



December 2023

Metropolitan Region Scheme Amendment 1402/57 (Minor Amendment)



Reid Highway, Bennett Springs

Report on Submissions
Submissions

City of Swan

**Metropolitan Region Scheme
Amendment 1402/57
(Minor Amendment)**

Reid Highway, Bennett Springs

**Report on Submissions
Submissions**

City of Swan



December 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 the former 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 1402/57

Reid Highway, Bennett Springs

Report on Submissions

1 Introduction

At its February 2023 meeting, the Western Australian Planning Commission (WAPC) resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of the former Section 57 of the *Planning and Development Act 2005*.

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

2 The proposed amendment

Purpose

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

The purpose of the amendment is to transfer approximately 3.46 hectares of land in Bennett Springs from the Railways and Primary Regional Roads (PRR) reservations to the Urban zone under the MRS, as shown on ***Amendment Figure – Proposal 1***.

The proposed Urban zoning will facilitate the further planning and development of the subject land for residential and related purposes.

3 Environmental Protection Authority advice

On 12 April 2023, the Environmental Protection Authority (EPA) determined that the amendment did not require assessment under Part IV of the *Environmental Protection Act 1986*, and provided advice on flora and vegetation, terrestrial fauna, inland waters and social surroundings environmental factors relevant to the amendment. In this regard, the EPA noted that future planning processes will address the management of potential environmental impacts.

4 Call for submissions

The amendment was advertised for public submissions from 9 June to 11 August 2023, and was made available for public inspection during ordinary business hours at the:

- i) Department of Planning, Lands and Heritage, 140 William Street, Perth
- ii) City of Swan

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

Nine submissions, including two late submissions, were received on the amendment. An alphabetical index of all persons and organisations lodging submissions is at Schedule 1.

All the submissions received raised no objections, supported the amendment or provided comment on it. There were no objecting submissions or significant issues raised which required further consideration.

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 Determinations

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

7 Co-ordination of region and local scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land that is being zoned Urban under the MRS, to a "Development" zone (or similar) in the corresponding Local Planning Scheme.

The proponent has requested that the City of Swan Local Planning Scheme No. 17 (LPS 17) be concurrently amended to transfer the subject land to the ‘Residential Development’ zone, and the City of Swan advises that it supports the concurrent amendment, as requested. In this respect, the WAPC has resolved to concurrently amend LPS 17 to transfer the subject land to the ‘Residential Development’ zone.

8 Conclusion and recommendation

This report summarises the background to MRS minor amendment 1402/57 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the advertised amendment as shown generally on the amendment figure for Proposal 1 in Schedule 3, and in detail on the MRS Amendment Plan listed in Appendix 2, should be approved and finalised.

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

9 Ministers decision

Amendments to the Metropolitan Region Scheme using the provisions of former 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 1402/57 is now finalised as advertised and shown on WAPC Amending Plan 3.2803 and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on 1 December 2023.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1402/57

Reid Highway, Bennett Springs

Submission Number	Name
1	ATCO Gas
3	Main Roads Western Australia
5	Mines, Industry Regulation and Safety, Department of
2	Primary Industries and Regional Development, Department of
7	Transport, Department of / Public Transport Authority
4	Water and Environmental Regulation, Department of
6	Water Corporation

Late Submissions	Name
8	Biodiversity conservation and Attractions, Department of
9	Swan, City of

Schedule 2

Summary of submissions and determinations

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

Submissions: 1, 2, 3, 4, 5 & 7

Submitted by: ATCO; Department of Primary Industries and Regional Development; Main Roads Western Australia; Department of Water and Environmental Regulation; Department of Mines, Industry Regulation and Safety; Department of Transport / Public Transport Authority

Summary of Submission: NO OBJECTION, SUPPORT

The submitters do not object to or support the amendment and in some cases provide comment on the amendment which relate to matters which are most appropriately addressed in subsequent stages of the planning process.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 6

Submitted by: Water Corporation

Summary of Submission: NO OBJECTION / COMMENT

The Water Corporation raises no objection to the amendment, and advises that the water and sewer planning for the area will need to be revised to take account of the future demand of the proposed residential lots within the amendment area. It also advises that any required upgrades to the local networks will need to be undertaken by the proponent.

Planning Comment: Comments noted.

These requirements are most appropriately addressed in the subsequent local structure planning and subdivision approval stages of the planning process.

Determination: Submission noted.

Submission: 8 (Late Submission)

Submitted by: Department of Biodiversity, Conservation and Attractions

Summary of Submission: COMMENT

The Department of Biodiversity, Conservation and Attractions (DBCA) provides the following comments on the amendment:

(a) Foreshore reserve and wetlands buffers

The supporting documents for the amendment outline the existing buffer for the conservation category wetland (CCW) which contains Bennett Brook. Additionally the Local Structure Plan has accommodated a greater than 100 metre wide foreshore area for Bennett Brook and provides a 50 metre buffer to the mapped boundary of the CCW. In this respect, DBCA advises that:

- it supports the protection of foreshore areas through these areas being reserved Parks and Recreation under the MRS, as this would provide an important buffer to urban development, protect the river environment, and provide opportunities for comprehensive and coordinated foreshore management; and
- consideration should be given to the recommendations of *State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region* which relate to creek lines and Bush Forever areas.

The DBCA also advises that it is important that foreshore reservations adjacent to Bennett Brook are considered holistically and strategically, and recommends that:

- the amendment be modified to include the adjacent Lot 951 being transferred to the Parks and Recreation reservation under the MRS; and
- A site-specific foreshore area assessment be undertaken to determine the foreshore area to be transferred to the Parks and Recreation reservation.

(b) Stormwater management

The DBCA notes that the local water management strategy (LWMS) addendum prepared for the subject land proposes to direct some of the future stormwater run-off from the amendment to a bio-filter basin located within public open space. In this respect, DBCA advises that it would prefer for this stormwater run-off to be managed throughout the catchment within road reserves and at the edges of public open space areas, and recommends that the LWMS addendum be amended to provide for the at-source management of stormwater management. Subject to this modification being made, the DBCA advises that the proposed stormwater response is acceptable.

(c) Bushfire planning

The DBCA notes that *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values, and that the associated *Guidelines for Planning in Bushfire Prone Areas* recommends that any such measures should not impact on the environmental values of foreshore areas. In this respect, DBCA recommends that the bushfire management plan (BMP) for the subject land [prepared in support of the *Bennett Springs East Structure Plan*] should be modified in a manner which appropriately accommodates any future rehabilitation of the foreshore area.

(d) Wastewater management

The DBCA notes that it will be required that a reticulated sewer service will be provided to any future development within the amendment area, pursuant to the recommendations of the draft *State Planning Policy 2.9 – Planning for Water* and the *Government Sewerage Policy*.

Planning Comment:

(a) Foreshore reserve and wetland buffers

Comments noted, but not supported at this time. However, matters relating to the determination of an appropriate foreshore area for, and the protection of the environmental values of Bennett Brook are generally beyond the scope of the assessment of this MRS amendment, given that these areas are located outside of the amendment area. This notwithstanding, it should be noted that the State Planning Framework, and other relevant policy requirements, appropriately provide for the protection of the environmental values wetlands and waterways and any associated buffer areas through the preparation and assessment of local structure plans. As a result, it is not essential for such areas to be reserved Parks and Recreation under the MRS to ensure the protection of any significant environmental values.

Furthermore, it would not be appropriate to modify the amendment to include part of the adjacent Lot 951, as suggested, as this would require the amendment to be reconsidered by WAPC and the Environmental Protection Authority and then readvertised for public comment, which would essentially have the effect of recommencing the amendment process.

(b) Stormwater management

Comments noted. However, this matter is most appropriately addressed in the assessment of any future local structure plan for the subject or modification to the abovementioned LWMS addendum.

(c) Bushfire planning

Comments noted. However, this matter is generally beyond the scope of the assessment of this amendment, given that the subject land is not identified as a bushfire prone area. As such, it is not necessary for this matter to be considered or addressed in the assessment of the amendment.

(d) Wastewater management

Comments noted. This matter is most appropriately addressed in the subsequent local structure planning and subdivision approval stages of the planning process.

Determination: Submission noted.

Submission: 9 (Late Submission)

Submitted by: City of Swan

Summary of Submission: NO OBJECTION

The City of Swan raises no objections to the amendment and provides the following comments:

- (a) The City supports the concurrent amendment of LPS 17, pursuant to section 126(3) of the *Planning and Development Act 2005*, to transfer the amendment area to the 'Residential Development' zone.

- (b) It is recommended that the protection of the adjacent Bush Forever site [Bush Forever Area 305] should be addressed as part of any future amendment to the *Bennett Springs East Structure Plan*.
- (c) The City has resolved to enter into negotiations with Mirvac (WA) Pty Ltd to initiate a variation to the existing development contribution deed for the Iluma Estate.

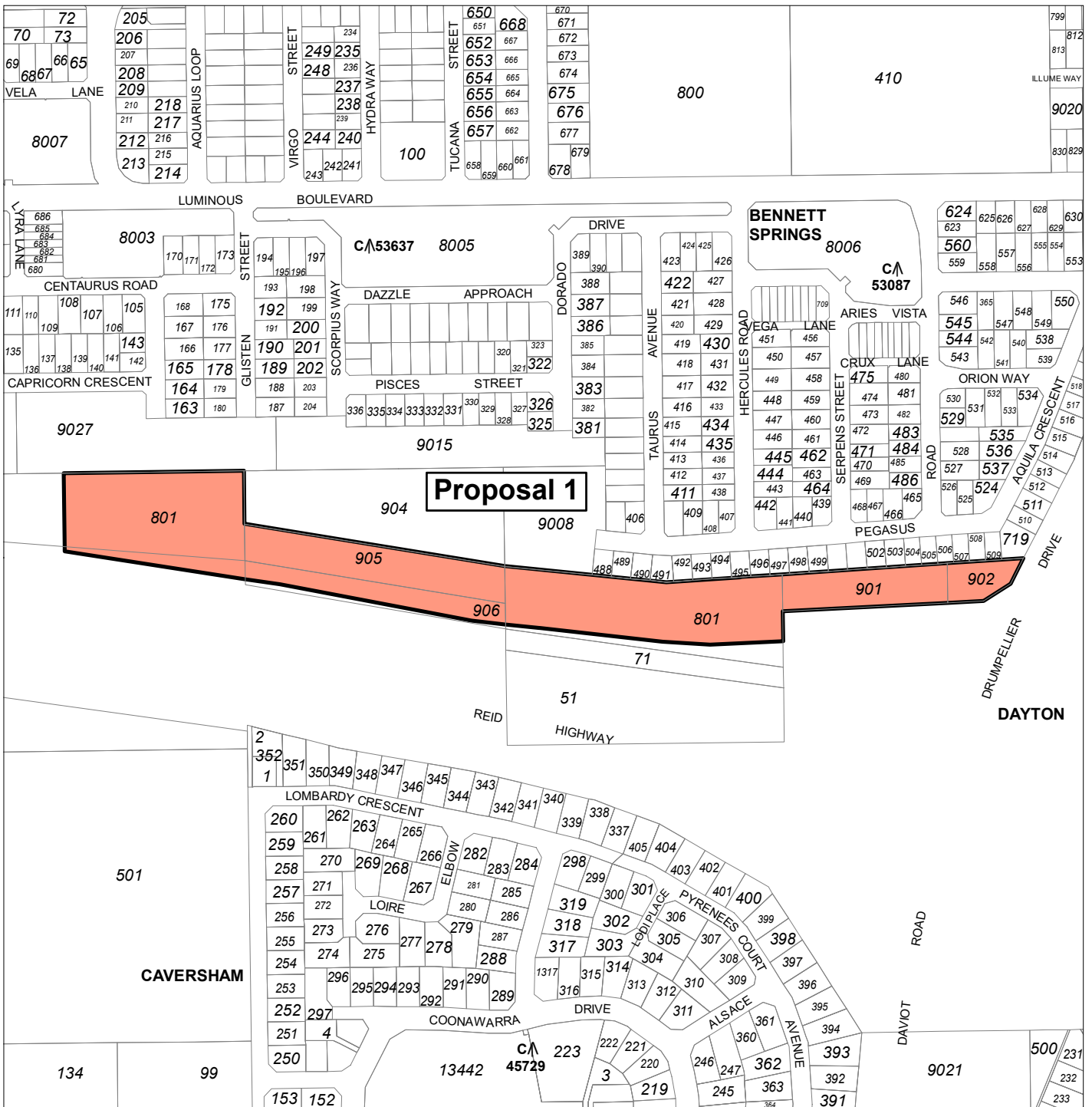
Planning Comment:

- (a) Comment noted. Refer to “Part 7 - Co-ordination of region and local scheme amendments” of the Report on Submissions.
- (b) Comment noted. This matter is most appropriately addressed in the assessment of any future modification to the *Bennett Springs East Structure Plan*.
- (c) Comment noted.

Determination: Submission noted

Schedule 3

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



**Rationalisation MRS Reservations - Reid Highway, Bennett Springs
Proposed minor amendment
as advertised**

22 February 2023

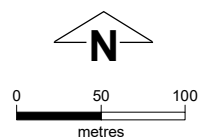
Proposal 1

Proposed Amendment:

 Urban zone

Oracle reference no: 4214

Version number: 1



Appendix 1

List of detail plans as advertised

**Metropolitan Region Scheme
Amendment 1402/57**

Reid Highway, Bennett Springs

as advertised

Amending Plan 3.2803

Detail Plans

1.6122

Submissions

From: [Crowson, Chris](#)
To: [Region Planning Schemes](#)
Subject: ATCO Response - LM23454 Advertising of Proposed MRS Amendment 1402/57 - Reid Highway, Bennett Springs (833/2/21/139 Pt 1)
Date: Friday, 16 June 2023 12:56:12 PM
Attachments: [image002.png](#)

Good afternoon

Re: Advertising of Proposed MRS Amendment 1402/57 - Reid Highway, Bennett Springs (833/2/21/139 Pt 1)

ATCO Reference: LM23454

ATCO Gas Australia (ATCO) has no objection to the proposed application, based on the information and plan provided.

Advice notes:

1. Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- *Additional Information for Working Around Gas Infrastructure* <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
2. Proposed construction and excavation works need to be managed in accordance with the ATCO document *Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24* <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>

Please accept this email as ATCO's written response.

Should you have any queries regarding the information above, please contact us on 13 13 56 or eservices@atco.com.

Kind Regards

Chris Crowson

Land Management Coordinator

Gas Division

E. chris.crowson@atco.com

A. 81 Prinsep Road, Jandakot, Western Australia 6164



ATCO.com.au [LinkedIn](#) [Facebook](#) [Twitter](#)

-
ATCO acknowledges the Traditional Owners of country throughout Australia and their continuing connection to land, sea and community. We pay respect to their Elders past, present and emerging, and in the spirit of reconciliation, we commit to working together for our shared future.

From: Region Planning Schemes <regionplanningschemes@dplh.wa.gov.au>
Sent: Wednesday, 14 June 2023 11:34 AM
To: Engineering Services <eservices@atco.com>
Subject: LM23454 Advertising of Proposed MRS Amendment 1402/57 - Reid Highway, Bennett Springs (833/2/21/139 Pt 1)

****Caution – This email is from an external source. If you are concerned about this message, please report using Phish Alert Button in your Outlook for analysis.****

OFFICIAL

Dear Sir/Madam

Proposed Metropolitan Region Scheme Amendment 1402/57 - Reid Highway, Bennett Spring

Please see attached notification letter for the above amendment which is currently on advertising for public submissions. For your information below is the link to the online display:-

[MRS Minor amendment 1402/57 – Reid Highway, Bennett Springs \(www.wa.gov.au\)](http://www.wa.gov.au)

Kind regards

Houaida Baghdadi

Schemes Officer | Land Use Planning

Department of Planning, Lands and Heritage

140 William Street, Perth WA 6000

wa.gov.au/dplh | 6551 9573 | |



The Department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

The Department acknowledges the Aboriginal people 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: Heather Percy <Heather.Percy@dpiird.wa.gov.au>
Sent: Friday, 23 June 2023 9:50 AM
To: Region Planning Schemes; Brett Pye
Subject: DPIRD Comments - Proposed Metropolitan Region Scheme Amendment 1402/57
Attachments: DPIRD LUP 1633 WAPC - Advertising of Proposed MRS Amendment 140257 - Reid Highway Bennett Springs (A10854696).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Attention: Brett Pye

Please find attached comments from the Department of Primary Industries and Regional Development (DPIRD) about MRS 1402/57.

Regards Heather

Heather Percy | Principal Research Scientist
Agriculture Resource Management and Assessment
Department of Primary Industries and Regional Development
1 Verschuer Place, Bunbury WA 6230
t +61 (0)8 9780 6262 | m +61 (0)429 378 851 | w dpiird.wa.gov.au



Protect
Grow
Innovate



DPIRD acknowledges the Traditional Custodians of Country, the Aboriginal people of the many lands that we work on and their language groups throughout Western Australia and recognise their continuing connection to the land and waters.

We respect their continuing culture and the contribution they make to the life of our regions and we pay our respects to their Elders past, present and emerging.

Artwork: "Kangaroos going to the Waterhole" by Willarra Barker.

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Department of
**Primary Industries and
Regional Development**

Your reference: 833-2-21-139 Pt
1 (RLS/1070)
Our reference: LUP 1633
Enquiries: Heather Percy

Attention: Brett Pye

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

RegionPlanningSchemes@dplh.wa.gov.au

16 June 2023

Dear Ms Fagan

**Proposed Metropolitan Region Scheme Amendment 1402/57
Reid Highway, Bennett Springs**

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposed scheme amendment.

DPIRD does not object to the proposal as the proposed changes do not impact primary industries or regional areas.

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

From: Belinda Hill <belinda.hill@mainroads.wa.gov.au>
Sent: Friday, 30 June 2023 3:11 PM
To: Region Planning Schemes
Cc: Brett Pye
Subject: Main Roads response - Proposed MRS Amendment 1402/57 Reid Highway, Bennett Springs
Attachments: Main Roads Response MRS Amendment Rationalisation of MRS Reservations Reid Highway Bennett Springs RLS1070.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon,

Please find attached Main Roads response on the above matter.

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



Enquiries: Belinda Hill on (08) 9323 4572
Our Ref: 23/4439 (D23#617417)
Your Ref: 833-2-21-139 RLS/1070

30 June 2023

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

Email: mrs@dplh.wa.gov.au

Dear Sir,

PROPOSED MRS AMENDMENT – RATIONALISATION OF MRS RESERVATIONS, REID HIGHWAY, BENNETT SPRINGS - REQUEST FOR COMMENTS

Thank you for your correspondence dated 8 June 2023 inviting Main Roads to comment on the above inquiry.

Main Roads has no objection to the proposed MRS Amendment to rezone the subject area from "Primary Regional Roads and Railways" to "Urban".

Main Roads notes that the proposed boundary of the subject land aligns with the area that Main Roads has advised is not required for the grade separation of the Reid Highway and Drumpellier Drive intersection. The grade separation of this intersection is a funded project and further information can be found at <https://www.mainroads.wa.gov.au/projects-initiatives/all-projects/metropolitan/reid-hwy-interchanges/>.

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

If you require any further information please contact Strategic Planning Officer Belinda Hill on (08) 9323 4572 or via email at belinda.hill@mainroads.wa.gov.au.

Yours sincerely


Lindsay Broadhurst
Director Road Planning

From: Bree Lyons <bree.lyons@dwer.wa.gov.au>
Sent: Thursday, 6 July 2023 8:30 AM
To: Region Planning Schemes
Subject: Advertising of Proposed MRS Amendment 1402/57 - Reid Highway, Bennett Springs (833/2/21/139 Pt 1)

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from bree.lyons@dwer.wa.gov.au. [Learn why this is important](#)

To whom it may concern,

The Department of Water and Environmental Regulation has assessed MRS Amendment 1401/57 and has no objections.

Kind regards,

[Bree Lyons](#)
Senior Natural Resource Management Officer
Swan Avon Planning Advice

Please note I work Monday and Wednesday

[Department of Water and Environmental Regulation](#)

Swan Avon Region

7 Ellam St, Victoria Park, WA 6100

T: (08) 6250 8035 | F: (08) 6250 8050

E: bree.lyons@dwer.wa.gov.au | www.dwer.wa.gov.au

Twitter: [@DWER_WA](#)



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From: BATTY, Steven <Steven.BATTY@dmirs.wa.gov.au>
Sent: Tuesday, 1 August 2023 1:01 PM
To: Region Planning Schemes
Subject: MRS - Amendment 1402/57 - Reid Highway Bennett Spring
Attachments: 000579.Steven.BATTY.pdf

Your Ref: 833-2-21-139 Pt 1 RLS/1070
Our Ref: A0148/202301

Dear Add name of CEO

MRS - Amendment 1402/57 - Reid Highway Bennett Spring

Please find attached our letter of comment.

Yours sincerely

Steven Batty | Senior Geologist
Geological Survey and Resource Strategy Division

Department of Mines, Industry Regulation and Safety
100 Plain Street East Perth WA 6004
Tel: +61 8 9222 3104
steven.batty@dmirs.wa.gov.au | www.dmirs.wa.gov.au



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

We acknowledge Aboriginal and Torres Strait Islander people as the Traditional Custodians of this land on which we deliver our services. We pay our respects to elders and leaders past and present.

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Mr Brett Pye
Senior Planning Officer
Department of Planning, Lands and Heritage
Sent by Email — RegionPlanningSchemes@dplh.wa.gov.au
Locked Bag 2506 Perth WA 6001

Dear Brett Pye

MRS - AMENDMENT 1402/57 - REID HIGHWAY BENNETT SPRING

Thank you for your letter dated 8 June 2023 inviting comment on the MRS - Amendment 1402/57 - Reid Highway Bennett Spring.

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

Steven Batty
Senior Geologist
Mineral and Energy Resources Directorate
01 August 2023

Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

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



Your Ref: 833-2-21-139 Pt1 (RLS/1070)
Our Ref: 145253169 (MRS392290)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Email: land.planning@watercorporation.com.au

09 August 2023

Secretary
Western Australian planning Commission
Locked Bag 7506
PERTH WA 6001

Attention: Brett Pye

**Proposed MRS Amendment 1402/57 ‘
Rationalisation of PRR Reid Highway, Bennett Springs**

I refer to your correspondence of 8 June 2023 inviting comments on the above MRS amendment.

The Water Corporation has no objections to the proposed rationalisation of the PRR reservation.

Previous Water Corporation advice on the servicing aspects of the proposal is contained in the proponent’s servicing report. The proposed residential lots that will arise from the subdivision indicated in the amendment report will place additional demands on the Corporation’s local water and sewer networks. The water and sewer planning for the area will need to be revised to take account of the future demands from these proposed lots. Any upgrades required to the local networks to service the additional lots will need to be undertaken by the proponent.

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 Planner
Development Services

From: Golestani, Shanthi <Shanthi.Golestani@transport.wa.gov.au>
Sent: Thursday, 10 August 2023 1:24 PM
To: Region Planning Schemes
Subject: DoT response Proposed MRS Amendment 1042/57 Reid Hwy Bennet Springs

OFFICIAL

Your ref: RLS/1009)
Our ref: DT/15/05120
Enquiries: Shanthi Golestani (9216 8774)

Ms Sam Fagan
Secretary
Western Australian Planning Commission
140 William St, Perth WA 6000
By email: regionplanningschemes@dplh.wa.gov.au

Attn: Brett Pye

Dear Ms Fagan

RE: PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1402/57– Reid Hwy, Bennett Springs

Thank you for your letter dated 8 June 2023 inviting the Department of Transport (DoT) to provide comment on the above proposed development. The Urban Mobility (UM) division of DoT and the Public Transport Authority (PTA) have reviewed the submitted documents and advise that, given the nature of the proposed amendments, DoT and the PTA support the proposal in principle.

Land within the amendment area was originally reserved for Railways and Primary Regional Roads under the MRS as part of the planned alignment of the Morley - Ellenbrook railway line (MEL) and part of a road interchange for Reid Highway and Drumpellier Drive. The MEL is now being constructed along a different alignment located to the north of the amendment area, and the MEL project identifies a future station site at Bennett Springs East, some 800 metres north of the subject site. Construction of this station is outside of the currently funded scope of the MEL project.

The proposed urban area falls within the walkable catchment of the future Bennett Springs East station site, giving opportunity for transit oriented precinct design and encouraging use of alternative transport modes. It is, therefore, necessary to ensure transport networks and the surrounding land uses are developed cohesively, to achieve positive urban design outcomes.

DoT and the PTA, therefore, request the opportunity to provide comment at structure planning stage with particular regard to access and infrastructure between Bennett Springs East train station precinct and the future urban area.

We understand Main Roads WA have no objection to the proposal and have sent their response directly.

If you wish to follow up, please do not hesitate to contact me on 9216 8774.

Kind regards,

Shanthi Golestani (Wed-Fri)
Transport Designer / Planner | Urban Mobility | Department of Transport
GPO Box C102, Perth WA 6839

Email: Shanthi.Golestani@transport.wa.gov.au | Web: www.transport.wa.gov.au



We acknowledge the Traditional Custodians of this land and pay respect to the Elders past, present and future.
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From: Anthony Muscara
Sent: Thursday, 17 August 2023 9:37 AM
To: Region Planning Schemes
Subject: FW: Proposed Metropolitan Region Scheme Amendment 1402/57 - Reid Highway, Bennett Spring
Attachments: 230816_DBCA ADVICE - Comment MRS Amt - Reid Highway Bennett Springs.pdf; 230113_DBCA ADVICE - Prelim Comment MRS Amt - Reid Highway Bennett Springs (1).pdf
Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Note submission.

Anthony Muscara

Principal Planner | Land Use Planning

Department of Planning, Lands and Heritage

140 William Street, Perth WA 6000

wa.gov.au/dplh | 6551 9441 | |



The Department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

The Department acknowledges the Aboriginal people 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: Hayley Williams <hayley.williams@dbca.wa.gov.au>

Sent: Thursday, 17 August 2023 9:20 AM

To: Anthony Muscara <Anthony.Muscara@dplh.wa.gov.au>

Cc: Rivers Planning <rivers.planning@dbca.wa.gov.au>

Subject: Proposed Metropolitan Region Scheme Amendment 1402/57 - Reid Highway, Bennett Spring

Good morning Anthony,

Please refer to attached correspondence for DBCA advice on the proposed MRS Amendment.

Kind regards,

Hayley Williams | Senior Planner | Statutory Assessments Unit

Rivers and Estuaries Branch | Department of Biodiversity, Conservation and Attractions

17 Dick Perry Avenue, Kensington WA 6151

Locked Bag 104, Bentley Delivery Centre 6983

P: 9278-0905 E: hayley.williams@dbca.wa.gov.au

Web: www.dbca.wa.gov.au

Ngala kaaditj Noongar moort keyen kaadak nidja boodja.
We acknowledge the Noongar people as the original custodians of this land.



Department of Biodiversity,
Conservation and Attractions



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Western Australia.*

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Your ref: 1402/57
Our ref: 2023/3478
Enquiries: Hayley Williams
Phone: 9273-0905
Email: hayley.williams@dbca.wa.gov.au

Ms Sam Fagan
Secretary
Western Australian Planning Commission
140 Williams Street
PERTH WA 6000

Attn: Brett Pye

Dear Ms Fagan

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – LOTS 901, 902 & 905 REID HIGHWAY & PT LOT 801 BENNETT SPRINGS DRIVE, BENNETT SPRINGS

Thank you for providing the Department of Biodiversity, Conservation and Attractions (DBCA) with the opportunity to comment on the proposed Metropolitan Region Scheme (MRS) amendment received on 14 June 2023.

The proposed MRS amendment is to rezone Lots 901, 902 & 905 Reid Highway and Pt Lot 801 Bennett Springs Drive, Bennett Springs from 'Primary Regional Road' and 'Railways' reservation to 'Urban'. The subject site is located to the east of the Bennett Brook and Bush Forever Site 305.

DBCA provided pre-lodgment comments on 13 January 2023, which remain relevant to the proposed MRS amendment and is attached for your reference. In addition, a further review has been undertaken of the Amendment Report prepared by the Department of Planning, Lands and Heritage along with the supporting reports, including the Local Water Management Strategy (LWMS) addendum.

DBCA has considered the proposal against *State Planning Policy 2.10: Swan-Canning River System*, *State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region*, and the Swan Canning Development Control Area policies and provides the following comments and advice.

Foreshore Reserve and Wetland Buffers

The draft Amendment Report and supporting documents outline the existing buffer for the wetland, which contains the Bennett Brook and is mapped as Conservation Category Wetland (CCW) (UFI: 15259) in the Geomorphic Wetlands Swan Coastal Plain (GWSCP) dataset.

Although the Bennett Brook floodplain and the CCW (UFI: 15259) are not correctly aligned, the Local Structure Plan has accommodated a greater than 100-metre foreshore area for Bennett Brook and a 50-metre buffer from the mapped Conservation Category wetland boundary.

DBCA supports the existing 50-metre CCW buffer and protection of foreshore areas as 'Parks and Recreation' (P&R) reserves under the MRS. These reserves provide an important buffer to urban development, protect the river environment and associated landscape values and provide opportunities for comprehensive and coordinated foreshore management.

With regard to provision of an appropriate P&R reservation for the remainder of Lot 801, consideration should also be given to *State Planning Policy 2.8*, specifically with regard to creek lines within Bush Forever areas. Clause 5.1.2.5 provides a framework for the consideration of regionally significant bushland within Regional creek line sites and states that proposals should:

- (i) Support the protection and management of regionally significant bushland, and any related buffer and foreshore requirements, along regional creek lines in accordance with other relevant government Acts, policies and initiatives.
- (ii) Support a general presumption against the clearing of regionally significant bushland along regional creek lines, subject to other relevant government Acts, policies and initiatives.
- (iii) Ensure that any future subdivision retains regionally significant bushland along creek lines within a single lot, where possible, and avoids lot boundaries severing regionally significant bushland.

Within the broader strategic context of the subject site, it is important that foreshore reservations adjacent to Bennett Brook are considered holistically and strategically. As such, it is recommended that the proposed MRS Amendment includes Lot 951 being established as 'Parks and Recreation' (P&R) reserve concurrent with the proposed Urban zoning. As such, as part of this proposal, a site-specific foreshore area assessment should be undertaken to include the appropriate foreshore to be contained within the P&R reserve.

Stormwater Management

The LWMS addendum states that runoff generated during the first 15mm of rainfall will be managed at-source. However, the road runoff and runoff generated from lots <300m² is not proposed to be managed at-source, that is, within the road reserve. The LWMS addendum proposes to pipe road runoff and lot runoff from lots <300m² to an end-of-pipe/end-of-catchment public open space (POS) biofilter basin. The department would prefer that this runoff is managed throughout the catchment, within road reserves (e.g. in tree pits, vegetated swales and raingardens) and at the edges of public open space. However, the LWMS addendum states that the end-of-pipe biofilter basin within POS was approved as part of the overarching LWMS for the development. Whereas, the 2017 LWMS states that open bases will be used in roadside stormwater pits, and some tree pits and vegetated swales will be used in road reserves. The at-source management of stormwater runoff should therefore remain within the LWMS addendum and be incorporated within subsequent urban water management plans.

The POS8004 biofilter basin appears to be over-sized. The proposed treatment area as a percentage of the impervious catchment is 3.6%. If biofilter size is to be calculated using the percentage of the impervious catchment, standard practice is to size the biofilter at 2% of the impervious catchment. However, it is also noted that the biofilter will treat controlled groundwater discharges, so may need to be sized larger than 2% of the impervious catchment. The size of the biofilter should be justified through clear calculations within the LWMS.

The LWMS should be amended to show stormwater discharges from the POS8004 biofilter basin to a vegetated swale, not to an unvegetated drain or swale as currently proposed.

Subject to amendment of the LWMS, the proposed stormwater response is acceptable.

Bushfire Planning

State Planning Policy 3.7 – Planning for Bushfire Prone Areas (SPP 3.7) recognises the need to consider bushfire risk management measures alongside environmental, biodiversity, and conservation values. The associated *Guidelines for Planning in Bushfire Prone Areas* (Western Australian Planning Commission, 2017) states that planning proposals should satisfy bushfire protection requirements within the boundaries of the land being developed so as not to impact on the bushfire and environmental management of neighbouring foreshore reserves.

Noting the above, reserves within the Swan Canning river system are expected to be revegetated to a vegetation classification consistent with the ecological vegetation classification naturally occurring within the location. The Bushfire Management Plan (Stratagen Environmental, 2019), should therefore be amended noting that the land between the proposed urban zone and Bennett Brook should be rehabilitated as foreshore reserve. In particular, the foreshore reserve will be rehabilitated to reflect the vegetation classification of the adjoining Bennett Brook, which DBCA anticipates should be classified as a Class A Forest. This will ensure that subdivision of the subject site does not impede future revegetation efforts of the foreshore reserve and CCW buffer or prejudice the safety of the future residential community.

It is recommended that the Bushfire Management Plan is updated. In that regard, the amended Bushfire Management Plan should assume that Lot 951 to the east of Bennett Brook, will be revegetated too.

Wastewater Management

The subject site is located within a sewage sensitive area and within 1km of sensitive wetlands. It is noted that *SPP 2.9 – Planning for Water (Draft)* and the *Government Sewerage Policy* will be addressed as part of the future MRS amendment and a connection to reticulated sewerage will be required.

Thank you for providing DBCA with the opportunity to provide advice on the proposed MRS amendment. If you have any queries regarding this matter, please contact the officer above. Please quote the above reference number in all correspondence.

Yours sincerely



Greg Comiskey
Manager, Statutory Assessments

16 August 2023



Your ref: RLS/1054
Our ref: 2023/0043
Enquiries: Hayley Williams
Phone: 9273-0905
Email: hayley.williams@dbca.wa.gov.au

Ms Sam Fagan
Secretary
Western Australian Planning Commission
140 Williams Street
PERTH WA 6000

Attn: Brett Pye

Dear Ms Fagan

PRE-LOGEMENT ADVICE - METROPOLITAN REGION SCHEME AMENDMENT – LOTS 901, 902 & 905 REID HIGHWAY & PT LOT 801 BENNETT SPRINGS DRIVE, BENNETT SPRINGS

Thank you for providing the Department of Biodiversity, Conservation and Attractions (DBCA) with the opportunity to provide pre-lodgement comments on the proposed Metropolitan Region Scheme (MRS) amendment received on 8 December 2022.

DBCA has reviewed the draft Amendment Report letter prepared by the Department of Planning along with the supporting reports, including the Environmental Assessment Report - Bennett Springs East Residential Project (RPS, 2016), and Servicing Report - Iluma Private Estate, Bennett Springs Railway Reserve (JDSI, 2022).

The proposed MRS amendment is to rezone Lots 901, 902 & 905 Reid Highway and Pt Lot 801 Bennett Springs Drive, Bennett Springs from 'Primary Regional Road' and 'Railways' reservation to 'Urban'. The subject site is located to the west of the Bennett Brook and Bush Forever Site 305.

DBCA has considered the proposal against *State Planning Policy 2.10: Swan-Canning River System*, *State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region*, and the Swan Canning Development Control Area policies and provides the following comments and advice.

Strategic Planning for Foreshore Reserve

Within the broader strategic context of the subject site, it is important that foreshore reservations adjacent to Bennett Brook are considered holistically and strategically.

A future MRS Amendment should include provision of an appropriate foreshore reserve across the remaining portion of Lot 801 area taking into account connections to the foreshore area from the proposed residential development as well as ecological linkages along the Bennett Brook.

DBCA recommends that the proposed MRS Amendment be amended to include the remaining portion of Lot 801 as 'Parks and Recreation' (P&R) reserve as this represents a logical and efficient approach to rezoning the subject site.

Foreshore Reserve and Wetland Buffers

The draft Amendment Report and supporting documents outline the existing buffer from the wetland which contains the Bennett Brook and is mapped Conservation Category Wetland (CCW) (UFI: 15259) in the Geomorphic Wetlands Swan Coastal Plain (GWSCP) dataset.

Although the Bennett Brook floodplain and the CCW (UFI: 15259) are not correctly aligned the Local Structure Plan has accommodated over a 100 metre buffer from Bennett Brook and a 50 metre buffer from the mapped Conservation Category wetland boundary.

The proposed MRS amendment area is located approximately 50 metres from the edge CCW buffer.

DBCA supports the existing CCW buffer of 50 metres and protection of foreshore areas as 'Parks and Recreation' (P&R) reserves under the MRS. These reserves provide an important buffer to urban development, protect the river environment and associated landscape values and provide opportunities for comprehensive and coordinated foreshore management.

In regard to providing an appropriate P&R reservation for the remainder of Lot 801, consideration should also be given to *State Planning Policy 2.8*, specifically with regard to creek lines within Bush Forever areas. Clause 5.1.2.5 provides a framework for the consideration of regionally significant bushland within Regional creek line sites and states that proposals should:

- (i) Support the protection and management of regionally significant bushland, and any related buffer and foreshore requirements, along regional creek lines in accordance with other relevant government Acts, policies and initiatives.
- (ii) Support a general presumption against the clearing of regionally significant bushland along regional creek lines, subject to other relevant government Acts, policies and initiatives.
- (iii) Ensure that any future subdivision retains regionally significant bushland along creek lines within a single lot, where possible, and avoids lot boundaries severing regionally significant bushland.

Prior to the region scheme amendment stage, a site-specific foreshore area assessment should be undertaken to determine the appropriate foreshore width to be contained within the P&R reserve for the remaining portion of Lot 801 Bennett Springs Drive, Bennett Springs.

Stormwater Management

Stormwater management over the subject site shall address *Corporate Policy Statement 49: Planning for Stormwater Management Affecting the Swan Canning Development Control Area*, the Department of Water and Environmental Regulation's *Stormwater Management Manual for Western Australia (2004-2007)* and *Decision Process for Stormwater Management in Western Australia (2017)* and water sensitive urban design principles.

The Servicing Report (JBSI, 2022) provides limited information regarding the proposed stormwater strategy over the site. However, it does recommend that the existing Local Water Management Strategy (LWMS) (RPS, 2016) be updated to accommodate the additional 3.488ha included within the subject site. JBSI also notes that stormwater drainage for the subject site, which is currently proposed to be designed and developed as part of Stage 8, will need to be designed and constructed in accordance with the approved updated LWMS and UWMP.

Given Bennett Brook is located approximately 150 metres to the west of the site, careful consideration will be required regarding the management of potentially higher groundwater levels and environmental considerations in relation to earthworks, future roads and drainage.

As Bennett Brook is the eventual receiving environment, DBCA expects appropriate water quality outcomes to be achieved prior to discharge to the P&R reserve and brook.

Bushfire Planning

State Planning Policy 3.7 – Planning for Bushfire Prone Areas (SPP 3.7) recognises the need to consider bushfire risk management measures alongside environmental, biodiversity, and conservation values. The associated *Guidelines for Planning in Bushfire Prone Areas* (Western Australian Planning Commission, 2017) states that planning proposals should satisfy bushfire protection requirements within the boundaries of the land being developed so as not to impact on the bushfire and environmental management of neighbouring foreshore reserves. Although the proposed Urban zone does not immediately adjoin the Parks and Recreation reserve associated with Bennett Brook, DBCA recommends that the remaining portion of Lot 801 is rezoned for this purpose.

Reserves within the Swan and Canning River system are expected to be revegetated to a vegetation classification consistent with the ecological vegetation classification naturally occurring within the location. When preparing a Bushfire Management Plan for the subject site it should be assumed that the foreshore reserve (including the remaining portion of Lot 801) will be rehabilitated to reflect the vegetation classification of the adjoining Bennett Brook, which DBCA anticipates should be classified as a Class A Forest. This is to ensure that subdivision of the subject site does not impede future revegetation efforts of the foreshore reserve.

Wastewater Management

The subject site is located within a sewage sensitive area and within 1km of sensitive wetlands. It is noted that *SPP 2.9 – Planning for Water (Draft)* and the *Government Sewerage Policy* will be addressed as part of the future MRS amendment and a connection to reticulated sewerage will be required. Wastewater management over the subject site shall address *Corporate Policy Statement No. 51 – Planning for Wastewater Management Affecting the Swan Canning Development Control Area*.

Thank you for providing DBCA with the opportunity to provide pre-lodgement advice on the proposed MRS amendment. If you have any queries regarding this matter, please contact the officer above. Please quote the above reference number in all correspondence.

Yours sincerely



Greg Comiskey
Manager, Statutory Assessments

13 January 2023



23/08/2023

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

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

 cityofswan

 cityofswanwa

www.swan.wa.gov.au

Dear Sir/Madam,

**RE: METROPOLITAN REGION SCHEME AMENDMENTS 1402/57 –
CITY OF SWAN SUBMISSION**

Council, at its meeting of 9 August 2023, considered Metropolitan Region Scheme Amendment 1402/57 (Minor Amendment) Reid Highway, Bennett Springs and resolved as follows:

- 1) Raise no objection to MRS Amendment 1402/57 (Reid Highway, Bennett Springs).
- 2) Support a concurrent LPS No 17 amendment to a "Residential Development" zone which will require the *Bennett Springs East Structure Plan* (Our Ref: SWANSP/ 2016/1/B) to be amended.
- 3) Advise the WAPC that the protection of the adjacent Bush Forever site should be addressed as part of the future amendment to the Bennett Springs East Structure Plan.
- 4) Enter negotiation with Mirvac (WA) Pty Ltd to initiate a variation to the existing Developer Contribution Deed in place for the Iluma Estate, to seek relevant contribution from the approximate 3.46 hectares.

See attached for Council Minutes with further details on the City's submission.

Should you have any further enquiries in relation to this matter, please contact the undersigned of the City's Strategic Planning Business Unit.

Yours sincerely

Ian Humphrey
MANAGER STRATEGIC PLANNING

4.4 PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1402/57 – REID HIGHWAY, BENNETT SPRINGS

Ward: Altone Ward (Strategic Planning)

Disclosure of Interest: None

Authorised Officer: (Executive Director Planning and Development)

KEY ISSUES

- The Western Australian Planning Commission (**WAPC**) is seeking comment on Metropolitan Region Scheme (**MRS**) Amendment 1402/57 (Minor Amendment) Reid Highway, Bennett Springs.
- The purpose of the MRS amendment is to transfer approximately 3.46 hectares of land in Bennett Springs from the 'Railways' and 'Primary Regional Roads' (**PRR**) reservations to the 'Urban' zone in the MRS.
- Land within the amendment area was originally reserved for the planned location of the Ellenbrook railway line and an interchange for the intersection of Reid and Drumpellier Drive. This land is no longer required as the railway line is currently being constructed along a different route located approximately 900 metres to the north of the amendment area. This land is now surplus to State Government requirements.
- The proposed Urban zoning will enable the planning and development of residential and related land uses as part of the adjacent residential area in the *Bennett Springs East Structure Plan* being the Iluma Estate by Mirvac.
- MRS 1402/57 is being considered by WAPC as a minor amendment and is being advertised for public submissions from June 9 to August 11, 2023.

It is recommended that the Council advise the WAPC that it does not object to MRS Amendment 1402/57 (Reid Highway, Bennett Springs), the 'Urban' zone being concurrently zoned 'Residential Development' under the Local Planning Scheme No. 17 with the following comments:

- Concurrent LPS Amendment will require the *Bennett Springs East Structure Plan* (Our Ref: SWAN-SP/2016/1/B) to be amended.
- The adjacent Bush Forever site to be considered in the amendment of the Structure Plan.
- The City will seek a variation to the existing Developer Contribution Deed with Mirvac (WA) Pty Ltd for relevant contribution from the approximate 3.46 hectares.

BACKGROUND

The City has been requested by the WAPC to provide comment on MRS Amendment 1402/57 (Minor Amendment) – Reid Highway, Bennett Springs which covers an area of 3.46 hectares (Figure 1).

The amendment proposes to:

- a) Transfer approximately 2.61 hectares of land within Lots 801, 901, 902 and 905 Reid Highway and Lot 801 Bennett Springs Drive, Bennett Springs from the 'Railways' reservation to the 'Urban' zone under the MRS.
- b) Transfer approximately 8,500 square metres of land within Lots 801 and 906 Reid Highway and part of the Reid Highway road reserve, Bennett Springs from the 'Primary Regional Roads' reservation to the 'Urban' zone under the MRS.

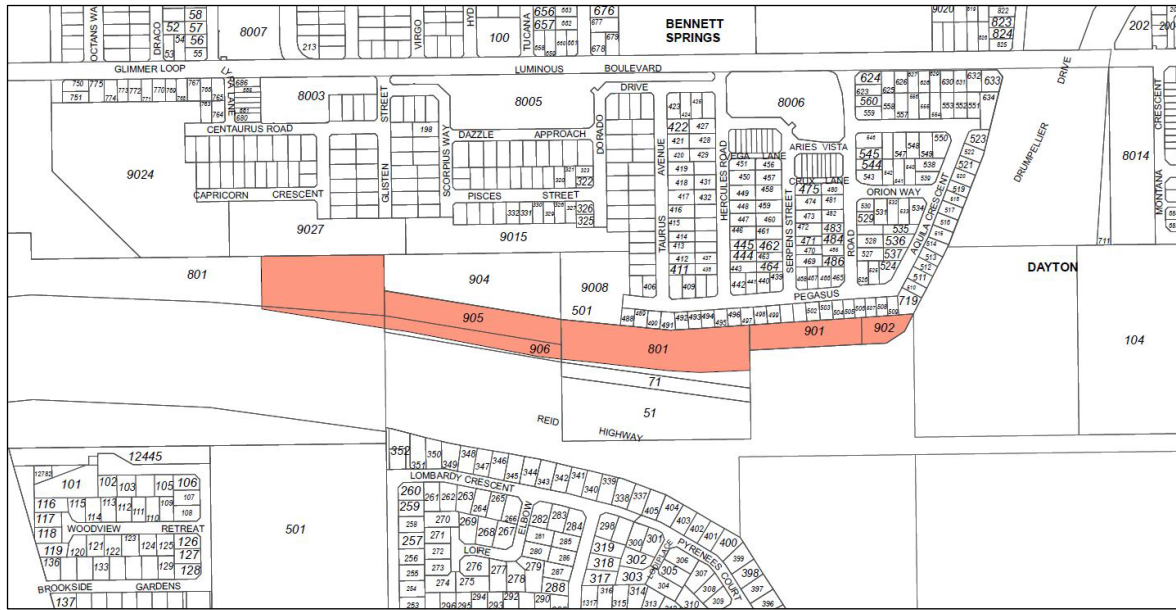


Figure 1 MRS 1402/57 Amendment Area



Figure 2 Current MRS zoning map

The amendment area was originally reserved 'Railways' and 'Primary Regional Roads' as it was the planned location of the Ellenbrook railway line and interchange for the intersection of Reid Highway and Drumpellier Drive (refer Figure 2). This land is no longer required as the

construction of the railway line is now located approximately 900 metres north of this area. As a result, the State Government is looking to divest this land as it is now surplus to requirements.

Land immediately to the north of the amendment area is zoned 'Urban' in the MRS and 'Residential Development' in the City's Local Planning Scheme No.17 and is subject to the *Bennett Springs East Structure Plan (BESP)* (Our Ref: SWAN-SP/2016/1/B). This land has mostly been subdivided and developed as the Iluma Residential Estate (Figure 3).

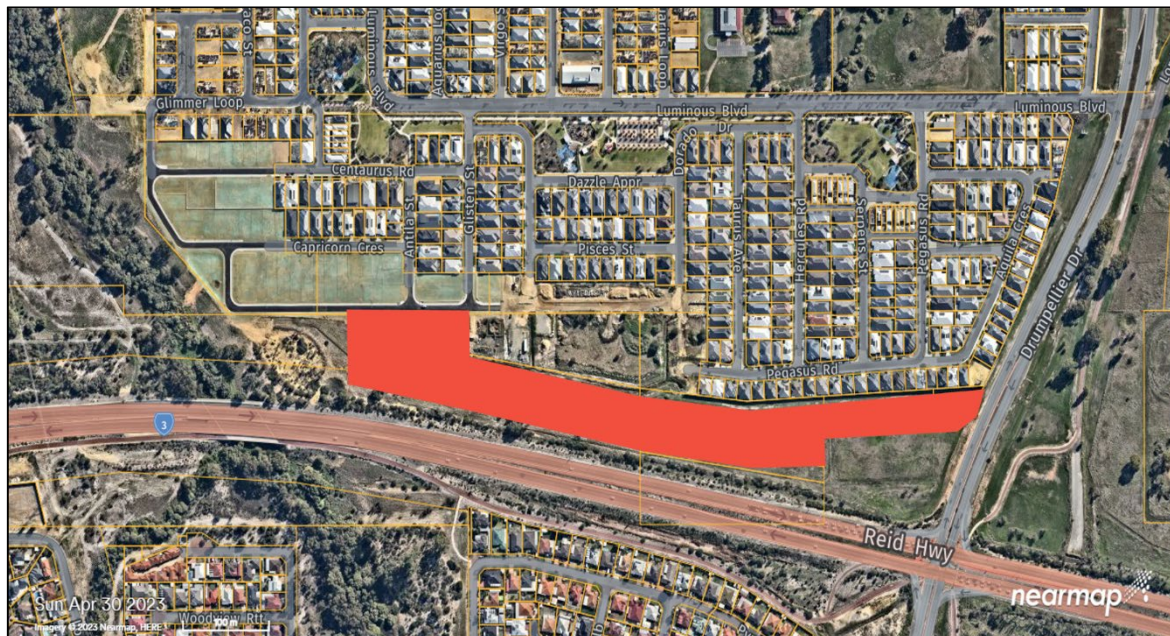


Figure 3 Aerial of MRS amendment area showing development of Iluma Residential Estate

The WAPC is currently advertising this amendment for public comment for 60 days from June 9, 2023 to August 11, 2023. This Council Report and Council Resolution will form the City's public submission.

DETAILS

Perth and Peel @ 3.5 million and North-East Sub-regional Planning Framework

The North-East Sub-Regional Planning Framework (**Framework**) identifies land within the amendment area as 'Railways' and 'Primary Distributor Road' consistent with the current reservation of this land in the MRS.

The MRS Amendment Report by the WAPC states that the proposed zoning of 'Urban' is broadly consistent with the Framework and other strategic planning documents as it (1) is consistent with the 'Urban' designation of adjacent land and (2) would represent the most appropriate land use designation for this land given it is no longer required for railway or regional road purposes.

State Planning Policy 5.4 – Road and Rail Noise

This Policy aims to minimise the adverse impact of road and rail noise which is a consideration for this site as it is located adjacent to Reid Highway.

The WAPC's report states that the amendment is consistent with State Planning Policy 5.4 (SPP 5.4) as a noise management plan indicates that any future residential development should be capable of implementing various noise mitigation measures in subsequent stages of the planning process.

Environment

The amendment area is mostly cleared and does not contain any vegetation which is required to be retained. Bennett Brook is adjacent to the amendment area and is designated as Bush Forever (Figure 4).

The proposal should consider the implications that Bush Forever may have on future subdivision design and integration.



Figure 4 Bush Forever Sites adjacent to MRS amendment area

This amendment was referred to the Environmental Protection Authority (**EPA**) and it was determined that the proposal does not need to be considered under Part IV of the EP Act.

Although formal EPA assessment was not required, it is recommended that the Bush Forever site be considered for protection in future planning.

Urban Water Management

The MRS Amendment Report states that an Addendum to the Iluma Private Estate, Bennett Springs Local Water Management Strategy has been prepared as part of this proposal. This is required to be endorsed by the Department of Water and Environment Regulation prior to finalisation of the amendment.

Water and Wastewater Infrastructure

Investigations and any required works will be undertaken in subsequent stages of the planning process. Water and Sewer planning will need to be revised to account for the increased demand on these service networks and any works will be undertaken by the proponent.

Aboriginal Heritage

The process of rezoning or reservation of land in a regional scheme is not in itself directly affected by the Aboriginal Heritage Act 1972 or the new Aboriginal Cultural Heritage Act 2022, but consideration of any protection of places and objects is still required and will be addressed in later planning stages.

The MRS amendment report states that this amendment has been referred to South West Aboriginal Land and Sea Council during the public advertising period for their comment.

Development Contribution Plan

Local Planning Scheme No. 17 (**LPS 17**) provides that a Development Contribution Plan (**DCP**) must be prepared for each Development Contribution Area and landowners within a Development

Contribution Area are required to make a cost contribution for Infrastructure Costs and Administrative Costs in accordance with the applicable Development Contribution Plan.

The City has prepared and advertised an amendment to LPS 17 which was to formally create DCA 6 and insert a Development Contribution Plan for DCA 6 (DCP) into LPS 17 (Amendment No. 140).

In May 2020, in anticipation of the refusal of Amendment No. 140 and the amendment or replacement of State Planning Policy 3.6, the City entered into a Developer Contribution Deed with Mirvac (WA) Pty Ltd to pay a developer costs contribution for each residential lot created from the subdivision of the Parent Lots, which is to be used by the City to provide community infrastructure.

In July 2020, the WAPC considered Amendment No 140 and submitted its recommendation to the Minister in accordance with section 87(1) of the Planning and Development Act 2005 (the **Act**). One of the Minister's required changes was to:

"Amend the DCP to remove land subject to the deed between the City of Swan and Mirvac dated 1 May 2020 and amended 27 May 2020 from the area subject to Amendment 140 and Development Contribution Area 6".

Since the proposed Urban zoning will enable the planning and development of residential and related land uses as part of the adjacent residential area in the *Bennett Springs East Structure Plan* being the Iluma Estate by Mirvac (WA) Pty Ltd, it is recommended that a variation to the existing Deed to seek contribution from the approximate 3.46 hectares is sought.

Concurrent LPS Amendment

Section 126(3) of the Planning and Development Act 2005 states that where a region scheme is amended to include land in an urban zone, the local government's local planning scheme (**LPS**) may be automatically amended at the local government's requests, where a development zone is proposed and the WAPC agrees to.

If the City were to support a concurrent LPS Amendment to Residential Development, the Bennett Springs East Structure Plan would be required to be amended following public consultation.

CONSULTATION

The WAPC's consultation period commenced on June 9, 2023 until August 11, 2023. In order to not delay the process, the City has received an extension till August 18, 2023 from the WAPC to allow this report to be presented to Council for resolution.

It is also understood that the developer of the Iluma Estate has held a series of meetings with residents to discuss the potential future residential development in the amendment area.

ATTACHMENTS

Metropolitan Scheme Amendment 1402/57 – Reid Highway, Bennett Springs Amendment Report
DSI 7714119

STRATEGIC IMPLICATIONS

This MRS amendment is being processed as a 'minor' amendment under the criteria set by the *Development Control Policy 1.9 - Amendment to Region Schemes* and therefore does not have major strategic implications for reasons such as it:

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

STATUTORY IMPLICATIONS

The proponent has requested that the Local Planning Scheme No 17 be concurrently amended to a Residential Development zone.

Under Section 126(3) of the *Planning and Development Act 2005*, the WAPC has the option to concurrently rezone land being zoned Urban under the MRS to a 'Residential Development' zone (or equivalent) in a LPS. The City supports this.

The WAPC will make a final decision on the concurrent amendment at the close of public submissions.

FINANCIAL IMPLICATIONS

The City has a current Developer Contribution Deed with Mirvac (WA) Pty Ltd for land under development south of Marshall Road, Bennett Springs and recommends a variation to the Deed to seek contribution from the approximate 3.46 hectares.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Council resolves to:

- 1) Advise the WAPC that it raises no objection to MRS Amendment 1402/57 (Reid Highway, Bennett Springs).
- 2) Support a concurrent LPS No 17 amendment to a "Residential Development" zone which will require the *Bennett Springs East Structure Plan* (Our Ref: SWAN-SP/2016/1/B) to be amended.

- 3) Advise the WAPC that the protection of the adjacent Bush Forever site should be addressed as part of the future amendment to the Bennett Springs East Structure Plan.
- 4) Enter negotiation with Mirvac (WA) Pty Ltd to initiate a variation to the existing Developer Contribution Deed in place for the Iluma Estate, to seek relevant contribution from the approximate 3.46 hectares.

MOTION that the Council resolve to:

- 1) Advise the WAPC that it objects to the MRS Amendment 1402/57 (Reid Hwy, Bennett Springs)
- 2) Not support a concurrent LPS 17 amendment to a "Residential Development" Zone and there will be no requirement for the Bennett Springs East Structure Plan to be amended
- 3) That the City does not enter into negotiation with Mirvac (WA) Pty Ltd to initiate a variation to the exiting Developer Contribution deed in place for the Iluma Estate, to seek relevant contribution from the approximate 3.46 hectares.
- 4) Record reason is:
 - a) The development land should not be used for residential as is too close to Reid Hwy and future residents amenity will be impacted by the noise and pollution from traffic
 - b) The land is better suited as a buffer to the residential community and can be used as public open space.

(Cr Catalano – Cr Knight)

MOTION WAS PUT TO THE VOTE AND LOST (5/6)

For: Crs Johnson Catalano, Knight Henderson and Richardson.

Against: Crs Jones, Bowman, Predovnik, Congerton, Parry, Lucas and McCullough.

MOTION to adopt the officers recommendation

(Cr McCullough – Cr Jones)

RESOLVED (7/5) TO:

- 1) Advise the WAPC that it raises no objection to MRS Amendment 1402/57 (Reid Highway, Bennett Springs).
- 2) Support a concurrent LPS No 17 amendment to a "Residential Development" zone which will require the *Bennett Springs East Structure Plan* (Our Ref: SWAN-SP/2016/1/B) to be amended.
- 3) Advise the WAPC that the protection of the adjacent Bush Forever site should be addressed as part of the future amendment to the Bennett Springs East Structure Plan.
- 4) Enter negotiation with Mirvac (WA) Pty Ltd to initiate a variation to the existing Developer Contribution Deed in place for the Iluma Estate, to seek relevant contribution from the approximate 3.46 hectares.

For: Jones, Bowman, Predovnik, Congerton, Parry, McCullough and Lucas

Against: Johnson, Catalano, Knight, Henderson and Richardson