



















## **Report on Submissions**



## Metropolitan Region Scheme Amendment 1381/57

### Part Lot 9001, Lot 9035 Lyon Road & Lot 132 Wirra Corner, Wandi

#### Report on Submissions

## 1 Introduction

At its March 2021 meeting, the Western Australian Planning Commission (WAPC) resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of Section 57 of the *Planning and Development Act 2005*.

The principal differences between the minor and the major MRS amendment processes are that the former includes a 60 day advertising period while the period for the latter is 90 days, the former is not required to be placed before Parliament (for 12 sitting days) while the latter is and there is not requirement for submitters to be offered hearings for minor amendments.

## 2 The proposed amendment

### Purpose

The amendment proposal was described in the previously published *Amendment Report*, and a description of the proposal is repeated below.

The purpose of the amendment is to transfer approximately 5.07 ha from the Rural-Water Protection zone to the Urban zone in the MRS, as shown on the *Amendment Figure – Proposal 1*.

The proposed amendment is to facilitate future residential development, following a local scheme amendment, local structure planning and subdivision approval.

## 3 Environmental Protection Authority advice

On 21 May 2021, the Environmental Protection Authority (EPA) considered that the proposed amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*, but provided the following advice and recommendations.

Inland Waters: The amendment area is located within Jandakot Underground Pollution Control Area and is classified as a Priority 2 (P2) Public Drinking Water Source Area (PDWSA), which is incompatible with urban development. Upon finalisation of the amendment the Department of Water and Environmental Regulation (DWER) would amend the corresponding footprint of the P2 PDWSA to Priority 3 (P3), which would allow for urban land uses with restrictions applied, to provide a greater level of protection to the drinking water source than a conventional urban development scenario. Future development should be consistent with *State Planning Policy 2.3 - Jandakot Groundwater Protection (SPP 2.3)* and *Water Quality Protection Note 25 - Land use compatibility tables for public drinking water source areas*.

Further consultation with DWER, and water quality risk mitigation measures, will be required at the later stages of the planning process. The amendment area is also within the area covered by *Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992*. Water management planning for the site should maintain or improve groundwater and surface

quality, and pre-development hydrology to ensure water quality objectives for the Policy area are achieved. Water management planning for the site should also consider management of potential impact of future development on the nearby downstream conservation category wetlands, and should maintain or improve groundwater and surface quality, and pre-development hydrology.

Flora and Vegetation; Terrestrial Fauna: The amendment area contains approximately 0.7 ha of vegetation in very good to excellent condition mapped as Banksia low woodland to open forest and potential foraging habitat for threatened species of Black Cockatoo. The vegetation is considered to be representative of Banksia Woodlands of the Swan Coastal Plain listed as a Priority Ecological Community by the Minister for Environment and a Threatened Ecological Community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EPA notes the amendment area is part of a broader area with EPBC approval subject to conditions (reference number 2010/5476) for urban development. The EPA supports the WAPC's resolution to advise the City of Kwinana and the proponent that in the subsequent local structure planning stage, consideration should be given to retaining the existing remnant vegetation.

Recommendation: The EPA concluded that the implementation of the amendment can be managed to meet the EPA's environmental objectives for the above factors through existing planning controls. The EPA recommends its advice is implemented to mitigate potential impacts to Inland Waters, Flora and Vegetation, and Terrestrial Fauna.

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 15 June 2021 to 20 August 2021. The amendment was made available for public inspection during ordinary business hours at the:

- i) Western Australian Planning Commission, 140 William Street, Perth.
- ii) Office of the City of Kwinana
- 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 the amendment.

#### **5 Submissions**

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

Two submissions were of support, three were of objection and ten were of non-objection / comment.

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 a) Perth and Peel @ 3.5 Million / South Metropolitan Peel Sub-regional Planning Framework

The DWER, Water Corporation and City of Kwinana object to the amendment as it is inconsistent with *Perth and Peel @3.5 Million/South Metropolitan Peel Sub-regional Planning Framework*.

WAPC Response: *The Perth and Peel@3.5 Million and associated Sub-regional Frameworks are the first step in the ongoing process of refining and detailing planning proposals for an area. The Sub-regional Framework's state that this refinement will continue through the MRS/PRS, local planning schemes, structure planning, subdivision and/or development. Notwithstanding the site's designation as "Rural-Residential" in the South Metropolitan Peel Sub-regional Planning Framework, the WAPC supports the urbanisation of the site as:*

- *It is a relatively unique urban infill site which completes the urbanisation of the locality, removes an existing non-conforming market garden use (including the storage and use of pesticides and fertilisers) and water extraction licence.*
- *Would not set a precedent for other similar proposals in the Wandi locality.*
- *Positively contributes to the provision of employment, investment and in supporting the State Government's COVID-19 recovery.*

*The WAPC advises that this recommendation responds to the individual and particular circumstances of this proposal, and is not necessarily a recommendation that may be applicable in other areas or circumstances. The WAPC supports the modification to the South Metropolitan Peel Sub-regional Planning Framework given the above circumstances.*

*Submissions noted.*

### b) State Planning Policy 2.3 - Jandakot Groundwater Protection

The DWER, Water Corporation and City of Kwinana object to the amendment as it is inconsistent with the requirements of SPP 2.3.

WAPC Response: *SPP 2.3 states that there is a general presumption against new urban or industrial landuses in the Rural-Water Protection zone. However, SPP 2.3 recognises that there are situations where development may be appropriate following a government led strategic planning process which determines an Urban rezoning is the preferred outcome for the land.*

*The site is designated as "Rural-Residential" in the South Metropolitan Peel Sub-regional Planning Framework and therefore inconsistent with the requirements of SPP 2.3. However, the WAPC does have discretion when considering the merits of a particular case.*

*SPP 2.3, section 6.3 (c) states that planning for more intense land uses through strategic planning instruments (such as a subregional planning framework or sub-regional structure plan) and subsequent MRS amendments should have regard to a range of considerations. The WAPC has considered the proposed amendment against sections 6.3(b), (c) and notes that there are situations where development may be*

*appropriate following a government led strategic planning process, which determines an Urban rezoning is the preferred outcome for the land. The following considerations apply to this proposal:*

- The WAPC is satisfied that the proposed variation to South Metropolitan Peel Sub-regional Framework to urbanise this site is appropriate for the reasons discussed in 6.1 a) above.*
- All future development will need to be connected to reticulated water and sewerage services and the minor expansion of the Urban zone is not expected to have a significant detrimental impact on the Jandakot Groundwater Protection Area, particularly compared to the existing non-conforming market garden use on Pt Lot 9001. This includes the use and storage of pesticides and fertilisers and the extraction of water for irrigation purposes.*
- The relatively cleared nature of the site (except for an area of vegetation) and that the subject site does not contain or abut existing Water Corporation extraction bores.*
- As planning progresses there will be further consideration of water quality impacts in the subsequent LPS amendment and structure planning stages in consultation with DWER.*

*A District Water Management Strategy (DWMS) has now been approved and the DWER will amend the priority water status over the subject land from P2 to P3\* should the amendment be finalised. Noting that the approval of a DWMS is not the mechanism to determine the urbanisation of a site.*

*Since the initiation and advertising of the amendment draft SPP 2.9 has been released and is intended to replace SPP 2.3. The amendment has been assessed against draft SPP 2.9 which similarly states that there is a general presumption against the intensification of landuses in P1 and P2 areas, and proposals will only be considered where land is identified for development through a strategic planning document prepared by the WAPC such as a sub-regional planning framework. Planning decisions should give due regard to the detailed assessment of the associated risk to the drinking water source in the associated Guidelines.*

*Draft SPP 2.9 provides a range of measures which should be considered including approval of a DWMS and consideration of DWER's Water Quality Protection Note No. 25: Land Use Compatibility Tables for Public Drinking Water Source Areas. The considerations to vary SPP 2.3 which are referred to above similarly apply to draft SPP 2.9.*

*The WAPC advises that this recommendation responds to the individual and particular circumstances of this proposal, and is not necessarily a recommendation that may be applicable in other areas or circumstances. The WAPC supports the modification to SPP 2.3 (and draft SPP 2.9) given the above circumstances.*

*Submissions noted.*

## **7 Determinations**

The responses to all submissions are detailed in Schedule 2 - Summary of submissions and determinations. It is recommended that the amendment be adopted for finalisation as advertised.

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

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

## **9 Conclusion and recommendation**

This report summarises the background to minor amendment 1381/57 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the amendment as shown generally on Amendment Figure – Proposal 1 in Schedule 3 and in detail on the MRS amendment Plan listed in Appendix 1 should be approved and finalised.

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

## **10 Ministers Decision**

Amendments to the Metropolitan Region Scheme using the provisions of section 57 of the *Planning and Development Act 2005* require the WAPC to provide a report and recommendation to the Minister for Planning for approval. The Minister may approve, approve with modification or decline to approve the proposed amendment.

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

MRS Amendment 1381/57 is now finalised as advertised and shown on WAPC Amending Plan 3.2780 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 1381/57

Part Lot 9001, Lot 9035 Lyon Road & Lot 132 Wirra Corner, Wandii

| Submission Number | Name  |
|-------------------|---|
| 9                 | ATCO Gas  |
| 11                | Health, Department of   |
| 2                 | Jobs, Tourism, Science and Innovation, Department of                                    |
| 10                | Kwinana, City of  |
| 8                 | Main Roads WA   |
| 1                 | Mines, Industry Regulation and Safety, Department of                                    |
| 6                 | Primary Industries and Regional Development, Department of                              |
| 5                 | Public Transport Authority/Transperth   |
| 12                | Rowe Group (acts on behalf of Satterley Property Group)                                 |
| 13                | Terranovis Pty Ltd (act as project manager for the owner of Lot 9001 Lyon Road, Wandii) |
| 3                 | Transport, Department of  |
| 7                 | Water and Environmental Regulation, Kwinana Peel Region, Department of                  |
| 4                 | Water Corporation   |

| Late Submissions | Name                     |
|------------------|--------------------------|
| 15               | DBCA                     |
| 14               | Education, Department of |



## **Schedule 2**

### **Summary of submissions and determinations**



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

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**Submission:** 1, 2, 3, 5, 6, 8, 9, 11, 15 (Late Submission)

**Submitted by:** Department of Mines, Industry Regulation and Safety, Department of Jobs, Tourism, Science and Innovation, Department of Transport, Public Transport Authority/Transperth, Department of Primary Industries and Regional Development, Main Roads WA, ATCO Gas, Department of Health, Department of Biodiversity, Conservation & Attractions

**Summary of Submission:** COMMENT

The above State Government agencies and infrastructure providers raise no objections, no comment or provide general comments on the amendment.

**Planning Comment:** Comments noted. Where applicable these comments have been provided to the proponent for further consideration.

**Determination:** Submissions noted.

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**Submission:** 4

**Submitted by:** Water Corporation

**Summary of Submission:** OBJECTION

The Water Corporation advises that the amendment area is located within the Jandakot Underground Water Pollution Control Area (UWPCA) and the subject land is classified as Priority (P2) within which urban development is not permitted. P2 areas carry a high priority for public drinking water supply and are therefore managed to ensure only low risk and low intensity land use are permitted in order to ensure no increased risk of groundwater contamination.

As the Water Corporation is a major licensed abstractor of groundwater as part of a multi-source approach for consumption within the metropolitan Integrated Water Supply System, we remain opposed to any loss of currently protected groundwater resources due to the increased groundwater contamination risks posed by urban development activities in the groundwater protection area.

The WAPC is advised to liaise with the DWER regarding the acceptability of urban development in this location within the context of strategic metropolitan water resource planning and regarding the process to change the classification of this area from P2 prior to the amendment being finalised.

**Planning Comment:** Refer to Part 6.1 a) *Perth and Peel @ 3.5 Million / South Metropolitan Peel Sub-regional Planning Framework* and b) *State Planning Policy 2.3 - Jandakot Groundwater Protection* of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 7

**Submitted by:** Department of Water and Environmental Regulation

**Summary of Submission:** OBJECTION

The DWER does not support the proposal due to increased risk to public drinking water resources and associated departure from the *South Metropolitan Peel Sub-Regional Planning Framework*.

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

Consistent with Strategic Policy: *Protecting Public Drinking Water Source Areas in WA*, the DWER does not recommend intensification of land uses within PDWSA's due to the increased risk to drinking water quality and public health.

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

The Jandakot UWPCA is managed in accordance with SPP 2.3, which is consistent with the Department's aforementioned strategic policy, with urban development not considered a compatible land use within a P2 area due to increased water contamination risk.

Notwithstanding this policy position, SPP 2.3 recognises that there are situations where development may be appropriate following a government led strategic planning process determining an urban rezoning is the preferred outcome for the land. Section 6.3(b) stipulates MRS amendment proposals "*will only be supported*" where the land has been identified for development through a strategic planning document, in this case the *South Metropolitan Peel Sub-Regional Planning Framework*, and is a "*large landholding already substantially cleared at the time this policy was published*". The site does not meet these criteria.

However, the *Framework* identifies the site as "*Rural-Residential*", thereby noting the existing rural land use and its role in managing risk to the groundwater resource. The DWER does not consider removing a pre-existing non-conforming land use (the market garden) in a P2 area as justification for the proposed urban rezoning. The proponent states an urban outcome represents a beneficial result in protection of the PDWSA. However, such a land use does not necessarily represent a lesser risk to the water source, rather a different suite of risks as a result of increased people, vehicles, chemicals and no controls over human behaviour. The existing P2 area allows for redevelopment of the non-conforming market garden for Rural-Residential lots of 2ha minimum size.

Furthermore, the proposal would result in the clearing of approximately 7,500 m<sup>2</sup> of native vegetation, which departs from one of the listed objectives of SPP 2.3, "*to maintain or increase natural vegetation cover over the policy area*" as it offers the highest level of protection for a PDWSA.



### Additional Information

Should the WAPC resolve to pursue the rezoning the DWER would amend the PDWSA from P2 to Priority 3\*, to reflect the change in zoning from Rural - Water Protection to Urban. P3\* areas recognise the additional risk posed to the drinking water source from urbanisation, but enable urban development to occur with additional water quality and public health protection measures. Such measures include not allowing 'risky' land uses like service stations and commercial areas.

The DWMS provides suitable information to demonstrate that water management measures are appropriate for a P3\* areas. This does not constitute support from the DWER for the rezoning, however it does acknowledge that the WAPC may resolve to rezone the land should it consider factors within Section 6.3(b) of SPP 2.3 have been satisfied.

The DWMS is not the mechanism by which the rezoning is to be determined. The WAPC must be satisfied the rezoning is justified under Section 6.3(b) of SPP 2.3. A history of the DWER's comments on the DWMS and corresponding actions is provided.

**Planning Comment:** Refer to Part 6.1 a) *Perth and Peel @ 3.5 Million / South Metropolitan Peel Sub-regional Planning Framework* and b) *State Planning Policy 2.3 - Jandakot Groundwater Protection* of the Report on Submissions.

It is noted that the DWER has since approved a DWMS for the subject land. Noting that approval of a DWMS is not the mechanism to determine whether the site should be zoned Urban.

**Determination:** Submission noted.

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**Submission:** 10

**Submitted by:** City of Kwinana

**Summary of Submission:** OBJECTION

The City of Kwinana does not support the proposed amendment for the following reasons:

- The subject land is not identified for future urbanisation in the *South Metropolitan Peel Sub-Regional Planning Framework*;
- The land is within a P2 area of the proclaimed Jandakot UWPCA under the SPP 2.3 and *Water Quality Protection Note No. 25*; and
- The City is not convinced that any COVID-19 economic recovery benefits that might derive from the amendment would outweigh the benefit of protecting regional ground water supplies from incompatible land uses.

**Planning Comment:** Refer to Part 6.1 a) *Perth and Peel @ 3.5 Million / South Metropolitan Peel Sub-regional Planning Framework* and b) *State Planning Policy 2.3 - Jandakot Groundwater Protection* of the Report on Submissions.

In relation to the potential economic and employment benefits to assist with the State Government's COVID-19 recovery, the proponent advises that the subject land has the potential to deliver up to 112 dwellings, which would generate approximately 295 direct and 112 indirect jobs in the land development and housing construction sectors, and this

represents more than a \$39 million investment in the WA economy. Therefore, the proposed amendment is anticipated to positively contribute to the State Government's economic response to COVID-19.

**Determination:** Submission noted.

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**Submission:** 12, 13

**Submitted by:** The Rowe Group (on behalf of the Satterley Property Group),  
Terranovis Pty Ltd (act as project manager for the owner of Lot  
9001 Lyon Road, Wandi)

**Summary of Submission:** SUPPORT

The submitters support the amendment as follows:

#### Planning Considerations

- The proposed rezoning and residential development of the site is consistent with the State Government and WAPC's urban consolidation policy.
- The site is within the walkable catchments of the proposed Wandi North local centre, Honeywood Primary School, local open space, and feeder bus service (Route 537) to the Aubin Grove station, and is also in relatively close proximity to the proposed Wandi District Centre.
- The site comprises an isolated holding of only 5 ha, directly adjacent to existing MRS Urban zoned land, and would represent a logical "rounding off" of the Honeywood and Whistling Grove communities.
- Lyon Road provides a rational and proper land use boundary between urban housing to the west and rural-residential/ rural water protection to the east.
- The subject land can be easily serviced by extensions to services in the existing Honeywood and Whistling Grove communities.
- The residential development of the site would remove an existing incompatible market garden use and would be more beneficial to groundwater management than the existing market garden or alternative of unsewered "Rural-Residential" development.
- Aside from the subject land, the land to the west of Lyon Road, between Rowley and Anketell Roads, is fully committed for residential use, local playing fields (co-located with the Honeywood Primary School) and a conservation reserve, with no potential for further rezoning and therefore no risk of precedent for similar rezonings in the locality which may impact on the Jandakot Groundwater Protection Area.
- Rowe Group, on behalf of Satterley, lodged a submission on the draft *South Metropolitan Perth and Peel Sub-Regional Planning Framework* supporting designation of the land for Urban. It appears the submission was not properly considered and as a result is currently designated for "Rural-Residential" uses.
- Notwithstanding, the current designation for "Rural-Residential" is not an impediment, the existence of *Perth and Peel @ 3.5 Million* does not replace the discretion of the decision-maker and the WAPC should have regard to merits of the particular case.

## Environmental Considerations

- The majority of the land has been cleared in accordance with an approved plan of subdivision and existing market garden activities, with only a relatively small area (approximately 3,500 m<sup>2</sup>) of vegetation remaining within Lot 9020.
- The environmental assessment undertaken for the site concluded the remaining area of vegetation is not of sufficient size or significance to warrant retention in the context of the overall benefits of the site for residential development; and having regard to the current approval under the EPBC Act for the clearing of the vegetation, as well as the significant environmental conservation outcomes achieved over the wider Wandri North Local Structure Plan. Notwithstanding, any vegetation retention considerations are most appropriately dealt with through the structure planning process.
- The subject land represents a very minor portion on the western periphery of the Jandakot Groundwater Protection Area (JGPA).
- Sewered residential development in accordance with water sensitive urban design standards, replacing the existing market garden or alternate option of “Rural-Residential” development would represent a net environmental benefit to the JGPA.
- The existing market garden is incompatible with the current P2 classification under the Jandakot Groundwater Protection Policy, and is operating under non-conforming use rights which allow it to be used in perpetuity. The market garden operations pose a risk to groundwater including spills of hydrocarbons from vehicle servicing, fertiliser and pesticide residue, excessive nutrient loads, chemical storage and groundwater extraction, and to amenity as a result of spray-drift over the adjoining residential properties and primary school.
- The existing house on the market garden lot is not connected to reticulated sewer.
- Removal of the market garden and replacement with well-designed and serviced residential development would reduce the risk to groundwater. Residential development also poses a much lesser risk to groundwater than the option of “Rural-Residential” development.
- The rezoning of the land and cessation of the market garden use provides an opportunity to also “hand back” the existing market garden bore licence, further benefiting the Jandakot water mound.

**Planning Comment:** Support noted.

**Determination:** Submission noted.

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**Submission:** 14 (Late Submission)

**Submitted by:** Department of Education

**Summary of Submission:** COMMENT

The Department of Education (DoE) reiterates its position, noting the projected accommodation stress at Honeywood Primary School. It is critical that thorough planning analysis is undertaken to ensure that the amendment would not pose significant risks to the operation and resourcing of the public schools within the locality.

The DoE would welcome the opportunity to work with the Department of Planning, Lands and Heritage, the developer/landowner and the City of Kwinana as part of the preparation of the subsequent local structure plan.

**Planning Comment:** Submission noted. The proponent has been advised of the DoE's advice relating to the subsequent local structure planning stage.

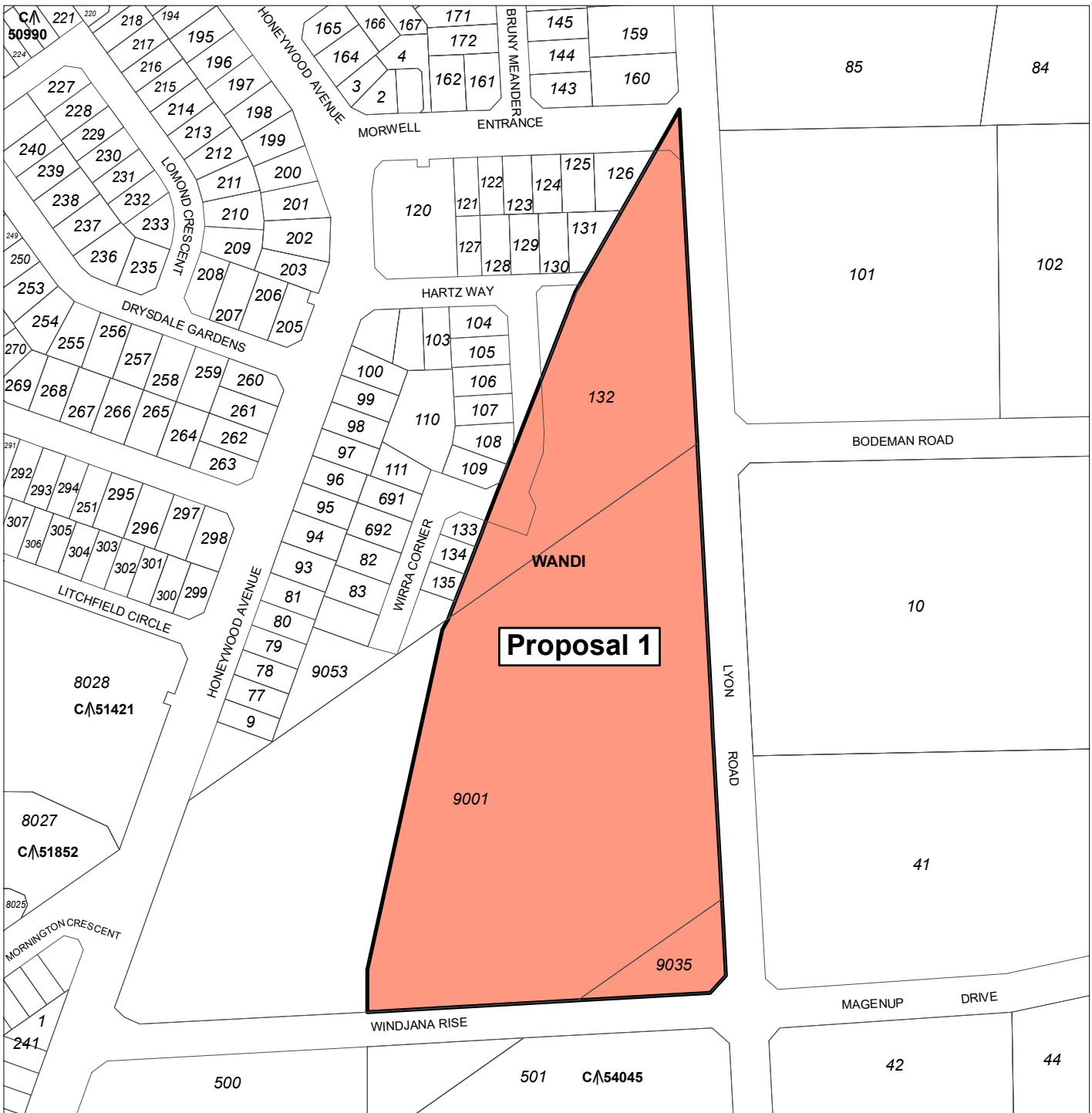
**Determination:** Submission noted.

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## **Schedule 3**

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





**Part Lot 9001, Lot 9035 Lyon Road & Lot 132 Wirra Corner, Wandii  
Proposed minor amendment  
as advertised**

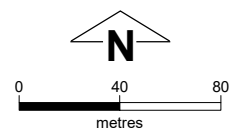
31 March 2021

Proposal 1

Proposed Amendment:

 Urban zone

Oracle reference no: 3085  
File number: RLS/0946  
Version number: 1







## **Appendix 1**

### **List of detail plans as advertised**



**Metropolitan Region Scheme  
Amendment 1381/57**

**Part Lot 9001, Lot 9035 Lyon Road & Lot 132 Wirra Corner, Wand**

**as advertised**

**Amending Plan 3.2780**

**Detail Plans**

1.6670, 1.6693



**Submissions**





Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**  
**Resource and Environmental Regulation**

Your ref 833-2-26-27 Pt 1 RLS/0968  
Our ref A1687/202001  
Enquiries Steven Batty — 9222 3104  
Steven.BATTY@dmirs.wa.gov.au

Marija Bubanic - Anthony Muscara  
Department of Planning, Lands and Heritage  
Sent by Email — Anthony.muscara@dplh.wa.gov.au  
Locked Bag 2506 Perth WA

Dear Marija Bubanic - Anthony Muscara

**MRS AMENDMENT 1381/57 - PART LOT 9001 9020 9035 LYON ROAD WANDI -  
CITY OF KWINANA**

Thank you for your letter dated 21 July 2020 inviting comment on the MRS Amendment 1381/57 - Part Lot 9001 9020 9035 Lyon Road Wandl - City of Kwinana.

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

---

Dr Steven Batty  
Senior Geologist — Land Use Planning  
Minerals and Petroleum Resources Directorate

28/06/2021







Your ref:  
Our ref: J0820/201701  
Enquiries: tia.byrd@jtsi.wa.gov.au -  
Phone:

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 comment on proposed Metropolitan Region Scheme Amendment 1381/57 over Part Lots 9001, 9020 & 9035 Lyon Road, Wandii.

The Department has no comment to provide at this time.

Yours sincerely

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

Caroline Cherry  
A/EXECUTIVE DIRECTOR  
INFRASTRUCTURE, PLANNING AND ECONOMIC DEVELOPMENT

June 2021



**mrs**

**Subject:** FW: Proposed Metropolitan Region Scheme Amendment 1381/57: Part Lots 9001, 9020, 9035 Lyon Road, Wandı - Department of Transport

**From:** Fogarty, Louise [<mailto:Louise.Fogarty@transport.wa.gov.au>]

**Sent:** Wednesday, 30 June 2021 5:41 PM

**To:** Anthony Muscara <[Anthony.Muscara@dph.wa.gov.au](mailto:Anthony.Muscara@dph.wa.gov.au)>

**Subject:** Proposed Metropolitan Region Scheme Amendment 1381/57: Part Lots 9001, 9020, 9035 Lyon Road, Wandı

Your ref: 833-2-26-27 Pt 1 (RLS/0968)

Our ref: DT/15/05074

Attn: Anthony Muscara

Dear Anthony

**Proposed Metropolitan Region Scheme Amendment 1381/57  
Part Lots 9001, 9020, 9035 Lyon Road, Wandı**

Thank you for your letter dated 21 June 2021 advising the Department of Transport (DoT) about the above proposed MRS Amendment.

DoT supports the proposed amendment and has no comments.

Regards,  
Louise

**Louise Fogarty**  
**Senior Transport Planner | Urban Mobility | Department of Transport**  
Level 8, 140 William Street, Perth WA 6000  
Tel: (08) 6551 6840 | Fax: (08) 6551 6492  
Email: [Louise.Fogarty@transport.wa.gov.au](mailto:Louise.Fogarty@transport.wa.gov.au) | Web: [www.transport.wa.gov.au](http://www.transport.wa.gov.au)



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**Department of Transport**

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Your Ref: 833-2-26-27 Pt 1 (RLS/0968)  
Our Ref: MRS376917  
Enquiries: Matt Calabro  
Direct Tel: 9420 2099

09 July 2021

Secretary  
Western Australian Planning Commission  
LOCKED BAG 2506  
PERTH WA 6001

Attention: Anthony Muscara

**Re: Proposed Metropolitan Region Scheme Amendment 1381/57  
Part Lots 9001, 9020 & 9035 Lyon Rd, Wandi**

Thank you for your letter dated 21/06/2021. The Water Corporation offers the following comments in regard to this proposal.

The area is located within the Jandakot Underground Water Pollution Control Area (UWPCA) and the subject land is classified as "Priority 2" within which urban development is not permitted. 'Priority 2' areas carry a high priority for public drinking water supply and are therefore managed to ensure only low risk and low intensity land use are permitted in order to ensure no increased risk of groundwater contamination.

Because Water Corporation is a major licensed abstractor of groundwater as part of a multi-source approach for consumption within the metropolitan Integrated Water Supply System, we remain opposed to any loss of currently protected groundwater resources due to the increased groundwater contamination risks posed by urban development activities in the groundwater protection area.

As per previous advice given, the WAPC is advised to liaise with the Department of Water and Environmental Regulation regarding the acceptability of urban development in this location within the context of strategic metropolitan water resource planning and regarding the process to change the classification of this area from P2 prior to the amendment being finalized.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact me at [matt.calabro@watercorporation.com.au](mailto:matt.calabro@watercorporation.com.au)

A handwritten signature in black ink, appearing to read "Matt Calabro", written over a light blue horizontal line.

Matt Calabro  
(Advisor – Land Planning)  
Development Service



**mrs**

**Subject:** FW: PTA/Transperth - RE: Advertising of Proposed MRS Amendment 1381/57 - Part Lots 9001, 9020 & 9035 Lyon Road, Wandí

**From:** Janssen, Daniel [mailto:Daniel.Janssen@pta.wa.gov.au]

**Sent:** Thursday, 22 July 2021 2:58 PM

**To:** Marija Bubanic <Marija.Bubanic@dplh.wa.gov.au>; mrs <MRS@dplh.wa.gov.au>

**Cc:** Lam Sin Cho, Jade <jade.lamsincho@pta.wa.gov.au>

**Subject:** PTA/Transperth - RE: Advertising of Proposed MRS Amendment 1381/57 - Part Lots 9001, 9020 & 9035 Lyon Road, Wandí

Hello Marija

Thank you for the opportunity to comment on the proposed rezoning from Rural to Urban in Wandí, Kwinana.

The PTA and Transperth teams have considered the proposal. Transperth strongly supports this amendment given its close proximity to existing bus stops.

Any questions, please let me know.

Kind Regards,

**Daniel Janssen**

**Transport and Landuse Planner | Infrastructure Planning & Land Services**

Public Transport Authority of Western Australia

Public Transport Centre, West Parade, Perth, 6000

PO Box 8125, Perth Business Centre, WA, 6849

Tel: (08) 9326 5662

Email: [daniel.janssen@pta.wa.gov.au](mailto:daniel.janssen@pta.wa.gov.au) | Web: [www.pta.wa.gov.au](http://www.pta.wa.gov.au)



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Department of  
**Primary Industries and  
Regional Development**

**SUBMISSION  
6**

Your reference: 1381/57  
833-2-26- 27 Pt 1 (RLS/0968)  
Our reference: LUP 1119  
Enquiries: Heather Percy

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
Perth WA 6001  
[mrs@dplh.wa.gov.au](mailto:mrs@dplh.wa.gov.au)

Attention: Mr Anthony Muscara

Date: 26 July 2021

Dear Ms Fagan

**Metropolitan Region Scheme Amendment 1381/57  
Part Lots 9001, 9020 and 9035 Lyon Road, Wandi**

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above amendment which involves the transfer approximately 5.07 hectares (ha) from the Rural-Water Protection zone to the Urban zone in the Metropolitan Region Scheme (MRS) in the City of Kwinana.

DPIRD does not object to the proposed rezoning and offers the following comments:

- The property lies on the Bassendean B1 phase which consists of extremely low to very low relief dunes, undulating sandplain and discrete sand rises with deep bleached grey sands sometimes with a pale yellow B horizon or a weak iron-organic hardpan at depths generally greater than 2 metres.
- DPIRD estimates that about 83 % of the Bassendean B1 phase has high, very high or extreme phosphorus export hazard.
- The above points, combined with its location overlying the Jandakot Groundwater Protection Area, means DPIRD does not consider the property is high quality agricultural land.

Your referral letter dated 21 June 2021 was addressed to a redundant West Perth postal address. Please note that DPIRD is now headquartered at 1 Nash Street East Perth and our postal address remains **Locked Bag 4 Bentley Delivery Centre 6983**.

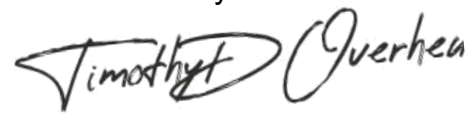
To ensure timely responses, please send referrals to DPIRD's land use planning team at [landuse.planning@dpird.wa.gov.au](mailto:landuse.planning@dpird.wa.gov.au).

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](mailto:landuse.planning@dpird.wa.gov.au)  
**dpird.wa.gov.au**

ABN: 18 951 343 745

For more information please contact Ms Heather Percy on 9780 6262 or [heather.percy@dpird.wa.gov.au](mailto:heather.percy@dpird.wa.gov.au)

Yours sincerely

A handwritten signature in black ink that reads "Timothy Overheu". The signature is written in a cursive style with a large, stylized 'O' at the end.

Timothy Overheu  
**Acting Director**  
**Agriculture Resource Management Assessment**  
**Sustainability and Biosecurity**



Your ref: 833-2-26-27 Pt 1 (RLS/0968)  
Our ref: PA 042825, DWERT5845  
Enquiries: Jane Sturgess, Ph 9550 4228

Western Australian Planning Commission  
Locked Bag 2506  
PERTH WA 6001

*Attention: Anthony Muscara*

Dear Anthony

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1381/57 - PART LOTS 9001 9020 & 9035 LYON ROAD, WANDI**

Thank you for your referral received with correspondence dated 21 June 2021, requesting comment upon the abovementioned proposed amendment to the Metropolitan Region Scheme.

The Department has reviewed the information provided and wishes to advise that it does not support the proposal due to increased risk to public drinking water resources and associated departure from the *South Metropolitan Peel Sub-Regional Planning Framework (WAPC, 2018)*. The following further information is provided.

**Jandakot Underground Water Pollution Catchment Area**

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

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

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

The Jandakot UWPCA is managed in accordance with *State Planning Policy 2.3 – Jandakot Groundwater Protection* (SPP 2.3), which is consistent with the Department's aforementioned strategic policy, with urban development not considered a compatible land use within a P2 area due to increased water contamination risk.

Notwithstanding this policy position, SPP 2.3 recognises that there are situations where development may be appropriate following a government led strategic planning process determining an urban rezoning is the preferred outcome for the land. Section 6.3(b) stipulates MRS amendment proposals *will only be supported* where the land has been identified for development through a strategic planning document, in this case the *South Metropolitan Peel Sub-Regional Planning Framework*, and is a "*large landholding already substantially cleared at the time this policy was published*". The site does not meet these criteria.

However, the *Framework* identifies the site as rural residential, thereby noting the existing rural land use and its role in managing risk to the groundwater resource.

The Department does not consider removing a pre-existing non-conforming land use (the market garden) in a P2 area as justification for the proposed urban rezoning. The proponent states an urban outcome represents a beneficial result in protection of the PDWSA. However, such a land use does not necessarily represent a lesser risk to the water source, rather a different suite of risks as a result of increased people, vehicles, chemicals and no controls over human behaviour.

The existing P2 area allows for redevelopment of the non-conforming market garden for rural-residential lots of 2 ha minimum size.

Furthermore, the proposal would result in the clearing of approximately 7,500m<sup>2</sup> of native vegetation, which departs from one of the listed objectives of SPP 2.3, "*to maintain or increase natural vegetation cover over the policy area*", as it offers the highest level of protection for a PDWSA.

As such, the Department does not support the proposed amendment to the Metropolitan Region Scheme due to risk to the public drinking water resource, and inconsistency with SPP 2.3 and the *South Metropolitan Peel Sub-Regional Planning Framework*.

Should you require any further information on this matter please contact the undersigned at the Department's Mandurah office on 9550 4228.

Yours sincerely



Jane Sturgess  
Acting Program Manager – Planning Advice  
Kwinana Peel Region

30 / 07 / 2021



Your ref: J7126b  
Our ref: DWERT5845, PA 048143  
Enquiries: Jane Sturgess, Ph 9550 4228

JDA Consultant Hydrologist  
PO Box 117  
Subiaco WA 6904

*Attention: Matthew Yan*

Dear Matthew

***LOTS 132, 9035 AND PART LOT 9001 LYON ROAD, WANDI – DISTRICT WATER MANAGEMENT STRATEGY***

Thank you for providing the amended *Lot 132, 9035 and Part Lot 9001 Lyon Rd, Wandu - District Water Management Strategy* (DWMS) received 11 March 2022 for the Department of Water and Environmental Regulation (Department) to consider. The Department wishes to provide the following advice.

**Jandakot Underground Water Pollution Catchment Area**

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

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

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

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

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

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

Should the WAPC resolve to pursue the rezoning, upon consideration of the above, the Department would then amend the priority area within the PDWSA from P2 to Priority 3\* (P3\*), to reflect the change in zoning from rural water protection to urban. P3\* areas recognise the additional risk posed to the drinking water source from urbanisation, but enable urban development to occur with additional water quality and public health protection measures. Such measures include not allowing 'risky' land uses like service stations and commercial areas.

The DWMS provides suitable information to demonstrate that water management measures are appropriate for a P3\* PDWSA. This does not constitute support from the Department for the rezoning, however it does acknowledge that the WAPC may resolve to rezone the land should it consider factors within Section 6.3(b) of SPP 2.3 have been satisfied.

Importantly, the DWMS is not the mechanism by which the rezoning from *Rural–Water Source Protection* to *Urban* is to be determined. The WAPC must be satisfied the rezoning is justified under Section 6.3(b) of SPP 2.3.

A history of the Department's DWMS comments and corresponding actions is provided in Attachment 1 for your records.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Sturgess', written in a cursive style.

Jane Sturgess  
Acting Program Manager – Planning Advice  
Kwinana Peel Region

21 / 03 / 2022

Cc: Anthony Muscara  
Principal Planning Officer  
Department of Planning, Lands and Heritage

**Attachment 1 - Department of Water and Environmental Regulation comments on the Lot 132, 9035 and Part Lot 9001 Lyon Rd, Wandl - District Water Management Strategy**

Contact for further information: Jane Sturgess – 9550 4228

|       | Date received | Comments Sent |
|-------|---------------|---------------|
| Rev 1 | 25/1/2022     | 4/3/2022      |
| Rev 2 | 11/3/2022     |               |
| Rev 3 |               |               |

| No. | Page | Section   | Rev 1 - DWER Comments   | Rev 1 – Author’s Actions   | Rev 2 - DWER Comments |
|-----|------|---|---|--|-----------------------|
| 1   | 1    | Executive Summary   | This section states that abstraction from the Jandakot Mound supplies 1-2% of the total water towards the IWSS. During 2018-2019, 3% of superficial groundwater was licenced for the IWSS and 13% total from all aquifers of Jandakot. The Jandakot mound continues to contain easily accessible, low-cost, good quality water and will still be a valuable contribution to the IWSS. | Executive Summary amended to include specified text.   | Addressed             |
| 2   | 12   | 2.9.4 Local and Study Area Groundwater Quality – Tables 2 and 3 | Any future Local Water Management Strategy (LWMS) is to include the associated ANZEC guideline values in the water quality tables.  | Noted.   | Addressed             |
| 3   | 19   | 4.3 Stormwater Quantity   | In the third dot point, please include roadside rain gardens, median swales and tree pits to ensure enough land is set aside in road reserves and/or lot frontages to incorporate these features that already exist across Wandl.   | Third dot point amended to include roadside rain gardens. Median swales are usually located in major roads such as neighbourhood connectors. Given the low hierarchy of minor roads in this development, | Addressed             |



|   |                                     |  |   |           |
|---|-------------------------------------|--|---|-----------|
| 4 | 6.2 Monitoring Requirements         | Two winter peaks for recent years should be captured to inform any future LWMS.  | median swales are not proposed.<br>Text has been revised to include one additional winter (2022) monitoring period for water levels and quality. This is based on extensive monitoring already performed 2014-2017 within the vicinity of the site, and the additional monitoring performed end of winter 2021 that shows stable data. The site also has 5 m to 9 m clearance to AAMGL. | Addressed |
| 5 | Figure 3 – Development Concept Plan | As detailed above, ensure enough land is set aside within road reserves for roadside rain gardens, median swales and tree pits. Include provision for these in concept plan. | Figure 7 revised to show possible roadside rain garden locations. Tree pit locations would be at street tree locations. Rain garden and tree pits fit within road reserves, so these would not impact on land requirement on concept plan.  | Addressed |
| 6 | Figure 6 – Stormwater Management    | As above, please include a drainage concept design for the northern and southern catchment drainage area.  | Figure 7 revised to include cross section of proposed northern and southern drainage areas.   | Addressed |
| 7 | General (if required)               |  |   |           |





Enquiries: Rashidah MacLeod (08) 9323 4701  
Our Ref: 18/9714 (D21#703968)  
Your Ref: 833-2-26-27 Pt 1 (RLS/0968)

05 August 2021

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

Email: [mrs@dplh.wa.gov.au](mailto:mrs@dplh.wa.gov.au) (via email)

Dear Sir/ Madam

**PROPOSED MRS AMENDMENT – PART LOTS 9001, 9020 AND LOT 9035 LYON ROAD, WANDI**

In response to your correspondence dated 21 June 2021 requesting Main Roads comments on the above MRS Amendment.

Main Roads advises that it has no comments relating to the proposal.

Please forward a copy of the Commission's final determination on the proposed MRS Amendment, quoting file reference 18/9714 (D21#703968).

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

Yours sincerely

Lindsay Broadhurst  
**Director Road Planning**



Submitted to Metropolitan Region Scheme Minor amendment 1381/57 - Pt Lots 9001, 9020 & 9035 Lyon Road, Wand  
Submitted on 2021-08-03 14:33:16

Submission

1 What is your first name?

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

2 What is your surname?

surname:

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

Yes

4 What is your email address?

Email:

5 What is your address?

address:

6 Contact phone number:

phone number:

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

Support

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

Submission:

ATCO Gas owns and operates the gas distribution network predominantly located within road reserves. ATCO operate residential gas mains within the vicinity of the proposed MRS Amendment however these are not high pressure that require further assessment and studies due to changes in zoning.

File upload:  
No file uploaded

File upload:  
No file uploaded

File upload:  
No file uploaded



18 August 2021

Our Ref.: D21/43322

Ms. Sam Fagen  
Secretary  
Western Australian Planning Commission  
140 William Street  
PERTH WA 6000

Dear Ms. Fagen,

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1381/57 PART LOTS  
9001, 9020 AND 9035 LYON ROAD, WANDI**

Thank you for your correspondence dated 9 June 2021 seeking comment from the City of Kwinana (the City) concerning the proposed amendment to rezone part lots 9001, 9020 and 9035 Lyon Road, Wandi from 'Rural-Water Protection' to 'Urban' in the Metropolitan Region Scheme (MRS).

The City advises that it does not support the proposed MRS amendment for the following reasons:

- a) The subject land is not identified for future urbanisation in the South Metropolitan Peel Sub-Regional Planning Framework;
- b) The land falls within a Priority 2 (P2) area of the proclaimed Jandakot Underground Water Pollution Control Area (UWPCA) under the State Planning Policy 2.3 – Jandakot Groundwater Protection and Water Quality Protection Note No. 25; and
- c) The City is not convinced that any benefits to COVID-19 economic recovery that might derive from the amendment to develop the land for residential uses would outweigh the benefit of protecting regional ground water supplies from incompatible land uses.

The City objections are supported by a formal Council resolution, please refer to the Council Report attached to this letter. Councilors considered the matter at the City's Ordinary Council Meeting on 11 August 2021 and the officer's recommendations were carried by Council unanimously. The meeting minutes can be found using the following link:  
<https://www.kwinana.wa.gov.au/CityOfKwinana/files/0a/0ab1a40d-d448-4613-a7c9-337d8ef5121b.pdf>

I trust that this information is of assistance. Should you require any further information regarding this correspondence please contact Kirsty Edwards (Senior Strategic Planning Officer) on 9439 0409.

Yours sincerely

*Paul Neilson*

Paul Neilson  
**Manager Planning and Development**



## **COUNCIL MEETING REPORT**

TO: Chief Executive Officer  
FROM: Senior Strategic Planning Officer  
CM REFERENCE: D21/37734  
DATE: July 2021  
REPORT TYPE: Built Infrastructure

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### **PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – PART LOTS 9001, 9020 AND 9035 LYON ROAD WANDI**

#### **SUMMARY:**

The Department of Planning, Lands and Heritage (DPLH) is seeking comments from the City of Kwinana (the City) concerning a proposed amendment to the Metropolitan Regional Scheme (MRS) to rezone part lots 9001, 9020 and 9035 Lyon Road, Wandi from the Rural-Water Protection zone to the Urban zone in the MRS.

The amendment area is situated adjacent to the developing Honeywood and Whistling Grove residential estates, see Amending Figure Proposal 1 in Attachment A. The Honeywood Primary school and playing fields are in close proximity to the south. The Aubin Grove rail station is approximately 3.9km to the north and Kwinana rail station is approximately 4.6km to the south.

The majority of the amendment site is primarily cleared of vegetation with the exception of an area of Banksia Woodland Threatened Ecological community (TEC) in the northern portion of the site. The Department of Agriculture, Water and the Environment (DAWE) has granted approval to develop the site (subject to conditions) under the Environmental Protection Biodiversity Conservation Act 1999 (EPBC Act). The site does not contain or abut any Bush Forever or wetland areas.

The Amendment Report (Attachment A) states that the purpose of the proposed amendment is to facilitate future residential development following a local scheme amendment, local structure planning and subdivision approval. The justification provided is that the rezoning will facilitate a COVID-19 economic recovery project.

However, the subject land is not identified for future urbanisation in the South Metropolitan Peel Sub-regional Planning Framework and is within a Priority 2 (P2) area of the proclaimed Jandakot Underground Water Pollution Control Area (UWPCA). The City is not convinced that any benefits to COVID-19 economic recovery, that might derive from the amendment to develop the land for residential use, would outweigh the benefit of protecting regional ground water supplies from incompatible land uses.

Accordingly, officers recommend the proposed not be supported.

Once DPLH has received comments from key agencies, the Western Australia Planning Commission (WAPC) will review the submissions and a recommendation will be made to the Minister for Planning (the Minister) on whether to accept, reject or modify the proposed amendment. The Minister will then consider the proposed amendment and a decision made.

#### **OFFICER RECOMMENDATION:**

**That Council takes the following action in relation to the proposed Metropolitan Region Scheme (MRS) amendment to rezone part Lots 9001, 9020 and 9035 Lyon Road, Wandi from Rural – Water Protection zone to Urban zone.**

1. **Advise the Western Australian Planning Commission that it does not support the proposed MRS amendment detailed in the Amendment Report (see Attachment A) for the following reasons:**
  - a) **The subject land is not identified for future urbanisation in the South Metropolitan Peel Sub-regional Planning Framework;**
  - b) **The land falls within a Priority 2 (P2) area of the proclaimed Jandakot Underground Water Pollution Control Area (UWPCA) under the State Planning Policy 2.3 - Jandakot Groundwater Protection and Water Quality Protection Note No. 25; and**
  - c) **The City is not convinced that any benefits to COVID-19 economic recovery that might derive from the amendment to develop the land for residential uses, would outweigh the benefit of protecting regional ground water supplies from incompatible land uses.**
2. **Forward this Ordinary Council Meeting Report and Council's recommendation to the Western Australia Planning Commission.**
3. **Request the Western Australia Planning Commission to consider this land and that of other P2 areas that interface between urban areas and the Jandakot Water Mound as part of any future review of the South Metropolitan Peel Sub-Regional Framework.**

## **DISCUSSION:**

### **Description of the proposed amendment**

The proposed MRS amendment proposes to rezone three part lots and road reserves bounded by Lyon Road, Windjana Rise, Morwell Entrance and existing Urban zoned land to the west. The site is just outside of the the Wandi North Local Structure Plan (LSP) area comprising the Honeywood and Whistling Grove residential estates. The Honeywood Primary School and playing fields are in close proximity to the south. The Aubin Grove rail station is approximately 3.9 km to the north and the Kwinana rail station is approximately 4.6 km to the south. The total area subject to the proposed amendment is approximately 5.07ha.

Part Lots 9001, 9020 and 9035 Lyon Road Wandi are currently zoned Rural-Water Protection zone under the MRS. The purpose of the proposed amendment is to rezone this land to Urban under the MRS.

The majority of the amendment area is utilised for intensive market gardening operations and is primarily cleared of vegetation apart from an area of TEC in the northern part of the site.

The amendment area is zoned Rural Water Resource and Special Rural under the City of Kwinana Local Planning Scheme No. 2 (LPS 2).

The applicant has included an indicative concept plan (Attachment B) to demonstrate the development sought after rezoning the site to Urban. It indicates residential subdivision with densities ranging between R30 and R60 providing for a yield of approximately 112 dwellings comprising single residential lots and grouped dwellings. The proponent advises that the lot sizes and specific lot typologies are commensurate with the existing adjoining development.

### **Proponent justification**

The proponent justifies the proposed amendment as follows:

- The proposed amendment area is unique as it completes or 'round off' the urban development of the Wandi locality;
- The proposed amendment would remove a non-conforming market garden use (including the storage and use of pesticides and fertilisers) and existing water extraction licence;
- The proposal would not set a precedent for other similar proposals in the Wandi locality given its unique size, location (west of Lyon Road), primarily cleared nature and finalisation of the existing Whistling Grove and Wandi urban estates;

- Relevant State Government Agencies have not raised matters which prevent the initiation and/or advertising of the amendment or which can't be resolved in subsequent planning stages;
- The proposed amendment would positively contribute to the provision of employment, investment and in supporting the State Government's COVID-19 recovery. In terms of the COVID-19 response the proponent details the following;
  - Satterley Property Group has been active in advocating for COVID-19 relief and stimulus measures to assist the property development and housing sectors as major contributors to the WA economy.
  - Concept planning for the MRS Amendment indicates the subject land has the potential to deliver up to 112 dwellings, which would generate in the order of 295 direct and 112 indirect jobs in the land development and housing construction sectors, and represent in excess of \$39million investment in the WA economy.
  - Whilst there is no specific criteria for rezonings, the proposed amendment would meet the criteria to be considered a 'significant development' in accordance with the new COVID-19 response provisions under part 17 of the Act (i.e. estimated cost of \$30million or more and incorporating 100 or more residential dwellings).
  - There are limited lots remaining to be constructed and sold within the existing urban development boundary and, as such, the early delivery of lots within the proposed Amendment area could maintain the momentum of sales within these estates.

### **Alignment with the Local Planning Strategy**

The proposed MRS Amendment is contrary to the following provisions within the draft Local Planning Strategy adopted by Council 24 March 2021.

#### Strategic Directions:

- To identify, permanently protect and enhance Kwinana's natural environment which is critical to the maintenance of ecological processes and biodiversity
- Promote planning measures that encourage climate change adaptation and mitigation to ensure our communities are both resilient and liveable.

#### Strategic Actions:

Strategic Action 11: Introduce provisions into the City of Kwinana's *Local Planning Scheme* to prevent intensification of urban development in rural areas and local natural areas, particularly within the *Jandakot Groundwater Protection Area*.

Strategic Action 63: Manage and protect water resources in urban environments in accordance with the planning framework set out in the State Government's *Better Urban Water Management Guidelines*.

## **BACKGROUND**

The proposed MRS amendment has a complex and lengthy history which is set out as a timeline below:

### **27 September 2018 – Initial request for proposed rezoning**

An initial request for the proposed rezoning of part lots 9001, 9020 and Lot 9035 Lyon Road Wandu is lodged with DPLH who forwarded the request and accompanying report to relevant State agencies and the City for preliminary comment. Objections were received from Department of Water and Environmental Regulation (DWER), on the grounds that the subject land had not been identified for Urban in a strategic plan and risk to groundwater.

### **December 2018 – Meeting between DPLH, DWER and City of Kwinana**

Following a meeting held at DPLH offices on 19 November 2018 between officers at the City, DPLH and DWER, the City provided formal comment to advise that it did not support the proposed amendment on the following basis:

- The subject land is not identified for future urbanisation in the South Metropolitan Peel Sub-regional Planning Framework; and
- The land falls within the Priority 2 (P2) area of the proclaimed Jandakot Underground Water Pollution Control Area (UWPCA) under the State Planning Policy 2.3 – Jandakot Groundwater Protection (SPP 2.3) and Water Quality Protection Note No. 25: Land use compatibility tables for public drinking water source areas.

### **29 May 2019 – WAPC advises Satterley to resubmit amendment**

Satterley briefed the WAPC on the proposed amendment at the WAPC meeting of 29 May 2019 and following the meeting was advised to resubmit the amendment request. A new and updated request for the amendment was submitted in July 2019.

A request for updated comments was sent by WAPC the same month and the City reiterated its previous comments.

### **October 2019 – WAPC resolved not to support the proposed Amendment**

The WAPC resolved not to support the Amendment at its meeting on 30 October 2019. The WAPC stated that proposal was not identified for urbanisation in the South Metropolitan Peel Sub-regional Planning Framework and was inconsistent with the provisions of State Planning Policy 2.3 – Jandakot Groundwater Protection. While the WAPC considered the proposal on its merits and acknowledged that the proposed amendment was a relatively small extension to the Urban zone which effectively ‘rounds off’ the site, it was recognised that there are other similar sites in the locality which could also be considered a logical ‘rounding-off’.

### **December 2019 – Satterley contacts Minister for Planning**

Following the October 2019 decision, and in light of WAPC initiated rezoning of the Rural-Water Protection zone to Urban including 1123 ha of land in the Piara Urban Precinct (MRS Amendment 1367/57), Satterley Property Group wrote to the Minister in December 2019 requesting the Minister either issue a direction under Section 17 of the *Planning and Development Act 2005* (in which the Minister may give written directions to the WAPC with response to the exercise or performance of its function either generally or in relation to a particular matter and the WAPC is to give effect to any such direction), or otherwise request the WAPC to reconsider its position and support the proposed amendment.

### **October 2020 – Minister advises Satterley resubmit the MRS amendment**

The Minister advised Satterley that the most appropriate course of action would be to resubmit the MRS Amendment request for consideration again by the WAPC, with reference to the potential benefits to investment and employment in supporting the State Government’s COVID-19 recovery. Hon Rita Staffioti MLA Minister for Planning wrote:

*“in this regard, given the impact of COVID-19 and the implications for the WA economy I have enquired about the abilities for the WAPC to reconsider the amendment. I’m advised they can’t reconsider and their preference is for the Satterley Property Group to resubmit an MRS amendment request for consideration.*

*At this stage I do not believe it is appropriate to direct the WAPC to rezone the subject land to an Urban zone (or Urban Deferred zone) under section 17 of the Planning and Development Act 2005 as I believe the WAPC will see the importance of expediting all efforts to achieve an economic recovery to COVID-19.”*

### **November 2020 – Amendment resubmitted**

The proposed amendment was re-submitted in November 2020. The amendment report to support the request was resubmitted unchanged from the 2018 submission however further explanation was provided to support the argument that the proposed amendment supports the State Government’s COVID -19 recovery.

### **January 2021 – DPLH request preliminary comment**

In January 2021 the City, when contacted for preliminary comment, again advised that it does not support the proposed MRS amendment or concurrent amendment to LPS No. 2 for the following reasons:

- The area of the subject of the proposed amendment is identified in the South Metropolitan Peel Sub-rRgional Framework (WAPC, 2018) as 'Rural Residential' and the City understands that the intention of the Framework is to retain land uses that will maintain or improve the quality and quantity of water within the Jandakot Public Drinking Water Source Area.
- The City acknowledges that the proposed amendment would allow for the 'rounding off' of the Wandi residential area so that Lyon Road would function as a defined boundary between urban and rural land uses. However, the City is not convinced that any local benefits that might derive from the amendment to develop the land for residential uses, would outweigh the benefit of protecting regional ground water supplies from incompatible land uses.

### **June 2021 – DPLH request for comment**

Following the January 2021 request for preliminary comment, the City has again been contacted for comment as the WAPC has initiated the MRS amendment for part lots 9001,9020 and 9035 Lyon Road. The comment period is open until 20 August 2021 after which time the WAPC will consider all submissions before making a recommendation to the Minister for Planning who will make a final decision.

### **ISSUES RAISED BY THE POTENTIAL AMENDMENT**

The City does not support the proposed amendment on the following grounds. These are discussed further in the sections below:

- i. The subject land is not identified for future urbanisation in the South Metropolitan Peel Sub-regional Planning Framework;
- ii. The land falls within a Priority 2 (P2) area of the proclaimed Jandakot Underground Water Pollution Control Area (UWPCA) under the State Planning Policy 2.3 - Jandakot Groundwater Protection and Water Quality Protection Note No.25; and
- iii. The City is not convinced that any local benefits that might derive from the amendment to develop the land for residential uses, would outweigh the benefit of protecting regional ground water supplies from incompatible land uses.

### **South Metropolitan Peel Sub-Regional Framework**

Section 6.3 of State Planning Policy 2.3 Jandakot Groundwater Protection specifically states that:

*'in order to protect the quality of the public drinking water source, there is a presumption against new urban or industrial land uses in the Water Catchment reservation and the Rural – Water Protection zone of the Metropolitan Region Scheme.*

*Amendments to the Metropolitan Region Scheme will only be supported where the land has been identified for development in the manner proposed through a strategic planning document approved or prepared by the Western Australian Planning Commission, such as a sub-regional planning framework or sub-regional structure plan.'*

The subject site is not identified for future urbanisation in the South Metropolitan Peel Sub-Regional Planning Framework and is indeed zoned as Rural-Residential. The City understands that the intention of the Framework is to retain land uses that will maintain or improve the quality and quantity of water within the Jandakot Public Drinking Water Source Area. The site is not identified for intensification in any other strategic planning documents. As such an amendment for the subject site to be rezoned as urban would be contrary to this policy.

It is understood that the DPLH will commence a review of the South Metropolitan Sub-Regional Framework towards the end of 2021. Should the land be deemed suitable for

urban purposes it should be considered holistically as part of this review. Without this work being undertaken this request is considered premature.

## **Groundwater Protection**

The subject site lies within the mapped Jandakot Groundwater Protection area and is therefore subject to State Planning Policy No. 2.3 Jandakot Groundwater Protection Policy (SPP 2.3). The objective of SPP 2.3 is to ensure that all development and changes to land use within the policy area are compatible with maximising the long-term protection and management of groundwater, in particular for public drinking water supply.

Land use planning within the Jandakot Groundwater Protection area is guided by priority areas and the principles of risk avoidance, risk management and risk minimisation. The priority areas include Priority 1 (P1) areas – prevent risks, Priority 2 (P2) areas – minimise risk and Priority 3 (P3) areas – manage risks. The policy reflects a presumption against development or land uses that are inconsistent with the priority areas. The subject site currently lies within a P2 area, consistent with the existing Rural zoning of the land, however the proponent anticipates that this will be changed to P3 should this amendment go ahead. Whether this has been confirmed by DWER is not clear.

It is the proponent's opinion that with certain controls in place the proposal may be compatible with a P3 classification however it appears that a decision by DWER to reclassify the land as P3 can only be considered following a rezoning of the MRS. DWER have previously objected to the rezoning of this site on the grounds that it did not consider the proposed amendment to be consistent with the provisions of SPP 2.3, not being proposed for urban in a strategic plan and also because the proposed change posed a risk to groundwater.

SPP 2.7: Public Drinking Water Source Policy (SPP 2.7) provides more detail on the Priority areas established to guide land use planning and manage the public drinking water source areas (PDWSAs). Priority 2 (P2) source protection areas are defined to manage the risk of pollution of the water source and are declared over land where low-risk development already exists. Protection of public water supply sources is a high priority in these areas.

As a P2 area (Rural Protection zone) the policy states that where it can be adequately demonstrated that the risk of contamination to the groundwater resource is not increased, an average lot size of two hectares may be acceptable provided that the proposed lots are not capable of further subdivision. The proponent proposes 112 lots on the proposed amendment site and therefore lot sizes would be far less than 2ha.

Water quality protection note no. 25 (April 2016) sets out guidelines on appropriate land uses and activities within PDWSAs. The note finds that urban development is an incompatible land use in a P2 area. The existing market garden land use is also incompatible with the P2 designation however replacing one non-conforming use with another is not a robust justification for this amendment.

## **Local Benefits/ COVID19 response**

Following the WAPC decision in October 2019 not to support the proposed MRS amendment Satterley contacted the Minister and was advised to resubmit the amendment with reference to the potential benefits to investment and employment in supporting the State Government's COVID-19 recovery. The Minister's response is included above.

The Amendment Report (Attachment A) states that the proposed amendment supports the State Government's COVID-19 recovery by positively contributing to the provision of employment and investment. The City questions just how valuable this MRS amendment would be the overall State Government COVID-19 recovery. Any development on this site would require subdivision approval and is likely several years away. The indicative concept plan for the land subject to this proposed amendment shows a yield of approximately 112 dwellings which given the amount of residential development currently underway in the metropolitan area is a very small-scale development and the employment / investment opportunity for such would be limited.

On balance, the City does not consider that the economic benefits of the proposed amendment to develop the land for residential uses would outweigh the benefit of protecting regional ground water supplies.

## **CONCLUSION**

It is important to note that the WAPC previously resolved not to support the proposed amendment back in 2019 because it was inconsistent with the provisions of State Planning Policy 2.3 – Jandakot Groundwater Protection and was not identified for urbanisation in the South Metropolitan Peel Sub-Regional Planning framework. These issues remain.

It is recommended that the City objects to the proposed amendment on the following grounds:

- The subject land is not identified for future urbanisation in the South Metropolitan Peel Sub-Regional Planning Framework;
- Further to the above, the land falls within a Priority 2 (P2) area of the proclaimed Jandakot Underground Water Pollution Control Area (UWPCA) under the State Planning Policy 2.3 - Jandakot Groundwater Protection and Water Quality Protection Note No.25; and
- The City is not convinced that any local benefits that might derive from the amendment to develop the land for residential uses, would outweigh the benefit of protecting regional ground water supplies.

## **LEGAL/POLICY IMPLICATIONS:**

For the purpose of Councilors considering a financial or impartiality interest only, the proponent is Rowe Group on behalf of Satterley Property Group. The land owners are Satterley Property Group and the Galati family.

State the relevant legislation applicable to this item:

*Metropolitan Region Scheme*

*City of Kwinana Local Planning Scheme 2*

*South Metropolitan Peel Sub-Regional Planning Framework (2018)*

State Planning Policy 2.0 Environmental and Natural Resources Policy (2003)

State Planning Policy 2.3 Jandakot Groundwater Protection Policy (2017)

State Planning Policy 2.7 Public Drinking Water Source Policy

State Planning Policy 3.0 Urban Growth and Settlement

State Planning Policy 3.7 Planning in Bushfire Prone Areas (December 2015)

## **FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial or budget implications as a result of this report.

## **ASSET MANAGEMENT IMPLICATIONS:**

There are no asset management implications as a result of this report.

## **ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:**

### **Environmental implications:**

The proposed amendment poses a risk to groundwater quality and the protection of a drinking water source.

### **Public Health Implications:**

There are no implications on any determinants of health as a result of this report.

**STRATEGIC/SOCIAL IMPLICATIONS:**

This proposal will support the achievement of the following outcome and objective detailed in the Strategic Community Plan and Corporate Business Plan.

| Plan                     | Outcome  | Objective  |
|--------------------------|--|--|
| Strategic Community Plan | A naturally beautiful environment that is enhanced and protected | 1.2 Maintain and enhance our beautiful, natural environment through sustainable protection and conservation. |

**COMMUNITY ENGAGEMENT:**

There are no community engagement implications as a result of this report.

**Kirsty Edwards**  
**Senior Strategic Planning Officer**

## REPORT ATTACHMENTS –

|            |                                       |
|------------|---------------------------------------|
| D21/37735  | Attachment A: Amendment Report        |
| D/21/38243 | Attachment B: Indicative Concept Plan |





Your Ref: 833-2-26-27 Pt 1 (RLS/0968)  
Our Ref: F-AA-05498/02 D-AA-21/306149  
Contact: Franziska Marian 9222 2000

Steven Radley  
Manager Regional Schemes Administration  
Department Planning Land and Heritage  
140 William Street  
Perth WA 6000

Attention: Anthony Muscara

Via email: [mrs@dplh.wa.gov.au](mailto:mrs@dplh.wa.gov.au)

Dear Mr Radley

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1381/57 PART  
LOTS 9001, 9020 & 9035 LYON ROAD, WANDI**

Thank you for your letter of 21 June 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 development is required to connect to scheme water and reticulated sewerage and be in accordance with the *Government Sewerage Policy 2019*.

**2. Food Act 2008 Requirements**

All food related areas (kitchen, preparation areas, etc.) are to comply with the provisions of the *Food Act 2008* and related code, regulations and guidelines. Details available for download from: [https://ww2.health.wa.gov.au/Articles/S\\_T/Starting-a-food-business-in-WA](https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA)

**3. Health (Miscellaneous Provisions) Act 1911 Requirements**

All public access areas (dining areas, etc.) are to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911*, related regulations and guidelines and in particular 'Part VI – Public Buildings'.

Should you have any queries or require further information please contact Vic Andrich on 9222 2000 or [eh.eSubmissions@health.wa.gov.au](mailto:eh.eSubmissions@health.wa.gov.au)

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Lindsay', written over the typed name.

**Dr Michael Lindsay  
EXECUTIVE DIRECTOR  
ENVIRONMENTAL HEALTH DIRECTORATE**

17 August 2021

Submitted to Metropolitan Region Scheme Minor amendment 1381/57 - Pt Lots 9001, 9020 & 9035 Lyon Road, Wand  
Submitted on 2021-08-17 14:15:31

Submission

1 What is your first name?

First name:  
Rowe Group

2 What is your surname?

surname:  
Rowe Group

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

No

4 What is your email address?

Email:  
rebecca.thompson@rowegroup.com.au

5 What is your address?

address:  
  
Rowe Group  
Level 3, 369 Newcastle Street  
Northbridge WA 6003

6 Contact phone number:

phone number:  
(08) 9221 1991

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

Support

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

Submission:

Refer attached

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File upload:  
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Job Ref: 4582  
17 August 2021

Western Australian Planning Commission  
Locked Bag 2506  
PERTH WA 6001

**Attention: Secretary**

Dear Sir/Madam

**Metropolitan Region Scheme Amendment 1381/57 | Submission  
Part Lots 9001, 9020 and 9035 Lyon Road, Wandí**

Rowe Group acts on behalf of Satterley Property Group in regard to the planning and development of their landholdings within Wandí, comprising the Honeywood estate within the Wandí North Local Structure Plan area. We have been requested by our Client to prepare and lodge this Submission on the Metropolitan Region Scheme Amendment 1381/57 for Part Lots 9001, 9020 and 9035 Lyon Road, Wandí, currently being advertised for public comment.

The proposed Amendment to the Metropolitan Region Scheme (MRS) seeks to transfer the subject land from the 'Rural-Water Protection' to the 'Urban' zone. This will facilitate the urban residential development of the land, as an extension of the existing Honeywood and Whistling Grove estates, comprising the final development stages for those estates.

On behalf of our Client, we confirm our support for the proposed MRS Amendment.

Given the importance of expediting the statutory planning approvals, we also confirm our support for a concurrent amendment of the City of Kwinana Local Planning Scheme No 2 to rezone the land from 'Rural-Water Resource' to 'Development' zone.

The proposed Amendment is considered to be appropriate and justified on the basis of the following.

**PLANNING CONSIDERATIONS**

- The proposed rezoning and residential development of the site is consistent with the State Government and WAPC's urban consolidation policy.

Level 3  
369 Newcastle Street  
Northbridge 6003  
Western Australia  
  
p: 08 9221 1991  
f: 08 9221 1919  
info@rowegroup.com.au  
rowegroup.com.au

- The site is within the walkable catchments of the proposed Wandi North local centre, Honeywood Primary School, local open space, and feeder bus service (Route 537) to the Aubin Grove station, and is also in relatively close proximity to the proposed Wandi District Centre.
- The site comprises an isolated holding of only 5 hectares, directly adjacent to existing MRS 'Urban' zoned land, and would represent a logical 'rounding off' of the Honeywood and Whistling Grove communities.
- Lyon Road provides a rational and proper land use boundary between urban housing to the west and rural-residential/rural water protection to the east.
- The subject land can be easily serviced by extensions to services in the existing Honeywood and Whistling Grove communities.
- The residential development of the site would remove an existing incompatible market garden use and would be more beneficial to groundwater management than the existing market garden or alternative of unsewered rural-residential development.
- Aside from the subject land, the land to the west of Lyon Road, between Rowley and Anketell Roads, is fully committed for residential use, local playing fields (co-located with the Honeywood Primary School) and a conservation reserve, with no potential for further rezoning and therefore no risk of precedent for similar rezonings in the locality which may impact on the Jandakot Groundwater Protection Area (JGPA).
- Rowe Group, on behalf of Satterley, lodged a submission on the draft South Metropolitan Perth and Peel Sub-Regional Planning Framework (SRPF) supporting designation of the land for urban. It appears the submission was not properly considered. As a result, the land is currently designated for rural-residential in the SRPF.
- Notwithstanding, the current designation for Rural-Residential in the SRPF is not an impediment. The existence of the SRPF does not replace the discretion of the decision-maker and the WAPC should have regard to merits of the particular case.

#### **ENVIRONMENTAL CONSIDERATIONS**

- Majority of the land has been cleared in accordance with an approved Plan of Subdivision and existing market garden activities, with only a relatively small area (approximately 3,500m<sup>2</sup>) of vegetation remaining within Lot 9020. Please refer to the attached plan in that regard.
- The environmental assessment undertaken for the site concluded the remaining area of vegetation is not of sufficient size or significance to warrant retention in the context of the overall benefits of the site for residential development; and having regard to the current approval under the EPBC Act for the clearing of the vegetation, as well as the significant environmental conservation outcomes achieved over the wider Wandi North Local Structure Plan. Notwithstanding, any vegetation retention considerations are most appropriately dealt with through the structure planning process.
- The subject land represents a very minor portion on the western periphery of the Jandakot Groundwater Protection Area (JGPA).

- Sewered residential development in accordance with water sensitive urban design standards, replacing the existing market garden or alternate option of rural-residential development, would represent a net environmental benefit to the JGPA.
- The existing market garden is incompatible with the current P2 classification under the Jandakot Groundwater Protection Policy, and is operating under non-conforming use rights which allow it to be used in perpetuity. The market garden operations pose a risk to groundwater including spills of hydrocarbons from vehicle servicing, fertiliser and pesticide residue, excessive nutrient loads, chemical storage and groundwater extraction, and to amenity as a result of spray-drift over the adjoining residential properties and primary school.
- The existing house on the market garden lot is not connected to reticulated sewer.
- Removal of the market garden and replacement with well-designed and serviced residential development would reduce the risk to groundwater. Residential development also poses a much lesser risk to groundwater than the option of Rural-Residential development.
- The rezoning of the land and cessation of the market garden use provides an opportunity to also “hand back” the existing market garden bore licence, further benefiting the Jandakot Water Mound.

In light of the above, the rezoning of the site from '*Rural-Water Protection*' to '*Urban*' is appropriate and justified and therefore we reiterate our support for the proposed Amendment.

We trust the above Submission will be given due consideration.

Should you have any queries or require any further information in regard to the above, please do not hesitate to contact the undersigned on 9221 1991 or at [rebecca.thompson@rowegroup.com.au](mailto:rebecca.thompson@rowegroup.com.au) .

Yours faithfully,



**Rebecca Thompson**

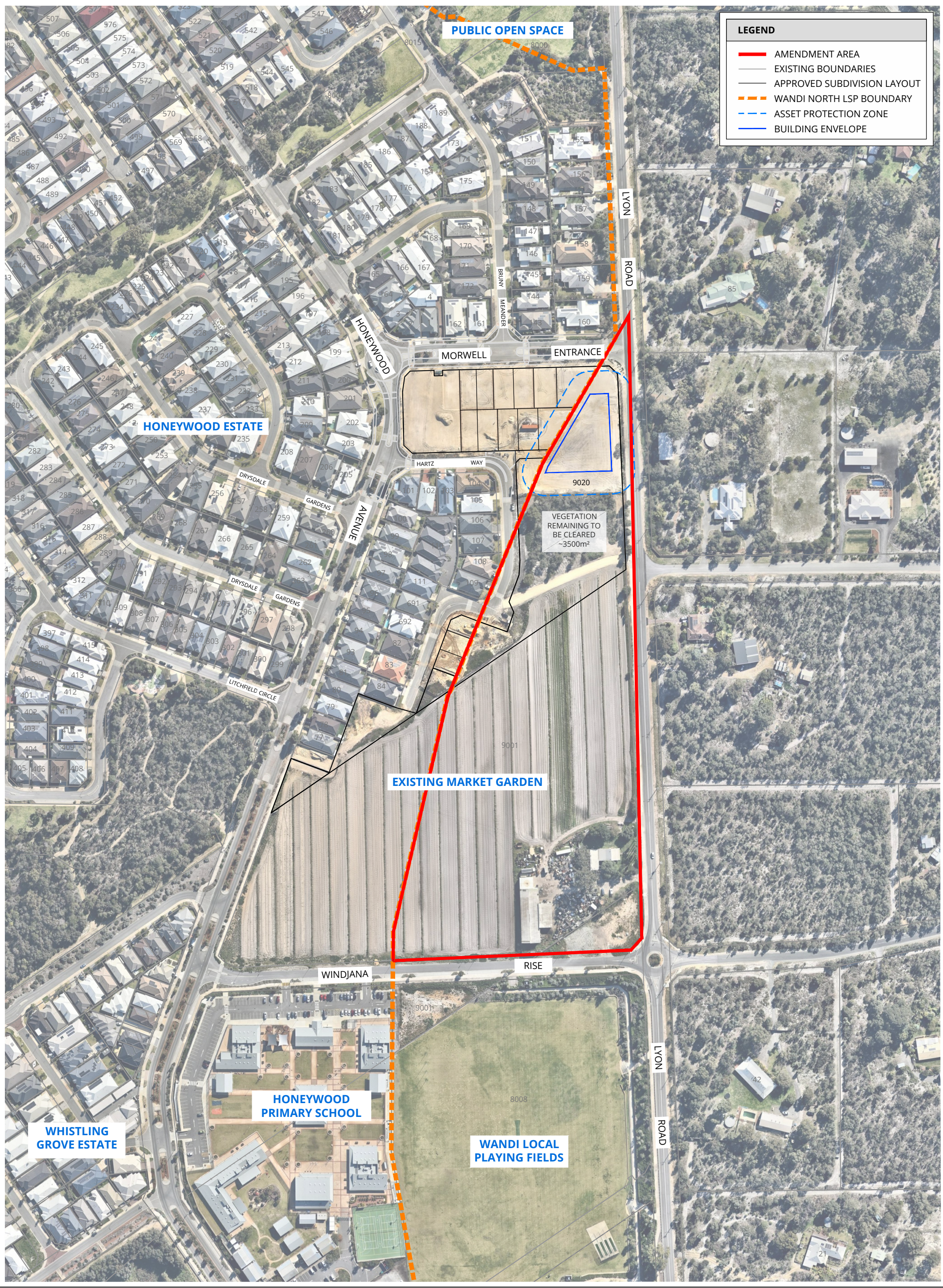
Rowe Group



# Attachment One

Wandi MRS Amendment Context Plan

Whilst all care has been taken in the compilation of this document, Rowe Group disclaims any responsibility for any errors or omissions. This document is and remains the property of Rowe Group and may not be reproduced or transmitted, in whole or in part, without the written consent of Rowe Group. All areas and dimensions are subject to survey.



**LEGEND**

- AMENDMENT AREA
- EXISTING BOUNDARIES
- APPROVED SUBDIVISION LAYOUT
- WANDJI NORTH LSP BOUNDARY
- ASSET PROTECTION ZONE
- BUILDING ENVELOPE

**MRS AMENDMENT CONTEXT PLAN**  
 LOT 9020 LYON ROAD  
 WANDI



0 62.5 m  
 SCALE @ A3: 1:2500  
 4582B-FIG-52-A



14582B-FIG52A-20191218\_Honeywood\_(MRS Amendment Context Plan) - DRAWN: V.R. - DATE CREATED: 2021.08.17 - PROJECTION: PC64 CADASTRE LANDGATE



Submitted to Metropolitan Region Scheme Minor amendment 1381/57 - Pt Lots 9001, 9020 & 9035 Lyon Road, Wand  
Submitted on 2021-08-18 13:50:52

Submission

1 What is your first name?

First name:  
Warren

2 What is your surname?

surname:  
Spencer

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

No

4 What is your email address?

Email:  
warren@terranovis.com.au

5 What is your address?

address:  
117 Marine Terrace Fremantle 6162

6 Contact phone number:

phone number:  
0410027387

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

Support

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

Submission:

We act as project manager for the Owner of lot 9001 (the existing market garden).  
On behalf of the owners we support the MRS amendment. We also support the concurrent amendment to Development Zone in the local TPS.

We refer to the submission lodged by Rowe Group dated 17 August 2020. We support that submission and endorse its contents.

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File upload:  
No file uploaded





Department of  
Education

Your ref: 833-2-26-27-Pt 1 (RLS/0968)  
Our ref: D21/0475003  
Enquiries: Matthew Cosson – 9264 4008

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

Attention: Anthony Muscara  
Principal Planning Officer

Dear Sir/Madam

**Proposed Metropolitan Region Scheme Amendment 1381/57  
Part Lots 9020 and 9001, and Lot 9035 Lyon Road, Wandi**

Thank you for your letter dated 21 June 2021 providing the Department of Education (Department) with the opportunity to comment the proposed Metropolitan Region Scheme (MRS) Amendment 1381/57 for part lots 9020 and 9001, and lot 9035 Lyon Road, Wandi. The Department previously provided preliminary comments on the proposed amendment (enclosed) on 21 January 2021.

The Department wishes to reiterate its position, noting the concerns previously raised in relation to the projected accommodation stress at Honeywood Primary School. It is critical that thorough planning analysis is undertaken to ensure that the Amendment would not pose significant risks to the operation and resourcing of the public schools within the locality.

The Department would welcome the opportunity to work with the Department of Planning, Lands and Heritage, the developer/landowner and the City of Kwinana as part of the preparation of a future Local Structure Plan for the area.

Should you have any questions in relation to the above, please do not hesitate to contact Mr Matthew Cosson, Senior Consultant – Land Planning on (08) 9264 4008 or by email at [matthew.cosson@education.wa.edu.au](mailto:matthew.cosson@education.wa.edu.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Turnbull'.

Matt Turnbull  
Director  
Asset Planning and Services

27 August 2021



Your ref : 833-2-26-27 (RLS/0946/1)  
Our ref : D21/0014414  
Enquiries : Matthew Cosson  
(08) 9264 4008

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

Attention: Anthony Muscara  
Principal Planning Officer

Dear Sir/Madam

**Proposed Metropolitan Region Scheme Amendment – Request for Preliminary Comment  
Part Lots 9020 and 9001, and Lot 9035 Lyon Road, Wandí.**

Thank you for your letter dated 1 December 2020 providing the Department of Education (Department) with the opportunity to comment on a request to amend the Metropolitan Region Scheme (MRS) for part lots 9020 and 9001, and lot 9035 Lyon Road, Wandí.

The Department acknowledges that it previously offered no objections to an earlier request to rezone the subject land to 'Urban' under the MRS (Our Ref: D18/0456852). However, recent figures indicate that Honeywood Primary School (Primary School) is expected to have approximately 2000 dwellings within the student enrolment catchment area which exceeds the dwelling yield threshold of 1500 dwellings as per the Western Australian Planning Commission's Development Control Policy 2.4 – School sites and the Draft Operational Policy 2.4 – Planning for school sites.

The Primary School is currently operating above its planned enrolment capacity, and will be subject to accommodation pressure in the short to medium term future based on the current trend. In this regard, the proposed MRS amendment requires careful planning consideration to determine what impact the additional dwelling yield generated from the proposal will have on the accommodation capacity of the Primary School. Consideration should also be given to the precedence it may set for similar areas which were not originally contemplated to be included in the school planning process.

It is critical that thorough planning analysis is undertaken to ensure that the proposed MRS Amendment would not pose significant risks to the operation and resourcing of the public schools. The Department will continue to closely monitor residential growth and student enrolment demand on the public schools within the locality.

The Department welcomes the opportunity to meet and discuss the above matter and appreciates that the DPLH continues to engage with the Department at key milestones to advise the progress of the proposed MRS amendment.

Should you have any questions in relation to the above, please do not hesitate to contact Mr Matthew Cosson, Senior Consultant – Land Planning on (08) 9264 4008 or by email at [matthew.cosson@education.wa.edu.au](mailto:matthew.cosson@education.wa.edu.au).

Yours sincerely



**Matt Turnbull**  
**A/Director**  
**Asset Planning and Services**

19 January 2021





Department of **Biodiversity,  
Conservation and Attractions**

LATE SUBMISSION

15



Your ref: 833-2-26-27 Pt 1(RLS/0976)  
Our ref: PRS 47304  
Enquiries: Lyndon Mutter  
Phone: 9442 0342  
Email: lyndon.mutter@dbca.wa.gov.au

Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
PERTH WA 6000

### **Proposed MRS Amendment 1381/57 Part Lots 9001, 9020 & 9035 Lyon Road, Wandi**

In reference to your correspondence dated 21 June 2021, the Parks and Wildlife Service at the Department of Biodiversity, Conservation and Attractions (DBCA) provides the following comments.

DBCA notes that,

- The proposed amendment was referred to Environmental Protection Authority (EPA) who considered that the proposed scheme should not be assessed under Part IV Division 4 of the *Environmental Protection Act 1986* (EP Act), and for the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. The EPA advised that it supports the Western Australian Planning Commission's (WAPC's) resolution to advise the City of Kwinana and the proponent that in the subsequent local structure planning stage consideration be given to retaining the existing 0.7 ha of remnant vegetation.
- The amendment area is part of a broader area with Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval for urban development subject to conditions (EPBC 2010/5476).

DBCA has no additional comment to the EPA's advice.

Should you have any queries regarding the above comments, please contact Lyndon Mutter on 9442 0342.

Yours sincerely

Benson Todd  
REGIONAL MANAGER  
17 September 2021

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

