

February 2020

Peel Region Scheme Amendment 046/41



Nambeelup Industrial Zone

Lot 221 Lakes Road and
Parts of Lot 400 Paterson Road,
Nambeelup

Report on Submissions and Hearings

Shire of Murray

Peel Region Scheme Amendment 046/41

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Lot 221 Lakes Road and Parts of
Lot 400 Paterson Road, Nambeelup**

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An introduction to Peel Region Scheme major amendments

The Peel Region Scheme (PRS) sets out the broad pattern for the use and development of land in the Peel region. The PRS is constantly under review to best reflect regional planning needs.

The Western Australian Planning Commission (WAPC) is responsible for keeping the PRS under review and initiating changes where necessary.

A proposal to amend the PRS is regulated by the *Planning and Development Act 2005*. This legislation provides for public submissions to be made on proposed amendments.

For a substantial amendment, often referred to as a major amendment (made under section 41 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 and to the Governor for approval. Both houses of Parliament must then scrutinise the amendment before it can take legal effect.

In each stage of the process for a substantial amendment to the PRS, information is published under the following titles:

Amendment Report

This document is available from the start of public advertising period for the proposed amendment. It sets out the purpose and scope of the proposal, explains why the amendment is being considered, and informs people on 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 PRS before it can be advertised. If an amendment requires environmental assessment under Section 48A of the *Environmental Protection Act (1986)* 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 Report on Submissions documents the submissions received when an amendment is advertised, the WAPC's determination of these submissions and the WAPC's recommendation to the Minister for Planning. This document also contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

Contents

	An introduction to Peel Region Scheme major amendments.....	iv
1.	Introduction.....	1
2.	Background	1
3.	The proposed amendment.....	1
4.	Purpose.....	2
5.	Environmental Protection Authority advice.....	2
6.	Call for submissions.....	2
7.	Submissions.....	2
8.	Hearings.....	3
9.	Matters Raised in Submissions and Determinations	3
10.	Modifications to the amendment.....	9
11.	Coordination of Region and Local Scheme Amendments.....	9
12.	Conclusion and recommendation	9

Appendix A: Notice of Environmental Assessment

Appendix B: List of Submissions

Appendix C: Summary of Submissions and Determinations

Appendix D: Proposed Amendment As Advertised

Appendix E: Submissions

Peel Region Scheme Amendment 046/41

Nambeelup Industrial Zone Lot 221 Lakes Road and Parts of Lot 400 Paterson Road, Nambeelup

1 Introduction

At its meeting of 20 February 2019, the Western Australian Planning Commission (WAPC) resolved to prepare Amendment 046/41 to the Peel Region Scheme pursuant to section 41 of the *Planning and Development Act 2005*.

This report sets out the background to the amendment and discusses the submissions received in response to advertising of the amendment and matters raised during hearings.

2 Background

Land at Nambeelup (including Lots 221 and parts of 400) has been identified for a major industrial area in strategic planning documents for 22 years. These include the *Inner Peel Region Structure Plan* (1997), the *Economic and Employment Lands Strategy* (2012) and the *South Metropolitan Peel Sub-regional Planning Framework* (2018).

An industrial area at Nambeelup has also been identified as a key transformational project in the *Peel Regional Investment Blueprint, Vision 2050* (2015). This envisages the Nambeelup industrial area as a project that will stimulate business and industrial development across the Peel region.

In December 2015, the WAPC finalised the *Nambeelup Industrial Area District Structure Plan* (Figure 1 – NIADSP). Preparation of the structure plan involved more than 10 years of planning, environmental, drainage and infrastructure investigations and two phases of public consultation, in 2012 and 2014. The NIADSP provides guidance for the detailed planning and development of the Nambeelup Industrial Area (NIA) and addresses land requirements for regional roads, provision of open space and drainage requirements.

In April 2016, the NIADSP and an updated Nambeelup District Water Management Strategy were formally released. At the same time, the State government announced \$45.2 million in Royalties for Regions funding for infrastructure in Phase 1 of the NIA.

This amendment supplements Phase 1 of the NIA which covers 294 hectares (comprising 174 hectares zoned Industrial when the Peel Region Scheme first came into effect and a further 120 hectares rezoned to Industrial in August 2017).

3 The Proposed Amendment

The proposed amendment would transfer approximately 201 hectares from the Rural zone to the Industrial zone in the Peel Region Scheme. The site is bounded by:

- Lakes Road, to the north,
- Paterson Road, to the west,

- Nambeelup Brook, to the south
- rural-zoned land to the east.

The proposed amendment is depicted in Figures 2 and 3.

4 Purpose

The purpose of the amendment is to provide land for industrial purposes in the Peel region that will be required for production, business and employment opportunities. Although the area identified as Phase 1 of the NIA is already zoned for this purpose, the WAPC considers the timely zoning of further land will ensure the region is capable of adapting to economic opportunities as these arise as well as ensuring the ongoing delivery of serviced industrial land in the longer term. This will also ensure the supply of industrial land is not confined to a limited pool of landholdings.

5 Environmental Protection Authority Advice

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

In this respect, the Environmental Protection Authority advises that the proposed amendment does not require environmental assessment under the *Environmental Protection Act 1986*, and has not provided any advice or recommendations. A copy of the notice from the Environmental Protection Authority is included at Appendix A.

6 Call for Submissions

The amendment was first advertised in the Government Gazette on 18 April 2019 and remained open for public submissions until 19 July 2019. Notices advising of the amendment and the opportunity to make comment were also published in *The West Australian* and the *Sunday Times* on 20 and 21 April 2019.

The amendment was also available for public inspection at the following locations:

- the Perth office of the Western Australian Planning Commission.
- the Shire of Murray municipal offices.
- the City of Mandurah municipal offices.
- the J S Battye Library.

Also, the owners of land subject to, or in the vicinity of the land subject of the amendment were provided with a copy of the amendment report and advised in writing of the opportunity to lodge a submission in regard to the amendment.

Letters accompanied by copies of the amendment report were also sent to the local governments of the district, relevant public authorities and service providers, advising of the proposed amendment and inviting submissions.

7 Submissions

When advertising of the amendment closed, a total of five submissions had been received. No submissions were received after the close of the submission period. A list of the parties who lodged a submission is attached at Appendix B.

Four submissions are from State government agencies and one is from the local government (Shire of Murray).

Two submissions make no comment. Two state that no objection is raised and provide brief information in regard to the amendment. One submission (from the Shire of Murray) also states that it has no objection to the amendment and includes a range of comments/information relating to the amendment.

A summary of each submission together with WAPC comments and determinations is at Appendix C. A complete copy of all written submissions is contained in Appendix E.

8 Hearings

No hearings were requested.

9 Matters Raised in Submissions and Determinations

Submissions from State Government Departments

Submissions from the Department of Transport and the Department of Planning Lands and Heritage (Heritage Services) both make no comment on the amendment. The submissions from the Department of Water and Environmental Regulation (DWER) and the Department of Mines, Industry Regulation and Safety (DMIRS) both raise no objection to the amendment.

Advice included in the DWER submission that it has previously endorsed the Nambeelup Industrial Area District Water Management Strategy – which includes the amendment site – is noted accordingly.

Further advice in the DWER submission – that a future local structure plan will need to be supported by a local water management strategy and that this may affect the layout of subdivision – is a normal part of the subsequent planning process and is noted.

The DWER recommendation that the Water Corporation be engaged in regard to the availability and timing of services for this site is noted, having regard for the fact that consultations with the Water Corporation had already been undertaken.

Advice from the DMIRS that the amendment raises no significant issues in regard to mineral and petroleum resources, geothermal energy and basic raw materials is noted accordingly.

Determination – Submissions noted

Submission from Shire of Murray

The general perspective stated in the submission from the Shire of Murray is that the Shire has no objection to the amendment. This is noted.

The submission also provides advice in regard to a range of considerations. The matters raised by the Shire are set out below, together with WAPC comment on these and determinations:

1 Infrastructure Servicing and Staging

Submission

The infrastructure and servicing report submitted provides little certainty on how the site will be serviced and seems to rely on services provided to Lot 600 Lakes Road. If services from Lot 600 are unavailable, it should discuss what alternatives are available and whether these are achievable.

The Shire is also concerned that the proposal will only develop on the western side of the site, leaving public open space and environmental features unmanaged and unprotected. This will also have implications for future transport links to Lakes Road.

WAPC Comment

An infrastructure servicing and staging plan has been provided and advice has been received in relation to all services from relevant service providers. In this respect:

- the Water Corporation advises that areas within the amendment site beyond the supply/reach of government-funded infrastructure will require significant future capital investment. However, it states that planning for water and wastewater servicing is not seen as an impediment to rezoning and raises no objection to the amendment.*
- Western Power advises that, if spare capacity is unavailable from feeders now extended to the area, then detailed studies will be required to determine a suitable supply arrangement. This is a normal part of the development process. It raises no objection to the amendment proceeding.*
- A major ATCO gas pipeline extends along Readheads Road, about 1,400 metres north of Lot 221. While gas supply is not an essential requirement, the proximity of a gas main being extended to serve Lot 600 Lakes Road may present opportunities to service development on Lots 221 and 400. If not, other arrangements will need to be made.*

Submission dismissed

2 Transport Modelling Report

Submission

Traffic volumes in the Transport Impact Assessment are out of date and the document lacks detail in regard to road hierarchy, reservation widths and alignment, intersections, connector roads, paths and access to Murrayfield Airpark.

WAPC Comment

The traffic volumes in the Transport Impact Assessment were the most-recent available when the request for amendment of the PRS was submitted in 2018. The level of detail referred to by the Shire is not essential to support a region scheme amendment but will be required at the local structure planning stage.

Submission dismissed

3 Developer Contribution Plan

Submission

The NIADSP nominates items likely to require inclusion in a contribution plan, such as Integrator A & B roads, a regional cycle way, arterial drainage, water supply, the cost of administering a developer contribution plan and longer-term water quality monitoring.

A developer contribution plan is being drafted which will identify infrastructure requirements for the area and outline the contribution for each lot.

WAPC Comment

It is noted that a developer contribution plan is currently being prepared.

Submission noted

4 Bushfire Matters

Submission

If the Shire's request for retention of Banksia Woodland (see 5, below) is supported, the Bushfire Management Plan (BMP) will need to be updated. Concern is also raised in regard to separation distances and absence of road width measurements. Also, the BMP does not include a BAL contour map even though the layout is known.

WAPC Comment

As retention of the specified Banksia woodland has not been supported (consistent with the NIADSP), it will not be necessary to change this aspect of the BMP.

Under State Planning Policy 3.7 – Planning in Bushfire Prone Areas, a BAL contour map is required where the lot layout of a proposal is known. However, at this stage, the concept development plan is only indicative and potentially subject to change. There is the opportunity for a BAL contour map to be prepared at the local structure planning stage, when the development outcome will be more certain.

Also, the Department of Fire and Emergency Services supports the proposed amendment, advising that the development concept plan and BMP have considered how bushfire protection can be achieved in subsequent stages.

Submission dismissed.

5 Environmental Considerations

Submission

In relation to this consideration, the Shire raises the following matters:

- I. Although the development concept plan (DCP) included with the amendment request generally accords with the NIADSP, the Shire recommends the Environmental Assessment Report (EAR) and DCP be revised to protect woodland outside the POS delineated in the NIADSP.
- II. The request for rezoning should be referred to the Federal Department of Environment and Energy for confirmation that it does not require assessment under the Environmental Protection and Biodiversity Conservation Act (EPBC Act).
- III. The Shire does not support clearing around public open space (POS) areas for bushfire safety. The development should be designed to ensure vegetation is protected and that asset protection zones do not affect bushland POS.
- IV. The NIADSP shows a 50m foreshore reserve along Nambeelup Brook. The Shire does not support the generic 30 metre buffer for Nambeelup Brook or wetlands without an assessment of biophysical criteria.
- V. Although the EAR methodology is generally sound, the bush retention figures are now out of date.
- VI. The plan has not taken into account further requirements for landscaping or revegetation of POS Nambeelup Brook.

WAPC Comment

- I. *The NIADSP includes areas of remnant vegetation in good, very good or excellent condition in the 'Open Space' classification. The additional areas identified by the Shire are in degraded condition.*

Submission dismissed

- II. *The EPBC Act is Commonwealth legislation and referral is a separate process that is not a prerequisite to State planning or environmental approvals. The landowners advise that they will ensure their obligations under the EPBC Act are met.*

Submission dismissed

- III. *Closer details of asset protection zones, vegetation protection and clearing can be refined at the local structure planning stage.*

Submission noted

- IV. *Provisions for protection of Nambeelup Brook will need to be consistent with the NIADSP which stipulates a 50 m wide reserve. More-detailed assessment will be undertaken at the structure planning stage.*

Submission upheld

- V. *Areas of remnant vegetation to be retained and protected have been determined through extensive environmental investigations undertaken during the preparation of the NIADSP, as endorsed by the Shire and the WAPC. The areas not classified 'Open Space' are in degraded condition.*

Submission dismissed

- VI. *Further landscaping and revegetation for Nambeelup Brook can be addressed in later detail planning stages.*

Submission upheld

6 Hydro report – Drainage (i.e. District Water Management Strategy Summary)

Submission

- I. The drainage reports should provide an indicative drainage plan and overland flow path.
- II. The drainage strategy, which proposes vegetated open swales, should be reconsidered.

WAPC Comment

- I. *Indicative drainage paths have been included in the endorsed district water management strategy subject to refinement at the local structure plan (and local water management strategy) stage.*

Submission noted

- II. *These aspects of the drainage strategy can be considered at the local structure plan stage.*

Submission noted

7 Development Concept Plan (Figure 4)

Submission

- I. The DCP does not retain a complete ecological linkage from the wetland in the north to Nambeelup Brook in the south. Direction of open space through a drain to be developed into a drainage retention basin (Proposal 13) in lieu of more valuable Swan Bioplan vegetation complex to the west is not supported.

- II. Accesses over Nambeelup Brook should not be supported until Lots 400 or 401 are developed.
- III. It is unlikely the Shire will support light industrial/highway commercial uses (as shown on the DCP) within this estate.
- IV. It is unlikely the Shire will support service commercial uses for the entire length of the lot on Lakes Road. Also, direct access onto Lakes and Paterson Roads is generally not supported.

WAPC Comment

- I. *The woodlands to the west of, and outside the area classified as 'Open Space' in the NIADSP are in degraded condition. More-detailed protection of environmental attributes at the local structure planning stage is likely to be generally consistent with the NIADSP.*

Submission dismissed

- II. *The development concept plan is an indicative plan only. The more-detailed layout for development – including any crossing(s) – will be determined as part of the local structure plan process.*

Submission noted

- III. *These land uses will be addressed during the local structure planning process. It is expected these will be generally consistent with the NIADSP.*

Submission noted

- IV. *As above*

Submission noted

8 Cultural Heritage

Submission

The Shire was unaware the Aboriginal heritage status of Nambeelup Brook had changed and would like confirmation that no section 18 application is required for any works along Nambeelup Brook, or its tributaries.

WAPC Comment

The Department of Planning Lands and Heritage (Heritage Services) confirms that no approvals are required under the Aboriginal Heritage Act 1972, including applications under section 18 of the Act.

Submission noted

9 Murrayfield Air Park

Submission

Consideration should be given to the effect aircraft noise contours will have on flight paths. This should be considered at the local structure plan stage.

WAPC Comment

Matters relating to the proximity of Murrayfield aerodrome can be satisfactorily addressed at the local structure plan stage.

Submission noted.

10 Modifications to the Amendment

After considering the submissions received in respect of the amendment, the WAPC recommended the amendment be approved and finalised without modification.

11 Coordination of Regional and Local Planning Scheme Amendments

In some circumstances, section 126 of the *Planning and Development Act 2005* allows for the automatic amendment of local planning schemes when an amendment to a region scheme amendment becomes legally effective. However, this does not apply where land is rezoned to Industrial in a region planning scheme.

As mentioned in this report, there are matters that will need to be addressed in a local structure plan and implemented through the local planning scheme. For this to occur, the land subject of this amendment will need to be rezoned to Industrial Development in the Shire of Murray Town Planning Scheme No. 4. This would require a separate amendment to the local planning scheme. It would also involve a separate process for consultation, consideration and adoption of a local structure plan.

12 Conclusion and Recommendation

This report summarises the background and reasoning for Amendment 046/41 to the Peel Region Scheme, and examines the submissions received. The Western Australian Planning Commission thanks those who made submissions.

After considering the submissions received, the Western Australian Planning Commission is satisfied the amendment should be finalised, and has recommended that the Minister of Planning present the amendment to His Excellency the Governor for his consideration and approval and subsequently commend the amendment to both Houses of Parliament.

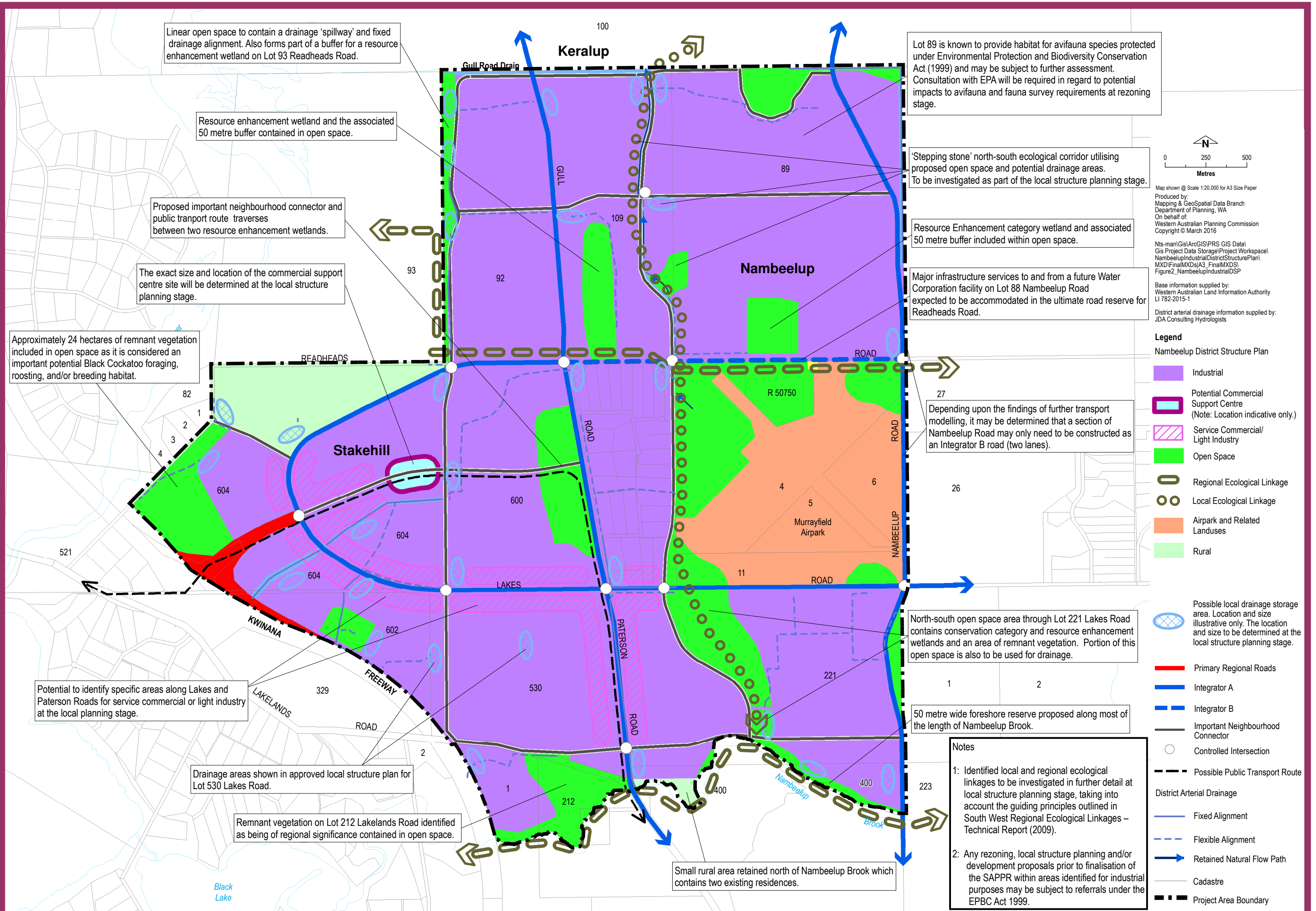
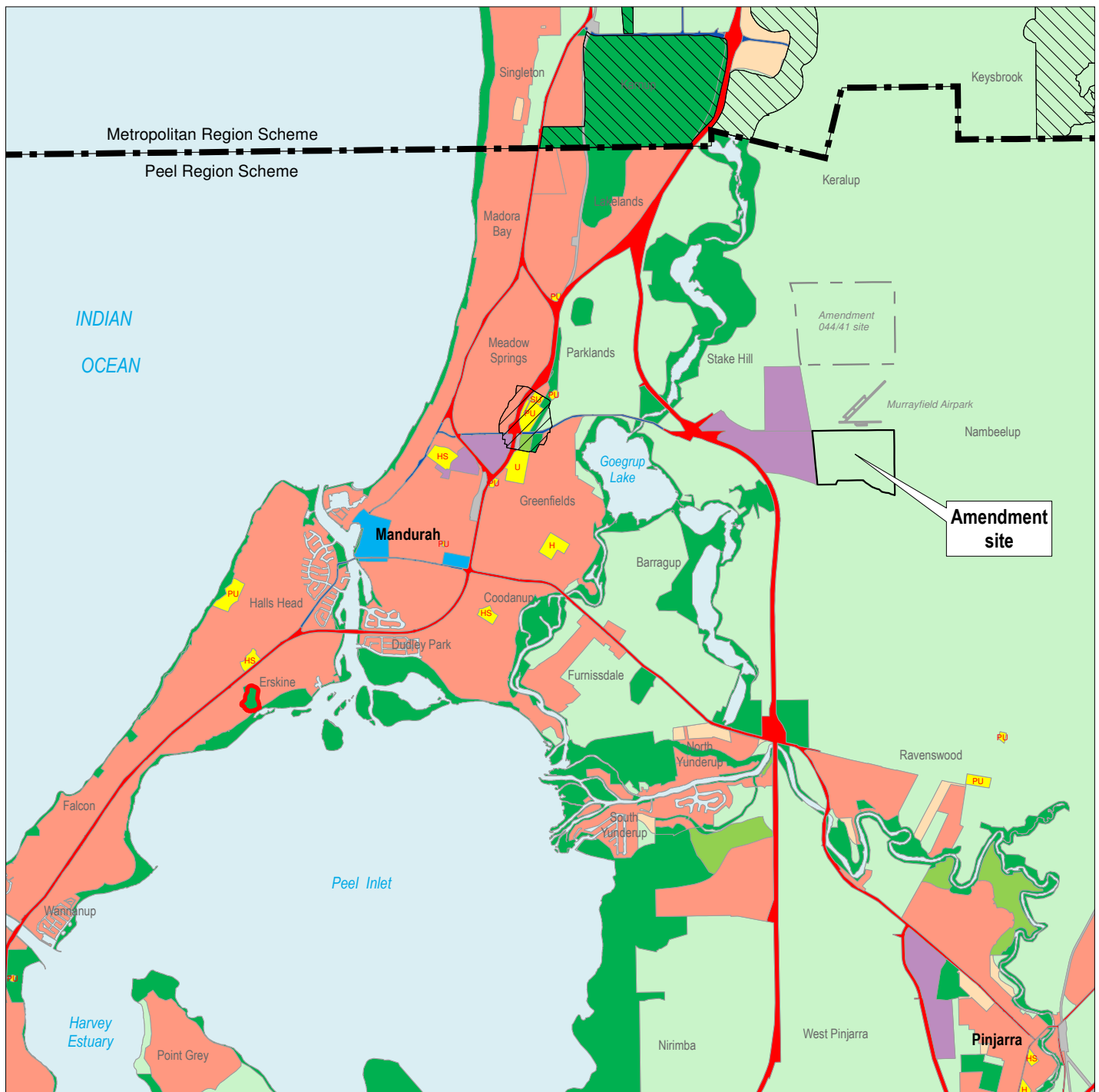


Figure 1 - Nambeelup Industrial Area District Structure Plan



Peel Region Scheme Amendment 046/41
Location of Proposed Amendment

Legend

Location of proposed amendment	Public Purposes - denoted as follows:	Railways	Zones
Region Scheme Boundary	Hospital	Other Regional Roads	Urban
Reserved Lands	Public Utilities	Primary Regional Roads	Urban Deferred
Regional Open Space	University	Special Areas	Regional Centre
Waterways	Hospital	Special Control Areas	Industrial
	Special Uses	Bush Forever	Private Recreation
		Environmental Conditions	Rural

Figure 2 - Location Plan



Peel Region Scheme Amendment 046/41 - Lot 221 & Parts of Lot 400, Nambeelup Proposed Major Amendment

Proposed Amendment:



Industrial zone

Existing Region Scheme:



Industrial



Primary regional roads



Regional open space



Rural

Oracle reference no: 2981

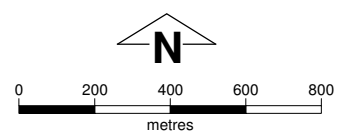
File number: RLS/0776

Version number: 1

Figure 3 - Proposed Amendment



Date: 26/08/2019
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1



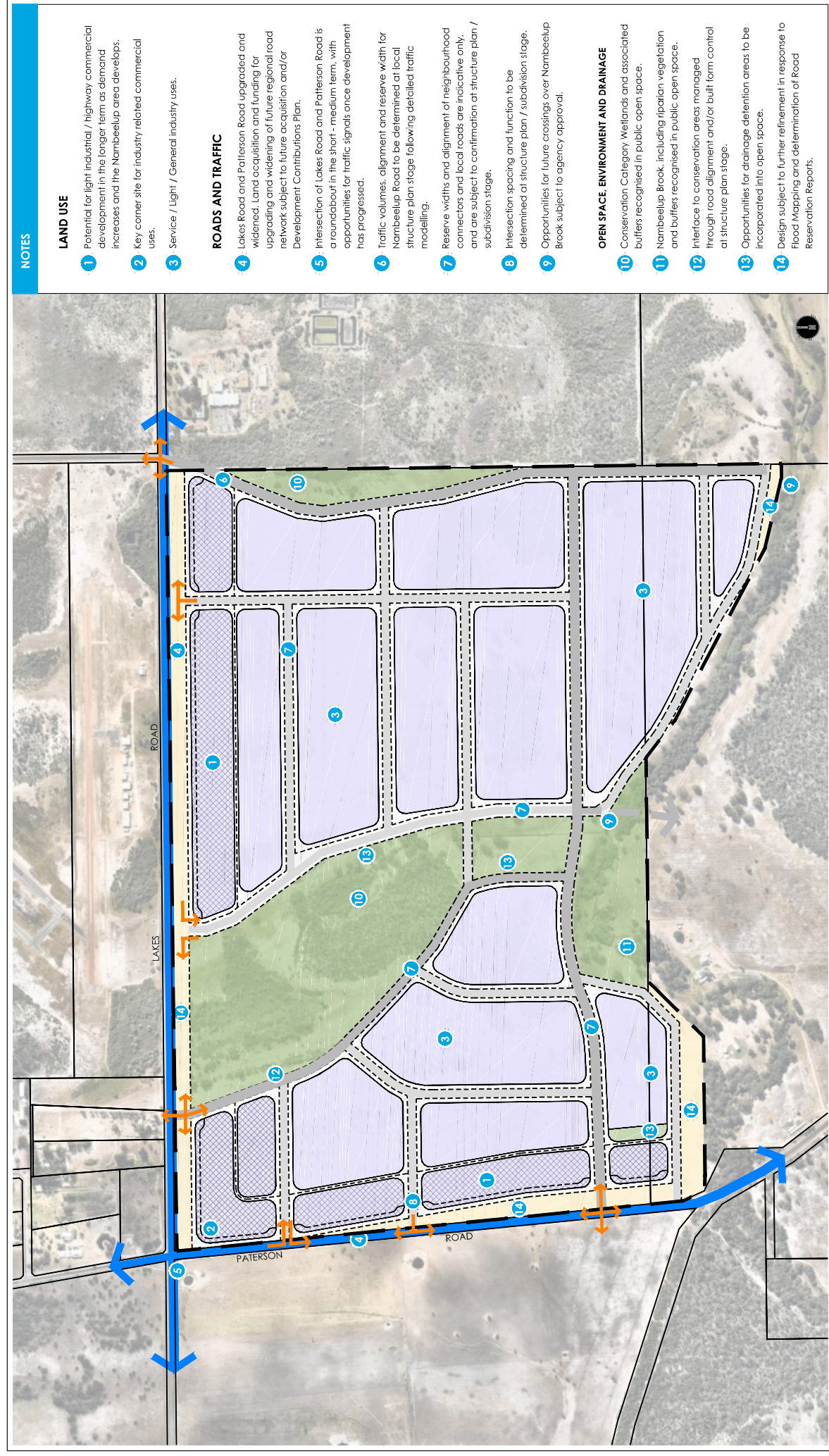


Figure 4 - Development Concept Plan

Appendix A

Notice of Environmental Assessment



Environmental Protection Authority

Ms Sam Fagan
The Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

Our Ref: CMS17571
Enquiries: Teresa Bryant, 6364 7600
Email: Teresa.Bryant@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME:	Peel Region Scheme Amendment 046-41
LOCATION:	Lot 221 Lakes Rd & portions of Lot 400 Paterson Road, Nambeelup
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. No Advice Given. (Not Appealable)

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

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

Please note the following:

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

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'RH' followed by a stylized flourish.

Robert Hughes
Delegate of the Environmental Protection Authority
A/Executive Director
EPA Services

25 March 2019

Appendix B

List of Submissions

List of Submissions

Number	Name
1	Department of Transport
2	Department of Planning, Lands and Heritage (Heritage Services Division)
3	Department of Water and Environmental Regulation
4	Department of Mines, Industry Regulation and Safety
5	Shire of Murray

Appendix C

Summary of Submissions and Determinations

Summary of Submissions and Determinations

Peel Region Scheme Amendment 046/41

Lot 221 Lakes Road and Parts of Lot 400 Paterson Road, Nambeelup Transfer to Industrial Zone

Submission	1
Submitted by	Department of Transport
Nature of Interest	Government department
Affected Land	General
Summary of Submission	The Department of Transport has no comment
Planning Comment	Noted
Determination	Noted

Submission	2
Submitted by	Department of Planning, Lands and Heritage (Heritage Services Division)
Nature of Interest	Government department
Affected Land	General
Summary of Submission	No comment as the amendment does not appear to affect any places of heritage significance
Planning Comment	Noted
Determination	Noted

Submission	3
Submitted by	Department of Water and Environmental Regulation (DWER)
Nature of Interest	Government agency
Affected Land	General

Summary of Submission	<p>The DWER has no objections to the proposal and provides the following advice:</p> <p><i>Better Urban Water Management –</i></p> <p>The DWER has previously endorsed the Nambeelup Industrial Area District Water Management Strategy which includes this site. Accordingly, the requirements of <i>State Planning Policy 2.9: Water Resources</i> (SPP 2.9) have been met.</p> <p>The future local structure plan will need to be supported by a local water management strategy that considers foreshore and wetland setbacks and buffers. This may affect the proposed site layout shown on the concept plan provided.</p> <p><i>Water Servicing –</i></p> <p>It is noted that the site is currently remote from sewer and potable water services. However, planning is being undertaken for the initial stages of the business park. It is recommended the Water Corporation be engaged in regard to the availability and timing for water services for this site.</p>
Planning Comment	<p>Non-objection noted.</p> <p><i>Better Urban Water Management –</i></p> <p>Verification that the district water management strategy achieves the relevant requirements of SPP 2.9 is noted.</p> <p>The requirement of a local water management strategy and its content are noted, as is the potential for these to affect the layout shown on the concept plan.</p> <p><i>Water Servicing –</i></p> <p>Water servicing (and sewer) are discussed in further detail in regard to Submission 5.</p>
Determination	Noted
Submission	4
Submitted by	Department of Mines, Industry Regulation and Safety (DMIRS)
Nature of Interest	Government agency

Affected Land	General
Summary of Submission	The proposal raises no significant issues in regard to mineral and petroleum resources, geothermal energy and basic raw materials.
Planning Comment	Noted
Determination	Noted

Submission	5
Submitted by	Shire of Murray
Nature of Interest	Local government
Affected Land	Municipality of the Shire of Murray
Summary of Submission	The Shire offers no objection to the amendment but provides the following advice –

The Nambeelup Industrial Area District Structure Plan provides guidance on the information that must be submitted with a request for rezoning. These requirements are discussed below:

Preparation of a suitably detailed infrastructure servicing and staging plan

The infrastructure and servicing report submitted provides little certainty on how the site will be serviced and seems to rely on services provided to Lot 600 Lakes Road. In regard to alternatives (if services from Lot 600 are unavailable), the report should discuss what options are available and consider whether these are achievable.

The Shire is also concerned that the proposal will only develop on the western side of the site where services may be more-easily accessed, leaving the eastern side of the site, including POS and environmental features such as Nambeelup Brook, unmanaged and unprotected. This will also have implications for future transport links to Lakes Road.

Completion of a suitable transport modelling report

Traffic volumes in the Transport Impact Assessment are out of date. The document also lacks detail, especially in regard to road hierarchy, reservation widths and alignment, intersections, connector roads and paths. Road alignments need to be reconsidered, particularly in regard to Lakes Road and access to Murrayfield Airpark.

Preparation of a draft developer contribution plan

The Nambeelup Industrial Area District Structure Plan (NIADSP) nominates items likely to require inclusion in a contribution plan, such as:

- Integrator A & B roads – upgrading, widening and intersection treatments.
- Regional cycle way.
- Arterial drainage.
- Water supply headworks, pumping stations and waste water pipes.
- Cost of administering developer contribution plan.
- Longer term water quality monitoring costings.

A developer contribution plan (DCP) is currently being drafted which will identify infrastructure requirements for the area and outline the contribution for each lot within the NIA.

Preparation of Bushfire Hazard level assessment and where necessary a bushfire management plan

If the Shire's request for retention of Banksia Woodland is supported, the Bushfire Management Plan (BMP) will need to be updated. Concern is raised in regard to the Forest Class A and Woodland Class B vegetation associated with Nambeelup Brook and the separation distances of 14 to 31 metres required to comply with BAL 29 rating. The development concept plan does not provide road information that might be crucial to BAL separation distance, particularly along the eastern boundary of Nambeelup Brook.

The document does not include a BAL contour map even though the lot layout is generally known, and advises that BAL contour map is not provided because the dimensions and boundaries of the site are not fully confirmed until the local structure planning stage. Planning for Bushfire Guidelines require BAL Hazard Level assessment or a BAL contour map (where lot layout is already known) at this stage of development.

Completion of any relevant environmental reports needed to support the industrial rezoning proposal (for example flora and fauna studies)

- 1 Although the development concept plan submitted with the request for amendment of the Peel Region Scheme generally accords with the NIADSP, the Shire strongly recommends the Environmental Assessment Report (EAR) and development concept plan be reconsidered to protect the Banksia woodland.

- 2 The EAR acknowledges that Black, Baudin's and Red-tailed Cockatoos may use the site for feeding and the site includes Banksia threatened environmental communities. The request for rezoning should be referred to the Federal Department of Environment and Energy for confirmation that it does not require an assessment under the *Environmental Protection and Biodiversity Conservation Act* (EPBC Act).
- 3 The EAR indicates some clearing may be required around public open space (POS) areas for bushfire safety. The Shire does not support clearing of POS vegetation. The development should be designed to ensure the vegetation is protected. The EAR should include a statement that an asset protection zone will not affect the bushland POS.
- 4 The NIADSP shows a 50m wide foreshore reserve along most of Nambeelup Brook. The development proposes a 30 metre buffer on the northern side of Nambeelup Brook. The Shire does not support a generic 30 metre buffer for Nambeelup Brook or wetlands without an assessment of biophysical criteria.
- 5 Although the EAR methodology is generally sound, the ADM (Andrew del Marco) 2005 bush retention figures are now out of date. The Shire's Local Biodiversity Strategy should be used instead.
- 6 The plan has not taken into account further requirements for landscaping or revegetation of Nambeelup Brook POS.

Other Matters for Consideration

Hydro report – Drainage

- 1 As part of the amendment process, the drainage reports for Lot 221 should provide an indicative drainage plan and overland flow path.
- 2 The drainage strategy (which proposes vegetated open swales) should be reconsidered as the industrial zoning would encourage heavy vehicle uses for which piped systems are better suited and where ad hoc crossover location can be avoided.

Development Concept Plan (Figure 4)

- 1 While the development concept plan provides open space to retain conservation category and resource enhancement wetlands and Peel Regionally Significant Natural Areas and

Nambeelup Brook, it fails to retain a complete ecological linkage from the wetland in the north to Nambeelup Brook in the south. The direction of open space through an agricultural drain to be developed into a drainage retention basin (Proposal 13) in lieu of more valuable Swan Bioplan vegetation complex to the west is not supported.

- 2 The plan also proposes accesses over Nambeelup Brook subject to agency approval. These should not be supported until Lots 400 or 401 are developed.
- 3 It is unlikely the Shire will support light industrial/highway commercial uses (as shown on the plan) within this estate. The NIADSP identifies a commercial centre on Lot 600 Lakes Road.
- 4 It is unlikely the Shire will support service commercial uses for the entire length of the lot on Lakes Road. Also, direct access onto Lakes and Paterson Roads is generally not supported. The NIADSP provides for service commercial/light industry along Paterson Road and a short section of Lakes Road. Also, clause 3.2.2 of the NIADSP states that service commercial development should be restricted to limited sections of Lakes and Paterson Roads.

Cultural Heritage

The Shire was unaware the Aboriginal heritage status of Nambeelup Brook had changed (as indicated in the EAR) and that it is no longer protected under the *Aboriginal Heritage Act*. It would like confirmation that no section 18 is required for any works along Nambeelup Brook or its tributaries.

Murray Field Air Park

The Australian Noise Exposure Forecast area affects Lot 221. Consideration should be given to the effect this will have on flight paths, especially in regard to building heights and lights. This should be considered at the local structure plan stage.

Planning Comment

It is noted that the Shire has no objection to the amendment.

Preparation of a suitably detailed infrastructure servicing and staging plan

An infrastructure servicing and staging plan has been prepared and submitted. This provides appraisals of all services, including water supply, wastewater services, power and gas. Also, advice has been received in relation to all services from the relevant service providers.

The Water Corporation advises that limited portions of the amendment site may be able to connect to the infrastructure delivered by LandCorp and that areas beyond the limits of supply/reach of this initial infrastructure will require significant future capital investment to enable development. The Water Corporation states that overall planning for water and wastewater servicing is not seen as an impediment to rezoning of the land and raises no objection to the amendment.

Western Power confirms that two power supply feeders have been extended from the Pinjarra zone substation to serve Lot 600 Lakes Road (LandCorp). If spare capacity is unavailable, then detailed studies will be required to determine the supply arrangement suitable for the amendment site. This is a normal part of the development process. Western Power raises no objection to the amendment proceeding.

A major ATCO gas pipeline extends along Readheads Road, about 1,400 metres north of Lot 221. LandCorp intends to connect a pressure reduction station to this high-pressure gas pipeline and proposes to extend a gas main along Gull Road to serve its development on Lot 600. While gas supply is not an essential requirement, the proximity of this gas main may present opportunities to service development on Lots 221 and 400. If not, other arrangements will need to be made. Depending on the extent of gas use, any gas mains extensions will be assessed against ATCO Gas Australia's Capital Contribution Policy to determine if any contributions can be made towards the infrastructure.

Completion of a suitable transport modelling report

The traffic volumes in the Transport Impact Assessment were the most-recent available when the request for amendment of the PRS was submitted in 2018.

The amendment proposes rezoning of land to Industrial, not reservation of corridors for regional road purposes.

The level of detail referred to by the Shire is not essential to support a region scheme amendment but will be necessary, and will be required, at the local structure planning stage.

Preparation of a draft developer contribution plan

It is noted that a developer contribution plan is currently being drafted which will identify infrastructure requirements for the area and outline the contribution for each lot within the NIA.

Rezoning the land to Industrial will improve the ability to prepare and implement a DCP as it will lead to work on more-detailed local structure planning that, in turn, will provide a better body of information upon which a DCP can be based.

Preparation of Bushfire Hazard level assessment and where necessary a bushfire management plan

When the amendment was initiated by the WAPC, the request for retention of the specified Banksia woodland was not supported. This is consistent with the NIADSP in terms of vegetation protected. Accordingly, it is not necessary to change this aspect of the BMP.

The Department of Fire and Emergency Services supports the amendment proposal. It also advises that the PRS amendment development concept plan and BMP have considered how bushfire protection can be achieved in subsequent stages.

A BAL contour map is not mandatory at the region scheme amendment stage. The concept plan supporting the amendment is intended to demonstrate one way in which the land could be developed and is not an agreed subdivision plan. Given the conceptual nature of this plan, it would not be appropriate to undertake a BAL contour assessment at this stage as there are ample opportunities to do so at the structure planning stage, when the development outcome will be more certain.

Completion of any relevant environmental reports needed to support the industrial rezoning proposal (for example flora and fauna studies)

- 1 The NIADSP includes areas of remnant vegetation in good, very good or excellent condition in the 'Open Space' classification. This includes areas identified by the Shire. Additional areas identified by the Shire are in degraded condition.

Protection of attributes will be determined in more detail at the local structure planning stage. It is to be expected that these will be generally consistent with the NIADSP and will protect vegetation in sound, not degraded condition.

- 2 The EPBC Act is Commonwealth legislation. Referral for consideration under the EPBC Act is a separate, voluntary process, and not a prerequisite to State planning or environmental approvals. The landowners advise that they will ensure their obligations under the EPBC Act are met.

- 3 The NIADSP has established design parameters that ensure protection of appropriate vegetation. Closer details of asset protection zones, vegetation protection and clearing can be refined at the local structure planning stage.
- 4 Provisions for protection of Nambeelup Brook will need to be consistent with the NIADSP which stipulates a 50 m wide reserve. More-detailed assessment will be undertaken at the structure planning stage taking into account DBCA advice and any relevant EPA requirements.
- 5 Areas of remnant vegetation to be retained and protected have been determined through extensive environmental investigations undertaken during the preparation of the NIADSP, as endorsed by the Shire and the WAPC. The areas not classified 'Open Space' are in degraded condition.
- 6 Further landscaping and revegetation for Nambeelup Brook can be addressed in later planning stages,

Other Matters for Consideration

Hydro report – Drainage

- 1 Indicative drainage paths have been included in the endorsed district water management strategy subject to refinement at the local structure plan (and local water management strategy) stage.
- 2 These aspects of the drainage strategy can be considered at the local structure plan stage.

Development Concept Plan

- 1 Protection of environmental attributes will be determined in greater detail at the local structure planning stage but it is to be expected that this will be generally consistent with the NIADSP. The woodlands to the west of the area classified as 'Open Space' are outside the area identified in the NIADSP are in degraded condition.
- 2 The development concept plan included with the request for an amendment to the PRS is an indicative plan only. The layout for development, including any crossing(s), will be determined as part of the local structure plan process.
- 3 These land uses and related matters will be addressed as part of the local structure planning process. It is expected these will be generally consistent with the NIADSP.

4 As above.

Cultural Heritage

The Aboriginal Heritage Branch of the Department of Planning Lands and Heritage has undertaken a review of the Register of Places and Objects as well as its Aboriginal Heritage Inquiry System and confirms that there are no Registered Aboriginal Heritage Sites within the subject land. Accordingly, no approvals under the *Aboriginal Heritage Act 1972* are required. At the same time, it recommends that Aboriginal Heritage Due Diligence Guidelines should be taken into consideration during the development process.

Murrayfield Air Park

Matters relating to the proximity of Murrayfield aerodrome may affect industrial development in the north-east segment of the amendment site. These include:

- the effect of the Australian Noise Exposure Forecast area;
- building-generated windshear and turbulence;
- obstacle limitation surfaces; and
- public safety areas.

These can be satisfactorily addressed at the local structure plan stage.

Determination

General

It is noted that the Shire does not object to the amendment.

Preparation of a suitably detailed infrastructure servicing and staging plan

Dismissed

Completion of a suitable transport modelling report

Dismissed

Preparation of a draft developer contribution plan

Noted

Preparation of Bushfire Hazard level assessment and where necessary a bushfire management plan

Dismissed

Completion of any relevant environmental reports needed to support the industrial rezoning proposal (for example flora and fauna studies)

- 1 Dismissed
- 2 Dismissed
- 3 Noted
- 4 Upheld
- 5 Dismissed
- 6 Upheld

Other Matters for Consideration

Hydro report – Drainage

- 1 Noted
- 2 Noted

Development Concept Plan

- 1 Dismissed
- 2 Noted
- 3 Noted
- 4 Noted

Cultural Heritage

Noted

Murrayfield Airpark

Noted

Appendix D

Proposed Amendment as Advertised



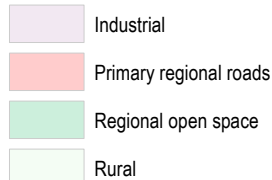
Landgate / SLIP

Peel Region Scheme Amendment 046/41 - Lot 221 & Parts of Lot 400, Nambeelup Proposed Major Amendment for public comment

Proposed Amendment:



Existing Region Scheme:

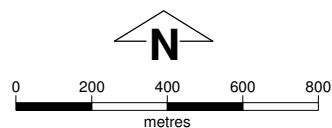


Oracle reference no: 2981
File number: RLS/0776
Version number: 1

Amendment as Advertised



Date: 18/09/2019
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1



Appendix E

Submissions

From: Nugraha, Yohan <Yohan.Nugraha@transport.wa.gov.au>
Sent: Wednesday, 1 May 2019 4:02 PM
To: John Pride
Subject: PROPOSED AMENDMENT TO PEEL REGION SCHEME LOT 221 LAKES ROAD AND PT LOT 400 PATERSON ROAD NAMBEELUP

Your ref: RLS/0776
Our ref: DT/15/05082

Dear John,

**PROPOSED AMENDMENT 046/41 TO THE PEEL REGION SCHEME NAMBEELUP INDUSTRIAL ZONE
LOT 221 AND PARTS OF LOT 400 PATERSON ROAD, NAMBEELUP**

I refer to your letter dated 18 April 2019 regarding a request for comment for the proposed PRS 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,

Yohan Nugraha
Transport Designer / Planner | Urban Mobility | Department of Transport
Level 8, 140 William Street, Perth WA 6000
Tel: (08) 65516103 | Fax: 65516947
Email: Yohan.Nugraha@transport.wa.gov.au | Web: www.transport.wa.gov.au



Department of
Transport



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From: Lauren Taylor
Sent: Tuesday, 21 May 2019 1:26 PM
To: DPI Referrals
Subject: Proposed Amendment 046/41 to the Peel Region Scheme - Nambeelup Industrial Zone

From: Lauren Taylor
Sent: Tuesday, 21 May 2019 12:31 PM
To: John Pride <John.Pride@dplh.wa.gov.au>
Cc: corporate@wapc.wa.gov.au
Subject: Proposed Amendment 046/41 to the Peel Region Scheme - Nambeelup Industrial Zone

Good afternoon

I wish to advise that we will not be making comment on the abovementioned proposal as it does not appear to affect any places of heritage significance.

Kind regards,
Lauren

Lauren Taylor | Planning & Engagement Officer (Monday, Tuesday and Wednesday) | Heritage Services
Bairds Building, 491 Wellington Street, Perth WA 6000
(08) 6552 4152
Lauren.Taylor@dplh.wa.gov.au | www.dplh.wa.gov.au



The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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Your ref: RLS/0776
Our ref: RF475-04, PA26714
Enquiries: Jane Sturgess, Ph 9550 4228

Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
Mandurah WA 6210

Attention: John Pride

Dear John,

**Re: Proposed Amendment 046/41 to the Peel Region Scheme
Nambeelup Industrial Zone
Lot 221 Lakes Road and Parts of Lot 400 Paterson Road, Nambeelup**

Thank you for your referral regarding the proposed amendment to the Peel Region Scheme for Lot 221 Lakes Road and Parts of Lot 400 Paterson Road, Nambeelup, received with correspondence dated 18 April 2019. The Department would like to advise it had no objections to the proposal, however wishes to provide the following advice.

Better Urban Water Management

Consistent with *Better Urban Water Management* (WAPC, 2008) and policy measures outlined in *State Planning Policy 2.9: Water Resources*, the proposed scheme amendment is required to be supported by a District Water Management Strategy to demonstrate that the subject area can support the proposed change in zoning with regard to water resources.

The Department has previously endorsed the *Nambeelup Industrial Area District Water Management Strategy* (JDA, March 2016), which includes this site, thus requirements under the aforementioned policy have been satisfied.

It should be noted that the future Outline Development Plan will be required to be supported by Local Water Management Strategy which will need to consider foreshore and wetland setbacks and buffers which may impact upon the proposed site layout as provided within the concept plan provided.

Water Servicing

It is noted the site is currently remote from sewer and potable water services, however future planning is being undertaken for the initial stages of the Peel Business Park. It is recommended the Water Corporation is engaged regarding the ability and timing for essential water services to be provided to this site.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Brett Dunn', enclosed within a large, loopy oval shape.

Brett Dunn
**Program Manager – Urban Water Management
Peel Region**

20 June 2019



Your ref RLS/0776

Our ref A0782/201901

Enquiries Shane Kenworthy

9222 3872

Shane.Kenworthy@dmirs.wa.gov.au

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA

Department of Planning,
Lands and Heritage
Received

Scanned 18 JUL 2019

Attachments

Scan QA

Doc No

File No. RLS/0776

Dear Sir/Madam

PROPOSED AMENDMENT 046/41 TO THE PEEL REGION SCHEME. NAMBEELUP INDUSTRIAL ZONE. LOTS 221 AND PARTS OF LOT 400 PATERSON ROAD, NAMBEELUP

Thank you for your letter dated 18 April 2019 inviting comment on the above proposal seeking to amend the Peel Region Scheme.

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

Yours sincerely

for J Haworth

Jeffrey Haworth
Executive Director Geological Survey and Resource Strategy
Geological Survey and Resource Strategy Division

15 July 2019

Planning and Development Act 2005
Section 41 Amendment (Major)
FORM 41

SUBMISSION
Peel Region Scheme Amendment 046/41

Nambeelup Industrial Zone
Lot 221 and parts of Lot 400 Paterson Road, Nambeelup

To: The Secretary

Western Australian Planning Commission
140 William Street
PERTH WA 6000

Or prs@planning.wa.gov.au

OFFICE USE ONLY

SUBMISSION NUMBER

5

Name Shire of Murray - Cheryl Oldham Senior Planning Officer
(PLEASE PRINT CLEARLY)

Address 1915 Pinjarra Road, Pinjarra Postcode 6208

Contact phone number 08 9531 7777 Email address mailbag@murray.wa.gov.au

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

Please see attached letter

TURN OVER TO COMPLETE YOUR SUBMISSION

Hearing of Submissions

Anyone who has made a written submission on the amendment will also have the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the *Amendment Report* and in particular **Appendix D**, titled '**Preparing for your submission and hearing**'.

Please choose ONE of the following:

☒ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ MYSELF – My telephone number (business hours):

OR

☐ A SPOKESPERSON

Name of Spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

☐ PUBLIC (members from the general public may attend your presentation)

OR

☐ PRIVATE (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The Western Australian Planning Commission (WAPC) is subject to the *Freedom of Information Act 1992* (FOI Act) and as such, submissions made to the WAPC may be subject to applications for access under the FOI 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.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are presented to the Minister for Planning and Infrastructure and published as public records should the Minister approve the proposed amendment. The WAPC recommendations are similarly published in a *Report on Submissions*.

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature  Date 19/07/19

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on Friday 19 July 2019. Late submissions will NOT be considered.

Our Ref: LA07/221, D18/35782, D18/42807
Your Ref: RLS/0776
Enquiries: Cherryll Oldham (08 95317739)

19 July 2019

Department Planning Lands and Heritage
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

Dear Sir/Madam

Proposed Amendment to the Peel Region Scheme - Lots 221 Lakes Road and Part Lot 400 Paterson Road - Transfer from Rural to Industrial Zone

The Shire offers no objection to the amendment to the Peel Region Scheme to transfer the zone from Rural to Industrial, however provides the following advice in relation to the documents submitted.

The Nambeelup Industrial Area District Structure Plan (2016) provides guidance on the information that must be submitted with an application for a transfer of zoning under the Peel Region Scheme. These are as follows:

- preparation of a suitably detailed infrastructure servicing and staging plan;
- completion of a suitable transport modelling report;
- preparation of a draft developer contribution plan;
- preparation of Bushfire Hazard level assessment and where necessary, Bushfire Management Plans in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas (WAPC 2015); and
- completion of any relevant environmental reports needed to support the industrial rezoning proposal (for example, flora and fauna studies).

Preparation of a suitably detailed infrastructure servicing and staging plan

The infrastructure and servicing report provides little certainty on how the site will be serviced and seems to rely on the outcomes of the services provided to Lot 600 Lakes Road. The report advises if the services from Lot 600 are not attainable then alternative options will be found. The report should discuss what options are available and consider whether they are achievable.

.../2

The Shire is also concerned that the proposal will only develop on the western side of the POS to Paterson Road where services may be more easily accessed leaving the eastern side of the site including POS and environmental features such as Nambeelup Brook unmanaged and unprotected. This scenario will also have implications for future transport links to Lakes Road.

Completion of a suitable transport modelling report

A Transport Impact Assessment has been provided, however data on traffic volumes for Paterson Road are out date. The document also lacks details, especially in regard to road hierarchy, road reservations widths & alignment, intersections, connector roads and paths. Road alignments also need to be reconsidered particularly in regard to Lakes Road and the access to Murray Fields Air Park.

Preparation of a draft developer contribution plan;

The Nambeelup Industrial Area District Structure Plan nominates items that are likely to require a contribution plan for this area. Items such as:

- Integrator A & B roads – upgrading & widening, intersection treatments;
- Regional Cycle way;
- Arterial Drainage;
- Water supply headworks, pumping stations and waste water pipes;
- Cost of administering a developer contribution plan;
- Longer term water quality monitoring costings.

A developer contribution plan is currently being drafted which will identify the infrastructure requirements for the area and will outline the contribution for each lot within the Nambeelup Industrial Area. It is suggested this is mentioned on the report.

Preparation of Bushfire Hazard level assessment and where necessary a bushfire management plan

Should the department support the Shire's request for retention of Banksia Woodland the Bushfire management plan will need to be updated. Concern is raised in relation to the Forest Class A and Woodland Class B vegetation associated with Nambeelup Brook and with separation distances of between 14 to 31 metres required to comply with BAL 29. The development concept plan also does not provide road width information which may be crucial to BAL separation distance particularly along the eastern boundary and Nambeelup Brook.

The document does not provide a BAL contour map although the lot layout is generally known and advises a BAL Contour map is not provided because the dimensions and boundaries of the site is not fully confirmed until LSP stage. Planning for Bushfire Guidelines require BAL Bushfire Hazard Level assessment or a BAL Contour Map (where the lot layout is already known) at this stage of development.

Completion of any relevant environmental reports needed to support the industrial rezoning proposal (for example, flora and fauna studies)

The Nambeelup Industrial Area District Structure Plan (NIADSP) was approved by the Department Planning in April 2012. Figure 4 – Open Space of the NIADSP identified areas for open space to provide ecological linkages to Nambeelup Brook some of which apply to Lot 221.

For Lot 221, Figure 4 shows open space over conservation category wetlands, resource enhancement areas, Peel Regionally Significant Natural Areas. The Figure also shows area of native vegetation, which are not included for protection within the open space.

Since April 2012 the Perth and Peel Green Growth Plan for 3.5 million has been introduced and the Environmental Protection Authority (EPA) has released its requirement for protection of Threatened Ecological Communities including the protection of Banksia woodland being known habitat and foraging areas for Black, Red Tailed and Baudin's cockatoos.

The Shire has in the past, strongly argued the need to protect the Banksia woodlands, particularly through the development process of the NIADSP. The introduction of the Perth and Peel Green Growth Plan and the EPA's release for the protection of Threatened Ecological Communities strengthened the Shire's argument for the protection of the Banksia woodlands.

Although the development concept plan submitted with the PRS application generally accords with Figure 4 of the NIADSP, the Shire strongly recommends the Environmental Assessment Report and development concept plan for this 'Transfer' under the Peel Region Scheme be reconsidered to protect the Banksia woodland.

The Environmental Assessment Report acknowledges Black, Baudin's and Red tailed Cockatoos may use the site for feeding and the site includes Banksia threatened ecological communities. The application should also be referred to the Federal Department of Environment and Energy for confirmation the application does not require an assessment under the Environmental Protection Biodiversity Conservation Act.

The EAR indicates that some clearing may be required around the POS areas for bushfire safety. The Shire does not support clearing of proposed POS vegetation. The development should be designed around the POS and ensure the existing vegetation is protected. The document should provide a statement that an asset protection zone will not impact the bushland POS.

The development proposes to provide a 30m buffer on the northern side of Nambeelup Brook. The Shire does not support a generic 30m buffer being assigned to Nambeelup Brook or wetlands without an assessment of the biophysical criteria of the areas and in addition to this Figure 2 of the NIADS shows a 50m wide foreshore reserve along most of the length of Nambeelup Brook.

Although the Environmental Assessment Report (EAR) methodology is generally sound, the bush retention figures are out of date. The document refers to ADM 2005 retention figures, which have been revised. The Shire's Local Biodiversity Strategy should always be used in an assessment and as a reference in consideration vegetation with the Shire of Murray.

This plan also has not taken into consideration further requirements for landscaping or revegetation of the POS for Nambeelup Brook foreshore. This will require assessment at later planning stages.

Other matters for consideration:

Hydro Report – Drainage

Figure 5 – Drainage of the NIADSP provides information on the District Arterial Drainage for the area. The drainage reports for Lot 221 should provide an indicative drainage plan and overland flow path as part of an amendment process.

The drainage strategy which proposes vegetated open swales should be reconsidered as the Industrial zoning would encourage heavy vehicle uses, for which a piped systems are better suited and where ad hoc crossover location can be avoided.

Development Concept Plan (Figure 8)

As mentioned above the development concept plan provides an open space area where it is proposed to retain conservation category and resource enhancement wetlands and Peel Regionally Significant Natural Areas and Nambeelup Brook but it fails to retain a complete ecological linkage from the wetland in the north to Nambeelup Brook in the south. The direction of open space through an agricultural drain to be development into a drainage retention basin (13) in lieu of protection of more valuable Swan Bioplan Vegetation Complex (Banksia Woodland) to the west is not supported.

The Plan also proposes, subject to agency approval, several accesses over Nambeelup Brook (9). These accesses should not be supported until such time as Lots 400 or 401 are developed.

The Plan provides notations which refer to light industrial/highway commercial development. It is unlikely the Shire will support commercial uses within this estate. The NIADSP identifies the need for a commercial centre, for the whole area and at this time the commercial centre is planned for Lot 600 Lakes Road.

The NIADSP provides for Service Commercial/Light Industry along Paterson Road and a short section along Lakes Road. Clause 3.2.2 of the NIADSP advises service commercial development should be restricted to limited sections of Lakes and Paterson Road. It is unlikely that the Shire will support Service Commercial for the entire length of the lot along Lakes Road and generally direct lot access on to Lakes and Paterson Road is not supported.

Cultural Heritage

The EAR advises the Department Planning Lands and Heritage has reviewed the status of Nambeelup Brook as a heritage site and that it is no longer a site attracting protection under the Aboriginal Heritage Act 1972 and a Section 18 is not required. The Shire was unaware that the Aboriginal Heritage status had changed for Nambeelup Brook and would like confirmation that no section 18 is required for any works along Nambeelup Brook or its tributaries.

Murray Field Air Park

The Australian Noise Exposure Forecast area extends into Lot 221 and consideration needs to be given to the effect this development will have on flight paths particularly in relation to building heights and lights. This should be considered at local structure plan stage.

Should you have any questions, in relation to the above please contact the undersigned.

Yours sincerely



Cherryll Oldham
Senior Planning Officer

