



September 2023

Metropolitan Region Scheme

Amendment

1406/57 (Minor Amendment)



Lot 30 Soldiers Road,
Cardup

Amendment Report

Shire of Serpentine-Jarrahdale

**Metropolitan Region Scheme
Amendment 1406/57
(minor amendment)**

Lot 30 Soldiers Road, Cardup

Amendment Report

Shire of Serpentine-Jarrahdale



September 2023

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

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MRS Amendment 1406/57 Amendment Report
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The Metropolitan Region Scheme

What it is and how it is amended - minor

Planning Perth's future

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

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

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

The role of the WAPC?

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

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

What is the Metropolitan Region Scheme?

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

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

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

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

What is an amendment?

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

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

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

How is the Metropolitan Region Scheme amended?

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

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

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

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

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

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

Zones and reservations

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

Zones

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

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

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

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

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

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

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

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

Reservations

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

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

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

Port installations: regional maritime shipping facilities.

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

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

Civic and cultural: significant civic precincts and buildings.

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

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

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

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

What if my land is rezoned?

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

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

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

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

What if my land is reserved?

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

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

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

How can my views be heard?

You can lodge a submission during the advertised period:

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

Publications

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

Amendment report

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

Environmental review report

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

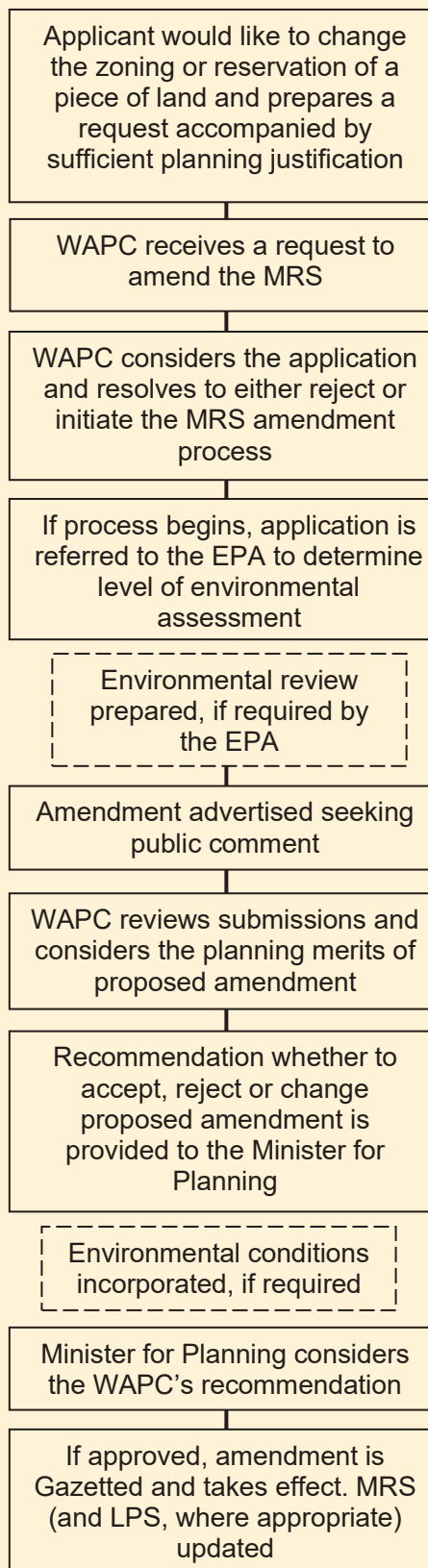
Report on submissions

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

Submissions

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

A simple diagram of the amendment process.



Abbreviations

ACH	Aboriginal Cultural Heritage
DPLH	Department of Planning, Lands and Heritage
EPA	Environmental Protection Authority
LPS	Local Planning Scheme
MRS	Metropolitan Region Scheme
SPP	State Planning Policy
SWALSC	South West Aboriginal Land and Sea Council
TEC	Threatened Ecological Community
WAPC	Western Australian Planning Commission
WWPS	Waste Water Pumping Station

Amendment Report

Metropolitan Region Scheme Amendment 1406/57

Lot 30 Soldiers Road, Cardup

Amendment Report

1 Purpose

The purpose of the amendment is to transfer approximately 59.8 ha of land in Cardup from the Rural zone to the Urban zone under the Metropolitan Region Scheme (MRS), as shown on the *Amendment Figure - Proposal 1*.

The proposed amendment will facilitate the further planning and development of the amendment area for residential purposes.

2 Background

The amendment area is located in the Shire of Serpentine-Jarrahdale and adjacent to the Mundijong townsite, and is located west of the proposed extension of the Tonkin Highway and adjacent to the Mundijong freight railway line to the south and the Perth to Bunbury passenger railway line to the east.

The amendment area has been largely cleared of remnant vegetation given previous agricultural land uses and is not known to have any threatened ecological communities located within it. Part of the site is classified as a multiple use wetland and there is a creek which passes through the middle of it.

The amendment area and adjacent land to the west and north is zoned Rural and land to the south and south-east is zoned Urban under the MRS. Land to the east is reserved Railways under the MRS and identified as being part of Bush Forever Site 350, and the Mundijong freight railway line is reserved Railways.

Land use and development of the amendment area is generally controlled by the *Shire of Serpentine-Jarrahdale Local Planning Scheme No. 2* which zones the land as "Rural".

3 Scope and content of the amendment

The amendment proposes to rezone approximately 59.8 ha of land in the Cardup locality from the Rural zone to the Urban zone under the MRS.

4 Discussion

Strategic Planning Context

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

The *South Metropolitan Peel Sub-regional Planning Framework* (the Framework) forms part of the Perth and Peel @ 3.5 Million strategic suite of planning documents.

Future areas for urban development have been determined in order to avoid areas that have significant regional environmental value. The amendment area is identified as “Urban Expansion” with a “Long-term (Beyond 2031)” staging timeframe in the Framework.

The WAPC resolved that the land could be considered ahead of its proposed staging by being zoned Urban, as it has been determined that it can be provided with appropriate services and be developed without adversely impacting on the development of other urban zoned land in the locality.

State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region

State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region (SPP 2.8) seeks to provide for the protection of bushland areas within the Metropolitan region which are of significant biodiversity and environmental value, and also seeks to ensure that the protection of these environmental values is appropriately integrated into broader land use planning and planning decision-making.

The amendment area has been significantly cleared of remnant vegetation due to the historical use of this land for agricultural purposes, but contains some areas of remnant vegetation which may provide habitat for threatened black cockatoo species and the Quenda. Additionally, the easternmost part of the amendment area and adjacent land to the east is located within Bush Forever Area 350, which contains occurrences of the *Banksia attenuata* and/or *Eucalyptus marginata* woodlands on the eastern side of the Swan Coastal Plain Threatened Ecological Community (TEC) and populations of the threatened species *Synaphea sp. Serpentine* and *Synaphea sp. Pinjarra Plain* which are listed as critically endangered under State and Commonwealth environment legislation.

The amendment is consistent with SPP 2.8 as any future structure plan and water management plans which are prepared for the amendment area will need to demonstrate how any future development will not have a significant adverse impact on the abovementioned environmental values.

Draft State Planning Policy 2.9 – Planning for Water

Draft State Planning Policy 2.9 – Planning for Water (draft SPP 2.9) seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process. The Department of Water and Environmental Regulation has reviewed a district water management strategy prepared for the site and found it to be acceptable. The amendment is considered to be consistent with draft SPP 2.9.

State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0)

State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0) sets out the principles and considerations which guide the development of new urban growth areas and settlements. Its objectives include managing the growth and development of urban areas in response to the social and economic needs of the community and building on existing communities. The amendment is consistent with SPP 3.0, as the proposed Urban zoning will facilitate the development of suitably serviced land in a location which is suitable for residential and related land uses.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes for planning proposals in bushfire prone areas.

The amendment is consistent with SPP 3.7 as the bushfire management plan prepared in support of it, adequately demonstrates how compliance with the bushfire protection criteria of the *Guidelines for Planning in Bushfire Prone Areas* can be achieved in subsequent planning stages.

State Planning Policy 4.1 – Industrial Interface

State Planning Policy 4.1 – Industrial Interface (SPP 4.1) seeks to ensure that planning decisions appropriately consider the locational constraints of land uses, the significant investments represented, and the current and future benefits and costs to communities when assessing proposals where land use conflicts may exist between industrial and sensitive land uses.

SPP 4.1 is applicable as the amendment area is located within close proximity to two industrial premises located to the north-east of the site, a concrete batching plant and a timber preserving premises, that may generate off-site impacts which may adversely impact on the amenity of the amendment area. However, these industrial land uses are not likely to generate any impacts on the future land uses within the amendment area which cannot be appropriately mitigated in subsequent planning stages. This is due to the combined effect of existing separation distances, the conditions of the prescribed premises licence and works approval for the industrial premises, and the requirements of the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* reducing the likelihood of these activities generating unacceptable off-site impacts. On this basis, the amendment is consistent with SPP 4.1.

State Planning Policy 5.4 – Road and Rail Noise

State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4) seeks to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/or development within the specified trigger distance of strategic freight and major traffic routes and other significant freight and traffic routes.

SPP 5.4 is applicable to the amendment as the amendment area is located within the 300 metre policy triggers distances to the Perth-Bunbury passenger and Mundijong freight railway lines. A noise exposure forecast undertaken for the amendment area indicates it is likely that any future sensitive land uses within the amendment area would be capable of achieving compliance with the recommendations of SPP 5.4. As such, the amendment is considered to be consistent with SPP 5.4.

Draft Mundijong District Structure Plan

The draft Mundijong District Structure Plan is intended to serve as the district level structure plan for the Mundijong townsite. The structure plan area is generally bound by South Western Highway to the east, the current and planned alignments of Mundijong Road to the south, Kargotich Road to the west, and Bishop and Norman Roads and the southern boundary of the Cardup rural residential area to the north. The draft Mundijong District Structure Plan sets out the broad framework for the future planning of land uses, major roads, activity centres and public open space.

It is anticipated that the final version of the District Structure Plan will provide appropriate guidance of the integration of the future development of the amendment area with the rest of the Mundijong townsite area.

Statutory Planning Context

Environment

The amendment area does not contain any remnant vegetation which is identified as threatened or priority flora, any threatened ecological communities, or any habitat for threatened Black Cockatoo species.

Urban Water Management

The Department of Water and Environmental Regulation has reviewed the *Lot 30 Soldiers Road, Cardup District Water Management Strategy* and found it to be acceptable.

Infrastructure

Regional roads

Further planning needs to be undertaken to determine whether Bishop Road should be upgraded to a regional road which will provide an east-west connection between the future Tonkin Highway and South Western Highway. This work will be used to determine the likely extent of land which will be required for this road and a potential grade separated road crossing over the Perth-Bunbury railway line, and which may need to be transferred to the Other Regional Roads reservation.

Furthermore, the WAPC has the option of modifying this amendment prior to its finalisation to either retain any such land in the Rural zone or to rezone it to the Urban Deferred zone in order to protect the future planning options for this road. The WAPC will make a final decision on whether the amendment should be modified prior to its finalisation.

Rail Crossings

There is a need to ensure that safe and efficient access will be provided to and from any future development within the amendment area, including access via the crossings over the adjacent railway lines. The draft Mundijong District Structure Plan contains proposals for the realignment of the Mundijong freight railway line that currently crosses Bishop Road adjacent to the amendment area. It also contains proposals for the rationalisation of existing level crossings over the railway lines and proposes the provision of grade-separated crossings in the long-term, depending on future decisions relating to the possible extension of passenger rail services south of Byford.

The draft Mundijong District Structure Plan is being examined prior to it being considered by the Western Australia Planning Commission. This includes the assessment of the district level road network and related rail crossings, having regard for advice from the relevant agencies in conjunction with the Main Roads Western Australia *Railway Crossing Control in Western Australia – Policy and Guidelines*, in order to ensure a feasible, safe and efficient road network and related rail crossings. This should ensure the provision of appropriate access to any future development within the amendment area.

Water and wastewater

The Water Corporation advises that the amendment area is situated within the coverage of its conceptual water and wastewater planning, but that it is relatively remote from existing water and wastewater infrastructure and that the development of the site will require coordinated development sequencing in conjunction with other urban zoned land to the south.

The Water Corporation also advises that the wastewater servicing of the amendment area is dependent upon the design and construction of a major Wastewater Pumping Station (WWPS) on a site at the western end of Scott Road, Mundijong, which is located approximately 1.8 km south-west of the amendment area. In this regard, the Water Corporation advises that it would be acceptable for the proponent to work with other landowners in the locality to facilitate the funding and delivery of this WWPS. However, it also advises that any subdivision and development of land within the amendment area will be dependent upon a considerable amount of other urban zoned to the south and south-west. It is anticipated that the timing and staging of development of land within and adjacent to the amendment area can be appropriately addressed by the draft Mundijong District Structure Plan and in the preparation of any future local structure plan for the amendment area.

5 Aboriginal cultural heritage

The process of rezoning or reservation of land in a region scheme is broad by nature and does not physically interfere with the land. Consideration of Aboriginal Cultural Heritage (ACH) is addressed more specifically at later stages of the planning process, typically when preparing a local structure plan or at the subdivision and development approval stages. All ACH is protected whether or not it has been previously recorded or reported.

Nevertheless, in recognising the importance of having reliable Aboriginal cultural heritage information, the WAPC and the Department of Planning, Lands and Heritage have entered into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All amendment proposals likely to be of interest to Aboriginal persons are pre-referred to SWALSC for comment. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

The proposed amendment was not referred to SWALSC as it is not located within or abuts an existing Aboriginal heritage site. However, the amendment will be formally referred to SWALSC during the public submission period.

6 Coordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently amending the respective local planning scheme to rezone land being rezoned Urban under the MRS to a 'Development' zone (or equivalent) in the local planning scheme. In accordance with standard practice a decision on the concurrent amendment of the local planning scheme will be made after the close of the public submission period.

7 Substantiality

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. Former *Development Control Policy 1.9 - Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. In this regard, the amendment is proposed to be processed as a "minor" amendment as follows:

- The amendment is not complex, and its size and scale is not regionally significant and does not reflect a significant change to the strategic planning for the Metropolitan region.
- The amendment is broadly consistent with the intent of the *South Metropolitan Peel Sub-regional Planning Framework*.
- The amendment is not likely to result in significant impacts to the environmental values of the amendment area and its surrounding locality.
- The Shire of Serpentine-Jarrahdale and key State Government agencies have not raised any matters which would prevent the initiation and advertising of the amendment.

8 Sustainability appraisal

The proposed Urban zoning will facilitate the development of land within the amendment area for residential and related purposes consistent with the intent of the *South Metropolitan Peel Sub-regional Planning Framework* and the State Planning Framework.

9 Environmental Protection Authority advice

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

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

10 The amendment process

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

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

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment

- completion of an Environmental Review (if required) to EPA instructions
- public submissions being sought on the proposed amendment (including environmental review if required)
- consideration of submissions
- approval, with or without any modifications in response to submissions, or refusal to approve, by the Minister
- the amendment takes legal effect with gazettal of the Minister's approval.

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

11 Submissions on the amendment

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

The amendment will be advertised for public submissions for a period of 60 days from **Friday 15 September until Friday 17 November 2023**.

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

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

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

Written submissions commenting on the amendment should be sent to:

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

or by email to:-

RegionPlanningSchemes@dplh.wa.gov.au

and must be received by Friday 17 November 2023.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (Form 57) is contained in this report (Appendix E). Additional copies of the form are available from the display locations and the Department of Planning, Lands and Heritage website via www.dplh.wa.gov.au/mrs-amendments.

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

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

12 Modifications to the amendment

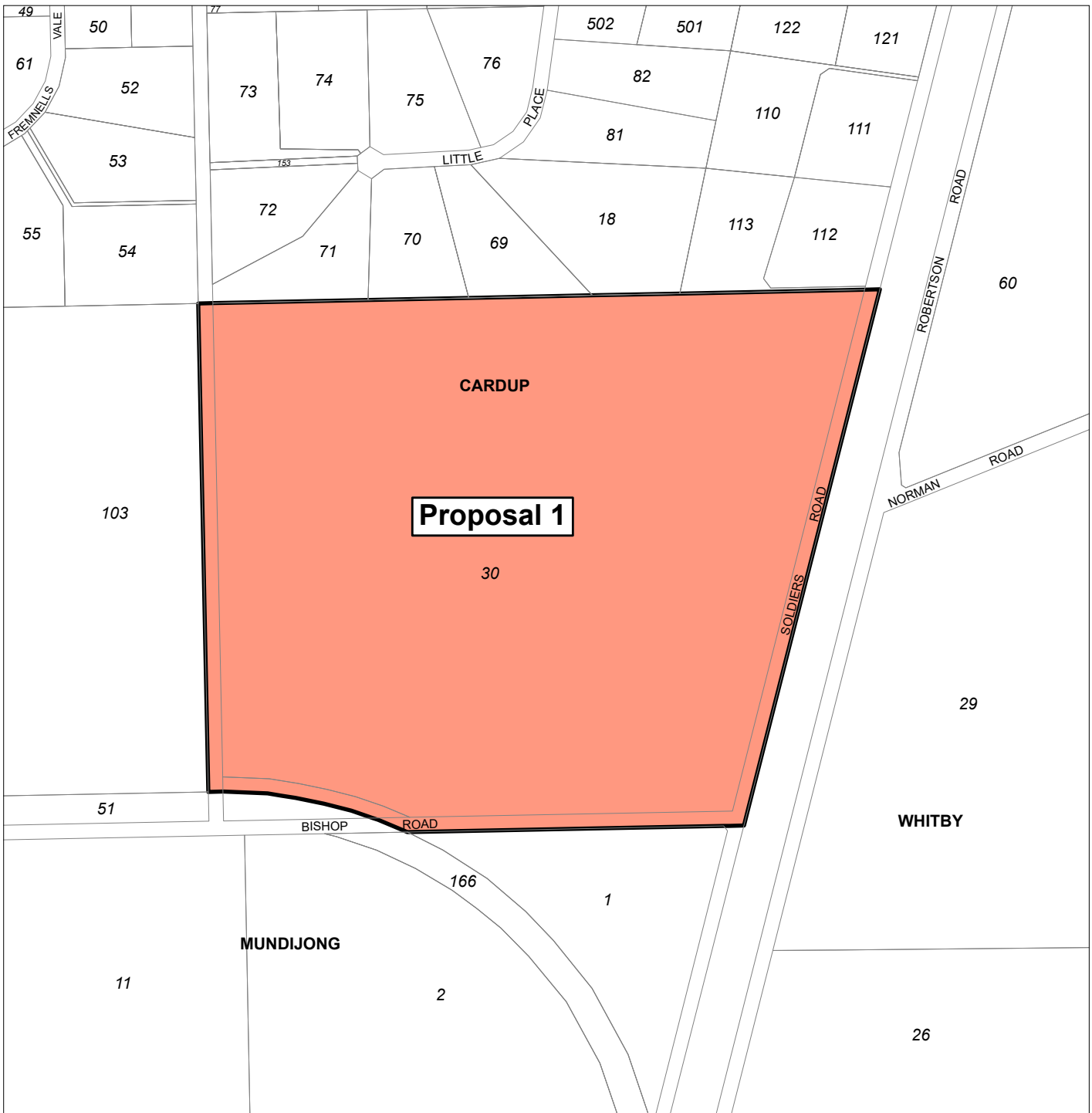
After considering any submissions received from Government agencies and the public, the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

13 Final outcome

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

**MRS Amendment 1406/57
Lot 30 Soldiers Road, Cardup**

**Amending Figure
Proposal 1**



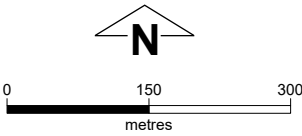
**Lot 30 Soldiers Road, Cardup
Proposed minor amendment
as advertised**

31 May 2023

Proposal 1

Proposed Amendment:
 Urban zone

Reference no: 2916
 Version number: 2



Appendix A

Notice of environmental assessment

Ms Sam Fagan
Secretary
Western Australian Planning Commission
Gordon Stephenson House,
140 William Street
Perth WA 6000

Our Ref: APP-0000397
Enquiries: Teresa Bryant, 6364 6421
Email: teresa.bryant@dwer.wa.gov.au

Via email: regionplanningschemes@dplh.wa.gov.au

Dear Ms Fagan

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

SCHEME	Metropolitan Region Scheme Amendment 1406/57
LOCATION	Lot 30 Soldiers Road, Cardup WA 6123 (Shire of Serpentine-Jarrahdale)
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice given (Not Appealable).

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

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act).

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the EPA's Determination is attached and, together with the advice and recommendations, will be made available to the public via the EPA website.

Yours sincerely



Prof. Matthew Tonts
Chair of the Environmental Protection Authority

5 July 2023

Encl. EPA Determination



Environmental Protection Authority

s.48A Referrals

Title: Metropolitan Region Scheme (MRS) Amendment 1406/57

Location: Lot 30 Soldiers Road, Cardup (Shire of Serpentine-Jarrahdale)

Description: MRS Amendment 1406/57 proposes to rezone Lot 30 Soldiers Road, Cardup from 'Rural' to 'Urban', and to amend the scheme map accordingly.

Ref ID: APP-0000397

Date Received: 21/06/2023 **Date Sufficient Information Received:** 21/06/2023

Responsible Authority: Western Australian Planning Commission

Contact: Lainy Collisson

Preliminary Environmental Factors: Flora and vegetation, Terrestrial fauna, Inland waters and Social surroundings


Potential Significant Effects: Future residential development may result in the clearing of remnant vegetation, and potential loss potential black cockatoo habitat. Inland Waters may be impacted by surface water run-off. Urban development will be in proximity to existing industrial land uses.

Protection: EPA advice is provided recommending actions to manage and mitigate potential environmental impacts.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. Advice Given (Not Appealable).**

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

This Determination is not appealable.

Chair's Initials: 

Date: 5 July 2023

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

Metropolitan Region Scheme Amendment 1406/57

Location: Lot 30 Soldiers Road, Cardup (Shire of Serpentine-Jarrahdale)

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

Determination Published: 10 July 2023

Summary

Amendment 1406/57 proposes to rezone 59.8 hectares (ha) of land at Lot 30 Soldiers Road, Cardup from 'Rural' to 'Urban', and to amend the scheme map accordingly.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the original referral documentation and information obtained through its own enquiries. Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (2021) *Statement of Environmental Principles, Factors, Objectives and Aims of EIA*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

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

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation and Terrestrial Fauna

The EPA notes that due to historical agricultural land-uses the site is predominantly parkland cleared, with fragmented patches of mature *Corymbia calophylla* (Marri) and/ or *Eucalyptus marginata* (Flooded gum). This vegetation may provide habitat for threatened Carnaby's black cockatoo (*Calyptorhynchus latirostris*), Baudin's Black Cockatoo (*Calyptorhynchus baudinii*), and Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*).

The EPA has considered the proposed amendment and proposed mitigation measures. The EPA supports the retention of riparian vegetation (through the establishment of an appropriate foreshore reserve) and completion of a black cockatoo habitat tree survey. The EPA recommends the outcomes of the black cockatoo habitat survey informs future planning design to maximise retention and enhancement of black cockatoo habitat.

Inland Waters

A minor creek line traverses the amendment area which may be impacted by future residential development. The EPA supports the implementation of an appropriate foreshore assessment of the creek which will be incorporated in subsequent planning processes. The EPA also recognises the opportunity to enhance the environmental value and function of the creek as part of future planning processes. Consideration of revegetation/rehabilitation of the creek may provide for improved water quality outcomes and assist in stormwater management, whilst also providing fauna habitat for species such as Quenda.

The EPA considers potential impacts on inland waters can be managed through the approved District Water Management Strategy, and Local Water Management Strategy/Urban Water Management Plans to be developed as part of future water management planning.

Social Surroundings

There are a number of manufacturing facilities located near the amendment area with the potential for impacts to social surroundings from noise and dust pollution. The EPA recommends that consistent with its Guidance Statement 3: Separation Distances between Industrial and Sensitive Land Uses (2005), and as part of subsequent planning phases, the amendment area should provide appropriate setbacks to existing land uses/industries.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing and proposed scheme mechanisms. The EPA concludes that the implementation of the amendment can be managed to meet the EPA's environmental objectives for Flora and Vegetation, Terrestrial Fauna, Social Surroundings and Inland Waters. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.

Appendix B

List of plans supporting the amendment

**Metropolitan Region Scheme
Amendment 1406/57**

Lot 30 Soldiers Road, Cardup

as advertised

Amending Plan 3.2811

Appendix C

Your property and the planning system - region schemes

Your property and the planning system – region schemes

Rights to compensation in relation to reserved land

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

Region schemes

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

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

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

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

How do you amend a region scheme?

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

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

Planning Control Area

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

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

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

What if your land is proposed to be reserved?

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

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

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

Am I entitled to claim compensation?

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

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

What is injurious affection?

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

How do I claim compensation?

1. Private sale

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

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

Following the board's decision:

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

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

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

2. Refused development

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

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

What is compulsory acquisition?

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

How can I view a region scheme?

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

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

This information is correct as at January 2019.

Appendix D
Preparing a submission

Preparing a submission

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

What is a submission?

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

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

What should I say?

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

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

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

Before lodging your submission

The WAPC prefers to receive submissions online at <https://consultation.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (form 57 – appendix E).

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

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

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

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

Appendix E

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

