



April 2019

Metropolitan Region Scheme Amendment 1346/57 (Minor Amendment)



**Lots 705 - 708 Armadale Road,
Treeby**

**Report on Submissions
Submissions**

City of Cockburn



**Metropolitan Region Scheme
Amendment 1346/57
(Minor Amendment)**

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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 1346/57 Report on Submissions
Submissions
File 833-2-23-68 Pts 1 & 2

Published April 2019

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Introduction to Metropolitan Region Scheme minor amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Metropolitan Region Scheme under review and initiating changes where they are seen as necessary.

The Metropolitan Region Scheme (MRS) sets out the broad pattern of land use for the whole Perth metropolitan region. The MRS is constantly under review to best reflect regional planning and development needs.

An amendment proposal to change land use reservations and zones in the MRS is regulated by the *Planning and Development Act 2005*. That legislation provides for public submissions to be made on proposed amendments.

For a non-substantial amendment, often referred to as a minor amendment (made under section 57 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning for approval. The amendment takes legal effect with Gazettal of the Minister's approval.

In the process of making a non-substantial amendment to the MRS, information is published as a public record under the following titles:

Amendment Report

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

Environmental Review Report

The Environmental Protection Authority must consider the environmental impact of an amendment to the MRS before it can be advertised. While formal assessment would be unlikely for a non-substantial amendment, were it required then an environmental review would be undertaken and made available for information and comment at the same time as the amendment report.

Report on Submissions

The planning rationale, determination of submissions and the WAPC's recommendations for final approval of the amendment, with or without modification, is documented in this report.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

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Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1346/57

Lots 705 - 708 Armadale Road, Treeby

Report on Submissions

1 Introduction

At its July 2018 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 no 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 rezone approximately 47.68 ha of land in the Treeby locality from the Rural - Water Protection zone to the Urban zone under the MRS.

Minor rationalisation of Bush Forever site 390 (addition: 1.79 ha & removal: 0.30 ha) is proposed. The amendment also seeks to reserve 0.52 ha as Primary Regional Roads (includes Water Catchments reservation adjustment) associated with Armadale Road.

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

3 Environmental Protection Authority advice

On 17 September 2018, the EPA advised that the proposed amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*. The EPA provided advice regarding the following environmental factors:

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

A copy of the notice from the EPA is in Appendix A of the previously published *Amendment Report*.

4 Call for submissions

The amendment was advertised for public submissions from 9 October to 14 December 2018. 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 Cockburn; and
- 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

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

One submission was of support, 14 were of non-objection / comment and two objections were received.

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

6 Main issues raised in submissions

6.1 Modification of Bush Forever Site 390 and associated Urban zone

Inclusion in Bush Forever site 390: The proponent objects to the inclusion of approximately 1.8 ha of land along the northern and western perimeter of the site to Bush Forever site 390 as follows:

- There is no net environmental context;
- There is no policy context (SPP 2.8);
- There is no strategic context; and
- Expansion of Bush Forever site 390 places an unnecessary design constraint.

The proponent requests that the existing bush forever overlay be retained and the remaining area be rezoned from the Rural - Water Protection zone to the Urban zone in the MRS.

Exclusion from Bush Forever site 390 (and rezoned to Urban): The proponent objects to the two future local road connections (i.e. removal of Bush Forever and inclusion in Urban zone), as the actual location of these roads are to be confirmed at the structure planning stage in consultation with the City of Cockburn and environmental agencies.

The amendment is not reliant on the future Skotsch Road connection which is also subject to the completion of the Jandakot Planning Investigation Area.

WAPC Comment: The extension of Bush Forever site 390 to the west and north has been further considered having regard to the endorsed Treeby (Banjup) District Structure Plan and the South Metropolitan Peel Sub-regional Planning Framework. These documents identify this area as Public Open Space and Open Space respectively. The proponent has also advised that these areas are to be included in local structure planning for the site.

Therefore, it would be premature to modify Bush Forever site 390 and associated Urban zone (if appropriate), given further assessment as part of a local structure planning process is to be undertaken by the City of Cockburn and WAPC.

Similarly, the two proposed local road extensions and associated Urban zone are to be deleted from the amendment, further assessment is required to determine final road alignments given existing environmental values.

Furthermore, the modification of the amendment to include new areas (e.g. within an Urban zone) is outside the scope of the advertised amendment, as it will require reconsideration by the WAPC, EPA and readvertising, essentially the MRS amendment process would be recommenced from the start.

Submission partly upheld.

7 Modifications

As discussed above, the amendment has been modified by deleting the additional Bush Forever areas and the two future road connections from the Urban zone. As these modifications exclude portions of the advertised amendment and no new areas are being included, readvertising of the amendment is not required.

The modified amendment removes a small area of Bush Forever site 390 (0.05 ha) as this reflects the proposed Urban zone which is consistent with the *South Metropolitan Peel Sub-regional Planning Framework*.

8 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 with the above modifications.

9 Co-ordination of region and local scheme amendments

Under section 126(3) of the *Planning and Development Act 2005*, the WAPC has the option of concurrently rezoning land that is being zoned Urban under the MRS, to a “Development” zone (or similar) in the corresponding Local Planning Scheme (LPS).

The City of Cockburn has advised that a separate LPS amendment is required to introduce “Development Area” and “Development Contribution Area” provisions to guide future structure planning. Therefore, a separate LPS amendment is required for the site.

10 Conclusion and recommendation

This report summarises the background to minor MRS amendment 1346/57 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the amendment as shown generally on the amending figure for Proposal 1 in Schedule 4 (as modified) and in detail on the MRS amendment Plan listed in Appendix 2 (as modified) should be approved and finalised.

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

11 Ministers decision

Amendments to the Metropolitan Region Scheme using the provisions of section 57 of the *Planning and Development Act 2005* require the WAPC to provide a report and recommendation to the Minister for Planning 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 1346/57 is now finalised as modified and shown on WAPC Amending Plan 3.2716/1 (and in more detail on Detail Plan 1.6584/1), and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on 18 April 2019.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1346/57

Lots 705 - 708 Armadale Road, Treeby

Submission Number	Name
1	ATCO Gas Australia Pty Ltd
9	Biodiversity, Conservation and Attractions, Department of
12	CLE Town Planning + Design on behalf of Perron Developments
8	Cockburn, City of
14	Creative Design + Planning on behalf of the Da Prato family
5	Dampier Bunbury Pipeline
11	Education, Department of
13	Jobs, Tourism, Science and Innovation, Department of
15	Mines, Industry Regulation and Safety, Department of
4	Primary Industries and Regional Development, Department of
2	Public Transport Authority
6	Ronci, Palmerino
3	Transport, Department of
10	Water and Environmental Regulation, Department of
7	Water Corporation

Late Submissions	Name
17	Health, Department of
16	Main Roads Western Australia

Schedule 2

Summary of submissions and determinations

Submission: 1, 2, 3, 4, 5, 11, 13, 17 (late)

Submitted by: ATCO Gas, Public Transport Authority, Department of Transport, Department of Primary Industries and Regional Development, Dampier to Bunbury Pipeline, Department of Education, Department of Jobs, Tourism and Science, Department of Health

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.

Determination: Submissions noted.

Submission: 6

Submitted by: Palmerino Ronci (affected resident)

Summary of Submission: SUPPORT

The proposed amendment is supported as follows:

- It is strategically located between the existing and future development situated along Armadale Road and is a logical expansion of the urban front;
- It is situated in proximity to the Cockburn Central rail station and the anticipated Thornlie-Cockburn MetroNet link providing for excellent access to public transport;
- Is consistent with the *Perth and Peel @ 3.5 million* and the *South Metropolitan and Peel Sub-Regional Planning Framework* which shows the land as *Urban Investigation* being identified as appropriate for urban development; and
- The *Treeby (Banjup) District Structure Plan* identifies the land for future urban development.

Planning Comment: Support noted.

Determination: Submission noted.

Submission: 7

Submitted by: Water Corporation

Summary of Submission: COMMENT

The Water Corporation refers to the advertised *Amendment Report* and that their comments were based on the understanding that the subject land had been changed by proclamation from a Priority 2 (P2) water resource protection area to a Priority 3 (P3) area. While the subject area remains a P2 water resource protection area of the Jandakot Underground

Water Pollution Control Area (UWPCA), urbanisation is not permitted under DWER requirements. Licensed groundwater extraction is a relatively low cost source of water for the community. As the service provider of drinking water to the community, maintenance of water resource protection areas are very important in maintaining an affordable water supply to the community.

It is the Corporation's preference that the area remains classified as P2, and that the amendment not proceed. It should only be considered when the priority classification has been changed by proclamation in accordance with DWER processes. If the area has been proclaimed as P3 the following comments apply:

Water: The subject area falls outside an approved planned water supply scheme and therefore a reticulated potable water supply is not immediately available. If a reticulated water connection is required formal water planning needs to be undertaken.

The Corporation normally schedules areas in the Statewide Planning Program for review when amendments to the MRS indicate servicing is required. Due to the previous proposals on the adjoining land to the west, conceptual planning was considered. It is recommended that the total extent of urban development in the surrounding area should be determined by the DPLH as a matter of urgency so that the Water Corporation can scope the extent of the water planning scheme review before it is undertaken.

Wastewater: The subject area falls outside an approved planned wastewater scheme and therefore reticulated wastewater is not immediately available. If the subject land needs to be serviced, formal wastewater planning needs to be undertaken. The Corporation normally schedules areas in the Statewide Planning Program for review when amendments to the MRS indicate servicing is required. Due to the previous proposals on the adjoining land to the west, conceptual planning was considered.

It is recommended that the total extent of urban development in the surrounding area should be determined by the DPLH so that the Corporation can scope the extent of the wastewater planning scheme review before it is undertaken.

If the resulting planning indicates wastewater servicing is feasible, then major infrastructure will be required. The headworks infrastructure may be required to be constructed as part of the subdivision development process. Consideration must be made to the location of any proposed pump station. A pump station will require appropriate land to be provided for the works and the odour buffer that will surround the site. The extent of the buffer should be determined at the planning/design stage to ensure that only compatible land uses are permitted within the buffer. A route for the headworks mains will also be required, up to 20 metres wide. The route should be in the form of a road reserve.

General Comments: The developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Corporation may also require land to be ceded free of cost for works. The information provided above is subject to review and may change.

Planning Comment: The WAPC notes the subject land is identified as *Urban Investigation* in the endorsed *South Metropolitan Peel Sub-regional Planning Framework*. The Framework refers to the following considerations for the site:

- Impacts, risks and management of Jandakot groundwater resources (existing P2 Source Protection Area);
- Protection of significant environmental values; and

- Australian Noise Exposure Forecast (ANEF) considerations associated with Jandakot Airport.

As discussed in the advertised *Amendment Report*, the above matters are considered to be addressed. Therefore should the amendment be finalised, the DWER would modify the Jandakot UWPCA from P2 to P3* to facilitate the residential development of the site.

Determination: Submission noted.

Submission: 8

Submitted by: City of Cockburn

Summary of Submission: COMMENT

The City of Cockburn raises no objections to the proposed amendment, subject to the deletion of the Urban zone in the north-east corner of the site, which facilitates the road extension to Skotsch Road. The deletion of this area ensures the outcomes of the Jandakot Planning Investigation Area are not prejudiced.

The City of Cockburn does not support the concurrent amendment of its Town Planning Scheme under section 126(3) of the *Planning and Development Act 2005*, as a separate amendment is required to introduce Development Area and Development Contribution Area provisions.

Planning Comment: Refer to Part 6.1 – Modification of Bush Forever Site 390 and associated Urban zone.

Determination: Submission upheld.

Submission: 9

Submitted by: Department of Biodiversity, Conservation and Attractions

Summary of Submission: COMMENT

The Department of Biodiversity, Conservation and Attraction (DBCA) previously provided comments on two MRS amendment requests over the subject land.

Threatened Flora: No additional environmental information has been provided to support the current amendment proposal. Previous advice provided by DBCA identified that there may be impacts to known occurrences of the threatened flora species *Caladenia huegelii*, listed as critically endangered under the *Wildlife Conservation Act 1950* and endangered under the *Environment Protection and Biodiversity Conservation Act 1999*, which occur within the proposed Urban zone.

The DBCA does not support any impacts to the critically endangered flora species and proposes that all occurrences and their supporting habitat, are retained in any future development design. DBCA reiterates that any proposals to 'take' threatened flora will also require permission from the State Environment Minister via a 'permit to take' in accordance with the *Wildlife Conservation Act 1950*, irrelevant of proposals to translocate individuals.

Bush Forever: Lot 705 Armadale Road contains and is surrounded by Bush Forever site 390. The amendment proposes modification of the Bush Forever boundary, which results in an overall addition of 1.49 ha to the Bush Forever site.

The DBCA the proposed Bush Forever areas to be retained in Lot 705 Armadale Road remaining in the Rural - Water Protection zone until the land is transferred as a Crown reserve for conservation purposes. It is DBCA's expectation that any areas within the Rural - Water Protection zone (in Lot 705) will be included in future structure planning and be subject to environmental management plans.

Future management plans should outline adequate interface treatments including development setbacks to conservation areas, landscape plantings using endemic native species, a hard road edge and access control measures for any development boundaries abutting the Bush Forever site. These plans should ensure that all Bush Forever areas are retained for conservation as the primary purpose with an appropriate land manager. In accordance with *State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region*, the DBCA would not generally support clearing of regionally significant vegetation.

Transport Corridors: The Urban zone proposes the excision of two areas from Bush Forever site 390 for road access. The proposed internal connection road which links Lot 705 and Lot 131 Jandakot Road will potentially impact known populations of threatened flora.

While DBCA does not support impacts to threatened flora it is recognised that the location of this transport corridor is consistent with the approved Treeby District Structure Plan and will be confirmed through the rezoning process. Avoidance of direct and indirect impacts to threatened flora within and adjacent to the road corridor (and other sub-populations within Lot 131) should be considered prior to finalising the road design and location.

The DBCA supports the advice from the EPA regarding environmental factors that are required to be addressed in future planning stages.

Planning Comment: The WAPC notes that the proposed amendment area is in accordance with the endorsed *South Metropolitan Peel Sub-regional Planning Framework*, and seeks to implement that document's recommendations.

Where applicable, the proponent has been advised of the DBCA's comments for consideration in future planning and development stages.

Determination: Submission noted.

Submission: 10

Submitted by: Department of Water and Environmental Regulation

Summary of Submission: COMMENT

The Department of Water and Environmental Regulation (DWER) advises as follows:

Jandakot Underground Water Pollution Catchment Area

The subject land subject is within the proclaimed Jandakot UWPCA and is a P2 area. P2 areas are defined and managed to maintain or improve the quality of drinking water source with the objective of risk minimisation. Consistent with *Strategic Policy: Protecting Public*

Drinking Water Source Areas in WA, the DWER does not recommend intensification of land uses within public drinking water source areas (PDWSAs), due to the increased risk to drinking water quality and public health.

The Jandakot UWPCA is managed in accordance with *State Planning Policy No 2.3: Jandakot Groundwater Protection Policy* (SPP 2.3), with urban development not considered a compatible land use within a P2 area due to increased water contamination risk.

SPP 2.3 recognises that there are situations where development may be appropriate following government led strategic planning process determines an Urban zoning is the preferred outcome for the land. SPP 2.3 stipulates that MRS amendment proposals will only be supported where the land has been identified for development through a strategic planning document, in this case the *South Metropolitan Peel Sub-Regional Planning Framework*, with the a range of issues being considered.

Should the WAPC resolve to pursue the rezoning, upon consideration of the above, the Department would amend the PDWSA protection status of the groundwater resource from P2 to P3*. P3* areas are applied to land that was previously Priority 1 or P2 and rezoned to Urban in the MRS.

District Water Management Strategy

A District Water Management Strategy (DWMS) is to demonstrate a site is capable of supporting the proposed change in land use with regard to water resources, consistent with *Better Urban Water Management*. However, a DWMS is not the mechanism which facilitates rezoning within a PDWSA, given urban development is incompatible. An urban rezoning is a strategic planning decision consistent with SPP 2.3.

The proponent previously referred a DWMS to the DWER, with the proposed rezoning of the land to Urban and the PDWSA reclassified to P3*. The DWMS had met the water management requirements.

However, the proposed amendment has been updated and the concept plans within the DWMS do not align with the amendment. Therefore, the DWMS should be updated to reflect the modification to Bush Forever boundaries.

Previous EPA Advice

The DWER requests that the EPA's previous advice should be incorporated into the proposed amendment and supporting documents including the DWMS.

Planning Comment: The WAPC notes that the DWMS is to be modified following a final determination being made by the Minister for Planning, having regard to the updated concept plans and EPA's advice.

Determination: Submission noted.

Submission: 12

Submitted by: CLE Town Planning + Design (on behalf of Perron Developments)

Summary of Submission: OBJECTION

The submitter is supportive of the amendment, but requests that the existing Bush Forever 390 alignment be retained, and that the proposed Urban footprint is adjusted accordingly. The portion of Bush Forever 390 located within Lot 705 forms part of a larger consolidated area to the south and east, with a total extent of approximately 173 ha.

Additions to Bush Forever 390

There is no environmental context for the proposed additions to Bush Forever 390.

Justification for the addition of land to Bush Forever 390 has not been provided. There is no environmental basis for the land to be classified as a Bush Forever area.

None of the additional area to be added to Bush Forever 390 along the western and north western perimeter of the proposed Urban footprint is of sufficient quality to warrant its inclusion on environmental grounds. The proponents *Environmental Assessment Report*, identifies the majority of this additional area as 'degraded' and a small portion as 'completely degraded'. This vegetation does not meet the threshold for regionally significant vegetation and does not warrant inclusion in Bush Forever 390.

There is no policy context for the proposed additions to Bush Forever 390.

State Planning Policy No. 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8), provides guidance for the integration of bushland protection within the broader land use planning framework within the Metropolitan area. Its key objective is to recognise "...the protection and management of significant bushland areas as a fundamental consideration in the planning process...." There is no evidence to suggest that the additional area proposed to be added is significant bushland. As such, policy context for the proposal is lacking.

Section 5.1.1 (iv) of SPP 2.8 notes that Bush Forever area boundaries "...may be subject to further analysis, verification and changes as a result of new information, on-ground site investigations, landowner consultation, or as part of the implementation of this policy."

The submitter is not aware of any further analysis, verification, on-ground site investigations or landowner consultation that would support the proposed modification to Bush Forever 390. The proponents *Environmental Assessment Report* undertook a detailed study of the amendment area and found nothing to justify an expansion of Bush Forever 390. Perron Developments, as beneficial landowner, was not consulted on the modifications to Bush Forever 390, prior to the advertising of the amendment.

The *Amendment Report* notes that the modified Bush Forever 390 boundary adds 1.79ha to Bush Forever, which will provide for a net environmental gain consistent with the intent of SPP 2.8. This statement is an incorrect interpretation and application of SPP 2.8 as follows:

- It is incorrect to assume that the increase of Bush Forever area equates to a net environmental gain, and any such claim should be supported by site-specific evidence; and
- In relation to net environmental gains or improved environmental outcomes, SPP 2.8 relates to proposals to clear existing Bush Forever and the potential for offsets.

With the exception of the road link through to Lot 131 Jandakot Road to the north, there is no intention of clearing any existing mapped Bush Forever Area on Lot 705. SPP 2.8 sets out an offset ratio of either 1.5 or 2 times the affected area to be cleared, depending on the conservation significance of the area. In its current form, the amendment proposes an area

that is at least 6 times larger than the area to be cleared for this critical road connection, and is in excess of the policy requirements.

The proposed changes to Bush Forever 390 are not supported by the policy framework in SPP 2.8.

There is no strategic context for the proposed additions to Bush Forever 390.

The adjustment to Bush Forever 390 is in response to the public open space alignment depicted in the *South Metropolitan Peel Sub-regional Framework*. Understand that this alignment was informed by the Treeby District Structure Plan (DSP). The following is noted:

- The Framework and the DSP are strategic guiding documents, and identify indicative broad land uses that require further detailed refinement, planning, and on-site verification at subsequent planning stages. It is not the intention of either document to set definitive land use boundaries without first undergoing further detailed analysis. Such work has now occurred and concluded that additions to Bush Forever 390 are not warranted; and
- The Framework and the DSP show Open Space and Public Open Space respectively over some, but not all of the area proposed to be added to Bush Forever 390. Whilst the western perimeter areas are identified in both documents, the proposed additional area along the northern boundary is not. Irrespective of whether it has been identified in these strategic documents, this does not mean that such areas should be part of a Bush Forever site if site-specific environmental reporting does not support that occurring. Open space can comprise a broad range of conservation and recreational land depending on its locational attributes and purpose.

Expansion of Bush Forever 390 places unnecessary urban design constraints on the land.

It is Perron Developments' intention to retain the area along the western perimeter in public open space, as depicted in both the Framework and the DSP. We see this area as being critical to providing a space for passive recreation, drainage management, bushfire separation, and a managed interface to Bush Forever 390. By including this area and the northern area within Bush Forever 390 (and excluding it from the Urban zone), the potential uses for the area are significantly limited. Instead of providing a managed interface and low fuel zone adjacent to the Bush Forever area, as well as a landscaped passive recreation and drainage detention area, the expectation will likely be that this land is fenced off, and rehabilitated from its current 'degraded / completely degraded' condition.

This will result in additional land having to be set aside for drainage, passive recreation, and bushfire separation, impacting on land efficiency and undermining broader planning objectives for the Treeby area.

Exclusions from Bush Forever 390

As noted above, the amendment identifies two areas in the north eastern and north western corners of the site that are to be removed from Bush Forever 390 (and rezoned to Urban) to provide future road connections.

North Western Corner

Whilst we acknowledge the importance of a road connection through to Lot 131 Jandakot Road to the north, it is our preference that this connection is not 'locked in' via the rezoning

process at this early stage, but rather, the precise alignment and reserve width be confirmed at detailed structure plan and subdivision stage in the usual manner.

As you are aware, the alignment of this road, both within Lot 705 and the adjoining Lot 131, needs to adequately consider the avoidance and protection of *Caiadenia huegelii* (better known as a Spider Orchid), a conservation significant flora species that is known to be present in the vicinity of this road. Further detailed analysis needs to occur in consultation with environmental agencies and the City of Cockburn in order to ensure that this road connection is appropriately located, prior to its alignment being confirmed in a statutory scheme. As such, our preference is that the precise alignment of this road is confirmed via structure planning and subdivision prior to being formalised into the MRS.

North Eastern Corner

In relation to the proposed connection to Skotsch Road in the north eastern corner, we note that this is not supported by the City of Cockburn. We support the City's position in this regard, and wish to point out that the development of lots 705 and 707 for Urban purposes does not in any way rely on this road connection.

The Skotsch Road rural residential area forms part of the larger Jandakot Planning Investigation Area in the Sub-regional Framework. The certainty and timing for urban development over this area is unknown, and is subject to further detailed investigation prior to any future rezoning. It is therefore inappropriate to foreshadow any future urbanisation of this area by virtue of a non-essential road connection through to Skotsch Road. As such, our preference is that this proposed road connection is deleted from the amendment.

Planning Comment: Refer to Part 6.1 – Modification of Bush Forever Site 390 and associated Urban zone.

Determination: Submission partly upheld.

Submission: 14

Submitted by: Creative Design + Planning (on behalf of Da Prato family)

Summary of Submission: COMMENT

The submission supports the proposed amendment and advises that Lot 709 Liddelow Road, Banjup (south-east of amendment area) also has potential for urbanisation in future and that the proposed urbanisation of Lots 705 - 708 Armadale Road is complementary to that aspiration.

The proponent has previously documented the case for urbanisation of Lot 709 to government. Whilst recognising that the case for urbanisation south of Armadale Road still needs to be made, early indications are that there are compelling reasons why it could be supported given the justification for urbanisation south of Armadale Road is equally as strong as it is for urbanisation north of Armadale Road.

The WAPC is requested to ensure that planning for the land the subject of this amendment not be allowed to prejudice the potential of land south of Armadale Road to be similarly rezoned in the future. The expansion of urban development to include land south of Armadale Road, including Lot 709, is considered:

A Logical Expansion of The Urban Development Front East of Atwell

With an area of 47ha, Lot 709 is the largest single land parcel in the immediate area. It is cleared and vacant apart from an existing residence and a small warehouse complex fronting Armadale Road. To its east, a Parks and Recreation reserve provides a logical eastern boundary for a future urban cell that would ultimately extend to Tapper Road to the west, which would complement the urbanisation of landholdings north of Armadale Road.

Lot 709 would be a logical first stage of urbanisation south of Armadale Road given its size and single land ownership. Compared to significantly more remote *Urban Expansion*, *Urban Investigation* and/or *Planning Investigation* cells identified in the Sub-Regional Planning Frameworks - including Wellard and other environmentally constrained landholdings east of Kwinana/Rockingham - this location would essentially be an infill development.

A More Appropriate Land Use Than Rural Living To Protect Water Resources

Innovations in urban water management already implemented in nearby Calleya confirm that protection of groundwater resources can be better achieved by urban development than by rural smallholdings or rural- residential development, which presently make up much of the greater Treeby and North Banjup localities. Having already undertaken preliminary geotechnical and ground water monitoring, it is for these and other technical reasons that the proponent considers that Lot 709 is equal to Lots 705 - 708 for compatibility with urbanisation.

Better For Use of Existing Transport and Service Infrastructure

The current public transport network is poorly patronised between Warton Road and Cockburn Central due to limited to no urban development along the Armadale Road route. Urbanisation on both sides of Armadale Road would significantly increase patronage of the district bus network and ultimately of the regional light-rail network, with direct connection to the Perth-Mandurah line via the Cockburn Central, Aubin Grove and Murdoch stations, and pending connection of the Thornlie-Cockburn service.

The upgrading of Armadale Road currently being implemented includes major capacity improvements at the intersection of Liddelow Road and is significant in demonstrating the area's suitability for urbanisation. Lot 709 is immediately adjacent to the upgraded intersection and has direct access to the primary and feeder road networks.

Complementary To Success Of Cockburn Central As Secondary Activity Centre

The immediate catchment of the Cockburn Central Activity Centre is limited because of the extensive areas of retained natural bushland and wetlands in proximity to the centre. The urbanisation of the amendment area, and complementary urbanisation of Lot 709, will provide increased population within the immediate catchment of this centre. Proximity to other employment centres such as Jandakot City Business Park, Fiona Stanley Hospital and Murdoch University also contributes to this area's suitability for infill urban development.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 15

Submitted by: Department of Mines, Industry Regulation and Safety

Summary of Submission: OBJECTION

The DMIRS advises that a sand resource is located within Mining Leases 70/1088 and 70/1142, to the north east of Lot 705. The eastern margins of Lots 705 and 707 are bounded by Mining Lease 70/357. The area within 70/357 and portions of 70/1088 and 70/1142 are mapped as a Priority Resource location under State Planning Policy 2.4 - Basic Raw Materials. The proposed amendment provides for more than 500 m of separation between the sand resource and residential lots due to the presence of Bush Forever in the north east of Lot 705.

However, 70/357 contains a weighbridge and provides access between the sand resource and the public road network. Truck haulage through 70/357 may affect future residents on the eastern margin of the proposal area. DMIRS considers that the issues raised with respect to potential haul truck movement should be a consideration at the zoning stage.

Planning Comment: The WAPC has considered the matter of potential track haulage impacts (through 70/357) on future residential development, and notes the following:

- The subject land is identified as *Urban Investigation* within a *Short-Medium Term (2015-2031)* staging timeframe in the *Perth and Peel@3.5 Million / South Metropolitan Peel Sub-regional Planning Framework*;
- Alternative access arrangements to the sand mining area exists from Warton and Armadale Roads; and
- Medium-long term access to Armadale Road is limited given future road upgrades are required to accommodate the urbanisation of the locality.

Determination: Submission partly dismissed.

Submission: 16 (late)

Submitted by: Main Roads WA

Summary of Submission: COMMENT

Main Roads WA (MRWA) advises that the future Armadale Road/Liddelow Road roundabout has been constructed on a slightly more eastern alignment than depicted in the Treeby (Banjup) District Structure Plan.

Therefore, the connection from Lot 707 Armadale Road to the northern stub of the proposed roundabout will traverse portion of abutting Crown Reserve 1820. An excision from Crown Reserve 1820 to facilitate road dedication and modification of the Parks and Recreation reservation to the Urban zone should occur. Further discussion with the City of Cockburn is required to progress this matter.

Additional Information

MRWA requests that part of abutting Crown Reserve: 1820 be reserved as Primary Regional Roads in the MRS to reflect the proposed construction of a new roundabout.

Planning Comment: The WAPC notes that the modification of Crown Reserve 1830 to zone it Urban and Primary Regional Roads in the MRS is located outside the amendment area and is therefore outside the scope of the advertised amendment.

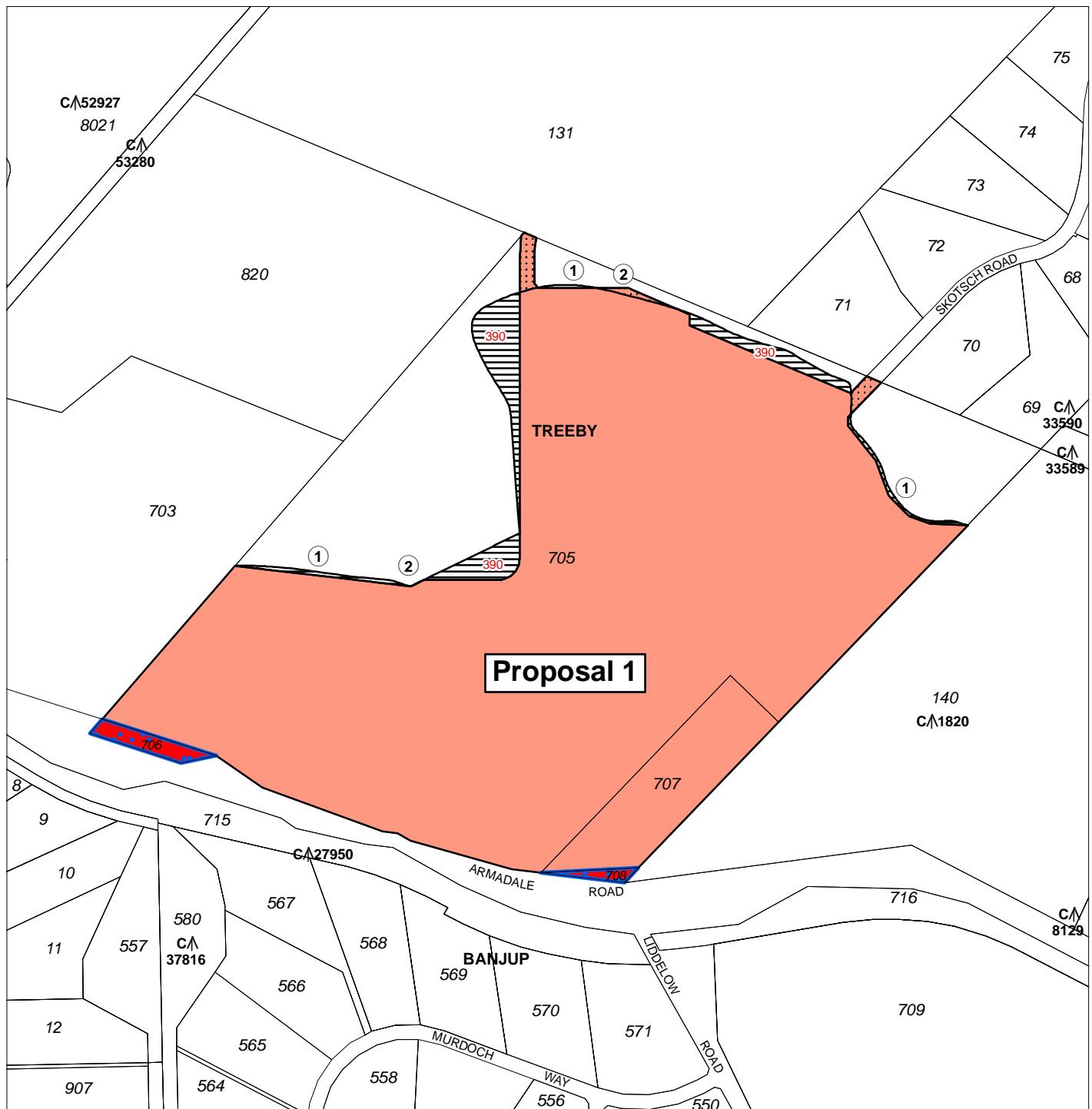
Such a modification would require re-adoption of the amendment by the WAPC, EPA and readvertising, essentially the amendment would be recommenced from the start.

Further consultation with the City of Cockburn would be required, prior to any MRS changes occurring. If appropriate, a separate MRS amendment could be undertaken for such changes.

Determination: Submission noted.

Schedule 3

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



**Lots 705 - 708 Armadale Road, Treeby
Proposed minor amendment
as advertised**

25 July 2018

Proposal 1

Proposed Amendment:

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

Notice of Delegation

- 1 (Site No) Bush Forever area addition
- 2 (Site No) Bush Forever area for removal

Oracle reference no: 2825

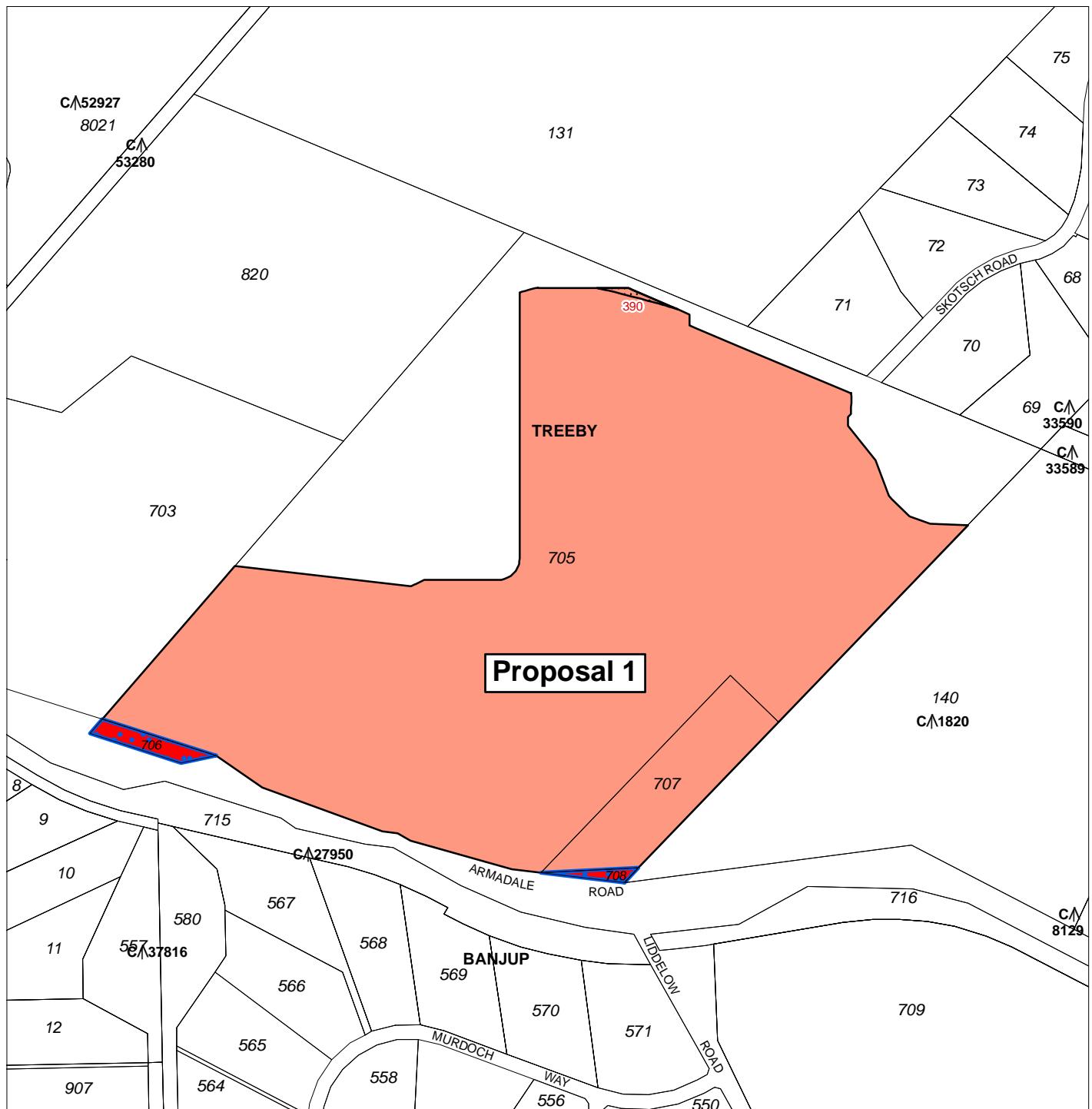
File number: 833/02/23/0068

Version number: 6



Schedule 4

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



**Lots 705 - 708 Armadale Road, Treeby
Proposed minor amendment
as modified**

20 February 2019

Proposal 1

Proposed Amendment:

- Primary regional roads reservation
- Urban zone
- Water catchments reservation addition

Notice of Delegation

- (Site No) Bush Forever area for removal

Oracle reference no: 2825

File number: 833/02/23/0068

Version number: 7



Appendix 1

List of detail plans as advertised

Lot 705 - 708 Armadale Road, Treeby

Proposed Minor Amendment

Amendment 1346/57

as advertised

Amending Plan 3.2716

Detail Plan

1.6584

Appendix 2

List of detail plans as modified

Lot 705 - 708 Armadale Road, Treeby

Proposed Minor Amendment

Amendment 1346/57

as modified

Amending Plan 3.2716/1

Detail Plan

1.6584/1

Submissions

Submitted to Metropolitan Region Scheme Minor Amendment 1346/57 - Lots 705-708 Armadale Road, Treeby
Submitted on 2018-10-12 07:57:25

Introduction

1 What is your first name?

First name: **Name and contact details removed at the request of the submitter**

2 What is your surname?

surname:

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

Yes

4 What is your email address?

Email:

5 What is your address?

address:

6 Contact phone number:

phone number:

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

Support

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

Submission:

ATCO Gas Australia Pty Ltd (ATCO) own and operate gas mains within this area as part of the gas distribution network. A High Pressure gas main is within the southern side Armadale Road road reserve, however development of and within 705, 706, 707 and 708 Armadale Road Treeby, will not negatively impact on ATCO assets.

File upload:

No file was uploaded

DEPARTMENT OF PLANNING	
12 OCT 2018	
FILE	RC5/0783/1

Submission 2

Muscarra, Anthony

From: WAPCreferrals [mailto:WAPCreferrals@pta.wa.gov.au]
Sent: Friday, 12 October 2018 8:24 AM
To: 'Muscarra, Anthony'
Subject: MRS Amendment 1346/57 (Your Ref 833-2-23-68)

PTA File No. 00147/18

Hi Anthony,

I refer to your letter dated 9 October 2018 regarding MRS 1346/57, Lots 705 – 708 Armadale Road Treeby.

The Public Transport Authority has no comments to make regarding this proposal.

Kind regards,

Janelle Ricciardi
Land & Corridor Officer | IP&LS
Public Transport Authority of Western Australia
Public Transport Centre, West Parade, Perth, 6000
Tel: (08) 9326 2374
Email: WAPCreferrals@pta.wa.gov.au | Web: www.pta.wa.gov.au



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DEPARTMENT OF PLANNING	
12 OCT 2018	
FILE	WS/0783/1

Submission 3

Muscarra, Anthony

From: Fogarty, Louise
Sent: Monday, 15 October 2018 10:09 AM
To: Muscarra, Anthony
Subject: Metropolitan Region Scheme Proposed Amendment 1346/57 – Lots 705-708 Armadale Road Treeby

Your ref: 833-2-23-68 Pt1 (RLS/0768/1)
Our ref: DT/15/05054

Dear Anthony,

Metropolitan Region Scheme Proposed Amendment 1346/57 – Lots 705-708 Armadale Road Treeby

I refer to your letter dated 9 October 2018 regarding a request for comment for the abovementioned MRS amendment.

The Department of Transport (DoT) has no comment to provide for the above.

Thank you for the opportunity to comment on the proposal.

Regards,
Louise

Louise Fogarty
Senior Transport Planner | Integrated Transport Planning | Department of Transport
Level 8, 140 William Street, Perth WA 6000
Tel: (08) 6551 6840 | Fax: (08) 6551 6492
Email: Louise.Fogarty@transport.wa.gov.au | Web: www.transport.wa.gov.au



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DEPARTMENT OF PLANNING	
15 OCT 2018	
FILE	RLS/0768/1

Submission 4

Response ID ANON-4C7Q-XH6K-Z

Submitted to Metropolitan Region Scheme Minor Amendment 1346/57 - Lots 705-708 Armadale Road, Treeby
Submitted on 2018-10-17 07:51:08

Introduction

1 What is your first name?

First name:
Rodney

2 What is your surname?

surname:
Safstrom

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:
rodney.safstrom@dpird.wa.gov.au

5 What is your address?

address:
3 Baron Hay Court South Perth 6151

6 Contact phone number:

phone number:
0402287811

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

Support

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

Submission:
The Department of Primary Industries and Regional Development has no objection to the above proposal as there is no impact on agriculture

File upload:
No file was uploaded

DEPARTMENT OF PLANNING
17 OCT 2018
FILE QLS/0783/1

Submission 5



Your Ref: 833-2-23-68 Pt 1 (RLS/0768/1)
Our Ref: LM: Planning OCT 2018
Contact: Neil Parry
Telephone: 08 9223 4944

18 October 2018

ABN 78 081 609 289
Level 6, 12-14 The Esplanade
Perth WA 6000
Postal Address
PO Box Z5267 -
Perth St Georges Tce WA 6831
Telephone: +61 8 9223 4300
Facsimile: +61 8 9223 4301

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

Attention: Anthony Muscara

Dear Ms Fagan

METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1346/57 LOTS 705 – 708 ARMADALE ROAD, TREEBY

Thank you for your referral of 9 October 2018 seeking comment on the above proposal.

DBP as the owner and operator of the Dampier to Bunbury Natural Gas Pipeline, has reviewed the documentation and has no objection to the proposal.

Thank you for the opportunity to provide comments and should you have any further inquiries, please do not hesitate to contact me on the number above.


Yours sincerely

Neil Parry
Manager, Land Management
Dampier Bunbury Pipeline

DEPARTMENT OF PLANNING	
18 OCT 2018	
FILE	LCS/0783/1

Planning and Development Act 2005

Section 57 Amendment (Minor)
Form 57

Submission

Metropolitan Region Scheme Amendment 1346/57

Lots 705 – 708 Armadale Road, Treeby

OFFICE USE ONLY

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

Submission 6

Title (Mr, Mrs, Miss, Ms) First Name PALMERSO Domenic

Surname Ronci (PLEASE PRINT CLEARLY)

Address 37-41 Burlington St NAVAL Base Postcode 6165

Contact phone number 9410 1693 Email address Ronci@westnet.com.au

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

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

Pls see Attachment Grespondee.....

turn over to complete your submission

DEPARTMENT OF PLANNING	
26 OCT 2018	
FILE	acs/0783/1

(Submission continued. Please attach additional pages if required)

You should be aware that:

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

To be signed by person(s) making the submission

Signature, A. K. Date, 26/10/18

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 14 DECEMBER 2018. Late submissions will NOT be considered.

Palmerino Ronci
37-41 Burlington Street
NAVAL BASE WA 6165

22nd October 2018

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Secretary, Western Australian Planning Commission

**RE: METROPOLITAN REGION SCHEME AMENDMENT 1346/57
LOTS 705 – 708 ARMADALE ROAD, TREEBY**

We make the following submission as the owners of Lot 707 Armadale Road, Treeby in support of the proposed Amendment 1346/57 (the Amendment) which is looking to rezone the subject land within Treeby from 'Rural – Water Protection' to 'Urban' in the Metropolitan Region Scheme (MRS).

The proposed Amendment is supported, based on the following:

- The Amendment is strategically located between the existing and future development situated along Armadale Road and is a logical expansion to the urban front.
- The Amendment is likewise situated in proximity to the Cockburn Central rail station and the anticipated Thornlie-Cockburn Metronet link, providing for excellent access to public transport.
- The Amendment is consistent with the WAPC's Perth and Peel@3.5million and the South Metropolitan and Peel Sub-Regional Planning Framework which shows the land as 'Urban Investigation', being identified as appropriate for urban development.
- The City of Cockburn Treeby (Banjup) District Structure Plan also identifies the land for future urban development.

Should you have any queries regarding this submission please contact Tina Ronci on 9410 1693.

Yours truly


Rino Ronci 

Submission 7

Development Services 629 Newcastle Street PO Box 100
Leederville WA 6007 Leederville WA 6902 T (08) 9420 2099
F (08) 9420 3193



Your Ref: 833-2-23-68 Pt 1 (RLS/0768/1)
Our Ref: JT1 2011 00927 V02 - MRS325560
Enquiries: Kevin Purcher
Direct Tel: 9420 2385

12 November 2018

Secretary
Western Australian Planning Commission
LOCKED BAG 2506
PERTH WA 6001

Attention of: Anthony Muscara

**Re: Metropolitan Regional Scheme Proposed Amendment 1346/57
Lots 705 to 708 Armadale Rd Treeby**

Thank you for your letter. The Water Corporation offers the following comments in regard to this proposal.

The Amendment Report does not truly reflect the Water Corporation's position and should be changed.

The Water Corporation advice under Statutory Planning Context – Infrastructure – Water and Wastewater, was only valid on the understanding that the subject area had been changed by proclamation from a Priority 2 (P2) water resource protection area to a Priority 3 (P3) area.

While the subject area remains a P2 water resource protection area of the Jandakot Underground Water Pollution Control Area (UWPCA), urbanisation is not permitted under Department of Water and Environmental Regulation (DWER) requirements.

Licensed groundwater extraction is a relatively low cost source of water for the community. As the service provider of drinking water to the community, maintenance of water resource protection areas are very important in maintaining an affordable water supply to the community.

It is the Corporation's preference that the area remains classified as P2, and that the amendment not proceed. It should only be considered when the priority classification has been changed by proclamation in accordance with DWER processes.

If the area has been proclaimed as P3 the following comments apply.

Water

The subject area falls outside an approved planned water supply scheme and therefore a reticulated potable water supply is not immediately available. If a reticulated water connection is required formal water planning needs to be undertaken. The Water Corporation normally schedules areas in the Statewide Planning Program for review when amendments to the Metropolitan Region Scheme indicate servicing is required.

DEPARTMENT OF PLANNING
12 NOV 2018
FILE RCS/0783/1

Due to the previous proposals on the adjoining land to the west, conceptual planning was considered. It is recommended that the total extent of urban development in the surrounding area should be determined by the Department of Planning Lands and Heritage as a matter of urgency so that the Water Corporation can scope the extent of the water planning scheme review before it is undertaken.

Wastewater

The subject area falls outside an approved planned wastewater scheme and therefore reticulated wastewater is not immediately available. If the subject land needs to be serviced, formal wastewater planning needs to be undertaken. The Water Corporation normally schedules areas in the Statewide Planning Program for review when amendments to the Metropolitan Region Scheme indicate servicing is required.

Due to the previous proposals on the adjoining land to the west, conceptual planning was considered. Again it is recommended that the total extent of urban development in the surrounding area should be determined by the Department of Planning Lands and Heritage so that the Water Corporation can scope the extent of the wastewater planning scheme review before it is undertaken.

If the resulting planning indicates wastewater servicing is feasible, then major infrastructure will be required. The headworks infrastructure may be required to be constructed as part of the subdivision development process. Consideration must be made to the location of any proposed pump station. A pump station will require appropriate land to be provided for the works and the odour buffer that will surround the site. The extent of the buffer should be determined at the planning/design stage to ensure that only compatible land uses are permitted within the buffer. A route for the headworks mains will also be required, up to 20 metres wide. The route should be in the form of a road reserve.

General Comments

The developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Water Corporation may also require land to be ceded free of cost for works.

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, the Water Corporation should be contacted to confirm if the information is still valid.

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

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



Kevin Purcher
Senior Planner
Development Services

Submission 8



13/11/2018

Western Australian Planning Commission
Locked Bag 2506
Perth, WA 6001

Attention: Steven Radley
Sent via email to: Steven.Radley@dplh.wa.gov.au

DEPARTMENT OF PLANNING	
13 NOV 2018	
FILE	LLS/0783/1

Dear Steven

PROPOSED MRS AMENDMENT 1346/57 – LOTS 705 – 708 ARMADALE ROAD, TREEBY –ADVERTISING PERIOD COMMENTS

I refer to your recent correspondence advising of the formal comment period relating to the above.

The matter was referred to Council at its ordinary meeting held 8 November 2018 and a copy of the agenda item is attached. When released, the minutes will be available on the City's website: <https://www.cockburn.wa.gov.au/agendas-and-minutes>

It was resolved that Council:

- 1) *recommend to the Western Australian Planning Commission (WAPC) that the proposed draft Metropolitan Region Scheme amendment be supported, subject to the following modification:*
 1. *Deletion of the area of Urban indicated in the north east corner of the site which would facilitate an extension to the existing rural zoned cul-de-sac of Skotsch Road to ensure the outcomes of the Jandakot Planning Investigation Area are not prejudiced.*
- 2) *advise the WAPC that the City does not support a concurrent amendment to its local Town Planning Scheme as permitted under section 126(3) of the Planning and Development Act 2005. A subsequent local Town Planning Scheme amendment in this case should be initiated by Council as comprehensive Development Area and Development Contribution Area provisions will be required to support a Development Zone.*

Should you have any queries regarding these comments, please contact Carol Catherwood on 9411 3598 or via ccatherwood@cockburn.wa.gov.au

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Catherwood".

Carol Catherwood
COORDINATOR STRATEGIC PLANNING

14.4 METROPOLITAN REGION SCHEME AMENDMENT 1346/57 - LOTS 705-708 ARMADALE ROAD, TREEBY

Author(s) C Catherwood
Attachments 1. Amending Plan [↓](#)
Location Lots 705-708 Armadale Rd, Treeby
Owner Midland Brick Co P/L and Palmerino Ronci
Applicant CLE Planning on behalf of Peron Group
Application MRS1346/57
Reference

RECOMMENDATION

That Council

- (1) recommend to the Western Australian Planning Commission (WAPC) that the proposed draft Metropolitan Region Scheme amendment be supported, subject to the following modification:
 1. Deletion of the area of Urban indicated in the north east corner of the site which would facilitate an extension to the existing rural zoned cul-de-sac of Skotsch Road to ensure the outcomes of the Jandakot Planning Investigation Area are not prejudiced.
- (2) advise the WAPC that the City does not support a concurrent amendment to its local Town Planning Scheme as permitted under section 126(3) of the Planning and Development Act 2005. A subsequent local Town Planning Scheme amendment in this case should be initiated by Council as comprehensive Development Area and Development Contribution Area provisions will be required to support a Development Zone.

Background

The land subject to this proposed amendment to the Metropolitan Region Scheme (MRS) has been earmarked for potential urban development for several years.

Initially in the draft State's Planning Policy for Perth and Peel @ 3.5 Million documents released in May 2015 (finalised in March 2018) and also as part of the Treeby District Structure Plan (TDSP) document adopted as a guiding document by Council at its meeting held on the 14 September 2017.

Part of Council's decision was to request the WAPC expedite an amendment to the MRS to introduce the appropriate urban zone.

After several months of preparing the documentation to support the amendment, it is now being formally advertised from 9 October to 14 December 2018.

Submission

CLE Planning, on behalf of Peron Group has lodged supporting documentation to the WAPC.

Report

Perth and Peel @ 3.5 Million

To realise the vision of Directions 2031 and beyond and the State Planning Strategy 2050, the WAPC has created a series of draft proposed planning frameworks. In May 2015 the draft Perth and Peel @3.5 Million strategic suite of documents were released for public comment.

The public consultation period concluded on 31 July 2015 and the plan was finalised in March 2018. Both the draft and finalised plan identified the subject land as 'Urban Investigation' as shown in extracted plan below (the land has been outlined in red for purposes of clarity).



As a response to this classification, in September 2017, the City adopted the TDSP which responds to the WAPC Framework. The proposed amendment generally corresponds to the area indicated in Perth and Peel @3.5 Million. There is a minor adjustment to the Bush Forever boundaries, with a net increase to the area to be Bush Forever provided.

Proposed amendment documentation

Leading up to preparation of the amendment documentation, City officers were provided the opportunity to review the information submitted by the applicant. A number of comments were made; largely about the need to update documentation which was originally prepared several years ago. The amendment report has largely been updated to the satisfaction of City officers. The exception would be the amending plan which is shown below with annotations indicating the two areas of interest.



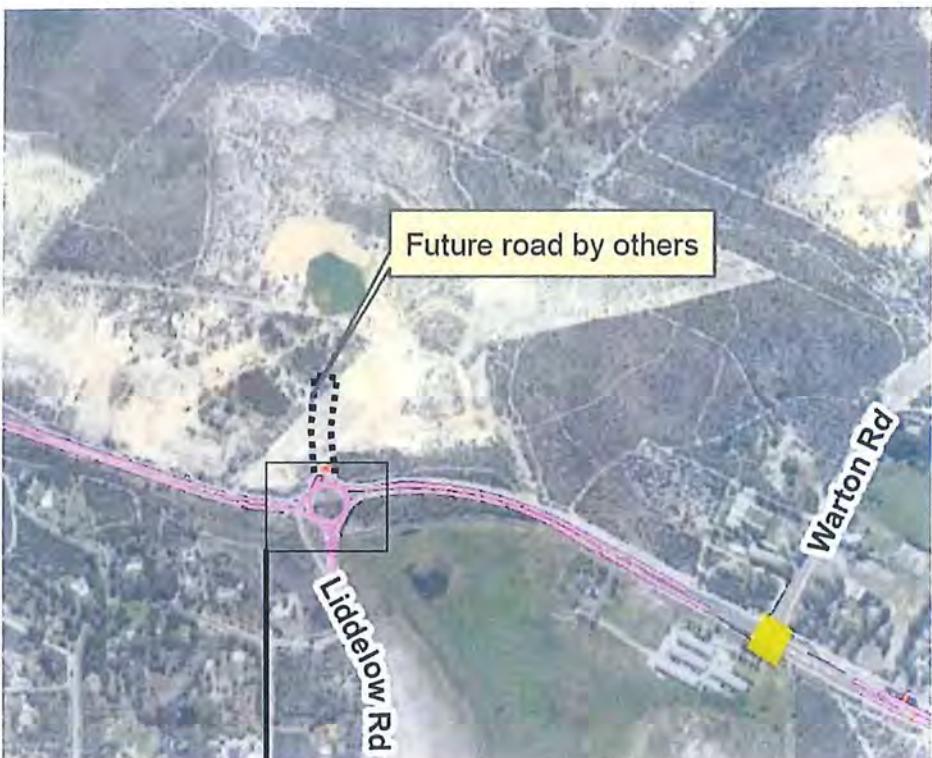
The first of these areas is the indication of a road extension in the northeast of the amending plan. This would enable the connection of Skotsch Road. This is not appropriate as:

- The residents of Skotsch Road are likely not to be aware of this and have expressed to the City as part of the TDSP process, their concern with a road connection into their street (should their land remain rural).
- Skotsch Road is part of the Planning Investigation Area for Jandakot which has not yet been undertaken by the Department of Planning, Lands and Heritage (DPLH). To include this section of land as urban presumes a particular outcome.
- Assuming the road is not connected, the TDSP indicates this area remaining part of the east-west green network link.

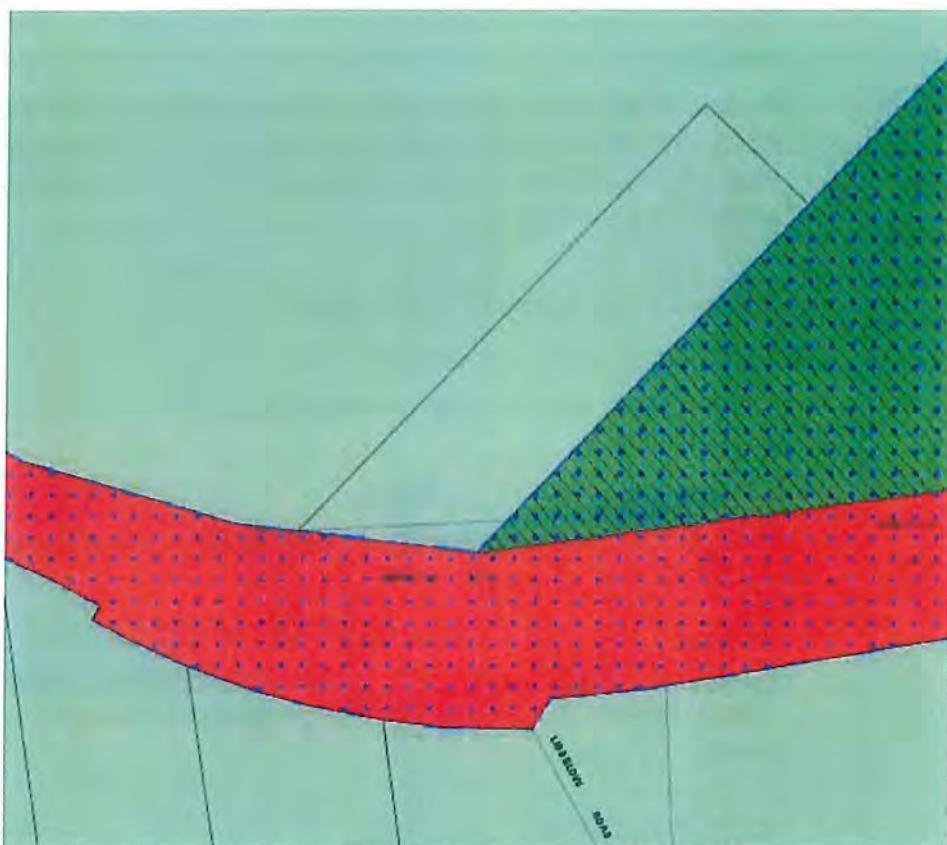
It is recommended this portion of urban be removed from the plan. There is no reason why this could not be dealt with in future if the

Skotsch Road precinct became urbanised, but it should not be facilitated prior.

The second matter annotated on the plan is an area in the south east corner where a small triangle of land is to be included in the Primary Regional Road Reserve ('PRR reserve'). The land directly east is a Regional Reserve for Parks and Recreation. The increase in the PRR reserve on this amending plan is to accommodate the roundabout which will be provided as part of the Armadale Road upgrade (see plan below):



The geometry of the roundabout will most likely not be able to fit within the PRR reserve, enough with this small triangle of land added. The DPLH have advised there will need to be a request from Main Roads WA in the future to require additional land (if needed) from the current Reserve for Parks and Recreation. The current MRS map is shown below and the small triangle of land this amendment deals with can be seen.



As the additional PRR reserve does not affect a private landowner, this is not a matter which should cause too much concern and the agencies can address this later.

It is recommended the amendment be supported, subject to the modification to remove the area indicated as an urban extension to the existing Skotsch Road reserve.

Matter of concurrent rezoning under the local planning scheme

The City's Development Areas are a Special Control Area (not a zone) under Town Planning Scheme No. 3. The relevant would be the Development zone.

This means the application of a concurrent rezoning with the MRS under s126 of the Planning and Development Act 2005 if effectively limited to changing to the Development zone. A separate amendment under the local planning scheme is then still needed to apply the Development Area Special Control Area designation on the scheme map and the accompanying scheme text.

While it is possible to enable the concurrent change to Development Zone this is not the City's preference, it is often not clear to the City whether the amendment to the MRS will apply the concurrent zoning or not at the point in time when the City prepares its own amendment to the local planning scheme. This causes delays in the processing of the local planning scheme amendment which can be avoided if all the

changes to the local planning scheme are comprehensively covered by the City.

An additional amendment to the local planning scheme will also be needed to deal with the matter of development contributions which are also a Special Control Area designation of the scheme map plus scheme text provisions.

Strategic Plans/Policy Implications

City Growth

Ensure planning facilitates a desirable living environment and meets growth targets.

Community, Lifestyle & Security

Provide for community facilities and infrastructure in a planned and sustainable manner.

Economic, Social & Environmental Responsibility

Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

This is a consultation process facilitated by the DPLH which lasts a minimum of 60 days. In this case, it extends 66 days from 9 October to 14 December 2018.

The amendment documentation and submission forms are available on the Department's website:

<https://www.planning.wa.gov.au/publications/10750.aspx>

Risk Management Implications

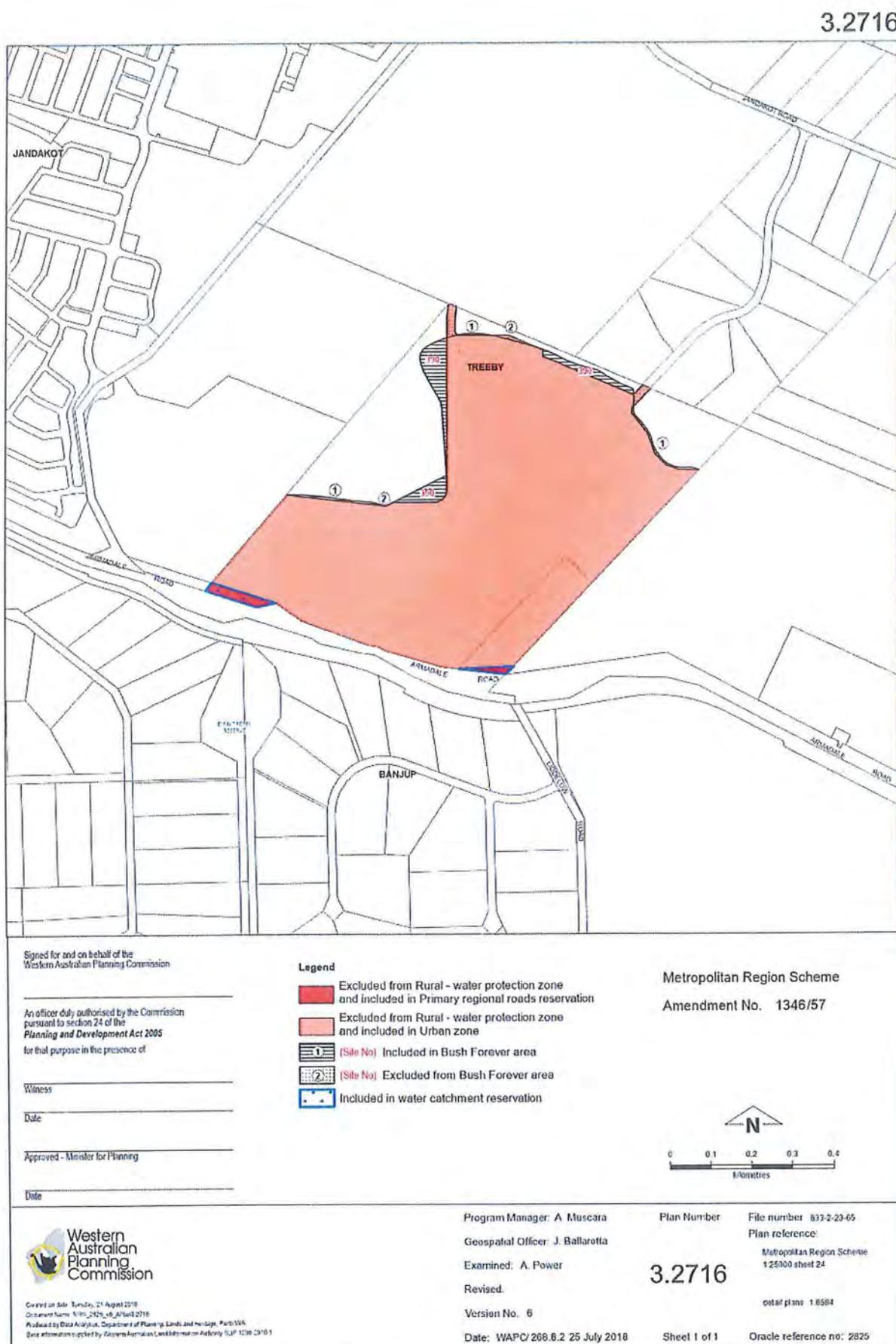
There is minimal risk to Council should it choose not to make a submission. The proposal will likely proceed to assessment in any case and the nature of the proposal is largely consistent with Perth and Peel @3.5 million and Council's adopted TDSP. The only point of concern is the potential for this amendment to facilitate the extension of the Skotsch Road cul-de-sac when the future of that area is yet to be determined by a future Planning Investigation led by the State Government.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act, 1995*

Nil



Submission 9



Department of Biodiversity,
Conservation and Attractions



Your ref: 833-2-23-68 Pt 1 (RLS/0768/1)
Our ref: PRS 43236
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

Metropolitan Region Scheme – Proposed Amendment 1346/57 – Lots 705 -708 Armadale Road, Treeby

I refer to your letter of 9 October 2018 requesting comments on the proposed Metropolitan Region Scheme (MRS) amendment to rezone a portion of Lots 705 – 708 Armadale Road from 'Rural – Water Protection' to the 'Urban' zoning including a minor rationalisation of Bush Forever site 390. The Department of Biodiversity, Conservation and Attraction's (DBCA) Parks and Wildlife Service has reviewed the amendment report and provides the following advice.

DBCA notes that two similar MRS amendment proposals over the subject site were referred by the Western Australian Planning Commission in May 2014 and April 2018. The department provided advice on these previous amendment proposals and this advice is attached and reflected in the current response, on consideration of the revised amendment boundaries.

Threatened Flora

It is noted that no additional environmental information has been provided to support the current amendment proposal. Previous advice provided by DBCA (see attached) identified that there may be impacts to known occurrences of the threatened flora species *Caladenia huegelii*, listed as Critically endangered under the State *Wildlife Conservation Act 1950* (WC Act) and Endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, which occur within the proposed Urban zone. The department does not support any impacts to the critically endangered flora species and proposes that all occurrences and their supporting habitat, are retained in any future development design.

DBCA reiterates that any proposals to 'take' threatened flora will also require permission from the State Environment Minister via a 'permit to take' in accordance with the WC Act, irrelevant of proposals to translocate individuals.

Bush Forever

Lot 705 Armadale Road contains and is surrounded by a Bush Forever site 390 (*Fraser Road Bushland, Banjup*). It is noted that current scheme amendment proposes a modification of the Bush Forever boundary in the region scheme which results in an overall addition of 1.49 hectares to the Bush Forever site.

DEPARTMENT OF PLANNING
19 NOV 2018
FILE 45/0783/1

Swan Region
Cnr Australia II Drive and Hackett Drive, Crawley WA 6009
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Phone: (08) 9442 0300 Email: jacqui.clinton@dbca.wa.gov.au
dbca.wa.gov.au

DBCA supports the proposal that any existing and proposed Bush Forever areas identified to be retained in Lot 705 Armadale Road should be excluded from any proposed rezoning amendment and remain in the 'Rural - Water Protection' zone until the land is transferred as a Crown reserve for conservation purposes. It is DBCA's expectation that any areas within the 'Rural – Water Protection' zone within Lot 705 will be included in any future structure planning for the development. and be subject of relevant environmental management plans.

Future management plans should outline adequate interface treatments including development setbacks to conservation areas, landscape plantings using endemic native species, a hard road edge and access control measures for any development boundaries abutting the Bush Forever site. These plans should also ensure that all Bush Forever areas are retained for conservation as the primary purpose with an appropriate end land manager. In accordance with *State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region*, the department would not generally support the clearing of any vegetation recognised as regionally significant.

Transport Corridors

The revised Urban zone boundary proposes the excision of two areas of Bush Forever site 390 to provide for road access corridors. The proposed internal connection road which links Lot 705 Armadale Road and Lot 131 Jandakot Road will potentially impact known populations of threatened flora. While DBCA does not support any impacts to threatened flora it is recognised that the location of this transport corridor is consistent with the approved Treeby District Structure Plan and will be confirmed through the rezoning process. Avoidance of direct and indirect impacts to threatened flora within and adjacent the road corridor and other sub-populations within the adjacent Lot 131 should be considered prior to finalising the road design and location.

DBCA notes and supports the advice from the Environmental Protection Authority in relation to the current amendment which highlights several environmental factors that are required to be addressed in future planning stages.

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

15 November 2018

Att:



Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Mr Anthony Muscara

Dear Mr Muscara

**PROPOSED MRS AMENDMENT – LOTS 2 AND 4 ARMADALE ROAD, BANJUP
REQUEST FOR PRELIMINARY COMMENT**

Thank you for your letter of 14 May 2014 referring the above proposed Metropolitan Region Scheme (MRS) amendment to the Department of Parks and Wildlife (the department) for preliminary comments.

The subject land (Lots 2 and 4), with a total land area of approximately 62 hectares, comprises areas of Bush Forever site 390, and abuts Rose Shank Reserve, which is managed by the City of Cockburn and forms part of Jandakot Regional Park, and abuts Lot 820 Fraser Road, a conservation area managed by the department. Rose Shanks Reserve and Lot 820 also form part of Bush Forever site 390. In this context, the department's comments are provided in the following information.

Flora management

The department's records indicate the presence of declared rare flora (DRF) within the local area, namely the Grand Spider Orchid (*Caladenia huegelii*), which is listed as 'flora considered likely to become extinct or rare therefore in need of special protection' under the *Wildlife Conservation Act 1950*. Aerial imagery indicates areas of native vegetation within the subject land (i.e. the vegetated areas align mostly with Bush Forever site 390), which may provide suitable habitat for DRF.

A flora survey conducted in October 2012 (ENV Australia 2013) identified 16 occurrences or approximately 33 individual plants of *C. huegelii* within the subject land. Of these, the *C. huegelii* plants in 13 of the 16 occurrences are proposed to be protected (i.e. DRF plants within the retained Bush Forever areas) as noted from the MRS Amendment report (CLE 2014, page 33) "The majority (13 of 16 occurrences) of these exist within the Bush Forever area proposed to be retained." The flora and vegetation assessment also identified that the vegetation within the Bush Forever areas was mostly in Very Good and Excellent condition (ENV Australia 2013, Figure 14). The department supports the retention of the vegetated Bush Forever areas; although recommends a wider vegetated corridor along the northern boundary of Lot 4 to increase the effectiveness of the east-west linkage between the retained areas of remnant bushland.

It is noted from the MRS Amendment report, the proposal to relocate DRF plants from three locations in the centre of the subject land. It is also noted that some of the plants are also located near the edge of Lot 4. The department advises that permission to take DRF [which

also relates to the relocation of DRF] is required from the Minister for Environment and the permission is given through a DRF permit. Information on how to apply for a DRF permit is available on the department's internet site. When applying for a DRF permit, consideration should be given to possible accidental damage to the plants located near the edge of Lot 4.

Wetland management and buffers

The subject land comprises part of a Resource Enhancement category wetland as identified in the department's *Geomorphic Wetlands Swan Coastal Plain* dataset. Resource Enhancement wetlands (REWs) have been partially modified, but still support substantial ecological attributes and functions. REWs have the potential to be restored to conservation category through appropriate management activities including rehabilitation and weed control.

In accordance with Environmental Protection Authority's *Guidance Statement No. 33* (EPA 2008), the department's position is that REWs to be protected require a minimum buffer of 50m to help maintain the ecological processes and functions associated with the wetland. The department recommends that residential dwellings are setback from the REW and buffer to provide for adequate fire protection without the need for fuel reduction within the REW or its agreed buffer.

It is noted from the MRS Amendment report (CLE 2014, page 33) that a majority of the remaining vegetation within the subject land, which includes the REW and a buffer, "...is proposed to be retained within the existing Bush Forever area[s]..."

Drainage management

The department notes that "A District Water Management Strategy (DWMS) has been prepared for the site...This DWMS is currently being reviewed by the Department of Water" (CLE 2014, page 47). The next stage of the process is the development of the Local Water Management Strategy at the structure planning stage.

The department advises that no development (including stormwater infrastructure) should be located within the REW/REW buffer or the retained Bush Forever areas, nor should any stormwater drainage (including road drainage) discharge directly into the REW/REW buffer or the retained Bush Forever areas. Drainage design should aim to maintain natural drainage processes (where possible). This could include the use of flush kerbs with drainage infiltration swales adjacent to the road to maximise infiltration at source.

Boundary interface treatment

The subject land abuts the Rose Shanks Reserve and Lot 820 conservation areas. To ensure an adequate interface between the conservation areas and residential development, the proponent should ensure there is appropriate fencing installed along the common boundary of the conservation areas and the subject land.

The department supports having a perimeter road between residential development and the retained Bush Forever areas/public open space areas on Lot 4, for reasons of public safety, protection of bushland and fire safety for residents.

Disease and weed management

Care should be taken to ensure that the adjacent conservation areas are not adversely affected through indirect impacts such as weed invasion and spread of dieback (*Phytophthora cinnamomi*). The proponent should ensure that flora species known to be invasive or environmentally damaging are not used in any landscaping, where they may spread into the adjacent conservation areas.

Fire management

All necessary fire management requirements should be provided for within the subject land, in accordance with the (Interim) *Planning for Bushfire Protection Guidelines*, Edition 2 (Western Australian Planning Commission and Fire and Emergency Services Authority 2010) and any other relevant policies. The department recommends the provision of perimeter roads to provide adequate separation between conservation areas and urban development. Such a hard edge helps mitigate fire risk and provides improved access for fire suppression. The department recommends that residential dwellings are setback from the retained Bush Forever areas on Lot 4, to provide for adequate fire protection without the need for fuel reduction within these Bush Forever areas.

The applicant is advised to liaise with the department regarding fire management measures that may impact upon Rose Shank Reserve or Lot 820.

Department of Environment Regulation

Information or advice on issues relating to contaminated sites, acid sulfate soils, native vegetation clearing permits, industrial buffers, air quality, and noise and dust management can be obtained from the Department of Environment Regulation.

Thank you for the opportunity to comment on this matter. Should you have any queries regarding the above comments, please contact Planning Officer Grace Patorniti of this office on telephone 9442 0300.

Yours sincerely



Shawn Debono
A/Manager, Regional Parks Unit

23 June 2014

Submission 10



Government of Western Australia
Department of Water and Environmental Regulation

Your ref: 833-2-23-68 (RLS/0768/1)
Our ref: RF2130-13, PA023461
Enquiries: Jane Sturgess (9550 4228)

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Anthony Muscara

Dear Anthony,

***Re: Metropolitan Region Scheme Proposed Amendment 1346/57
Lots 705 - 708 Armadale Road, Treeby***

Thank you for abovementioned referral regarding a proposed a proposed Metropolitan Regional Scheme (MRS) amendment for Lots 705 to 708 Armadale Road, Treeby from "Rural – Water Protection" to "Urban". The Department of Water and Environmental Regulation (DWER) has reviewed the proposal and wishes to provide the following advice.

Jandakot Underground Water Pollution Catchment Area

The land subject to this proposal is located within the proclaimed Jandakot Underground Water Pollution Control Area (UWPCA), and is a Priority 2 (P2) area. P2 areas are defined and managed to maintain or improve the quality of the drinking water source with the objective of risk minimisation.

Consistent with *Strategic Policy: Protecting Public Drinking Water Source Areas in WA* (DoW, 2016), the Department does not recommend intensification of land uses within public drinking water source areas (PDWSAs), due to the increased risk to drinking water quality and public health.

"Increased development in a PDWSA will increase the risk to water quality and public health. For example, urban areas pose a greater risk of water quality contamination than rural areas, and rural areas pose a greater risk of contamination than naturally forested areas. This is an inevitable consequence of more chemical, biological and physical hazards being introduced due to more people, buildings, vehicles and rubbish associated with land use intensification."

DEPARTMENT OF PLANNING	
- 3 DEC 2018	
FILE	RS/0783/1

Kwinana Peel Region
107 Breakwater Parade Mandurah Ocean Marina Mandurah Western Australia 6210
PO Box 332 Mandurah Western Australia 6210
Telephone: 08 9550 4222 Facsimile: 08 9581 4560
www.dwer.wa.gov.au

The Jandakot UWPCA is managed in accordance with the Western Australian Planning Commission's (WAPC's) *Statement of Planning Policy No 2.3 Jandakot groundwater protection policy* (SPP 2.3), which is also reflective of the Departments aforementioned strategic policy, with urban development not considered a compatible land use within a P2 area due to increased water contamination risk.

Notwithstanding this policy position, SPP 2.3 recognises that there are situations where development may be appropriate following government led strategic planning process determines an urban rezoning is the preferred outcome for the land. This policy (see SPP 2.3 section 6.3(b)) stipulates MRS amendment proposals *will only be supported* where the land has been identified for development through a strategic planning document, in this case the *South Metropolitan Peel Sub-Regional Planning Framework* (WAPC, 2018), with the following issues considered:

- "the subject land is to meet the following criteria:
 - large landholdings that were already substantially cleared at the time this policy was published; and
 - directly adjacent to already developed 'Urban' zoned land;
- the risk to drinking water supplies associated with the proposed development;
- proven efficacy of available risk mitigation measures;
- the net long-term public benefit attributable to the proposed rezoning;
- the need for additional urban land, taking into account the current stock of undeveloped urban zoned land in the sub-region;
- potential alternative locations for proposed land use in the sub-region that would have less or no impact on public drinking water source protection areas;
- any strategic environmental assessment, whether underway or completed; and
- access to infrastructure that is already constructed or scheduled for construction."

Should the WAPC resolve to pursue the rezoning, upon consideration of the above, the Department would amend the PDWSA protection status of the groundwater resource from P2 to Priority 3* (P3*). P3* areas are applied to land that was previously Priority 1 or P2 and has been rezoned within the MRS to urban. For further information on P3* areas as well as management approaches to address the increased water quality risks resulting from the approved land use intensification, please refer to *Water quality protection note no. 38 – Priority 3* (P3*) areas* (DWER, 2018).

District Water Management Strategy

The purpose of a District Water Management Strategy (DWMS) is to demonstrate the site is capable of supporting the proposed change in land use with regard to water resources, consistent with *Better Urban Water Management* (WAPC, 2008). However, it should be noted the DWMS is not the mechanism which facilitates a rezoning within a PDWSA, given urban development is incompatible in these areas. An urban rezoning is a strategic planning decision consistent with SPP 2.3 as described in the previous section.

Within this context the proponent has previously referred the *Lot 2 and 4 Armadale Road - District Water Management Strategy (DWMS)*, (JDA, 2018) to DWER, which

had been prepared under the scenario that the land has been rezoned to urban, and the PDWSA reclassified to P3*. The DWMS had met the water management requirements previously proposed.

However, the proposed MRS Amendment plan has since been updated and the concept plans within the DWMS do not currently align with plans provided within the MRS Amendment document nor previous EPA advice – see attachment 1. For example, the DWMS proposes to locate public open space and stormwater infiltration areas within areas identified as 'Bush Forever area addition' in the MRS Amendment. The minor rationalisation of Bush Forever site 390 is to capture additional bushland requiring protection and management, and should not be utilised for the development's purpose. The DWMS should be updated to reflect this amendment to the Bush Forever boundaries.

Accordingly, should the MRS amendment be initiated, it should not be finalised in the absence of an amended and endorsed DWMS.

Previous EPA Advice

In addition to the above, please refer to Attachment 1 containing previous EPA advice that should be incorporated into the proposed MRS amendment and supporting documents including the DWMS.

If you have any queries relating to the above matter, please contact Jane Sturgess at DWER's Mandurah office on 9550 4228.

Yours sincerely



Brett Dunn
Program Manager – Land Use Planning
Peel Region

3 December 2018

Attachment 1 – EPA Advice 17 September 2018



Environmental Protection Authority

Ms Sam Fagan
The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6990

Our Ref: CMS17449
Enquiries: Gerard O'Brien, 6364 7600
Email: gerard.obrien@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME: Metropolitan Region Scheme Amendment 1346/57
LOCATION: Lots 705-708 Armadale Road Treeby
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

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

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

Please note the following:

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

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

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

Yours sincerely



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

17 September 2018

Encl. Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment 1346/57

Location: City of Cockburn; Lots 705-708 Armadale Road Treeby

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

Determination Published: 17 September 2018

Summary

The Western Australian Planning Commission (WAPC) has initiated Metropolitan Region Scheme (MRS) Amendment 1346-57 to rezone approximately 47.68 hectares (ha) from the 'Rural – Water Protection' zone to the 'Urban' zone in Treeby. The amendment also proposes to reserve 0.52 ha as Primary Regional Roads associated with Armadale Road.

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

1. Environmental Factors

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

- a) Flora and Vegetation,
- b) Terrestrial Fauna; and
- c) Inland Waters.

2. Advice and Recommendations regarding Environmental Factors

The EPA notes that the amendment proposes a minor rationalisation of Bush Forever Site (BFS) 390; an addition of 1.79 ha and removal of 0.30 ha (for road access). The EPA advises that the 1.79ha to be added to BFS 390 should be for conservation purposes, and not utilised as active public open space.

BFS 390 contains the Threatened Ecological Community (TEC) *Banksia Woodlands of the Swan Coastal Plain*, suitable habitat for the Endangered Carnaby's Black Cockatoo, and occurrences of Threatened Flora *Caladenia huegelii*. The EPA understands the majority of the TEC and occurrences of *Caladenia huegelii* are located within BFS 390 with a TEC area and some individual plants identified in isolated patches within the amendment area. The EPA notes the proposal to relocate individuals of *Caladenia huegelii* and supports the recommendation that agreement will be required from the Department of Biodiversity, Conservation and Attractions (DBCA). The EPA notes that the provided Concept Plan depicts development within the TEC area. The EPA advises that the avoidance, management and

mitigation of potential impacts to the TEC within the amendment area should be addressed through the future local scheme amendment, discussed further below.

The EPA understands that through a resolution of the WAPC, a concurrent amendment to the region and local planning schemes under section 126 of the *Planning and Development Act 2005* could be undertaken to amend the local scheme maps so that they are consistent with the region scheme. The EPA does not support this approach in this instance, as it would not allow for the local scheme amendment to be referred to the EPA for environmental impact assessment consistent with s48A of the EP Act, and allow text provisions to be inserted for the retention, protection and management of the significant vegetation, flora and fauna values.

The EPA expects that the future local scheme amendment will include text provisions to address the requirements for the retention and management of impacts to vegetation, fauna habitat and threatened flora, within and surrounding the amendment area. This text should specifically address vegetation management consistent with EPA Environmental Protection Bulletin No. 20 *Protection of naturally vegetated areas through planning and development*, including hard edges to separate BFS 390 from development and areas of local open space, road layout, fire management, noise and drainage management.

The EPA recommends that the City of Cockburn liaise with the Department of Planning, Lands and Heritage and DBCA to develop appropriate scheme text provisions which will adequately secure, protect and manage the significant vegetation, flora and fauna values within and surrounding the amendment area.

The EPA further notes that the Department of Water and Environmental Regulation has approved a District Water Management Strategy which demonstrates that water management measures are appropriate for a Priority 3 Public Drinking Water Source Area. Further water quality risk mitigation measures will be required at the later stages of the planning process.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives within the context that the environmental values associated with the amendment should be protected and managed through a separate local scheme amendment to be referred to the EPA for its consideration under section 48A of the EP Act.



Government of Western Australia
Department of Education

Submission 11

Your ref : 833-2-23-68 Pt 1
Our ref : (RLS/0768/1)
Enquiries : D18/0539692

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

Department of Planning, Lands and Heritage Received	
Scanned	07 DEC 2018
Attachments	A 992242D
Scan QA	<input checked="" type="checkbox"/>
Doc No.	RLS/0783
File No.	<input type="checkbox"/>

Dear Ms Fagan

S R&D vEY

**Metropolitan Region Scheme Proposed Amendment 1346/57
Lots 705-708 Armadale Road, Treeby**

Thank you for your letter dated 9 October 2018 regarding the proposed MRS Amendment for Lots 705-708 Armadale Road, Treeby.

The Department of Education has reviewed the document and wishes to advise that it has no objection to the proposal to transfer land from the Rural-Water Protection zone to the Urban zone.

The Department has engaged with the City of Cockburn regarding the Treeby (Banjup) District Structure Plan which encompasses the land within the proposed amendment. Planning regarding future education facilities is progressing along with the urban development.

Yours sincerely

STEPHEN MULDOON
SENIOR CONSULTANT
ASSET PLANNING and SERVICES

3 December 2018

Submission 12

Response ID ANON-4C7Q-XH6C-R

Submitted to Metropolitan Region Scheme Minor Amendment 1346/57 - Lots 705-708 Armadale Road, Treeby
Submitted on 2018-12-12 12:50:22

Introduction

1 What is your first name?

First name:
Alexander

2 What is your surname?

surname:
Watson

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

No

4 What is your email address?

Email:
alex@cleplan.com.au

5 What is your address?

address:
CLE Town Planning + Design
2 Abbotsford St
West Leederville WA 6007

6 Contact phone number:

phone number:
93821233

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

Support

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

Submission:
Refer attached pdf.

File upload:
2310Ltr208.pdf was uploaded

DEPARTMENT OF PLANNING	
12 DEC 2018	
FILE	RCS/0783//

Our Reference: 2310Ltr208
Enquiries: Cameron Leckey

12 December 2018

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attention: Anthony Muscara

Dear Anthony

RE: MRS Amendment 1346/57 – Lots 705 and 707 Armadale Road, Treeby

This submission is provided by CLE Town Planning + Design on behalf of Perron Developments. Perron Developments is the beneficial landowner of lot 705 Armadale Road, and is currently in the final stages of negotiation to acquire lot 707 Armadale Road.

Perron Developments supports the proposed rezoning from 'Rural – Groundwater Protection' to 'Urban' under the Metropolitan Region Scheme ('MRS'), noting that this represents a logical progression of the extensive strategic planning and environmental analysis that has been carried out over the Amendment area over the past 5-6 years.

Whilst Perron Developments is broadly supportive of the amendment, the proposed modifications to the Bush Forever area 390 ("BFA 390") layer are not supported. We request that the existing BFA 390 alignment be retained in its current form, and that the proposed Urban footprint is adjusted accordingly.

The portion of BFA390 located within lot 705 forms part of a larger consolidated area to the south and east, with a total extent of approximately 173 ha.

The advertised amendment proposes three key modifications to BFA390:

1. Addition of approximately 1.3ha to BFA390 along the western and north western perimeter of the proposed Urban footprint.
2. Addition of approximately 0.5ha to BFA390 along the northern boundary of Lot 705; and
3. Deletion of approximately 0.3ha of BFA390 to provide road access to Skotsch Road and Lot 131 in the north eastern and north western corners of the site respectively.

Further discussion in relation to these proposed additions and deductions to BFA390 is provided in the sections below.

Additions to BFA 390

The following sets out our comments and concerns in relation to the proposed additions to BFA390.

1. *There is no environmental context for the proposed additions to BFA 390.*

Justification for the addition of land to BFA390 in the manner proposed has not been provided. Based on our detailed understanding of the site, there is no environmental basis for the land to be classified as a Bush Forever area.

None of the additional area to be added to BFA390 along the western and north western perimeter of the proposed Urban footprint is of sufficient quality to warrant its inclusion on environmental grounds. The Environmental Assessment Report submitted with our MRS Amendment request (ENV, Feb 2018), identifies the majority of this additional area as 'degraded' and a small portion as 'completely degraded' when applying the *Keighery condition scale* (1994). It is our understanding that this vegetation does not meet the threshold for 'regionally significant vegetation' and therefore does not warrant inclusion in BFA390.

2. *There is no policy context for the proposed additions to BFA 390.*

State Planning Policy No. 2.8 – *Bushland Policy for the Perth Metropolitan Region* ("SPP 2.8"), provides guidance for the integration of bushland protection within the broader land use planning framework within the Metropolitan area. Its key objective is to recognise "...the protection and management of significant bushland areas as a fundamental consideration in the planning process..." There is no evidence to suggest that the additional area proposed to be added is 'significant bushland'. As such, policy context for the proposal is lacking.

Section 5.1.1 (iv) of SPP 2.8 notes that Bush Forever area boundaries "...may be subject to further analysis, verification and changes as a result of new information, on-ground site investigations, landowner consultation, or as part of the implementation of this policy."

We are not aware of any further analysis, verification, on-ground site investigations or landowner consultation that would support the proposed modification to BFA390. The aforementioned Environmental Assessment Report undertook a detailed study of the Amendment area and found nothing to justify an expansion of BFA390. Furthermore, we advise that Perron Developments, as beneficial landowner and proponent of this Amendment, was not consulted on the proposed modifications to BFA390 prior to this Amendment being advertised.

The MRS Amendment report notes that the modified BFA390 boundary adds "1.79ha to Bush Forever, which will provide for a net environmental gain consistent with the intent of SPP 2.8." This statement is, in our view, an incorrect interpretation and application of SPP 2.8 for two reasons:

- i. It is incorrect to assume that the increase of the gross Bush Forever area automatically equates to a net environmental gain, and any such claim should be supported by site-specific evidence; and
- ii. Any reference in relation to net environmental gains or improved environmental outcomes in SPP 2.8 relates to proposals to clear existing Bush Forever Area and the potential for offsets. With the exception of the road link through to Lot 131 Jarndakot Road to the north (a necessary planning outcome in order to facilitate a connected residential community as envisaged by the Sub-regional Framework), Perron Developments has no intention of clearing any of the existing mapped Bush Forever Area on lot 705. Appendix 4 of SPP 2.8 sets out an offset ratio of either 1.5 or 2 times the affected area to be cleared, depending on the conservation significance of the area. In its current form, the amendment proposes an area that is at least 6 times larger than the area to be cleared for this critical road connection, and is therefore well in excess of the policy requirement.

For these reasons, we are of the view that the proposed changes to BFA390 are not supported by the policy framework set out in SPP 2.8.

3. *There is no strategic context for the proposed additions to BFA 390.*

In earlier discussions with the Department of Planning, Lands and Heritage, Perron Developments was advised that the adjustment to BFA390 is in response to the public open space alignment depicted in the *South Metropolitan Peel Sub-regional Framework*. We understand that this alignment was in turn informed by the Treeby District Structure Plan ("DSP").

There are two points that must be noted in this regard:

- i. The Framework and the DSP are strategic guiding documents, and identify indicative broad land uses that require further detailed refinement, planning, and on-site verification at subsequent planning stages. It is not the intention of either document to set definitive land use boundaries without first undergoing further detailed analysis. Such work has now occurred and concluded that additions to BFA 390 are not warranted.
 - ii. The Framework and the DSP show 'Open Space' and 'Public Open Space' respectively over some, but not all of the area proposed to be added to BFA 390. Whilst the western perimeter areas are identified in both documents, the proposed additional area along the northern boundary is not. Irrespective of whether it has been identified in these strategic documents, this does not mean that such areas should be part of a Bush Forever site if site-specific environmental reporting does not support that occurring. Open space can comprise a broad range of conservation and recreational land depending on its locational attributes and purpose.
4. *Expansion of BFA 390 places unnecessary urban design constraints on the land.*

It is Perron Developments' intention to retain the area along the western perimeter in public open space, as depicted in both the Framework and the DSP. We see this area as being critical to providing a space for passive recreation, drainage management, bushfire separation, and a managed interface to BFA390. By including this area and the northern area within BFA390 (and excluding it from the Urban zone), the potential uses for the area are significantly limited. Instead of providing a managed interface and low fuel zone adjacent to the Bush Forever area, as well as a landscaped passive recreation and drainage detention area, the expectation will likely be that this land is fenced off, and rehabilitated from its current 'degraded / completely degraded' condition. This will result in additional land having to be set aside for drainage, passive recreation, and bushfire separation, impacting on land efficiency and undermining broader planning objectives for the Treeby area.

Exclusions from BFA390

As noted above, the Amendment identifies two areas in the north eastern and north western corners of the site that are to be removed from BFA390 (and rezoned to Urban) to provide future road connections.

- North Western Corner

Whilst we acknowledge the importance of a road connection through to lot 131 Jandakot Road to the north, it is our preference that this connection is not 'locked in' via the rezoning process at this early stage, but rather, the precise alignment and reserve width be confirmed at detailed structure plan and subdivision stage in the usual manner.

As you are aware, the alignment of this road, both within lot 705 and the adjoining lot 131, needs to adequately consider the avoidance and protection of *Caladenia huegelii* (better known as a Spider Orchid), a conservation significant flora species that is known to be present in the vicinity of this road. Further detailed analysis needs to occur in consultation with environmental agencies and the City of Cockburn in order to ensure that this road connection is appropriately located, prior to its alignment being confirmed in a statutory scheme. As such, our preference is that the precise alignment of this road is confirmed via structure planning and subdivision prior to being formalised into the MRS.

- North Eastern Corner

In relation to the proposed connection to Skotsch Road in the north eastern corner, we note that this is not supported by the City of Cockburn. We support the City's position in this regard, and wish to point out that the development of lots 705 and 707 for Urban purposes does not in any way rely on this road connection.

The Skotsch Road rural residential area forms part of the larger Jandakot Planning Investigation Area in the Sub-regional Framework. The certainty and timing for urban development over this area is unknown, and is subject to further detailed investigation prior to any future rezoning. It is therefore inappropriate to foreshadow any future urbanisation of this area by virtue of a non-essential road connection through to Skotsch Road. As such, our preference is that this proposed road connection is deleted from the Amendment.

Conclusion

The Urban zoning of lots 705 and 707 is supported by an extensive amount of planning and technical reporting that has been carried out over the site and surrounds since 2012. This Amendment is the logical next step towards development of the land for urban purposes. Furthermore, it secures a pathway for its ongoing protection and management of the adjoining bushland areas.

Whilst the Urban zoning is strongly supported, we do not support the proposed modifications to BFA 390. In our view, these lack justification in environmental, policy and strategic terms and we request that the Amendment be modified to retain the existing boundary for BFA 390.

We look forward to discussing this submission with you in person prior to the completion of the rezoning process, as well as presenting our views to the WAPC for further consideration.

Should you require any further advice or input in relation to this submission, please contact Cameron Leckey of this office on 9382 1233, or via email at Cameron@cleplan.com.au.

Yours faithfully

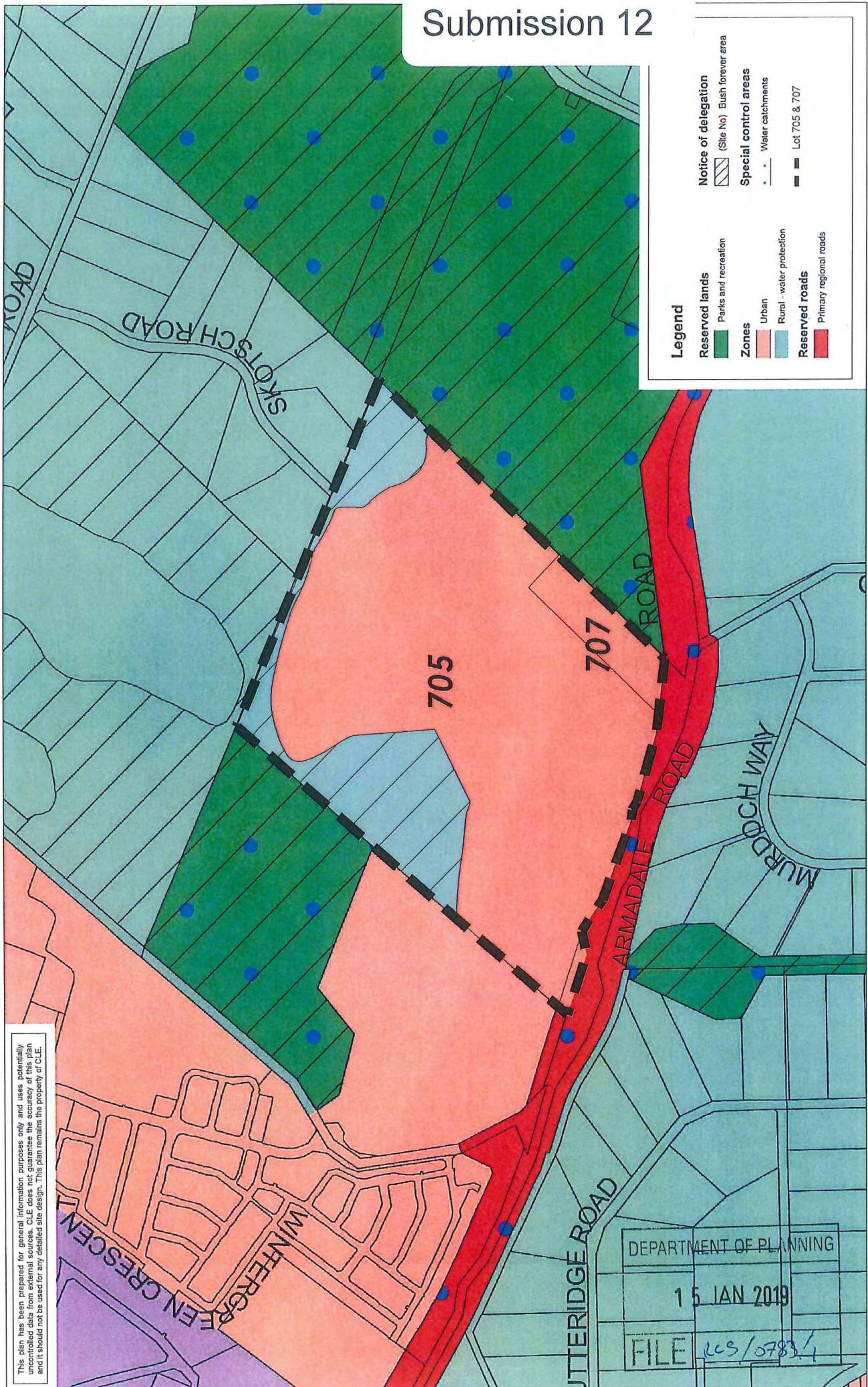


CAMERON LECKEY
PRINCIPAL
CLE TOWN PLANNING + DESIGN

Cc:	Lyle Kenny	Perron Developments
	Ben Martin	EWH
	Andrew Trostic	City of Cockburn

Addition to

Submission 12



Submission 13



Government of Western Australia
Department of Jobs, Tourism, Science and Innovation

Your ref: 833-2-23-68 Pt 1 (RLS/0768/1)
Our ref: J0820/201701
Enquiries: simone.soliman@jtsi.wa.gov.au
Phone: 9222 0476

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

Dear Ms Sam Fagan

Thank you for providing the Department of Jobs, Tourism, Science and Innovation with the opportunity to comment on the Metropolitan Region Scheme Amendment 1346/57 Lots 705-708 Armadale Road, Treeby.

The Department has reviewed the Amendment and has no comment to provide.

Should you have any queries, please contact Simone Soliman, Project Officer on 9222 0476.

Yours sincerely

Christine Ginbey
EXECUTIVE DIRECTOR
INFRASTRUCTURE AND LAND PLANNING

11 December 2018

DEPARTMENT OF PLANNING
13 DEC 2018
FILE 205/0783/1

Submission 14

14 December 2018

Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001



ATTENTION: SECRETARY



RE: PROPOSED METROPOLITAN REGION SCHEME MINOR AMENDMENT 1346/57 – LOTS 705-708
ARMADALE ROAD, TREEBY

Creative Design and Planning has prepared this submission on the proposed Metropolitan Region Scheme Minor Amendment ('Amendment') on behalf of the Da Prato family, owners of Lot 709 Liddelow Road, Banjup. Lot 709 is situated immediately south-east of the proposed Amendment area, at the corner of Liddelow and Armadale Roads.

The proposed Amendment is supported in principle as it is agreed that the area is suitable for urbanisation. Our clients consider that their land (Lot 709) also has potential for urbanisation in due course and that the proposed urbanisation of Lots 705 - 708 Armadale Road is complementary to that aspiration.

The Da Prato family has previously documented the case for urbanisation of Lot 709 to government. Whilst recognising that the case for urbanisation south of Armadale Road still needs to be made, early indications are that there are compelling reasons why it could be supported given the justification for urbanisation south of Armadale Road is equally as strong as it is for urbanisation north of Armadale Road.

For this reason, the WAPC is respectfully requested to ensure that planning for the land the subject of this current MRS amendment not be allowed to prejudice the potential of land south of Armadale Road to be similarly rezoned in the future.



The expansion of urban development to include land south of Armadale Road, including Lot 709, would be:

1. A LOGICAL EXPANSION OF THE URBAN DEVELOPMENT FRONT EAST OF ATWELL

With an area of 47ha, Lot 709 is the largest single land parcel in the immediate area. It is cleared and vacant apart from an existing residence and a small warehouse complex fronting Armadale Road. To its east, an MRS Parks and Recreation reserve provides a logical eastern boundary for a future urban cell that would ultimately extend to Tapper Road to the west, which would complement the urbanisation of landholdings north of Armadale Road. Lot 709 would be a logical 'first stage' of urbanisation south of Armadale Road given its size and single land ownership. Compared to significantly more remote 'Urban Expansion', 'Urban Investigation' and/or 'Planning Investigation' cells currently identified in the Sub-Regional Planning Frameworks - including Wellard and other environmentally constrained landholdings east of Kwinana/Rockingham - this location would essentially be an 'infill' development.

2. A MORE APPROPRIATE LAND USE THAN RURAL LIVING TO PROTECT WATER RESOURCES

Innovations in urban water management already implemented in nearby Calleya confirm that protection of groundwater resources can be better achieved by urban development than by rural smallholdings or rural-residential development, which presently make up much of the greater Treeby and North Banjup localities. Having already undertaken preliminary geotechnical and ground water monitoring, it is for these and other technical reasons that the Da Prato family considers that Lot 709 is equal to Lots 705 – 708 for compatibility with urbanisation.

3. BETTER FOR USE OF EXISTING TRANSPORT AND SERVICE INFRASTRUCTURE.

The current public transport network is poorly patronised between Warton Road and Cockburn Central due to limited to no urban development along the Armadale Road route. Urbanisation on both sides of Armadale Road would significantly increase patronage of the district bus network and ultimately of the regional light-rail network, with direct connection to the Perth–Mandurah line via the Cockburn Central, Aubin Grove and Murdoch stations, and pending connection of the Thornlie–Cockburn service.

The upgrading of Armadale Road currently being implemented includes major capacity improvements at the intersection of Liddelow Road and is significant in demonstrating the area's suitability for urbanisation. Lot 709 is immediately adjacent to the upgraded intersection and has direct access to the primary and feeder road networks.

4. COMPLEMENTARY TO THE SUCCESS OF COCKBURN CENTRAL AS A SECONDARY ACTIVITY CENTRE

The immediate catchment of the Cockburn Central Activity Centre is limited because of the extensive areas of retained natural bushland and wetlands in proximity to the centre. The urbanisation of the Amendment area, and complementary urbanisation of Lot 709, will provide increased population within the immediate catchment of this centre. Proximity to other employment centres such as 'Jandakot City' Business Park, Fiona Stanley Hospital and Murdoch University also contributes to this area's suitability for 'infill' urban development.

In summary, the proposed Amendment 1346/57 is supported by our client, but the WAPC is respectfully requested to take a longer-term view to ensure that potential urbanisation of the land south of Armadale Road is also duly considered given the merits of all are not prejudiced by decisions taken as part of this Amendment.

Should you require clarification of any point raised in this submission, or wish to discuss any related matter further, please do not hesitate to contact the undersigned or Justin Hansen on 9325 0200.

Yours faithfully

CREATIVE DESIGN + PLANNING

**FRANK ARANGIO
MANAGING DIRECTOR**

CC: Da Prato Family



Submission 15



Government of Western Australia
Department of Mines, Industry Regulation and Safety

Your ref 833-2-23-68 Pt 1 (RLS/0768/1)

Our ref A0751/201801

Enquiries David Hamdorf
92223533

David.Hamdorf@dmirs.wa.gov.au

Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Attention: Anthony Muscara

Dear Ms Fagan

METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1346/57, LOTS 705 - 708 ARMADALE ROAD, TREEBY

Thank you for your letter of 9 October 2018 advising that the proposed amendment is open for public comment.

A sand resource is located within Mining Leases 70/1088 and 70/1142, to the north east of Lot 705. The eastern margins of Lots 705 and 707 are bounded by Mining Lease 70/357. The area within M 70/357, and portions of M 70/1088 and M 70/1142, are mapped as a Priority Resource Location under current State Planning Policy 2.4.

The proposed amendment provides for more than 500 m of separation between the sand resource and residential lots due to the presence of Bush Forever in the north east of Lot 705. However, M 70/357 contains a weighbridge and provides access between the sand resource and the public road network. Truck haulage through M 70/357 may affect future residents on the eastern margin of the proposal area. Therefore, DMIRS considers that the issues raised with respect to potential haul truck movement should be a consideration in zoning.

Yours sincerely


Jeffrey HAWORTH
Executive Director Geoscience and Resource Strategy
Geoscience and Resource Strategy

14 December 2018

000104.David.HAMDORF.docx
Release Classification: - Addressee and
Within Government Only

DEPARTMENT OF PLANNING	
14 DEC 2018	
FILE	RLS/0783/1

Late



Enquiries: Ms Assunta Dinardo on 9323 4163
Our Ref: 14/3310 (D18#1076884)
Your Ref: 833-2-23-68

17 December 2018

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

Email: referrals@planning.wa.gov.au

ATTENTION: ANTHONY MUSCARA

Dear Sir

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1346/57
LOTS 705-708 ARMADALE ROAD, TREEBY**

Thank you for your correspondence dated 5 October 2018 requesting Main Roads comments on the above proposal.

Main Roads advises that it provides its support to the above MRS Amendment 1346/57 proceeding.

However, it should be noted that the future Armadale Road/Liddelow Road roundabout is being constructed on a slightly more eastern alignment to what is depicted in the Treeby (Banjup) District Structure Plan.

Consequently, the connection from Lot 707 to the northern stub of the proposed roundabout will traverse a portion of Reserve 1820 (Lot 140) as delineated in red on the attached plan.

In the interests of achieving proper and orderly planning, an excision from Reserve 1820 to facilitate road dedication action and amendment to the current zoning of "Parks and Recreation" to "Urban" should occur simultaneously with the proposed amendments earmarked within this MRS Amendment 1346/57.

In this regard, further discussions with the City of Cockburn should be instigated by the Department of Planning, Lands and Heritage to progress the required actions as indicated above.

Please forward a copy of the Commission's final determination on this proposed MRS Amendment to planninginfo@mainroads.wa.gov.au quoting file reference 14/3310 (D18#1076884).

DEPARTMENT OF PLANNING	
18 DEC 2018	
FILE	RES/0783/1



If you require any further information please contact Ms Assunta Dinardo
on (08) 9323 4163 or email assunta.dinardo@mainroads.wa.gov.au

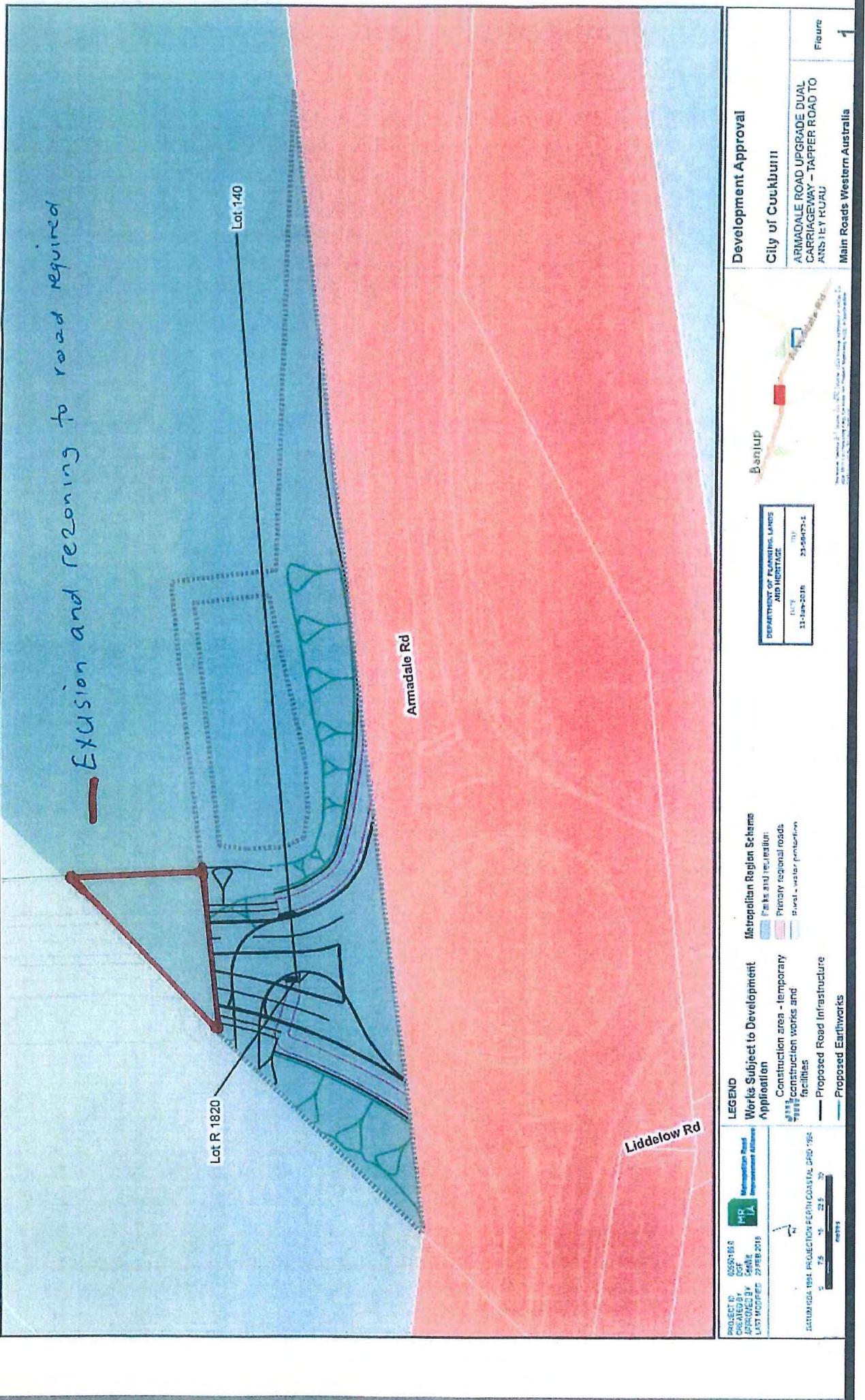
Yours faithfully

A handwritten signature in blue ink, appearing to read "Lindsay Broadhurst".

Lindsay Broadhurst
DIRECTOR ROAD PLANNING & DEVELOPMENT

Encl: Marked up plan delineating future excision and rezoning required.

— Excision and rezoning to road required



Addition to Late Submission

Muscarra, Anthony

From: THORNELY Maryanne (RAC) <Maryanne.Thornely@mainroads.wa.gov.au>
Sent: Thursday, 17 January 2019 1:50 PM
To: Muscarra, Anthony
Cc: MCKIRDY Justin (MSRP)
Subject: MRS Amd 1346/57 - Lots 705 to 708 Armadale Road, Treeby
Attachmentnts: 20190117080137108.pdf

Yes Main Roads will require the land (Crown Reserve 1820) to be reserved as Primary Regional Roads.

Please see attached map identifying land required for Main Roads purposes.

Any question please do not hesitate to call.

Regards

Maryanne Thornely
Planning Assessment Co-ordinator
Planning and Technical Services
p: +61 8 9323 4078
w: www.mainroads.wa.gov.au



DEPARTMENT OF PLANNING
17 JAN 2019
FILE RCS/6783/1

— Excision and rezoning to record required

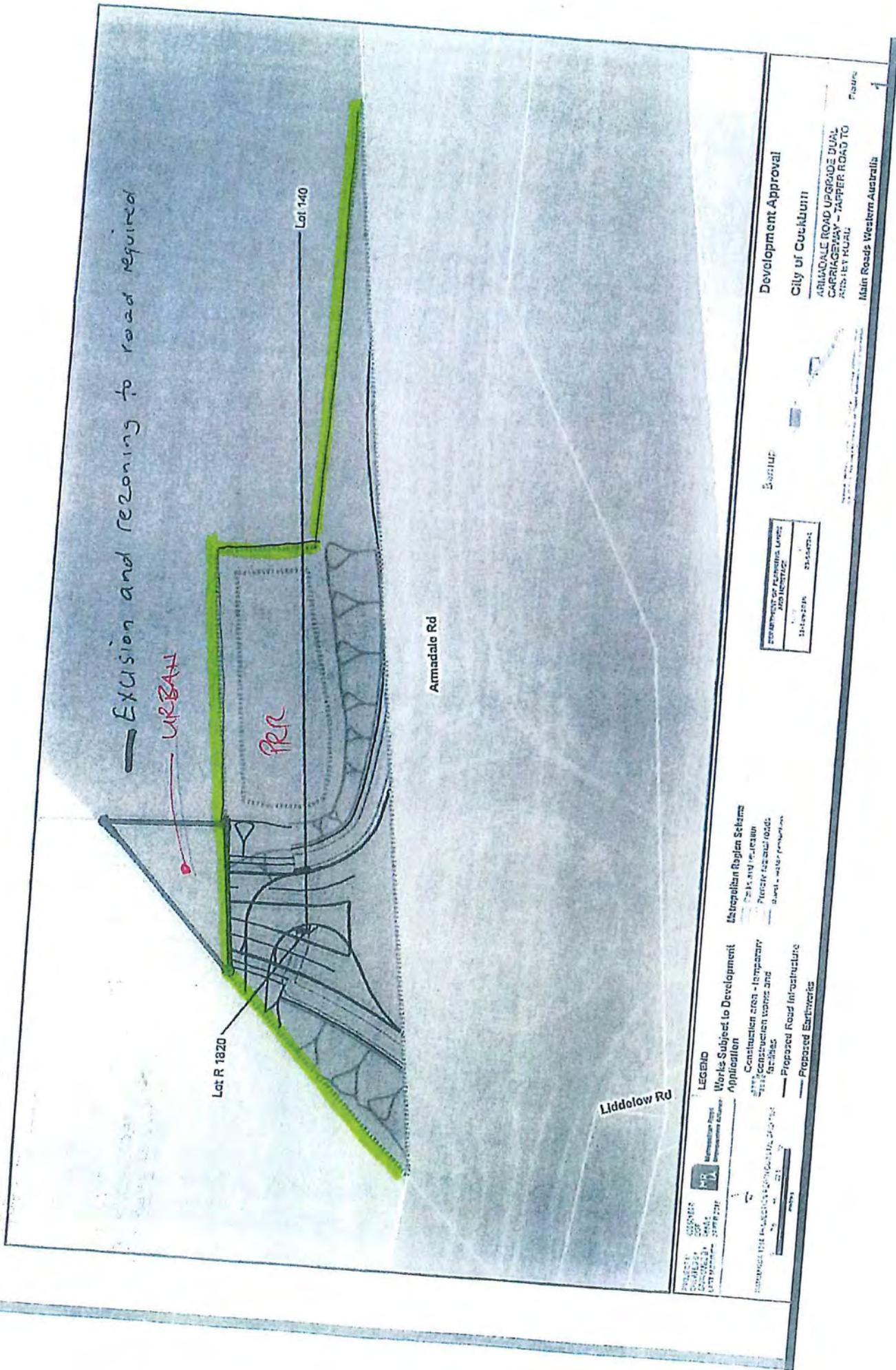
URBAN

Lat B 1870

Lot 140

Ammende Rd

Liddelow RU



Late



Government of Western Australia
Department of Health

Your Ref: 833-2-23-68 (RLS/0768/1)
Our Ref: F-AA-40543/3 D-AA-18/73467
Enquiries: Vic Andrich 9388 4999

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

Attention: Anthony Muscara

Dear Ms Fagan

Department of Planning, Lands and Heritage Received
Scanned
Attachments
Scan QA
Doc No.....
File No. <u>RLS/0768</u>
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PROPOSED MRS AMENDMENT – LOTS 705 - 708 ARMADALE ROAD, TREEBY

Thank you for your letter of 9 October 2018 requesting comment from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the proposal provided the amendment requires that all developments be connected to scheme water and reticulated sewerage as required by the *Government Sewerage Policy - Perth Metropolitan Region*.

Should you have queries or require further information please contact Vic Andrich on (08) 9388 4999 or ehinfo@health.wa.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jim Dodds".

Jim Dodds
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

17 December 2018