



December 2022

Metropolitan Region Scheme Amendment **1379/57** (Minor Amendment)



North-East and North-West Districts Omnibus 3

Report on Submissions
Submissions

Cities of Swan and Wanneroo
Shire of Mundaring

**Metropolitan Region Scheme
Amendment 1379/57
(Minor Amendment)**

North-East and North-West Districts Omnibus 3

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Introduction to Metropolitan Region Scheme minor amendments

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

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

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

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

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

Amendment report

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

Environmental review report

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

Report on submissions

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

Submissions

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

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Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1379/57
North-East and North-West Districts Omnibus 3

Report on Submissions

1 Introduction

At its December 2020 meeting, the Western Australian Planning Commission (WAPC) resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of Section 57 of the *Planning and Development Act 2005*.

The principle differences between the minor and major MRS amendment processes are that the former includes a 60 day advertising period while the period for the latter is 90 days, the former is not required to be placed before Parliament (for 12 sitting days) while the latter is, and there is no requirement for submitters to be offered hearings for minor amendments.

2 The proposed amendment

Purpose

The amendment comprises of ten proposals relating to land within the North-East and North-West Districts of the Perth Metropolitan Region. The description of each proposal, as described in the previously published *Amendment Report*, is provided below:

CITY OF WANNEROO

Proposal 1

Alkimos: To transfer Lot 1014 Skysail Avenue from the Urban zone to the Public Purposes - High School reservation (Figure 1).

The Department of Education has requested that Lot 1014 Skysail Avenue be transferred from the Urban zone to the Public Purposes - High School reservation in the MRS, in order to facilitate the future construction of the proposed Butler North Secondary College on this site. The site is identified as a high school site in the *Central Alkimos Local Structure Plan*.

Proposal 2

Alkimos: To transfer Lot 2018 Santorini Promenade from the Urban zone to the Public Purposes - High School reservation (Figure 2).

Lot 2018 Santorini Promenade is the site of Alkimos College and is to be reserved for Public Purposes - High School consistent with this current use of the site.

Proposal 3

Butler: To transfer Lot 2004 McCormack Boulevard from the Urban zone to the Public Purposes - High School reservation (Figure 3).

Lot 2004 McCormack Boulevard is the site of Butler College and is to be reserved for Public Purposes - High School consistent with this current use of the site.

Proposal 4

Clarkson: To transfer Lot 1 Harmony Avenue from the Public Purposes - High School reservation to the Public Purposes - Technical School reservation and Lot 13303/Reserve 45981 Connolly Drive from the Public Purposes - High School reservation to the Urban zone (Figure 4).

Lot 1 Harmony Avenue is the site of the Clarkson Campus of the North Metropolitan TAFE and is to be reserved for Public Purposes - Technical School consistent with the current use of the site.

Lot 13303/Reserve 45981 Connolly Drive is vested with the City of Wanneroo for drainage purposes and is currently used for this purpose. This site is to be zoned Urban consistent with the current use of the site.

Proposal 5

Neerabup: To transfer a portion of Lot 801 Flynn Drive from the Parks and Recreation reservation to the Industrial zone and to remove this land and part of the adjacent road reserve from Bush Forever Site 384 (Figure 5).

The landowner has requested that 3.6 hectares of land in the south-western corner of Lot 801 be rezoned to the Industrial zone in the MRS and for this land to be removed from Bush Forever Site 384, to facilitate the planning and development of this land as part of the Neerabup Industrial Estate. Part of the adjacent road reserve for Flynn Drive is also to be removed from Bush Forever Site 384 in order to rationalise its extent.

Proposal 6

Madeley: To transfer portions of Lot 2 Wanneroo Road from the Other Regional Roads reservation to the Urban zone (Figure 6).

The landowner has requested the MRS be amended to transfer approximately 2,986 square metres of land within Lot 2 Wanneroo Road from the Other Regional Roads reservation to the Urban zone, to reflect the reduced land requirement for this reservation along this section of Hepburn Avenue.

CITY OF SWAN

Proposal 7

Ballajura: To transfer Lot 3 Cassowary Drive from the Public Purposes - High School reservation to the Urban zone (Figure 7).

Lot 3 Cassowary Drive is currently the site of the Ballajura Police Station. The Public Purposes - High School reserved portion of this site is to be zoned Urban consistent with its current use.

Proposal 8

Whiteman: To transfer a portion of Lot 811 Drumpellier Drive from the Parks and Recreation reservation to the Urban zone (Figure 8).

The proposal seeks to rezone approximately 2.01 hectares of Lot 811 Drumpellier Drive from the Parks and Recreation reservation to the Urban zone in the MRS, in order to facilitate a land exchange between the WAPC and the owner of the adjacent lot, Lot 13 Marshall Road.

This land exchange will enable the WAPC to acquire land required for proposed road works along Beechboro Road North and Marshall Road.

SHIRE OF MUNDARING

Proposal 9

Helena Valley: To transfer a portion of Lot 252 Helena Valley Road and a portion of the Tamala Grove road reserve from the Rural zone to the Urban zone (Figure 9).

The landowner has requested that a portion of Lot 252 Helena Valley Road and a portion of the Tamala Grove road reserve in Helena Valley (a total area of approximately 7,800 square metres) from the Rural zone to the Urban zone in the MRS, in order to facilitate the planning and development of land for urban purposes. The amendment area is designated as "Urban" in the *North-East Sub-regional Planning Framework*.

Proposal 10

Helena Valley: To transfer portions of Lots 2 and 6 Midland Road from the Rural zone to the Urban zone (Figure 10).

The proposal seeks to rezone the site from the Rural zone to the Urban zone to make the zoning of this site consistent with the extent of the WAPC endorsed *Lots 2, 3 & 6 Midland Road, Helena Valley Local Structure Plan* and the "Urban expansion" designation of the site in the *North-East Sub-regional Planning Framework*.

3 Environmental Protection Authority advice

On 23 August 2021, the Environmental Protection Authority (EPA) determined that the amendment did not require assessment under Part IV of the *Environmental Protection Act 1986*.

The EPA also provided advice on flora and vegetation, terrestrial fauna, inland waters and social surrounding environmental factors relevant to Proposals 1, 5 and 8 to 10. In this regard, the EPA provided advice on habitat areas for threatened species of black cockatoo, the Banksia dominated woodlands of the Swan Coastal Plain and the Tuart woodlands and forests of the Swan Coastal Plain threatened ecological communities, resource enhancement wetlands, the protection and management of water values, the protection of Aboriginal heritage sites, the Helena River floodway and the requirements of the Swan and Canning Rivers Development Control Area.

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

4 Call for submissions

The amendment was advertised for public submissions from Friday 17 September 2021 to Friday 19 November 2021.

The amendment was advertised for public inspection during ordinary business hours at the:

- i) Western Australian Planning Commission, 140 William Street, Perth
- ii) Offices of the Cities of Wanneroo and Swan, and the Shire of Mundaring
- iii) State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in the *West Australian* and relevant local newspaper/s circulating in the locality of this amendment.

5 Submissions

Eighteen submissions (including three late submissions) were received on the amendment, as follows:

- Six submissions from State government agencies, local government and landowners supported or generally supported the amendment and provided comment.
- Ten submissions from State government agencies, local government and the Water Corporation raised no objections to and/or provided comment on the amendment.
- Two submissions of objection from the Shire of Mundaring and Main Roads Western Australian (MRWA). The Shire of Mundaring partially objected to Proposal 9 and objected to Proposal 10 and provided comment on these proposals. MRWA objected to Proposal 6 and raised no objection to and/or provided comments on the remaining proposals.

Significant issues raised in submissions which require further consideration are discussed in Part 6 of this report.

An alphabetical index of all persons and organisations lodging submissions is provided in Schedule 1. A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions is contained in this report.

6 Main issues raised in submissions

6.1 Proposal 6 - Land requirements for the planned upgrade of the Wanneroo Road/Hepburn Avenue intersection

MRWA advises it does not support Proposal 6 at this time, as it is based upon outdated concept plans for the planned upgrade of the Wanneroo Road/Hepburn Avenue intersection. MRWA also advises that a project for the upgrade of this intersection is currently under development, and that the likely impacts of the proposed design of this intersection, including the extent of land required for drainage and services, are not fully understood. Consequently, it is not known whether part of the amendment area for Proposal 6 will still need to be reserved in the MRS.

WAPC Comment: Comments noted and upheld. Proposal 6 has been deleted from the amendment given the lack of sufficient certainty around the ultimate land requirements for the planned upgrade of the Wanneroo Road/Hepburn Avenue intersection at this time. This amendment proposal will be considered for inclusion in a future MRS amendment once the proposed design of the planned intersection upgrade has reached a point where there is sufficient certainty around the land requirements for the future upgrade of this intersection,

and the potential impacts of these land requirements are likely to have on the amendment area for this proposal.

6.2 Concurrent amendment of local planning schemes

As Proposals 8, 9 and 10 of the amendment propose to rezone land to the Urban zone in the MRS, the WAPC has option of resolving to concurrently amend the respective local planning schemes to a zone consistent with the objectives of the Urban zone, pursuant to section 126(3) of the *Planning and Development Act 2005* (the PD Act). However, prior to concurrently amending a local planning scheme the WAPC is required to consult with the relevant local government/s, pursuant to section 126(4) of the PD Act. In this regard, the City of Swan and the Shire of Mundaring do not support the concurrent amendment of the respective local planning schemes for Proposals 8 and 9, as outlined below.

Proposal 8 - Pt Lot 811 Drumpellier Drive, Whiteman: The owner of an adjacent property (Lot 13 Marshall Road) which is intended to be amalgamated with land within the amendment area as part of a land swap transaction with the WAPC, has requested the concurrent amendment of the *City of Swan Local Planning Scheme No. 17* (LPS 17) to zone the amendment area to the "Residential Development" zone. However, the City of Swan (the City) does not support LPS 17 being concurrently amended for the following reasons:

- (a) Further planning is required for the amendment area. In this respect, the report to Council on the amendment states that a separate local scheme amendment will need to be supported by a planning instrument such as a local structure plan to provide guidance on the future development of the amendment area, and that this structure plan should include an environmental impact assessment and a stormwater management plan.
- (b) Public reserves cannot be concurrently amended pursuant to section 126(3) of the PD Act.

WAPC Comment - Proposal 8: *The City comments are dismissed, and the WAPC has determined that the concurrent amendment of LPS 17, to rezone the amendment area to the "Industrial Development" zone, is appropriate for the following reasons:*

- (a) *The likely intent of requiring a separate amendment to LPS 17 is to ensure that the future development of the amendment area avoids or appropriately manages any impacts on wetlands and any other environmental values within Whiteman Park. However, it is noted that any future local structure plan for this site will need to comply with the requirements of Part 5A (Structure Planning Areas) of LPS 17 and the relevant recommendations of the State Planning Framework (i.e. State Planning Policy 2.0: Environment and Natural Resources Policy and SPP 2.9 Planning for Water Resources). This should provide for the appropriate protection of significant environmental values within this site and its surrounds. As the existing planning framework already provides the appropriate protection of environmental values, requiring a separate local scheme amendment and is not likely to lead to an improved outcome in the protection of significant environmental values.*
- (b) *There are no requirements in the PD Act, or any other requirement, which prohibit the WAPC from currently amending LPS 17 to rezone the amendment area to the "Industrial Development" zone, or any similar zone.*
- (c) *The proposed "Industrial Development" zoning is consistent with the zoning of adjacent land under LPS 17 and the objectives of the Urban zone in the MRS.*

Proposal 9 - Pt Lot 252 Helena Valley Road and Pt Tamala Grove road reserve, Helena Valley: The Shire of Mundaring (the Shire) only supports the concurrent amendment of its *Local*

Planning Scheme No. 4 (LPS 4) to reserve the portion of the amendment area within the Tamala Grove road reserve to the "Other Local Roads" reservation. The Shire objects to the balance of the amendment area being rezoned to the Urban zone, on grounds that the subsequent subdivision of the amendment area would result in the loss of remnant vegetation within this area.

WAPC Comment - Proposal 9: The Shire comments are dismissed, and the WAPC has determined that the concurrent amendment of LPS 4, to rezone the amendment area to the "Development" zone, is appropriate for the following reasons:

- (a) Section 126(3) of the PD Act does not provide for the WAPC to concurrently amend a local planning scheme to transfer land to a local scheme reserve.*
- (b) Concurrently amending LPS 4 to rezone the amendment area the "Development" zone would require the preparation of a local structure plan, which would be likely to provide for the protection of remnant vegetation within the amendment area which may have significant environmental or amenity values. In this regard the provisions in Part 5 (General Development Requirements) of LPS 4 and any relevant recommendations of the State Planning Framework should ensure that any future local structure plan will appropriately provide for the protection of any significant environmental and amenity values.*

6.3 Proposal 10 - Potential contaminated site requirements

The Department of Health (DoH) and the Department of Biodiversity, Conservation and Attractions note that land within the amendment area has been reported as a 'Possibly contaminated - Investigation required' site, pursuant to the requirements of the *Contaminated Sites Act 2003* (the CS Act). Additionally, the DoH notes that the amendment area has historically been used for industrial land uses and advises, that as a result, that a detailed site investigation may need to be undertaken to determine the suitability of the amendment area for urban land uses.

WAPC Comment: Comments noted. Land within the amendment area for Proposal 10, and adjacent land, has been reported as 'Possibly contaminated - Investigation required' pursuant to the requirements of the CS Act.

In response to this, the landowner has undertaken a preliminary site investigation and detailed site investigations for the affected land, in support of the Lots 2, 3 and 6 Midland Road, Helena Valley Local Structure Plan and a subdivision application, which was approved by WAPC in 2019. These investigations detected the presence of hydrocarbon, metal and asbestos contamination in the soil, and it was recommended that further site investigations and remediation work will need to be undertaken to make the affected land suitable for residential development, and other similar urban land uses. A standard model subdivision condition has been imposed on the subdivision approval to require that these further site investigations and remediation works be undertaken, pursuant to the requirements of the CS Act.

As this matter can be appropriately managed in the subdivision stage of the planning process, it is considered appropriate to rezone the amendment area for Proposal 10 to the Urban zone in the MRS.

7 Modifications

Proposal 6 - The amendment has been modified to delete Proposal 6 consistent with the discussions above. The deletion of Proposal 6 does not include any additional land in the amendment therefore readvertising of the amendment is not required.

8 Determinations

The responses to all submissions are detailed in this report. It is recommended that the amendment be adopted for finalisation subject to the deletion of Proposal 6.

9 Coordination of region and local scheme amendments

Under section 126(3) of the PD Act the WAPC has the option of concurrently rezoning land that is being zoned Urban under the MRS, to a "Development" zone (or similar) in the corresponding local planning scheme. The WAPC has resolved to concurrently amend the following proposals:

Proposal 8 - To rezone the amendment area to the "Industrial Development" zone in the City of Swan LPS 17.

Proposal 9 - To rezone the amendment area to the "Development" zone in the Shire of Mundaring LPS 4, for the reasons outlined in Section 6.2 (Concurrent amendment of local planning schemes) of this report.

10 Conclusion and recommendation

This report summarises the background to MRS minor amendment 1379/57 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the modified amendment as shown generally on the Amendment Figures – Proposals 1 – 5 and 7 - 10 in *Schedule 4*, and in detail on the MRS Amendment Plans listed in *Appendix 2*, should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning approves the amendment as modified.

11 Ministers decision

Amendments to the Metropolitan Region Scheme using the provisions of section 57 of the PD Act require the WAPC to provide a report and recommendation to the Minister for Planning for approval. The Minister may approve, approve with modification or decline to approve the proposed amendment.

The Minister, after considering the amendment, has agreed with the recommendation of the WAPC and approved the amendment.

MRS Amendment 1379/57 is now finalised as modified and shown on WAPC Amending Plans 1.7982/1 and 1.7983/1 and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on 23 December 2022.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1379/57

North-East and North-West Districts Omnibus 3

Submission Number	Name
12	Education, Department of
15	Element (<i>Name removed at the request of the submitter</i>)
5	Hatch Roberts Day (acts on behalf of the Roman Catholic Archbishop of Perth)
11	Health, Department of
7	Jobs, Tourism, Science and Innovation, Department of
1	Mines, Industry Regulation and Safety, Department of
10	Mundaring, Shire of
2	Primary Industries and Regional Development, Department of
14	Public Transport Authority
9	Swan, City of
6	Taylor Burrell Barnett (<i>Name removed at the request of the submitter</i>)
3	Transport, Department of
8	Wanneroo, City of
13	Water and Environmental Regulation, Swan Avon Region, Department of
4	Water Corporation

Late Submissions	Name
17	Biodiversity, Conservation and Attractions, Department of
16	Fire and Emergency Services, Department of
18	Main Roads WA

Schedule 2

Summary of submissions and determinations

REFER TO THE SUBMISSIONS SECTION FOR A FULL COPY OF EACH WRITTEN SUBMISSION AND SUPPORTING INFORMATION

Submissions: 1, 2, 3, 4, 7, 8, 12, 13, 14, 16 (Late Submission)

Submitted by: Department of Mines, Industry Regulation and Safety; Department of Primary Industries and Regional Development; Department of Transport; Water Corporation; Department of Jobs, Tourism, Science and Innovation; City of Wanneroo; Department of Education; Department of Water and Environmental Regulation; Public Transport Authority; Department of Fire and Emergency Services.

Summary of Submission: COMMENT / NO OBJECTION

The above servicing authority and State Government agencies raise no objections to the amendment, and/or provide no comments or comments on the amendment which relate to subsequent and more detailed stages of the planning process.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 5

Submitted by: Hatch Roberts Day (on behalf of the Roman Catholic Archbishop of Perth)

Summary of Submission: SUPPORT

The submitter supports Proposal 8 of the amendment and advises that it also supports the *City of Swan Local Planning Scheme No. 17* being concurrently amended, pursuant to section 126(3) of the *Planning and Development Act 2005*, to rezone the amendment area to the 'Residential Development' zone.

Planning Comment: Comments noted. Refer to section 6.2 - Concurrent amendment of local planning schemes of the Report on Submissions.

Determination: Submission noted.

Submission: 6

Submitted by: Taylor Burrell Barnett (*Name removed at the request of the submitter*)

Summary of Submission: SUPPORT

The submitter supports Proposal 5 of the amendment and advises that it will submit a local planning scheme amendment to rezone the amendment area to the Industrial Development zone in the *City of Wanneroo District Planning Scheme No. 2*.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 9

Submitted by: City of Swan

Summary of Submission: SUPPORT

- (a) The City of Swan (the City) supports the amendment.
- (b) Proposal 8: The City does not support the concurrent amendment of its *Local Planning Scheme No. 17* to rezone the amendment area for Proposal 8 for the following reasons:
 - (i) Further planning is required for the amendment area; and
 - (ii) Public reserves cannot be concurrently rezoned pursuant to section 126(3) of the *Planning and Development Act 2005*.

Planning Comment:

- (a) Support noted.
- (b) Proposal 8: Comments dismissed. Refer to section 6.2 - Concurrent amendment of local planning schemes of the Report on Submissions.

Determination: Submission partly noted and partly dismissed.

Submission: 10

Submitted by: Shire of Mundaring

Summary of Submission: COMMENT

The Shire of Mundaring (the Shire) provides the following comments on Proposals 9 and 10 of the amendment:

- (a) Proposal 9
 - (i) The Shire does not object to the portion of the amendment area located within the Tamala Grove road reserve being rezoned to the Urban zone, and requests that its *Local Planning Scheme No. 4* (LPS 4) be concurrently amended to reserve this land as Other Local Road, pursuant to section 126(3) of the *Planning and Development Act 2005* (the PD Act).
 - (ii) The Shire objects the balance of the amendment, located within Lot 252 Helena Valley Road, being rezoned to the Urban zone in the MRS, as this would likely result in the loss of remnant vegetation arising from the subdivision of the land.

However, the Shire does not object to this land being used for a road and reserved Other Local Road in LPS 4, as: the amendment area contains the old road for the

former alignment of Helena Valley Road; and that the provision of a road in this location would facilitate the orderly and proper planning of adjacent land subject to the *Helena Valley Local Structure Plan No. 76*.

The Shire advises that the creation of a 30 metre wide road reserve over this land would facilitate the retention of remnant vegetation within the amendment area. In this regard, the Shire notes that the Department of Biodiversity, Conservation and Attractions (DBCA) advises that this remnant vegetation is not identified as being part of any threatened ecological community, but the Shire still considers this vegetation has significant environmental and amenity values in accordance with clause 5.7.12 (Vegetation Protection) of LPS 4.

- (iii) The Shire advises it would be unlikely to support the subdivision or development of this part of the amendment area, due to it being undersize and bushfire prone and the need for future planning to be cognisant of road planning to the west.

(b) Proposal 10

- (i) The Shire states that the *Lots 2, 3 & 6 Midland Road, Helena Valley Local Structure Plan* (Structure Plan 71) was endorsed by the WAPC in 2016 contrary to the Council's resolution to not support Structure Plan 71 and maintains its position that it requires modification as its design represents a poor interface and urban design outcome.

The Shire also states that an MRS amendment would trigger the re-examining of some of this interface which is, in principle, supported.

- (ii) The Shire notes that the current Rural zoning of the amendment area in the MRS reflects the previous extent of the 25-30 Australian Noise Exposure Forecast (ANEF) contours for the Perth Airport, and that this previously precluded the amendment area from being rezoned to the Urban zone. The Shire also notes that consideration can be given to rezoning the amendment area to Urban zone as this land is no longer subject to the 20-35 ANEF contours.
- (iii) The Shire objects to the proposed Urban zoning as it would create an expectation that it is possible and/or desirable to develop this land for urban or residential purposes. The Shire states that the proposed Urban zoning does not account for the development constraints posed by a steep embankment and the special control area for the Helena River floodplain which are located within the amendment area. The Shire recommends that the amendment should account for these constraints.
- (iv) The Shire notes that Structure Plan 71 designates land within the amendment area as public open space / foreshore area, which reflects the extent of the multiple use and resource enhancement geomorphic wetlands associated with Kadina Brook, and states that this is the preferred use of the amendment area. The Shire also states that Kadina Brook is an important ecological and recreational corridor which should be protected from urban or residential encroachment via the reservation of the land, and that this outcome is not precluded by the existing Rural zoning of the amendment area in the MRS.

- (v) The Shire maintains its strong objection to the WAPC endorsement of Structure Plan 71 and approval of a subdivision application, as these decisions are inconsistent with State policy and orderly and proper planning. In particular, the Shire states that the WAPC decision on Structure Plan 71 to support residential development on the site of an existing waterbody [located to the south-east of the amendment area] was based on a misrepresentation from the developer that other land within the structure plan area was contaminated and cost-prohibitive to develop. The Shire contends that the basis for this decision is no longer accurate given the current landowner now intends to develop land north of the waterbody. The Shire also contends that the financial viability of a proposal is not a valid planning consideration.
- (vi) The Shire does not support the concurrent amendment of LPS 4, pursuant to section 126(3) of the PD Act, as it is not satisfied with the previous WAPC approvals issued for the amendment area and adjacent land. The Shire requests that a concurrent amendment not be pursued until agreements are in place to integrate the abovementioned waterbody into the stormwater solution for the site. The Shire also maintains its strong objection to the Structure Plan 71 design, particularly the proposed stormwater management solution, and the subdivision approval issued for the site.
- (vii) The Shire advises that it would only support the zoning of additional urban land in this locality, on the basis that:
- the landowner enters into a legal agreement in which it would agree that it will not act on any aspects of the subdivision approval that require filling of the abovementioned waterbody, or until an alternative agreement or modification to the subdivision approval is endorsed by the Department of Planning, Lands and Heritage; and
 - Structure Plan 71 is modified, and the waterbody is integrated into the stormwater solution for the site.
- (viii) The Shire states that the landowner has encountered obstacles in clearing the urban water management plan condition of the subdivision approval and advises that it will defer the clearance of this condition to the Department.

Planning Comment:

(a) Proposal 9

- (i) Comments noted, but dismissed. Refer to section 6.2 - Concurrent amendment of local planning schemes of the Report on Submissions.
- (ii) Comments noted, but dismissed. The proposed Urban zoning is consistent with the strategic planning for the locality as outlined in the *North-East Sub-regional Planning Framework*, which designates the amendment area as Urban with a Short-term (2015-2021) staging timeframe.

The potential need to retain and protect remnant vegetation within the amendment area is a detailed planning matter which is most appropriately addressed in the subsequent local structure planning stage of the planning process. In this respect, the EPA has recommended that significant trees should be retained where possible in the future development of the amendment area, and the DBCA advises that the amendment area contains limited environmental values. On the basis of

this advice, there is no reason why this matter cannot be appropriately considered and addressed in the subsequent local structure planning stage of the planning process.

The Shire's objection to the concurrent amendment of LPS 4 is discussed further in section 6.2 - Concurrent amendment of local planning schemes of the Report on Submissions.

- (iii) Comments noted, but dismissed. These matters are most appropriately addressed in the subsequent, and more detailed, local structure planning stage of the planning process.

(b) Proposal 10

- (i)&(v) Comments dismissed. Matters relating to the WAPC endorsement of Structure Plan 71 and approval of a subdivision application for the site are beyond the scope of the current MRS amendment proposal.
- (ii) Comments noted. Proposal 10 is consistent with the recommendations of *State Planning Policy 5.1: Land use planning in the vicinity of Perth Airport*.
- (iii) Comments noted, but dismissed. It is noted that parts of the amendment area are located within the Helena River floodplain or contain steep terrain, which may impact on the ultimate development potential of these parts of the amendment area. However, it is also noted that the purpose of the Urban zone in the MRS is to identify land which is suitable for a broad range of urban land uses, including residential, commercial, light industry and recreation and open space. As such, land which is rezoned to the Urban zone in the MRS may not necessarily be developed for residential or commercial purposes in the future. The suitability of Urban zoned land for these various land uses is considered in subsequent planning stages, where it may be determined that the land should be set aside as public open space. In this instance, the WAPC endorsed Structure Plan designates most of the Proposal 10 amendment area as Public Open Space/Drainage, where residential development would not be permitted.

On the basis of the above, the proposed Urban zoning for this site is considered appropriate as:

- the Urban zoning would not create any unreasonable expectations around the development potential of the amendment area, as it is well understood in the industry the appropriateness of various urban land uses is determined in the subsequent, and more detailed, stages of the planning process; and
 - any constraints to development within the amendment area will be appropriately considered and addressed in the subsequent local structure planning stage of the planning process.
- (iv) Comments dismissed. It is noted that the existing Rural zoning of the amendment area in the MRS would not preclude the retention and protection of the Kadina Brook ecological / recreational corridor as shown in Structure Plan 71. However, rezoning the amendment area to the Urban zone in the MRS would provide the opportunity to rezone this land to the Development zone in LPS 4, which would provide a statutory head of power in LPS 4 for the implementation of this local structure plan. An outcome which would provide more guidance and certainty around the retention and protection of the Kadina Brook ecological /recreational

corridor. Additionally, the proposed Urban zoning is also consistent with the strategic planning for the locality as outlined in the *North-East Sub-regional Planning Framework*, which designates the amendment area as "Urban Expansion". As such, the proposed Urban zoning for this is considered to be appropriate.

- (vi) Comments partly dismissed, partly noted. Comments relating to the management of stormwater on land near the amendment area and the Shire does not support the concurrent amendment of its LPS 4 until an agreement is in place to address these matters and are dismissed as:
- the WAPC cannot resolve to concurrently amend a local planning scheme, pursuant to section 126(3) of the PD Act, subject to a proponent entering into an agreement to resolve a matter unrelated to the amendment proposal; and
 - matters relating to the retention of an existing waterbody and stormwater management on land outside of the amendment area are beyond the scope of the current amendment proposal.

The above notwithstanding, the concurrent amendment of LPS 4 to rezone the amendment area to the Development zone is not supported, as this concurrent amendment is not supported by the Shire and the EPA.

- (vii) Comments dismissed. Matters relating to the retention of an existing waterbody and stormwater management on land outside of the amendment area are beyond the scope of the current amendment proposal.
- (viii) Comments dismissed. Matters relating to the clearance of a condition of a subdivision approval are beyond the scope of the current amendment proposal.

Determination: Submission partly noted, partly dismissed.

Submission: 11

Submitted by: Department of Health

Summary of Submission: COMMENT

The Department of Health (the Department) provides the following comments on the amendment:

- (a) Water Supply and Wastewater Disposal: The Department raises no objections to the amendment provided that any future development within the amendment areas is connected to reticulated water and wastewater services pursuant to the requirements of the *Government Sewerage Policy*.
- (b) Public Health: Appropriate searches should be undertaken to confirm that the amendment areas are suitable for their intended use. This includes obtaining a Contaminated Sites - Basic Summary of Records search for each site from the Department of Water and Environmental Regulation (DWER). The Department provides general advice on the requirements for the management of hazard wastes (i.e. asbestos) should the redevelopment of land within the amendment areas require the demolition of existing structures.

(c) Proposal 10:

- (i) The amendment area appears to be used as a commercial haulage and/or skip business site, and contains a large industrial warehouse and outbuildings surrounded by commercial vehicles, skips bins, and piles of soil, metal and timber. The Department also states that land around the amendment area is highly degraded and advises that a detailed site investigation may need to be undertaken, to determine the suitability of the site for land uses compatible with the proposed Urban zoning, and that a remediation plan may need to be prepared.
- (ii) An area to the north-west of the amendment area, which is located within the Helena River floodplain and a wetland area, appears to have been filled with imported soils and covered by a crushed limestone surface, and aerial photography from September 2020 indicates this work is ongoing. This work appears to be inconsistent with the Rural zoning of the land in the MRS and the Department states that the WAPC may wish to determine whether appropriate planning and environmental approvals have been issued for this work. The Department advises that this work may adversely impact upon and restrict future development within the amendment area.
- (iii) The Department recommends that any amendment proposal for the amendment area should comply with the recommended separation distance requirements in *EPA Guidance Statement 3: Separation Distances between Industrial and Sensitive Land Uses* (GS3). In particular, the Department recommends that school sites should not be located adjacent to sites which have the potential to generate unacceptable levels of fumes or emissions, or pose a potential fire or chemical hazard because of activities or storage of materials on the site.

Planning Comment:

- (a) Water Supply and Wastewater Disposal: Comments noted. Any future development of land within the amendment areas will need to be provided with appropriate reticulated water and wastewater services pursuant to the relevant recommendations of the State Planning Framework, such as *Development Control Policy 2.2: Residential Subdivision* and the *Government Sewerage Policy*.
- (b) Public Health: Comments noted. None of the land within the amendment areas for Proposals 1 - 9 have been classified or identified as a contaminated or potential contaminated site, pursuant to the requirements of the *Contaminated Sites Act 2003* (the CS Act)

However, land within the amendment area for Proposal 10 has been reported as 'Possibly contaminated - Investigation required' pursuant to the requirements of the CS Act. This matter is discussed in more detail in Section 6.3 Proposal 10 - Potential contaminated site requirements in the Report on Submissions.

(c) Proposal 10:

- (i) Comments noted. Refer to Section 6.3 - Proposal 10 - Potential contaminated site requirements in the Report on Submissions.
- (ii) Comments noted, but dismissed. The consistency of any land uses and development within the amendment area with the requirements of the MRS or LPS 4 is a matter which is beyond the scope of the MRS amendment process. This notwithstanding, it is likely that any potential impacts that this historical filling of land

may have on the development potential of the amendment area can be appropriately addressed through the ongoing contaminated site investigations and remediation works which need to be undertaken for the site. This matter is discussed in more detail in Section 6.3 Proposal 10 - Potential contaminated site requirements in the Report on Submissions.

- (iii) Comments noted. The need for appropriate separation distances between industrial and sensitive land uses, as per the recommendations of *State Planning Policy 4.1: State Industrial Buffer Policy* and GS3, is a matter which is considered in the assessment of MRS amendments where appropriate. However, in this regard, previous site investigations which have been undertaken for the former landfill site have not identified any need to provide a separation distance between this site and sensitive land uses such as residential development.

Determination: Submission noted.

Submission: 15 (*Name removed at the request of the submitter*)

Submitted by: Element (on behalf of Cityplaza Pty Ltd)

Summary of Submission: COMMENT

The submitter provides the following comments on Proposal 10 of the amendment:

- (a) The proposed amendment is welcomed, noting that the reasons the amendment area was not previously rezoned from the Rural zone to the Urban zone, as part of the previous MRS amendment for the area, is that it was in the ANEF 25-30 noise contour for Perth Airport. As the amendment area is no longer within this noise contour area, the proposed amendment is warranted.
- (b) Further, the proximity of the site to newly established urban development, together with its irregular shape and size (less than the minimum four hectare minimum lot size), is such that it cannot be effectively used for the purpose for which it is currently zoned.
- (c) Proposal 10 is supported as it will make the zoning of the amendment area consistent with the extent of *Structure Plan 71 - Lots 2, 3 and 6 Midland Road, Helena Valley Local Structure Plan*, and the "Urban Expansion" designation of the amendment area in the *North-East Sub-regional Planning Framework*.
- (d) The proponent requests that the *Shire of Mundaring Local Planning Scheme No. 4* (LPS 4) is concurrently amended, pursuant to section 126(3) of the PD Act.

Planning Comment:

- (a)-(c) Comments noted.
- (d) Comment dismissed. The concurrent amendment of LPS 4, pursuant to section 126(3) of the PD Act, is not supported as it is not supported by the Shire of Mundaring or the EPA.

Determination: Submission partly noted, partly dismissed.

Submission: 17 (Late Submission)

Submitted by: Department of Biodiversity, Conservation and Attractions

Summary of Submission: COMMENT

The Department of Biodiversity, Conservation and Attractions (The Department) provides the following comments on Proposals 5, 8 and 10 of the amendment:

- (a) Proposal 5: The Department notes that the amendment will remove 3.6 hectares of land from Bush Forever Site 384 (BFS 384), and that it is intended that a future road access to the Neerabup industrial area will be located within the amendment area. It is also noted that the amendment area was excluded from the land parcel for the balance of BFS Site 384 purchased by the WAPC.

The amendment area contains native vegetation mapped as a potential occurrence of the Commonwealth listed 'Tuart (*Eucalyptus Gomphocephala*) woodlands and forests of the Swan Coastal Plain' ecological community. Consideration should therefore be given to the obligations for assessment of future development of the land in accordance with the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (the EPBC Act). In this respect, the Department advises that the proponent should contact the Commonwealth Department of Agriculture, Water and the Environment for further information on these responsibilities prior to future planning stages.

- (b) Proposal 8: The amendment area contains portions of a resource enhancement wetland mapped in the Department's Geomorphological Wetlands Swan Coastal Plain dataset. The wetland will require further consideration during future planning processes.

- (c) Proposal 10:

(i) The proposal abuts the Helena River foreshore and the Swan Canning Development Control Area. Additionally, Kadina Brook is a resource enhancement wetland (REW), flows through the amendment area, and is a tributary of the Helena River which eventually discharges to the Swan River.

(ii) The amendment area is also listed as a 'Possibly contaminated - Investigation required' contaminated site pursuant to the requirements of the *Contaminated Sites Act 2003*.

(iii) The Department cannot support Proposal 10 as it is not consistent with the *Lots 2, 3 and 6 Midland Road, Helena Valley Local Structure Plan* (Structure Plan 71), which designates part of Lot 6 as Rural Residential and the balance of the amendment area as Public Open Space/Drainage, and provides a 30 metre buffer/development exclusion area to the REW. As the proposed Urban zoning will permit further residential development adjacent to Kadina Brook, the Department requests further information to demonstrate how the proposed zoning would not impact on the ecological values of the resource enhancement wetland, the ecological linkage to Helena River, and the overall functionality of the waterway feature.

Planning Comment:

- (a) Proposal 5: Comments noted. The proponent will be responsible for ensuring that any future development proposals within the amendment area are consistent with the requirements of the EPBC Act.

- (b) Proposal 8: Comments noted.
- (c) Proposal 10:
 - (i) Comments noted.
 - (ii) Comments noted. Refer to Section 6.3 - Proposal 10 - Potential contaminated site requirements in the Report on Submissions.
 - (iii) Comments dismissed. The Urban zone in the MRS is a broad land use zone which is used to identify land which is suitable for a wide range of urban uses, including residential, commercial, light industry, recreational and environmental uses. The ultimate mix of these land uses is determined in the subsequent, and more detailed, local scheme amendment and/or local structure planning stages of the planning process. In this respect, Structure Plan 71 designates most of the amendment area as Public Open Space / Drainage reserve, which is consistent with the Urban zoning proposed by this amendment proposal. As Structure 71 is generally consistent with the Urban zoning in the MRS, this proposed zoning will not have a significant adverse impact of the designation of land uses in this structure plan or its overall operation. In particular, the proposed Urban zoning, in itself, would not facilitate residential development within the Kadina Brook and its foreshore areas.

Determination: Submission partly noted, partly dismissed.

Submission: 18 (Late Submission)

Submitted by: Main Roads Western Australia

Summary of Submission: OBJECTION

Main Roads Western Australia (MRWA) provides the following comments on the amendment:

- (a) Proposals 1 & 5: The MRWA advice provided in the letter dated 24 November 2020 remains current. This previous advice is briefly summarised as follows:

Proposal 1: MRWA previously advised that it has no objection to Proposal 1, but has raised concerns about matters which have not been addressed in the *Alkimos City Centre Structure Plan*. These matters include: the potential need for additional space being required for intersections in this location; the appropriateness of locating school sites adjacent to regional roads such as Marmion Avenue; future restrictions to the school site from Marmion Avenue and connecting roads; and the potential impact of future school crossings across Marmion Avenue on road safety and efficiency.

Proposal 5: MRWA has previously advised that it will not support any new direct access to Flynn Drive in this location, other than that detailed in the *Neerabup Industrial Area Structure Plan*. MRWA also advised that Flynn Drive has been identified as a future state road, which will provide an important east-west connection.

- (b) Proposal 6: MRWA does not support Proposal 6 at this time, as it is based upon land requirements from previous and outdated concept plans for the planned upgrade of the Wanneroo Road/Hepburn Avenue intersection, which is a project which is currently in development by MRWA. At this stage, the impacts of the design being prepared are not fully understood, including the nature and extent of land requirements for drainage and

services. These impacts may result in a need to reserve all or part of the amendment area for Proposal 6.

- (c) Proposals 2 to 4 and 7 to 10: MRWA has no objections or comments to provide on these remaining proposals.

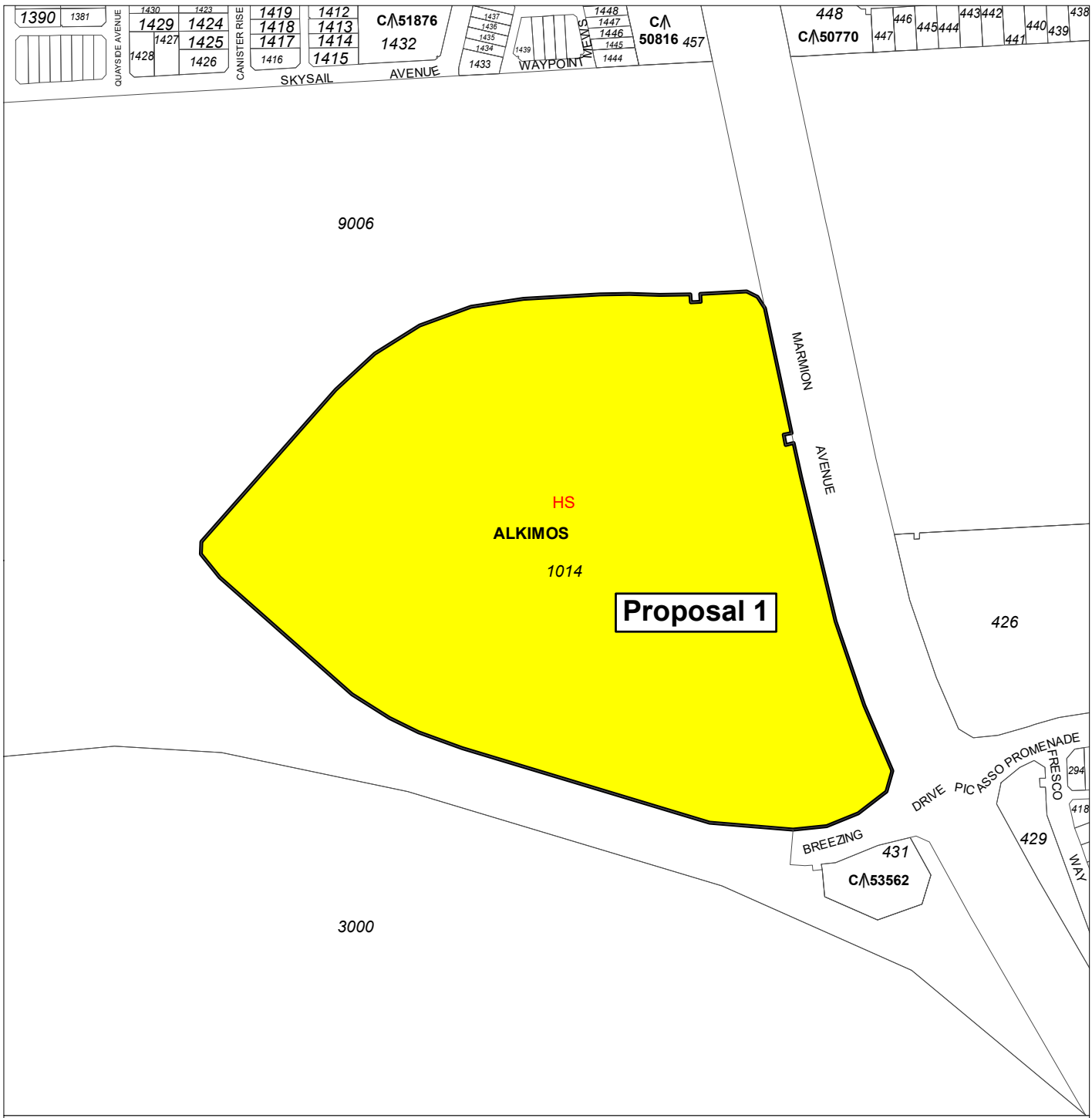
Planning Comment:

- (a) Proposals 1 & 5: Comments noted. However, the matters raised in this point are most appropriately considered and addressed in the subsequent, and more detailed, subdivision and development stages of the planning process. As such, these matters are beyond the scope of the current amendment proposals.
- (b) Proposal 6: Comments noted and upheld. Refer to Part 6.1 - Proposal 6 - Land requirements for the planned upgrade of the Wanneroo Road/Hepburn Avenue intersection of the Report on Submissions.
- (c) Proposals 2 to 4 and 7 to 10: Comments noted.

Determination: Submission partly noted and partly upheld.

Schedule 3


**The amendment figures - proposals 1-10
as advertised**



**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

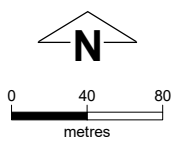
Proposal 1

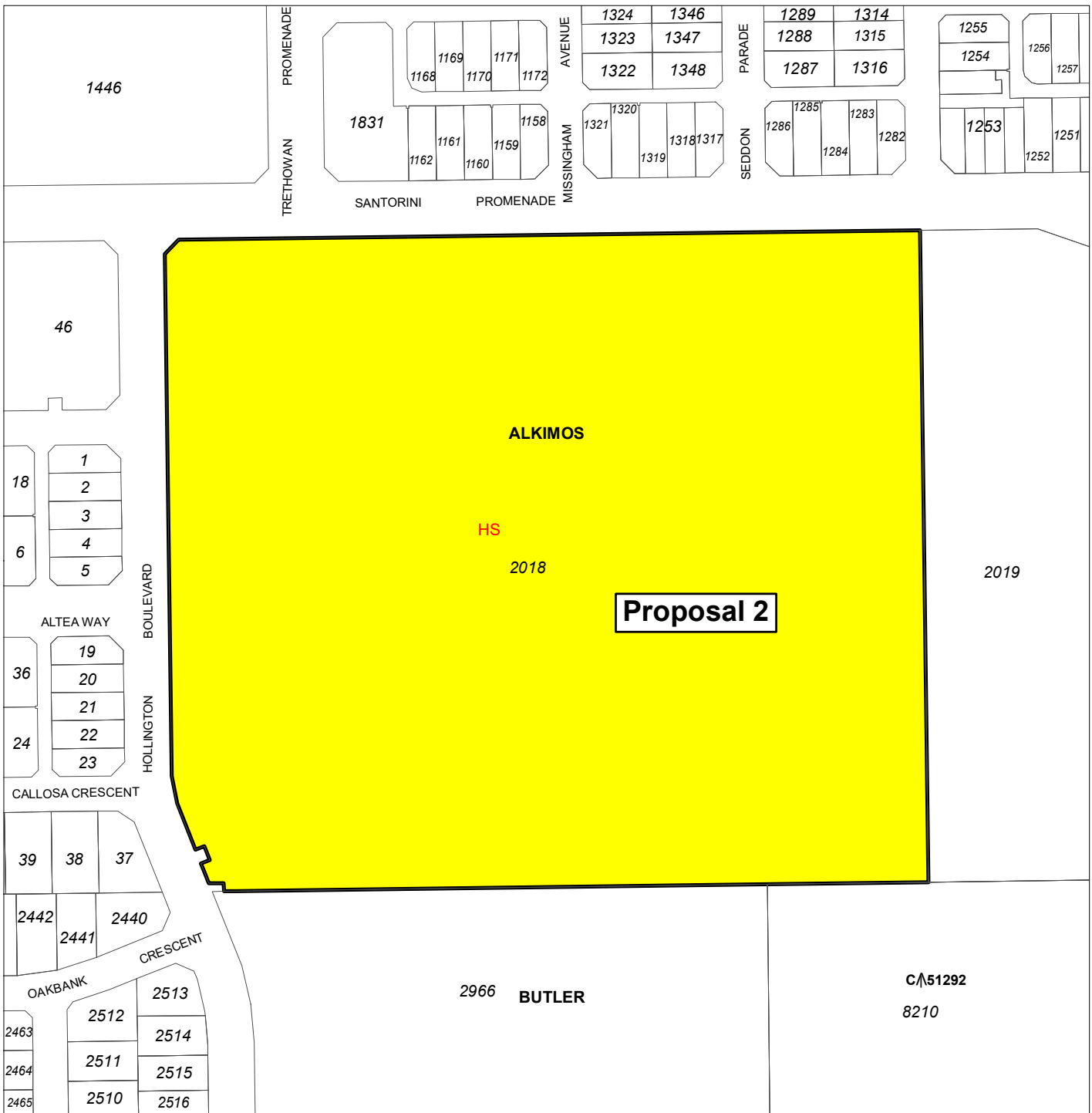
Proposed Amendment:
 **HS** Public purposes reservation - high school

Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 1



Date: 30/11/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 2

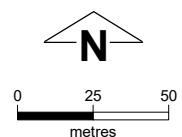
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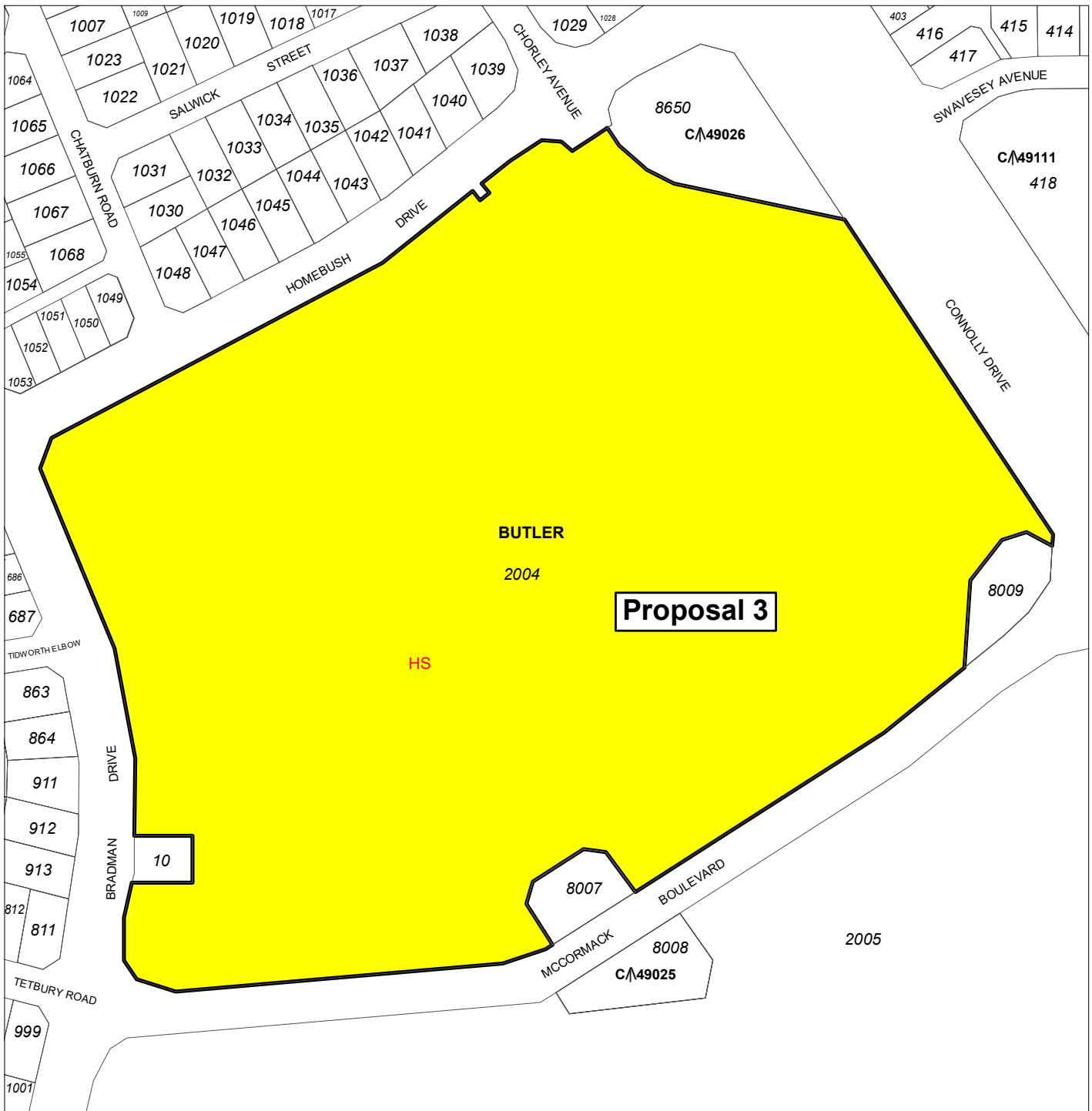
 **HS** Public purposes reservation - high school

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 3

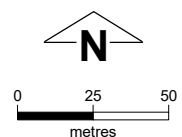
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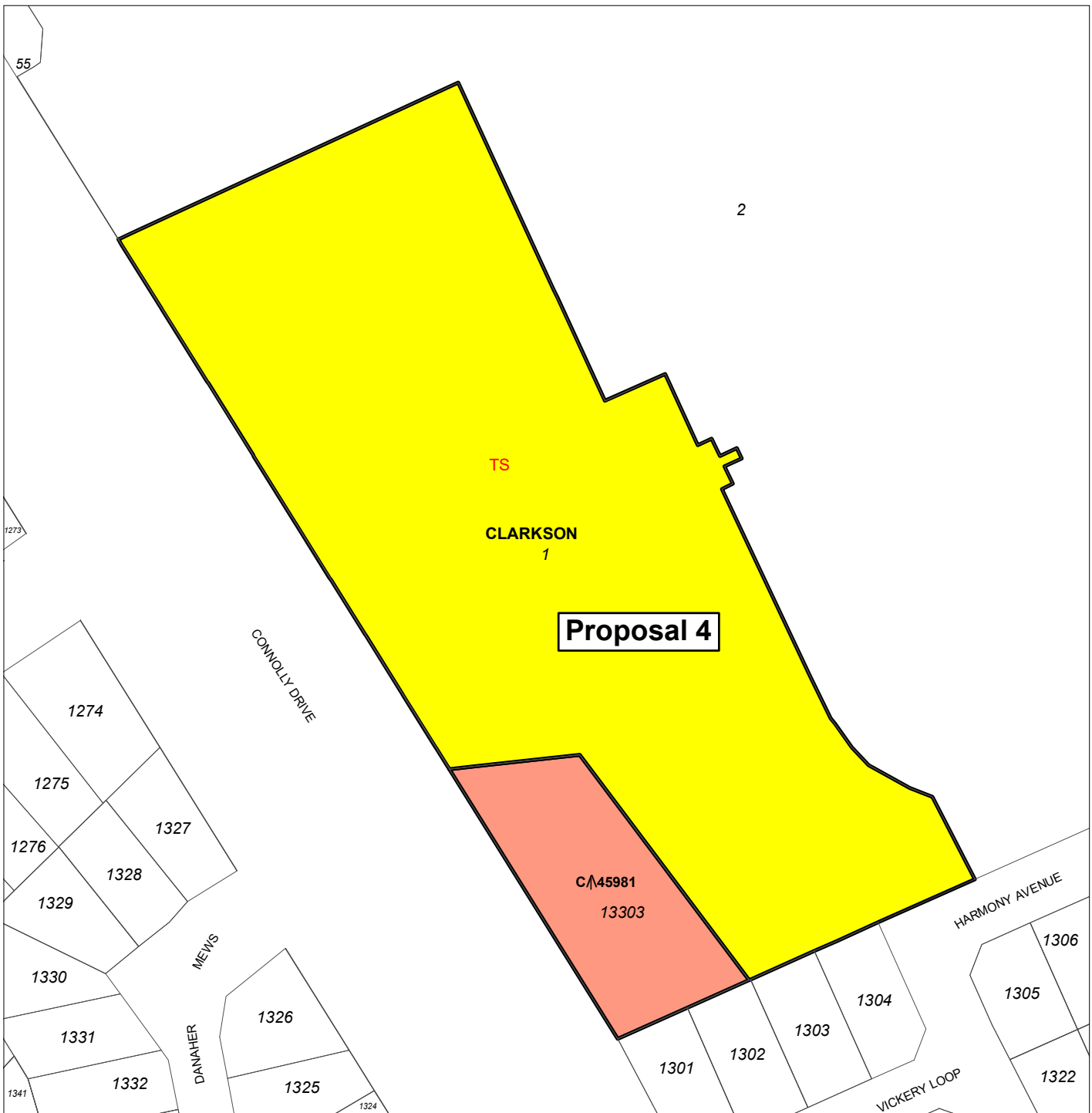
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Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 4

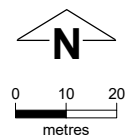
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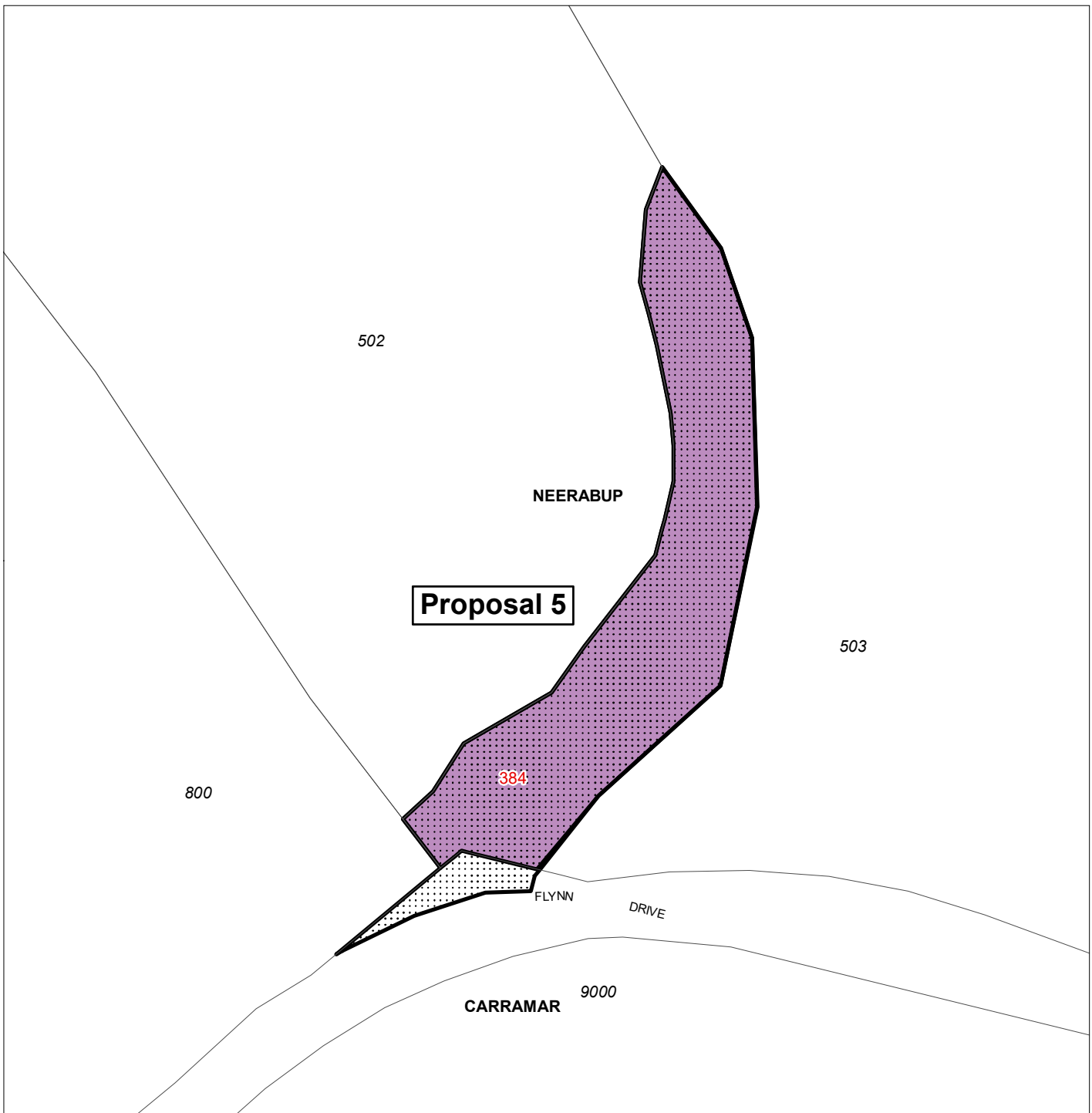
-  TS Public purposes reservation - technical school
-  Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**


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Proposal 5

Proposed Amendment:

 Industrial zone

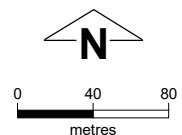
Notice of Delegation

 (Site No. 384) Bush Forever area for removal

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1

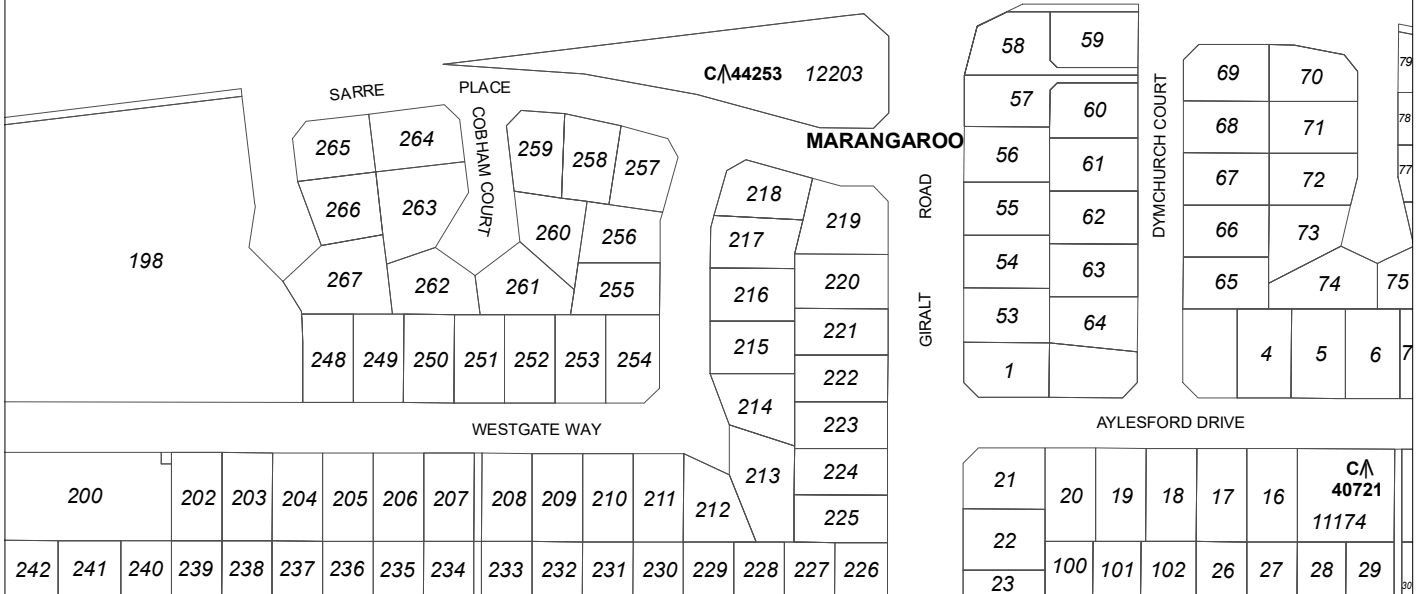
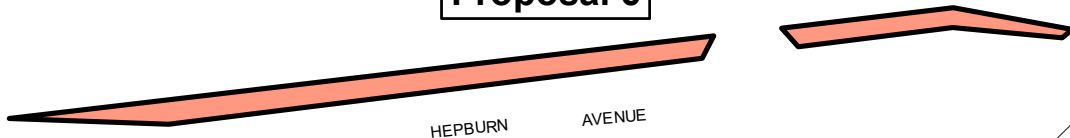


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2 **Proposal 6**



**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 6

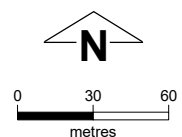
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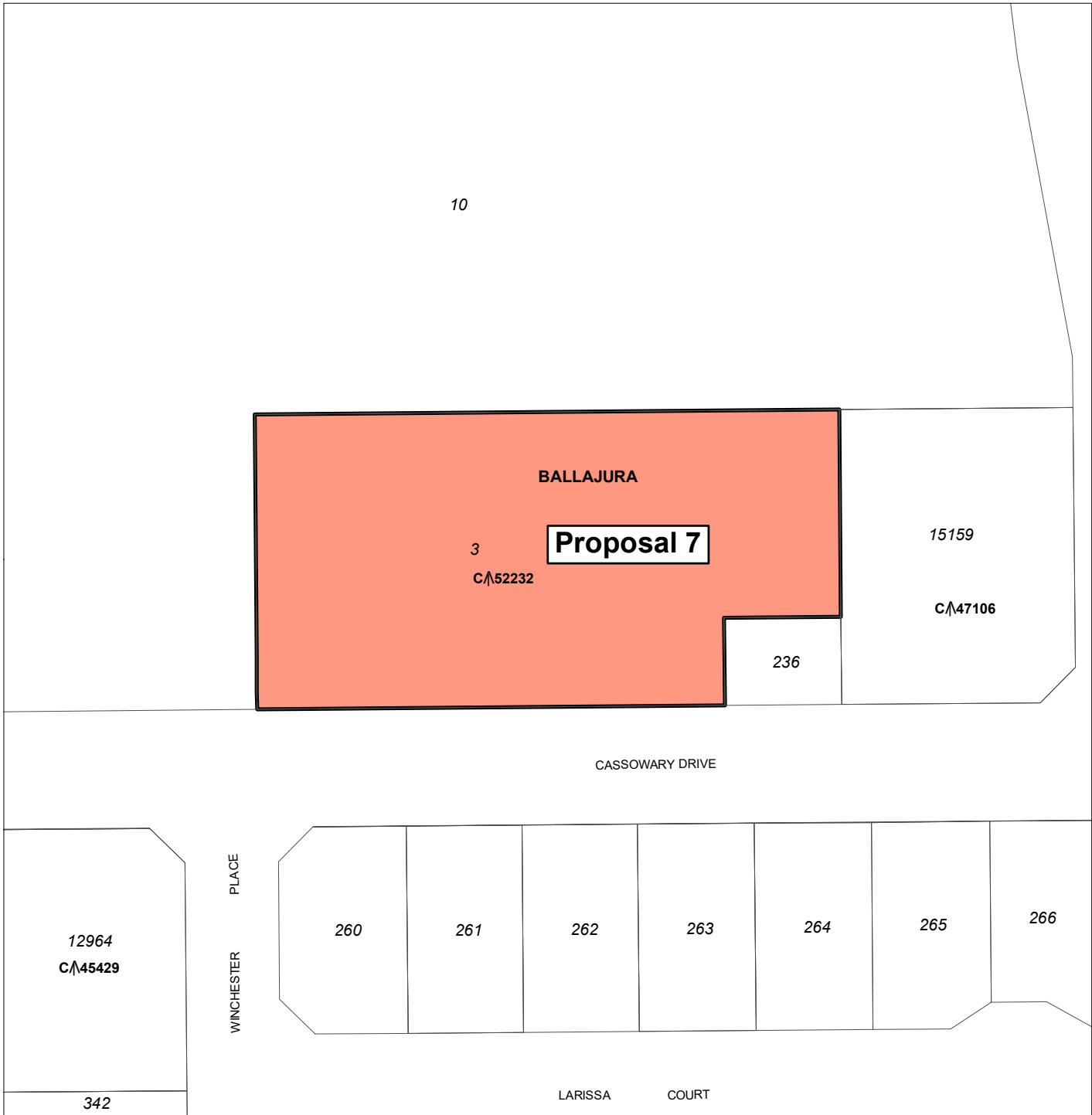


Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 1



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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

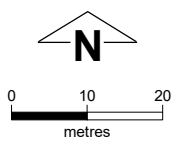
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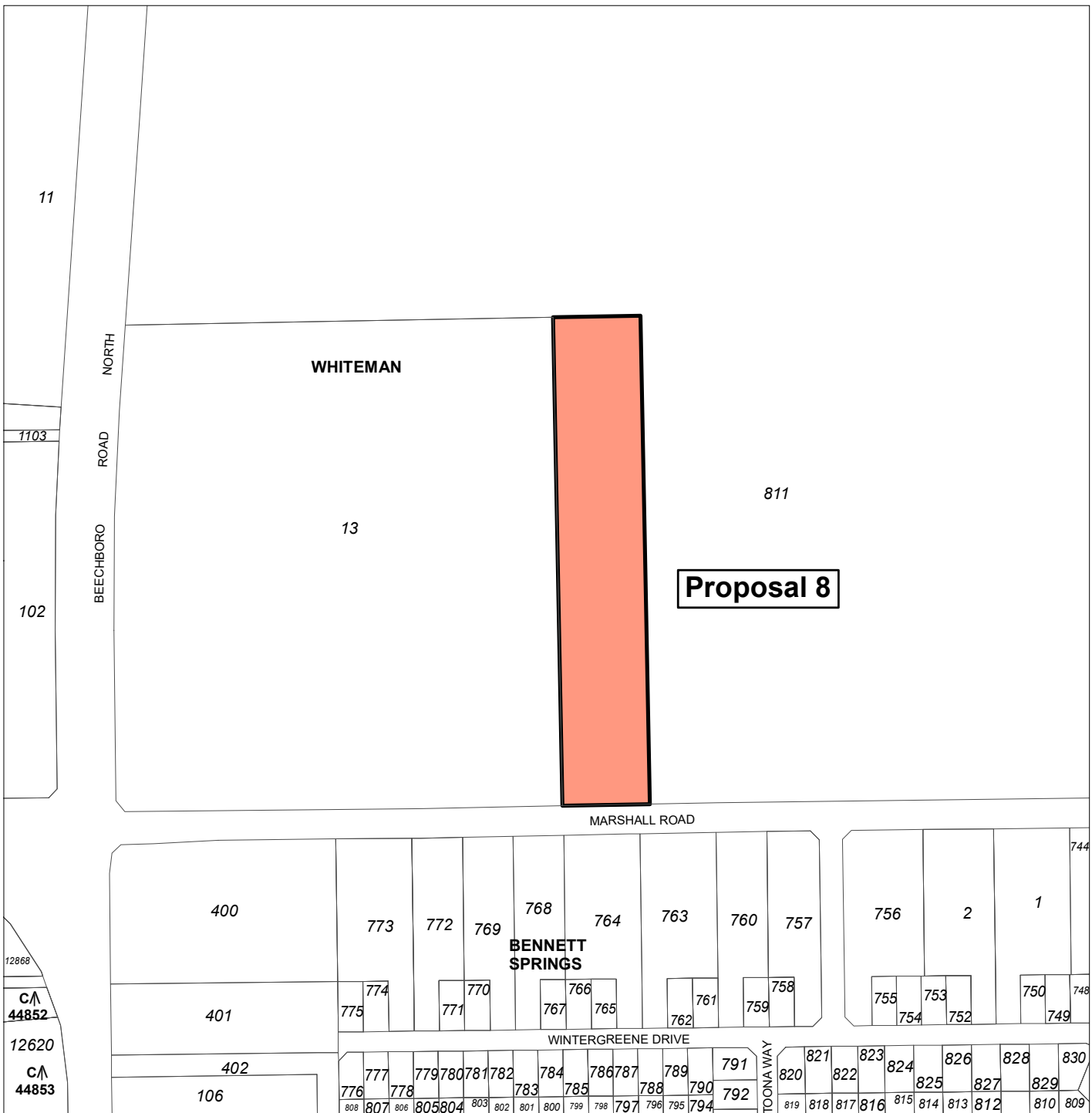
Proposed Amendment:
 Urban zone

Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 1



Date: 16/11/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 8

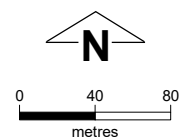
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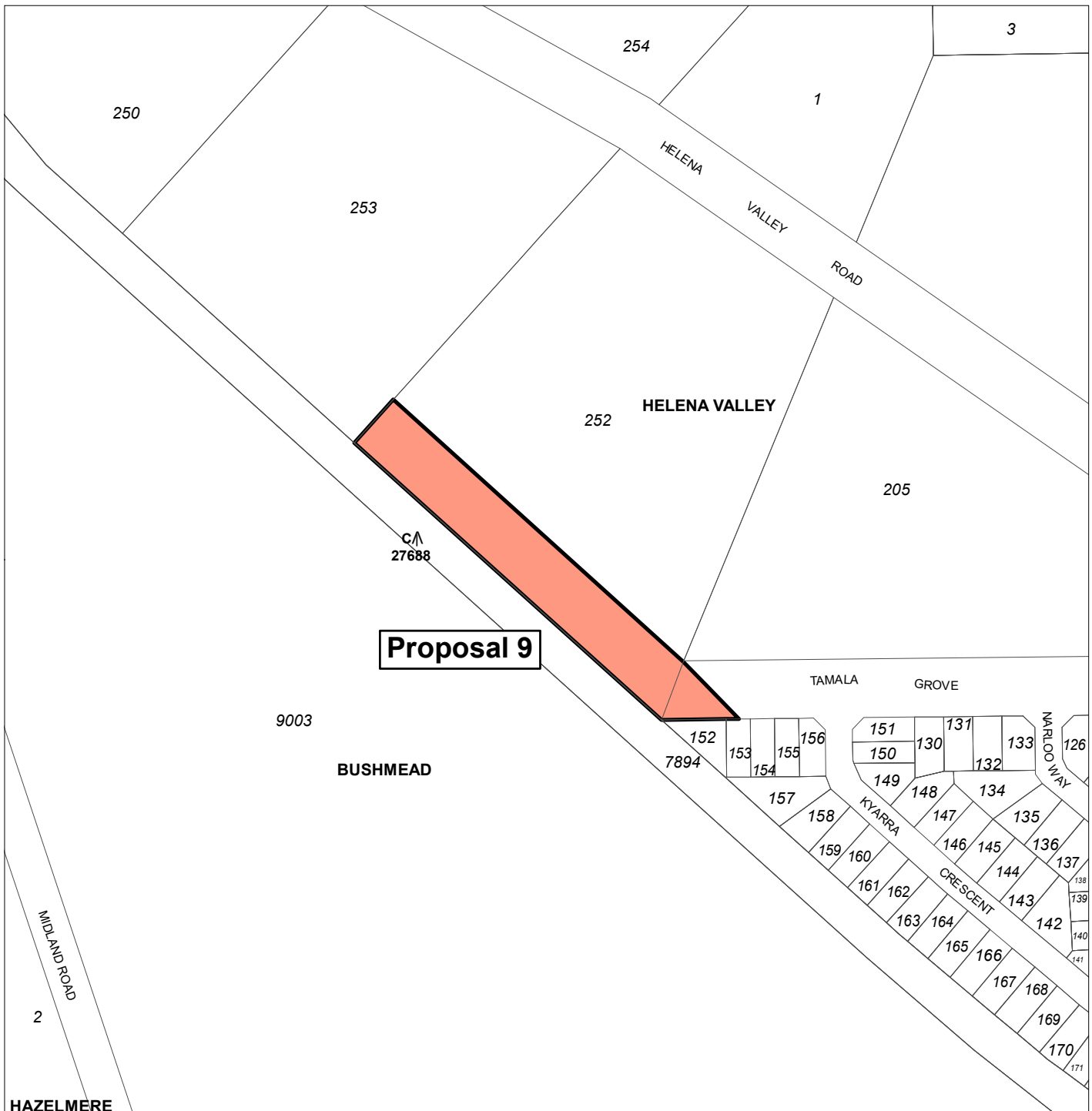
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File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 9

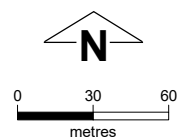
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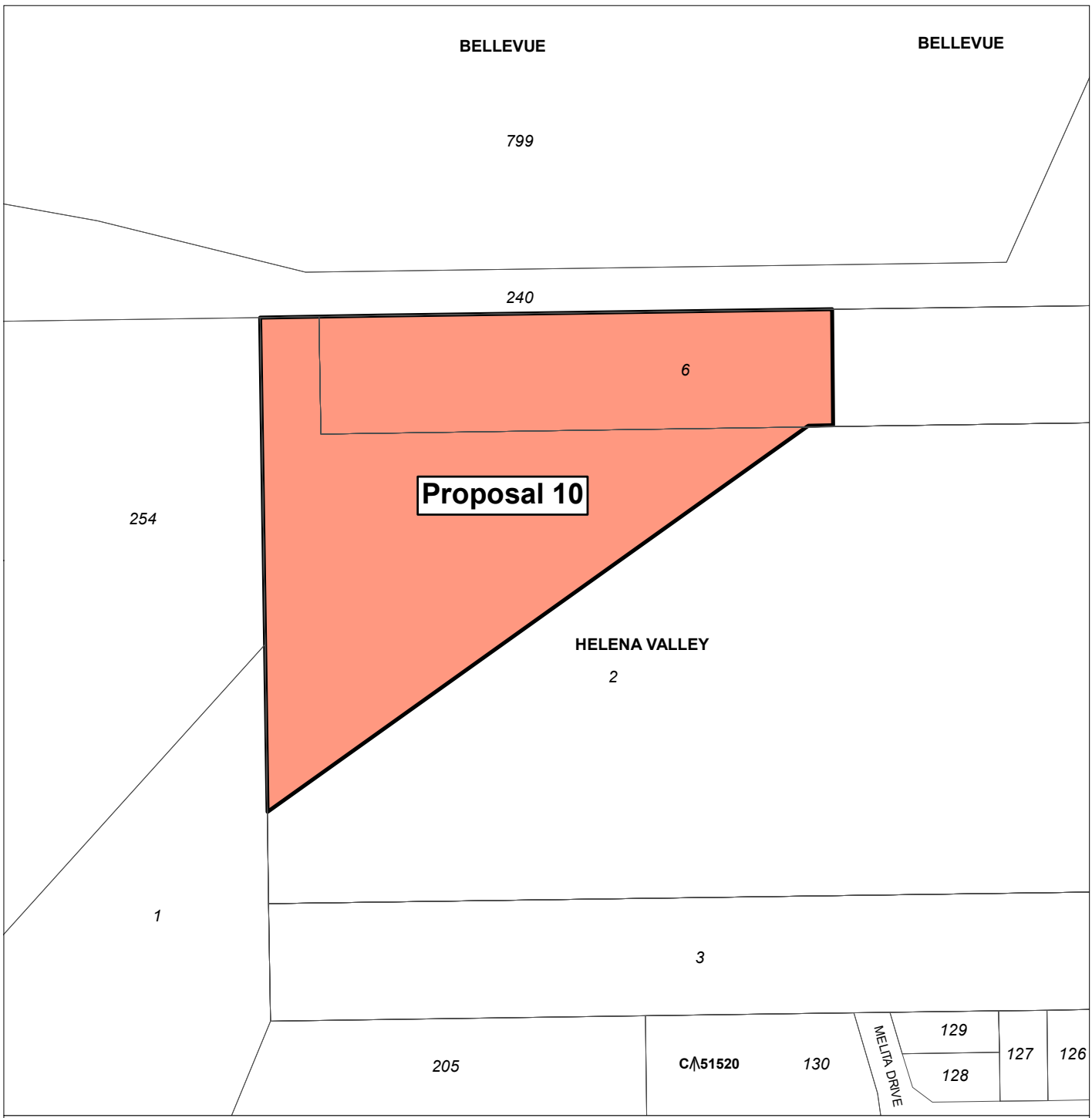
 Urban zone

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Version number: 1



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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

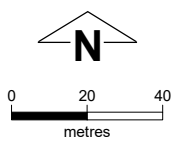
Proposal 10

Proposed Amendment:
 Urban zone

Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 1

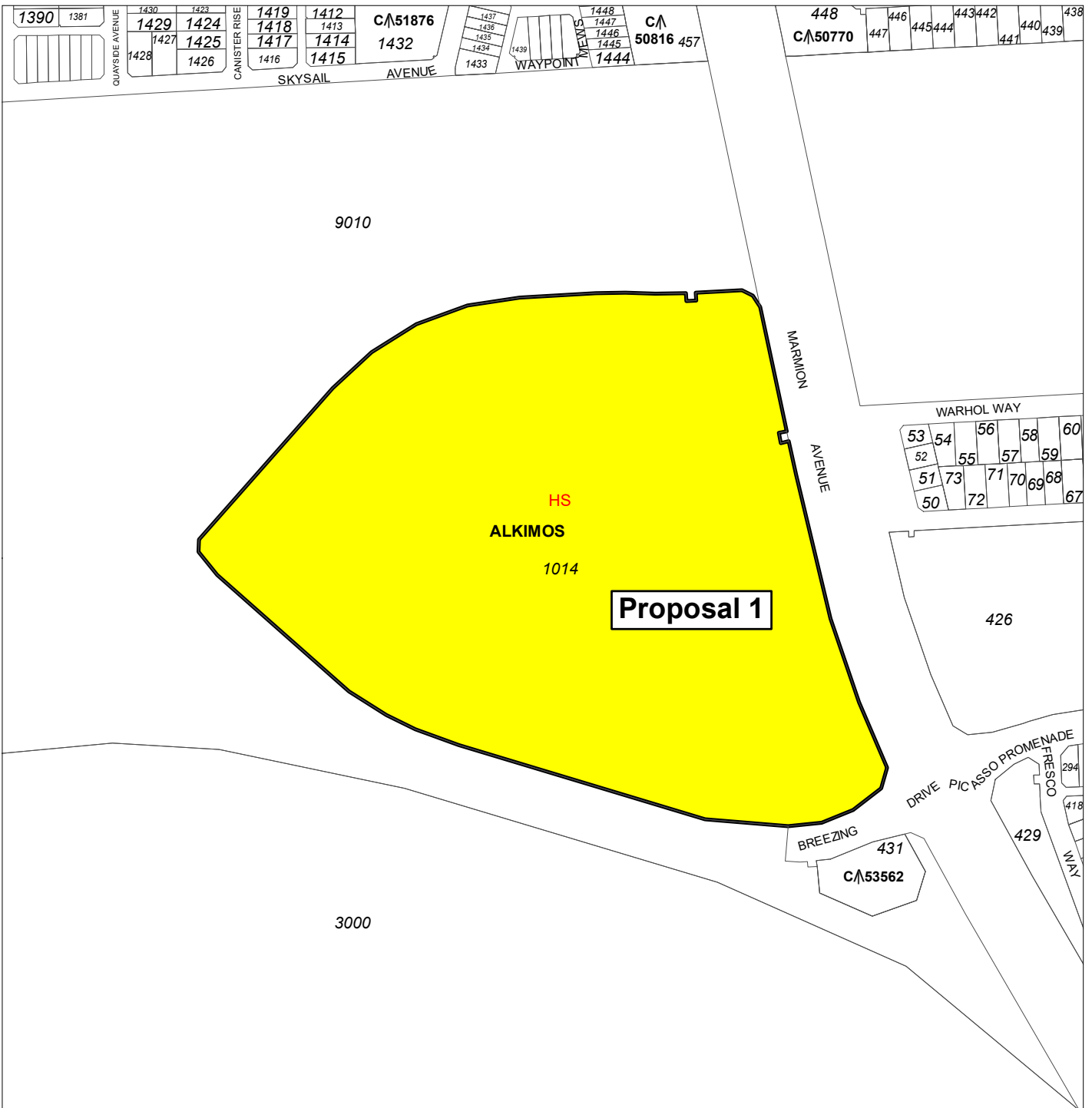


Date: 16/11/2020
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Schedule 4

**The amendment figures - proposals 1-10
as modified**




**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

29 June 2022

Proposal 1

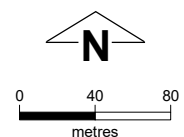
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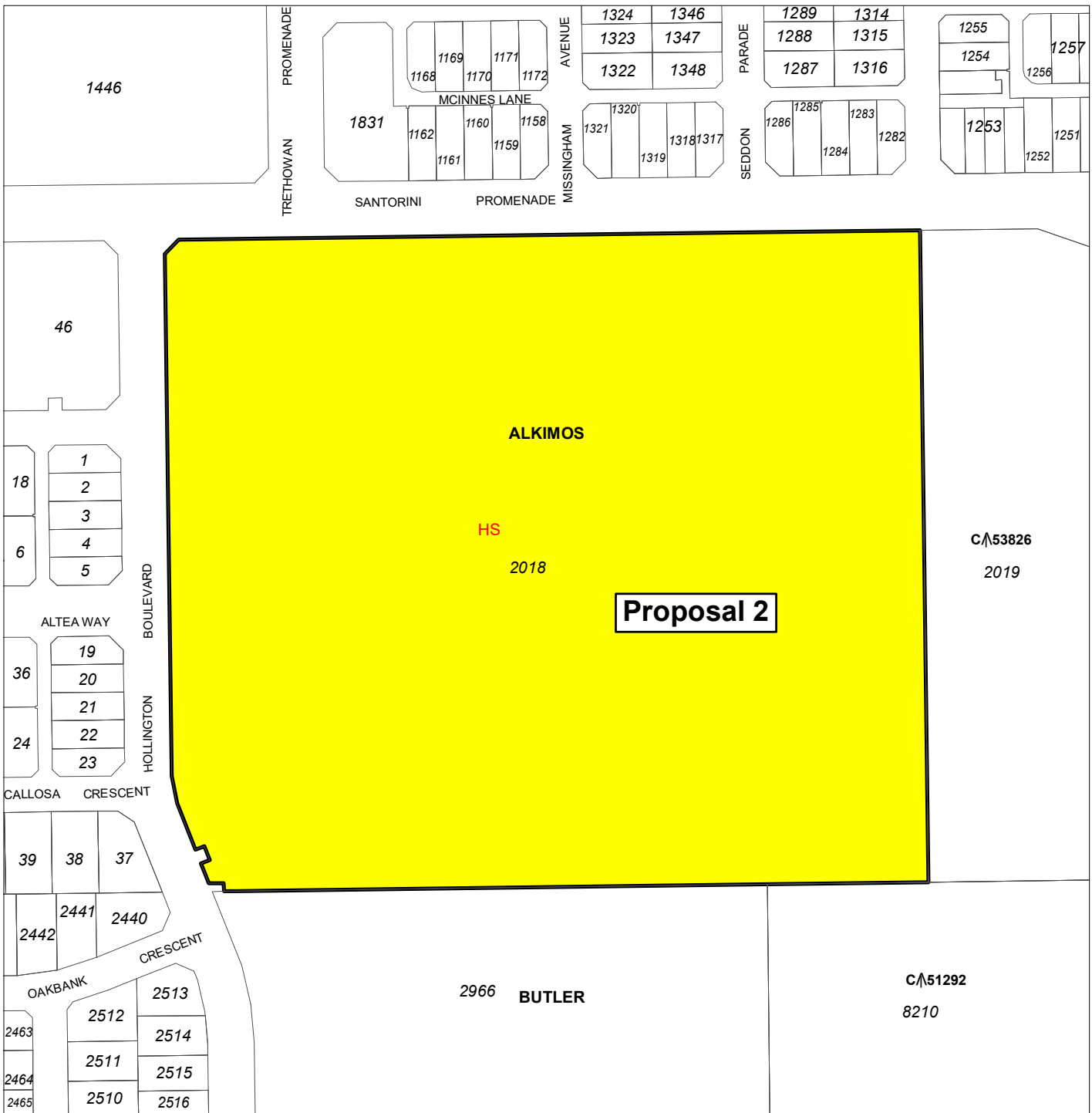
 **HS** Public purposes reservation - high school

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 2



Date: 6/07/2022
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1






**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

29 June 2022

Proposal 2

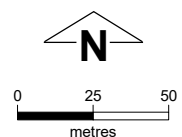
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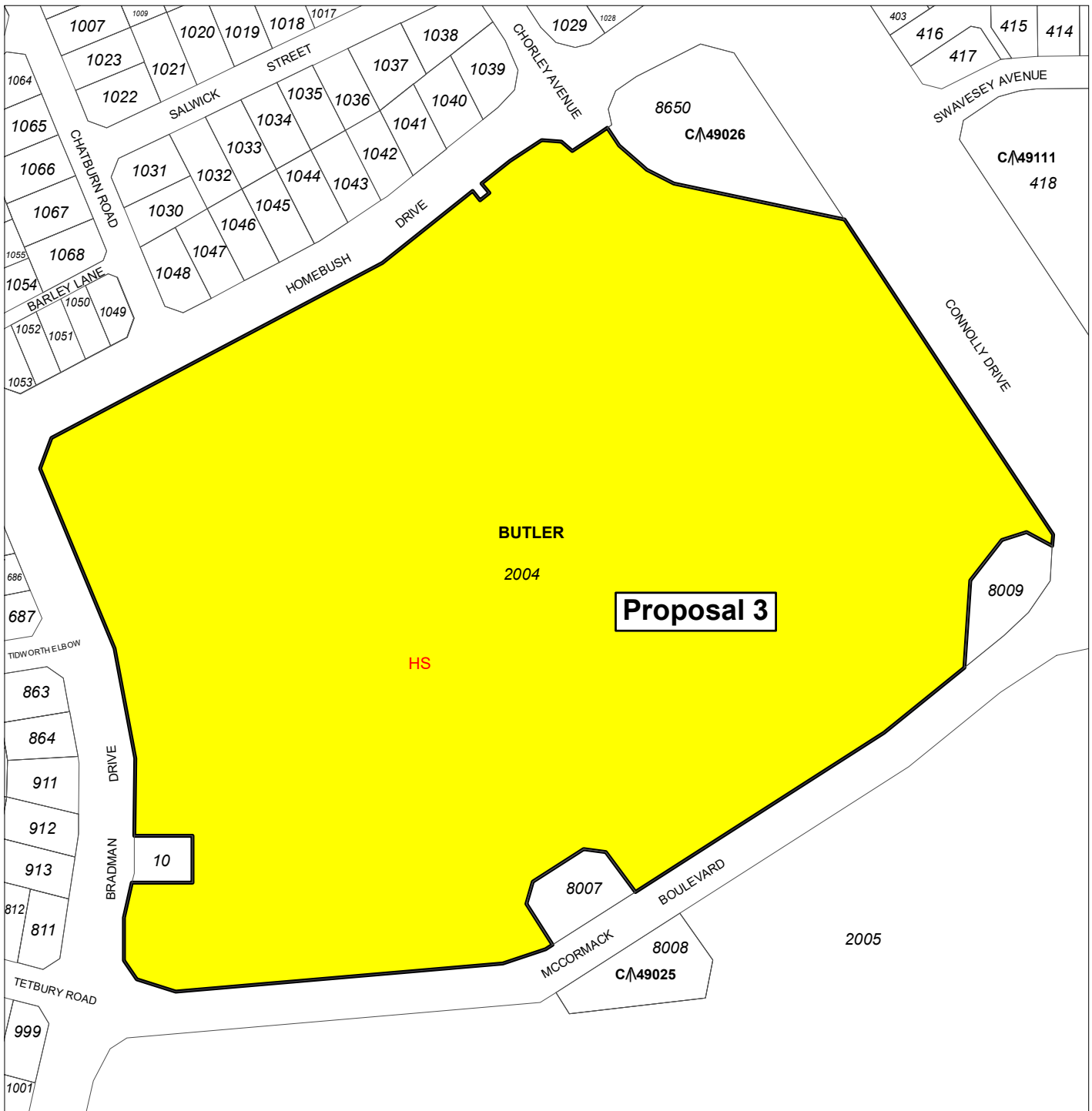
 **HS** Public purposes reservation - high school

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 2



Date: 6/07/2022
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1






**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

29 June 2022

Proposal 3

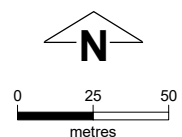
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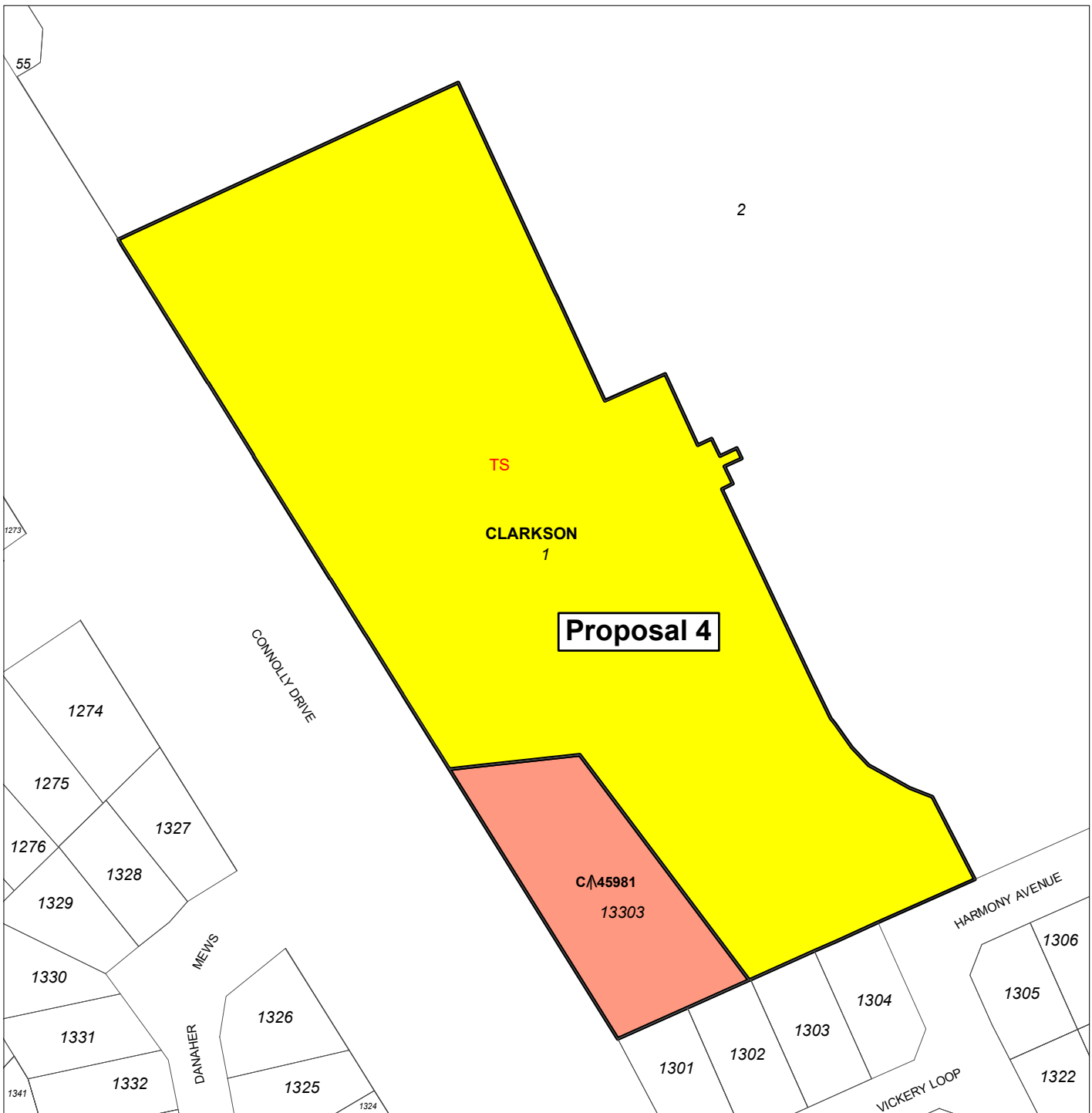
 **HS** Public purposes reservation - high school

Oracle reference no: 3068
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**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

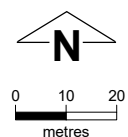
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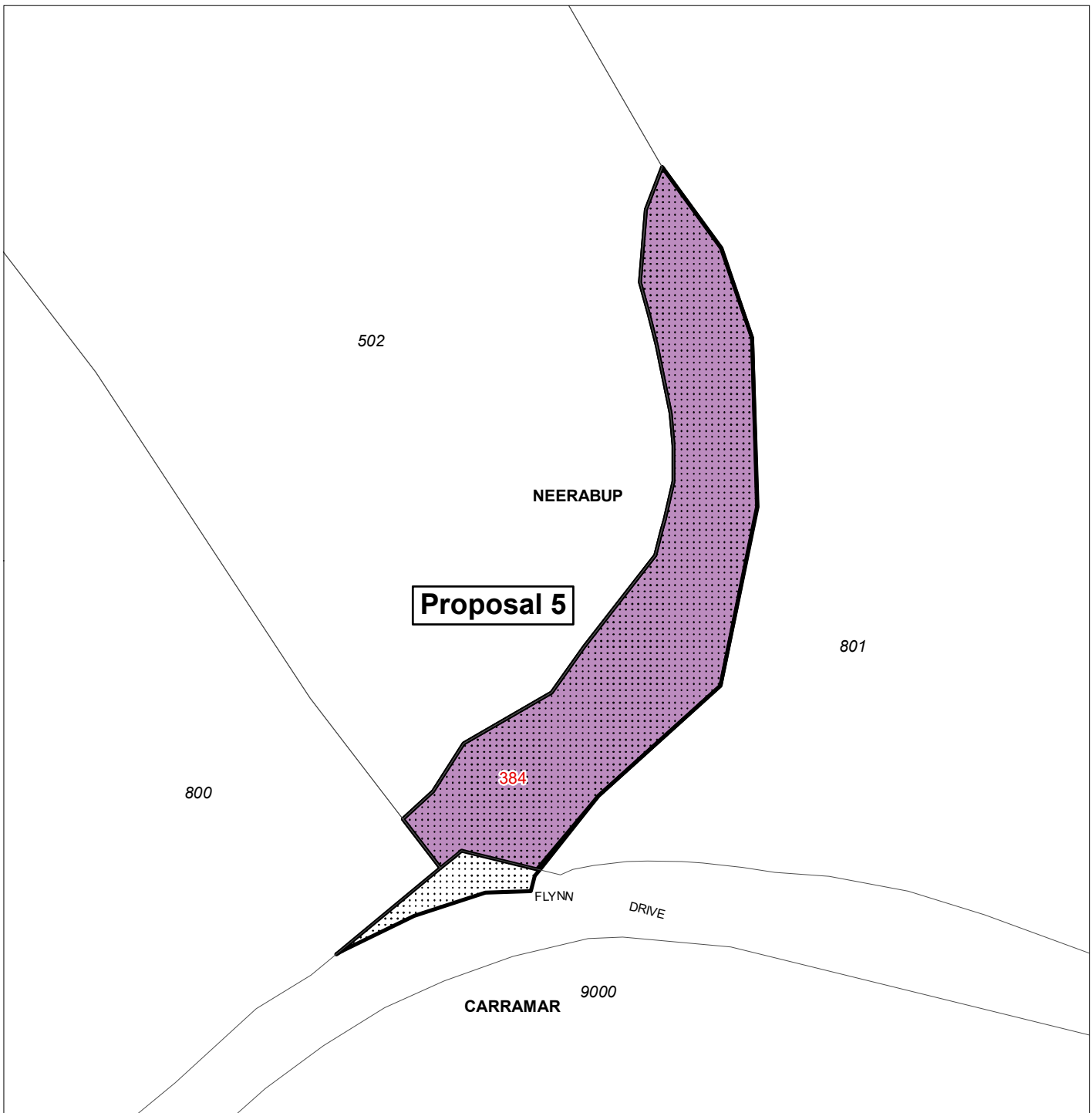
Proposal 4

Proposed Amendment:

- TS Public purposes reservation - technical school
- Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 2





**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**


29 June 2022

Proposal 5

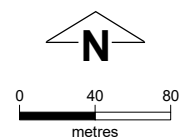
Proposed Amendment:

 Industrial zone

Notice of Delegation

 (Site No) Bush Forever area for removal

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 2



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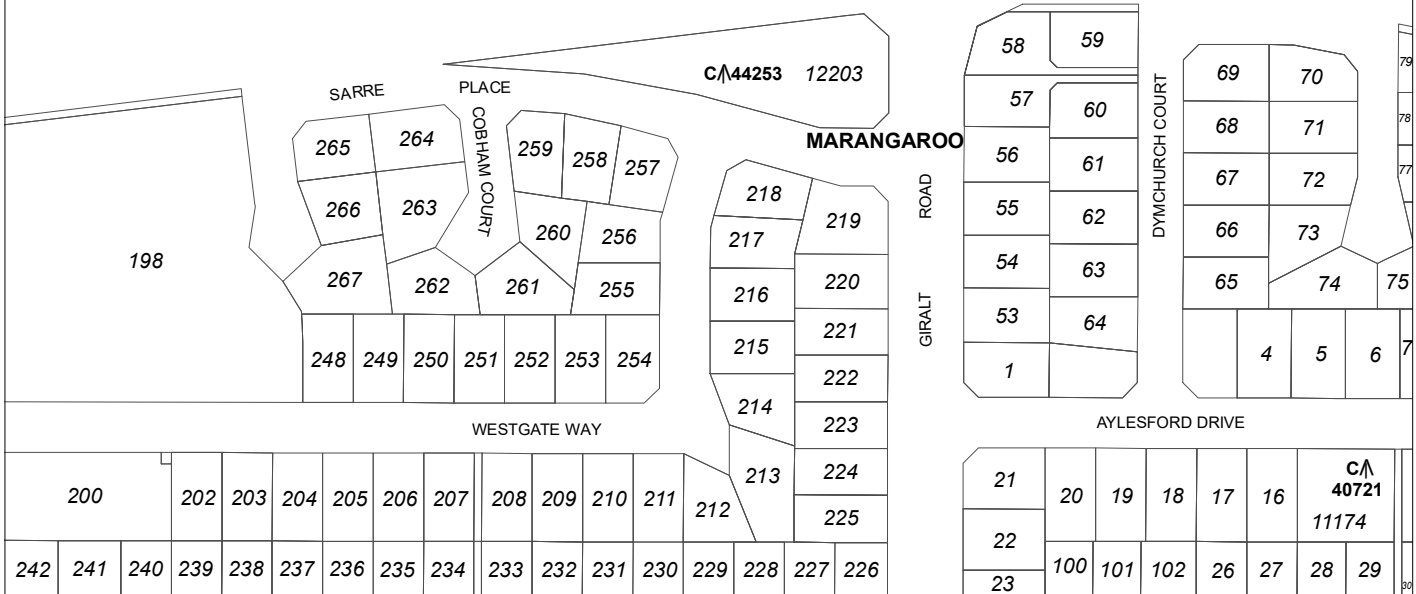
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Proposal 6
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HEPBURN AVENUE



**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

29 June 2022

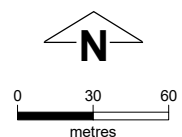
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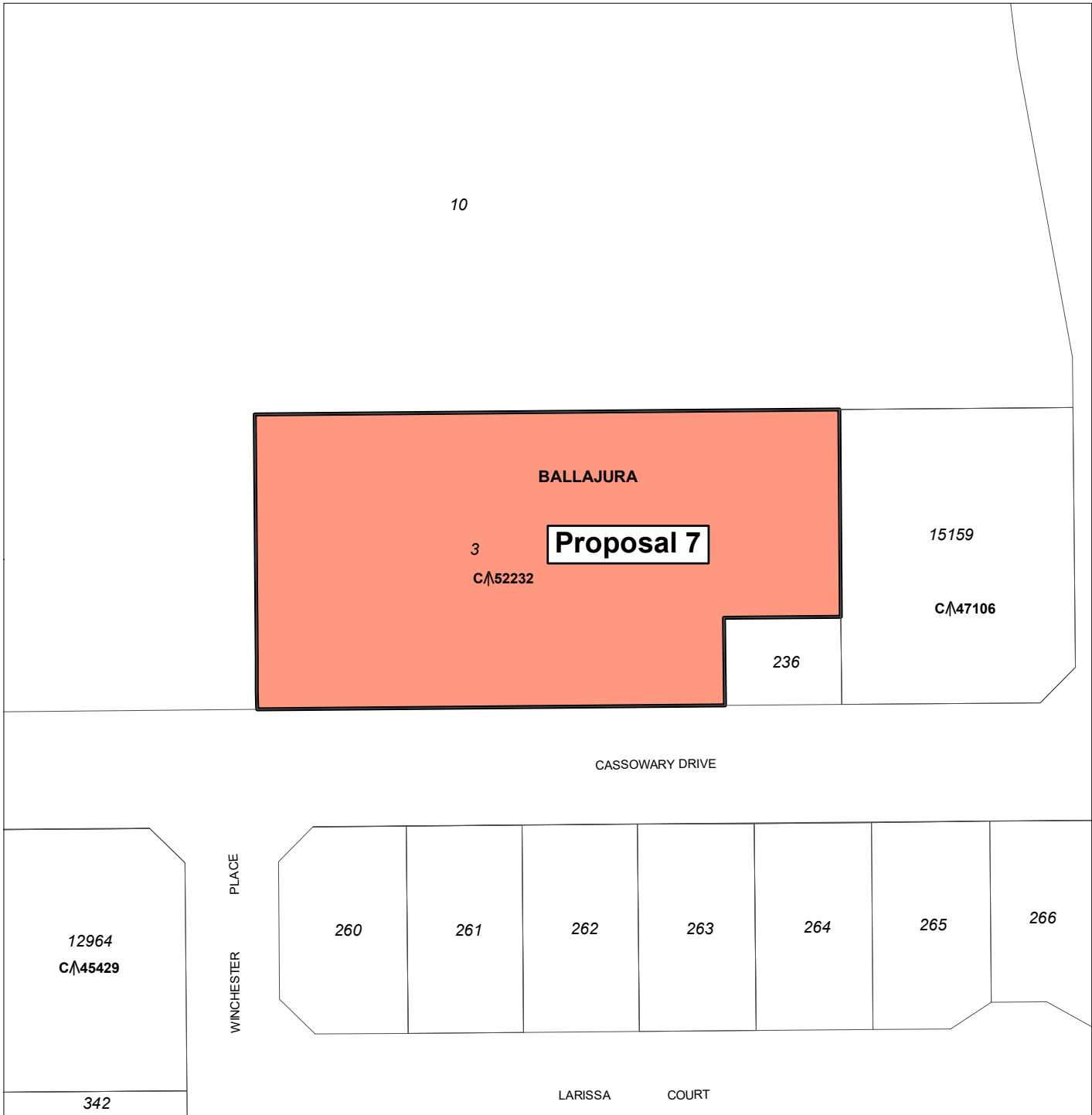
Proposed Amendment:

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 2



Date: 6/07/2022
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1






**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

29 June 2022

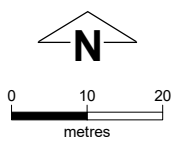
Proposal 7

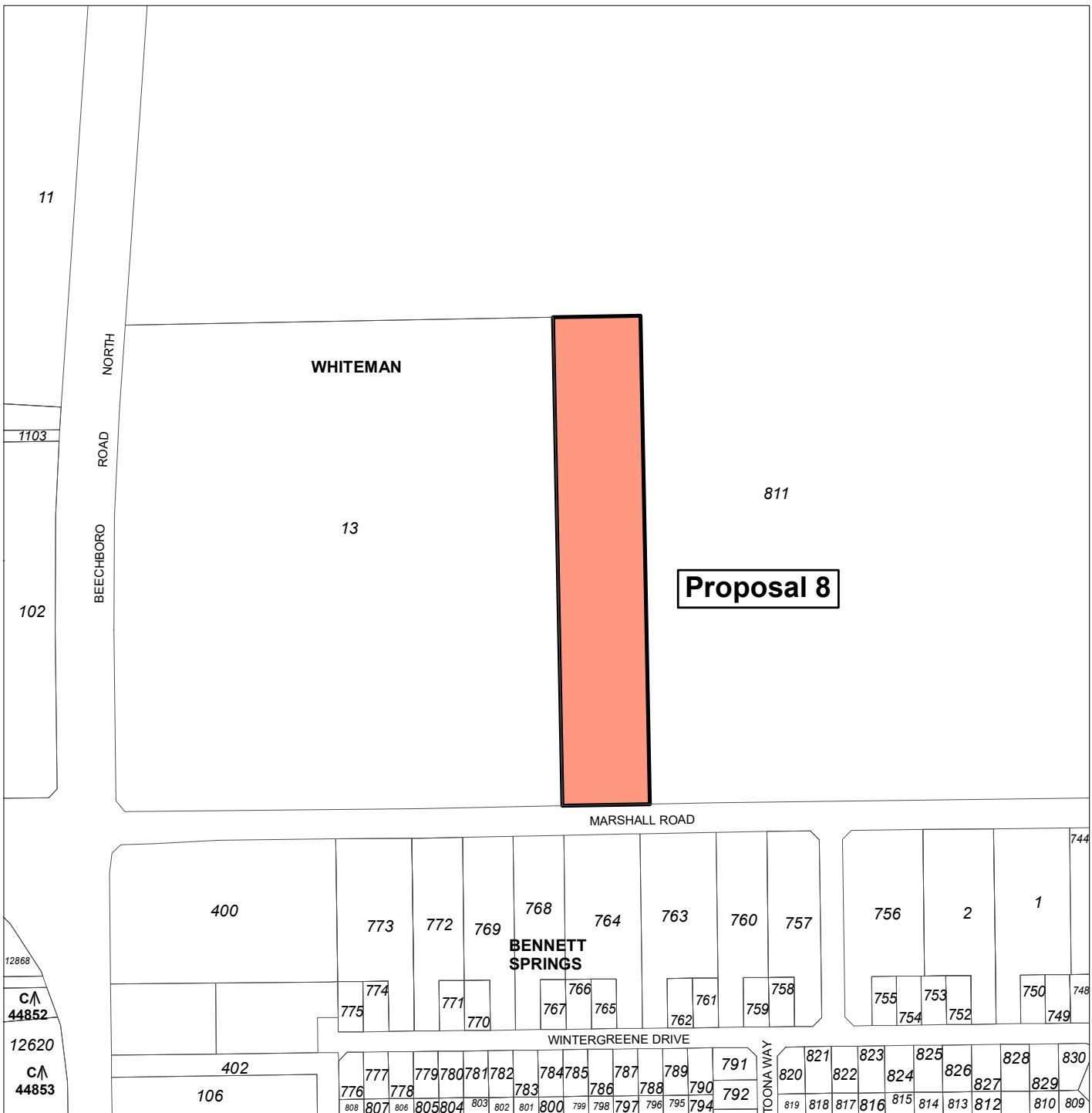
Proposed Amendment:
 Urban zone

Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 2



Date: 6/07/2022
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1





**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

29 June 2022

Proposal 8

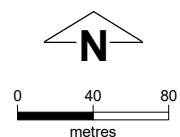
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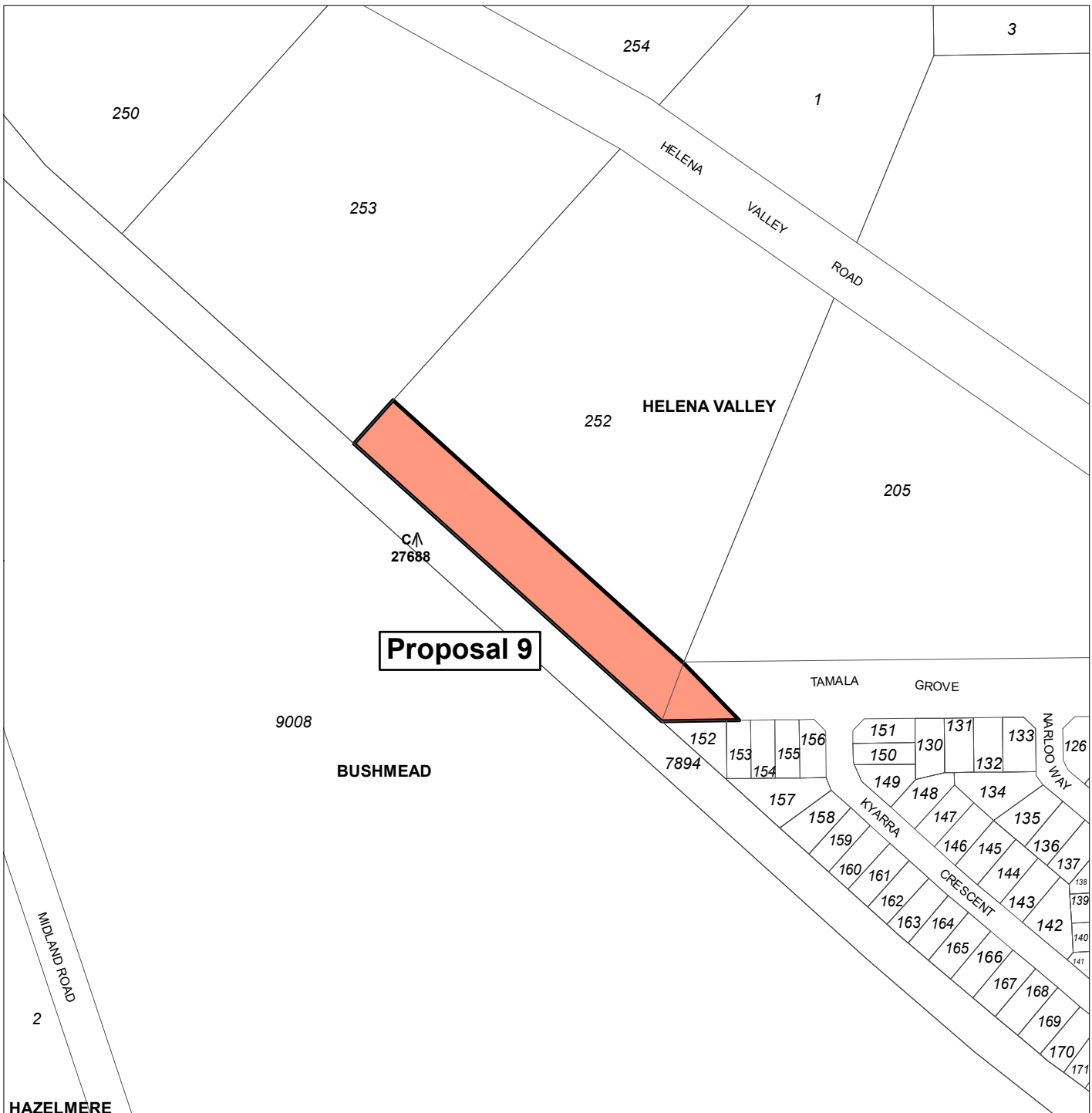
 Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 2



Date: 6/07/2022
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1





**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

29 June 2022

Proposal 9

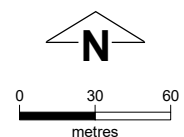
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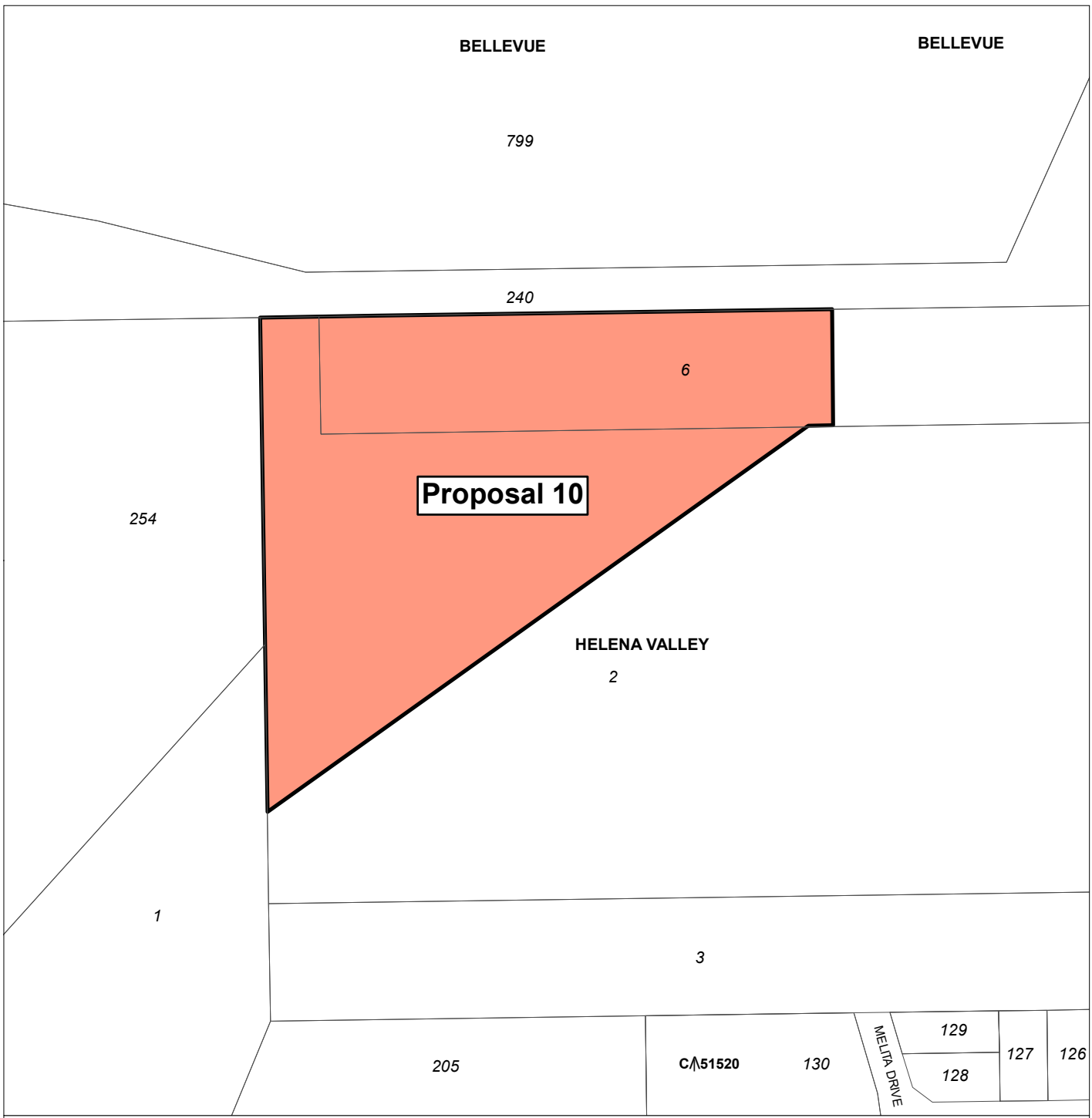
 Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 2



Date: 6/07/2022
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1






**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as modified**

29 June 2022

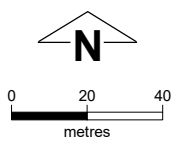
Proposal 10

Proposed Amendment:
 Urban zone

Oracle reference no: 3068
 File number: 833/02/01/0079
 Version number: 2



Date: 6/07/2022
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1



Appendix 1

List of detail plans as advertised

**Metropolitan Region Scheme
Amendment 1379/57**

North-East and North-West Districts Omnibus 3

as advertised

Amending Plan 1.7982

Detail Plans

1.5801, 1.5802, 1.5810, 1.5837, 1.5839, 1.5845

Amending Plan 1.7983

Detail Plans

1.6024, 1.6092, 1.6094, 1.6121, 1.6623, 1.6240

Appendix 2

List of detail plans as modified

**Metropolitan Region Scheme
Amendment 1379/57**

North-East and North-West Districts Omnibus 3

as modified

Amending Plan 1.7982/1

Detail Plans

1.5801, 1.5802, 1.5810, 1.5837, 1.5839 & 1.5845

Amending Plan 1.7983/1

Detail Plans

1.6024, 1.6092, 1.6094, 1.6121, 1.6623 & 1.6240

Submissions



Your ref 833-2-1-79 Pt 1 (RLS/0984)
Our ref A0110/202101
Enquiries Joshua Guilliamse — 9222 3135
Joshua.Guilliamse@dmirs.wa.gov.au

Chief Executive Officer
Western Australian Planning Commission
Sent by Email — RegionPlanningSchemes@dplh.wa.gov.au

Dear Sir/Madam

METROPOLITAN REGION SCHEME MINOR AMENDMENT 1379/57 – NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3

Thank you for your letter dated 21 September 2021 inviting comment on the above proposal to amend the Metropolitan Region Scheme (MRS) for land in the local governments of Wanneroo, Swan and Mundaring.

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

Yours sincerely

Joshua Guilliamse
Senior Geologist — Land Use Planning
Minerals and Petroleum Resources Directorate

27/10/2021



Department of
**Primary Industries and
Regional Development**

**SUBMISSION
2**

Your reference: 833-2-1-79 Pt 1
(RLS/0984) MRS 1379/57
Our reference: LUP 1198
Enquiries: Heather Percy

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

Email to RegionPlanningSchemes@dplh.wa.gov.au

Date: 11 October 2021

Dear Ms Fagan

**Metropolitan Region Scheme Amendment 1379/57
North-East and North-West Districts Omnibus 3**

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above minor amendment to the Metropolitan Region Scheme which encompasses ten proposals for the Cities of Swan and Wanneroo and the Shire of Mundaring

DPIRD does not object to the proposed changes as they do not impact primary industries within the Perth Metropolitan Region.

For more information, please contact Heather Percy on 9780 6262 or heather.percy@dpird.wa.gov.au.

Yours sincerely

Dr Melanie Strawbridge
**Director Agriculture Resource Management Assessment
Sustainability and Biosecurity**

1 Nash Street East Perth 6004
Locked Bag 4 Bentley Delivery Centre 6983
Telephone +61 (0)8 9368 3333 landuse.planning@dpird.wa.gov.au
dpird.wa.gov.au
ABN: 18 951 343 745

From: Region Planning Schemes
Subject: FW: PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1379/57 - NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3

From: Nugraha, Yohan [<mailto:Yohan.Nugraha@transport.wa.gov.au>]
Sent: Tuesday, 12 October 2021 10:10 AM
To: Brett Pye <Brett.Pye@dplh.wa.gov.au>
Subject: PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1379/57 - NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3

Your ref: 833-2-1-79 Pt1 (RLS/0984)

Our ref: DT/15/05120

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1379/57 - NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3

I refer to your letter dated 20 September 2021 regarding the above proposal.
The Department of Transport (DoT) has review the document and has no comment to provide.

Thank you for the opportunity to comment on the application.

Kind Regards,

Yohan Nugraha
Transport Designer / Planner | Urban Mobility | Department of Transport
GPO Box C102, Perth WA 6839
Tel: (08) 65516103
Email: Yohan.Nugraha@transport.wa.gov.au | Web: www.transport.wa.gov.au



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Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

T (08) 9420 2099
F (08) 9420 3193



Your Ref: 833-2-1-79 Pt1 (RLS/0984)
Our Ref: 122040770 (MRS379682)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Fax: 9420 3193

13 October 2021

Secretary
Western Australian Planning Commission
LOCKED BAG 2506
PERTH WA 6001

Attention: Mr Brett Pye

Proposed MRS Amendment 1379/57- North East & North West Omnibus 3

Thank you for your correspondence of 20 September 2021 inviting comments on the above omnibus amendments.

The Water Corporation raises no objections to the various proposals, subject to the following comments being noted in relation to some of the proposals.

Proposal 4

The subject land is traversed by a 20m wide easement in favour of the Water Corporation. The Corporation is currently constructing a major branch of the Quinns Main Sewer (1,800mm diameter) which will run through the site.

Proposal 6

The subject land (ORR reserve widening) contains a 150mm diameter sewer pressure main and a 200mm diameter water main. The land proposed to be rezoned cannot be developed with any buildings or land uses that would impact these underground pipes.

Proposal 8

Noting that the purpose of the amendment is facilitate a land swap, the land proposed to be zoned Urban is located outside the extent of the Water Corporation's current water and sewer planning.

If you have any queries or require further clarification on any of the above issues, please contact me on Tel. 9420-3165.

A handwritten signature in black ink that reads "B. Coombes".

Brett Coombes
Senior Urban Planner
Development Services

Submitted to Metropolitan Region Scheme Minor amendment 1379/57 - North-East and North-West Districts Omnibus 3
Submitted on 2021-10-21 11:21:40

About you

1 What is your first name?

First name:
Dan

2 What is your surname?

surname:
Pearce

3 What is your company name?

Company name:
Hatch RobertsDay

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

No

5 What is your email address?

Email:
Dan.Pearce@hatch.com

6 What is your address?

address:
2/442 Murray St, Perth

7 Contact phone number:

phone number:
+61400209823

Proposal 8 - Whiteman, City of Swan

22 Do you support/oppose the proposal 8 amendment to the Metropolitan Region Scheme?

Support

23 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

Hatch RobertsDay acts on behalf of the Roman Catholic Archbishop of Perth, the owner of Lot 13 Marshall Rd, which is adjacent Lot 811 Drumpellier Drive (Proposal 8 - Whiteman, City of Swan).

We support the proposed rezoning of Lot 811 Drumpellier Drive from the Parks and Recreation reservation to the Urban zone.

We also support the WAPC and the City of Swan initiating concurrent rezoning under the City of Swan LPS 17 to 'Residential Development' zone, as foreshadowed in the MRS Amendment Report.

File upload:
No file uploaded

File upload:
No file uploaded

File upload:
No file uploaded

Submitted to Metropolitan Region Scheme Minor amendment 1379/57 - North-East and North-West Districts Omnibus 3
Submitted on 2021-11-08 16:40:44

About you

1 What is your first name?

First name: *Name removed at the request of the submitter*

2 What is your surname?

surname:

3 What is your company name?

Company name:
Taylor Burrell Barnett

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

Yes

5 What is your email address?

Email:

6 What is your address?

address:

7 Contact phone number:

phone number:

Proposal 1 - Alkimos, City of Wanneroo

8 Do you support/oppose the proposal 1 amendment to the Metropolitan Region Scheme?

9 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

File upload:
No file uploaded

File upload:
No file uploaded

File upload:
No file uploaded

Proposal 5 - Neerabup, City of Wanneroo

16 Do you support/oppose the proposal 5 amendment to the Metropolitan Region Scheme?

Support

17 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

Letter of support in respect of Proposal 5 is attached.

File upload:

21~013 LTR MRS Amendment 1379-57 8.11.21.pdf was uploaded

File upload:

No file uploaded

File upload:

No file uploaded



Our Ref: 21/013 MW:st

8 November 2021

Attention: Amendments Team

Department of Planning, Lands and Heritage
Locked Bag 2506
PERTH WA 6001

Town Planning and Design
Level 7/160 St Georges Terrace
PO Box 7130 Cloisters Square
Perth WA 6850

08 9226 4276
admin@tbbplanning.com.au
taylorburrellbarnett.com.au

Dear Sir/Madam

MRS AMENDMENT (MINOR) 1379/57 – NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3

On behalf of our client, _____, we are pleased to provide this submission in support of Proposal 5 – Neerabup, contained within the Metropolitan Region Scheme (MRS) Amendment 1379/57, shown at Figure 1.

_____ is the registered proprietor of Lot 801 (previously known as Lot 503). The title details for Lot 801 are provided below.

Volume/Folio	Land Details	Lot and Plan	Land Area	Registered Proprietor
2997/326	410 Flynn Drive, Neerabup 6031	Lot 801 on DP 415725	318.8516 ha (Landgate)	Western Australian Land Authority (t/a _____)

MRS and Bush Forever Site 384

The majority of Lot 801 is zoned 'Industrial' under the MRS. Proposal 5 of MRS Amendment 1379/57 will reclassify the portion of Lot 801 that is 'Parks and Recreation' reserve to the 'Industrial' zone, and excise the land from Bush Forever Site 384.

The rezoning and excision is supported as it brings the MRS into alignment with our client's approvals and future intentions to develop the land. Vegetation clearing was approved within a 93.4 hectare area, which includes the 3.6 hectare area. A large proportion of this 3.6 hectare area is not mapped as vegetation under the Bush Forever framework, and vegetation and general fauna habitat present was previously assessed to be in good to poor condition. Environmental negotiations have been conducted on the basis of adjusting the Bush Forever Site 384.

Proposal 5 of MRS Amendment 1379/57 will provide clarity for the zoning of the land and update the planning framework to reflect the status of approvals over the land and its intended future development.

Local Planning Scheme – basic amendment

On 6 October 2021, TBB liaised with the City of Wanneroo to discuss the options available to ensure that the rezoned land under the MRS, will be rezoned via the local planning scheme. We understand that once the MRS Amendment is in effect, this portion of land will have 'no zone' under the City's local planning scheme.

TBB understands that, pursuant to section 124(3) of the *Planning and Development Act 2005*, a basic amendment can be prepared to rezone this portion of Lot 801 to the 'Industrial Development' zone. Our client is comfortable with this as the rest of Lot 801 is currently zoned 'Industrial Development'. TBB and our client will liaise further with the City in early 2022 to confirm that a basic amendment will be adopted once the MRS Amendment is in effect.

Structure Plan review

The City of Wanneroo is conducting an internal review of the Neerabup Industrial Area Agreed Structure Plan No. 17. Our client is collaborating with the City as part of the review. The existing NIA SP 17 does not include this portion of Lot 801. Going forwards, the structure plan boundary will need to be extended to incorporate this land and appropriate structure planning undertaken over this land.

Conclusion

Our client is supportive of Proposal 5 to rezone a portion of Lot 801 to 'Industrial' zone and excision from Bush Forever Site 384.

Planning for this land will be undertaken as follows:

- MRS Amendment 1379-57, including Proposal 5 to rezone this land to 'Industrial', would need to come into effect; then
- A local planning scheme "basic" amendment will be adopted, to rezone this land to 'Industrial Development'; then
- The NIA SP 17 will be reviewed and as part of that review, the structure plan will include this portion of Lot 801, thus ensuring a reviewed structure plan will apply to the land.

Should you have any questions please do not hesitate to contact the undersigned on _____ or email

Yours faithfully
TAYLOR BURRELL BARNETT

ASSOCIATE

CC:

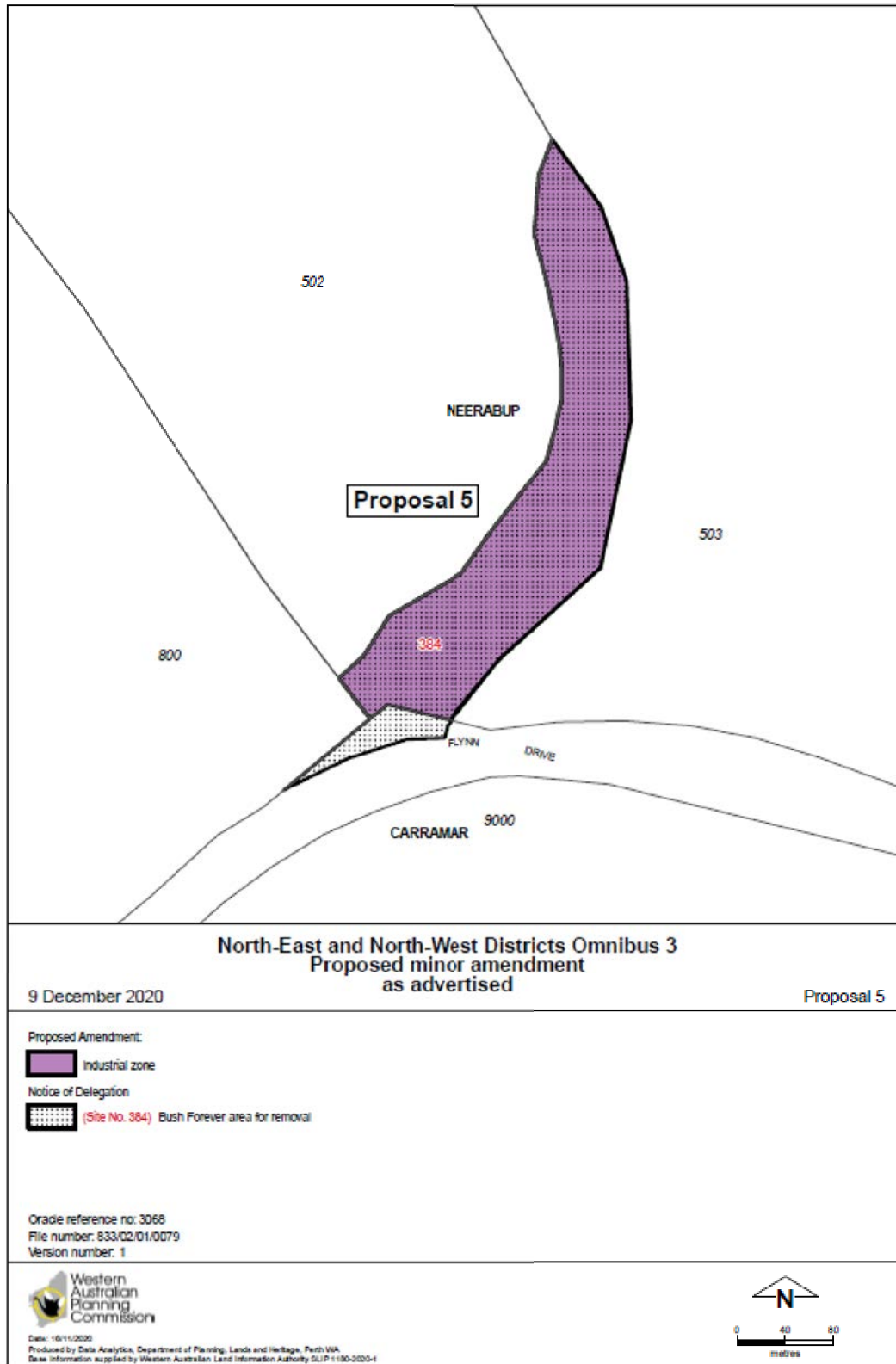


Figure 1 Proposal 5 of MRS Amendment 1379/57



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

Your ref: 833-2-1-79 Pt 1 (RLS/0984)
Our ref: J0820/201701
Enquiries: tia.byrd@jtsi.wa.gov.au
Phone: 08 6277 2851

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

Dear Ms Fagan

Thank you for providing the Department of Jobs, Tourism, Science and Innovation with the opportunity to provide comments on proposed Metropolitan Region Scheme Amendment (1379/57) to update various zones and reservations in the North-East and North West Districts of Perth.

The Department has reviewed the proposal and has no comments to provide at this time.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Cherry'.

Caroline Cherry
A/EXECUTIVE DIRECTOR
INFRASTRUCTURE PLANNING AND ECONOMIC DEVELOPMENT

11 November 2021

File Ref: 21/501251
Your Ref: 833-2-1-79 Pt1 (RLS/0984)
Enquiries: Cathrine Temple (08) 9405 5885

15 November 2021

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Brett Pye, Senior Planning Officer

Dear Brett

PROPOSED MRS AMENDMENT 1379/57 (North-West Districts Omnibus 3)

Thank you for the opportunity to provide comment on the revised proposed amendment to the MRS which incorporates seven proposals within the City of Wanneroo.

The City has no objection to this MRS amendment, however notes the following:

- Proposal 5 references Connolly Avenue which should be Connolly Drive;
- Proposal 6 references Lot 503 Flynn Drive which is actually Lot 801.

Please contact Cathrine Temple on 9405 5885 if you have any questions in relation to the City's response.

Yours sincerely



Emille van Heyningen
MANAGER, STRATEGIC LAND USE PLANNING AND ENVIRONMENT



19 November 2021

Ms Sarah Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001
Email: mrs@dplh.wa.gov.au

Enquiries (08) 9267 9267
2 Midland Square, Midland
PO Box 196, Midland WA 6936

 cityofswan
 cityofswanwa
www.swan.wa.gov.au

Dear Ms Fagan,

RE: METROPOLITAN REGION SCHEME AMENDMENT 1379/57 (NE AND NW DISTRICT OMNIBUS 3)

I refer to your invitation to comment on proposed MRS Amendment 1379/57 (NE and NW District Omnibus 3).

The omnibus amendment affects the following sites within and directly adjacent to the City of Swan:

- A portion of Reserve 52232 Lot 3 Cassowary Drive, Ballajura (Ballajura Police Station - Proposal 7);
- Lot 811 Drumpellier Drive, Whiteman (future roundabout to support Malaga Station operations - Proposal 8); and
- Portions of Lot 205 and 252 Helena Valley Road and Tamala Grove road reserve, Helena Valley (Bushmead Bush Forever Site adjacent to the City's boundary - Proposal 9).

On 17 November 2021, the City of Swan resolved to **endorse** the omnibus amendment and advise the Western Australian Planning Commission of its unconditional support.

The City recommends that Local Planning Scheme No.17 is *not* concurrently amended to reflect the changes as further planning is required for Lot 811 Drumpellier Drive and public reserves cannot be concurrently rezoned under s126(3) of the *Planning and Development Act 2005*.

A copy of officer's report is attached and the formal minutes will be forwarded to you within two weeks.

Should you have any questions in respect to this advice, please do not hesitate to contact Gayle O'Leary via Gayle.O'Leary@swan.wa.gov.au or (08) 9267 9276.

Yours sincerely,

Ian
Humphrey

Ian Humphrey
Manager Strategic Planning

Digitally signed by Ian Humphrey
DN: cn=Ian Humphrey,
o=City of Swan,
ou=Strategic Planning,
email=ian.humphrey@swan.wa.gov.au, c=AU
Date: 2021.11.19 09:34:24 +0800

4.1 METROPOLITAN REGION SCHEME OMNIBUS AMENDMENT 1379/57 - CITY OF SWAN SUBMISSION

Ward: (Ballajura / Whiteman Ward) (Strategic Planning)

Authorised Officer: (Executive Manager Planning and Development)

KEY ISSUES

- The Western Australian Planning Commission (WAPC) has advertised Metropolitan Region Scheme (MRS) Omnibus Amendment 1379/57 for public comment.
- The omnibus amendment proposes to update several zones and reservations in the North-East and North-West Districts within the Perth MRS at the request of Government agencies and landowners, and to make the MRS consistent with the current use of land.
- The omnibus amendment affects the following land within and directly adjacent to the City of Swan:
 - A portion of Reserve 52232 Lot 3 Cassowary Drive, Ballajura (Proposal 7);
 - A portion of Lot 811 Drumpellier Drive (a section of Whiteman Park adjacent to Marshall Road), Whiteman (Proposal 8); and
 - Portions of Lot 205 and 252 Helena Valley Road and Tamala Grove road reserve, Helena Valley (Proposal 9).
- The purpose of the omnibus amendment proposal 7 is to rationalise the rezoning for Ballajura Police Station from Public Purposes – High School to the Urban Zone.
- The purpose of the omnibus amendment proposal 8 is to facilitate a land swap for the current owners of Lot 13 Marshall Road Whiteman. It seeks to change 2.01 hectares of Lot 811 Drumpellier Drive (a section of Whiteman Park adjacent to Marshall Road) from the Parks and Recreation reservation to the Urban Zone, which will facilitate the future Beechboro North Road and Marshall Road roundabout.
- Proposal 9 is located within the Shire of Mundaring but proposes to transfer the land (approximately 7,800 square meters) adjacent to the northern boundary of a Bush Forever site in Bushmead, from the Rural zone to Urban zone in the MRS. This is in order to facilitate the planning and development of land for urban purposes.
- The City notes that Proposal 7 cannot be concurrently rezoned under the MRS and LPS17 as it concerns an established police station to be included in the LPS17 as an appropriate 'Public Purpose' local reserve.
- The City does not recommend the concurrent rezoning of Lot 811 Drumpellier Drive subject to Proposal 8 at this time as this will require further guidance under separate planning instruments such as a Structure Plan and a detailed Scheme Amendment.

It is recommended that the Council:

- 1) Advise the Western Australian Planning Commission that it supports Metropolitan Region Scheme omnibus amendment 1379/57 unconditionally.
- 2) Request City staff to prepare and present back to Council for initiation an amendment to the City's Local Planning Scheme No. 17 to facilitate the following provision:
 - Reclassify Lot 3 Cassowary Drive to depict the site as a Local Reserve for 'Public Purpose'.
- 3) Request City staff to liaise with the owners of Lot 13 and Lot 811 regarding preparation of a suitable amendment to Local Planning Scheme No.17 to reflect the departure of 2.01ha of Lot 811 Drumpellier Drive from the Parks and Recreation reserve, and present back to Council for initiation an amendment to the City's Local Planning Scheme No. 17 to facilitate the proposal.

BACKGROUND

On 9 September 2021, the Western Australian Planning Commission (WAPC) commenced public advertising for Metropolitan Region Scheme Amendment 1379/57. The purpose of the omnibus amendment in respect to land falling within the City of Swan is to rationalise the zoning for the Ballajura Police Station site by rezoning it from Public Purposes – High School to the Urban Zone, and facilitate a land swap for the current owners of Lot 13 Marshall Road, Whiteman to grant them 2.01 hectares of Lot 811 Drumpellier Drive (a section of Whiteman Park adjacent to Marshall Road) and transfer it from the Parks and Recreation reservation to the Urban Zone. The omnibus amendment also includes rezoning land within the Shire of Mundaring that borders the City of Swan, which proposes to transfer approximately 7,800 square meters from the Rural zone to Urban zone.

The site subject to Proposal 8 falls within Planning Control Area PCA 145 and is located opposite part of Lot 11 Marshall Road, which falls within the Malaga Station site. Council provided its recommendation on the development application for Malaga Station at the 13 October 2021 Ordinary Meeting of Council where it was resolved to conditionally support the proposal. The purpose of the land swap is to facilitate future construction of a roundabout at the intersection of Beechboro Road North and Marshall Road to ease traffic congestion in the area and provide access to the station.

1. Strategic Context

1.1 North-East Sub-Regional Planning Framework (Framework)

The subject sites fall within the North-East Sub-Region of *Perth and Peel @ 3.5 Million*.

Proposal 7:

The subject site affected by Proposal 7 falls within the Public Purposes reserve under the Framework, which also encompasses Ballajura Community College. The proposal is to rezone Lot 3 Cassowary Drive, Ballajura from Public Purposes - High School to Urban which at the MRS level will not impact the strategic planning intent for the area under the Framework.

Proposal 8:

The subject site affected by Proposal 8 directly abuts the suburbs of Malaga, Ballajura, Beechboro and the area of Whiteman Park. Malaga is identified as an established Strategic Industrial Area under the Framework and therefore a key employment area. Lot 810 Tonkin Highway, Cullacabardee and Lot 11 Beechboro Road North, Whiteman are identified as the future Malaga train station location as part of the Morley-Ellenbrook line expansion under Stage 1 METRONET. The future train station site is identified as Urban Deferred under the Framework and Whiteman Park itself is classed as Open Space. Additionally, the subject site of Proposal 8, Lot 811 Drumpellier Drive, Whiteman falls within the North Bennett Springs Planning Investigation Area under the Framework.

The following key considerations affect the North Bennett Springs Investigation Area:

- Primary 1 & 2 Source Protection Area in respect to Gnangara groundwater resources;
- Environmentally sensitive area which contains Carnaby's Black Cockatoo and Redtail Cockatoo feeding habitats, crucial vegetation with 10-30% remaining in Perth and Peel regions, conservation category wetlands, resource enhancement wetlands and threatened ecological communities;
- Impending integration with Morley-Ellenbrook Rail Line;
- Bush Forever areas;
- Bushfire Prone Area;
- Bennett Brook linear reserve;
- Regional recreation needs analysis required;
- Land use transition/interface with regional open space areas requiring analysis; &
- Proposed regional sporting facility east of Lot 811.

Proposal 9:

Helena Valley is an Urban Expansion Area identified under the Framework for residential development. The portion proposed to be affected by the omnibus amendment falls within the Shire of Mundaring, however it is noted that the land abuts a Bush Forever Area falling within the City of Swan. The purpose of the proposed omnibus amendment in relation to Proposal 9 is to facilitate increased residential development.

The following key considerations affect the Helena Valley Urban Investigation Area:

- Required protection of Bush Forever areas including the Helena River, and other significant remnant vegetation;
- Bushfire Prone Area; and
- The ability of the sites north of the Helena River to be connected to reticulated wastewater services.

In this regard, the subject MRS omnibus amendment is considered consistent with the Planning Framework.

1.2. City of Swan Local Planning Strategy (LPS)

Proposal 7:

Ballajura falls within a Residential Infill Area under the LPS. The proposed omnibus amendment seeking to rezone Lot 3 Cassowary Drive, Ballajura to Urban in order to reflect the existing land use of the site as a Police Station is thus considered to be broadly consistent with the direction of the LPS.

Proposal 8:

The omnibus amendment proposes the rezoning of Lot 811 Drumpellier Drive, Whiteman to the Urban zone in order to facilitate a land swap with the owners of Lot 13, Marshall Road, Whiteman to enable the future development of the Beechboro Road North and Marshall Road roundabout, which will provide access to future Malaga Station. Malaga Station is anticipated to operational by 2023. Malaga Station is identified under the LPS in conjunction with *Perth and Peel @ 3.5 Million*, directly abutting the Malaga Strategic Industrial Area. Malaga is also identified as a major Mixed Business Area containing large format homemaker retailing that currently accommodates 89,000m² of retail floorspace which is projected to potentially grow to 150,000m² by 2031. The LPS identifies there are existing traffic congestion issues within the Area which the future Beechboro Road North and Marshall Road roundabout and availability of rapid public transport from Malaga Station intend to address.

Whiteman Park is identified as a Major Public Open Space under the LPS, encouraging visitation and support linkages to places of Heritage Tourism significance such as Whiteman Park. The proposed rezoning of part of Lot 811 Drumpellier Drive, Whiteman will facilitate the development of the Beechboro Road North and Marshall Road roundabout, assist in mitigating traffic congestion as an outcome, and support the function of Malaga Station by supporting access to the station. Therefore the proposed omnibus amendment is considered consistent with the intent of the LPS.

Proposal 9:

Helena Valley itself will not be adversely impacted from a strategic planning perspective under the LPS as an outcome of the proposed omnibus amendment to the MRS. Given that the subject site falls within the Shire of Mundaring, the proposal is not directly impacted by the objectives of the LPS.

In summary, the proposed omnibus amendment is therefore considered to be consistent with the intent of the LPS.

2. Statutory Context

2.1 Metropolitan Region Scheme (MRS)

Under the current MRS the omnibus amendment site for proposal 7 is currently zoned Public Purposes – High School. Rezoning the site to Urban would reflect the existing land use of the site as a Police Station.

The site of Proposal 8 is currently reserved as Parks and Recreation, however the existing adjoining lot (No.13) which would be affected by the proposed roundabout on Beechboro Road North and Marshall Road is currently zoned Urban under the MRS. The change of MRS zoning would be consistent to facilitate a land swap and thus the development of the Beechboro Road North and Marshall Road roundabout.

2.2 Local Planning Scheme No. 17 (LPS17)

The amendment sites are currently reserved as 'Public Purposes - High School' and 'Parks and Recreation' under LPS17.

Any affected local government must initiate an amendment to its local planning scheme within three months of a minor Region Planning Scheme amendment. Section 126(3) of the *Planning and Development Act 2005* allows for concurrent rezoning of land under the MRS and the corresponding Local Planning Scheme, but not the classification of land as a local reserve. Therefore, following the proposed MRS omnibus amendment, LPS17 will be required to be amended to reflect the change in reserve classification by amending Lot 3 Cassowary Drive to an appropriate 'Public Purpose'.

A separate scheme amendment for 2.01ha of Lot 811 will be required to be supported by a planning instrument such as a Local Structure Plan or detailed Local Planning Scheme amendment to inform future potential development of the land which will also require the further approval of Council. Therefore, the City recommends that the land is not concurrently rezoned under LPS17 if the omnibus amendment is approved.

2.3 State Planning Policies (SPP)

A number of State Planning Policies have effect on the future planning of the subject land. In particular the following is noted:

- **SPP 3.7 - Planning for Bushfire Prone Areas**

The intent of this policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The City notes that while Lot 811 Drumpellier Drive, Whiteman (Proposal 8) falls within a bushfire prone area, the proposed rezoning will not directly result in land use intensification as it is to accommodate a land swap only in the context of this proposal and therefore a bushfire management plan is not considered necessary at this stage to support the rezoning but will be considered when the site is developed.

2.4 Environment

- **Water and Wastewater**

Lot 811 Drumpellier Drive, Whiteman (Proposal 8) falls within a Resource Enhancement Wetland (REW) which is listed in the City's Intramaps mapping service as being affected by a flood fringe and floodway.

Environmental Protection Authority Advice

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

The EPA advised that the proposed omnibus amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. However, the EPA has provided advice on the key environmental considerations for the amendments.

The EPA notes that a portion of the land affected by Proposal 8, 2.01 hectares of Lot 811 Drumpellier Drive, Whiteman contains land that is classified as a resource enhancement wetland (REW) which has historically been cleared and modified. It is recommended that future development should maintain pre-development groundwater and surface water hydrology and water quality in accordance with the REW. Further, an appropriate buffer to the wetland should be established and reclassification of the wetland in consultation with the Department of Biodiversity, Conservation and Attractions may be considered prior to development of the site affected by Proposal 8.

The EPA advised that Proposal 8 is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3692 for Bennett Brook. The City's Intramaps mapping service advises that Lot 811 Drumpellier Drive includes and abuts the following Aboriginal heritage sites:

- S00706 MARSHALL (Lot 1103 (No.480) Marshall Road, Whiteman - Potters House Christian Centre Beechboro);
- S01997 BENNETT BROOK: CAMP AREA;
- S01285 BEECHBORO ROAD;
- S02254 BENNETT BROOK: in toto;
- S02357 WHITEMANS QUARRY.

Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated.

Any development within the amendment area must comply with obligations under the Aboriginal Heritage Act 1972. The EPA notes the MRS Amendment document outlines that the amendment will be referred to the South West Aboriginal Land and Sea Council (SWALSC) during the formal advertising period.

Copies of the notices from the EPA are included in the WAPC's Amendment Report as Appendix A.

Future development of the land should be supported by a structure plan and/or development application including an Environmental Impact Assessment and Stormwater Management Plan as necessary to restrict adverse impact upon Whiteman Park and ensure stormwater runoff does not result in excess nutrients leaching into wetlands affecting Whiteman Park.

A future Local Planning Scheme Amendment will include these requirements.

2.5 - Heritage

Lot 811 Drumpellier Drive, Whiteman (Proposal 8) falls within the outer edge of Place 200 "Whiteman Park" which is classed as a Category 2 site in the City of Swan Local Heritage Survey (LHS), indicating the site's high level of cultural heritage significance.

Under the LHS, Category 2 sites should adhere to the following outcome:

"Conservation of the place is highly desirable. Any alterations or extensions should be sympathetic to the heritage values of the place."

As the proposed rezoning of part of Lot 811 Drumpellier Drive to facilitate a land swap falls outside of the boundaries of Whiteman Park itself and is intended to address traffic congestion and access within the area, the proposed omnibus amendment is not considered likely to adversely impact the cultural heritage significance of the site.

CONSULTATION

The WAPC commenced public advertising of Metropolitan Region Scheme Omnibus Amendment 1379/57 on 9 September 2021. Submissions are to be made to the WAPC on or before 19 November 2021.

Council's resolution on this proposal together with this report will be forwarded to the WAPC as the City's submission.

ATTACHMENTS

MRS Minor amendment 1379/57 - North-East and North-West Districts Omnibus 3 Amendment Report - Extracts relevant to Swan

[Full MRS Minor amendment 1379/57 - North-East and North-West Districts Omnibus 3 Amendment Report \(external link\)](#)

STRATEGIC IMPLICATIONS

The proposed MRS omnibus amendment is considered to be generally consistent with the City's Local Planning Strategy and the North-East Sub-Regional Planning Framework.

STATUTORY IMPLICATIONS

An amendment to the City of Swan Local Planning Scheme No. 17 will be required in due course to accommodate the amendment in rezoning proposed under the MRS.

FINANCIAL IMPLICATIONS

The land swap of 2.01ha of Lot 811 Drumpellier Drive, Whiteman to the owners of Lot 13, Marshall Road, Whiteman will bear no financial implications arising from the omnibus amendment to the MRS as this cost will be incurred by the State.

The reclassification of 2.01ha of Lot 811 Drumpellier Drive, Whiteman to reflect the new zoning may result in a difference in valuation and differential rates applied which will impact future rates revenue for the City.

VOTING REQUIREMENTS

Simple majority

CONCLUSION

Under the City's Local Planning Scheme No.17 (LPS17), the sites within the City affected by the omnibus amendment are zoned 'Public Purposes - High School' and reserved as 'Parks and Recreation'.

The purpose of proposal 7 is to rationalise the rezoning for Ballajura Police Station from Public Purposes – High School to the Urban Zone. The City notes that Proposal 7 cannot be concurrently rezoned under the MRS and LPS17, and that it contains an established police station. Therefore a further Local Planning Scheme amendment is required, with the best fitting option being a 'Public Purpose' local reserve.

The purpose of proposal 8 is to facilitate a land swap for the current owners of Lot 13 Marshall Road, Whiteman to grant them 2.01 hectares of Lot 811 Drumpellier Drive, Whiteman and transfer it from the Parks and Recreation reservation to the Urban Zone to accommodate the future Beechboro North Road and Marshall Road roadworks.

The City does not recommend the concurrent rezoning of Lot 811 Drumpellier Drive, Whiteman subject to Proposal 8 as this will require further guidance under a detailed Scheme Amendment.

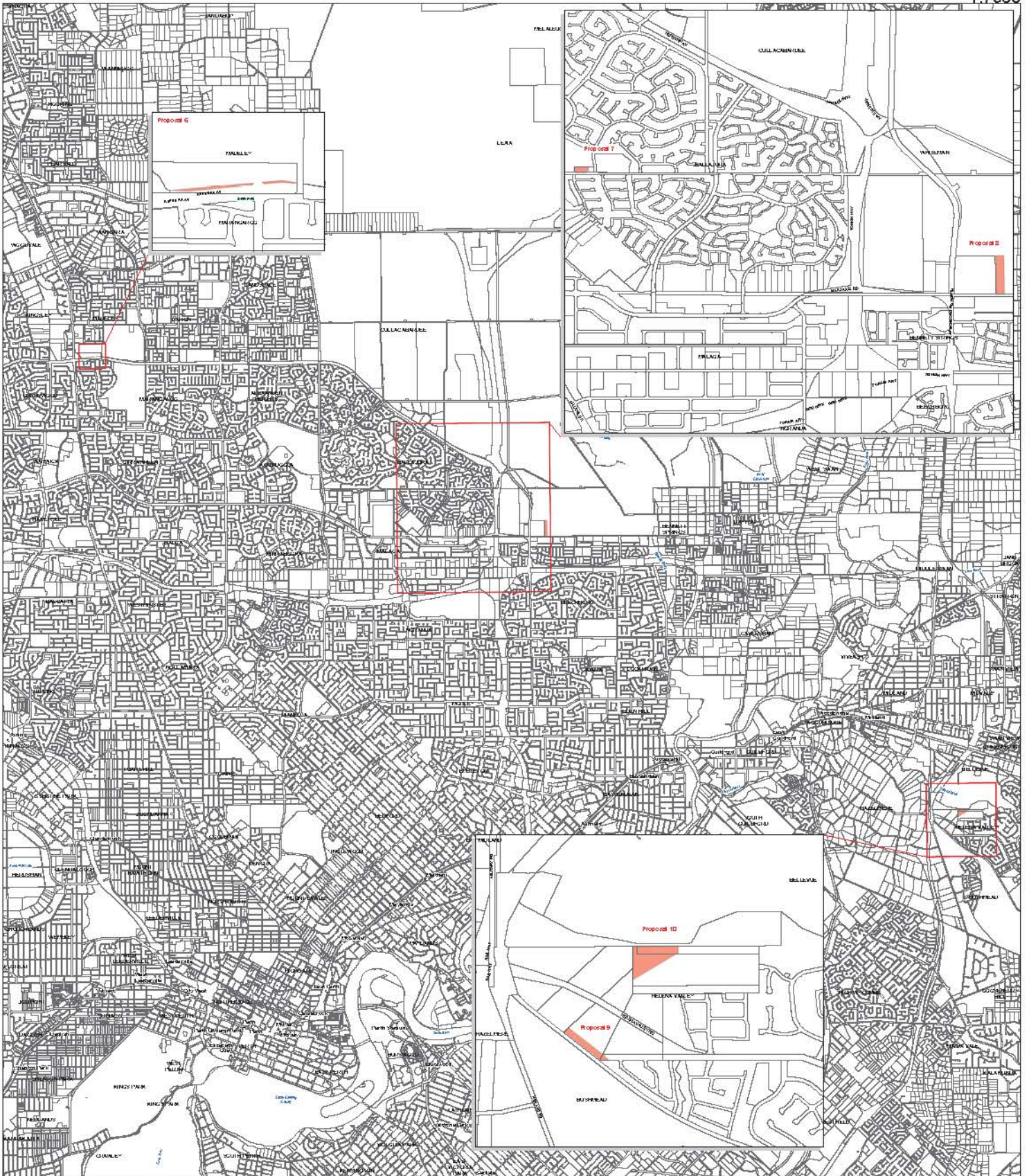
Proposal 9 is located in the Shire of Mundaring and will be commented on by the Shire. It is not envisaged the proposal will directly impact the adjoining Bush Forever Area falling within the City of Swan.

The City is supportive of the proposed MRS omnibus amendment and recommends it be approved unconditionally.

RECOMMENDATION

That the Council resolve to:

- 1) Advise the Western Australian Planning Commission that it supports Metropolitan Region Scheme omnibus amendment 1379/57 unconditionally.
- 2) Request City staff to prepare and present back to Council for initiation of an amendment to the City's Local Planning Scheme No. 17 to facilitate the following provision:
 - Reclassify Lot 3 Cassowary Drive to depict the site as a Local Reserve for 'Public Purpose'.
- 3) Request City staff to liaise with the owners of Lot 13 and Lot 811 regarding preparation of a suitable amendment to Local Planning Scheme No.17 to reflect the departure of 2.01ha of Lot 811 Drumpellier Drive from the Parks and Recreation reserve, and present back to Council for initiation an amendment to the City's Local Planning Scheme No. 17 to facilitate the proposal.

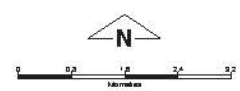


Signed for and on behalf of:
 Western Australian Planning Commission

Legend
 Excluded from Rural zone and Other Regional Roads, Public Purposes - High School and Parks and Recreation use (includes and is included in Urban zone)

An office duly authorized by the Commission
 pursuant to section 34 of the
 Planning and Development Act 2005
 is to this purpose in the presence of:

Witness
 Date
 Approved - Member of Planning
 Date



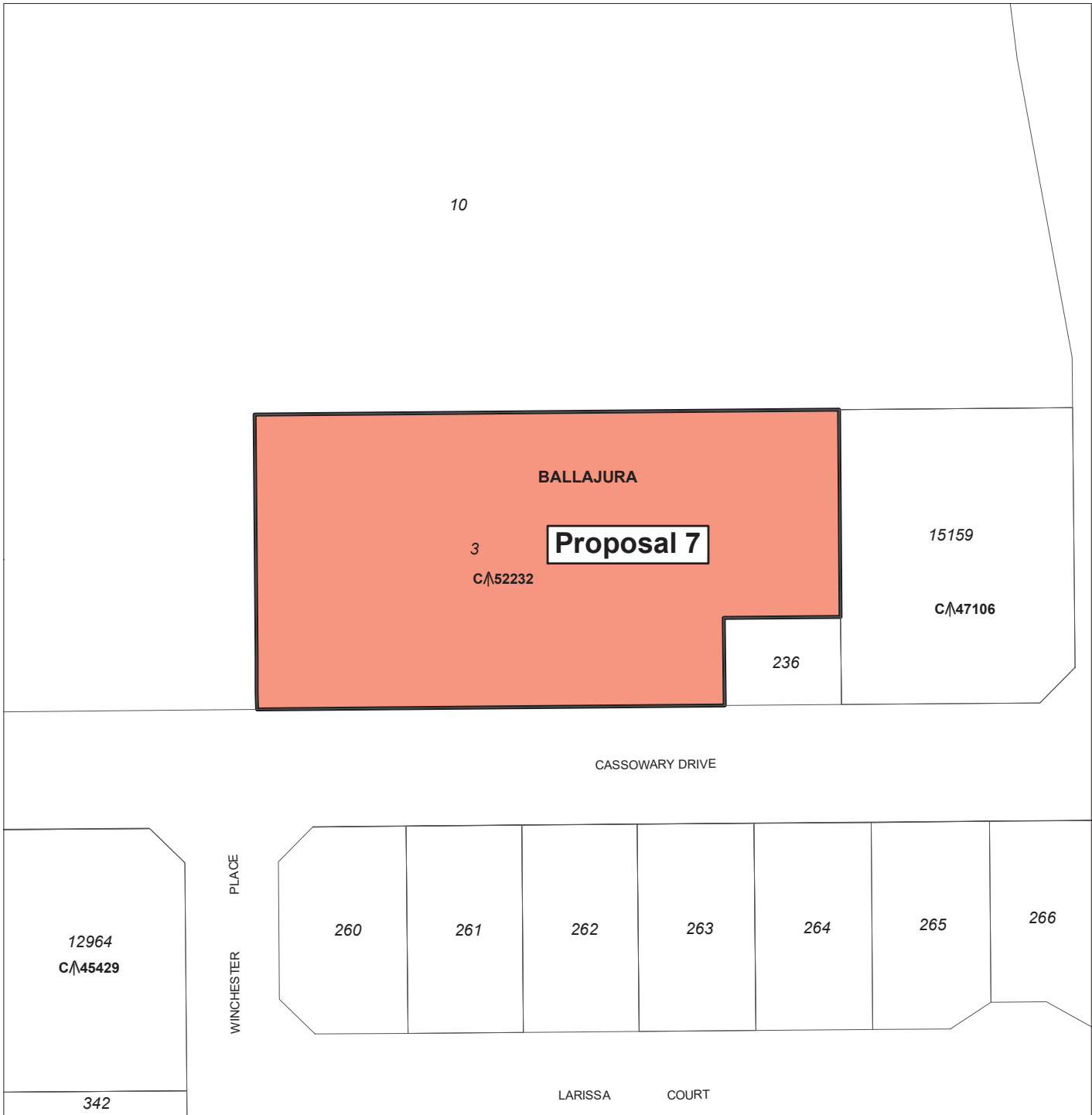
EXHIBITION COPY

AMENDMENT PLAN
Metropolitan Region Scheme
 North-East and North-West Districts Omnibus 3
 Amendment No. 1379.57
 As Advertised

Program Manager: B. Pyle
 Occupational Officer: J. Ballarotta
 Examined: A. Power
 Result:
 Version No: 1
 Date: WAPC/2569.57, 9 December 2020

Plan Number
1.7983

File number: 20200301010
 Plan reference:
 Metropolitan Region Scheme
 120000 plans 11, 12 & 18
 Issue plans: 1, 2020, 1, 2020, 1, 2020,
 18/20, 1, 2020, 1, 2020
 Grid reference no: 3032



**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 7

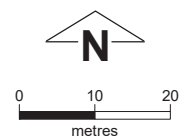
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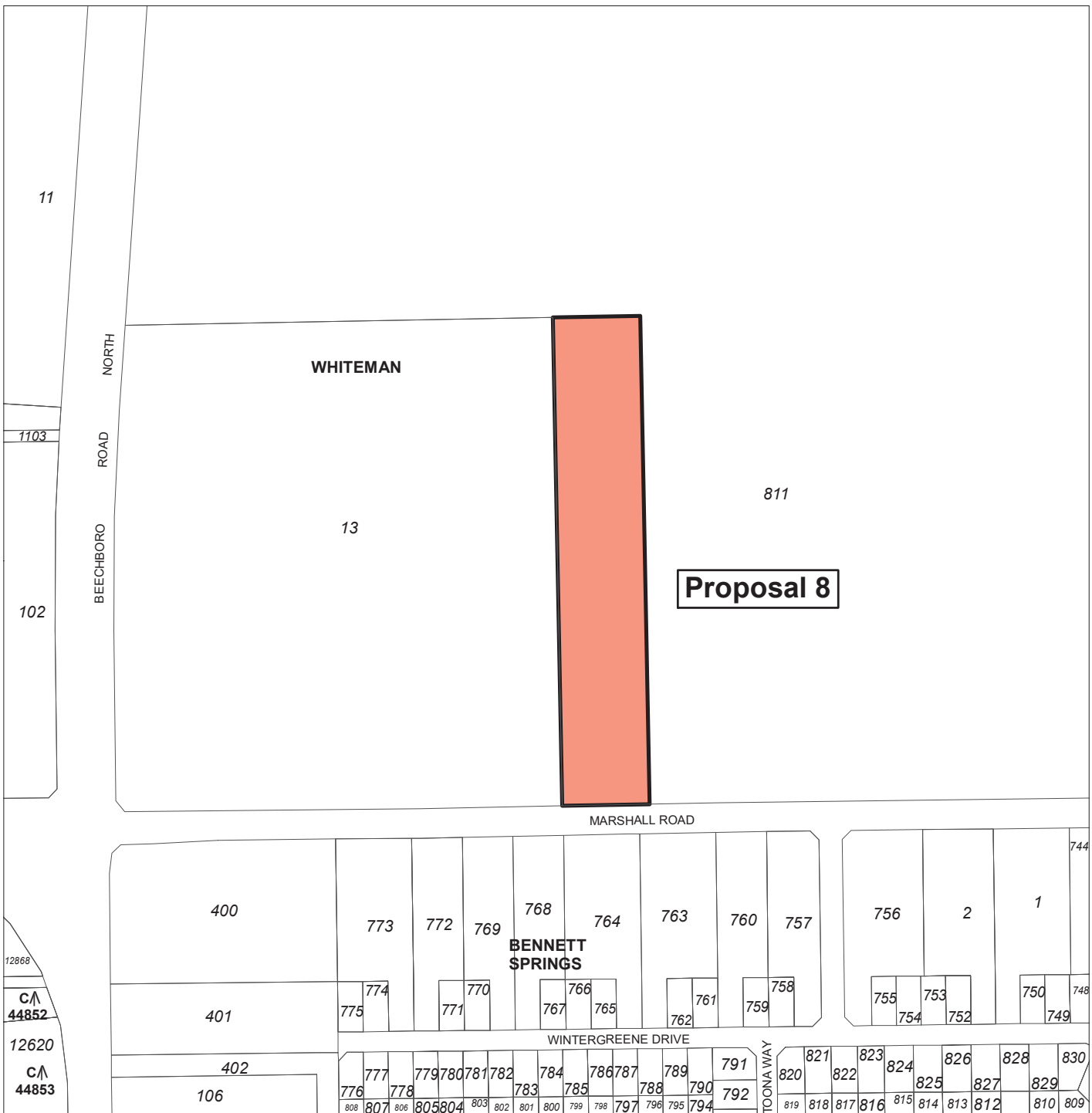
 Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1





**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 8

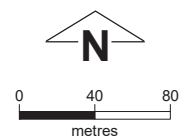
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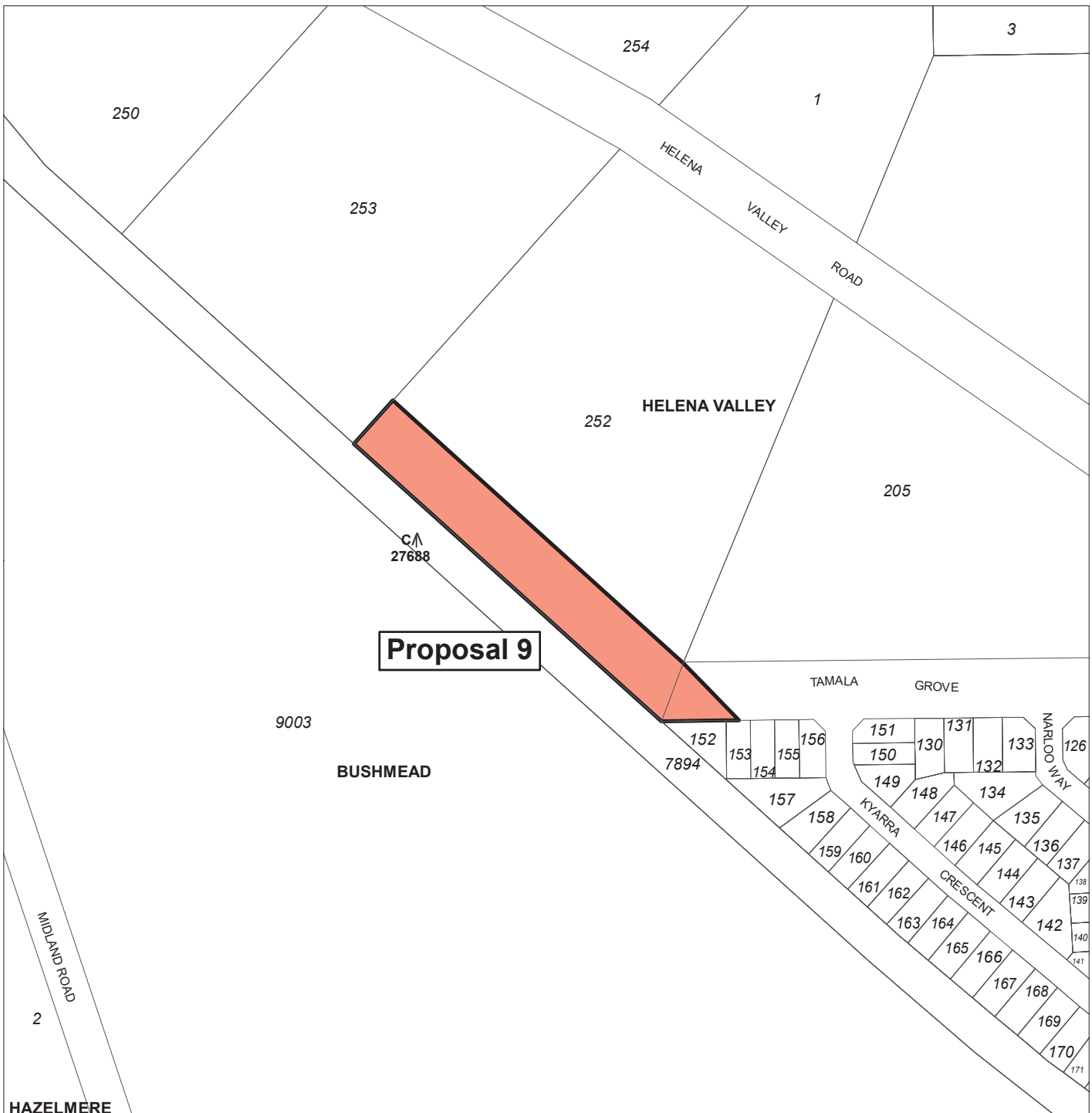
 Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1





**North-East and North-West Districts Omnibus 3
Proposed minor amendment
as advertised**

9 December 2020

Proposal 9

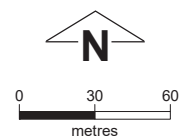
Proposed Amendment:

 Urban zone

Oracle reference no: 3068
File number: 833/02/01/0079
Version number: 1



Date: 16/11/2020
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1



Proposal 3

Butler: To transfer Lot 2004 McCormack Boulevard from the Urban zone to the Public Purposes - High School reservation (Figure 3).

Lot 2004 McCormack Boulevard is the site of Butler College and is to be reserved for Public Purposes - High School consistent with this current use of the site.

Proposal 4

Clarkson: To transfer Lot 1 Harmony Avenue from the Public Purposes - High School reservation to the Public Purposes - Technical School reservation and Lot 13303/Reserve 45981 Connolly Avenue from the Public Purposes - High School reservation to the Urban zone (Figure 4).

Lot 1 Harmony Avenue is the site of the Clarkson Campus of the North Metropolitan TAFE and is to be reserved for Public Purposes - Technical School consistent with the current use of the site.

Lot 13303/Reserve 45981 Connolly Avenue is vested with the City of Wanneroo for drainage purposes and is currently used for this purpose. This site is to be zoned Urban consistent with the current use of the site.

Proposal 5

Neerabup: To transfer a portion of Lot 503 Flynn Drive from the Parks and Recreation reservation to the Industrial zone and to remove this land and part of the adjacent road reserve from Bush Forever Site 384 (Figure 5).

The landowner has requested that 3.6 hectares of land in the south-western corner of Lot 503 be rezoned to the Industrial zone in the MRS and for this land to be removed from Bush Forever Site 384, to facilitate the planning and development of this land as part of the Neerabup Industrial Estate. Part of the adjacent road reserve for Flynn Drive is also to be removed from Bush Forever Site 384 in order to rationalise its extent.

Proposal 6

Madeley: To transfer portions of Lot 2 Wanneroo Road from the Other Regional Roads reservation to the Urban zone (Figure 6).

The landowner has requested the MRS be amended to transfer approximately 2,986 square metres of land within Lot 2 Wanneroo Road from the Other Regional Roads reservation to the Urban zone, to reflect the reduced land requirement for this reservation along this section of Hepburn Avenue.

City of Swan

Proposal 7

Ballajura: To transfer a portion of Lot 3 Cassowary Drive from the Public Purposes - High School reservation to the Urban zone (Figure 7).

Lot 3 Cassowary Drive is currently the site of the Ballajura Police Station. The Public Purposes - High School reserved portion of this site is to be zoned Urban consistent with its current use.

Proposal 8

Whiteman: To transfer a portion of Lot 811 Drumpellier Drive from the Parks and Recreation reservation to the Urban zone (Figure 8).

The proposal seeks to rezone approximately 2.01 hectares of Lot 811 Drumpellier Drive from the Rural zone to the Urban zone in the MRS, in order to facilitate a land exchange between

the WAPC and the owner of the adjacent lot, Lot 13 Marshall Road. This land exchange will enable the WAPC to acquire land required for proposed road works along Beechboro Road North and Marshall Road.

Shire of Mundaring

Proposal 9

Helena Valley: To transfer portions of Lot 205 Helena Valley Road and the Tamala Grove road reserve from the Rural zone to the Urban zone (Figure 9).

The landowner has requested that portions of Lot 205 and 252 Helena Valley Road (approximately 7,800 square metres) from the Rural zone to the Urban zone in the MRS, in order to facilitate the planning and development of land for urban purposes. The amendment area is designated as "Urban" in the *North-East Sub-regional Planning Framework*.

Proposal 10

Helena Valley: To transfer portions of Lots 2 and 6 Midland Road from the Rural zone to the Urban zone (Figure 10).

The proposal seeks to rezone the site from the Rural zone to the Urban zone to make the zoning of this site consistent with the extent of the WAPC endorsed *Lots 2, 3 & 6 Midland Road, Helena Valley Local Structure Plan* and the "Urban expansion" designation of the site in the *North-East Sub-regional Planning Framework*.

4 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 State's *Cultural 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: <http://www/dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/aboriginal-heritage-surveys>.

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.

5 Coordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005*, the local governments have the option of recommending to the WAPC to concurrently rezone land Urban under the MRS to a "Development" zone (or similar) in their Local Planning Schemes.

The WAPC will consider the concurrent amendment of the subject land for proposals within this omnibus amendment at the time the amendment is considered for final approval.

6 Substantiality

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either major or minor amendments depending on whether they are considered to constitute a substantial alteration to the MRS. *Development Control Policy 1.9 - Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed.

The criteria outlined in Development Control Policy 1.9 relate to a variety of matters, not all of which relate to every amendment. In this regard, the amendment is proposed to be processed as a minor amendment as the extent and nature of each proposal individually and taken as a whole within the omnibus does not constitute a substantial or regionally significant change to the planning philosophy of the MRS.

7 Sustainability appraisal

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

8 Environmental Protection Authority advice

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

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

9 The amendment process

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



Environmental Protection Authority

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

Our Ref: CMS 17951
Enquiries: Renee Blandin, 6364 6499
Email: Renee.Blandin@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME	Metropolitan Region Scheme (MRS) Amendment 1379/57 North East and North West Districts Omnibus 3
LOCATION	Various zones and reservations in the North East and North West MRS Districts.
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. 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 the proposed scheme should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) but nevertheless provides the attached advice and recommendations. I have also 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.

Prime House, 8 Davidson Terrace Joondalup, Western Australia 6027.
Postal Address: Locked Bag 10, Joondalup DC, Western Australia 6919.

Telephone: (08) 6364 7000 | Facsimile: (08) 6364 7001 | Email: info.epa@dwer.wa.gov.au

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Sutton', with a horizontal line extending to the right.

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

23 August 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

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

Metropolitan Region Scheme Amendment (MRS) 1379/57

Location: North East and North West MRS Districts

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

Determination Published: 23 August 2021

Summary

The Western Australian Planning Commission (WAPC) proposes to rezone/change various zones and reservations in the Cities of Wanneroo and Swan and the Shire of Mundaring.

The Environmental Protection Authority (EPA) has considered the amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA expects future proposals likely to lead to significant environmental impacts are referred to the EPA pursuant to Part IV of the EP Act. The EPA has based its decision on the documentation provided by the WAPC, and having considered this matter, the following advice is provided.

Environmental Factors

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

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings

Advice and Recommendations regarding Environmental Factors

The EPA considers there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA.

Proposal 1 Lot 1014 Skysail Avenue Alkimos City of Wanneroo

To transfer Lot 1014 Skysail Avenue Alkimos from the Urban zone to the Public Purposes - High School reservation. The site is identified as a high school site in the Central Alkimos Local Structure Plan (LSP).

Flora and Vegetation; Terrestrial Fauna

The amendment area is approximately 11.6 hectares (ha) in size and is fully vegetated. The vegetation is mapped as Floristic Community types 24 (*Northern Spearwood shrublands and woodlands*) and 28 (*Spearwood Banksia Northern attenuata or Banksia attenuata – Eucalyptus woodlands*), and is mapped as Excellent to Very Good condition.

The vegetation is foraging habitat for species of black cockatoo listed under both the *Biodiversity Conservation Act 2016* (BC Act) and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EPA notes approval for clearing within the Central Alkimos LSP area, including the amendment area, has been obtained under the EPBC Act (reference EPBC 2015/7561). The approval is subject to conditions requiring the preparation and approval of a construction environmental management plan and a parks and recreation reserve management plan to ensure the appropriate protection of Carnaby's black cockatoo habitat in the locality, and purchase of offsets. Any future development of the site must be consistent with the EPBC approval conditions.

Proposal 5 Lot 503 Flynn Drive City of Wanneroo

To:

- Rezone 3.6 ha of land in the south-western corner of Lot 503 from the Parks and Recreation reservation to the Industrial zone and remove this land from Bush Forever Site (BFS) 384; and
- Remove part of the adjacent road reserve for Flynn Drive from BFS 384 to rationalise its extent.

Flora and Vegetation and Terrestrial Fauna

The amendment area is approximately 3.6 ha, is part of BFS 384, and is mapped as containing vegetation in Good to Poor condition that is identified as potentially being part of the Tuart Woodlands Flora Community, a Threatened Ecological Community under the EPBC Act and a Priority 3 Priority Ecological Community under the BC Act. The vegetation is mapped as potential black cockatoo foraging and breeding habitat.

Future development associated with the amendment has the potential to impact threatened vegetation and fauna habitat through clearing.

The EPA notes the proposed amendment is an outcome of negotiations between DevelopmentWA and the WAPC as part of a strategic land exchange involving land within BFS 384 and BFS 293.

The EPA also notes approval subject to conditions has been obtained under the EPBC Act for clearing within Lot 801 Neerabup Industrial Estate (including the amendment area) (Ref: EPBC Act 2012/6424). The Department of Water and Environmental Regulation (DWER) granted a clearing permit for the amendment area in April 2019 (Ref: 7405/1), subject to conditions including purchasing of an offset site to be ceded to the Department of Biodiversity, Conservation and Attractions. Any future development of the site must be consistent with the approval conditions.

Proposal 8 Lot 811 Drumpellier Drive City of Swan

The proposal seeks to rezone approximately 2.01 ha of Lot 811 Drumpellier Drive from the Parks and Recreation reservation to the Urban zone, to enable the WAPC to acquire land required for proposed road works along Beechboro Road North and Marshall Road.

Inland Waters

A portion of the amendment area is classified as a resource enhancement wetland (REW). It is noted that the REW area is a completely cleared and highly modified environment.

Future development should maintain predevelopment groundwater and surface water hydrology and water quality associated with the REW, and an appropriate buffer to the wetland should be established.

Reclassification of the wetland in consultation with the Department of Biodiversity, Conservation and Attractions may be considered prior to development of the site.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3692 for Bennett Brook. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to the South West Aboriginal Land and Sea Council (SWALSC) during the formal advertising period.

Proposal 9 Lots 205 and 252 Helena Valley Road Shire of Mundaring

The amendment proposes to transfer portions of Lot 205 and 252 Helena Valley Road (approximately 0.78 ha) from the Rural zone to the Urban zone.

Flora and Vegetation and Terrestrial Fauna

The amendment area contains 0.65 ha of native remnant vegetation mapped as in Good to Degraded condition of which approximately 0.14 ha is mapped as Banksia Dominated Woodland of the Swan Coastal Plain TEC. The amendment area also contains potential black cockatoo foraging habitat.

Five potentially significant black cockatoo habitat trees were recorded by survey within the amendment area. None of these trees had suitable breeding hollows recorded, and no evidence of roosting was observed. However, as the trees could be used for roosting or breeding in the future, the EPA recommends significant trees within the future development area be retained where possible.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3758 for Helena River. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to SWALSC during the formal advertising period.

Proposal 10 Lots 2 and 6 Midland Road Shire of Mundaring

The proposal seeks to rezone the amendment area from the Rural zone to the Urban zone to make the zoning of the site consistent with the extent of the WAPC endorsed *Lots 2,3 & 6 Midland Road, Helena Valley Local Structure Plan* (LSP). Land within the amendment area is proposed in the LSP to have the designated land uses of Rural Residential and Public Open Space/Drainage.

Flora and Vegetation; Terrestrial Fauna; Inland Waters

The amendment area contains approximately 1 ha of vegetation mapped as Banksia Woodland of the Swan Coastal Plain TEC, in Good to Completely Degraded condition. The amendment area also contains foraging habitat and potential breeding habitat (Flooded Gum and Marri) for species of black cockatoo.

Kadina Brook runs through the amendment area. Approximately 0.7 ha of the amendment area is mapped as resource enhancement wetland (REW), and approximately 0.16 ha is mapped as within the floodway of the Helena River.

Development of the site for has the potential to impact groundwater and surface water quality and pre-development hydrology, including through nutrient run off. This impact can be managed through establishment of an appropriate buffer to the REW and implementation of

water management planning for the site. Water management planning should maintain or improve groundwater and surface quality, and pre-development hydrology.

The amendment area is within the Swan Canning Rivers Development Control Area, and will be managed under Part 5 of the *Swan and Canning Rivers Management Act 2006*, and any associated requirements of the MRS.

The EPA supports the intention to remove 0.16 ha of Rural Residential designated land from the rezoning when the Report on Submissions is presented to the WAPC for its consideration, given the designation of the land as a part of the Helena River floodway.

The proposed structure plan for the site designates the majority of the amendment area for Public Open Space/Drainage. Vegetation within the REW and Kadina Brook foreshore area is proposed to be retained within the 30m wetland buffer. The EPA supports this approach. The EPA recommends significant trees within the future development area be retained where possible.

Social Surroundings

The amendment area is identified by the Western Australian Aboriginal Heritage Inquiry System as Registered Aboriginal Site 3758 for Helena River. Consultation and investigation prior to any development within the amendment area should be undertaken to ensure potential impacts to Aboriginal heritage can be avoided or, if that is not possible, mitigated. Any development within the amendment area must comply with obligations under the *Aboriginal Heritage Act 1972*. The EPA notes the MRS Amendment document outlines that the amendment will be referred to SWALSC during the formal advertising period.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives through existing planning mechanisms. In addition, the EPA recommends its advice is implemented to further mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna, Inland Waters and Social Surroundings. Future local planning scheme amendments and structure planning should contain specific scheme reserves and/or text to ensure impacts to these values are avoided and/or managed.



CITY of SWAN

MINUTES

ORDINARY MEETING OF COUNCIL

17 NOVEMBER 2021

ATTENTION

These minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the minutes of the following Ordinary Meeting of Council to ensure that there has not been a correction made to the resolution.

4. STATUTORY PLANNING

4.1 METROPOLITAN REGION SCHEME OMNIBUS AMENDMENT 1379/57 - CITY OF SWAN SUBMISSION

Ward: (Ballajura / Whiteman Ward) (Strategic Planning)

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Advise the Western Australian Planning Commission that it supports Metropolitan Region Scheme omnibus amendment 1379/57 unconditionally.
- 2) Request City staff to prepare and present back to Council for initiation of an amendment to the City's Local Planning Scheme No. 17 to facilitate the following provision:
 - Reclassify Lot 3 Cassowary Drive to depict the site as a Local Reserve for 'Public Purpose'.
- 3) Request City staff to liaise with the owners of Lot 13 and Lot 811 regarding preparation of a suitable amendment to Local Planning Scheme No.17 to reflect the departure of 2.01ha of Lot 811 Drumpellier Drive from the Parks and Recreation reserve, and present back to Council for initiation an amendment to the City's Local Planning Scheme No. 17 to facilitate the proposal.

CARRIED EN BLOC



CITY of SWAN

MINUTES

ORDINARY MEETING OF COUNCIL

17 NOVEMBER 2021

ATTENTION

These minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the minutes of the following Ordinary Meeting of Council to ensure that there has not been a correction made to the resolution.

www.swan.wa.gov.au

4. STATUTORY PLANNING

4.1 METROPOLITAN REGION SCHEME OMNIBUS AMENDMENT 1379/57 - CITY OF SWAN SUBMISSION

Ward: (Ballajura / Whiteman Ward) (Strategic Planning)

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CARRIED EN BLOC



Our Ref: PS.MRS.1379/57
Date 19 November 2021

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

MRS AMENDMENT 1379/57

The following advice in relation to Amendment 1379/57 reflects officer level advice.

Proposal 9

The proposal relates to a portion of Lot 252 Helena Valley Road currently zoned Rural Residential 4 and another portion within land set aside for road also zoned Rural Residential 4 (see **Figure 1**, below).

The Shire does not object to the concurrent rezoning of the latter to Urban under the MRS and its reservation as "Other Local Road" under Local Planning Scheme No. 4. The Shire's preference is that the balance (currently zoned Development) should also be concurrently reserved "Other Local Road" (Tamala Grove is a fully constructed road).

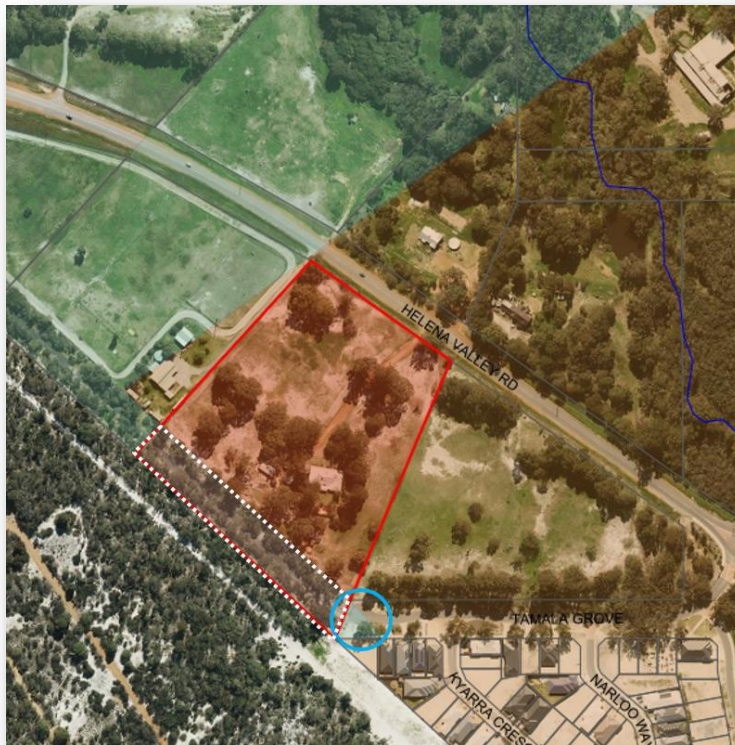


Figure 1. Proposed amendment as it relates to Tamala Grove (circled blue) and Lot 252 Helena Valley Road (outlined white).



Rezoning of that portion related to Lot 252 would likely result in subsequent subdivision and associated tree removal as set out in subdivision application reference: 159008. Therefore, the Shire objects to rezoning this portion to Urban to facilitate the creation of residential lots.

However, noting that (1) this portion currently contains asphalt associated with the former alignment of Helena Valley Road (see **Figure 2**, below) and (2) the potential for a road to facilitate the orderly and proper planning of the balance of the land within Structure Plan No. 76, the Shire does not object to the land's use for a road (subject to upgrading to contemporary road standards) and reservation as "Other Local Road" under LPS4.



Figure 2. Lot 252 (outlined red) circa 1953 showing former alignment of Helena Valley Road traversing the southern portion of the lot.

A 30m wide road reserve would be consistent with the width of Tamala Grove and similarly facilitate the retention of established trees. DBCA have confirmed that these trees are not classified as Threatened Ecological Communities. However, the Shire considers that they have environmental significance and amenity value under Clause 5.7.12.2 and 5.7.12.5 of LPS4.

The Shire also advises that it is unlikely to support the development/subdivision of this Rural zoned portion due to it being undersized and bushfire prone. Future consideration of this portion will be cognisant of road planning to the west.

Note: the North-East Sub-Regional Planning Framework incorrectly identifies this portion of Lot 252 as already zoned Urban.

Proposal 10

Contrary to Council's resolution, Structure Plan No. 71 was approved by the Commission on 3 November 2016 (refer to **Figure 3**, below). Under this plan, the area of this amendment is shown as containing:

- Public Open Space and foreshore reserve;
- an undersized Rural Residential zoned lot (approximately 5,500m²);
- a small portion of road reserve; and
- a small portion of land indicated as being "subject to future structure planning..."

The Shire did not support SP71 and maintains its position is that the design represents a poor interface and urban design outcome for the location and a modification to the Structure Plan is required. An MRS amendment rezoning would trigger the re-examining some of this interface which is, in principle, supported.

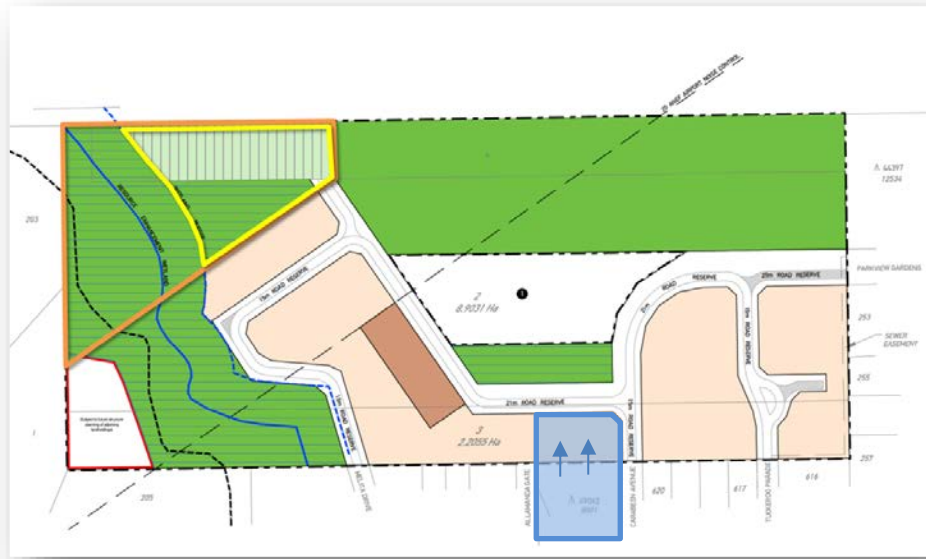


Figure 3. Structure Plan No. 71. Shire maintains its position that the compensation basin (blue) to the south should be integrated into a POS link, which would involve the removal of 4 lots.

The Shire notes that the underlying Rural zone of the MRS reflected a previous version of the 25-30 ANEF which precluded an Urban zone. Under the current ANEF, the 25-30 contour does not intersect with the subject properties and therefore, is arguably capable of being considered for rezoning to Urban.

It should be noted that the northern portion (yellow above in Figure 2), reflects the actual urban area likely but also does not account for the steep embankment that exists and that will represent another significant development constraint.

Further, the north-eastern portion of the land outlined yellow (Below Figure 4) contains Flood Fringe Special Control Area which corresponds with provisions under Section 6.6 of LPS4.

The Shire objects to the balance area being rezoned to Urban as it would convey an expectation that further subdivision and development of this portion for urban (residential) purposes is possible/desirable.

Structure Plan No. 71 identifies that this balance portion will be used for POS/foreshore reserve, reflecting Multiple Use and Resource Enhancement Geomorphic Wetlands associated with Kadina Brook – a tributary of the Helena River (see **Figure 4**, below). This is the preferred use of the land. As reflected in previous structure plans and subdivisions, Kadina Brook is an important ecological and recreational corridor to be protected from urban/residential encroachment via reservation – an outcome which is not precluded by the existing Rural zone.



Figure 4. Extent of Multiple Use and Resource Enhancement Geomorphic Wetlands.

The Shire maintains its strong objection to the Commission's approvals issued for this site (Structure Plan 71, and Subdivision Ref: 156909) as they are decisions that are inconsistent with state policy and orderly and proper planning.

In particular, the Statutory Planning Committees (SPC's) decision to put aside Council's advice and support residential lots over an existing waterbody (yellow hatched in Figure 4) was based on misrepresentation by the developer that other areas of zoned land were contaminated and they were cost-prohibitive to develop. In particular, the SPC report at that time stated:

'Applicant advises that the cost to remediate the POS site (Figure 3 above) to allow for residential development would be financially prohibitive, even without knowing the full extent of the fill depth, and development of the structure plan area would be unlikely' (pg. 036).

Financial viability of a proposal is not a valid planning consideration. Since this time, the DPLH endorsed subdivision Ref: 156909, allowing for the filling in of the water body. Contrary to the landowners advice to SPC, the applicant now intends to modify the Structure Plan 71 to include residential lots over contaminated land to the north and is currently seeking approval of the State to use the Regional Open Space to manage stormwater.

In summary, the Shire:

- 1) Notes the MRS rezoning has merit regarding the new alignment of the ANEF contours but it should account for the Flood Fringe Special Control Area, and the realities of construction near the steep embankment to the north from a bushfire perspective.
- 2) Ordinarily the Shire would support a concurrent amendment under the Shire's Local Planning Scheme No.4 as this would trigger the need for a revised structure plan. As the Shire is unsatisfied with the State approvals issued, the Shire requests that a concurrent amendment not be pursued until other

agreements are in place to integrate the existing waterbody into the stormwater solution.

- 3) The Shire maintains its strong objection to the SP71 design, in particular the stormwater management proposed and the subsequent subdivision approval (Subdivision Ref: 156909) issued by the Department of Planning, Lands and Heritage.
- 4) The assumption that underpinned SPC's previous approval (9 August 2016), i.e. that residential development over the contaminated urban zoned land is unviable and jeopardises the redevelopment of the site, is no longer accurate given the landowners clear intention (more recent technical drawings and management plans submitted to the Shire) to develop the land to the north (POS, Lot 2 previously excluded from SP71);
- 5) That the Shire would only support the rezoning of additional urban land in this location on the basis that:
 - a. landowner provides a legal agreement to the effect that they will not act on those aspects of the subdivision (Subdivision Ref: 156909) that require filling in the waterbody, or until an alternative agreement or modification to Subdivision Ref 156909 is endorsed by the DPLH.
 - b. SP71 is modified and the existing artificial waterbody is integrated in to the stormwater solution for the site, which would involve the transfer of 4 residential lots to a stormwater function.
- 6) The Shire notes that the landowners has encountered obstacles in relation to the clearance of Condition 5 (Urban Water Management Plan) for Sub Ref: 156909. The current proposed solution to the stormwater management necessitates the construction (and subsequent State management) of a drainage basin on a State's Regional Recreation Reserve. It is on this basis that the Shire will defer the Urban Water Management Plan (Condition 5) to the Dept of Planning Lands and Heritage.

Please contact the Shire's Planning & Environment Services should you have any further enquiries regarding this matter.

Yours sincerely



Angus Money
MANAGER PLANNING AND ENVIRONMENT



Your Ref: 833-2-1-79 Pt 1 (RLS/0984)
Our Ref: F-AA-05498/02 D-AA-21/500256
Contact: Phill Oorjitham 9222 2000

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

Attention: Mr Brett Pye

Via email: RegionPlanningSchemes@dph.wa.gov.au

Dear Ms Fagan

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1379/57 NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3 (WANNEROO, SWAN AND MUNDARING)

Thank you for your letter of 20 September 2021 requesting comments from the Department of Health (DOH) on the above proposal.

The DOH provides the following comment:

1. *Water Supply and Wastewater Disposal*

The DOH has no objections to the proposals provided that developments are connected to scheme water and reticulated sewerage and be in accordance with *the Government Sewerage Policy 2019*.

Should any of the future proposals not be proposed to be connected to sewer further information will be required to be submitted to the DOH.

2. *Public Health*

The WAPC should conduct appropriate searches and investigations to satisfy itself that the Lots comprising Proposals 1-10 are suitable for their intended land uses. This should include obtaining a Contaminated Sites - Basic Summary of Records search for each Lot, available from DWER <https://www.der.wa.gov.au/your-environment/contaminated-sites>. Further, several Lots contain existing buildings and structures which may be demolished or re-used as a consequence of the rezoning. Hazardous building materials including asbestos should be identified and safely removed prior to any demolition or refurbishment works. DOH advises that failure to manage hazardous materials properly may result in the creation of new contaminated sites which will require additional costly investigation and clean-up and lead to significant delays.

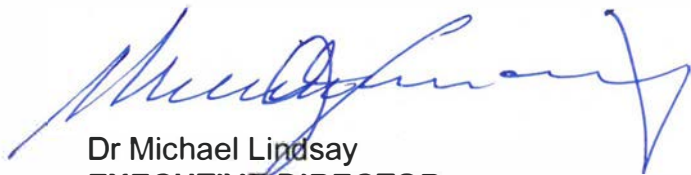
Proposal 10 **Rural zone to the Urban zone** – The site appears to be used as a commercial haulage/skip business dating from prior to 2004. The site includes a very large industrial warehouse and outbuildings, surrounded by large lorries, excavators and cranes, skips and piles of soils, metal and timber materials. The ground around the site is highly degraded and may require, if not already done, detailed site investigation and remediation plan to determine its suitability for land uses compatible with the propose rezoning.

In addition, an area immediately to northwest of the Proposal 10 area, within the low-lying a wetland within the Helena River floodplain, appears to have been infilled and land-raised with imported soils, and a crushed limestone pavement installed to allow the area to be used for open storage. Aerial photography dated September 2020 shows this work on-going. This appears to be at odds with the current planning rezoning (Rural Zone). WAPC may wish to determine who is responsible for this work and whether the appropriate planning and DWER permits were in place to carry out a landfill operation as this may adversely impact and restrict future development on the adjacent Proposal 10 area.

DOH further advises that any rezoning should comply with the separation distance requirements set out in EPA 2005, *Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land uses*. In particular, land set aside for schools should not be adjacent to properties with the potential to generate unacceptable levels of fumes or emissions or pose a potential fire or chemical hazard because of activities or materials stored on site, including petrol stations.

Should you have any queries or require further information please contact Phil Oorjitham on 9222 2000 or eh.eSubmissions@health.wa.gov.au

Yours sincerely



Dr Michael Lindsay
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

17 November 2021



Department of
Education

**SUBMISSION
12**

Your ref: 833-2-1-79 Pt 1 (RLS/0984)
Our ref: D21/0664746
Enquiries: Sharnie Stuart

Western Australia Planning Commission
Department of Planning, Lands and Heritage

Email: brett.pye@dplh.wa.gov.au

Attention: Brett Pye
Senior Planning Officer

Dear Sir / Madam,

**Proposed Metropolitan Region Scheme Amendment 1379/57
North-East and North-West Districts Omnibus 3**

Thank you for your letter dated 12 August 2021 providing the Department of Education (the Department) with the opportunity to comment on the abovementioned proposal.

The Department has reviewed the information submitted as part of MRS Amendment 1379/57 and is in support of the proposed reservation of existing / future public secondary school sites to 'Public Purpose – High School' as follows:

1. Proposal 1 – Alkimos (South West) Eglinton (planning name);
2. Proposal 2 – Alkimos College; and
3. Proposal 3 – Butler College.

In addition, the Department has no in principle objections to the remainder of proposals identified under this MRS Amendment.

Should you have any questions in relation to the above, please do not hesitate to contact Sharnie Stuart, Senior Consultant – Land Planning on (08) 9264 4046 or email at sharnie.stuart@education.wa.edu.au.

Yours sincerely

Matt Turnbull
Manager Land and Property

18 November 2021

From: Diana Nussey <Diana.Nussey@dwer.wa.gov.au>
Sent: Tuesday, 16 November 2021 11:13 AM
To: Region Planning Schemes
Cc: Brett Pye; Jim MacKintosh
Subject: RE: Advertising of Proposed MRS Amendment 1379/57 - North-East and North-West Districts Omnibus 3 - 833-2-1-79 Pt 1 (RLS/0984)

Attention: Brett Pye

Dear Brett,

Thank you for providing proposed Metropolitan Region Scheme Amendment 1379/57 – North-East and North-West Districts Omnibus 3 for the Department of Water and Environmental Regulation to consider. The Department has reviewed the proposal and has no objection or comments to provide.

Kind regards,

[Diana Nussey](#)

A/Senior Natural Resource Management Officer
Planning Advice Section

[Department of Water and Environmental Regulation](#)

Swan Avon Region

7 Ellam St, Victoria Park, WA 6100

T: (08) 6250 8014 | F: (08) 6250 8050

E: diana.nussey@dwer.wa.gov.au | www.dwer.wa.gov.au

Twitter: [@DWER_WA](#)

Submitted to Metropolitan Region Scheme Minor amendment 1379/57 - North-East and North-West Districts Omnibus 3
Submitted on 2021-11-17 09:34:18

About you

1 What is your first name?

First name:
Annabelle

2 What is your surname?

surname:
Fisher

3 What is your company name?

Company name:
Public Transport Authority

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

No

5 What is your email address?

Email:
annabelle.fisher@pta.wa.gov.au

6 What is your address?

address:
Public Transport Centre, West Parade, Perth, 6000

7 Contact phone number:

phone number:
+61481173846

Proposal 1 - Alkimos, City of Wanneroo

8 Do you support/oppose the proposal 1 amendment to the Metropolitan Region Scheme?

Support

9 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

Transperth has no objections to rezoning the site for a future high school. Once the construction period of the high school has been planned, Transperth will need to be consulted with to discuss bus infrastructure requirements at the site. As a minimum, Transperth would require area for four, 20 metre bus stands (embayment area) on a straight kerb, and areas for tapers to be adjacent to the school site.

It is essential that these embayments are in place prior to construction completion for Transperth to serve students of the school on commencement day. Transperth does have long term plans to operate a future Route 485 which would provide a viable public transport option for future students and staff (this is subject to the internal road network being constructed).

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Proposal 2 - Alkimos, City of Wanneroo

10 Do you support/oppose the proposal 2 amendment to the Metropolitan Region Scheme?

Support

11 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

The PTA has no objections to the proposal.

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Proposal 3 - Butler, City of Wanneroo

12 Do you support/oppose the proposal 3 amendment to the Metropolitan Region Scheme?

Support

13 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

Transperth support the rezoning of this site from 'Rural' to 'Urban' to reflect the current use of this site as a high school for Butler College. Although changes to infrastructure requirements are not captured within the scope of this MRS amendment, The PTA strongly encourage state and local planning agencies to consult with Transperth prior to construction completion for a high school.

In the case of Butler College, Transperth currently does not have enough area to build bus embayments to serve the school, and as a result, staff and students have to cross either Bradman Dr or McCormack Blvd to access school bus services. For future urban development, Transperth would greatly appreciate close consultation with relevant planning agencies so Transperth can service schools adequately.

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Proposal 4 - Clarkson, City of Wanneroo

14 Do you support/oppose the proposal 4 amendment to the Metropolitan Region Scheme?

Support

15 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

The PTA has no objections to the proposal.

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Proposal 5 - Neerabup, City of Wanneroo

16 Do you support/oppose the proposal 5 amendment to the Metropolitan Region Scheme?

Support

17 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

The PTA has no objections to the proposal.

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Proposal 6 - Madeley, City of Wanneroo

18 Do you support/oppose the proposal 6 amendment to the Metropolitan Region Scheme?

Support

19 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

The PTA has no objections to the proposal.

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File upload:
No file uploaded

Proposal 7 - Ballajura, City of Swan

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

Support

21 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

The PTA has no objections to the proposal.

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No file uploaded

File upload:
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File upload:
No file uploaded

Proposal 8 - Whiteman, City of Swan

22 Do you support/oppose the proposal 8 amendment to the Metropolitan Region Scheme?

Support

23 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

The PTA has no objections to the proposal.

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Proposal 9 - Helena Valley, City of Swan

24 Do you support/oppose the proposal 9 amendment to the Metropolitan Region Scheme?

Support

25 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

Should urban development be realised at this site, the future developer should provide a pedestrian footpath connection / footpath for future residents Transperth bus stops on Helena Valley Rd for the Route 307. Currently Transperth has no long term plans to expand bus services in this area due to the low urban densities and low patronage on current routes.

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File upload:

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Proposal 10 - Helena Valley, City of Swan

26 Do you support/oppose the proposal 10 amendment to the Metropolitan Region Scheme?

Support

27 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

The PTA has no objections to the proposal.

File upload:

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File upload:

No file uploaded

File upload:

No file uploaded

Submitted to Metropolitan Region Scheme Minor amendment 1379/57 - North-East and North-West Districts Omnibus 3
Submitted on 2021-11-17 16:01:30

About you

1 What is your first name?

First name: **Name removed at the request of the submitter**

2 What is your surname?

surname:

3 What is your company name?

Company name:
element

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

Yes

5 What is your email address?

Email:

6 What is your address?

address:

7 Contact phone number:

phone number:

Proposal 1 - Alkimos, City of Wanneroo

8 Do you support/oppose the proposal 1 amendment to the Metropolitan Region Scheme?

9 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

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Proposal 10 - Helena Valley, City of Swan

26 Do you support/oppose the proposal 10 amendment to the Metropolitan Region Scheme?

Support

27 Submission (reasons for support/opposition). Please type your submission into the box below or copy and paste text from a Microsoft Word document. Any supporting documents may be uploaded below your submission text.

Submission:

File upload:

Submission on MRS Amdt 1379-57 - Final.pdf was uploaded

File upload:

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File upload:

No file uploaded

Our Ref: 20-088

17 November 2021

Ms Sam Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2508
PERTH WA 6001

Dear Madam,

SUBMISSION ON METROPOLITAN REGION SCHEME AMENDMENT 1379/57 – NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3

element on behalf of the landowners of Lot 2, 3 and 6 Midland Road, Helena Valley (the subject site) are pleased to present the following submission on *Metropolitan Region Scheme* (MRS) Amendment 1379/57 (the Amendment).

It is understood that the Amendment is part of a continuing program of omnibus amendments to the MRS which are utilised to progress groups of proposals in a regional context. The Amendment seeks to update various zones and reservations in the north-east and north-west districts of the MRS at the request of Government agencies and landowners, and to make the MRS consistent with the current use of land.

The Amendment comprises ten separate proposals across the City of Wanneroo, City of Swan and Shire of Mundaring. This submission is made in relation to Proposal No. 10 of the Amendment, which seeks to transfer portions of Lot 2 and 6 Midland Road from 'Rural' zone to the 'Urban'.

The proposed MRS Amendment is welcomed, noting that the reasons the subject site was not rezoned from 'Rural' as part of the previous amendment process for the area was because it was within the ANEF 25-30 noise contour area. As the subject site is no longer within this noise contour area, the proposed MRS Amendment is warranted.

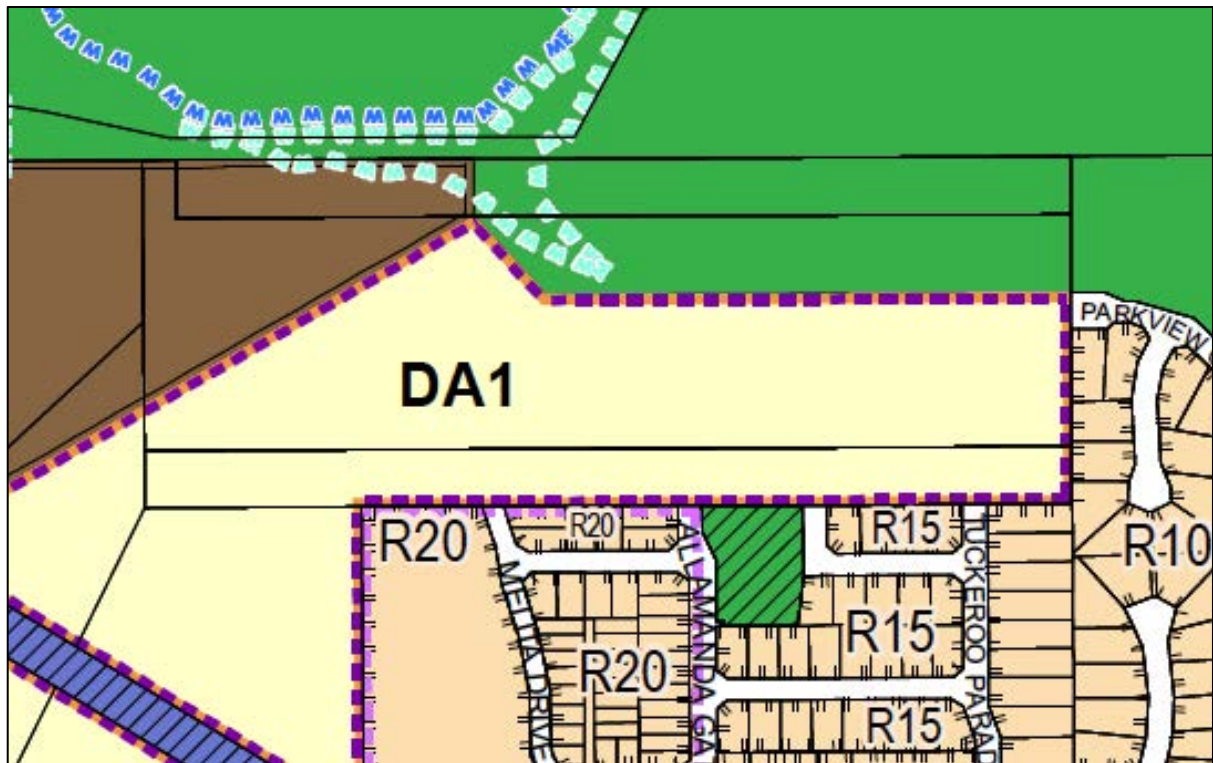
Further, the proximity of the subject site to newly established urban development, together with its irregular shape and size (less than the minimum four (4) hectare lot size), is such that it cannot be effectively utilised for the purpose for which it is currently zoned.

The proposed MRS Amendment is supported as it will make the zoning of the subject site consistent with the extent of the *Lots 2, 3 and 6 Midland Road, Helena Valley Local Structure Plan* and the 'Urban Expansion' designation of the site in the *North-East Sub-regional Planning Framework* (the Framework).

As part of the MRS Amendment (Proposal No. 10) process, the proponents of the *Lots 2, 3 and 6 Midland Road, Helena Valley Local Structure Plan* request that the Western Australian Planning Commission (WAPC) endorse a concurrent amendment to the Shire of Mundaring's *Local Planning Scheme No. 4* (LPS4), pursuant to Section 126 of the *Planning and Development Act 2005*.

The subject site is currently zoned 'Rural Residential' under LPS4 (refer **Figure 1**). To enable an amendment to the *Lots 2, 3 and 6 Midland Road, Helena Valley Local Structure Plan*, the LPS4 'Rural Residential' zone will need to be rezoned to 'Development'.

Figure 1 – Extract from Shire of Mundaring LPS4 showing MRS Amendment Proposal No. 10 area as 'Rural Residential'.



It is therefore requested that the WAPC approve the concurrent amendment of LPS4 to expedite the local structure planning process and to achieve the planning administrative efficiencies intended by the Section 126 provisions.

Should you have any queries or require clarification on the above matter, please do not hesitate to contact [redacted] or the undersigned on [redacted].

Yours sincerely
element

Director – Planning

From: DFES Land Use Planning <advice@dfes.wa.gov.au>
Sent: Monday, 22 November 2021 4:18 PM
To: DPI Referrals
Cc: Marija Bubanic
Subject: MRS Amendment - 1379/57 – North-East and North-West Districts Omnibus 3 - DFES Response

Our Ref: D22029
Your Ref: 1379/57
Attention: Marija Bubanic

Dear Sir/Madam,

RE: PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1379/57 - NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3

I refer to your email dated 21 September 2021 regarding the advertising of the proposed Metropolitan Region Scheme Amendment 1379/57 – North-East and North-West Districts Omnibus 3.

Given the proposal seeks to rationalise zones and reservations to make the MRS consistent with the current use of land as per your correspondence, which may not be considered an intensification of land use, the application of *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) may not be required, in this instance.

Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.

Thank you for providing us with the opportunity to make a submission, DFES has no further comments.

Should you require clarification of any of the matters raised please do not hesitate to contact me on the number below.

Kind regards

Please do not hesitate to contact me if you have any further queries regarding this response.

Kind regards,

Richard Trinh
Senior Land Use Planning Officer | Land Use Planning

Emergency Services Complex | 20 Stockton Bend, Cockburn Central WA 6164
T: 08 9395 9709 | **E:** advice@dfes.wa.gov.au | **W:** dfes.wa.gov.au



CHANGES TO BUSHFIRE WARNINGS

WA is implementing nationally consistent bushfire warnings.
Know what to do during an emergency.



emergency.wa.gov.au

Acknowledgement of Country: DFES acknowledges the Traditional Owners of Country throughout Australia, and their connections to land, sea and community. We pay our respects to Elders past and present.



Department of Biodiversity,
Conservation and Attractions



We're working for
Western Australia.

Your ref: RLS/0364/1
Our ref: PRS46266
Enquiries: Jacqui Clinton
Phone: 9442 0312
Email: jacqui.clinton@dbca.wa.gov.au

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

Att: Brett Pye

Proposed Metropolitan Region Scheme Amendment – North-East and North-West Districts Omnibus 4 – Request for Preliminary Comment

I refer to your correspondence of 3 November 2020, requesting comments on the proposed Metropolitan Region Scheme (MRS) omnibus amendment to for the North-East and North- West Districts. The Parks and Wildlife Service at the Department of Biodiversity, Conservation and Attractions (DBCA) reviewed the referred information and provides the following advice.

Proposal 1 - City of Wanneroo:
No comments.

Proposal 2 - City of Wanneroo:
No comments.

Proposal 3 - City of Wanneroo:
No comments.

Proposal 4 - City of Wanneroo:
No comments.

Proposal 5 - City of Wanneroo:
It is noted that the proposed rezoning will require the removal of 3.6ha of land from Bush Forever site 384 (*Neerabup Lake and Adjacent Bushland, Neerabup*) for a future access road to the proposed Neerabup Industrial Estate.

DBCA understands that the portion of Bush Forever site 384 subject of the rezoning proposal was omitted from the acquisition and subsequent transfer of the remainder of the Bush Forever area to the Western Australian Planning Commission. DBCA has been advised that due to the historical land transfer agreement, the Department of Planning Lands and Heritage has no comment to make regarding the proposed removal of land from the Bush Forever area.

Although the area subject of the rezoning appears to be subject of historical disturbance, the area contains native vegetation mapped as a potential occurrence of the Commonwealth listed 'Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain' ecological community. Consideration should therefore be given to the obligations for assessment of future

development of the land in accordance the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proponent should contact the Commonwealth Department of Agriculture, Water and the Environment for further information on these responsibilities, prior to future planning stages.

Proposal 6 - City of Wanneroo:

No comments.

Proposal 7 - City of Swan:

No comments.

Proposal 8 - City of Swan:

The subject area contains portions of a Resource Enhancement wetland (REW) mapped in the DBCA's Geomorphic Wetlands Swan Coastal Plain dataset. This wetland will require further consideration during future planning processes.

Proposal 9 – Shire of Mundaring:

No comments.

The proposed zoning of part Lot 205 and 252 Helena Valley Road from Rural to Urban is consistent with the draft Shire of Mundaring's Structure Plan No. 76. The subject site contains limited environmental value.

Proposal 10 – Shire of Mundaring:

It is noted the proposal involves the transfer of portions of Lot 2 and 6 Midland Road Helena Valley from Rural to Urban zone.

The proposal abuts the Helena River foreshore and the Swan Canning Development Control Area (DCA). The Kadina Brook, which is also a REW, flows through the site. The Kadina Brook is a tributary of the Helena River and eventually discharges to the Swan River. The site is also listed as 'Possibly Contaminated – Investigation Required' under the Contaminated Sites Act 2003.

DBCA cannot support the proposal in its current form as the proposal does not align with the approved Local Structure Plan 71 in which a portion of Lot 6 is to be set aside as 'rural residential', the remainder of Lot 2 and 6 for 'public open space and drainage' and the creation of a 30 metre development exclusion/ 'wetland buffer' to the REW.

As the rezoning to Urban will permit further residential development adjacent to Kadina Brook, DBCA would require additional information demonstrating how the proposed rezoning would not impact the ecological values of the REW and the ecological linkage to the Helena River (and associated Parks and Recreation reserve) and the overall functionality of the waterway feature.

Thank you for the opportunity to comment on these proposed amendments. Please contact Jacqui Clinton at Parks and Wildlife's Swan Region office on 9442 0312 or by email at jacqui.clinton@dbca.wa.gov.au if you have any queries regarding this advice.

Yours faithfully



Aminya Ennis
A/REGIONAL MANAGER

18 January 2021



Enquiries: Lucas Hodgson on (08) 9323 4806
Our Ref: 20/8747 (D21#1162762)
Your Ref: 833-2-1-79 Pt 1 (RLS/0984)

17 November 2021

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

Email: RegionPlanningSchemes@dplh.wa.gov.au (via email)

Dear Sir/ Madam

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1379/57 -
NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 3**

In response to your correspondence dated 20 September 2021, Main Roads comments on specific proposals are as follows.

Proposal 1 and 5

Main Roads advice provided in the letter dated 24 November 2020 (enclosed) remains current.

Proposal 6

Main Roads does not support the proposed amendment to the Other Regional Road reservation for Hepburn Avenue at this time. As previously advised in the letter dated 4 January 2021 (enclosed), supporting documents provided at that time indicate that Proposal 6 is based on land requirements from previous and now outdated concepts for the upgrade of the Wanneroo Road/ Hepburn Avenue intersection. The project for the Wanneroo Road and Hepburn Avenue intersection upgrade is currently in development by Main Roads. At this stage the impacts of the design being prepared are not yet full understood, including the nature and extent of land requirements for drainage and services. Those may include the Proposal 6 area currently reserved or parts thereof. As such Main Roads is unable to support the amendment at this time.

Main Roads has no objections or comments to the remaining proposal as part of this amendment.

Should the Commission disagree with any of the above, Main Roads requests an opportunity to meet and discuss further prior to a determination being made.

Main Roads requests a copy of the Commission's final determination to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

Yours Sincerely

Lindsay Broadhurst
Director Road Planning

Enc. Main Roads Letters dated 24 November 2020 and 4 January 2021



Enquiries: Lucas Hodgson on (08) 9323 4806
Our Ref: 20/8747 (D20#1038433)
Your Ref: RLS/0364/1

24 November 2020

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

Email: referrals@dplh.wa.gov.au (via email)

Dear Sir/ Madam

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS 4 REQUEST FOR PRELIMINARY COMMENT

In response to your correspondence dated 3 November 2020, Main Roads comments to specific proposals are as follows:

Proposal 1

Main Roads has no objection to the proposed amendment, but notes the following concerns that were not addressed in the Alkimos City Centre Activity Centre Structure Plan.

1. Modelling seen by Main Roads to date underestimates the traffic demand in this area. This has implications for the intersection analysis performed, and there is a potential for additional space being required at intersections in this location.
2. Main Roads recommends schools are not located adjacent to Regional Roads due to accessibility issues. Further, Main Roads would not support a school zone with an associated speed limit of 40km/h on a Regional Road, such as Marmion Avenue. It is also advised that Main Roads will seek to have restriction placed on access to the school site from Marmion Avenue and alongside roads that connect to Marmion Avenue.
3. Potential school student crossings of Marmion Avenue remains a concern to Main Roads. Relying solely on crossings at signals is potentially problematic because of road safety and efficiency issues. It is Main Roads position that a pedestrian overpass should be further investigated for Marmion Avenue.

Marmion Avenue has been identified as a future state road. Current planning indicates this is likely to occur in the short term (2-3 years).

Proposal 5

No new direct access to Flynn Drive will be supported in this location, other than that detailed in the Neerabup Industrial Area Structure Plan.

Flynn Drive has been identified as a future state road, providing an important east-west connection via Neerabup Drive and Neaves Road. Current planning indicates this is likely to occur in the medium term (5-10 years).



Proposal 6

Based on the information received to date, and the limited time available for review of this amendment, Main Roads is unable to support the proposed rezoning at this time.

Before providing support, Main Roads requires additional justification for the proposed amendment, including ultimate carriageway plans for Hepburn Avenue, and any other justification submitted by the landowner in support of the amendment.

Further, Main Roads notes the future grade separation of the Wanneroo Road and Hepburn Avenue intersection is now a project in development. The above requested information will need to be reviewed against Main Roads plans for this interchange to ensure the reservations align.

Main Roads has no objections or comments to the remaining proposals as part of this amendment.

Should the Commission disagree with any of the above, would you please advise Main Roads.

Main Roads requests a copy of the Commission's final determination to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

Yours Sincerely

Lindsay Broadhurst
Director Road Planning



mainroads
WESTERN AUSTRALIA

Enquiries: Lucas Hodgson on (08) 9323 4806
Our Ref: 20/8747 (D20#1177532)
Your Ref: RLS/0364/1

4 January 2021

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

Email: referrals@dplh.wa.gov.au (via email)

Dear Sir/ Madam

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT NORTH-EAST AND NORTH-WEST DISTRICTS OMNIBUS NO. 3 – PROPOSAL 6

Notwithstanding that your correspondence dated 4 December 2020, provided additional information on proposal 6 for the rationalisation of the Other Regional Road reservation for Hepburn Avenue, Main Roads considers Proposal 6 to be premature and so does not support the amendment at this time.

The supporting documents provided by the proponent, indicate that Proposal 6 is based on land requirements from previous and now outdated concepts for the upgrade of the Wanneroo Road / Hepburn Avenue intersection upgrade.

The project for the Wanneroo Road and Hepburn Avenue intersection upgrade is currently in development by Main Roads. At this stage the impacts of the design being prepared are not yet fully understood, including the nature and extent of land requirements for drainage and services. Those may include the Proposal 6 area currently reserved or parts thereof.

Main Roads will be in a position to reconsider the proposal in the second half of 2021, once the Wanneroo Road / Hepburn Avenue intersection preliminary designs have been completed and the extent of the land requirement is known. Accordingly, Main Roads' recommendation is that Proposal 6 not be included in the North-East and North-West Omnibus No.3 amendment documents.

Main Roads requests a copy of the Commission's final determination to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

Yours Sincerely

Lindsay Broadhurst
Director Road Planning