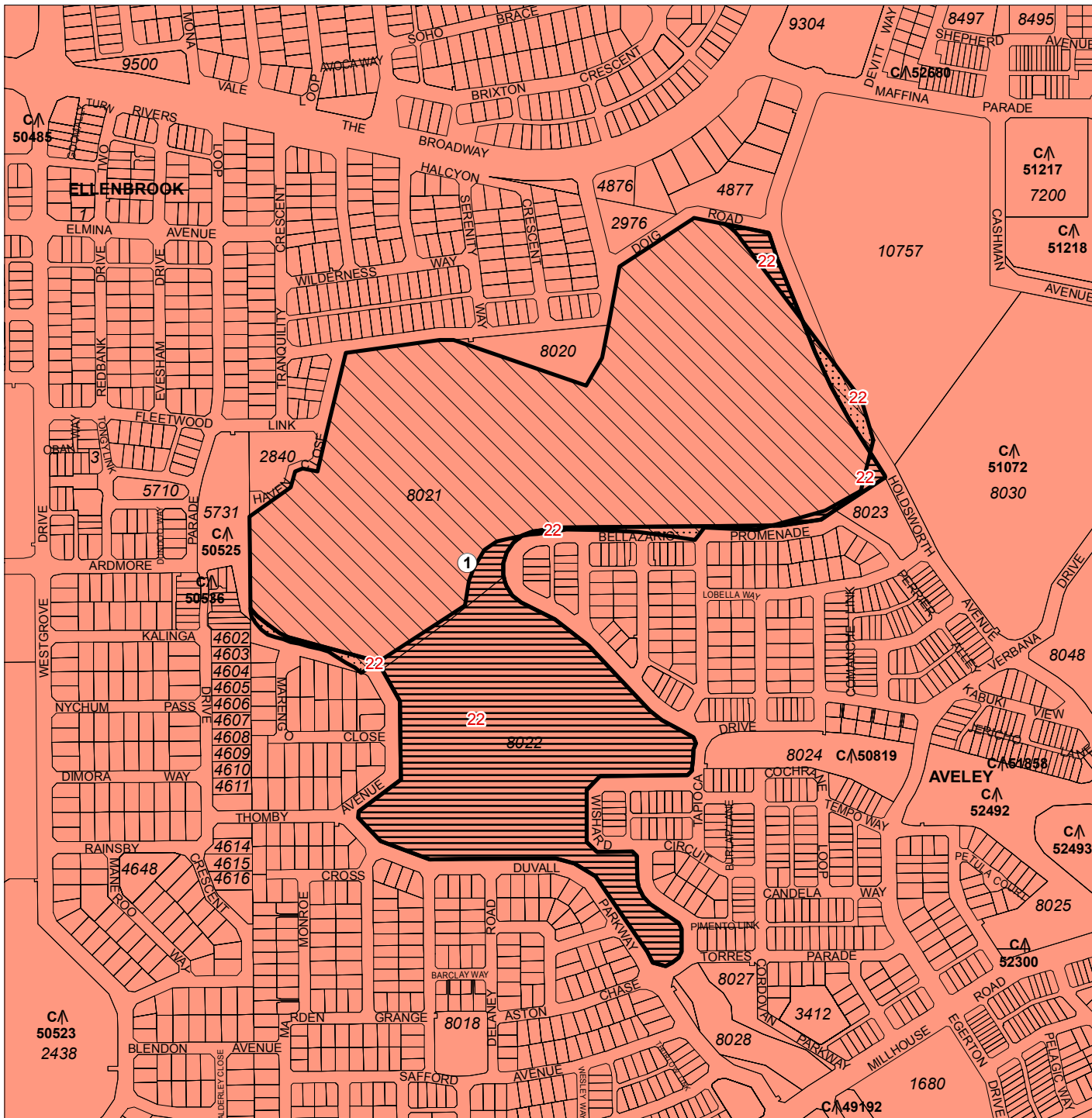
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Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1





## Proposal 11





## Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 12

### Proposed Amendment:



Parks and recreation reservation

### Notice of Delegation

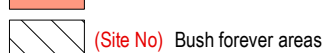


(Site No) Bush Forever area addition



(Site No) Bush Forever area removal

### Existing Region Scheme:



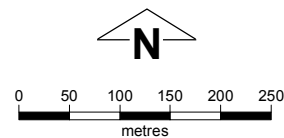
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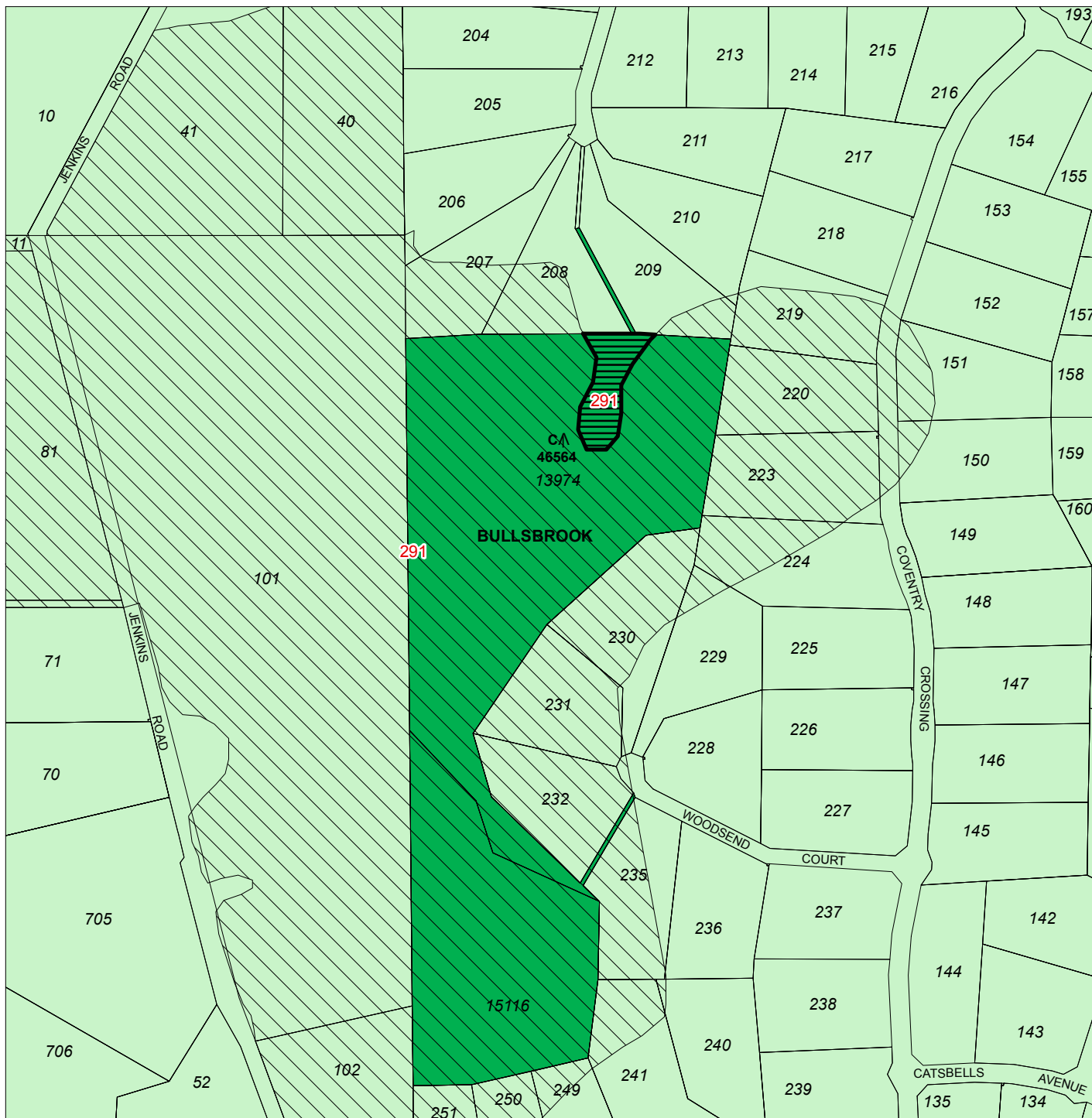
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Version number: 3



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## Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 13

### Proposed Amendment:

#### Notice of Delegation



(Site No) Bush Forever area addition

### Existing Region Scheme:



Parks and recreation



Rural



(Site No) Bush forever areas

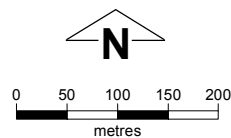
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Version number: 3



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# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 14

## Proposed Amendment:

### Notice of Delegation



(Site No) Bush Forever area addition

## Existing Region Scheme:



R Parks and recreation - restricted public access



Primary regional roads



Rural



(Site No) Bush forever areas

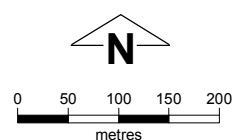
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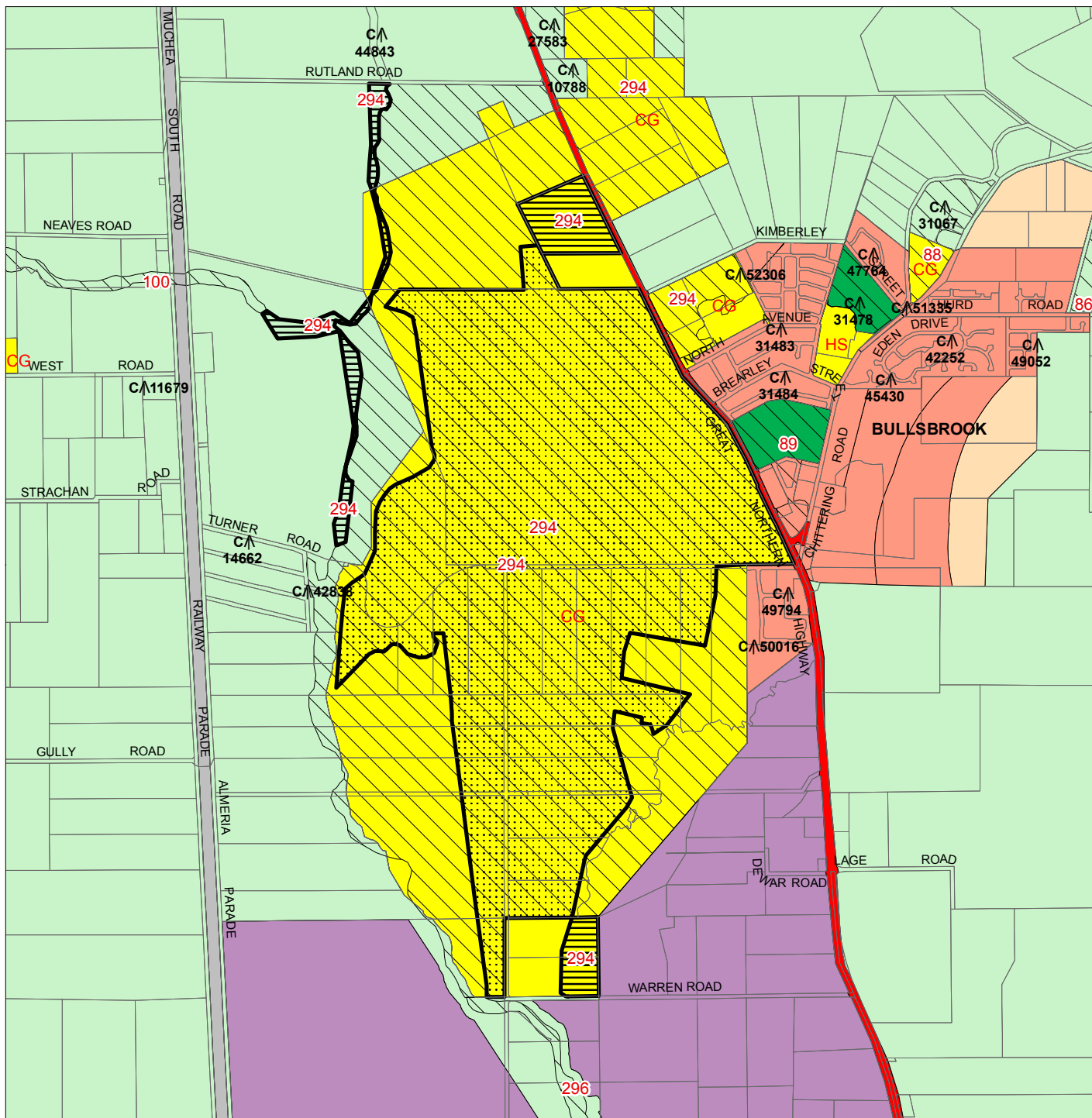
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Version number: 3



Date: 11/12/2018  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1






## Bush Forever Omnibus (North) Proposed Minor Amendment as advertised


25 October 2017

Proposal 15

Proposed Amendment:

Notice of Delegation

 (Site No) Bush Forever area addition

 (Site No) Bush Forever area removal

Existing Region Scheme:

-  Industrial
-  Parks and recreation
-  Primary regional roads
-  CG Public purposes - Commonwealth Government
-  HS Public purposes - high school
-  Railways
-  Rural
-  Urban
-  Urban deferred
-  (Site No) Bush forever areas

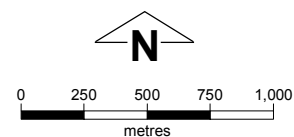
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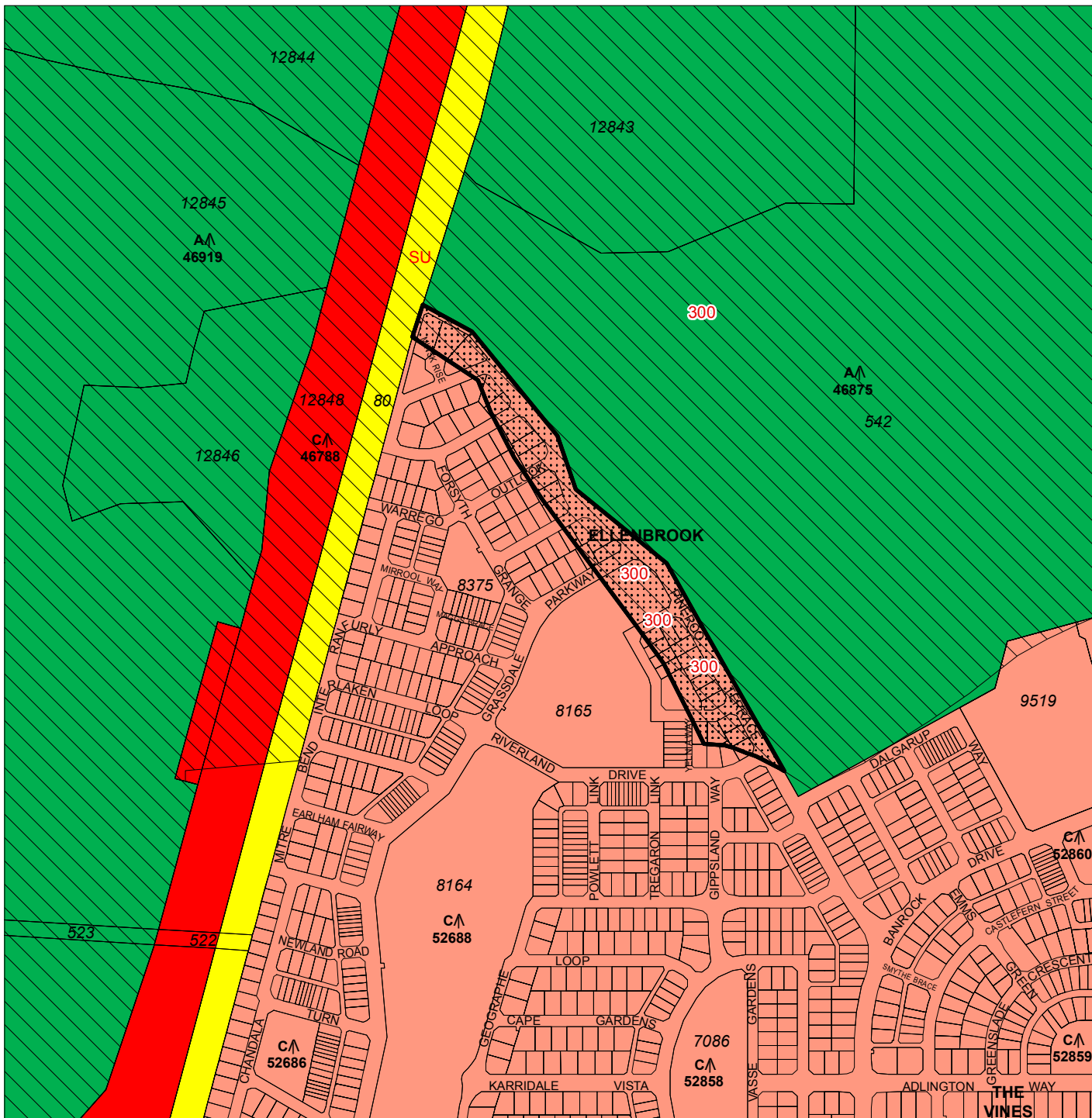
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Version number: 3



Date: 25/07/2018  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1






# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 16

Proposed Amendment:

Notice of Delegation

 (Site No) Bush Forever area removal

Existing Region Scheme:

-  Parks and recreation
-  Primary regional roads
-  SU Public purposes - special uses
-  Urban
-  (Site No) Bush forever areas

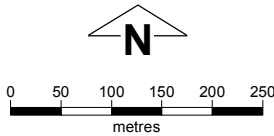
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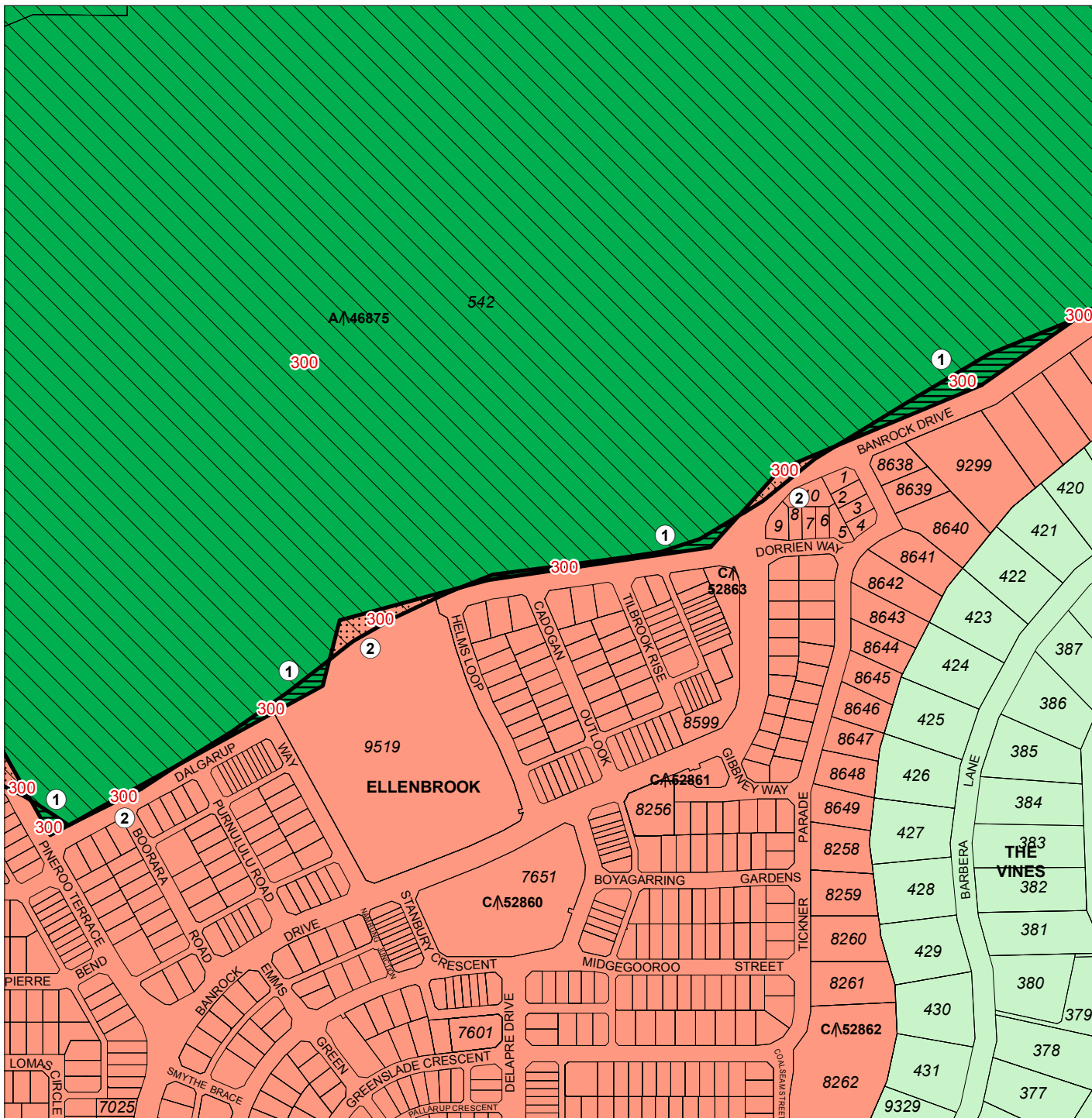
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Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
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## Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 17a

Proposed Amendment:

Notice of Delegation



(Site No) Bush forever area addition



(Site No) Bush forever area removal

Existing Region Scheme:



Parks and recreation



Rural



Urban



(Site No) Bush forever areas

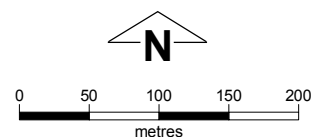
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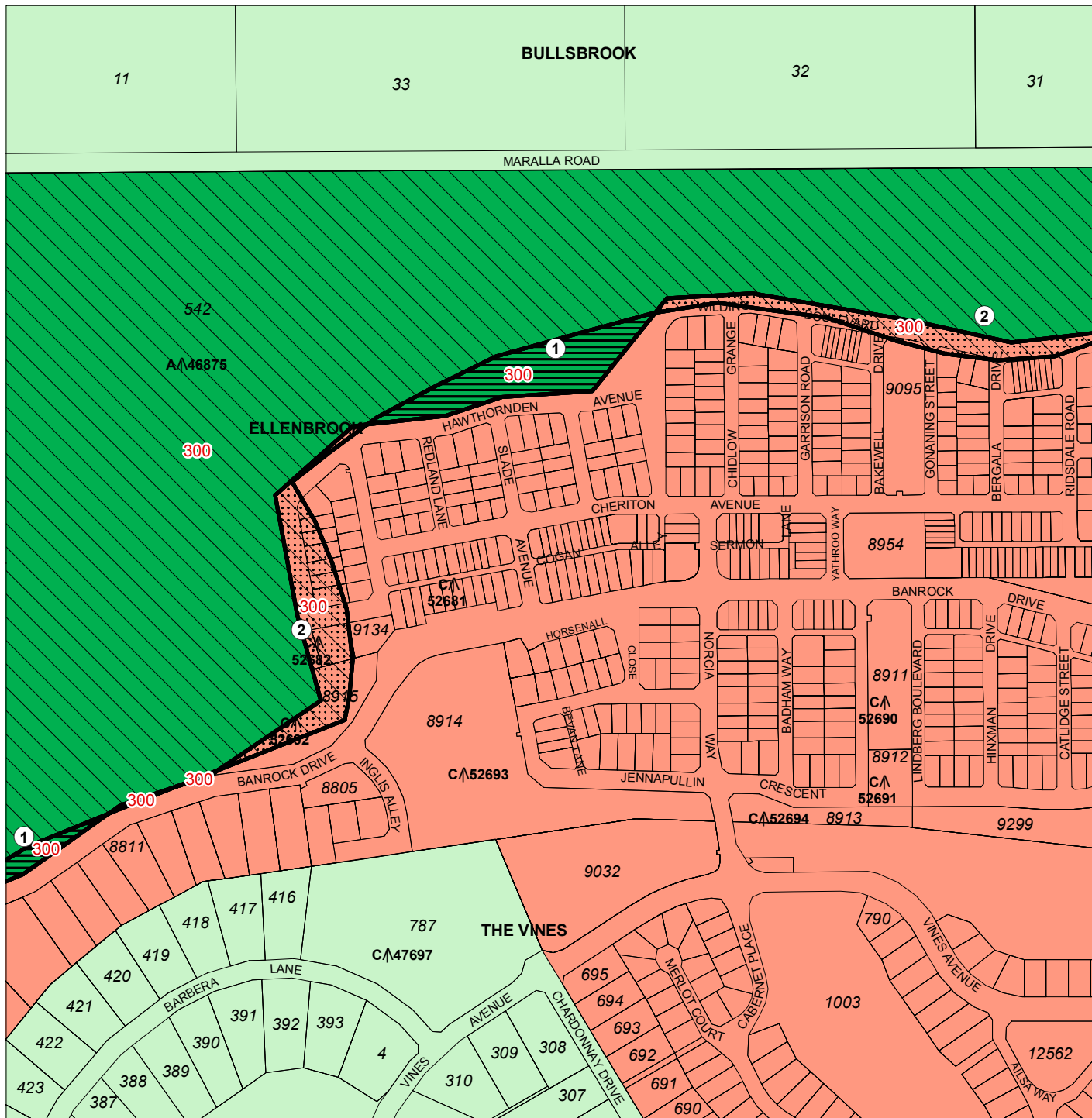
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Version number: 3



Date: 25/07/2018  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1





# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 17b

Proposed Amendment:

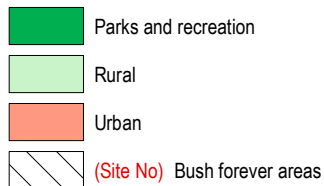
Notice of Delegation



(Site No) Bush forever area addition

(Site No) Bush forever area removal

Existing Region Scheme:



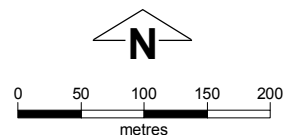
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Version number: 3



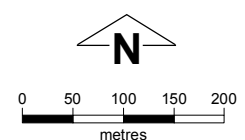
Date: 25/07/2018  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1

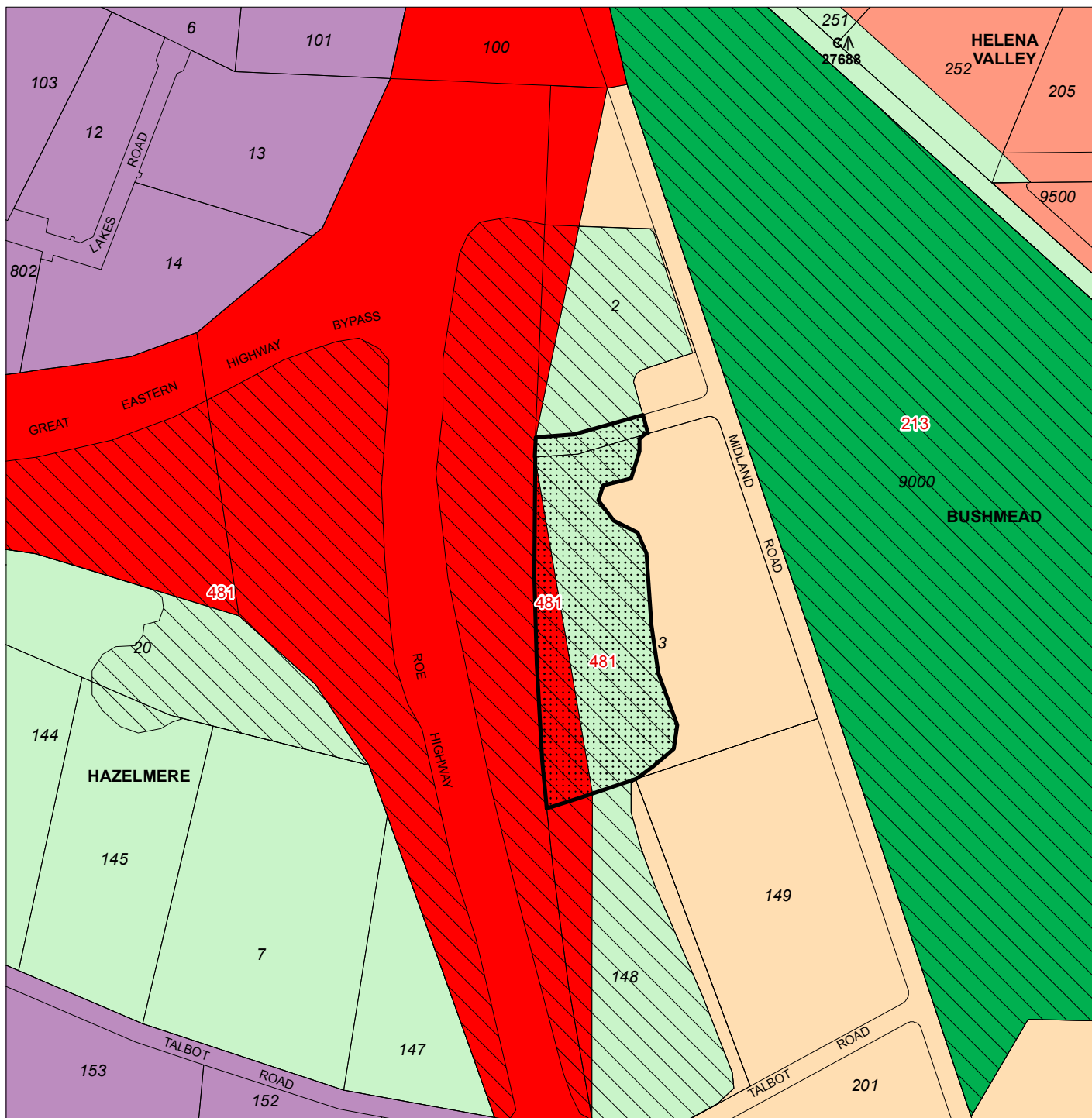













# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017








Proposal 20

## Proposed Amendment:

### Notice of Delegation

 (Site No) Bush Forever area removal

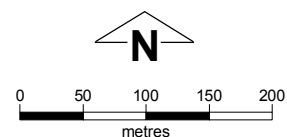
## Existing Region Scheme:

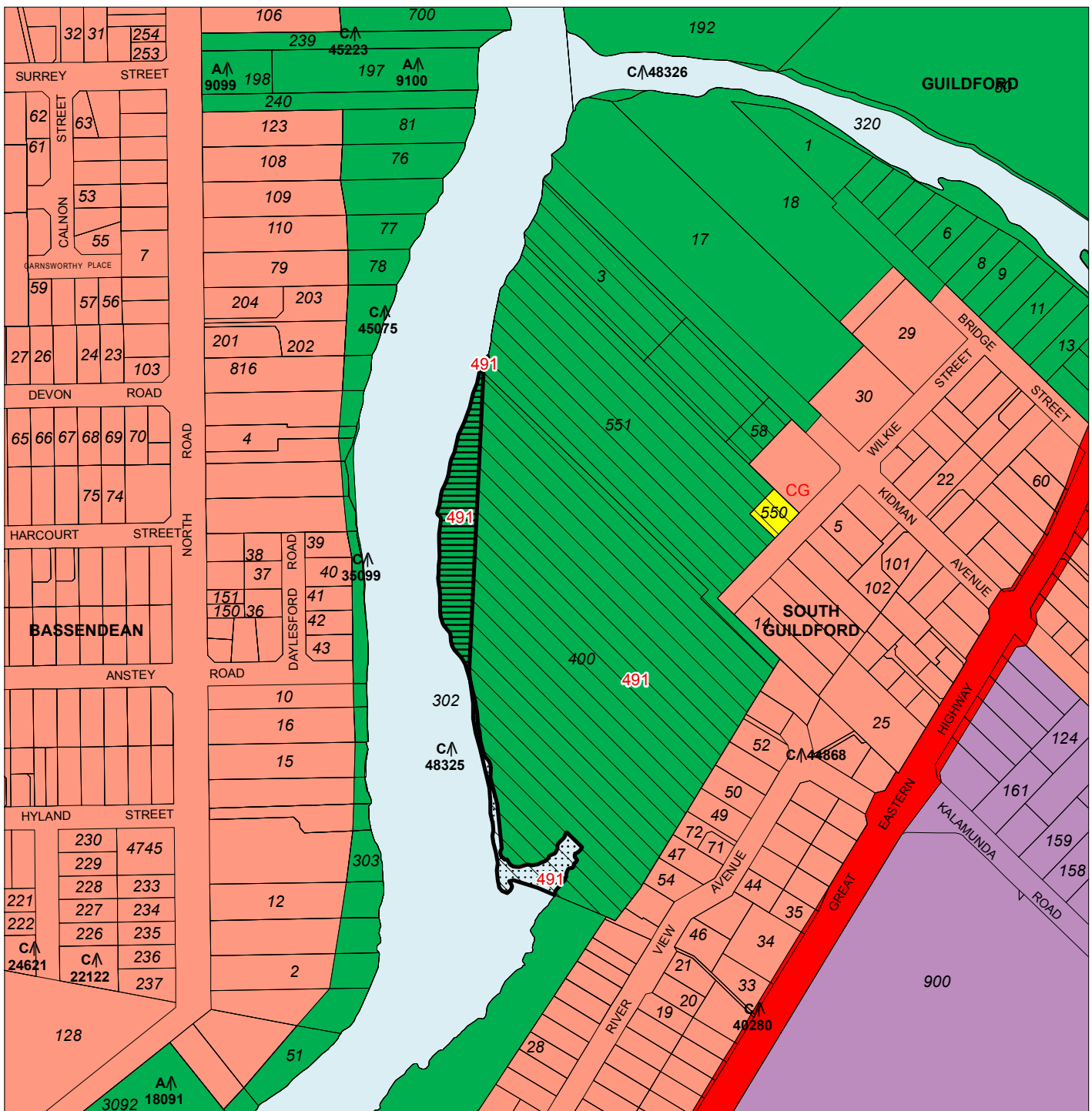
	Industrial		Urban deferred
	Parks and recreation		(Site No) Bush forever areas
	Primary regional roads		
	Rural		
	Urban		

Oracle reference no: 2882  
File number: 833/02/01/0065P  
Version number: 3



Date: 3/10/2017  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1






# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017

Proposal 21








Proposed Amendment:

Notice of Delegation

 (Site No) Bush Forever area addition

 (Site No) Bush Forever area removal

Existing Region Scheme:

-  Industrial
-  Parks and recreation
-  Primary regional roads
-  CG Public purposes - Commonwealth Government
-  Urban
-  Waterways
-  (Site No) Bush forever areas

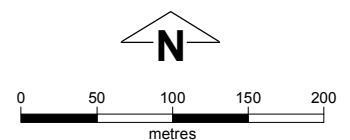
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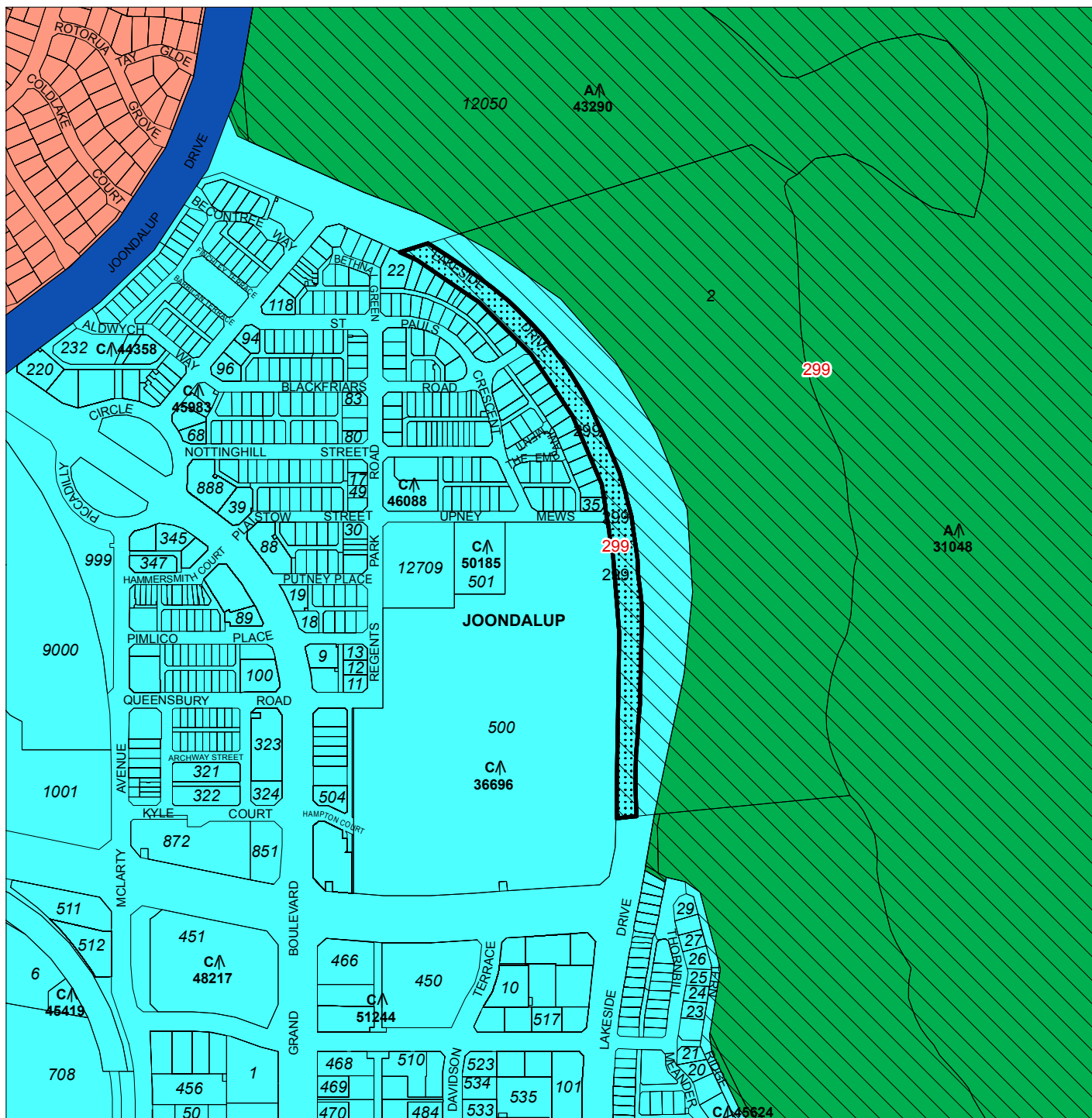
File number: 833/02/01/0065P

Version number: 3



Date: 3/10/2017  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1






# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017






Proposal 22

Proposed Amendment:

Notice of Delegation

 (Site No) Bush forever area removal

Existing Region Scheme:

-  Central city area
-  Other regional roads
-  Parks and recreation
-  Urban
-  (Site No) Bush forever areas

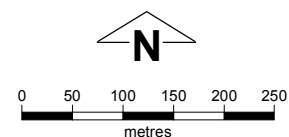
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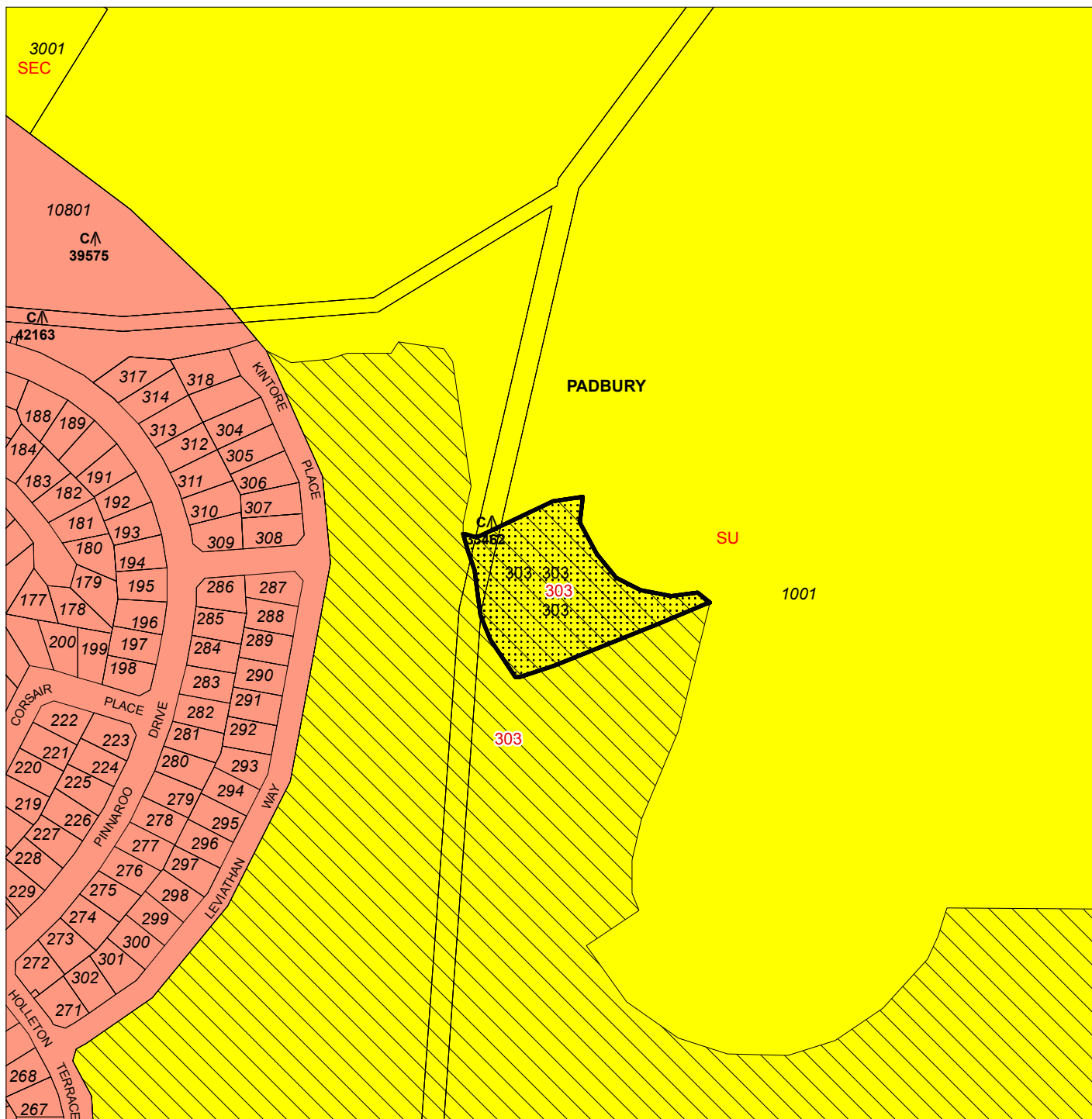
File number: 833/02/01/0065P

Version number: 3



Date: 3/10/2017  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1






# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017





Proposal 23

Proposed Amendment:

Notice of Delegation

 (Site No) Bush forever area removal

Existing Region Scheme:

 SU Public purposes - special uses  
 SEC Public purposes - State Energy Commission  
 Urban  
 (Site No) Bush forever areas

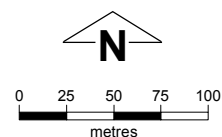
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File number: 833/02/01/0065P

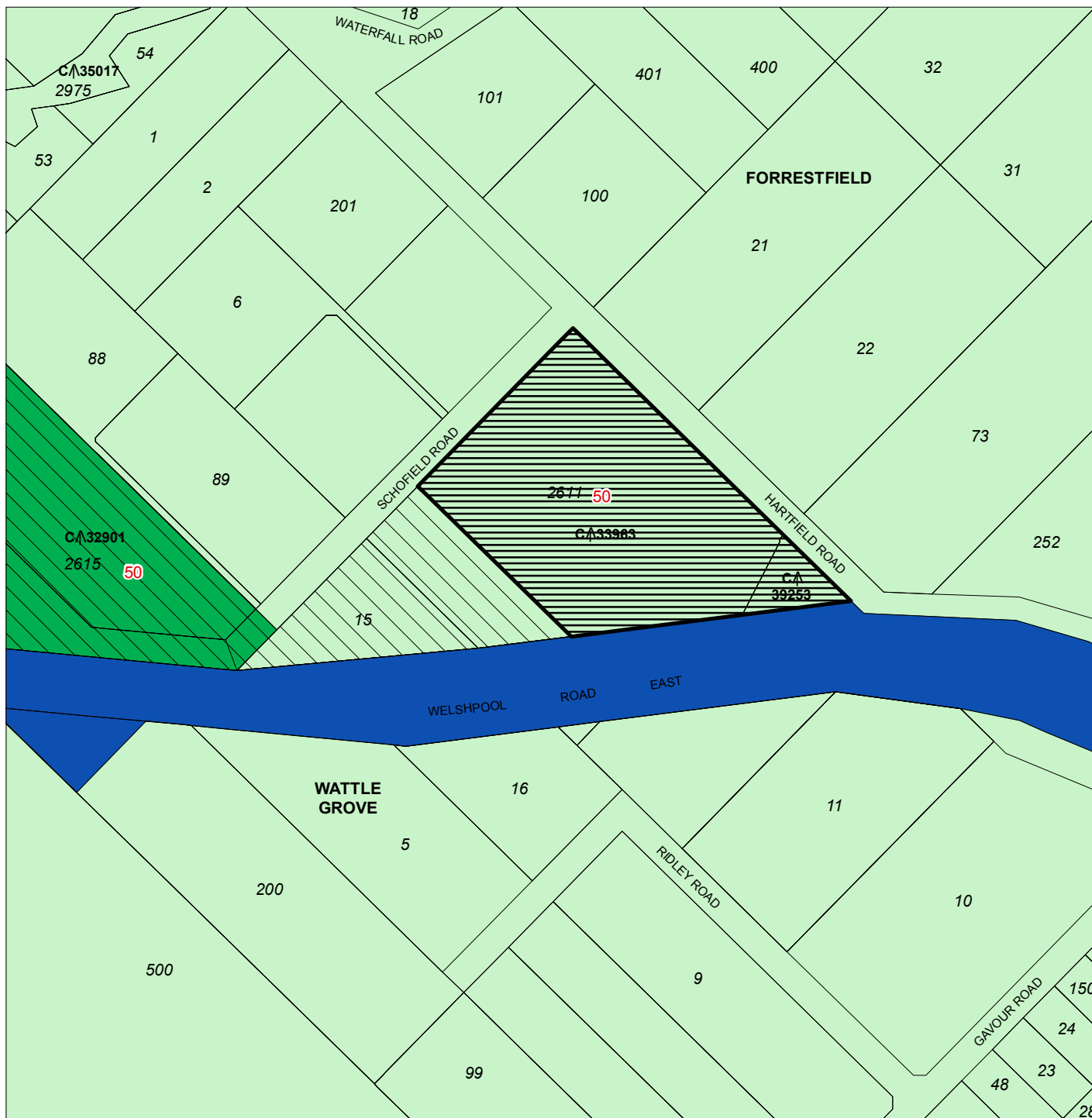
Version number: 3



Date: 3/10/2017  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1








# Bush Forever Omnibus (North) Proposed Minor Amendment as advertised

25 October 2017


Proposal 24

Proposed Amendment:

Notice of Delegation


 (Site No) Bush Forever area addition

Existing Region Scheme:

 Other regional roads

 Parks and recreation

 Rural

 (Site No) Bush forever areas

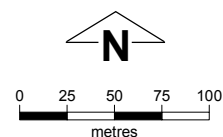
Oracle reference no: 2882

File number: 833/02/01/0065P

Version number: 3



Date: 13/08/2018  
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1



## **Appendix A**

### **Notice of environmental assessment**





## Environmental Protection Authority

Department of Planning, Lands and Heritage Received	
Scanned	21 DEC 2017
Attachments	
Scan QA	
Doc No.	
File No.	R15/0595

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

Your Ref:  
Our Ref: CMS16253  
Enquiries: Billie-J Hughes, 6364 7600  
Email: Billie-J.Hughes@dwer.wa.gov.au

Dear Sir/Madam

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

<b>SCHEME:</b>	<b>Perth Metropolitan Scheme Amendment 1333-57 Bush Forever Omnibus 1 (North)</b>
<b>LOCATION:</b>	<b>Various Locations</b>
<b>RESPONSIBLE AUTHORITY:</b>	<b>Western Australian Planning Commission</b>
<b>DECISION:</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given. (Not Appealable)</b>

Thank you for referring the above 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) and that it is not necessary to provide any advice or recommendations.

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.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'P. Seares', with a long horizontal stroke extending to the right.

**Patrick Seares**  
**Delegate of the Environmental Protection Authority**  
Executive Director EPA Strategic and Guidance

18 December 2017

## **Appendix B**

**List of detail plans supporting  
the amendment**

## **Proposed MRS Minor Amendment 1333/57**

### **Bush Forever Omnibus 1 (North)**

**as advertised**

#### **Amending Plan 1.7566**

##### **Detail Plans**

1.5713, 1.5719, 1.5728, 1.5735, 1.5741, 1.5746, 1.5747

#### **Amending Plan 1.7567**

##### **Detail Plans**

1.5781, 1.5783 - 1.5785, 1.5787, 1.5788, 1.5800, 1.5801, 1.5804, 1.5805, 1.5814, 1.5835

#### **Amending Plan 1.7568**

##### **Detail Plans**

1.5819, 1.5841, 1.5846, 1.5887, 1.5889, 1.5890

#### **Amending Plan 1.7569**

##### **Detail Plans**

1.5796, 1.5797, 1.5822, 1.5824, 1.5825, 1.5828 - 1.5830, 1.5865

#### **Amending Plan 1.7570**

##### **Detail Plans**

1.5894, 1.5912, 1.5915, 1.5942, 1.5943

#### **Amending Plan 1.7571**

##### **Detail Plans**

1.5971, 1.6022, 1.6118, 1.6119, 1.6134, 1.6135

#### **Amending Plan 1.7572**

##### **Detail Plans**

1.6220, 1.6239, 1.6240, 1.6389

## Appendix C

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](http://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](http://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 D

### 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 [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments), however, hardcopy submissions can also be accepted (form 57 – appendix E).

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.

## Appendix E

Submission form for this amendment  
(form 57)



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

Signature ..... Date .....

Contacts: Tel - (08) 6551 8002 Fax - (08) 6551 9001 Email - [mrs@planning.wa.gov.au](mailto:mrs@planning.wa.gov.au) Website - <http://www.planning.wa.gov.au/public-comment>