



November 2023

Metropolitan Region Scheme Amendment **1387/57** (Minor Amendment)



Breakwater Drive Other Regional
Roads (Lisford Avenue to
Mitchell Freeway Reservation)

Report on Submissions
Submissions

City of Wanneroo

**Metropolitan Region Scheme
Amendment 1387/57
(Minor Amendment)**

**Breakwater Drive Other Regional Roads
(Lisford Avenue to Mitchell Freeway Reservation)**

**Report on Submissions
Submissions**

City of Wanneroo



November 2023

Introduction to Metropolitan Region Scheme minor amendments

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

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

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

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

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

Amendment report

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

Environmental review report

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

Report on submissions

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

Submissions

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

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Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1387/57
Breakwater Drive Other Regional Roads
(Lisford Avenue to Mitchell Freeway Reservation)

Report on Submissions

1 Introduction

In September 2021, 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 amendment was initiated as a minor amendment to the MRS, as outlined in the previously published *Amendment Report* (March 2022) for this amendment. Key reasons for classifying the amendment as minor included:

- (a) PCA 140 already provides a degree of protection for the upgrading of Breakwater Drive and the proposed Other Regional Roads (ORR) reservation represents an evolution of the alignment depicted in PCA 140 and is not considered to be a major departure from PCA 140; and
- (b) the Perth and Peel @ 3.5 Million North-West Sub-Regional Planning Framework identifies Breakwater Drive as a future regional road (integrator arterial).

2 The proposed amendment

The purpose of the amendment is to create an ORR reservation for a section of Breakwater Drive, as shown in Schedule 3 (*Amendment Figure - Proposal 1 – As advertised*).

3 Environmental Protection Authority advice

On 6 December 2021, the Environmental Protection Authority (EPA) advised that the amendment does not warrant formal environmental assessment under the *Environmental Protection Act 1986*.

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 18 March 2022 to 20 May 2022.

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

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

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

5 Submissions

Twelve submissions (including one late submission) were received on the amendment. An index of all submissions is provided at Schedule 1.

Seven submissions were received from State Government agencies, two from service providers, one from a legal firm representing a nearby developer, one from a local resident and one from an environmental interest group. Two submissions requested modifications to the proposed ORR reservation and are regarded as objections.

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

Key issues raised in the submissions include:

- Potential environmental impacts may require Commonwealth approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) once the extent of impact determined at detailed road designs in the future.
- Insufficient supporting information has been made available about the forecast traffic volumes.
- Inconsistency with approved district and local structure plans.
- Potential impact on mature Cook pine trees.
- Fauna movement should be facilitated.
- The number of planned intersections is excessive and should be reduced.

7 Modifications and determinations

The responses to all submissions are detailed in Schedule 2 - *Summary of Submissions and Determinations*. The submissions of objection are recommended to be dismissed.

The submissions and one deputation were considered at the 31 May 2023 WAPC meeting. The amendment plan was modified to retain most of the Cook pine trees and to remove a localised widening at the proposed Breakwater Drive/former transit reserve roundabout. The modifications do not require readvertising as it does not change the intent of the advertised amendment for ORR reservation and the matters to be addressed in the subsequent planning phases.

DWER supports the modifications to retain most of the pine trees.

It is recommended that the modified amendment be adopted for finalisation as shown in Schedule 4 (*Amendment Figure - Proposal 1 – As modified*).

8 Coordination of region and local scheme amendments

Under section 126(1) of the *Planning and Development Act 2005*, if a region planning scheme delineates land comprised in a local planning scheme as a reserve for any public purpose, then the local planning scheme, in so far as it operates in relation to that land, is, by force of this section and without any further action under this Act, amended to such extent (if any) as is necessary to give effect to the reservation under the region planning scheme.

9 Conclusion and recommendation

This report summarises the background to MRS amendment 1387/57 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the modified amendment as shown generally on Amending Figure – Proposal 1 in Schedule 4 (as modified), should be approved and finalised.

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

10 Minister's decision

Amendments to the MRS 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 1387/57 is now finalised as modified and shown on WAPC Amending Plan 3.2782/1 and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on 21 November 2023.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1387/57

Breakwater Drive Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)

Submission Number	Name
8	ATCO Gas Australia
7	Biodiversity, Conservation and Attractions, Parks and Wildlife Service, Department of
9	Flint, Martin (on behalf of Capricorn Village Joint Venture)
2	Health, Department of
5	Mines, Industry Regulation and Safety, Department of
6	Name removed at the request of the submitter
1	Primary Industries and Regional Development, Department of
10	Quinns Rocks Environmental Group
4	Transport, Department of
11	Water and Environmental Regulation, Swan Avon Region, Department of
3	Water Corporation
Late Submissions	Name
12	Main Roads WA

Schedule 2

Summary of submissions and determinations

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

Submission: 1, 2, 4, 5, 11

Submitted by: Department of Primary Industries and Regional Development, Department of Health, Department of Transport, Department of Mines, Industry Regulation and Safety, Department of Water and Environmental Regulation

Summary of Submissions: 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.

Determination: Submission noted.

Submission: 3

Submitted by: Water Corporation

Summary of Submission: COMMENT

The Water Corporation has existing piped assets buried within the current road reservation which include water mains running along portions of Breakwater Drive and some sewerage gravity pipes traversing Breakwater Drive. These assets will need to be adequately accommodated within the designs for the future road widening construction and in some areas these pipes will need to be relocated.

The Water Corporation also has plans to install additional water distribution mains and wastewater pressure mains along Breakwater Drive in the next 20-30 years and seeks provision in the road designs to accommodate this infrastructure.

Planning Comment: The purpose of the MRS amendment is to prepare a road concept design (15%) and land requirements to protect the ORR reserve and start the land assembly. The future Water Corporation infrastructure is a long-term project, and no design has been undertaken yet for the pipes. Water Corporation designers will work with the reservation that they have in the future in consultation with the City.

Determination: Submission noted.

Submission: 6

Submitted by: *Name removed at the request of the submitter*

Summary of Submission: SUPPORT

Supports the amendment and requests a concrete wall to be constructed the full length of the property to provide protection from traffic noise and lights.

Planning Comment:

A noise assessment was undertaken as part of a multi-disciplinary planning study to develop Breakwater Drive (March 2019).

Noise assessment and any mitigation measures (such as noise walls) will require further consideration at the detailed design stage. Where transport noise is above the noise targets, measures are expected to be implemented that balance reasonable and practicable considerations with the need to achieve acceptable noise protection outcomes. The proposed reserve width can accommodate a noise wall where required.

Determination: Submission noted.

Submission: 7

Submitted by: Department of Biodiversity, Conservation and Attractions (DBCA)

Summary of Submission: COMMENT

Matters of National Environmental Significance

The Environmental Assessment Report (EAR) identified patches of Tuart woodlands and forests within the site, which are critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Once the detailed road designs have been progressed and the extent of impact determined, an assessment against the *Matters of National Environmental Significance Significant Impact Guidelines* (MNESSIG) should be undertaken to determine whether a referral will be required.

The EAR recorded the presence of foraging and potential breeding habitat of Carnaby's cockatoo) within the site. Carnaby's cockatoo are protected under both the *Biodiversity Conservation Act 2016* and the EPBC Act. The EAR identified a total of 44 potential breeding habitat trees with a trunk diameter greater or equal to 50 centimetres. In addition, approximately 2.18 hectares of native vegetation within the site likely represents potential foraging habitat for the Carnaby's cockatoo. The DBCA agrees with comments in the EAR relating to the presence of Carnaby's cockatoo potential foraging and breeding habitat, which may necessitate a future referral under the EPBC Act.

A vegetation survey undertaken in 2020 inferred the floristic community type (FCT) 24 – Northern Spearwood shrublands and woodlands as occurring in the proposed amendment area. This FCT is identified at the State level as a Priority Ecological Community (PEC) – P3. FCT 24 is also a sub-community of the Banksia Woodland of the Swan Coastal Plain TEC under the EPBC Act. The proponent of any future road development should be aware of their referable responsibilities under the EPCA Act.

Planning Comment:

The Environmental Assessment Report (EAR) was commissioned by the Department in order to determine, avoid or minimise the environmental values within the proposed ORR boundary.

An assessment against MNESSIG will be undertaken prior to construction as part of the detailed design.

It is likely that the proponent for the construction of the upgraded Breakwater Drive will need to obtain the appropriate approval/s under the EPBC Act for the clearing of any vegetation which is identified as being part of a threatened ecological community or a PEC.

Clearing of Native Vegetation

Clearing of native vegetation in WA is prohibited, unless clearing is authorised by a clearing permit obtained from the DWER or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. The Bush Forever classification is environmentally sensitive, therefore exemptions do not apply.

Planning Comment: Noted

Impacts to Bush Forever Site

The development of the proposed amendment area for future roading will likely require the clearing of native vegetation within Bush Forever Site 284. In accordance with *State Planning Policy (SPP) 2.8 - Bushland Policy for the Perth Metropolitan Region (2010)* proposals within Bush Forever areas should ensure that all reasonable steps have been taken to avoid, minimise or offset any likely adverse impacts on regionally significant bushland.

Planning Comment

The responsible authority (City of Wanneroo or developer) will apply for a clearing permit prior to duplication of Breakwater Drive. Offsets will be calculated and managed through the clearing permit assessment process.

Fauna Movement

Although early in the planning process, consideration should be given to ensure that future proposals implement measures to reduce the impact of the roading proposal from a fauna movement perspective. This is particularly important for the area of the road that dissects Bush Forever site 284. A suggested mitigation measure could involve the installation of fauna underpasses at key locations in the Bush Forever site to assist in the North-South movement of fauna.

Planning Comment

Fauna movement measures such as underpass at Bush Forever Site 284 will unlikely require additional road reserve. These measures shall be included into the road drawings as part of the detailed design.

Determination: Submission noted.

Submission:	8
Submitted by:	ATCO Gas Australia
Summary of Submission:	COMMENT

ATCO initially objected to the amendment on the basis that a critical gas main may need to be relocated. The utility company indicated it would like to discuss the existing and future pipeline route design before it can consider endorsing the proposed MRS amendment.

After discussing with DPLH at the officer level ATCO subsequently withdrew their objections and acknowledged that DPLH concept design will secure a nominal road reserve width of 40 metres for Breakwater Drive which will provide plenty of scope for ATCO infrastructure to be relocated if require.

Planning Comment: ATCO has a 'right' to install their service facilities in road reserves that do not have "Control of Access" declared under Section 28A of the Main Roads Act 1930. The Utility Providers Code of Practice WA (2018) requires that where a road authority is proposing to do works that will affect utility services, they must consult with the effected utilities in a timely manner. ATCO will be consulted at detailed design stage prior to construction of future road and associated utility infrastructure.

Determination: Submission noted.

Submission:	9
Submitted by:	Flint Legal on behalf of Capricorn Village Joint Venture
Summary of Submission:	OBJECTION

Consultation Process during the Planning Control Area 140

Submission indicates that the relevant PCA came into effect without consultation with the proponent. The effect of no consultation in respect of the PCA was that it failed to recognise the development that had already taken place on the northern side of Breakwater Drive. Officers have not been open to effective consultation. It is for this reason that the underlying information/material allegedly justifying the Amendment was sought, the absence of which emphasises the insufficiency of consultation.

Planning Comment:

Under the *Planning and Development Act 2005*, there is no formal requirement for public consultation to occur prior to a Planning Control Area (PCA) coming into effect.

The DPLH undertook preliminary consultation with stakeholders and the planning study (completed in 2019) addressed issues and concerns raised during that consultation period. For instance, Constellation Entrance intersection was revised from a signalised intersection to a roundabout and moved south to avoid impacting buildings on the northern side of Breakwater Drive.

Freedom of Information

Submission indicates that Freedom of Information (FOI) applications made by the Capricorn Village Joint Venture did not provide information/ material from which the traffic volumes set out in the Amendment report were derived. Information allegedly justifying the Amendment should be made available to be tested as part of the MRS amendment process.

Planning Comment:

One Freedom of Information application (FOI number 3783) was received by DPLH on 1 May 2020. FOI documents were received and acknowledged by TBB planning consultants on 26 June 2020. The Joint Venture was provided with a copy of the Breakwater Drive ORR Concept Design Study (prepared by consultants engaged by DPLH in March 2019). This study included various appendices such as a Constraints Study, Concept Design Drawings, Traffic Modelling Report, Road Safety Audit Report, Acoustic Review Report and a Correspondence Summary.

The forecast traffic volume along Breakwater Drive was based on the strategic ROM Model for the ultimate scenario. The development and further refinement of ROM Model was subjected to a meticulous process of calibrations and validations as the ROM model was used for the detailed assessment in Perth and Peel @ 3.5M North-West Sub-Regional Planning Framework, 2018.

Impacts of MRS amendment proposal to Existing Local Planning Framework

Submission indicates that the proposal is inconsistent with an approved District Structure Plan (DSP) and an approved Local Structure Plan (LSP). Approval of the amendment will require the amendment to the existing DSP and the LSP, at least in the following respects:

- The designation of Breakwater Drive will have to be altered to reflect its status as an 'Other Regional Road' in the MRS.
- Land currently designated in the LSP for 'Mixed Use', 'Commercial – Local Centre' and 'Residential' will be reserved as 'Other Regional Roads' in the MRS. The designation of that land in the LSP will need to be changed to reflect its reservation.
- Consideration will have to be given to what amendment/s should be made because of, at least, the loss of land designated as 'Mixed Use'.

The need for amendments to the DSP and the LSP is obviously detrimental to the Joint Venture and the development of the Estate as:

- The Joint Venture will be foregoing the development of land with valuable designations under the LSP and the outcome of the amendment is not clear.
- The process will take time and considerable cost to produce new reports.
- The development of the Estate may be delayed.
- The resources in all forms expended to date in respect of the land proposed to be reserved will be thrown away.

Planning Comment:

Noted. Two Rocks LSP (2014) was based on a traffic model which estimated a forecast volume between 5000 and 15000 vehicles per day (vpd) for Breakwater Drive and horizon year 2051. This is significantly less than this ORR study estimated forecast volume of up to 40,000 vpd for ultimate scenario based on 3.5 million planning frameworks and a horizon year of 2051.

It is sometimes the case that a high-level statutory document (such as the Metropolitan Region Scheme) is amended in such a way that is inconsistent with the local planning framework. When this happens, this often results in changes being made to subordinate planning instruments, such as a local structure plan, in the interests of orderly and proper planning. Any proposed modifications to a local structure plan need to be considered in the first instance by the local government, as per the processes set out in the *Planning and*

Development (Local Planning Schemes Regulations) 2015. It would be premature at this stage for the WAPC to adopt a position of support for any proposed LSP modifications.

Potential impacts on Cook pines trees

Submission notes that 69 Cook pines were planted in 2014 within the Breakwater Drive road reserve. These pines are a significant amenity asset to the community and have a replacement economic value of approximately \$1.25 million and this value will increase as the trees continue to grow. Construction of Breakwater Drive as an ORR will require removal of approximately thirty-right (38) Cook pines:

Planning Comment:

The potential impact of the amendment upon existing Cook pine trees is noted and submitter's alternative plan showing the possible retention of 31 Cook pines has been examined. The modifications would result in three additional areas being reserved as ORR (total 2,536 m²). This represents an additional financial liability for the State Government compared to the amendment as advertised. This type of tree is not a native protected species. The ORR has enough reserve for new trees to be planted and removed trees to be replaced within the verge and median to accommodate street scaping. Impact on Cook pines can be reduced during the detailed design stage.

Proposal from The Joint Venture

If the WAPC determines to create an ORR for Breakwater drive, the Joint Venture makes two submissions:

- The Amendment be altered to protect from removal as many Cook pines as possible.
- It will be necessary to amend the LSP to address the consequences of the expanded width of the reserve for Breakwater Drive and the WAPC's support in this regard is sought.

Submission proposed to extend the width of median and southern boundary to the south of Breakwater Drive at three locations as shown in the attachment 9 of the submission which will allow 31 Cook pines to be saved from potential removal.

Submission indicates that the proposal will result in a reserve for Breakwater Drive of up to 60m, which is inconsistent with the current 'Mixed Use' designations adjacent to Breakwater Drive and a 'main street' configuration along Breakwater Drive. There will be an absence of connection, by pedestrian movement and visually, between both sides of Breakwater Drive that is necessary to support the commercial viability of mixed-use development. It will be necessary to amend the LSP adjacent to Breakwater Drive to facilitate key commercial nodes, rather than continuous mixed-use developments along Breakwater Drive, and the WAPC's support in this regard is sought.

Planning Comment:

Noted the potential impact to pine trees, modified design proposal to save trees and necessary to amend the endorsed LSP.

Any proposed modifications to a local structure plan need to be considered in the first instance by the local government, as per the processes set out in the *Planning and Development (Local Planning Schemes Regulations) 2015*. It would be premature at this stage for the WAPC to adopt a position of support for any proposed LSP modifications.

The submitter's suggested alternate road design may retain more pine trees but it would increase the amount of privately owned land impacted by the proposed ORR. This increases financial liability of the ORR reservation for the State Government. This type of tree is not a native protected species.

It is recommended that the submission be dismissed.

Determination: Submission noted.

(Refer to *Section 7 - Modifications and Determinations of the Report of Submissions* for modifications made at WAPC meeting)

Submissions: 10
Submitted by: Quinns Rocks Environmental Group
Summary of Submission: COMMENT

Submission emphasizes on EPA's recommendation that the 'construction and operational management measures be implemented to avoid and minimise impacts to fauna' are followed when preparing the final road design and Fauna underpasses for should be installed at strategic locations.

Mature habitat trees should be retained, regardless whether they have hollows or not, and need to be avoided by appropriate design of the road. Vegetation that provides feeding, roosting or potential breeding habitat for Carnaby's black cockatoos is important for this threatened species. Detailed designs should be prepared prior approving changes to the zoning/ reservation.

Planning Comment:

Noted. The proposed reserve is wide enough to accommodate fauna measures such as a fauna underpass. Fauna measures are added to the road drawings during detailed road design stage and in consultation with relevant environment authority (i.e. DBCA and DWER).

Further consideration will be given to the retention and/or protection of vegetation that provides habitat for threatened black cockatoo species during the detailed road design stage in consultation with relevant environment authority (i.e. DBCA and DWER).

The width of the proposed ORR reservation along the Bush Forever site was reduced to 26 metres (compared to 40 metres along other sections of the corridor). This was achieved by reducing the median to 3 metres, relocating the cycle path within the shared path on the northern side of the road. A widening of 6 m on the northern side of the Bush Forever site will accommodate part of the carriageway and 1.5 metres verges. These measures have minimised the impact on the Bush Forever site.

Determination: Submissions noted.

Submission: 12
Submitted by: Main Roads WA
Summary of Submission: OBJECTION

The number of full movement roundabout intersections along Breakwater Drive is excessive. It is recommended that the number and form of the intersections be further revised.

Planning Comment:

Intersections have already been consolidated by removing 5 intersections and a traffic signal from the initial concept.

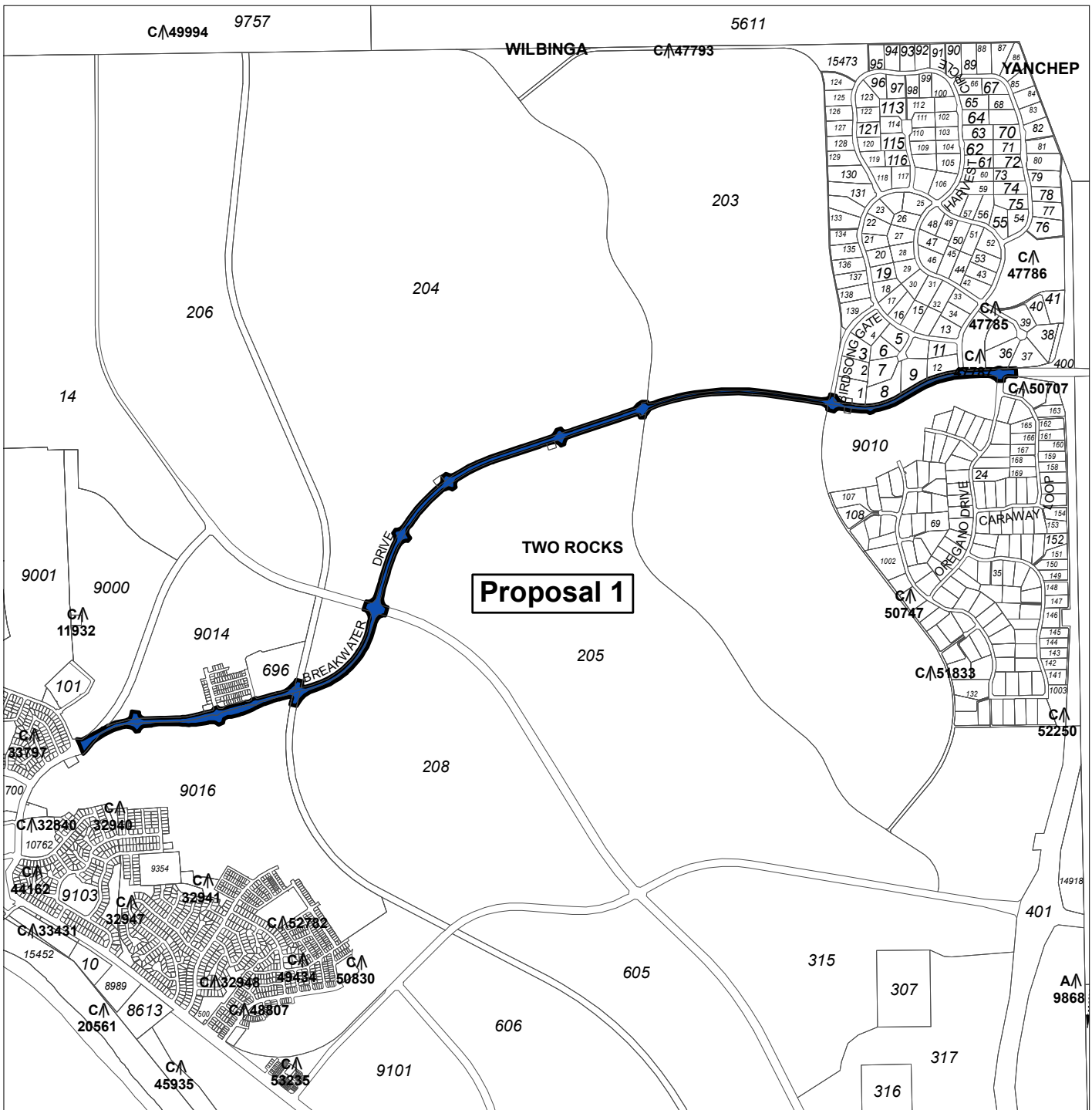
The proposed roundabout locations are consistent with endorsed local structure plans and Austroads Guidelines. The access provision accords with an urban arterial road for a posted speed limit of 70-80km/hr.

Minimum distances between roundabout intersections (around 400m) are considered reasonable given the urban nature of the adjacent land uses. The number of intersections are therefore not deemed excessive.

Determination: Submission dismissed.

Schedule 3

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



**Breakwater Drive Other Regional Roads
(Lisford Avenue to Mitchell Freeway Reservation)
Proposed minor amendment
as advertised**

22 September 2021

Proposal 1

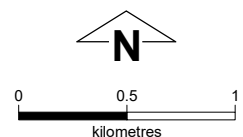
Proposed Amendment:

 Other regional roads reservation

Oracle reference no: 3105
File number: 833/02/30/0134
Version number: 1

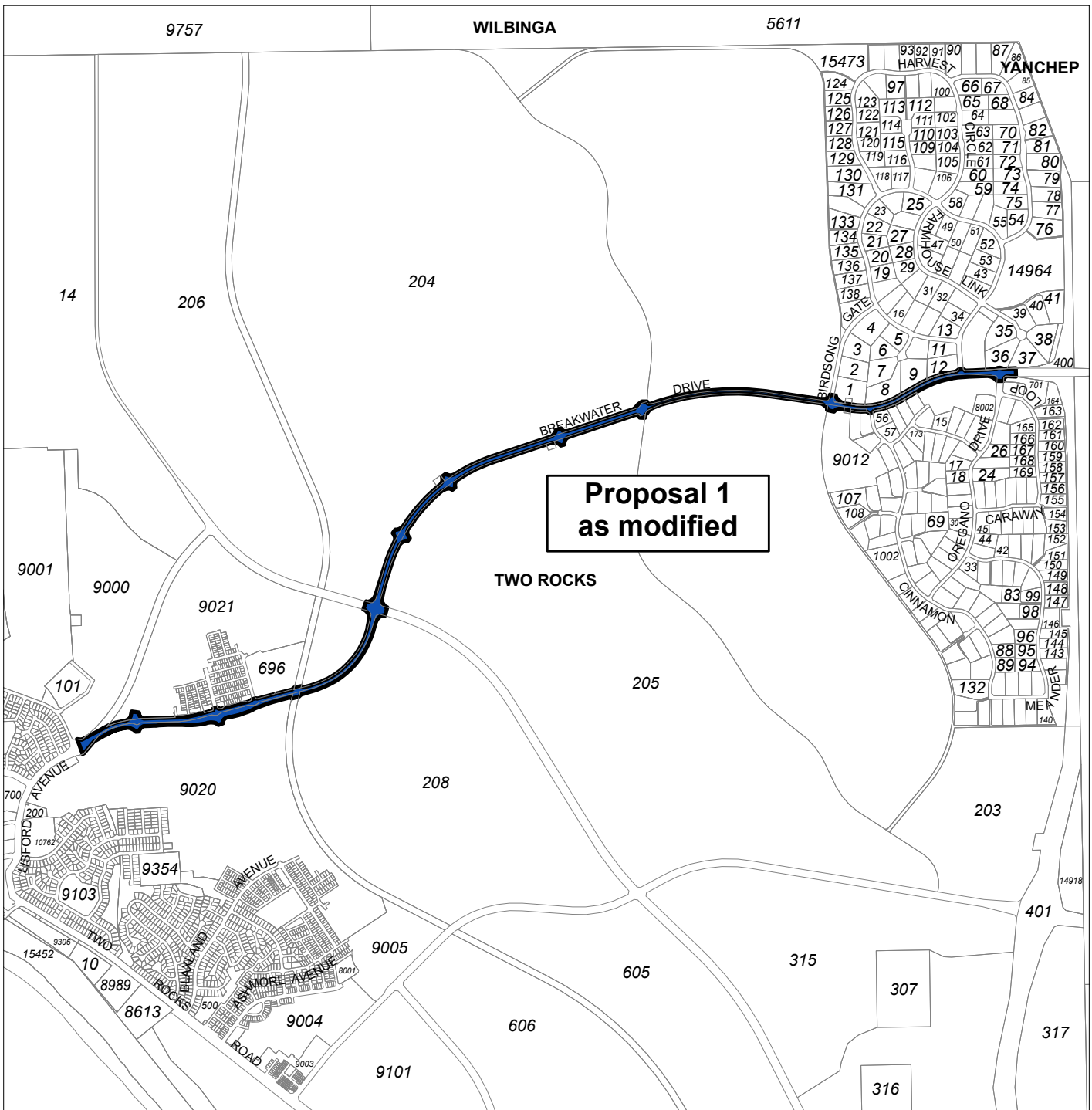


Date: 30/09/2021
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1



Schedule 4


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



**Breakwater Drive Other Regional Roads
(Lisford Avenue to Mitchell Freeway Reservation)
Proposed minor amendment
as modified**

2 June 2023

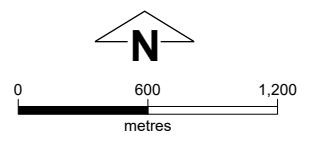
Proposal 1

Proposed Amendment:
 Other regional roads reservation

Reference no: 3105
 File no: RLS/0948
 Version number: 2



Date: 13/09/2023
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1



Appendix 1

List of plans as advertised

**Metropolitan Region Scheme
Amendment 1387/57**

**Breakwater Drive Other Regional Roads
(Lisford Avenue to Mitchell Freeway Reservation)**

as advertised

Amending Plan 3.2782

Appendix 2

List of plans as modified

**Metropolitan Region Scheme
Amendment 1387/57**

**Breakwater Drive Other Regional Roads
(Lisford Avenue to Mitchell Freeway Reservation)**

as modified

Amending Plan 3.2782/1

Submissions



Department of
**Primary Industries and
Regional Development**

SUBMISSION

1

Your reference: 833-2-30-134 Pt 1
(RLS/0988)

Our reference: LUP 1319

Enquiries: Heather Percy

Ms Sam Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001
RegionPlanningSchemes@dplh.wa.gov.au

Attention: Mr Saikat Mitra

Date: 23 March 2022

Dear Ms Fagan

**Proposed Metropolitan Region Scheme Amendment 1387/57 Breakwater Drive
Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)**

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on this minor Metropolitan Region Scheme (MRS) amendment.

The purpose of this MRS amendment is to create an Other Regional Roads (ORR) reservation along a section of Breakwater Drive between Lisford Avenue and the Mitchell Freeway reservation (Breakwater Drive ORR).

The proposed Breakwater Drive ORR amendment will allow widening of approximately 6.8 kilometres of an existing local road road reserve, which currently ranges from 20 - 32 metres, to between 36 - 40 metres to accommodate a four-lane dual carriageway.

DPIRD does not object to the proposed amendment to the road reservation as it does not impact agricultural properties or high quality agricultural land.

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

Yours sincerely

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

75 York Road Northam 6401
PO Box 483 Northam WA 6401
Telephone +61 (0)8 9690 2000 landuse.planning@dpird.wa.gov.au
dpird.wa.gov.au
ABN: 18 951 343 745



Your Ref: 833-2-30-134 Pt 1 (RLS/0988)
Our Ref: F-AA-00812 D-AA-22/128588
Contact: Phill Oorjitham 9222 2000

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

Attention: Mr Saikat Mitra

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

Dear Ms Fagan,

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1387/57
BREAKWATER DRIVE OTHER REGIONAL ROADS (LISFORD AVENUE TO
MITCHELL FREEWAY RESERVATION)**

Thank you for your letter of 14 March 2022, requesting comments from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the above proposed Scheme Amendment.

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

Yours sincerely

Dr Michael Lindsay
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

1 April 2022

Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

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



Your Ref: 833-2-30-134 Pt1 (RLS/0988)
Our Ref: 134104497 (MRS374872)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Email: land.planning@watercorporation.com.au

29 March 2022

Secretary
Western Australian Planning Commission
LOCKED BAG 2506
PERTH WA 6001

Attention: Mr Saikat Mitra

Re: MRS Amendment 1387/57 - Breakwater Drive Other Regional Rds

I refer to your correspondence of 14 March 2022 inviting comments on the above MRS amendment. The Water Corporation's preliminary comments on the amendment are still relevant and are repeated below.

The Water Corporation has existing piped assets buried within the current road reservation. There is an existing DN375 water distribution main that runs along the southern frontage of Lisford Ave/Breakwater Drive up to Constellation Entrance. There is also a DN250 water main that runs along the northern frontage of Breakwater Drive as far east as Oregano Drive.

There are some sewerage gravity pipes that traverse the road reserve from north to south across Breakwater Drive approximately 70m to the east of Damepattie Drive, at the Mercury Avenue roundabout, at the Constellation Entrance roundabout, at the Mayflower Parade roundabout and along Gift Way.

These assets will need to be adequately accommodated within the designs for the future road widening construction. In some areas these pipes will need to be relocated to standard alignments as part of the City's/MRWA's road works.

The Water Corporation also has plans to install additional water distribution mains and wastewater pressure mains along Breakwater Drive over the next 20-30 years. Provision must be made in the detailed road designs to reserve at least two standard alignments for the future pressured mains on the northern and southern frontages of the widened road reserve.

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

Brett Coombes
Senior Urban Planner
Development Services

From: Nugraha, Yohan <Yohan.Nugraha@transport.wa.gov.au>
Sent: Monday, 4 April 2022 1:44 PM
To: Region Planning Schemes
Subject: Proposed Metropolitan Region Scheme Amendment 1387/57 Breakwater Drive
Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation) - DoT

Your ref: 833-2-30-134 Pt1 (RLS/0988)
Our ref: DT/15/05120

RE: PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1387/57 BREAKWATER DRIVE OTHER REGIONAL ROADS (LISFORD AVENUE TO MITCHELL FREEWAY RESERVATION)

I refer to your email dated 14 March 2022 regarding the above Metropolitan Region Scheme amendment. The Department of Transport (DoT) has review the submitted document and has no comment to provide.

Thank you for the opportunity to provide comments. If you have wish to follow up on any of these matters, please do not hesitate to contact Yohan Nugraha.

regard

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



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

Your ref 833-2-30-134 Pt1 - RLS/0988
Our ref A0154/202201
Enquiries Steven Batty — 9222 3104
Steven.BATTY@dmirs.wa.gov.au

Mr Saikat Mitra
Senior Planning and Engineering Officer
Department of Planning, Lands and Heritage
Sent by Email — regionplanningschemes@dplh.wa.gov.au
Locked Bag 2506 Perth WA 6001

Dear Sir/Madam

**PROPOSED MRS AMENDMENT 1387/57 - BREAKWATER DRIVE OTHER
REGIONAL ROADS LISFORD AVENUE TO MITCHELL FREEWAY RESERVATION**

Thank you for your letter dated 14 March 2022 inviting comment on the proposed MRS Amendment 1387/57 - Breakwater Drive other Regional Roads Lisford Avenue to Mitchell Freeway Reservation.

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.

DMIRS lodges no objections to the above MRS amendment.

Yours sincerely

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

23/03/2022

Response ID ANON-UA6R-ZSP9-M

Submitted to Metropolitan Region Scheme amendment 1387/57 Breakwater Drive Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)
Submitted on 2022 04 19 14:39:59

About you

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 What is your company name?

Company name:

N/a

4 What is your email address?

Email:

5 What is your address?

address:

6 Contact phone number:

phone number:

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

Yes

Submissions

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

Support

9 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded below your submission text.

Submission:

I bought this property for a quiet life style with nature all around which I have, it's

A nice part of the world

We have about 5 shingle backs (bobtails) on our property that have made this place there home

As you will be taking some of this property s land back to construct a roundabout on breakwater drive

And there will be up to 40 000 cars a day

I would like a concrete wall to be constructed the full length of the property please

To protect us from the noise and lights from the traffic

As I feel that it will be living next to a lighthouse, It's bad enough now with the traffic coming down Oregano drive with there light bars on , and the noise from the traffic on breakwater drive .

Please protect us from this new construction

Upload supporting documents:

No file uploaded

Upload supporting documents:

No file uploaded

From: Jacqui Clinton <jacqui.clinton@dbca.wa.gov.au>
Sent: Tuesday, 10 May 2022 4:02 PM
To: Region Planning Schemes
Subject: Proposed Metropolitan Region Scheme Amendment 1387/57 - Breakwater Drive
Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation) DBCA
Attachments: WAPC Proposed Metropolitan Region Schme Amendment Breakwater Drive_.pdf
Categories: OBJ

Ref: 833-2-30-134 Pt1 (RLS/0988)

Att: Saikat Mitra

In response to your recent request for comment regarding the above proposed MRS amendment, please find attached previous related DBCA correspondence, dated 31 May 2021, as this advice remains relevant to the initiated amendment.

Thank you for the opportunity to comment and please contact me if you have any queries.

Regards

Jacqui Clinton

Senior Planning Officer
Swan Region
Parks and Wildlife Service
Department of Biodiversity, Conservation and Attractions
Phone: (08) 9442 0312 Mobile:0439 977 455
Email: jacqui.clinton@dbca.wa.gov.au

** I currently work part-time Monday to Thursday*



Department of Biodiversity,
Conservation and Attractions



*We're working for
Western Australia.*



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Your ref: RLS/0949/1
Our ref: PRS 46837
Enquiries: Michael Roberts
Phone: 9303 7755
Email: Michael.Roberts@dbca.wa.gov.au

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

Attention: Parwez Jahmeerbacus

Dear Ms Fagan

**Proposed Metropolitan Region Scheme Amendment – Breakwater Drive
Reservation – Request for Preliminary Comment**

I refer to your correspondence of 22 March 2021 requesting preliminary comments on the above MRS Amendment. The Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (the department) provide the following advice.

Matters of National Environmental Significance

It is noted that the Environmental Assessment Report (Emerge 2020) identified patches of the Commonwealth Listed Threatened Ecological Community (TEC) 'tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain ecological community' within the proposed road corridor. The ecological community was listed as critically endangered in 4 July 2019 under the Environment Protection and Biodiversity Conservation Act 1999 or EPBC Act). The department recommends that once the detailed road designs have been progressed and the extent of impact determined, an assessment against the Matters of National Environmental Significance Significant Impact Guidelines (DotE 2013) should be undertaken to determine whether a referral will be required pursuant to the EPBC Act.

The department notes that the AER recorded the presence of foraging and potential breeding habitat of Carnaby's cockatoo (*C. latirostris*) within the amendment area. Carnaby's cockatoo are protected under both the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999*. The AER identified a total of 44 potential breeding habitat trees with a DBH \geq 50cm in, or on the boundary of, the proposed amendment area. In addition, approximately 2.18ha of native vegetation within the site likely represents potential foraging habitat for the Carnaby's cockatoo. The department concurs with the statement in the EAR which advises of the following:

"Due to the presence of CBC potential foraging and breeding habitat within the site, a future referral to DoEE pursuant to the EPBC Act may need to be progressed. It is recommended that further assessment of the three trees that contain hollows potential suitable for CBC be undertaken to determine their actual suitability. It is also recommended that an assessment against the significant impact guidelines be

undertaken, once the extent of the likely impacts to MNES are known, to determine whether a referral is required pursuant to the EPBC Act”.

The department notes that a vegetation survey undertaken by Emerge 2020 inferred the floristic community type (FCT) - FCT 24 - Northern Spearwood shrublands and woodlands as occurring in the proposed amendment area. This FCT is identified at state level as a Priority Ecological Community (PEC) - P3. FCT 24 is also a sub-community of the Banksia Woodland of the Swan Coastal Plain TEC under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). As detailed above, the proponent of any future road development should be aware of their referable responsibilities under the EPBC Act.

Clearing of native vegetation

The department recommends that the WAPC advises the proponent that clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Water and Environmental Regulation (DWER) or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Due to the site’s Bush Forever classification, the area is environmentally sensitive, therefore exemptions do not apply. The department recommends that the applicant contacts DWER’s Native Vegetation Conservation Branch regarding the requirements for a clearing permit.

Impacts to Bush Forever Site

DBCA notes that the development of the proposed amendment area for future roading will likely require the clearing of native vegetation within Bush Forever Site 284 - South-west Link from Wilbinga to Yanchep National Park’.

In accordance with State Planning Policy (SPP) 2.8 - Bushland Policy for the Perth Metropolitan Region (2010) proposals within Bush Forever areas should ensure that all reasonable steps have been taken to avoid, minimise or offset any likely adverse impacts on regionally significant bushland. It is the expectation of DBCA that any necessary offset consideration to comply with the requirements of SPP 2.8, will be appropriately managed through the clearing permit assessment process.

Fauna Movement

The department acknowledges that although early in the planning process, consideration should also be given to ensure that future proposals implement mitigation measures to reduce the impact of the roading proposal from a fauna movement perspective. This is particularly important for the area of the road that dissects Bush Forever site 284. A suggested mitigation measure could involve the installation of fauna underpasses at key locations in the Bush Forever site to assist in the North-South movement of fauna. This is particularly important given that in the future urban development will surround the Bush Forever areas and limit the opportunities for fauna movement.

Thank you for the opportunity to comment on this proposal. Please contact Michael Roberts at Parks and Wildlife Service's Swan Coastal District on 9303 7755 or by email at michael.roberts@dbca.wa.gov.au if you have any queries regarding this advice.

Yours faithfully

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

Benson Todd
REGIONAL MANAGER

31 May 2021

Subject: FW: LM22223 - Re: 1387-57 - ATCO

From: Crowson, Chris [mailto:Chris.Crowson@atco.com]
Sent: Tuesday, 17 May 2022 9:43 AM
To: Region Planning Schemes <regionplanningschemes@dplh.wa.gov.au>
Subject: LM22223 - Re: 1387-57 - ATCO

Good morning

RE: 1387-57
ATCO Reference: LM22223

ATCO Gas Australia (AGA) follows specific design guidelines when installing gas mains to ensure the ongoing safety of the gas network. Gas main route selection is of utmost importance and wherever practicable, should avoid:

- **Areas that will potentially hinder access for maintenance purposes**
- **Areas that will potentially hinder emergency works if necessary**
- Outcrops of surface rock / boulders
- Large trees
- Areas where compaction cannot be guaranteed

ATCO objects in the first instance to its existing (and future) Critical DN225 PE HP 700kPa gas main being located in the median as a result of the proposed widening of Breakwater Drive.

ATCO advises that a relocation of the Critical DN225 PE HP 700kPa gas main may need to be considered in this development.

ATCO would like to discuss the existing (and future) pipeline route design on Breakwater Drive before it can consider endorsing MRS Amendment 1387-57 – Breakwater Drive Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation).

Kind regards

Chris Crowson
Land Management Coordinator
ATCO, Gas Division, Australia

E. chris.crowson@atco.com M. +61 429 807 133
A. 81 Prinsep Road, Jandakot, Western Australia, 6164
atco.com.au [Facebook](#) [Twitter](#) [LinkedIn](#)



ATCO acknowledges Aboriginal people as the Traditional Custodians of country throughout Australia including Torres Strait Islander peoples. We pay respect to their cultures, Elders past and present, and in the spirit of reconciliation, we commit to working together for our shared future.

Lead Engineering Coordinator
ATCO, Gas Division, Australia

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From: Crowson, Chris <Chris.Crowson@atco.com>
Sent: Friday, 27 May 2022 9:45 AM
To: Region Planning Schemes
Cc: Saikat Mitra; Parwez Jahmeerbacus
Subject: ATCO response 27.05.2022 - LM22223 - Re: 1387-57
Attachments: 1387-57 - Breakwater Drive ORR.PDF

Good morning

RE: 1387-57
ATCO Reference: LM22223

ATCO advises that a relocation of the Critical DN225 PE HP 700kPa gas main may need to be considered in this development.

ATCO Gas Australia (AGA) follows specific design guidelines when installing gas mains to ensure the ongoing safety of the gas network. Gas main route selection is of utmost importance and wherever practicable, should avoid:

- **Areas that will potentially hinder access for maintenance purposes**
- **Areas that will potentially hinder emergency works if necessary**
- Outcrops of surface rock / boulders
- Large trees
- Areas where compaction cannot be guaranteed

ATCO acknowledge that the DPLH are confident they will secure a nominal Road Reserve 40 metres wide for Breakwater Drive once it is upgraded from a Local Road to an Other Regional Road.

ATCO acknowledge that the DPLH are confident this additional Road Reserve will provide plenty of scope for existing ATCO infrastructure to be relocated if ATCO requires it.

On this basis, ATCO Gas Australia (ATCO) has no objection to the proposed application, based on the information and plans provided.

Should you have any queries regarding the information above, please contact us on 6163 5000 or eservices@atco.com

Kind regards

Chris Crowson
Land Management Coordinator
ATCO, Gas Division, Australia

E. chris.crowson@atco.com M. +61 429 807 133
A. 81 Prinsep Road, Jandakot, Western Australia, 6164
atco.com.au [Facebook](#) [Twitter](#) [LinkedIn](#)



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Lead Engineering Coordinator
ATCO, Gas Division, Australia



Our Ref: 833-2-30-134 Pt 1 (RLS/0988)
Enquiries: Mr Saikat Mitra (6551 9832)

Chief Executive Officer
ATCO Gas Australia
PO Box 3006
SUCCESS WA 6964

Dear Sir/Madam

**Proposed Metropolitan Region Scheme Amendment 1387/57
Breakwater Drive Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)**

The Western Australian Planning Commission (WAPC) has initiated the abovementioned amendment to the Metropolitan Region Scheme (MRS) which, if approved, will change the regional zoning of the property. The WAPC invites you to comment.

The purpose of the amendment is to create an Other Regional Roads (ORR) reservation for Breakwater Drive over a distance of 6.8 kilometres, with sufficient width to allow this existing local road to be duplicated to a four-lane dual carriageway. The proposal aligns with the road's intended purpose under Perth and Peel@3.5 million (WAPC, 2018) and allows for orderly land use planning to occur along the corridor.

The amendment involves transferring 28.6 hectares from Urban, Urban Deferred, Rural zones and Parks and Recreation reservation to ORR reservation in the MRS. It includes 18.4 ha of the existing Breakwater Drive road reserve.

The submission period runs from Friday 18 March 2022 until Friday 20 May 2022. Plans showing the proposed changes and the WAPC's amendment report which explains the proposals can be accessed from the Department of Planning, Lands and Heritage website: <https://www.dplh.wa.gov.au/mrs-amendments> or by visiting the WAPC, Level 2, 140 William Street, Perth; the State Library of WA and the City of Wanneroo.

Documents are available on request from the Department of Planning, Lands and Heritage by telephoning (08) 6551 8002 or by emailing RegionPlanningSchemes@dplh.wa.gov.au and quoting the amendment number.

Should you wish to comment on the proposed amendments, you can do so online at <https://consultation.dplh.wa.gov.au>, by **5pm, Friday 20 May 2022**. The WAPC will consider all submissions before making a recommendation to the Minister for Planning, who will then make a final decision on the proposed amendments.

If you have any questions, please contact Mr Saikat Mitra, Senior Planning and Engineering Officer at the Department of Planning, Lands and Heritage on 6551 9832.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Fagan', written in a cursive style.

Ms Sam Fagan
Secretary
Western Australian Planning Commission

14 March 2022

From: Martin Flint <martin@flintlegal.com.au>
Sent: Friday, 20 May 2022 3:38 PM
To: Region Planning Schemes
Subject: MRS Amendment 1387/57 - submission on behalf of the Capricorn Village Joint Venture
Attachments: MRS Amendment 1387-57 submission form - 20.5.22.pdf; 220520 - letter to WAPC.pdf; Attachment 1.pdf; Attachment 2.pdf; Attachment 3.pdf; Attachment 4.1.pdf; Attachment 4.2.pdf; Attachment 4.3.pdf; Attachment 4.4.pdf; Attachment 4.5.pdf; Attachment 4.6.pdf; Attachment 5.pdf; Attachment 6.pdf; Attachment 7.1.pdf; Attachment 7.2.pdf; Attachment 8.1.pdf; Attachment 8.2.pdf; Attachment 9.pdf
Categories: Ack

Dear Sir/Madam,

On behalf of the Capricorn Village Joint Venture, please find *attached*:

1. MRS Amendment 1387/57 submission form signed by me and dated 20.5.22.
2. Letter from Flint Legal to the Secretary, Western Australian Planning Commission dated 20.5.22.
3. The sixteen attachments referred to in the letter that is 2 *above*.

It would be appreciated if you could please confirm receipt of this e-mail and the attachments thereto.

Yours sincerely,

Martin Flint
Director

0403 861 896
martin@flintlegal.com.au

Flint LEG
Town Planning | Land Valuat

40 Henning Crescent Manning WA 6152 | P 08 9313 1612 | PO Box 7187 Karawara WA 6152 |

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Section 57 Amendment (Minor)
Form 57

Submission

Metropolitan Region Scheme Amendment 1387/57

Breakwater Drive Other Regional Roads
(Lisford Avenue to Mitchell Freeway Reservation)

OFFICE USE ONLY

SUBMISSION NUMBER

RLS/1007

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Title (Mr, Mrs, Miss, Ms) MR First Name Martin

Surname FLINT (PLEASE PRINT CLEARLY)

Address cf- Flint Legal, 40 Henning Crescent, Manning Postcode 6152

Contact phone number 0403 861 896 Email address martin@flintlegal.com.au

Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes No

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

See attached on behalf of the Capricorn Village Joint Venture.

turn over to complete your submission

Our ref: 22-029

20 May 2022

Ms Sam Fagan
Secretary
Western Australian Planning Commission
By e-mail: RegionPlanningSchemes@dplh.wa.gov.au

Dear Ms Fagan

Metropolitan Region Scheme Amendment 1387/57 – Breakwater Drive Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)

Flint Legal acts for the Capricorn Village Joint Venture (**Joint Venture**), the developers of the Atlantis Beach Estate (**Estate**) adjacent to the existing residential development at Two Rocks, and makes this submission on its behalf with respect to Metropolitan Region Scheme Amendment 1387/57 (**Amendment**).

The Joint Venture is a joint venture between Capricorn Investment Group Pty Ltd and Yanchep Sun City Pty Ltd.

Background

- 1 The Estate is a masterplanned community comprising approximately 423 hectares. By the time of its completion the Estate will comprise in the order of 6,000 residential lots as well as all the facilities to be expected for a community of its size, e.g. schools, open space, shops, and sporting, community and medical facilities.

The current version of the Masterplan is *attached* as 'Attachment 1'.

A relevant extract from the Landgate locality plan for Two Rocks is *attached* as 'Attachment 2'.

- 2 Specific planning for the Estate commenced with the *Yanchep Two Rocks District Structure Plan No. 43 (DSP)* (approved by the Western Australian Planning Commission (**WAPC**) on 9 February 2011) and the *Two Rocks Local Structure Plan No. 69 (LSP)* (approved by the WAPC on 21 June 2011). The land the subject of the LSP is all of the land within the Estate.
- 3 At present 'on the ground' development of the Estate includes approximately 450 residential lots, approximately 300 constructed residences, the Estate's sales and

information centre, Atlantis Beach Baptist College, Two Rocks Primary School, Constellation Park (see Attachment 1), a medical centre and a childcare centre. It is anticipated that development of the Estate will be complete around 2050.

4 Within the Estate, Breakwater Drive stretches from Damepattie Drive in the west to the eastern edge of the current 'Urban' *Metropolitan Region Scheme (MRS)* zoning in the east.

5 The DSP designates that part of Breakwater Drive that is subject to the LSP as 'secondary road – District Distributor B'.

6 The LSP designates:

6.1 Breakwater Drive as a 'District Distributor 'B'' road.

6.2 Amongst other designations:

6.2.1 Land on both sides of Breakwater Drive as 'Mixed-Use'.

6.2.2 Land on the north-eastern corner of the intersection of Breakwater Drive and the future Mercury Drive as 'Commercial – Local Centre'.

Please find *attached* as 'Attachment 3', Plan 1 from the LSP, from which can be seen, amongst other matters, the designation of land adjacent to Breakwater Drive.

The 'Mixed-Use' and 'Commercial – Local Centre' designations are also represented on the Masterplan.

7 Along Breakwater Drive the following development is currently in place:

7.1 The Estate's sales and information centre on the north-western corner of Breakwater Drive and Constellation Entrance.

7.2 A medical centre on the north-eastern corner of Breakwater Drive and Constellation Entrance.

7.3 A childcare centre on the north-western corner of Breakwater Drive and Mayflower Parade.

7.4 Atlantis Beach Baptist College on the north-eastern corner of Breakwater Drive and Mayflower Parade.

8 Pursuant to the LSP, the Joint Venture has already upgraded a 1.3 km stretch of Breakwater Drive between Damepattie Drive in the west and the eastern edge of Atlantis Beach Baptist College in the east.

9 Adjacent to the north and south of Breakwater Drive, and within the existing road reserve, the Joint Venture has planted a boulevard of sixty-nine (69) Cook pines (*Arucaria Columnaris*). The Cook pines were planted with streetscape landing in 2017 at a total cost of approximately \$1.8 million – the pines alone are now estimated to be worth approximately \$1.25 million in terms of replacement value.

Attached are the following photographs of the Cook pines:

- 9.1 The photograph that is marked as 'Attachment 4.1' is a perspective looking west down Breakwater Drive from the Estate's sales and information (corner of Breakwater Drive and Constellation Entrance) showing Cook pines on the south side of Breakwater Drive.
- 9.2 The photograph that is marked as 'Attachment 4.2' is a perspective looking west down Breakwater Drive from midway between Constellation Entrance and the future Mercury Avenue showing the full height of the Cook pines to ten (10) metres plus.
- 9.3 The photograph that is marked as 'Attachment 4.3' is a perspective looking west down Breakwater Drive from midway between Constellation Entrance and the future Mercury Avenue showing the full height of the Cook pines to ten (10) metres plus.
- 9.4 The photograph that is marked as 'Attachment 4.4' is a perspective looking west down Breakwater Drive on the northside of the future Mercury Avenue showing the full height of the Cook pines to ten (10) metres plus.
- 9.5 The photograph that is marked as 'Attachment 4.5' is a perspective looking west down Breakwater Drive at Constellation Entrance showing Cook pines in boulevard lining the north and south sides of Breakwater Drive.
- 9.6 The photograph that is marked as 'Attachment 4.6' is a perspective looking west down Breakwater Drive towards Damepattie Drive at the future Mercury Avenue showing Cook pines in boulevard lining the north and south sides of Breakwater Drive.

The Amendment

- 10 The Amendment proposes to reserve as 'Other Regional Roads' under the MRS Breakwater Drive between Lisford Avenue and the 'Primary Regional Roads' reservation under the MRS for the Mitchell Freeway.

Attached as 'Attachment 5' is WAPC Plan 3.2782 showing the proposed reservation.

- 11 The most significant effect of the Amendment will be to reserve land to the south of the existing Breakwater Drive designated in the LSP as 'Mixed Use'.

To a lesser extent, the Amendment will also:

- 11.1 Reserve land to the south of the existing Breakwater Drive designated in the LSP as 'Residential'.
- 11.2 Reserve land to the north of the existing Breakwater Drive designated in the LSP as 'Commercial – Local Centre', 'Public Open Space' and 'Residential'.

Attached as 'Attachment 6' is a plan depicting the proposed reserve over Plan 1 from the LSP (Attachment 3), from which can be seen the LSP designation of the land proposed to be reserved.

Joint Venture land

- 12 The Amendment will reserve land on two lots owned by the Joint Venture that form part of the Estate.

Lot 9016 on Deposited Plan 408296

- 13 Lot 9016 on Deposited Plan 408296 (**Lot 9016**) will have 3.126 ha of its 126.832 ha reserved.
- 14 *Attached as 'Attachment 7.1'* is sheet 1 of Deposited Plan 408296 depicting Lot 9016. It can be seen that Lot 9016 abuts the southern boundary of the existing Breakwater Drive.
- Attached as 'Attachment 7.2'* is Certificate of Title Volume 2994 Folio 316 for Lot 9016 recording the Joint Venture as the registered proprietor.
- 15 Under the LSP those parts of Lot 9016 proposed to be reserved are predominantly designated 'Mixed Use' and to a lesser extent 'Residential'.

Lot 9018 on Deposited Plan 420922

- 16 Lot 9018 on Deposited Plan 420922 (**Lot 9018**) will have 0.283 ha of its 62.8488 ha reserved.
- 17 *Attached as 'Attachment 8.1'* is sheet 2 of Deposited Plan 420922 depicting Lot 9018. It can be seen that Lot 9018 abuts the northern boundary of the existing Breakwater Drive.
- Attached as 'Attachment 8.2'* is Certificate of Title Volume 4014 Folio 216 for Lot 9018 recording the Joint Venture as the registered proprietor.
- 18 Under the LSP those parts of Lot 9018 proposed to be reserved are designated 'Commercial – Local Centre', 'Public Open Space' and 'Residential'.

Observations on the Amendment

The formulation of the Amendment has had insufficient consultation

- 19 The relevant Planning Control Area (**PCA**) came into effect on 24 December 2019 without consultation.
- 20 The effect of no consultation in respect of the PCA was that it failed to recognise the development that had already taken place on the northern side of Breakwater Drive, i.e. the Estate's sale and information office, the Medical and Childcare centres, and Atlantis Beach Baptist College.
- 21 Whilst the failure of the PCA to recognise the development that had already taken place on the northern side of Breakwater Drive has been addressed, it has been the experience of the Joint Venture that the officers it has dealt with on this issue have proceeded on the

basis that the Amendment will come into effect and consequently have not been open to effective consultation. It is for this reason that the underlying information/material allegedly justifying the Amendment was sought (see 22 - 24 *below*), the absence of which emphasises the insufficiency of consultation.

Absence of underlying information/material allegedly justifying Amendment

22 The Amendment report states that:

Breakwater Drive provides an important east-west link between Mitchell Freeway reserve and Lisford Avenue, both of which are already reserved as regional roads under the MRS. The draft (2015) and published *Perth and Peel@3.5M North-West Sub-Regional Planning Framework, 2018* (Framework) identify Breakwater Drive as a proposed Integrator Arterial (ORR). According to the Framework, a population of approximately 740,330 is anticipated in the north-west metropolitan area by 2050. Based on this population growth, Breakwater Drive is forecast to require additional traffic capacity. It will need to be widened to a four-lane dual carriageway road with a capacity to carry up to 40,000 vehicles per day (vpd). Breakwater Drive is expected to function as an ORR in the future, connecting existing ORR Lisford Avenue/Two Rocks Road and Primary Regional Roads (PRR) Mitchell Freeway.

23 The outcomes of a number of freedom of information applications made by the Joint Venture did not provide the information/material from which the traffic volumes set out in 22 *above* were derived and upon which the Amendment is said to be justified

24 The absence of the information/material from which the traffic volumes supporting the Amendment were derived is obviously significant. Orderly and proper planning requires that the underlying information/material said to justify the Amendment be available to be tested as part of the MRS amendment process, particularly in the context where the Amendment is at odds with the existing planning framework in the form of the DSP and the LSP.

Inconsistency with existing planning framework

25 The Amendment is inconsistent with the DSP and the LSP in the following respects:

25.1 The treatment of Breakwater Drive.

25.2 The treatment of the land that will be reserved that is not presently the subject of the road reserve for the existing Breakwater Drive.

26 It is accepted that planning evolves and planning instruments are not set in stone. However, the inconsistency with the existing planning framework takes on much greater weight when regard is had to the insufficiency of consultation and the absence of the underlying/material information allegedly justifying the Amendment.

The DSP and the LSP will have to be amended

27 Approval of the Amendment will require the amendment of the DSP and the LSP, at least in the following respects:

27.1 The designation of Breakwater Drive will have to be altered to reflect its status as an 'Other Regional Road' in the MRS.

-
- 27.2 Land currently designated in the LSP for 'Mixed Use', 'Commercial – Local Centre' and 'Residential' will be reserved as 'Other Regional Roads' in the MRS. The designation of that land in the LSP will need to be changed to reflect its reservation.
- 27.3 Consideration will have to be given to what amendment/s should be made as a consequence of, at least, the loss of land designated as 'Mixed Use'.
- 28 The need for amendments to the DSP and the LSP is obviously detrimental to the Joint Venture and the development of the Estate:
- 28.1 The Joint Venture will be foregoing the development of land with valuable designations under the LSP and the outcome of the amendment is not clear.
- 28.2 The process will take time and considerable cost for the production of new reports.
- 28.3 The development of the Estate may be delayed.
- 28.4 The resources in all forms expended to date in respect of the land proposed to be reserved will be thrown away.

The construction of Breakwater Drive as proposed by the Amendment will result in the removal of approximately thirty-eight (38) mature Cook pines

- 29 There are presently sixty-nine (69) mature Cook pines in the Breakwater Drive road reserve that were planted in 2014 (see Attachments 4.1 to 4.6).
- 30 The Cook pines are clearly a significant amenity asset to the community and currently have a replacement economic value of approximately \$1.25 million. The value to the community and the replacement economic value will only increase as the Cook pines continue to grow and mature.
- 31 The construction of Breakwater Drive as an 'Other Regional Road' pursuant to the Amendment will require the removal of approximately thirty-eight (38) Cook pines.

The Joint Venture's proposal

- 32 The lack of information already identified in this submission makes it difficult for the Joint Venture to fully support the Amendment.
- 33 If the WAPC determines to create an 'Other Regional Roads' reservation for Breakwater Drive, the Joint Venture makes two submissions:
- 33.1 The Amendment be altered to protect from removal as many Cook pines as possible.
- 33.2 It will be necessary to amend the LSP to address the consequences of the expanded width of the reserve for Breakwater Drive and the WAPC's support in this regard is sought.

Protection of Cook pines

- 34 The Joint Venture has had prepared the *attached* plan (Attachment 9) which depicts a revised design for Breakwater Drive, and consequentially a revised reserved area. The revised design has the effect of saving from removal thirty-one (31) Cook pines that would otherwise have to be removed if the Amendment proceeds in its current form.
- 35 Attachment 9 depicts the median and southern boundary of Breakwater Drive being moved to the south in three locations, thereby allowing thirty-one (31) Cook pines to be saved from removal.
- 36 The revised design results in additional reserved areas, heading west to east, of 1,027m², 648m² and 861m², resulting in a total of 2,536m².

Amendment of LSP

- 37 The Amendment will result in a reserve for Breakwater Drive of up 60m., which is inconsistent with the current 'Mixed Use' designations adjacent to Breakwater Drive and a 'main street' configuration along Breakwater Drive. There will be an absence of connection, by pedestrian movement and visually, between both sides of Breakwater Drive that is necessary to support the commercial viability of mixed-use development.
- 38 It will be necessary to amend the LSP adjacent to Breakwater Drive to facilitate key commercial nodes, rather than continuous mixed-use developments along Breakwater Drive, and the WAPC's support in this regard is sought.

We would, of course, be happy to assist the WAPC by answering any queries in respect of this submission.

Thank you for the opportunity to make this submission on behalf of the Joint Venture.

Yours sincerely



Martin Flint
Director

Att.



- Magic Release
- Freedom Release
- Butterfly Release
- Previous Stage
- Future Development

Current

- 1 Derrs surf break
- 2 Safe swimming beaches
- 3 Bus service
- 4 Marina & Yacht Club
- 5 Shopping Complex
- 6 Community Centre & Library
- 7 Boat ramp
- 8 Yacht Club
- 9 Skate park & oval
- 10 Dog beach
- 11 The Spot & more beaches
- 12 Two Rocks Primary School
- 13 Constellation Park
- 14 Atlantis Beach Baptist College
- 15 Medical Centre
- 16 Childcare Centre

Future

- 17 Local shops
- 18 High School
- 19 Primary School
- 20 Dune Conservation Park
- 21 Two Rocks District Centre

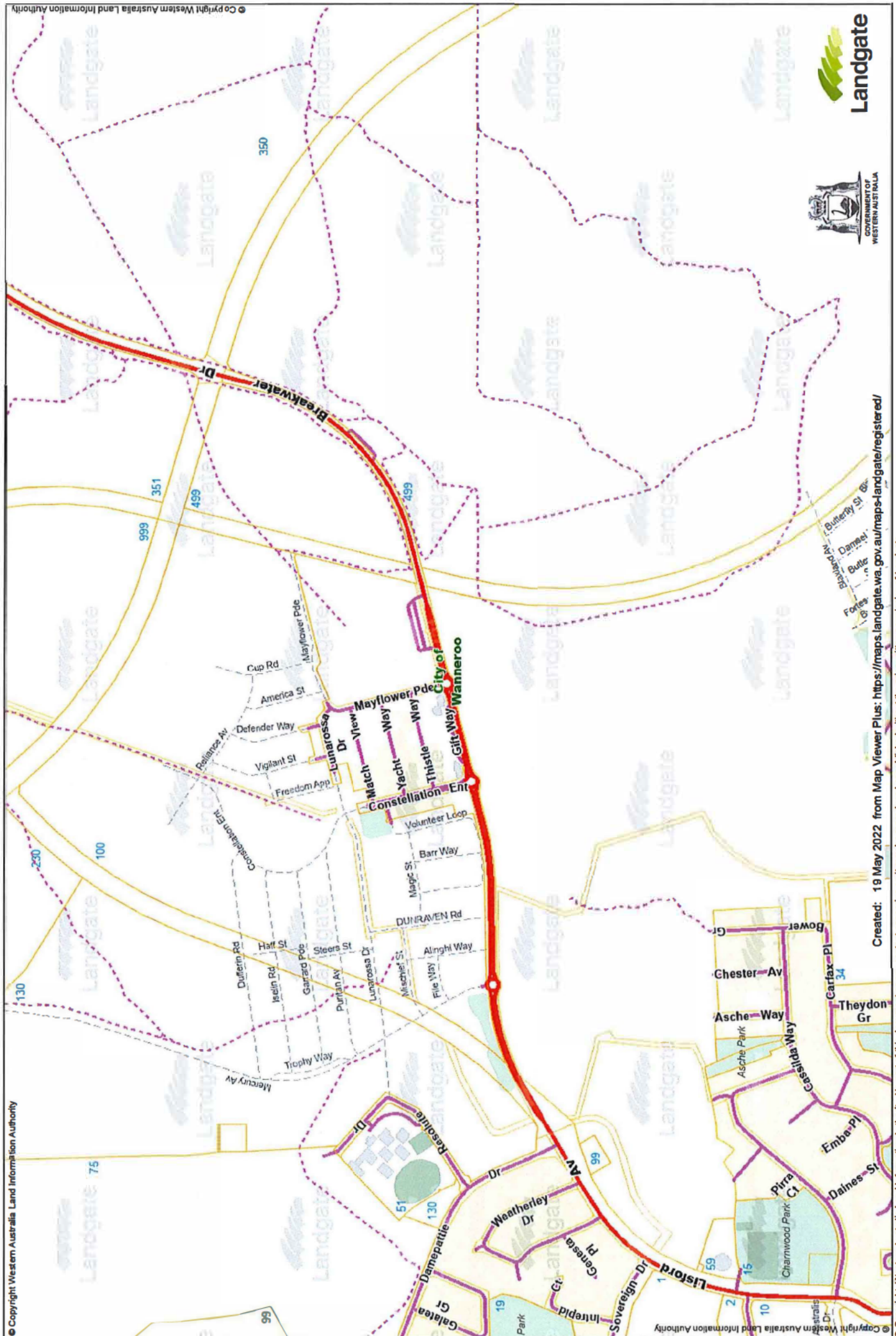
Visit our land info centre 5 Constellation Entrance, Two Rocks

9561 1700 | atlantisbeach.com.au

*This plan is for illustrative purposes only. The Vendor reserves the right to amend this plan at any time in its absolute discretion. Please check with the Selling Agent for up-to-date information.



-- Map Viewer Plus --



© Copyright Western Australia Land Information Authority

© Copyright Western Australia Land Information Authority

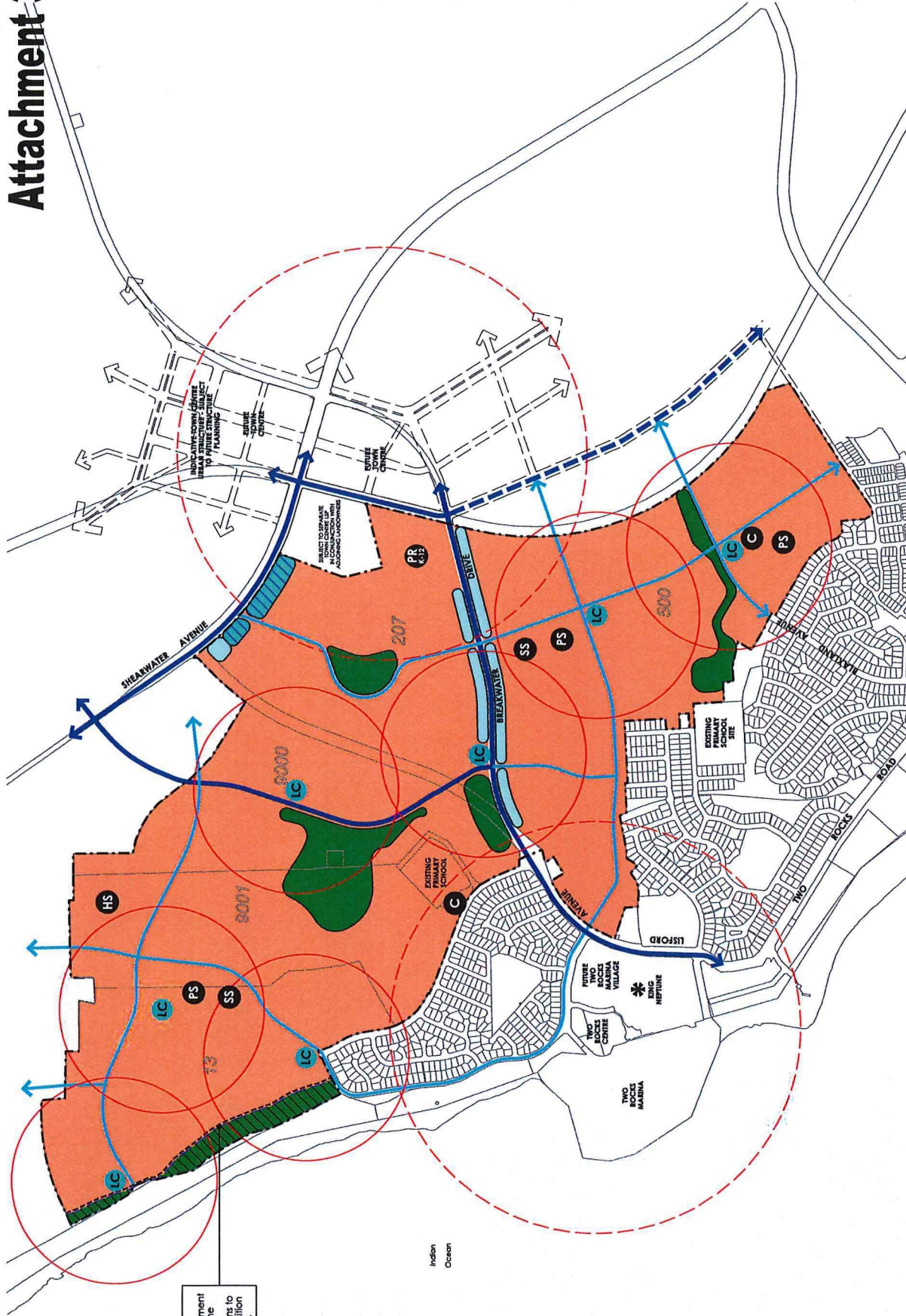
Created: 19 May 2022 from Map Viewer Plus: <https://maps.landgate.wa.gov.au/maps-landgate/registered/>

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PROPOSED TWO ROCKS LOCAL STRUCTURE PLAN - PLAN 1

Attachment 3



LEGEND

ZONES

- RESIDENTIAL
- MIXED USE
- BUSINESS

COMMERCIAL - LOCAL CENTRE
The size and number of local centres shall be determined by the Council in accordance with the Council's Vision and Strategy for the Two Rocks Local Centre.

COMMUNITY PURPOSE
The Council will determine the Community Purpose for the Two Rocks Local Centre in accordance with the Council's Vision and Strategy for the Two Rocks Local Centre.

COMMUNITY

- HS HIGH SCHOOL
- PS PRIMARY SCHOOL
- SS PRIVATE SCHOOL K-12
- C COMMUNITY PURPOSE
- SENIOR SITED OVAL

OTHER

- KEY OPEN SPACE
- PARKS AND RECREATION / FORESPACE
- COASTAL SETBACK

DISTRICT DISTRIBUTOR

- DISTRICT DISTRIBUTOR
- INDICATIVE COASTAL ROAD

LOCAL DISTRIBUTOR

- INDICATIVE LOCAL CENTRE 400m WALKABLE CATCHMENT
- INDICATIVE TOWN CENTRE 600m WALKABLE CATCHMENT

STRUCTURE PLAN AREA
SIZE: ALL DIMENSIONS IN METRES UNLESS INDICATED OTHERWISE
SCALE: 1:100 2:100 3:100
PLAN: 10/2023/006

Attachment 4.1



Attachment 4.2



Attachment 4.3



Attachment 4.4

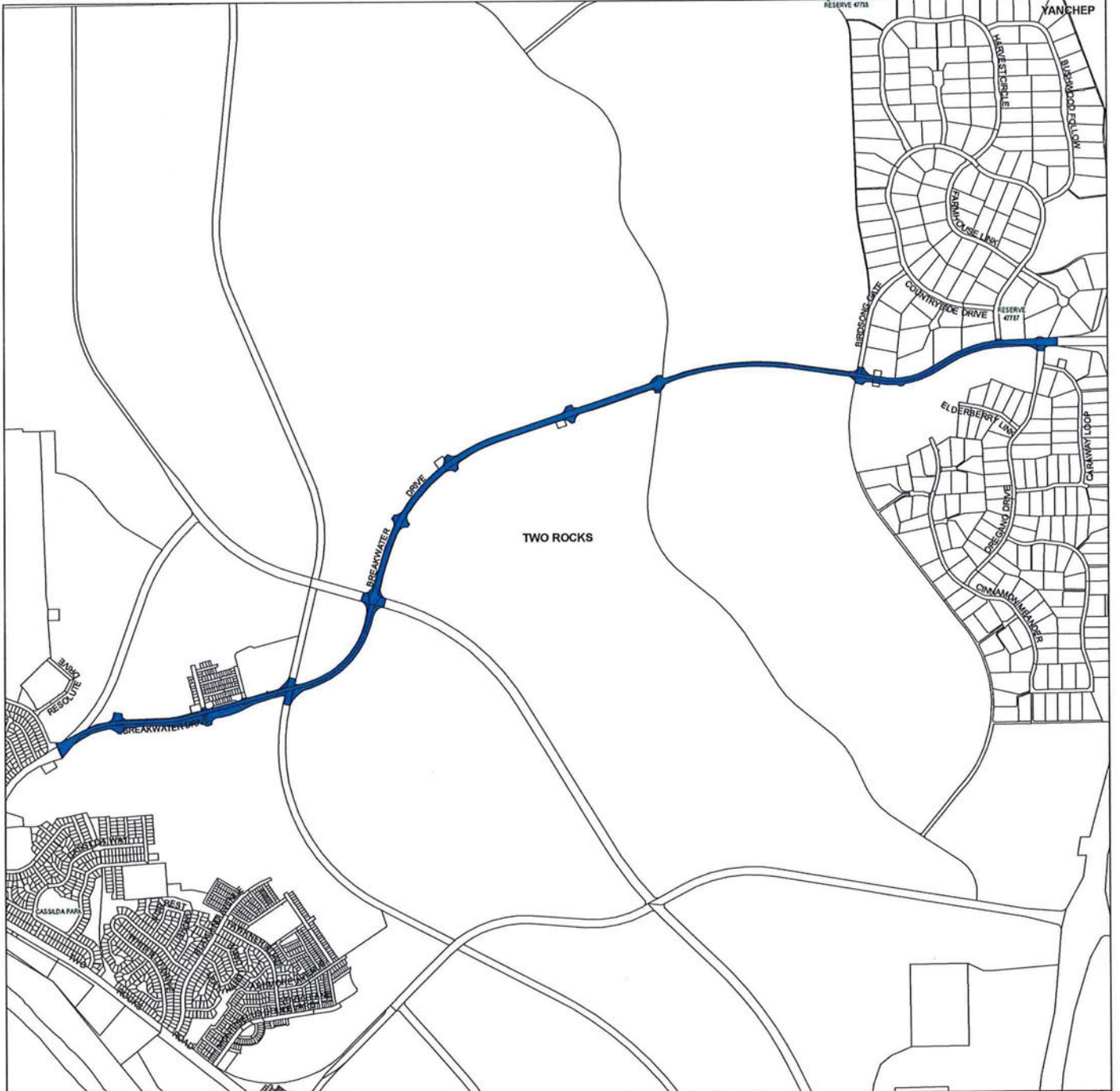


Attachment 4.5



Attachment 4.6





Signed for and on behalf of the
Western Australian Planning Commission

An officer duly authorised by the Commission
pursuant to section 24 of the
Planning and Development Act 2005
for that purpose in the presence of:

Witness _____

Date _____

Approved - Minister for Planning _____

Date _____

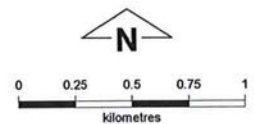
Legend

Excluded from Urban, Urban Deferred and Rural zones
and Parks and Recreation reservation and included in
Other Regional Roads reservation

Metropolitan Region Scheme

Amendment No. 1387/57

As advertised

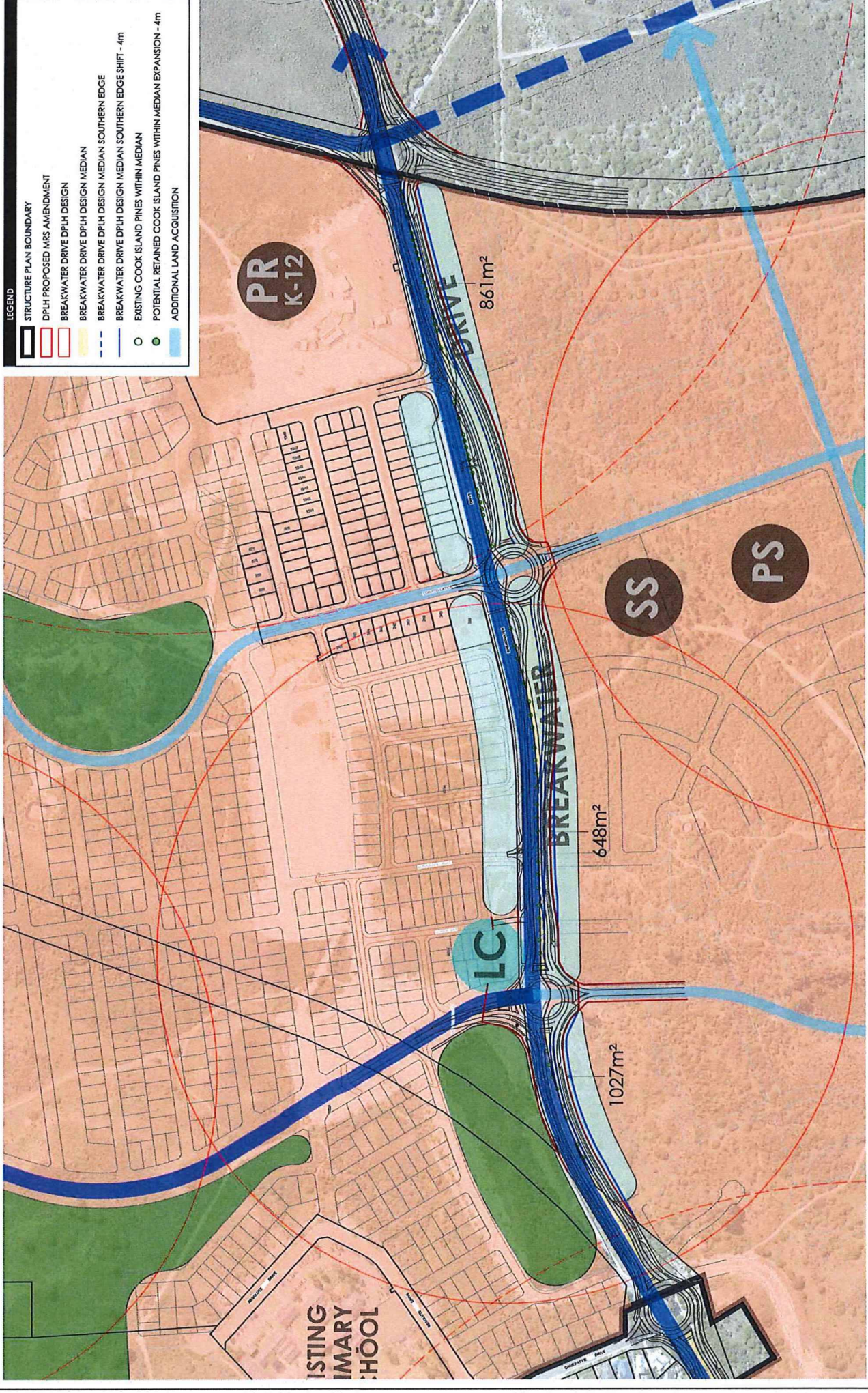


Program Manager: S. Mitra
Geospatial Officer: J. Ballarotta
Examined: A. Power
Revised:
Version No. 1
Date: WAPC / 308.9.1
22 September 2021

Plan Number
3.2782
Sheet 1 of 1

File number: 833/2/30/134 (RLS/0948)
Plan reference:
Metropolitan Region Scheme
1:25000 sheet 1
detail plans: 1.5715, 1.5716, 1.5720,
1.5721 & 1.5729
Oracle reference no: 3105

Attachment 6



LEGEND

- STRUCTURE PLAN BOUNDARY
- DPLH PROPOSED MRS AMENDMENT
- BREAKWATER DRIVE DPLH DESIGN
- BREAKWATER DRIVE DPLH DESIGN MEDIAN
- BREAKWATER DRIVE DPLH DESIGN MEDIAN SOUTHERN EDGE
- BREAKWATER DRIVE DPLH DESIGN MEDIAN SOUTHERN EDGE SHIFT - 4m
- EXISTING COOK ISLAND PINES WITHIN MEDIAN
- POTENTIAL RETAINED COOK ISLAND PINES WITHIN MEDIAN EXPANSION - 4m
- ADDITIONAL LAND ACQUISITION

PROJECT INFORMATION

PROJECT: ATLANTIS BEACH, TWO ROCKS
 A CAPRICORN VILLAGE JOINT VENTURE PROJECT

CLIENTS
 ATLANTIS BEACH, TWO ROCKS
 A CAPRICORN VILLAGE JOINT VENTURE PROJECT

DESIGNER
 TAYLOR KUMAR ARCHITECTS

DATE
 11 JUNE 2021

SCALE
 1:1000

PROJECT LOCATION
 ATLANTIS BEACH, TWO ROCKS
 A CAPRICORN VILLAGE JOINT VENTURE PROJECT

PROJECT BOUNDARY

PROJECT INFORMATION

PROJECT LOCATION

PROJECT BOUNDARY

PROJECT INFORMATION

PROJECT LOCATION

PROJECT BOUNDARY

Breakwater Drive DPLH Design (Proposed MRS Amendment - 11 June 2021)

ATLANTIS BEACH, TWO ROCKS
 A CAPRICORN VILLAGE JOINT VENTURE PROJECT

WESTERN



AUSTRALIA

REGISTER NUMBER	
9016/DP408296	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
1	4/12/2020

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 2994 FOLIO 316

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 9016 ON DEPOSITED PLAN 408296

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

YANCHEP SUN CITY PTY LTD OF LEVEL 4 225 ST GEORGES TCE, WEST PERTH WA 6000
CAPRICORN INVESTMENT GROUP PTY LTD OF 164 WILLIAMS ROAD PRAHRAN VIC 3181
AS TENANTS IN COMMON IN EQUAL SHARES

(AF 0519351) REGISTERED 30/11/2020

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 1466/1928
2. *G407800 MEMORIAL. TOWN PLANNING AND DEVELOPMENT ACT 1928. SEE SKETCH ON DEPOSITED PLAN 39466 REGISTERED 27/2/1997.
3. *J046875 NOTIFICATION CONTAINS FACTORS AFFECTING THE WITHIN LAND. LODGED 8/10/2004.
4. *J046877 NOTIFICATION CONTAINS FACTORS AFFECTING THE WITHIN LAND. LODGED 8/10/2004.
5. J723739 EASEMENT TO WATER CORPORATION FOR PIPELINE PURPOSES - SEE DEPOSITED PLAN 408296. REGISTERED 2/5/2006.
6. *K739468 MEMORIAL. CONTAMINATED SITES ACT 2003 - SEE DEPOSITED PLAN 408296. REGISTERED 13/10/2008.
7. M849323 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 5/12/2014.
8. M849324 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 5/12/2014.
9. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR DRAINAGE PURPOSES TO CITY OF WANNEROO - SEE DEPOSITED PLAN 408296 AS CREATED ON DEPOSITED PLAN 403763.
10. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 408296 AS CREATED ON DEPOSITED PLAN 403763.
11. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR WATER PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 408296 AS CREATED ON DEPOSITED PLAN 403763.
12. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR ELECTRICITY PURPOSES TO ELECTRICITY NETWORKS CORPORATION - SEE DEPOSITED PLAN 408296 AS CREATED ON DEPOSITED PLAN 403763
13. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR DRAINAGE PURPOSES TO CITY OF WANNEROO - SEE DEPOSITED PLAN 408296 AS CREATED ON DEPOSITED PLAN 409050.

END OF PAGE 1 - CONTINUED OVER

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 9016/DP408296

VOLUME/FOLIO: 2994-316

PAGE 2

14. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 408296 AS CREATED ON DEPOSITED PLAN 409050.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP408296
PREVIOUS TITLE: 2980-665
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: CITY OF WANNEROO

WESTERN



AUSTRALIA

REGISTER NUMBER 9018/DP420922	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 21/1/2022

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **4014** FOLIO **216**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 9018 ON DEPOSITED PLAN 420922

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

CAPRICORN INVESTMENT GROUP PTY LTD OF 164 WILLIAMS ROAD PRAHRAN VIC 3181
YANCHEP SUN CITY PTY LTD OF LEVEL 4 225 ST GEORGES TERRACE PERTH WA 6000
AS TENANTS IN COMMON IN EQUAL SHARES

(AF 0982153) REGISTERED 18/1/2022

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 1466/1928
- *G407798 MEMORIAL TOWN PLANNING AND DEVELOPMENT ACT 1928 REGISTERED 4/6/1997.
- M849323 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA AS TO THE 1/2 SHARE OF YANCHEP SUN CITY PTY LTD ONLY REGISTERED 5/12/2014.
- M849324 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA AS TO THE 1/2 SHARE OF CAPRICORN INVESTMENT GROUP PTY LTD ONLY REGISTERED 5/12/2014.
- EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR DRAINAGE/IRRIGATION/WATER SUPPLY/SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 420922 AS CREATED ON DEPOSITED PLAN 408305
- EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR DRAINAGE/IRRIGATION/WATER SUPPLY/SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 420922 AS CREATED ON DEPOSITED PLAN 408305
- EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR DRAINAGE/IRRIGATION/WATER SUPPLY/SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 420922 AS CREATED ON DEPOSITED PLAN 409038
- EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR DRAINAGE/IRRIGATION/WATER SUPPLY/SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 420922 AS CREATED ON DEPOSITED PLAN 414270
- EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR DRAINAGE/IRRIGATION/WATER SUPPLY/SEWERAGE PURPOSES TO WATER CORPORATION DEPOSITED PLAN 420922.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

END OF PAGE 1 - CONTINUED OVER

Subject to dealing

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 9018/DP420922

VOLUME/FOLIO: 4014-216

PAGE 2

Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP420922
PREVIOUS TITLE: 2959-687
PROPERTY STREET ADDRESS: 100 CONSTELLATION ENT, TWO ROCKS.
LOCAL GOVERNMENT AUTHORITY: CITY OF WANNEROO

NOTE 1: P137310 DEPOSITED PLAN 422529 LODGED

Subject to dealing

Submitted to Metropolitan Region Scheme amendment 1387/57 Breakwater Drive Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)
Submitted on 2022 05 20 14:54:23

About you

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 What is your company name?

Company name:

Quinns Rocks Environmental Group

4 What is your email address?

Email:

5 What is your address?

address:

6 Contact phone number:

phone number:

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

Yes

Submissions

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

Oppose

9 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded below your submission text.

Submission:

See Quinns Rocks Environmental Group Breakwater Submission document attached below.

Upload supporting documents:

QREG Breakwater Dr Submission.docx was uploaded

Upload supporting documents:

No file uploaded

Upload supporting documents:

No file uploaded



Email: quinnsenvirons@yahoo.com.au

20 May 2022

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Submission
**Metropolitan Region Scheme Amendment 1387/57 Breakwater Drive Other
Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)**

The Quinns Rocks Environmental Group (QREG) is a local community group promoting conservation and sustainability since 1985. The Groups strategic goals include:

- Local bushland is protected and connected to maintain biodiversity
- Local action is reducing carbon emissions and building resilience through sustainable practices
- Looking after our coastal and marine environment (QREG Strategic Plan 2021-2025).

While the efforts to reduce impacts of the proposed Breakwater Drive widening on Bush Forever Area 284 are acknowledged, we would like to make the following comments:

- It is critical the EPA's recommendation that the 'construction and operational management measures be implemented to avoid and minimise impacts to fauna' are followed when preparing the final road design. The road upgrade provides an opportunity to improve fauna movement within Bush Forever Area 284 by installing underpasses suitable for the full range of terrestrial fauna, including emus and kangaroos.
- Fauna underpasses for smaller species should be installed at strategic locations to facilitate terrestrial fauna movement between local parks within the adjoining residential subdivisions.
- Retention of native vegetation, especially the mature habitat trees, regardless whether they have hollows or not need to be avoided by appropriate design of the road. All remaining vegetation that provides feeding, roosting or potential breeding habitat for Carnaby's black cockatoos in close proximity to the Yanchep National Park, known breeding site, is important for this threatened species. In fact, the detailed design should be prepared prior approving changes to the zoning/reservation.

Regards,

Name removed at the request of the submitter

For the Quinns Rocks Environmental Group Inc

Subject: FW: WAPC applications-DWER no comment response

From: Lili Collova [mailto:Lili.Collova@dwer.wa.gov.au]
Sent: Monday, 11 April 2022 11:09 AM
To: DPI Referrals <Referrals@dplh.wa.gov.au>
Subject: WAPC applications-DWER no comment response

Good morning,

The Department of Water and Environmental Regulation has assessed the following applications and has no comments to provide:

Development Applications:

15-50086-20 - LOT 9002 GRANDSTAND ROAD ASCOT 6104
10-2007-11 - LOT 760 ST GEORGES TERRACE PERTH 6000
27-50095-2 - LOT 10 ON PLAN 34802 - Part of State Forest No 7
22-50244-1 - LOT 60 BROOKTON HIGHWAY ROLEYSTONE 6111
84/2022 - 71 GRANDSTAND ROAD ASCOT 6104

Planning Schemes/Amendments:

LPS 6 Amendment No 16 - LOT 17 ON PLAN 25370, NORTHAM
RLS/0988 - LOT 204 BREAKWATER DRIVE TWO ROCKS 6037
TPS/1/56 - LOT 1002 BEATTY AVENUE EAST VICTORIA PARK 6101

Other:

23 DUNDEBAR ROAD WANNEROO 6065

Lili Collova

Natural Resource Management Officer
Planning Advice Section

Department of Water and Environmental Regulation

Swan Avon Region

7 Ellam St, Victoria Park, WA 6100

T: (08) 6250 8084 | F: (08) 6250 8050

E: lili.collova@dwer.wa.gov.au | www.dwer.wa.gov.au

Twitter: [@DWER_WA](https://twitter.com/DWER_WA)

Be a GREAT Sort!

A is for **Avoiding** excess packaging.

Landfill is the last resort.

Find your local solutions at wastesorted.wa.gov.au



Disclaimer: This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water and Environmental Regulation, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from your system; you must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.

From: Region Planning Schemes
Subject: FW: 833-2-30-134 (RLS/0988) - MRS Amendment 1387/57 - Breakwater Drive Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)
Attachments: D21#422492 [Response to WAPC] Proposed Metropolitan Region Scheme Amendment - Breakwater Drive - Lisford ~ Request for Preliminary Comment(2).pdf

From: HILL Belinda (Con) <belinda.hill@mainroads.wa.gov.au>
Sent: Monday, 20 June 2022 4:03 PM
To: Saikat Mitra <Saikat.Mitra@dplh.wa.gov.au>
Subject: RE: 833-2-30-134 (RLS/0988) - MRS Amendment 1387/57 - Breakwater Drive Other Regional Roads (Lisford Avenue to Mitchell Freeway Reservation)

Hi Saikat

I'm still in the process of getting the formal response letter signed.

In the meantime, please use comments below:

Main Roads has reviewed the information received on 22 March 2022 and provide the following comments.

1. In assessing the current Breakwater Drive layout, Main Roads refer to previous comments in the email dated 7 May 2020, (email extract attached), and correspondence dated 11 May 2021 (letter attached). (Letter correspondence and email attached as one file)

It is considered that there are still an excessive number of full movement roundabout intersections.

2. Breakwater Drive is a regional road which performs a regional road function and it is recommended that the number and form of the intersections be further revised.

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

Thank you.

Kind regards

Belinda Hill

Strategic Planner – Road Planning

Planning and Technical Services Directorate.

P: (08) 9323 4572 | E: belinda.hill@mainroads.wa.gov.au | W: www.mainroads.wa.gov.au



mainroads
WESTERN AUSTRALIA

Addition to Late Submission 12

Enquiries: Belinda Hill on (08) 9323 4572
Our Ref: 22/2353 (D22#653017)
Your Ref: RLS/0988

11 July 2022

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

Email: mrs@dplh.wa.gov.au

Dear Sir/ Madam

**RE: PROPOSED METROPOLITAN REGION SCHEME AMENDMENT
BREAKWATER DRIVE OTHER REGIONAL ROADS [LISFORD AVENUE TO MITCHELL
FREEWAY RESERVATION] REQUEST FOR COMMENT**

Main Roads has reviewed the information received on 22 March 2022 and provide the following comments.

1. In assessing the current Breakwater Drive layout, Main Roads refer to previous comments in the email dated 7 May 2020, (email extract attached), and correspondence dated 11 May 2021 (letter attached).

It is considered that there are still an excessive number of full movement roundabout intersections.

2. Breakwater Drive is a regional road which performs a regional road function and it is recommended that the number and form of the intersections be further revised.

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

Yours Sincerely

Paul Fourie
Acting Director Road Planning

Encl.

Email of Previous Main Roads Comments dated 7/5/2020; and
Correspondence Previous Main Roads Comments dated 11 May 2021.



mainroads
WESTERN AUSTRALIA

Enquiries: Steve Fernandez on (08) 9323 4517
Our Ref: 21/2981 (D21#422492)
Your Ref: RSL 0949/1

11 May 2021

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

Email: mrs@dplh.wa.gov.au

Dear Sir/ Madam

**RE: PROPOSED METROPOLITAN REGION SCHEME AMENDMENT
BREAKWATER DRIVE [LISFORD AVENUE TO MITCHELL FREEWAY OTHER
REGIONAL ROAD RESERVATION] REQUEST FOR PRELIMINARY COMMENT**

Main Roads has reviewed the information received on 31 March 2021 and provide the following comments.

1. In assessing the current Breakwater Drive layout, Main Roads refer to previous comments in the email dated 7 May 2020, (email extract attached).

While there have been some reduction in the number of intersection along Breakwater Drive, there are still an excessive number of full movement roundabout intersections.

2. Breakwater Drive is a regional road which performs a regional road function and it is recommended that the number and form of the intersections be further revised.

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

Yours Sincerely

Lindsay Broadhurst
Director Road Planning & Development

Enc: Email of Previous Main Roads Comments dated 7/5/2020

FERNANDEZ Steve (PAO)

From: Parwez Jahmeerbacus <Parwez.Jahmeerbacus@dplh.wa.gov.au>
Sent: Friday, 8 May 2020 4:41 PM
To: Peter.Ajo
Subject: FW: Breakwater Drive CAD files

Follow Up Flag: Follow up
Flag Status: Flagged

We'll need to talk about below. Thanks.

Parwez Jahmeerbacus | Principal Planning and Engineering Officer | Strategy and Engagement
The Atrium, 168 St Georges Terrace, Perth WA 6000
6551 9233 |
www.dplh.wa.gov.au

Some of our team are relocating for a few months. While DPLH continues operating from 140 William St, you can find me at the Atrium, 168 St Georges Terrace from Monday 9 December 2019.



Department of Planning,
Lands and Heritage



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

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From: BEZAUD Anika (URPM/A) <anika.bezaud@mainroads.wa.gov.au>
Sent: Thursday, 7 May 2020 10:35 AM
To: Parwez Jahmeerbacus <Parwez.Jahmeerbacus@dplh.wa.gov.au>
Cc: BROADHURST Lindsay (DRPD) <lindsay.broadhurst@mainroads.wa.gov.au>
Subject: Re: Breakwater Drive CAD files

Morning Parwez,

A review of the drawings provided and discussion with our traffic services team offers the following comments:

- There are four proposed access points between intersection 1 (the roundabout) and intersection 2 (the traffic signals). Given the spacing between 1 & 2 is 440 metres, is there opportunity for all intermediate access points to be removed and direct all access to the two major intersections.
- At intersection 2: there appears to be an existing roundabout which is ultimately proposed as traffic signals. What traffic assessment has been undertaken to confirm signals are ultimately required. If a roundabout is a more appropriate option, should additional land be considered to protect for this option.

- There are three access points proposed intersection 2 (the traffic signals) and intersection 4 (the roundabout). As per the first bullet point, is there opportunity to rationalise these intermediate accesses and redirect to the major intersections.
- Between location 5 and location 9, there are five roundabouts proposed over a 2km length. Without knowledge of the proposed local network I can't suggest which roundabouts should be removed, but it's suggested consideration be given to reducing so many access points over this short length.
- At location 10/11: Just east of the roundabout at this location is another access, can this be amalgamated to create a four-lane roundabout.
- At location 12/13: Just west of the roundabout at this location is another access, can this be amalgamated into a four-lane roundabout - it is acknowledged that this may not be feasible at this location due to the existing buildings.

For your consideration.

Kind Regards,
Anika



From: BROADHURST Lindsay (DRPD) <lindsay.broadhurst@mainroads.wa.gov.au>
Sent: Tuesday, 28 April 2020 2:17 PM
To: Parwez.Jahmeerbacus <Parwez.Jahmeerbacus@DPLH.wa.gov.au>; BEZAUD Anika (URPM/A) <anika.bezaud@mainroads.wa.gov.au>
Cc: Peter.Ajo <Peter.Ajo@DPLH.wa.gov.au>; THOMPSON Ian (MSRP/A) <ian.thompson2@mainroads.wa.gov.au>
Subject: RE: Breakwater Drive CAD files

Parwez,

Please liaise direct with Anika on this.

Anika – perhaps set-up a short meeting and I can discuss this with you.

Cheers

Lindsay Broadhurst
DIRECTOR ROAD PLANNING & DEVELOPMENT
Planning & Technical Services Directorate
p: +61 9323 4511 | m: +61 0419927055
w: www.mainroads.wa.gov.au

From: Parwez Jahmeerbacus <Parwez.Jahmeerbacus@dplh.wa.gov.au>
Sent: Tuesday, 28 April 2020 1:56 PM
To: BROADHURST Lindsay (DRPD) <lindsay.broadhurst@mainroads.wa.gov.au>
Cc: Peter.Ajo <Peter.Ajo@DPLH.wa.gov.au>
Subject: RE: Breakwater Drive CAD files

Hi Lindsay,

