

August 2024

Metropolitan Region Scheme Amendment 1430 (Basic Amendment)



Mitchell Freeway Osborne Park Rationalisation

Report on Submissions
Submissions

City of Stirling

**Metropolitan Region Scheme
Amendment 1430
(Basic Amendment)**

Mitchell Freeway Osborne Park Rationalisation

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Submissions**

City of Stirling



August 2024

The Western Australian Planning Commission acknowledges Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters, and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

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MRS Amendment 1430 (Basic) Report on Submissions
Submissions

File RLS/1139

Published August 2024

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This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.

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Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1430 (Basic)

Mitchell Freeway Osbourne Park Rationalisation

Report on Submissions

1 Introduction

On 29 May 2024, the Western Australian Planning Commission (WAPC) resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS), and to treat it as a basic amendment in accordance with the provisions of section 35 of the *Planning and Development Act 2005* and regulation 6 of the Planning and Development (Region Planning Schemes) Regulations 2023.

2 The proposed amendment

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

The amendment proposes the transfer of approximately 1.19 hectares of land from the Primary Regional Roads reservation to the Industrial and Urban zones, under the MRS.

The proposed amendment will rationalise the extent of the Primary Regional Roads reservation for this section of the Mitchell Freeway, consistent with Main Roads Western Australia (MRWA) land requirements and complement the existing Industrial and Urban development of the land within the amendment area.

3 Environmental Protection Authority advice

On 14 June 2024, the Environmental Protection Authority (EPA) determined that the amendment did not require assessment under Part IV of the *Environmental Protection Act 1986*.

A copy of the notice from the EPA is in Appendix A of the **Amendment Report**.

4 Call for submissions

The amendment was advertised for public submissions for a total of 14 days from 26 June 2024 to 10 July 2024.

The amendment was made available for public inspection online at the Department of Planning, Lands and Heritage website. During the public inspection period the WAPC made reasonable attempts to directly notify and invite affected landowners, Local Government(s), and other public authorities to comment on the proposed amendment.

5 Submissions

Eight submissions (including two late submissions) were received on the amendment. All submissions received either raised no objections to the amendment or provided comments of support and advice. There were no objecting submissions or significant issues raised which require further consideration.

A complete copy of all written submissions are contained within this report.

6 Responses and determinations

The responses to all submissions are detailed in Schedule 2. It is recommended the amendment be adopted for finalisation as advertised.

7 Coordination of region and local scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* (the Act), the WAPC has the option of concurrently rezoning land being zoned Urban under the Metropolitan Region Scheme, to a zone which is consistent with the objective of the Urban zone in the corresponding local planning scheme. The WAPC's option to concurrently rezone land is limited to Proposals 2 and 3, as section 126(3) does not apply to land being zoned Industrial under the Metropolitan Region Scheme (Proposal 1).

The City of Stirling requested that the LPS 3 zoning remain as 'no zone' as per clause 4.13. The City noted this is an interim approach, with the City's progression of draft Local Planning Scheme No. 4 which will apply the appropriate Local Planning Scheme zones once adopted.

Therefore, the WAPC has resolved that a concurrent amendment to the City of Stirling Local Planning Scheme No. 3 is not required.

8 Conclusion and recommendation

This report summarises the background to Amendment 1430 (Basic) 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 Figures - Proposals 1 - 3** in Schedule 3, and in detail on the Amending Plan listed in Appendix A should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning approves the amendment.

9 Ministers Decision

Amendments to the Metropolitan Region Scheme being progressed as a basic amendment in accordance with the *Planning and Development Act 2005* and regulation 6 of the Planning and Development (Region Planning Schemes) Regulations 2023 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.

Amendment 1430 is now finalised as advertised and shown on WAPC Amending Plan 3.2838 and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on Friday 30 August 2024.

Schedule 1

Listing of submissions

Listing of Submissions
Metropolitan Region Scheme Amendment 1430
Mitchell Freeway Osbourne Park Rationalisation

| Submission Number | Name |
|--------------------------|--|
| 1 | Water Corporation |
| 2 | Department of Transport & Public Transport Authority |
| 3 | Department of Biodiversity, Conservation and Attractions |
| 4 | Main Roads WA |
| 5 | Department of Water and Environmental Regulation |
| 6 | City of Vincent |
| Late Submissions | Name |
| 7 | Department of Communities |
| 8 | City of Stirling |

Schedule 2

Summary of submissions and determinations

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

Submission: 1

Submitter: Water Corporation

Summary of Submission: COMMENT

The submitter does not object to the amendment and notes the presence of Water Corporation drainage assets within the amendment area for Proposal 2, and that the drainage assets will remain at these locations indefinitely, and no land will be given up for other purposes.

Planning Comment: Comment noted. It is also noted that the proposed amendment does not have any impact on the existing infrastructure.

Determination: Submission noted.

Submission: 4

Submitter: Main Roads Western Australia

Summary of Submission: COMMENT

The submitter has no objection to the amendment and notes that MRWA has previously advised the WAPC that the land identified in Proposals 1 - 3 are no longer required for the Primary Regional Roads reservation for Mitchell Freeway.

Planning Comment: Comments noted.

Determination: Submission noted.

Submission: 2, 3 & 5

Submitter: Department of Transport & Public Transport Authority (joint submission), Department of Biodiversity, Conservation and Attractions & Department of Water and Environmental Regulation

Summary of Submission: NO COMMENT

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 6 & 7 (Late)

Submitter: City of Vincent & Department of Communities

Summary of Submission: SUPPORT

The submitters support the amendment.

Planning Comment: Support noted.

Determination: Submissions noted.

Submission: 8 (Late)

Submitter: City of Stirling

Summary of Submission: SUPPORT

The City of Stirling is supportive of the amendment, and provides the following comments:

- Proposal 1 (PRR to Industrial): The Industrial zone proposed for the portions of these lots is consistent with the 'Industry' zoning within the City's current Local Planning Scheme No. 3 (LPS3) and the draft Local Planning Scheme No. 4 (LPS4).
- Proposal 2 (PRR to Urban): The Urban zone proposed for the portions of these lots is consistent with the 'Development' zoning with City's current LPS3, and the draft LPS4. The Urban zone proposed is also consistent with the broader objectives of the City's Herdsman Glendalough planning framework which seeks to transform the area surrounding Glendalough Station overtime into a vibrant mixed use precinct. The City's officers note that the amendment area for Proposal 2 contains Water Corporation drainage assets. The City will consider reflecting this land use in an updated version of the Herdsman Glendalough Structure Plan to be prepared as part of the LPS4 process.

- Proposal 3 (PRR to Urban): The Urban zone proposed for the portions of these lots is an appropriate MRS zone to support a local 'Public Open Space' Reserve and R40 zone which are proposed as part of LPS4.

The City of Stirling's submission requested that the zoning remain as 'no zone' under LPS3, noting that the City is currently progressing draft LPS4, and will apply the appropriate Local Planning Scheme zones once it is adopted. In the interim period, in accordance with clause 4.13 of LPS3 any development on the 'no zoned' land is to be assessed in accordance with the abutting zone on the specific lot.

Planning Comment:

Comments noted. Refer to the '*Coordination of Region and Local Planning Schemes*' section of the Report on Submissions for comment on this matter.

Determination:

Submission noted.

Schedule 3

**Amendment Figures - Proposal 1 - 3
(as advertised)**



Mitchell Freeway Osborne Park Proposed Basic MRS amendment as advertised

29 May 2024

Proposal 1

Proposed Amendment:



Primary Regional Roads reservation to Industrial zone

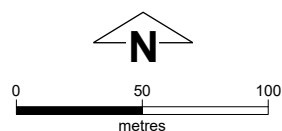
Reference no: 4851

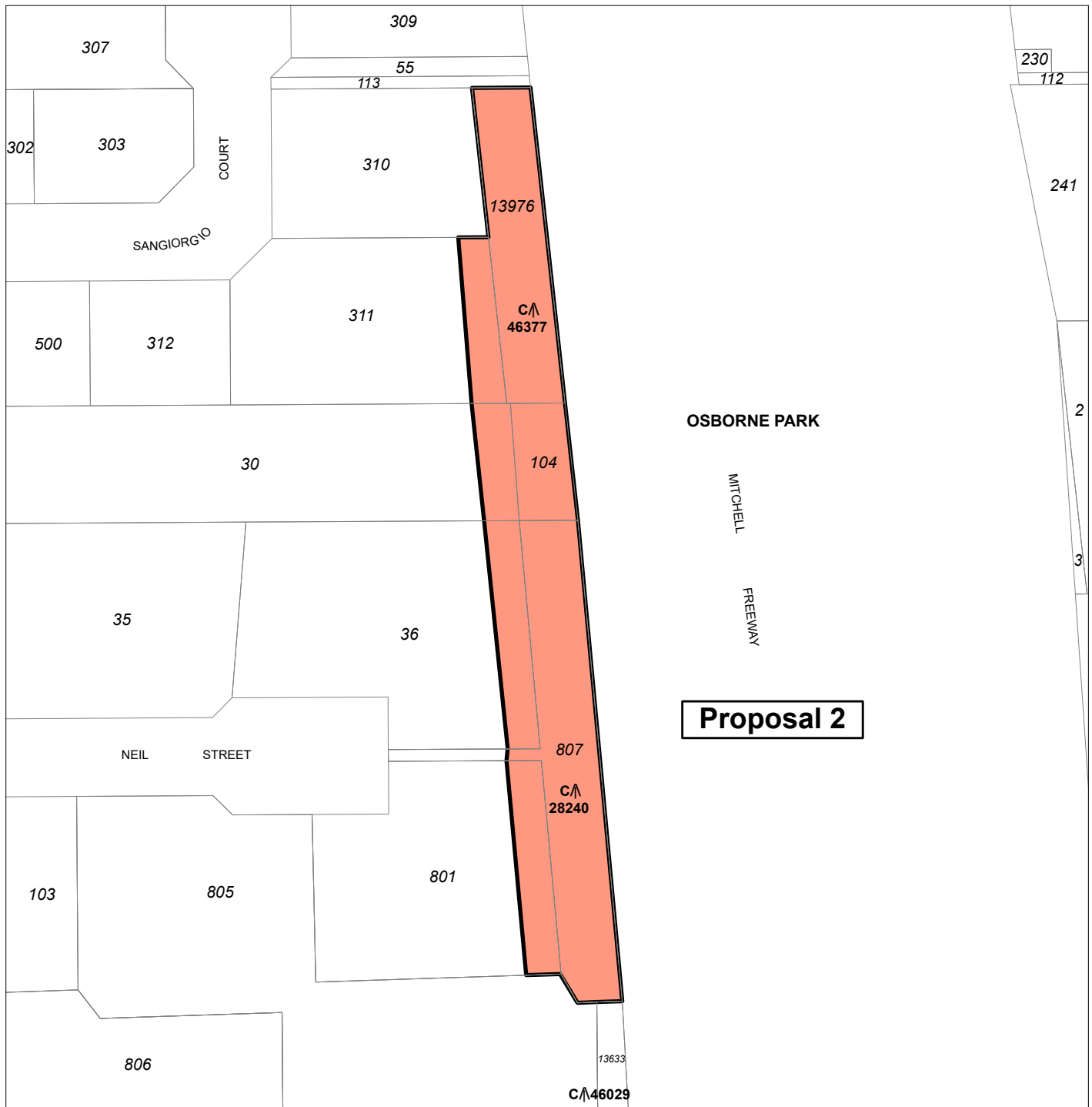
File no: RLS/1139

Version number: 1



Date: 11/04/2024
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Mitchell Freeway Osborne Park Proposed Basic MRS amendment as advertised

29 May 2024

Proposal 2

Proposed Amendment:

 Primary Regional Roads reservation to Urban zone

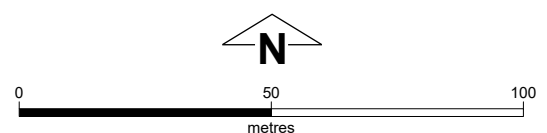
Reference no: 4851

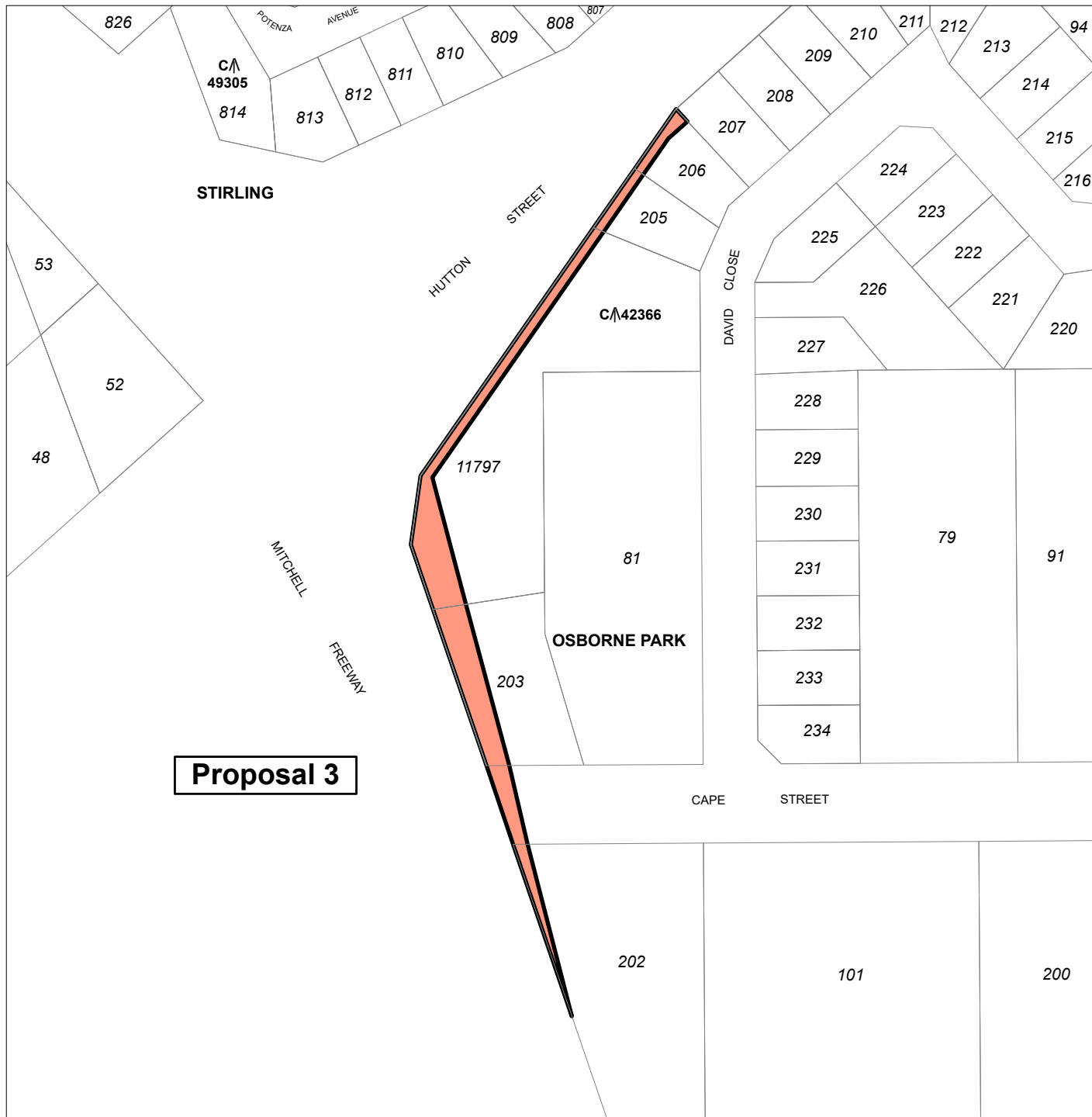
File no: RLS/1139

Version number: 1



Date: 11/04/2024
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
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Proposal 3

Mitchell Freeway Osborne Park Proposed Basic MRS amendment as advertised

29 May 2024

Proposal 3

Proposed Amendment:



Primary Regional Roads reservation to Urban zone

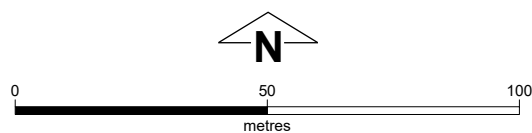
Reference no: 4851

File no: RLS/1139

Version number: 1



Date: 11/04/2024
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Appendix A

**List of plans
(as advertised)**

**Metropolitan Region Scheme
Amendment 1430**

Mitchell Freeway Osborne Park Rationalisation

as advertised

Amending Plan 3.2838

Detail Plans

1.6214

1.6231

Submissions

Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

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



Your Ref: RLS/1139
Our Ref: MRS409043
Enquiries: Matt Calabro
Direct Tel: 9420 2099

26 June 2024

Chief Executive Officer
Department Of Planning Lands and Heritage
Locked Bag 2506
PERTH WA 6001

Attention of: Anika Chhabra

Re: Stage 2 Public Advertising - Metropolitan Region Scheme Amendment 1430 (Basic) - Mitchell Freeway Osborne Park Rationalisation

Thank you for your letter dated 25 June 2024. We offer the following comments regarding this proposal.

There are Water Corporation Drainage assets in the areas discussed in the submission, specifically Proposal 2 contains major Drainage basin assets. The drainage assets will remain at these locations indefinitely, no land will be given up for other purposes.

Water Corporation has no objection to the proposed Amendment.

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

Regards,

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

Matt Calabro
Senior Advisor – Land Use Planning
Development Services

From: Golestani, Shanthi <Shanthi.Golestani@transport.wa.gov.au>
Sent: Thursday, 27 June 2024 4:43 PM
To: Region Planning Schemes
Subject: DoT response re: Request for Comment: Proposed Metropolitan Region Scheme Amendment 1430 (Basic) - Mitchell Freeway Osborne Park Rationalisation - RLS/1139

Categories:

OFFICIAL

Your ref: RLS/1139

Our ref: DT/24/00346

Enquiries: Shanthi Golestani (9216 8774)

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

Attn: Brett Pye

Dear Ms Fagan

RE: Proposed Metropolitan Region Scheme Amendment 1430 (Basic) - Mitchell Freeway Osborne Park Rationalisation

Thank you for your letter dated 25 June 2024 inviting the Department of Transport (DoT) to provide comment on the above proposed amendment. The Urban Mobility (UM) division of DoT and the Public Transport Authority (PTA) have reviewed the submitted documents and have no comment to add.

Kind regards,

Shanthi Golestani
Senior Project Officer - Transport Planner|Urban Mobility|Department of Transport
GPO Box C102, Perth WA 6839
Tel: (08) 92168774
Email: Shanthi.Golestani@transport.wa.gov.au|Web: www.transport.wa.gov.au

Part time - Tues/Thurs/Fri



From: Jacqui Clinton <jacqui.clinton@dbca.wa.gov.au>
Sent: Monday, 8 July 2024 2:56 PM
To: Region Planning Schemes
Subject: RE: Request for Comment: Proposed Metropolitan Region Scheme Amendment 1430 (Basic) - Mitchell Freeway Osborne Park Rationalisation - RLS/1139

Categories:

OFFICIAL

Hi Lainy,

DBCA advises it has no comment to make regarding the above MRS amendment. Thank you for the opportunity to comment.

Regards

Jacqui Clinton

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

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



Department of Biodiversity,
Conservation and Attractions



*We're working for
Western Australia.*



mainroads
WESTERN AUSTRALIA

Submission 004

Enquiries: Susan Foster - (08) 9323 6180
Our Ref: 24/2522 (D24#927177)
Your Ref: RLS/1139

5 July 2024

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

Dear Sir/Madam

**METROPOLITAN REGION SCHEME (MRS) PROPOSED AMENDMENT –
MITCHELL FREEWAY OSBORNE PARK RATIONALISATION – BETWEEN
SCARBOROUGH BEACH ROAD AND HUTTON STREET**

Dear Sir/Madam

Thank you for the opportunity to comment on the proposed Metropolitan Region Scheme (MRS) amendment to transfer of approximately 1.19 ha of land from the Primary Regional Roads (PRR) reservation to the Urban and Industrial zones in the MRS.

Main Roads has previously advised that the land adjacent to Mitchell Freeway, identified in Proposals 1-3 and shown in enclosed Amending Plan 3.2838, is no longer required for the Primary Regional Road reservation for Mitchell Freeway and has no objection to the transfer of land occurring.

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 the enquiries officer above or email susan.foster@mainroads.wa.gov.au quoting the reference number above.

Yours sincerely

Lindsay Broadhurst
Director Road Planning

Encl. Amending Plan 3.2838



Signed for and on behalf of the
Western Australian Planning Commission

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



Witness

Date _____

Approved - Minister for Planning

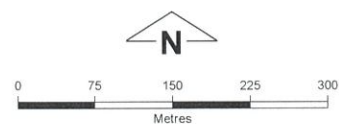
Date _____

Legend

-  Excluded from Primary Regional Roads reservation and included in Industrial zone
-  Excluded from Primary Regional Roads reservation and included in Urban zone

Metropolitan Region Scheme

Amendment No. 1430 (Basic)



Created on date: Thursday, 30 May 2024
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Program Manager: B. Pye
Geospatial Officer: J. Ballarotta
Examined: K. Rampellini
Revised:
Version No. 1
Date: WAPC/340.10.3
29 May 2024

Plan Number: 3.2838
File number: RLS/1139
Plan reference: Metropolitan Region Scheme
1:25000 sheet 15
detail plans: 1:6214 & 1:6231

3.2838

Sheet 1 of 1 Oracle reference no: 4851

From: Swan Avon Land Use Planning <swanavon.landuse@dwer.wa.gov.au>
Sent: Tuesday, 9 July 2024 2:22 PM
To: DPI Referrals
Subject: Metropolitan Region Scheme Amendment 1430 (Basic)

OFFICIAL

Good afternoon

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

Metropolitan Region Scheme Amendment 1430 (Basic) - Mitchell Freeway Osborne Park Rationalisation

Kind regards

Terry Walsh-Kennedy
Administrative Officer
Swan Avon Planning Advice
Working Days – Monday & Tuesday

Department of Water and Environmental Regulation
Swan Avon Region
7 Ellam St, Victoria Park, WA 6100
T: Reception: (08) 6250 8000
E: www.dwer.wa.gov.au



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7-14 JULY 2024

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ENQUIRIES TO: John Corbellini (9273 6062)
Director Major Projects
OUR REF: SC3465/SC1811-02 / D24/73815



Submission 006
CITY OF VINCENT

10 July 2024

Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

By email only: regionaplanningschemes@dplh.wa.gov.au

Dear Sir/Madam,

**METROPOLITAN REGION SCHEME AMENDMENT 1430 (BASIC AMEDNMENT) – MITCHELL
FREEWAY OSBORNE PARK RATIONALISATION**

The City of Vincent supports Metropolitan Region Scheme (MRS) Amendment 1430 (Basic Amendment) – Mitchell Freeway Osborne Park Rationalisation.

The City of Vincent owns Lot 102 Linwood Court, Osborne Park, and currently operates its Works Depot from the site.

The current Primary Regional Road reservation limits Lot 102 to a single access point from Linwood Court and makes the strip of land running north south between Linwood Court and the Mitchell Freeway unusable. Removal of the Primary Regional Road reservation would allow the site dual access points and support more efficient use of the site in the future.

The transfer of part Lot 102 Linwood Court from the Primary Regional Roads reservation to the Industrial zone would support the continued industrial use of Lot 102, in line with Perth and Peel@3.5million and the Central Sub-regional Planning Framework, which designates this land as being part of the Osborne Park industrial centre.

The City of Vincent supports the removal of the Primary Regional Road reservation from Lot 102 Linwood Court, Osborne Park and for the land to instead be zoned 'Industrial' under the MRS, consistent with the zoning for the remainder of 1 Linwood Court and the surrounding area.

Should you have any questions please contact John Corbellini, Director Major Projects on 9273 6062 or John.Corbellini@vincent.wa.gov.au.

Yours sincerely,

David MacLennan
CHIEF EXECUTIVE OFFICER

Administration & Civic Centre

244 Vincent Street (Cnr Loftus),
Leederville, Western Australia 6007

PO Box 82, Leederville WA 6902
T: (08) 9273 6000

E: mail@vincent.wa.gov.au
W: www.vincent.wa.gov.au

From: Hannelie Evans <Hannelie.Evans@communities.wa.gov.au>
Sent: Thursday, 11 July 2024 3:17 PM
To: Region Planning Schemes
Cc: Planning
Subject: REMINDER: Request for Comment: Proposed Metropolitan Region Scheme Amendment 1430 (Basic) - Mitchell Freeway Osborne Park Rationalisation - RLS/1139

Attachments:

Importance: High

Categories:

OFFICIAL

Hi Lainy,

Thank you for providing Communities with an opportunity to comment on the proposed MRS amendment.

Communities supports the amendment. Noting that the MRS zoning of small portions of Communities' Lots 202 and 203 Cape Street Osborne Park will change from Primary Regional Road to Urban.

Regards,

HANNELIE EVANS

Urban Planning, Design & Approval

Housing and Homelessness

P 08 6414 1873 **M** 0430 888 631

Level 5, Boorloo Campus, 130 Stirling Street, Northbridge

W communities.wa.gov.au



Government of **Western Australia**
Department of **Communities**

From: Blake Dickson <Blake.Dickson@stirling.wa.gov.au>
Sent: Monday, 15 July 2024 4:52 PM
To: Region Planning Schemes; Lainy Collisson; Anika Chhabra
Cc: Gareth Glanville; Andrew Lefort
Subject: Metropolitan Region Scheme Amendment 1430 (Basic) - Mitchell Freeway Osborne Park Rationalisation: City of Stirling Comments

Hello Anika and Lainy,

Thank you for granting the City an extension to provide comments on Metropolitan Region Scheme Amendment 1430 - Mitchell Freeway Osborne Park Rationalisation. I am happy to offer the following comments:

- 1) The City's officers are supportive of Proposal 1 to transfer approximately 5,604 square metres of land comprising of part Lot 102 Linwood Court, Lots 308, 309 and 310 Sangiorgio Court, Pedestrian Access Way Lots 55 and 113, and part Lot 13976 Frobisher Street from the Primary Region Roads reservation to the Industrial zone in the Metropolitan Region Scheme (MRS). The 'Industrial' zone proposed for the portions of these lots is consistent with the 'Industry' zoning within the City's current Local Planning Scheme No.3 (LPS3) and the draft Local Planning Scheme No. 4 (LPS4).
- 2) The City's officers are supportive of Proposal 2 to transfer approximately 5,218 square metres of land comprising of part Lot 13976 (Reserve 46377) and Lot 6 Frobisher Street, Lot 311 Sangiorgio Court, Lots 36, 801 and 807 (Reserve 28240) Neil Street, Lots 805 and 802 Scarborough Beach Road, Lot 104 Frobisher Street and Lot 13633 Scarborough Beach Road from the Primary Region Roads reservation to the Urban zone in the MRS. The 'Urban' zone proposed for the portions of these lots is consistent with the 'Development' zoning with City's current LPS3, and the draft LPS4. The 'Urban' zone proposed is also consistent with the broader objectives of the City's Herdsman Glendalough planning framework which seeks to transform the area surrounding Glendalough Station overtime into a vibrant mixed use precinct.
- 3) The City's officers are supportive of Proposal 3 to transfer approximately 1,050 square metres of land comprising of part Lots 205, 206 and 11797 (Reserve 42366) David Close and Lots 202 and 203 Cape Street from the Primary Regional Roads reservation to the Urban zone in the MRS. The 'Urban' zone proposed for the portions of these lots is an appropriate MRS zone to support a local 'Public Open Space' Reserve and R40 zone which are proposed as part of LPS4.
- 4) The City's officers request that the zoning remain as 'no zone' under LPS3. The City is currently in the process of introducing LPS4 which will apply the appropriate Local Planning Scheme zones once it is adopted. In the interim period, in accordance with clause 4.13 of LPS3 any development on the 'no zoned' land is to be assessed in accordance with the abutting zone on the specific lot.
- 5) The City's officers note that the amendment area for Proposal 2 contains Water Corporation drainage assets. The City will consider reflecting this land use in an updated version of the Herdsman Glendalough Structure Plan to be prepared as part of the LPS4 process.

Please note that this comment was provided in email format as the online feedback form has now closed.

Please let me know if you require further information.

Kind regards

Blake Dickson
Senior Strategic Project Planning Officer
City Future



Administration Centre 25 Cedric Street Stirling WA 6021

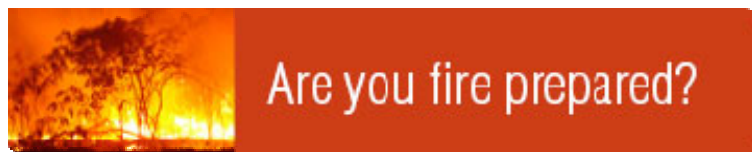
Phone (08) 9205 8647 | **Mobile** | **Facsimile** (08) 9205 8822

Email Blake.Dickson@stirling.wa.gov.au



City of Stirling kaadatj Nyoongar moort Nyoongar boodja-k Wadjak boodja-k. Ngalak kaadatj Nyoongar nedingar wer birdiya koora koora wer yeyi. Baalabang koondarm, malayin wer nakolak baalap yang ngalany-al. Ngalak dandjoo barn wer kaaratj bandang boodja-k.

The City of Stirling acknowledges the traditional custodians of this land, the Wadjak people of the Nyoongar nation, and pays respect to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Aboriginal Australia.



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