



February 2019

# **Metropolitan Region Scheme Amendment 1347/57 (Minor Amendment)**



North Parkerville  
Urban Area

Amendment Report

Shire of Mundaring

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**Metropolitan Region Scheme  
Amendment 1347/57  
(minor amendment)**

**North Parkerville Urban Area**

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**Amendment Report**

Shire of Mundaring



February 2019

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# Contents

The Metropolitan Region Scheme .....	v
--------------------------------------	---

Abbreviations .....	ix
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## Amendment report

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

Appendix A Notice of environmental assessment

Appendix B List of plans supporting the amendment

Appendix C Your property and the planning system - region schemes

Appendix D Preparing a submission

Appendix E Submission form for this amendment (form 57)

# The Metropolitan Region Scheme

## What it is and how it is amended - minor

### Planning Perth's future

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

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

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

### The role of the WAPC?

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

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

### What is the Metropolitan Region Scheme?

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

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

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

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

### What is an amendment?

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

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

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

### How is the Metropolitan Region Scheme amended?

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

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

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

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

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

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

## Zones and reservations

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

## Zones

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

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

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

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

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

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

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

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

## Reservations

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

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

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

Port installations: regional maritime shipping facilities.

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

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

Civic and cultural: significant civic precincts and buildings.

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

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

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

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

### What if my land is rezoned?

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

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

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

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

### What if my land is reserved?

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

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

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

### How can my views be heard?

You can lodge a submission during the advertised period:

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

### Publications

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

#### Amendment report

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

### Environmental review report

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

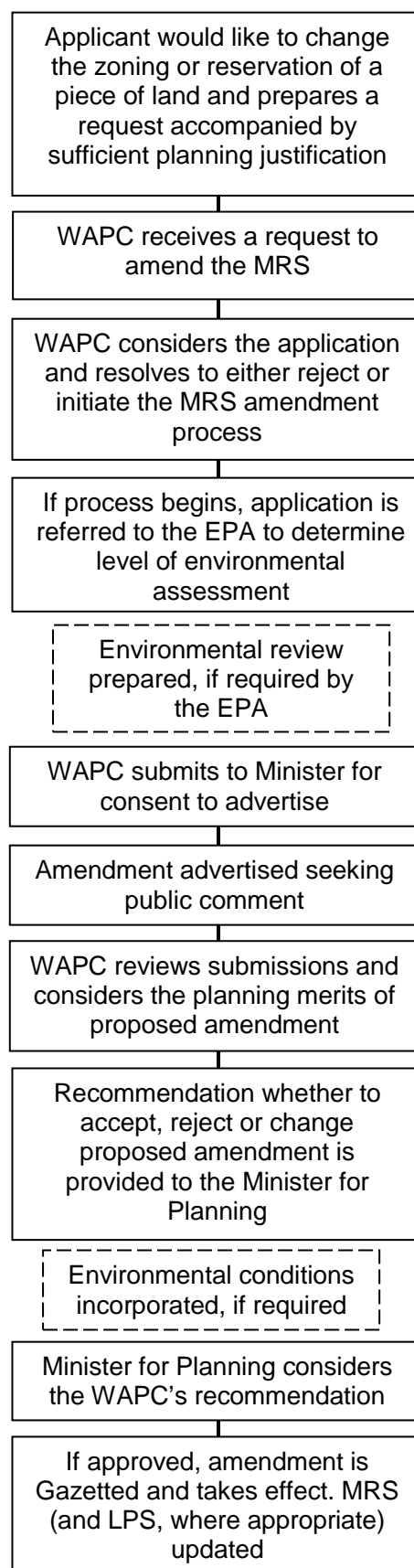
### Report on submissions

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

### Submissions

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

A simple diagram of the amendment process.





## Abbreviations

<b>AHA</b>	Aboriginal Heritage Act
<b>CBD</b>	Central Business District
<b>DPLH</b>	Department of Planning, Lands and Heritage
<b>DWER</b>	Department of Water and Environment Regulation
<b>DWMS</b>	District Water Management Strategy
<b>EPA</b>	Environmental Protection Authority
<b>MRS</b>	Metropolitan Region Scheme
<b>SWALSC</b>	South West Aboriginal Land and Sea Council
<b>WAPC</b>	Western Australian Planning Commission

## Amendment Report

# Metropolitan Region Scheme Amendment 1347/57

## North Parkerville Urban Area

### 1 Purpose

The purpose of the amendment is to rezone approximately 18.66 ha being portions of Lot 61 Roland Road and Lot 1001 Kilburn Road, Parkerville located to the south of the Clutterbuck Creek from the Rural zone to the Urban zone, as shown on the Amendment Figure – Proposal 1.

This amendment will facilitate further planning to enable the development of the amendment area for low-density residential purposes.

### 2 Background

The proposed amendment is located in the Shire of Mundaring, approximately 28 kilometres north-east of the Perth CBD and 13 kilometres north-east of the Midland town centre. Whilst the amendment area has been generally cleared for rural purposes, there is remnant vegetation located along the lot boundaries and the Clutterbuck Creek line, and a number of mature trees are scattered throughout the cleared portions of the lots.

To the north the amendment area is separated from the Stoneville Urban Area by Rural zoned land, which is generally cleared and contains scattered remnant trees, and the Clutterbuck Creek which forms the northern boundary of the amendment area. To the east it is separated from existing rural residential properties by Brindle Road, to the south it is adjacent to existing Urban zoned land developed for residential purposes and to the west it is separated from larger Rural zoned lots and the Silver Tree Steiner School by Roland Road.

The amendment area is currently zoned Rural Smallholdings in the Shire of Mundaring Local Planning Scheme 4.

### 3 Scope and content of the amendment

The amendment proposes to rezone the southern portions of Lot 61 Roland Road and Lot 1001 Kilburn Road, Parkerville.

The total area of the land the subject of the rezoning is approximately 18.66 ha.

### 4 Discussion

#### **STRATEGIC CONTEXT**

##### **Perth and Peel @ 3.5 Million and North-East Sub-Regional Planning Framework**

The *Perth and Peel @ 3.5 Million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social

infrastructure for the Perth and Peel regions. It makes the case for change from a business-as-usual perspective to a more considered, connected, consolidated urban form. It links the four draft frameworks for each sub-region (North-West, North-East, Central and South Metropolitan Peel) and encourages the consideration of new urban growth opportunities.

The *North-East Sub-Regional Planning Framework* forms part of the draft Perth and Peel @ 3.5 Million strategic suite of planning documents. Future areas for urban and industrial development have been determined in conjunction with the State Government's draft *Strategic Assessment of the Perth and Peel Regions*, in order to avoid and protect areas which have significant environmental value.

The Framework identifies the amendment area as an *Urban Investigation* area with an urban staging timeframe of *Short-Medium Term (2015-2031)*. The Framework identifies a number of key considerations requiring investigation prior to any urban rezoning, as follows:

i) Bushfire risk

*The Department of Fire and Emergency Services advises that the amendment has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved at subsequent stages of the planning process.*

ii) Protection of significant environmental attributes (including Carnaby's Black Cockatoo habitat)

*The former Office of the Environmental Protection Authority and the former Department of Parks and Wildlife raise no objections to the initiation of the amendment.*

iii) Suitable effluent disposal

*The use of on-site effluent disposal within the amendment area is supported by the Department of Health and the Shire of Mundaring, and is consistent with Government policy, as discussed below.*

iv) Availability of reticulated water supply

*The site is capable of being supplied with reticulated water, as discussed in the Water Infrastructure section below.*

## **STATUTORY CONTEXT**

### **Draft Government Sewerage Policy - Perth Metropolitan Region**

The draft *Government Sewerage Policy* establishes the WA Government's position on the provision of sewerage in the State for the rezoning, structure planning, subdivision and development of land. The policy considers reticulated sewerage the most reliable, efficient and acceptable means of sewerage disposal, and contains a general presumption against the establishment of new on-site effluent disposal systems, unless the exemptions of the policy apply.

The amendment area is proposed to be served by on-site effluent disposal systems as the Parkerville town site, which the amendment area directly abuts, currently relies on on-site effluent disposal as there is no reticulated sewer available in the town. The amendment area meets one of the exemptions provided in Section 6.2 of the policy as the ultimate outcome of the amendment is for a residential subdivision for the creation of lots of greater than

2,000 m<sup>2</sup> and the proposed lots are not in a public drinking water source area or a sewage sensitive area.

Further, the Department of Health and the Shire of Mundaring have not raised any objections to the use of on-site effluent disposal to service the future development of the amendment area. The Department of Health's support is subject to the provision of a site specific Site and Soil Evaluation for Onsite Sewage Management being undertaken and provided to it for review prior to subsequent stages of the planning process.

## **Environment**

The former Office of the EPA, now the Department of Water and Environment Regulation (DWER), raises no objections to the initiation of the proposed amendment.

## **Urban Water Management**

The DWER Water Resources Division, advises that the District Water Management Strategy (DWMS), prepared in support of the amendment is sufficiently advanced to support its progression, subject to its approval prior to finalisation of the rezoning

The revised DWMS is to be approved prior to the WAPC's consideration of a final recommendation on the amendment.

## **Water Infrastructure**

The Water Corporation raises no objections to the proposed amendment and advises that the water supply network in the vicinity of the amendment has the capacity to serve the proposed development outcome.

## **5 Aboriginal heritage**

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

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

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

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

## 6 Coordination of local and region scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the Shire of Mundaring has the option of recommending to the WAPC to concurrently rezone land that is being zoned Urban under the MRS to a "Development" zone (or similar) in its Local Planning Scheme (LPS). The WAPC will consider the concurrent amendment of the subject land prior to the amendment being considered for final approval.

## 7 Substantiality

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. WAPC Policy DC 1.9 *Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. The criteria relate to a variety of matters, not all of which relate to every amendment.

This amendment is recommended to be processed as a 'minor' amendment for the following reasons:

- The size and scale of the proposed amendment is not considered regionally significant as it does not reflect a regional change to the planning strategy or philosophy for the metropolitan region.
- The amendment land has been identified in the *North-East Sub-Regional Planning Framework*, which was endorsed by the WAPC and Cabinet following public advertising, for urban investigation purposes. Appropriate investigations have been undertaken and are supported by relevant agencies.
- The transfer of the amendment land to the Urban zone constitutes a minor and logical extension of the Parkerville town site.
- The Shire of Mundaring and relevant State Government agencies agree to the initiation of the amendment, subject to the resolution of various issues prior to its finalisation and at subsequent stages of the planning process.

## 8 Sustainability appraisal

The proposed amendment will allow further detailed planning to facilitate the development of the Parkerville Townsite, consistent with the goals and objectives of the WAPC's *North-East Sub-Regional Planning Framework*, which addresses the sustainability of proposed urban development in general.

## 9 Environmental Protection Authority advice

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

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

## 10 The amendment process

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

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

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

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

## 11 Submissions on the amendment

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

The amendment is being advertised for public submissions for a period of 60 days from Tuesday 26 February 2019 to Friday 3 May 2019.

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

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

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

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

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

or by email to:-

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

**and must be received by 5 pm Friday 3 May 2019.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (Form 57) for this amendment No. 1347/57 is attached to this report (Appendix E). Additional copies of this form are available from the display locations listed above and from the Commission's Internet site at website [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments).

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

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

## **12 Modifications to the amendment**

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

## **13 Final outcome**

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



**MRS Amendment 1347/57  
North Parkerville Urban Area**

**Amending Figure  
Proposal 1**



## **Appendix A**

### **Notice of environmental assessment**



## Environmental Protection Authority

Department of Planning,  
Lands and Heritage  
Received

Scanned 07 DEC 2018  
Attachments  
Scan QA  
Doc No.  
File No. *R18/0688*

*A. THOMAS*

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

Our Ref: CMS17099  
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 1347/57  
**LOCATION:** Portions of Lots 61 Roland Road and Lot 1001 Kilburn Road, Parkerville  
**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

A handwritten signature in black ink, appearing to read 'A Sutton', with a stylized flourish at the end.

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

3 December 2018

Encl. Scheme Advice and Recommendations

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

**Metropolitan Region Scheme Amendment 1347/57**

**Location:** Portions of Lots 61 Roland Road and Lot 1001 Kilburn Road, Parkerville

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

**Determination Published:** 3 December 2018

**Summary**

The Western Australian Planning Commission (WAPC) proposes to rezone approximately 18.66 hectares (ha) of Lots 61 Roland Road and Lot 1001 Kilburn Road, Parkerville from the Rural zone to the Urban zone within the Metropolitan Region Scheme (MRS).

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 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.

**Environmental Factors**

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

- Inland Waters

**Advice and Recommendations regarding Environmental Factors**

The Environmental Protection Authority (EPA) notes that future development will be serviced by on-site effluent disposal systems, which have the potential to cause nutrient impacts to Clutterback Creek, north of the amendment area. The EPA supports the approval of the District Water Management Strategy (DWMS) prior to the WAPC's consideration of the final amendment. The DWMS should address the suitability for on-site effluent disposal including land capability, setbacks to the Clutterback Creek and the types of wastewater systems proposed.

**Conclusion**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives for the above factors through the requirement to prepare a DWMS. The DWMS should address potential inland water impacts to Clutterback Creek.

## **Appendix B**

### **List of plans supporting the amendment**

Proposed Minor Amendment 1347/57

North Parkerville Urban Area

as advertised

**Amending Plan 3.2723**



## Appendix C

Your property and the  
planning system - region schemes

# Your property and the planning system – region schemes

## Rights to compensation in relation to reserved land

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

### Region schemes

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

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

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

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

### How do you amend a region scheme?

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

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

### Planning Control Area

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

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

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

### What if your land is proposed to be reserved?

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

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

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

## Am I entitled to claim compensation?

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

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

## What is injurious affection?

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

## How do I claim compensation?

### 1. Private sale

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

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

Following the board's decision:

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

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

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

### 2. Refused development

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

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

## What is compulsory acquisition?

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

## How can I view a region scheme?

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

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

*This information is correct as at January 2019.*

## Appendix D

### Preparing a submission

## Preparing a submission

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

### What is a submission?

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

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

### What should I say?

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

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

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

### Before lodging your submission

The WAPC prefers to receive submissions online at [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments), however, hardcopy submissions can also be accepted (form 57 – appendix E).

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

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

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

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

## **Appendix E**

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

**Section 57 Amendment (Minor)**  
Form 57

**Submission**

**Metropolitan Region Scheme Amendment 1347/57**

**North Parkerville Urban Area**

OFFICE USE ONLY

SUBMISSION NUMBER
RLS/0796

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

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

Surname ..... (PLEASE PRINT CLEARLY)

Address ..... Postcode .....

Contact phone number ..... Email address .....

*Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?* ☐ Yes ☐ No

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

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**turn over to complete your submission**

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

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

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