



March 2022

# Metropolitan Region Scheme Amendment **1393/57** (Minor Amendment)



Armadale Road to  
North Lake Road Bridge  
(Tapper Road to  
Midgegooroo Avenue)

Amendment Report

City of Cockburn



---

**Metropolitan Region Scheme  
Amendment 1393/57  
(minor amendment)**

**Armadale Road to North Lake Road Bridge  
(Tapper Road to Midgegooroo Avenue)**

---

**Amendment Report**

City of Cockburn



March 2022

The Western Australian Planning Commission acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

**Disclaimer**

This document has been published by the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© State of Western Australia

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

Locked Bag 2506  
Perth WA 6001

MRS Amendment 1393/57      Amendment Report  
File 833-2-23-70 Pt 1

Published March 2022

Internet: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)  
Email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)  
Phone: (08) 6551 8002  
Fax: (08) 6551 9001  
National Relay Service: 13 36 77

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

# Contents

The Metropolitan Region Scheme .....	v
Abbreviations .....	ix

## Amendment Report

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

Appendix A	Notice of environmental assessment
Appendix B	List of detail 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.
- 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*.

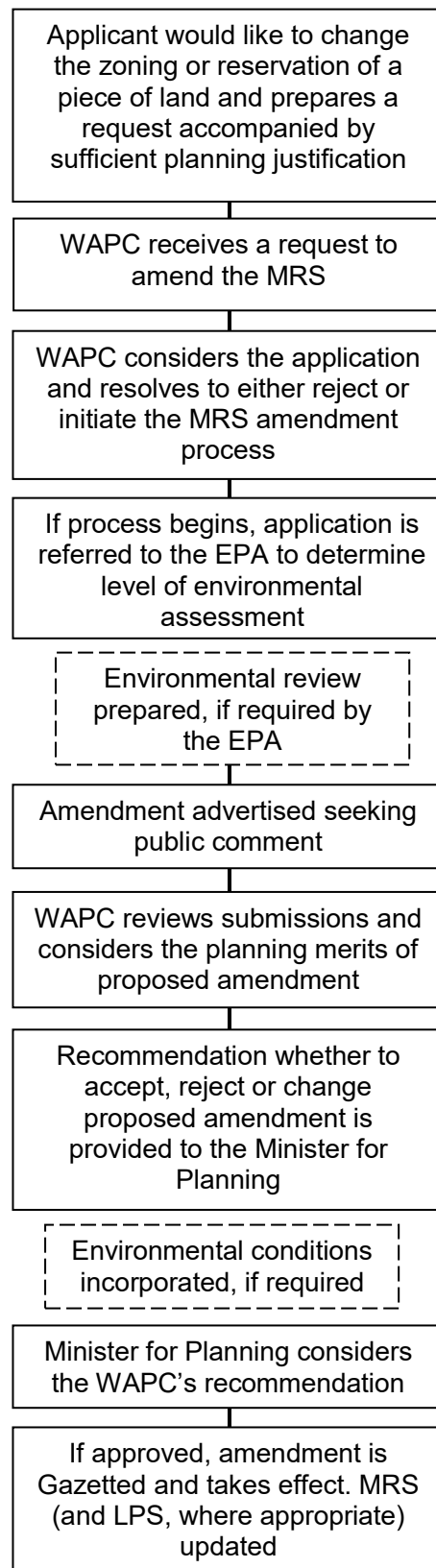
Report on submissions

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>DPLH</b>	Department of Planning, Lands and Heritage
<b>DWER</b>	Department of Water and Environmental Regulation
<b>EPA</b>	Environmental Protection Authority
<b>HA</b>	Hectares
<b>LPS</b>	Local Planning Scheme
<b>MRS</b>	Metropolitan Region Scheme
<b>MRIA</b>	Metropolitan Road Improvement Alliance
<b>MRWA</b>	Main Roads Western Australia
<b>ORR</b>	Other Regional Roads
<b>PCA</b>	Planning Control Area
<b>PRR</b>	Primary Regional Roads
<b>PTA</b>	Public Transport Authority
<b>SPP</b>	State Planning Policy
<b>SWALSC</b>	South West Aboriginal Land and Sea Council
<b>WAPC</b>	Western Australian Planning Commission



# Amendment Report



# Metropolitan Region Scheme Amendment 1393/57

## Armadale Road to North Lake Road Bridge (Tapper Road to Midgegooroo Avenue)

### Amendment Report

#### 1 Purpose

The purpose of the Metropolitan Region Scheme (MRS) amendment is to reclassify land to the Primary Regional Roads (PRR) reservation, Railways reservation and Industrial zone in the City of Cockburn, between Tapper Road and Midgegooroo Avenue, as shown on *Amendment Figure - Proposal 1*.

#### 2 Background

Verde Drive was reserved in 2002 under the MRS as an Other Regional Road (ORR) as part of the *Thompsons Lake Regional Centre* amendment to facilitate regional movement between Armadale Road and North Lake Road. In 2015, the City of Cockburn in collaboration with Main Roads Western Australia (MRWA), the then Department of Planning and other stakeholders completed a preliminary review of the planned transport network for Cockburn Central. The review concluded that the originally planned ORR alignment between Tapper Road and North Lake Road (North Lake Road extension/Verde Drive) no longer provides an integrated land use and transport solution for the development of Cockburn Central Activity Centre. An alternative transport solution was required.

*Planning Control Area (PCA) 122 - Armadale Road Deviation (Cockburn Central)* was declared in March 2016 to protect a future PRR reservation between Tapper Road and Midgegooroo Avenue. The PCA was then modified further in 2017 to include land required for the road connections and land uses associated with the Armadale Road bridge/North Lake Road project, a number of drainage basins for the associated Kwinana Freeway upgrades and also land intended for the future Public Transport Authority (PTA) car park.

Verde Drive was retained as an interim ORR pending the amalgamation of lands to create its reserve. The new PRR replaces Verde Drive ORR, making the latter redundant as a regional road.

The PRR was designed to accommodate:

- A bridge over Kwinana Freeway between Armadale Road and North Lake Road.
- Grade separated roundabouts at Tapper Road and Solomon Road.
- New north facing on/off ramps to Kwinana Freeway.
- A new road to access the Cockburn Central train station car park.

Construction works commenced on the Armadale Road deviation project around 2019/20 and has now been completed.

Verde Drive has been constructed as a dual carriageway with one lane in each direction between Tapper Road and Armadale Road deviation (south of Prinsep Road). The cross section incorporates a median, on road cycling lanes and footpath/shared paths within the verges. Verde Drive has been constructed to its ultimate form and function within a 32-metres wide road reservation. No further changes are anticipated.

### 3 Scope and content of the amendment

The amendment proposes to rezone approximately 24 hectares (ha) of land from Urban, Industrial, Rural and ORR to PRR (13.87 ha), Railways (5.43 ha) and Industrial (4.54 ha). All the land required for the PRR and Railways reservation has been acquired and is under State ownership. Part of two privately owned lots previously reserved as ORR are reverting back to Industrial.

### 4 Discussion

#### **Strategic Planning Context**

##### **Perth and Peel@3.5 Million, South Metropolitan Peel Sub-Regional Planning Framework (2018)**

The *Perth and Peel@3.5 Million* suite of planning documents provide an envisaged development outcome for the Perth and Peel regions for a population of 3.5 million people by 2050. It makes the case for change from a “business-as-usual” perspective to a more considered, connected and consolidated urban form.

The *South Metropolitan Peel Sub-Regional Planning Framework* (the Framework) forms part of the *Perth and Peel@3.5 Million* suite of planning documents. Plan 6 of the Framework identifies the Armadale Road to North Lake Road bridge as a proposed regional road - primary distributor (PRR). Verde Drive is not identified on Plan 6 as a regional road.

The amendment is consistent with the *South Metropolitan Peel Sub-Regional Planning Framework (2018)*.

##### **State Planning Policy 4.2 – Activity Centres for Perth and Peel**

The main purpose of State Planning Policy 4.2 *Activity Centres for Perth and Peel* (SPP 4.2) is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres. Cockburn is identified as a secondary centre within SPP 4.2. The Armadale Road to North Lake Road bridge alignment will distribute traffic evenly around Cockburn Central hence better land use planning outcomes in and around the centre.

##### **Cockburn Central East Structure Plan (2018)**

The Cockburn Central East Structure Plan (structure plan) was approved by the WAPC in 2018 to facilitate the planning framework requirements for the Armadale Road to North Lake Road bridge project. It provides direction for land use planning and local road network needs, long-term commuter parking requirements for Cockburn Central train station, accessibility to the train station and the urban corridor around the structure plan area. It includes Railways, Industrial, PRR, Parks and Recreation zones, and the Armadale Road to North Lake Road bridge. This amendment proposal is consistent with the structure plan.

##### **State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4)**

A noise assessment was undertaken and documented in the *Armadale Road to North Lake Road Bridge Noise Assessment Report* dated 8 August 2018. The report shows an increase in noise levels at some locations along the corridor by 2041 and recommended the use of noise attenuation measures along noise sensitive land uses. Noise walls have been constructed as part of the Armadale Road to North Lake Road Bridge project.



## **Statutory Planning Context**

### **Environment**

An environmental assessment was undertaken in 2017 by the Metropolitan Road Improvement Alliance (MRIA) and identified 5.7 ha of remnant and regrowth native vegetation of which 3.7 ha (64.9%) was in very good or good condition and 2.0 ha (35.1%) in degraded condition. No State listed threatened Ecological Communities were identified during the detailed flora and vegetation survey. The impacts to flora and vegetation will be mitigated through clearing and access control measures, weed and dieback management, landscaping areas, erosion and sediment control.

Two geomorphic wetlands are mapped within the corridor, a multiple use and resource enhancement wetland. Multiple use wetland (UFI 6652) is partially cleared for light industrial and commercial development and construction of Kwinana Freeway. Some pockets of remnant vegetation remain, including within the corridor. Resource enhancement wetland (UFI 15297) is extensively cleared for Atwell urban residential area, and rural residential area east of Tapper Road with no remnant vegetation remaining within the road corridor.

A level one Fauna and Black Cockatoo Survey was conducted in July 2017 by the MRIA within and in the vicinity of the road corridor. No trees with potentially suitable hollows were found within the corridor.

A native vegetation clearing permit under Part V of the Environmental Protection Act was approved (CPS 8233/2) to allow for clearing of native vegetation within the project area. Other clearing permits associated with the works are CPS 8386/1, 7623/2 and 7992/1. All approvals for construction have been obtained and works commenced in late 2019. The project has now been constructed.

The Department of Water and Environmental Regulation (DWER) has no objections to the amendment being advertised.

### **Regional Roads**

The Armadale Road to North Lake Road bridge is proposed to be reserved as a PRR and will provide access via north facing ramps to the Kwinana Freeway PRR and North Lake Road ORR.

MRWA has no objections to the amendment being advertised.

### **Urban Water Management**

A District Water Management Strategy is not required for the corridor, as the amendment is only identifying and protecting the extent of land that is required for the Armadale Road to North Lake Road Bridge.

It is anticipated that treatment of all runoff generated from within the corridor will be contained within the reserve or incorporated into adjacent MRWA infrastructure.

### **Infrastructure**

#### **Water and Wastewater**

Water Corporation has no objection to the proposed amendment.

### Electricity

Existing underground power services and overhead power lines are located within portions of the site.

### Gas

ATCO has no objection to the proposed amendment.

### Public Transport

The proposal includes reserving land as Railways for long-term parking at the Cockburn Central train station. The Armadale Road to North Lake Road Bridge includes an underpass providing access to the PTA's car park.

The Department of Transport did not have any preliminary comments and supports initiating an amendment.

## **5 Aboriginal Heritage**

The *Aboriginal Heritage Act 1972* (AHA) is administered by the Department of Planning, Lands and Heritage 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.

Proponents of proposals are advised to familiarise themselves with the *Aboriginal Heritage Due Diligence Guidelines* (the Guidelines). These have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The Guidelines are available electronically at: [https://www.wa.gov.au/system/files/2021-05/AH-Due-diligence-guidelines\\_0.pdf](https://www.wa.gov.au/system/files/2021-05/AH-Due-diligence-guidelines_0.pdf).

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC and the Department of Planning, Lands and Heritage 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 MRS amendment proposals likely to be of interest to Aboriginal persons are referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

The 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 advertising period.

## **6 Coordination of local and region scheme amendments**

Under section 126(1) of the *Planning and Development Act 2005* if a region planning scheme delineates land comprised in a local planning scheme for any public purpose, then the local planning scheme, in so far as it operated in relation to that land is, by force of this section, and

without any further action under this Act, amended to such extent (if any) as is necessary to give effect to the reservation under the region planning scheme.

## **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. *Development Control Policy 1.9 – Amendment to Region Schemes* (WAPC, 2017) sets out the criteria for deciding whether the major or minor process should be followed. In this regard, the amendment is proposed to be processed as a "minor" amendment as follows:

- The proposed PRR is identified in Plan 6 of the *South metropolitan Peel Sub-Regional Planning Framework*.
- The amendment would facilitate the construction of an efficient and effective regional movement network consistent with the intent of the *South Metropolitan Peel Sub-Regional Planning Framework*.
- The amendment constitutes a logical rationalisation of the zoning and reservation of land in the MRS for the locality.
- Key State Government agencies agree to the initiation of the amendment.

## **8 Sustainability appraisal**

The proposed amendment protects the Armadale Road to North Lake Road Bridge PRR reserve in the MRS, provides clarity and certainty for future road planning and adjacent developments and allows orderly land use planning to occur along this corridor.

## **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*. 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
- 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 will be advertised for public submissions for a period of 60 days from Friday 18 March 2022 to Friday 20 May 2022.

Copies of the amendment are available for public inspection at:

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

Online submissions are encouraged via: <https://consultation.dplh.wa.gov.au>.

Written submissions commenting on the amendment should be sent to:

The Secretary  
Western Australian Planning Commission  
140 William Street  
PERTH WA 6000

or by email to:-

[RegionPlanningSchemes@dplh.wa.gov.au](mailto:RegionPlanningSchemes@dplh.wa.gov.au)

**and must be received by 5 pm Friday 20 May 2022.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 57) is contained in this report (Appendix E). Additional copies of the form are available from the display locations and the Department of Planning, Lands and Heritage website <https://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.



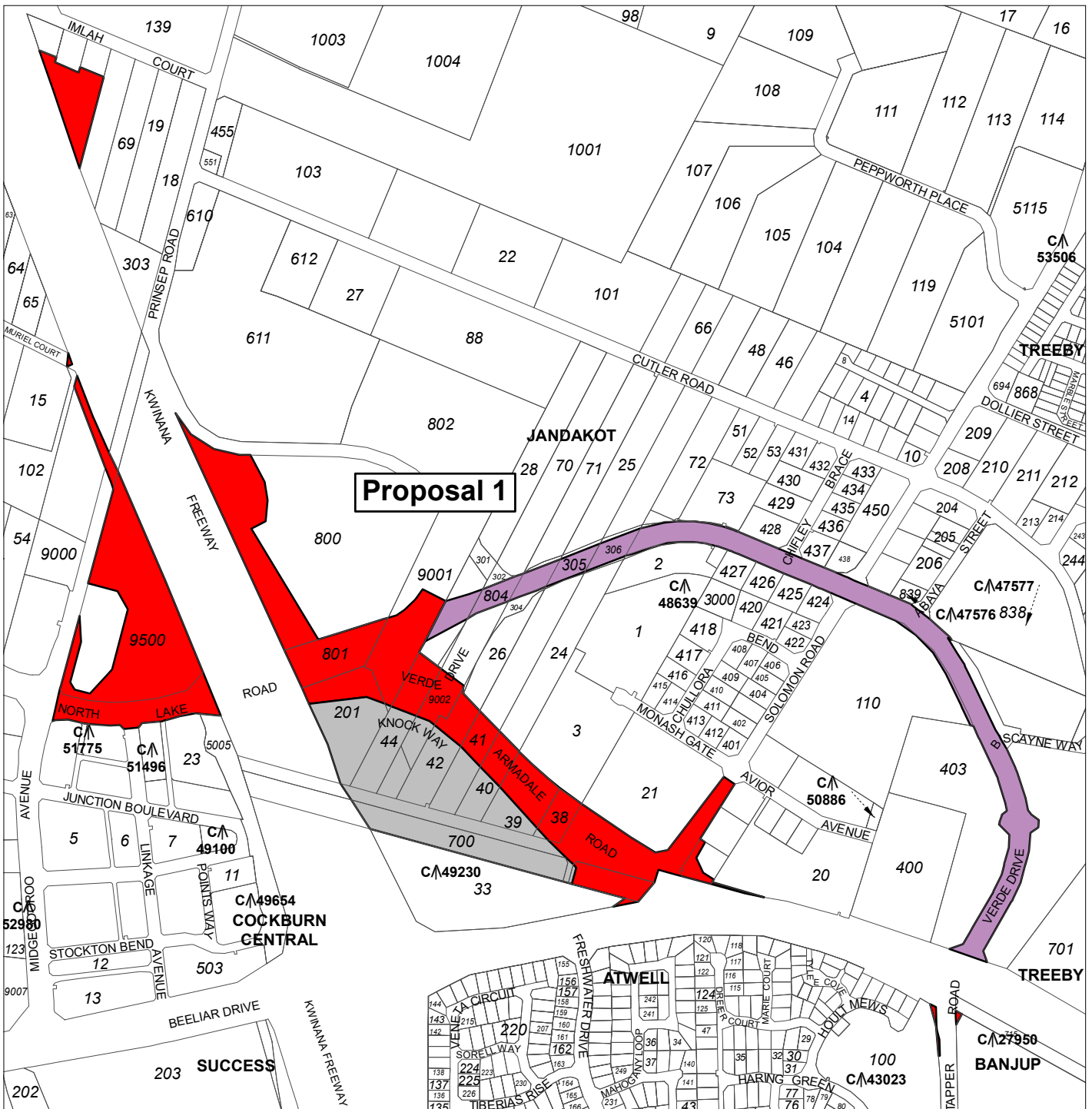
**MRS Amendment 1393/57**

**Armadale Road to North Lake Road Bridge  
(Tapper Road to Midgegooroo Avenue)**

**Amendment Figure  
Proposal 1**










**Armadale Road to North Lake Road Bridge (Tapper Road to Midgegooroo Avenue)  
Proposed minor amendment  
as advertised**

8 December 2021

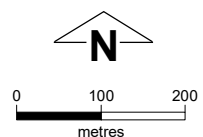
Proposal 1

Proposed Amendment:

-  Industrial zone
-  Primary regional roads reservation
-  Railways reservation

Oracle reference no: 3286

Version number: 3





## **Appendix A**

### **Notice of environmental assessment**



Ms Sam Fagan  
Chief Executive Officer  
Western Australian Planning Commission  
Locked Bag 2506  
**PERTH WA 6001**

Our Ref: CMS18133  
Enquiries: Renee.Blandin, 6364 7259  
Email: [Renee.Blandin@dwer.wa.gov.au](mailto:Renee.Blandin@dwer.wa.gov.au)

Dear Ms Fagan

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

<b>SCHEME</b>	<b>Metropolitan Region Scheme Amendment 1393/57</b>
<b>LOCATION</b>	<b>Armadale Road to North Lake Road Bridge (Tapper Road to Midgegooroo Avenue)</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Western Australian Planning Commission</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. No Advice Given. (Not Appealable)</b>

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

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

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 the Chair's determination will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R. Hughes', is positioned above the typed name.

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

14 January 2022

Encl. Chair's Determination



GOVERNMENT OF  
WESTERN AUSTRALIA

# Environmental Protection Authority

S48A Referrals

**Title:** Metropolitan Region Scheme Amendment 1393/57

**Location:** Armadale Road to North Lake Road Bridge (Tapper Road to Midgegooroo Avenue)

**Description:** To reclassify 24 hectares of land between Tapper Road and Midgegooroo Avenue from Urban, Industrial, Rural and Other Regional Roads to the Primary Regional Roads reservation, Railways reservation and Industrial zone. The reservations will reflect existing and intended future land use, with construction works for the roads associated with the amendment mostly completed.

**Ref ID:** CMS18133

**Date Received:** 23/12/2021                      **Date Sufficient Information Received:** 23/12/2021

**Responsible Authority:** Western Australian Planning Commission

**Contact:** Nabil Rahman

**Preliminary Environmental Factors:** Flora and Vegetation; Terrestrial Fauna; Inland Waters


**Potential Significant Effects:** Clearing of native vegetation that may provide habitat for Threatened species of black cockatoo. Potential impact to Resource Enhancement Wetland (REW).

**Management:** The amendment area is mostly cleared, containing less than 1 hectare of native vegetation, and the vegetation within the mapped portion of the REW has been cleared for an existing road. Clearing will be managed through the existing clearing permits for the amendment area under Part V of the EP Act.

**Determination:** **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given. (Not Appealable).**

The EPA has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Deputy Chair Initials: 

Date: 12 January 2022





## **Appendix B**

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



**Metropolitan Region Scheme  
Amendment 1393/57**

**Armadale Road to North Lake Road Bridge  
(Tapper Road to Midgegooroo Avenue)**

**as advertised**

**Amending Plan 3.2786**

**Detail Plans**

1.6558, 1.6559 & 1.6583

*\*Detail plans available on request*



## **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 <https://consultation.dplh.wa.gov.au>, 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)**





