



January 2024

Metropolitan Region Scheme Amendment **1408/57** (Minor Amendment)



Forrestdale Townsite East

Amendment Report

City of Armadale

**Metropolitan Region Scheme
Amendment 1408/57
(minor amendment)**

Forrestdale Townsite East

Amendment Report

City of Armadale



January 2024

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

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MRS Amendment 1408/57 Amendment Report
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The Metropolitan Region Scheme

What it is and how it is amended - minor

Planning Perth's future

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

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

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

The role of the WAPC?

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

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

What is the Metropolitan Region Scheme?

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

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

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

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

What is an amendment?

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

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

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

How is the Metropolitan Region Scheme amended?

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

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

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

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

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

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

Zones and reservations

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

Zones

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

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

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

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

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

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

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

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

Reservations

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

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

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

Port installations: regional maritime shipping facilities.

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

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

Civic and cultural: significant civic precincts and buildings.

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

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

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

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

What if my land is rezoned?

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

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

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

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

What if my land is reserved?

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

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

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

How can my views be heard?

You can lodge a submission during the advertised period:

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

Publications

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

Amendment report

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

Environmental review report

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

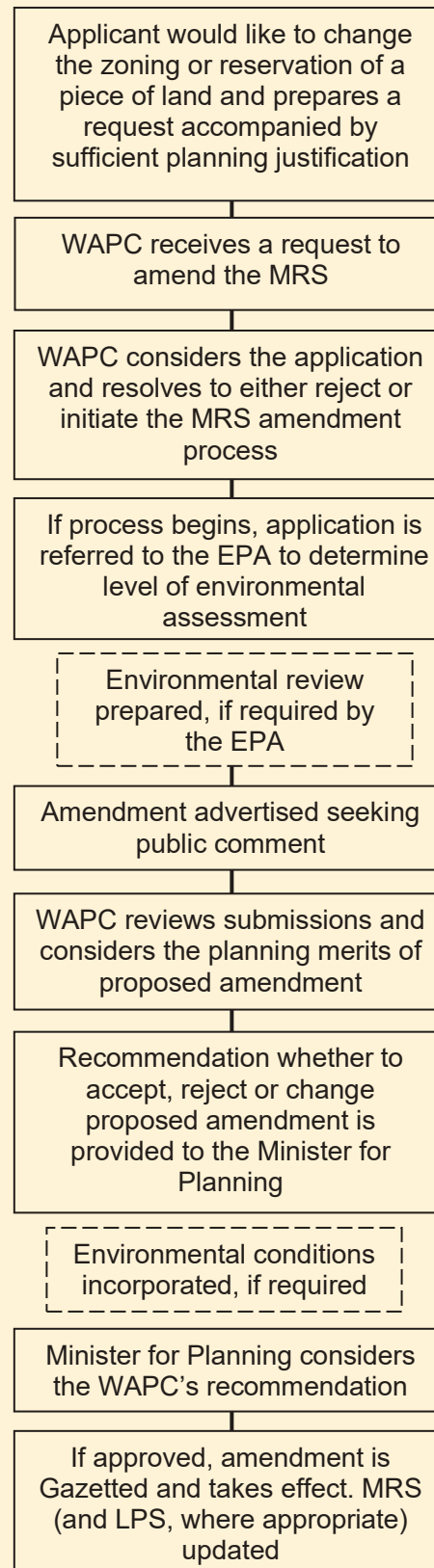
Report on submissions

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

Submissions

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

A simple diagram of the amendment process.



Abbreviations

ACH	Aboriginal Cultural Heritage
DPLH	Department of Planning, Lands and Heritage
DSP	District Structure Plan
DWMS	District Water Management Strategy
EPA	Environmental Protection Authority
LPS	Local Planning Scheme
MRS	Metropolitan Region Scheme
POS	Public Open Space
SPP	State Planning Policy
SWALSC	South West Aboriginal Land and Sea Council
TEC	Threatened Ecological Community
WAPC	Western Australian Planning Commission
WRRF	Water Resource Recovery Facility

Amendment Report

Metropolitan Region Scheme Amendment 1408/57

Forrestdale Townsite East

Amendment Report

1 Purpose

The purpose of the amendment is to rezone approximately 56.37 ha in Forrestdale from the Rural zone to the Urban and Urban Deferred zones and Primary Regional Roads and Parks and Recreation reservations under the Metropolitan Region Scheme (MRS), as shown on the *Amendment Figure - Proposal 1*.

The proposed amendment would facilitate the future residential development of the site with Public Open Space (POS) and conservation areas. It also provides for future road widening.

Lifting of Urban Deferment Requirements

The amendment is being partly zoned Urban Deferred as the following matter requires resolution prior to the transfer to the Urban zone:

- A portion of the amendment area is located within a 500 m buffer to a potential Water Corporation Wastewater Recycling Plant. Further consideration of the buffer area by the Corporation and compatible landuses will be required prior to its transfer to the Urban zone.

2 Background

The amendment proposes to rezone approximately 56.37 ha in Forrestdale from the Rural zone to the Urban and Urban Deferred zones and Parks and Recreation and Primary Regional Roads reservations in the MRS. The amendment will primarily facilitate future residential and light industrial/service commercial development and areas of POS and environmental conservation.

The proposed amendment is approximately 22 km south-east of the Perth CBD and is approximately 5.5 km west of the Armadale Strategic Metropolitan Centre. The site is generally bound by Armadale Road to the north, the original Forrestdale town site to the west and several lifestyle properties and the Forrestdale Primary School to the south. To the east of Tonkin Highway is Water Corporation land which contained the Brookdale Liquid Waste Treatment Facility and currently contains a pump station.

The amendment is partly located within part of a Multiple-Use Wetland. A Conservation Category Wetland within Lot 397 Dumsday Drive and Lots 390 and 391 Leake Street (Reserve 33940) are to be reserved as Parks and Recreation. There are no Bush Forever sites within the area.

A detailed flora and vegetation survey was undertaken for the site and the vegetation condition ranges from 'Good' to 'Completely Degraded', with the majority in 'Degraded' or poorer condition. There are no threatened or conservation flora species with one priority flora species (*Jacksonia gracillima*). A pocket of Banksia Woodland - Threatened Ecological Community (TEC) is to be retained in POS. A fauna survey confirmed the site may contain roosting, foraging habitat or hollows for Black Cockatoos.

Land use and development within the amendment area is generally controlled by the City of Armadale Local Planning Scheme No. 4 (LPS 4). The site is zoned “Rural Living 2”, “Parks and Recreation” and “Public Purposes – Water Authority” under LPS 4. The eastern portion of the site is within “Special Control Area 1 - Buffer Areas of Potential Environmental Hazard Impacts”.

3 Scope and content of the amendment

The amendment proposes to rezone various lots and reserves to facilitate future residential development. The total area subject of this amendment is approximately as follows:

- Urban zone: 40.73 ha
- Urban Deferred zone: 8.9 ha
- Parks and Recreation reservation: 4.51 ha
- Primary Regional Roads reservation: 2.23 ha

The total area the subject of this amendment is approximately: 56.37 ha.

4 Discussion

Strategic Context

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

The *Perth and Peel @ 3.5 Million* suite of planning documents makes the case for a more considered, connected, consolidated urban form. The *South Metropolitan and Peel Sub-Regional Planning Framework* (Framework) forms part of the *Perth and Peel @ 3.5 Million* strategic suite of planning documents.

The amendment area is designated “*Rural*” and “*Urban Expansion*” with a “*Short to Medium Term (2015 - 2031)*” staging timeframe. A smaller area is identified as “*Urban Investigation*” with the following matters specific to this site:

- Determine exact extent of the water resource precinct buffer.
- Determine specific employment generating land uses (e.g. bulky goods/light industry in nature) that are compatible with the water resource precinct buffer.
- Refine the specific area to be used for employment generating uses.

The “*Urban Investigation*” designation corresponds with a buffer associated with the former Water Corporation Brookdale Liquid Waste Treatment Facility to the east of Tonkin Highway.

The Corporation is currently investigating the potential of a wastewater recycling plant for this site which could have a 500 m buffer. Therefore, this area is to be zoned Urban Deferred pending further consideration of this buffer area by the Corporation and compatible landuses prior to its transfer to the Urban zone.

Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP)

The amendment area is located within the DSP and provides a district level planning framework for the locality, setting out a higher-level context for land use, major roads, commercial centres, community infrastructure and public open space.

The DSP shows the land as being relatively unconstrained and suitable for development, identifying the Amendment area largely for future urbanisation, sleeved by 'Rural Living' as a transition to Forrestdale Lake, noting that planning needs to recognise the Water Corporation proposed facility located to the east of Tonkin Highway.

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

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8) aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision making. The policy applies to the Perth Metropolitan Region and deals with two distinct subjects, being Bush Forever areas and local bushland.

A detailed flora and vegetation survey was undertaken for the site and the vegetation condition ranges from 'Good' to 'Completely Degraded' with the majority in 'Degraded' or poorer condition. No threatened or conservation flora species are located within the site with one priority flora species (*Jacksonia gracillima*). No Bush Forever sites are located within the area.

A pocket of Banksia Woodland - TEC is to be retained in POS. A fauna survey also confirmed the site may contain roosting, foraging habitat or hollows for Black Cockatoos and consideration under the *Environment Protection and Biodiversity Conservation Act 1999* will be required.

Draft State Planning Policy 2.9 - Planning for Water (Draft SPP 2.9)

Draft State Planning Policy 2.9 - Planning for Water (Draft SPP 2.9) is to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process.

The Department of Water and Environmental Regulation (DWER) has approved a District Water Management Strategy (DWMS) for the site.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7)

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

A Bushfire Management Plan has been considered by the Department of Fire and Emergency Services and it demonstrates that the site can comply with the requirements of SPP 3.7.

State Planning Policy 4.1 - Industrial Interface

State Planning Policy 4.1 - Industrial Interface provides guidance for considering proposals to rezone land for sensitive uses in the vicinity of various industry types. The objectives are to protect existing and proposed industry and infrastructure facilities from encroachment by incompatible land use that would adversely affect efficient operations, avoid land use conflict and promote compatible land uses in areas impacted by existing and proposed industry and infrastructure facilities.

The Water Corporation is investigating a potential wastewater recycling plant to be located east of Tonkin Highway and there could be the need for a 500 m buffer. Therefore, this potential buffer area is to be zoned Urban Deferred pending further consideration by the Corporation and compatible landuses prior to its transfer to the Urban zone.

State Planning Policy 5.4 - Road and Rail Noise

State Planning Policy 5.4 - Road and Rail Noise seeks to minimise the adverse impact of road and rail noise on noise-sensitive land use and/or development within the specified trigger distance of major transport corridors. The Policy also seeks to protect the functionality of the State's transport corridors by protecting them from encroaching incompatible development.

The amendment area abuts Tonkin Highway and Armadale Road and a noise assessment is to be undertaken in the subsequent local structure planning stage. This will give an understanding of future road noise and mitigation treatments such as Quiet House Design criteria and notifications on title.

Statutory Context

Infrastructure

Water Resource Recovery Facility: A portion of the amendment area is within the odour buffer of the Water Corporation's previous Westfield Water Resource Recovery Facility (WRRF). The site contains a large wastewater pumpstation with a 150 m buffer within the Corporations landholding.

The Corporation's Perth-Peel integrated water services plan provides for an integrated infrastructure strategy to secure water supply, wastewater and drainage services to 2050. This site is identified as a new inland WRRF that will provide 3 gigalitres per annum primarily for watering public open space. An odour buffer of 500 m from the boundary of the site may be required.

The Framework identifies the approximate extent of the buffer and is an issue to be addressed prior to urbanisation. Consideration should be given to employment generating uses within the buffer area. Bulky goods/light industrial uses should be considered to provide adequate separation. This approach would align with SPP 4.1 and would create a suitable transition between land uses.

Sensitive uses within the buffer of the future WRRF will compromise the size of the facility and may impact on the viability of the water source. Therefore, this potential 500 m buffer area is to be zoned Urban Deferred pending further consideration of this buffer area by the Corporation and compatible landuses prior to its transfer to the Urban zone.

Water: The subject area currently contains water mains that serve existing semi-rural properties. Most of these mains are undersized and need to be decommissioned and new reticulation mains installed to suit the new road layout and scale of development. The Corporation will need to undertake more detailed water reticulation planning should the land be rezoned. All new reticulation sized water mains must be funded by the proponent.

The DN1400 water trunk main that runs along Forest Road will need to be protected by a 10 m wide exclusion zone. This has been discussed with the developer and reflected in their amendment request.

Wastewater: The Corporation advises that a 'Type 40' Wastewater Pump Station will be required in the southern portion of the area. This is not currently funded on the Corporation's 5-year Capital Investment Program. A request to reprioritize the funding can be submitted when the development reaches the appropriate milestones and consideration will be given to inclusion in the 5-year program.

Drainage: The Forrestdale MD Arterial Drainage Scheme specifies 10-year ARI and 100-year ARI storage volumes for development of this precinct. The DWMS proposes 100-year storage volumes. These volumes and pipe diameters into the Forrestdale MD must be agreed with the Corporation at the Local Water Management Strategy stage.

Transportation: Main Roads WA advises that it is finalising plans for the grade separation of Armadale Road/Tonkin Highway and any additional road widening (if required) will need consideration prior to a final determination being made on the amendment.

5 Aboriginal cultural heritage

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

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

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

6 Coordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land being zoned Urban under the MRS to a 'Development' zone (or equivalent) in an LPS. In accordance with standard practice the WAPC will make a decision on the concurrent LPS amendment of the site after the public consultation period.

7 Substantiality

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

- The size and scale of the proposed amendment is not considered regionally significant. It does not reflect a regional change to the planning strategy or philosophy for the metropolitan region.
- The amendment generally aligns with the *Perth and Peel @ 3.5 Million / South Metropolitan and Peel Sub-Regional Planning Framework* which identifies the site as "Rural", "Urban Expansion" with a "Short to Medium Term (2015 - 2031)" staging timeframe and "Urban Investigation".
- The City of Armadale and relevant State Government agencies raise no objections to the amendment or raise matters which are routinely addressed in the subsequent more detailed stages of the planning and development process.

8 Sustainability appraisal

The proposed amendment seeks to transition rural land to a future residential area and associated public open space/conservation and road widening outcomes which is considered to provide for sustainable environmental, social and economic outcomes.

9 Environmental Protection Authority advice

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

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

10 The amendment process

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

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

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment
- completion of an environmental review (if required) to EPA instructions

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

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

11 Submissions on the amendment

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

The amendment is being advertised for public submissions for a period of 60 days from Friday 12 January 2024 to Tuesday 12 March 2024.

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

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

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

Written submissions commenting on the amendment should be sent to:

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

or by email to:-

RegionPlanningSchemes@dplh.wa.gov.au

and must be received by Tuesday 12 March 2024.

All submissions received by the WAPC will be acknowledged.

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

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

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

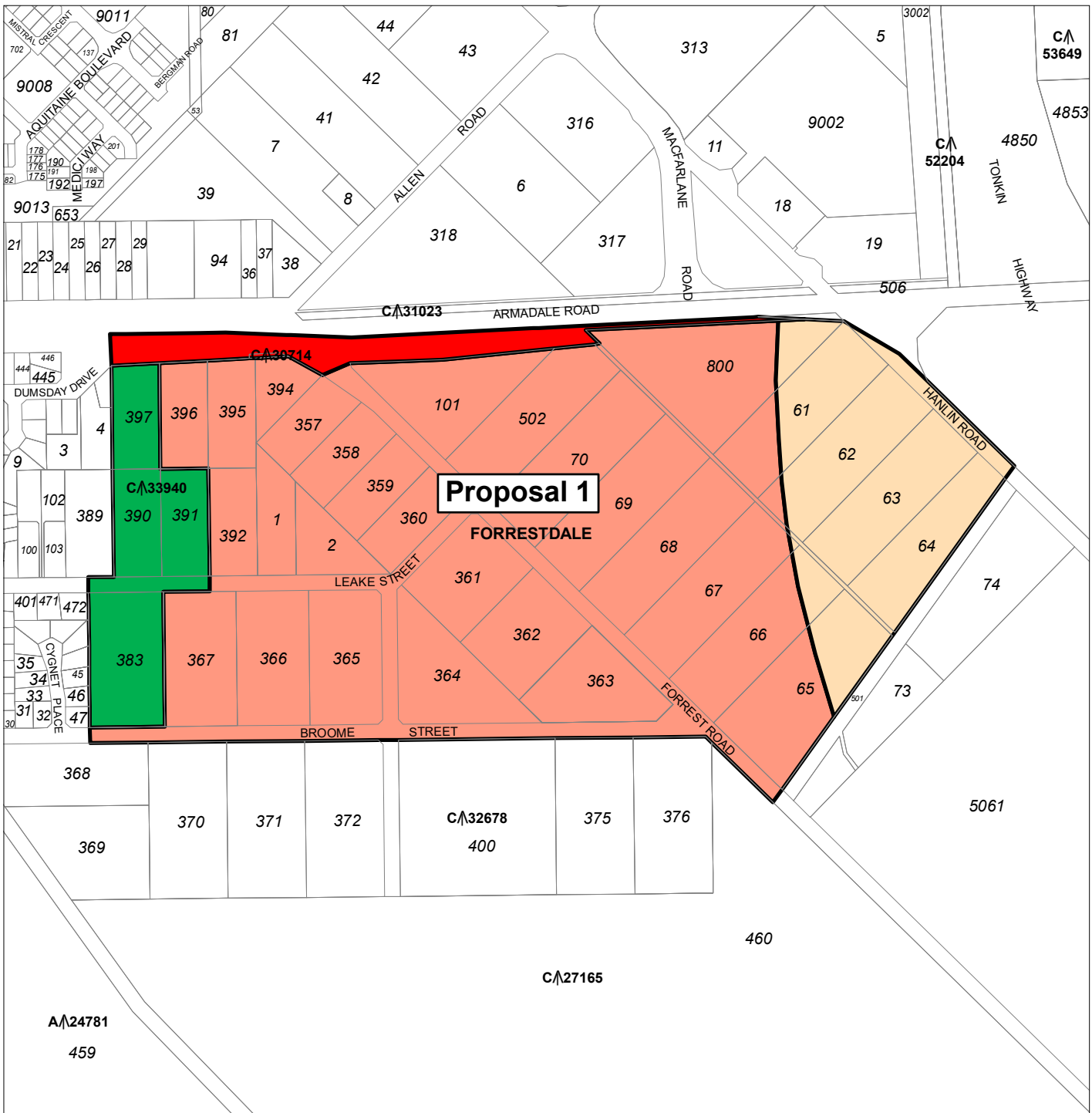
12 Modifications to the amendment

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

13 Final outcome

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

MRS Amendment 1408/57
Forrestdale Townsite East
Amendment Figure
Proposal 1



**Forrestdale Townsite East
Proposed minor amendment
as advertised**

19 July 2023

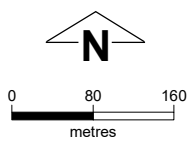
Proposal 1

- Proposed Amendment:
- Parks and recreation reservation
 - Primary regional roads reservation
 - Urban zone
 - Urban deferred zone

Oracle reference no: 4357
Version number: 3



Date: 19/06/2023
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 A

Notice of environmental assessment

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

Our Ref: APP-0000462, REC-0000376
Enquiries: Maddison Howard, 6364 6424
Email: maddison.howard@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME	Metropolitan Region Scheme Amendment 1408/57
LOCATION	Forrestdale Townsite East
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given (Not Appealable)

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

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

Please note the following:

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

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

Yours sincerely



Prof. Matthew Tonts
Chair of the Environmental Protection Authority

30 November 2023

Encl. EPA Determination
Scheme advice and recommendations



Environmental Protection Authority

s.48A Referrals

Title: Metropolitan Region Scheme Amendment 1408/57

Location: Forrestdale Townsite East

Description: The amendment proposes to rezone approximately 56 hectares of land generally bound by Armadale Road, Hanlin Road and Broome Street, Forrestdale from the 'Rural' zone, to the 'Urban' and 'Urban Deferred' zones and 'Parks and Recreation' and 'Primary Regional Roads' reservations.

Ref ID: APP-0000462

Date Received: 11/08/2023 **Date Sufficient Information Received:** 13/11/2023

Responsible Authority: Western Australian Planning Commission, 140 William Street, PERTH WA 6000

Contact: Anthony Muscara

Preliminary Environmental Factors: Flora and Vegetation, Terrestrial Fauna, Inland Waters and Social Surroundings


Potential Significant Effects: Implementation of the scheme amendment may result in the clearing of native vegetation and habitat for threatened species of black cockatoo. Implementation of the amendment may also result in impacts to a conservation category wetland (CCW), modified hydrological regime, and potential exposure of future sensitive land uses to odours from potential future use/operation of an existing Water Corporation facility outside the amendment area.

Protection: Portions of the proposed amendment area have been proposed for retention as 'Parks and Recreation' reservation, including areas of potential black cockatoo habitat and mapped CCW. Future development of the amendment area should retain potential black cockatoo habitat trees and protect areas of consolidated black cockatoo habitat as Public Open Space. Future lifting of the proposed 'Urban Deferred' zoned area should be dependent on the outcomes of further planning and environmental investigations considering potential impacts to sensitive land uses. EPA advice is provided recommending actions to protect and restore environmental values and mitigate and manage potential environmental impacts.

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

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

This Determination is not appealable.

Chair's Initials: 

30 November 2023

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

Metropolitan Region Scheme Amendment 1408/57

Location: Forrestdale Townsite East

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

Determination Published: 4 December 2023

Summary

The amendment proposes to rezone approximately 56 hectares (ha) of land generally bound by Armadale Road, Hanlin Road and Broome Street, Forrestdale from the 'Rural' zone, to the 'Urban' and 'Urban Deferred' zones and 'Parks and Recreation' and 'Primary Regional Roads' reservations.

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

Environmental Factors

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

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

Advice and Recommendations regarding the Environmental Factors

Flora and Vegetation, Terrestrial Fauna

The amendment area consists largely of planted, scattered *Eucalyptus camaldulensis* trees (river red gums) on mostly cleared lands which have historically been the subject of rural land uses and low-density housing development. A patch of Banksia woodland of the Swan Coastal Plain ecological community (state-listed priority 3; threatened under the *Environment Protection and Biodiversity Conservation Act 1999*) extends into the southern portion of the amendment area. The patch represents an approximately 0.9 ha portion of the larger occurrence of Banksia woodland of the Swan Coastal Plain ecological community to the south of the amendment area.

The amendment area also contains occurrences of a priority 3 flora species (*Jacksonia gracillima*), and foraging habitat and potential roosting habitat for threatened species of black cockatoo. Twelve potential habitat trees within the amendment area contain hollows, some of which may be considered suitable for black cockatoo breeding.

With regard to the above, the EPA considers that implementation of the proposed amendment may result in the clearing of native vegetation, including a portion of state priority ecological community and threatened fauna habitat, to provide for future residential development.

To mitigate impacts to terrestrial environmental values, the EPA notes that approximately 4.5 ha of the amendment area is proposed for transfer to the 'Parks and Recreation' reserve, which will provide for the retention of:

- Potential black cockatoo habitat, including three trees with hollows considered suitable for black cockatoo breeding.
- 10 of the 11 recorded occurrences of *Jacksonia gracillima* priority 3 flora species within the amendment area.
- Wetland vegetation providing contiguity and connection with existing neighbouring reserves and Bush Forever site.

The EPA supports the proposed additions to the 'Parks and Recreation' reservation, and recommends that potential impacts to threatened and priority fauna and ecological communities may be further mitigated through:

- Prioritising designation of 'public open space' (or equivalent) areas over remnant native vegetation, threatened fauna habitat, and occurrences of ecological communities at future planning stages, including through future amendment/s to City of Armadale Local Planning Scheme 4 (LPS 4).
- Where possible, integrating the retention of mature river red gum trees as part of future development planning.
- Undertaking revegetation works in 'public open space' and 'Parks and Recreation' reserve areas, using locally endemic species and vegetation that provides habitat for threatened fauna.
- Excluding future drainage/stormwater management infrastructure from areas of remnant (consolidated) native vegetation.

The EPA also advises that some small patches of remnant native vegetation within the amendment area are demonstrative of the Southern River vegetation complex. Based on current known extents, only 18.4% of the Southern River complex extent remains on the Swan Coastal Plain. As such, retention of vegetation representative of the complex should be prioritised as part of future planning stages and development.

Inland Waters

The amendment area is located approximately 240 metres (m) northeast of the Forrestdale Lake, a Conservation category wetland (CCW) (UFI: 7479) and Ramsar-listed wetland. The referred District Water Management Strategy (DWMS) states that groundwater flows within the amendment area are north to north-easterly, away from Forrestdale Lake. Similarly, surface water flows away from Forrestdale Lake to Baileys Branch Drain, and discharges to the Forrestdale Main Drain (FMD). The northwestern portion of the amendment area also contains a mapped CCW (UFI: 13140).

Whilst implementation of the scheme amendment has the potential to result in the degradation of a CCW (UFI: 13140) and modification of the local hydrological regime, the EPA notes that the proposed transfer of the entirety of the mapped extent of the CCW (UFI: 13140) to 'Parks and Recreation' reservation will assist in mitigating potential impacts. The EPA also notes that the DWMS has been reviewed and endorsed by the Department of Water and Environmental Regulation, and that a subsequent Local Water Management Strategy and Urban Water Management Plan will be prepared at future planning stages.

The EPA also provides the following advice for consideration at future planning stages to further mitigate potential impacts to the CCW:

- Undertake a wetland assessment to confirm the nature of the wetland values and the adequacy of the proposed wetland buffer.
- Consider measures to protect the wetland buffer through designation as 'public open space' (or equivalent).
- Prepare wetland management plan including detail on revegetation within the wetland buffer, and to guide future management and ongoing protection of the wetland.

Social Surroundings

At its nearest point, the proposed amendment area is located approximately 200 metres (m) west of a Water Corporation facility at 66 Waterworks Road, Haynes. This site has historically been utilised for various iterations of wastewater treatment and sewer pump stations. The EPA understands that the Water Corporation may be investigating new water treatment and recycling options for the site. In considering historic proposals for similar land uses at this site, the EPA notes that future development of a recycling water treatment plant may result in odorous emissions to nearby sensitive receptors. Potential impacts may be exacerbated by the intensification of urban development within the proposed MRS amendment area.

The EPA notes that the City of Armadale's LPS 4 already requires a 500 m 'Sewerage Septage Treatment Plant Buffer' around the site through provisions for Special Control Area 1 and that the buffer requirement is a legacy provision associated with the operation of historic land uses at the site, that have since been decommissioned. Notwithstanding, noting the uncertainties around the potential future use of this site (and associated development requirements), the proposed MRS amendment has provided for 'Urban Deferred' zoning over the 8.9 ha portion of land that intersects both the 500 m buffer and the proposed amendment area boundaries.

Accordingly, the EPA supports the retention of the generic buffer and the proposed transitional zoning as precautionary measures to assist in mitigating potential future land use conflicts. The EPA understands that lifting the transitional zoning would be subject to further consideration of the buffer area and compatibility of future land uses.

Concurrent Amendment

The EPA notes the referral documentation and additional information provided states that a concurrent amendment to the City of Armadale LPS 4 will not be requested from the WAPC as part of the proposed MRS amendment. The EPA supports this approach, noting that opportunities to further mitigate and manage impacts to abovementioned environmental values may become available through a future LPS 4 amendment process. Including, for example, through the modification of scheme text and/or identification of POS areas.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA environmental objectives for the above factors through existing and proposed scheme controls. The EPA also notes that further impacts may be mitigated through future planning requirements, including through amendments to the local planning scheme text, development of local structure plan/s, and other statutory processes. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.

Appendix B

List of plans supporting the amendment

**Metropolitan Region Scheme
Amendment 1408/57
Forrestdale Townsite East
as advertised
Amending Plan 3.2813**

Appendix C

Your property and the planning system - region schemes

Your property and the planning system – region schemes

Rights to compensation in relation to reserved land

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

Region schemes

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

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

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

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

How do you amend a region scheme?

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

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

Planning Control Area

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

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

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

What if your land is proposed to be reserved?

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

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

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

Am I entitled to claim compensation?

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

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

What is injurious affection?

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

How do I claim compensation?

1. Private sale

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

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

Following the board's decision:

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

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

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

2. Refused development

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

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

What is compulsory acquisition?

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

How can I view a region scheme?

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

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

This information is correct as at January 2019.

Appendix D
Preparing a submission

Preparing a submission

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

What is a submission?

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

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

What should I say?

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

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

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

Before lodging your submission

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

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

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

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

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

Appendix E

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

