

April 2025

**Metropolitan Region
Scheme Amendment
1434** (Standard Amendment)



Part Lot 3 Midland Road, Hazelmere

Amendment Report

City of Swan

**Metropolitan Region Scheme
Amendment 1434
(Standard Amendment)**

Part Lot 3 Midland Road, Hazelmere

Amendment Report

City of Swan



April 2025

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 1434 (Standard) Amendment Report
File RLS/1034

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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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Abbreviations

ACH	Aboriginal Cultural Heritage
AHA	<i>Aboriginal Heritage Act 1972</i>
BMP	Bushfire Management Plan
DPLH	Department of Planning, Lands and Heritage
DWER	Department of Water and Environmental Regulation
EPA	Environmental Protection Authority
HEASP	Hazelmere Enterprise Area structure Plan
LPS	Local Planning Scheme
MRS	Metropolitan Region Scheme
MRWA	Main Roads Western Australia
PRR	Primary Regional Roads
SPP	State Planning Policy
SWALSC	South West Aboriginal Land and Sea Council
WAPC	Western Australian Planning Commission

Amendment Report

Metropolitan Region Scheme Amendment 1434 (Standard)

Part Lot 3 Midland Road, Hazelmere

Amendment Report

1 Planning objective

The purpose of the proposed amendment is to transfer approximately 3.22 hectares of land within Lot 3 Midland Road, Hazelmere and an adjacent road reserve from the Rural zone to the Urban zone under the Metropolitan Region Scheme (MRS).

The proposed Urban zoning will facilitate further planning and development of land within Lot 3 for light industrial purposes.

2 Background

The amendment area is in the City of Swan and is located approximately 14 kilometres north-east of the Perth Central Business District and approximately three kilometres south of the Midland strategic activity centre.

Land within the amendment area is currently zoned Rural under the MRS and General Rural in the City of Swan Local Planning Scheme No. 17 (LPS 17) and is predominantly cleared of vegetation and does not contain any wetlands or Bush Forever sites. The balance of Lot 3 is zoned Urban under the MRS and Industrial Development in LPS 17. The site was formerly used as a land fill for construction and demolition waste.

The Roe Highway is reserved Primary Regional Roads under the MRS and is located to the west. The Hazelmere industrial area is located further to the west and is zoned Industrial under the MRS. Land to the north and south is zoned Rural under the MRS, General Rural under LPS 17, and part of Bush Forever Area 481. Land to the east and south-east is zoned Urban under the MRS, Industrial Development under LPS 17, and is predominantly cleared and undeveloped. Land further to the east on the other side of Midland Road contains remnant native vegetation, is reserved Parks and Recreation under the MRS and is part of Bush Forever Area 213.

3 Discussion

Strategic Context

Perth and Peel@3.5million / North-East Subregional Planning Framework

The *Perth and Peel@3.5million* suite of strategic planning documents have been prepared to guide the strategic planning for the Perth and Peel regions, and make the case for a more considered, connected, consolidated urban form. Future areas for urban development have been determined in order to avoid and protect areas which have significant regional environmental value.

The *North-East Sub-regional Planning Framework* (the Framework), which forms part of this suite of documents, designates land within the amendment area as 'Urban Expansion' with a 'Short-medium term (2015-2031)' staging timeframe. The proposed Urban zoning is consistent with the 'Urban Expansion' designation of the site in the Framework

Hazelmere Enterprise Area Structure Plan

The Hazelmere Enterprise Area Structure Plan (HEASP) was prepared by the City of Swan and the Department of Planning, Lands and Heritage (DPLH) and provides the strategic basis for detailed planning and development of 1,241 hectares of land in Hazelmere. The HEASP primarily facilitates development of large industrial enterprises, particularly in connection with road freight transportation, owing to its strategic location within the regional road network and proximity to Perth airport. It includes land use intent and development requirements for specific precincts within the structure plan area.

The amendment area is within Precinct 9A of the HEASP and intended to provide for suitable urban development whilst protecting the integrity of Bush Forever sites. The HEASP provides that the potential for industrial/commercial and/or residential uses are to be identified through local structure planning and is dependent upon constraints within the area. The proposed Urban zoning will facilitate planning and development for urban purposes consistent with the HEASP.

Draft State Planning Policy 2.9 - Planning for Water

Draft *State Planning Policy 2.9 - Planning for Water* (draft SPP 2.9) seeks to ensure that planning and development considers water resource management and includes appropriate water resource management measures to achieve optimal water resource outcomes at the various stages of the planning process. In this respect, the Department of Water and Environmental Regulation advises that modifications need to be made to the local water management strategy prepared for the site, but that these modifications can be made in the subsequent local structure planning stage of the planning process. On this basis, the amendment is considered to be consistent with the recommendations of draft SPP 2.9.

State Planning Policy 3.7 - Bushfire

State Planning Policy 3.7 - Bushfire (SPP 3.7) seeks to implement effective, risk-based land use planning and development which in the first instance avoids the bushfire risk, but where unavoidable, manages and/or mitigates the risk to people, property and infrastructure to an acceptable level. The preservation of life and the management of bushfire impact are paramount.

A Bushfire Management Plan (BMP) has been prepared to support the amendment consistent with SPP 3.7. The BMP demonstrates compliance with SPP 3.7, and the associated guidelines can be achieved at subsequent stages of the planning process.

Statutory Planning Context

Environment

The Department of Water and Environmental Regulation (DWER) advises that the amendment area is identified as a potential contaminated site and notes that contaminated sites are addressed by a separate statutory process (the *Contaminated Sites Act 2003*). No other significant environmental or water issues have been identified.

Infrastructure

Water and Wastewater

The Water Corporation advises that the amendment area can be connected to reticulated water and wastewater services. The developer will be required to fund infrastructure upgrades and/or extensions.

Transportation

Main Roads Western Australia (MRWA) advises that it has no objection to the proposed rezoning. MRWA notes that part of the balance area of Lot 3 is subject to the Primary Regional Road (PRR) reservation and is required to be set aside for future road widening requirements.

The land within the PRR reservation is outside the amendment area and does not affect the progression of the proposed amendment. The land may be set aside for future acquisition by MRWA at subdivision stage.

4 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 recognition of the importance of having reliable Aboriginal cultural heritage information, the Western Australian Planning Commission (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 amendment will be formally referred to SWALSC during the public submission period.

5 Coordination of region and local scheme amendments

Pursuant to section 126(3) of the *Planning and Development Act 2005*, where land is being transferred to the Urban zone under a region scheme, the WAPC can resolve to concurrently amend the respective local planning scheme to transfer this land to a zone or reservation which is consistent with the objective of the Urban zone.

In this respect, the WAPC has the option of concurrently amending the City of Swan Local Planning Scheme No. 17 to transfer the amendment area to a zone which is consistent with the objectives of the Urban zone under the Metropolitan Region Scheme. In accordance with standard practice a determination on the concurrent amendment of the respective local planning scheme will be made after the close of the public submission period.

6 Substantiality

The Planning and Development (Region Planning Schemes) Regulations 2023 allows for amendments to a region scheme to be processed as either 'complex', 'standard' or 'basic' amendments, depending on the alteration to the scheme. In this regard, the WAPC has resolved to treat this amendment as a standard region scheme amendment for the following reasons:

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

7 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*. A copy of the notice from the EPA is included at Appendix A.

8 The amendment process

The procedures for amending a region scheme are prescribed by the *Planning and Development Act 2005* and the Planning and Development (Region Planning Schemes) Regulations 2023. In essence, the procedure for a standard amendment involves:

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

An explanation of the [region scheme amendment process](#) can be found on the Department of Planning, Lands and Heritage's website, along with further information for [your property and planning region schemes](#).

9 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 minimum of 42 days from Friday 07 April 2025 to Friday 23 May 2025.

The amendment report and plans showing the proposed changes are available for public inspection [online](#).

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

However, written submissions commenting on the amendment can be sent to:

RegionPlanningSchemes@dplh.wa.gov.au

or posted to:

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

and **must be received by 23 May 2025**.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form is contained in this report (Appendix D). Additional copies of the form are available from the Department of Planning, Lands and Heritage [website](#).

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 C of this report regarding preparing a submission.

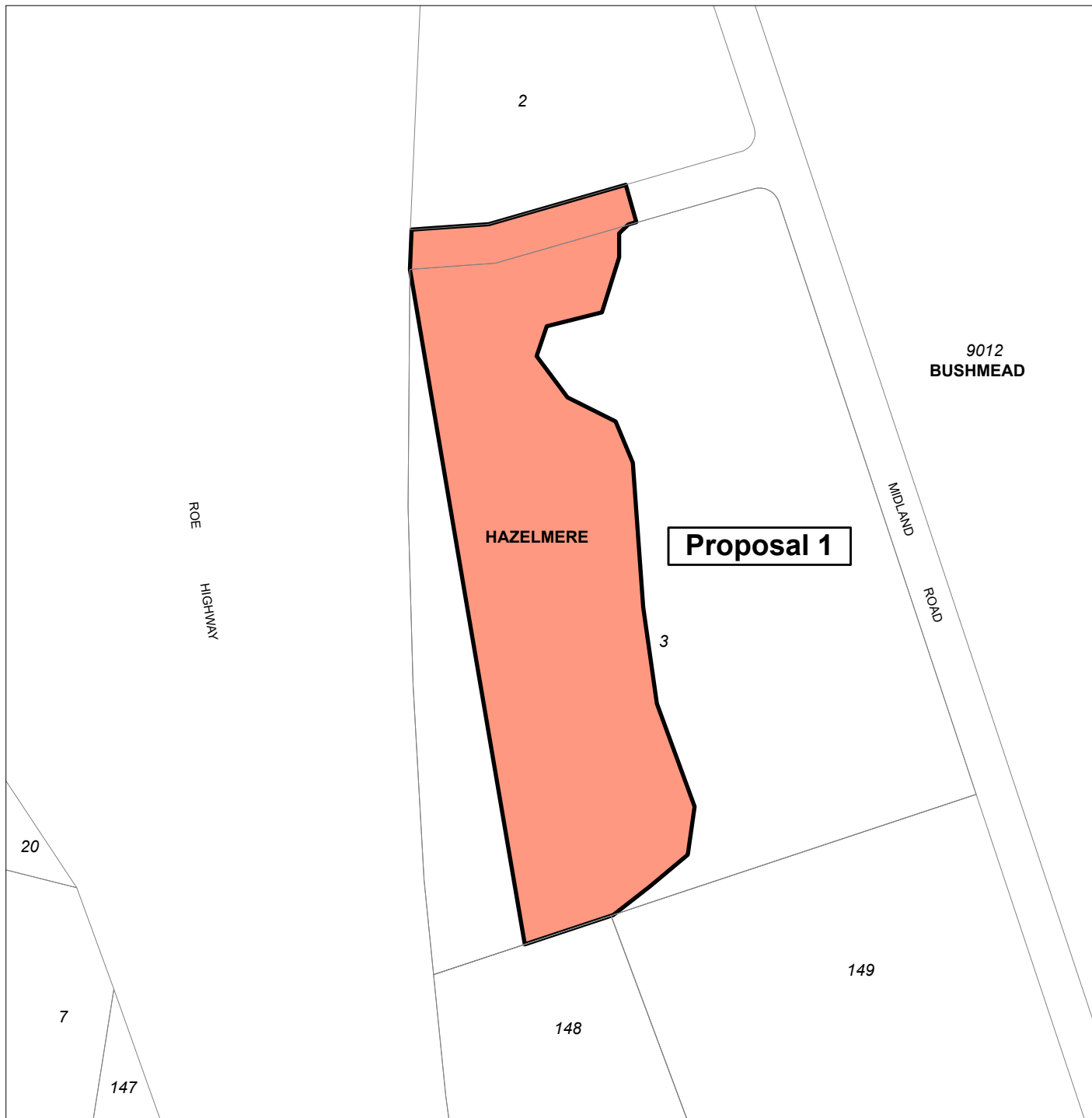
10 Modifications to the amendment

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.

11 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.

**Metropolitan Region Scheme
Amendment 1434
Part Lot 3 Midland Road, Hazelmere
Amendment Figure - Proposal 1**




**Pt Lot 3 Midland Road, Hazelmere
Proposed Standard MRS amendment
as advertised**

20 November 2024

Proposal 1

Proposed Amendment:

 Rural zone to Urban zone

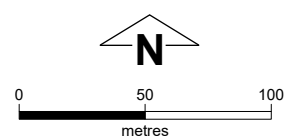
Reference no: 3933

File no: RLS/1034

Version number: 1

WAPC
Western Australian
Planning Commission

Date: 12/03/2025
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1447-2023-1



Appendix A

Notice of environmental assessment



Environmental Protection Authority

s.48A Referrals

Title: Metropolitan Region Scheme Amendment 1434 – Part Lot 3 Midland Road, Hazelmere

Location: Part Lot 3 Midland Road, Hazelmere

Description: The amendment proposes to transfer approximately 3.22 hectares (ha) of land within Lot 3 Midland Road, Hazelmere and an adjacent road reserve from the 'Rural' to the 'Urban' zone to facilitate future light industrial development.

Ref ID: APP-0026532/REC-0001109

Date Received: 27/11/2024 **Date Sufficient Information Received:** 27/11/2024

Responsible Authority: Western Australian Planning Commission

Contact: Zoë Chalwell-James

Preliminary Environmental Factors: Flora and vegetation, Terrestrial fauna, Terrestrial environmental quality

Potential Significant Effects: The Environmental Protection Authority (EPA) notes that the amendment area is identified as 'Possibly Contaminated – Investigation Required', due to the land being utilised historically as a landfill. The amendment area abuts Bush Forever Site (BFS) No. 481 (Stirling Crescent Bushland, Hazelmere) and BFS No. 213 (Bushmead Bushland, Swan) to the north, east and west. Future development may result in indirect impacts to the two BFS, and potential risk to human health from contamination.

Protection: The EPA notes that assessment and remediation of contaminated sites can be adequately addressed through the application of the *Contaminated Sites Act 2003*. A contamination condition may be recommended at the future subdivision or development application stage, noting that the land has been subject to a potentially contaminating activity (landfill), when a change in land use is proposed.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. No Advice Given (Not Appealable).**

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

This Determination is not appealable.

Chair's Initials:

Date: 11 December 2024

Appendix B

List of plans supporting the amendment

**Metropolitan Region Scheme
Amendment 1434
Part Lot 3 Midland Road, Hazelmere**

as advertised

Amending Plan 3.2854

Appendix C

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 (Submission Form - Appendix D).

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

The closing date for submissions and how to lodge them is shown on the submission form 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 D

Submission form for this amendment

[illegible]

- The Western Australian Planning Commission (WAPC) is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the Act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.

Signature Date

**Note: Submissions MUST be received by the advertised closing date on 23 May 2025.
Late submissions will NOT be considered.**