



WAPC

Western
Australian
Planning
Commission

August 2025

Metropolitan Region Scheme Amendment 1427 (Standard Amendment)



North East Baldivis District Structure Plan – Precinct 1

Report on Submissions
Submissions

City of Rockingham

**Metropolitan Region Scheme
Amendment 1427
(Standard Amendment)**

**North East Baldivis
District Structure Plan - Precinct 1**

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City of Rockingham



August 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 1427 (Standard) Report on Submissions
Submissions

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Internet: www.wa.gov.au/dplh
Email: info@dplh.wa.gov.au
Phone: (08) 6551 8002
Fax: (08) 6552 4417
National Relay
Service: 13 36 77

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Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1427 (Standard)
North East Baldivis District Structure Plan - Precinct 1

Report on Submissions

1 Introduction

At its May 2024 meeting, the Western Australian Planning Commission (WAPC) resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of section 35 of the *Planning and Development Act 2005* and regulation 5 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 purpose of the amendment is to rezone approximately 129.04 ha in Baldivis from the Rural zone to the Urban Deferred zone in the MRS.

The proposed amendment will primarily facilitate future residential development and areas for public open space following the lifting of Urban Deferment, a local planning scheme amendment, local structure planning and subdivision approval.

Lifting of Urban Deferment Requirements

The subject land is being zoned Urban Deferred as the following requirements are to be addressed prior to the transfer of the land to the Urban zone:

- Approval of the draft North East Baldivis District Structure Plan (NE Baldivis DSP) by the WAPC.
- Approval of a District Water Management Strategy (DWMS) by the Department of Water and Environmental Regulation (DWER).
- Resolution of detailed road planning by Main Roads WA (MRWA) along Mundijong Road to determine regional road reservation requirements.
- Appropriate resolution of sewer and water servicing infrastructure in consultation with the Water Corporation.

3 Environmental Protection Authority advice

On 10 July 2024, the Environmental Protection Authority (EPA) determined that the amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and provided advice on flora and vegetation, terrestrial fauna, inland waters and social surrounds.

In relation to the proposed partial modification of the amendment to the Urban zone, the EPA advised that an Urban Deferred or Urban zoning would be considered in the same way under Part IV of the EP Act. Therefore, either zone is considered in terms of future urban development proposals being implemented.

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 42 days from 05 August to 16 September 2024.

The amendment was made available for public inspection online at the Department of Planning, Lands and Heritage website.

During the public inspection period, a notice of the amendment was published in *The West Australian* newspaper, and the WAPC made reasonable attempts to notify and invite affected landowners, Local Government(s) and other public authorities to comment on the amendment.

5 Submissions

Fifteen submissions (including one late submission) were received on the amendment. One submission was of objection, two were of support and twelve were of general comments, non-objection or no comment.

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

6 Main issues raised in submissions

It was requested that the Urban Deferred zone be replaced with an Urban zone.

WAPC Response: The WAPC supports the partial modification of the amendment to an Urban zone, excluding the area along Mundijong Road which may be required for potential road widening, as the lifting of Urban Deferment requirements have been addressed as follows:

- Approval of the draft NE Baldvis DSP by the WAPC
On 30 April 2025, the WAPC supported the final approval of the NE Baldvis DSP. This matter is considered to have been addressed.
- Approval of a DWMS by DWER
Following matters being raised between DWER, DPLH and the proponent, with respect to the outstanding DWMS, DWER has confirmed that they have reviewed a final round of technical information. DWER have further advised that, based on the information received to date, all outstanding water management matters relevant to the DWMS have been resolved. As this confirmation has been received from DWER it is considered that the DWMS is finalised.
- Resolution of detailed road planning by MRWA along Mundijong Road to determine regional road reservation requirements

The finalisation of the NE Baldivis DSP has confirmed that an additional 60 m north of Mundijong Road will be required to be excluded from future residential development as this area may be required for future road widening. Therefore, this area is to remain in the Urban Deferred zone pending confirmation by MRWA.

If the area is required for road widening it can be reserved as part of a future MRS amendment and/or transferred to the Urban zone if appropriate. Therefore, this matter is considered to be addressed.

- Appropriate resolution of sewer and water servicing infrastructure in consultation with the Water Corporation

The Water Corporation has confirmed the following serving arrangements for the subject land:

- Water servicing - the Corporation has undertaken desk-top investigations to determine options for staging of water reticulation mains extensions from the Tamworth Hill gravity eastwards across the freeway to serve up to around 1,600 lots in the NE Baldivis DSP area. Further headworks water planning will be required to determine the size, routes, and staging/timing of larger water distribution mains that will be required in future years to serve Precincts 2-4.
- Sewer servicing - the Corporation has advised that the amendment site is not included in their adopted long-term wastewater planning and infrastructure such as pump stations will be required with the most appropriate locations to be confirmed. However, the Corporation advises that it has been liaising with the landowner's representative on a number of wastewater options which will need confirmation as planning of the site progresses. Therefore, this matter has been addressed.

7 Modifications

After consideration of submissions the amendment has been modified by zoning part of the site to an Urban zone as the lifting Urban Deferred matters have been addressed. However, a 60 m wide area along Mundijong Road has been retained in the Urban Deferred zone as this may be required for future road widening.

Lifting of Urban Deferment Requirements

- Resolution of detailed road planning by MRWA along Mundijong Road to determine regional road reservation requirements.

The modified amendment does not require readvertising as it does not change the intent of the advertised amendment and does not include any new areas.

8 Responses and determinations

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

9 Coordination of region and local planning 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 a region scheme to a zone

which is consistent with the objective of the Urban zone in the corresponding local planning scheme.

As part of the amendment has been modified to include the rezoning to the Urban zone, the WAPC has resolved to concurrently amend the City of Rockingham Town Planning Scheme No. 2 (TPS 2) to transfer the area being zoned Urban to the 'Development' zone, to allow for more detailed local structure planning to be progressed over the site.

TPS 2 requires that 'Development' zoned areas are included in a 'Development Area' to identify that the site requires a structure plan. However, Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 states:

'A structure plan in respect of an area of land in the Scheme area may be prepared if -

(a) the area is -

- (i) all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and*
- (ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken.'*

Therefore, the need for a text amendment to include the subject land in a 'Development Area' is no longer required to enable the preparation of a structure plan for a 'Development' zoned site.

10 Conclusion and recommendation

This report summarises the background to Amendment 1427 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the amendment as shown generally on **Amendment Figure - Proposal 1** in Schedule 4 (as modified), and in detail on the Amending Plan listed in Appendix B (as modified) should be approved and finalised.

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

11 Ministers decision

Amendments to the MRS being progressed as a standard amendment in accordance with the *Planning and Development Act 2005* and regulation 5 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 1427 is now finalised as modified and shown on WAPC Amending Plan 3.2840.2 and has effect in the MRS from the date of notice in the *Government Gazette* on 29 August 2025.

Schedule 1

Listing of submissions

Listing of Submissions

Metropolitan Region Scheme Amendment 1427 (Standard)

North East Baldivis District Structure Plan - Precinct 1

Submission Number	Name
1	ATCO Gas
2	Department of Energy, Mines, Industry Regulation and Safety
3	Department of Biodiversity, Conservation and Attractions
4	Department of Primary Industries and Regional Development
5	Main Roads Western Australia
6	Department of Transport
7	Department of Education
8	Water Corporation
9	Department of Health
10	Department of Fire and Emergency Services
11	City of Rockingham
12	Shire of Serpentine Jarrahdale
13	APA Group
14	Urbanista Town Planning (acts on behalf of Lorian Nominees Pty Ltd)
Late Submissions	Name
15	CLE Town Planning + Design (on behalf of Stockland Pty Ltd)

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, 2, 4, 5, 6, 7, 10, 13, 14

Submitters: ATCO Gas, Department of Energy, Mines, Industry Regulation and Safety, Department of Primary Industries and Regional Development, Main Roads WA, Department of Transport, Department of Education, Department of Fire & Emergency Services, APA Group, Urbanista Town Planning (on behalf of Lorian Nominees Pty Ltd)

Summary of Submission: COMMENT

The above State Government agencies, infrastructure providers and consultants/landowners raise no objections, no comment or provide general comments on the amendment.

Planning Comment: Comments noted. Wherever applicable this advice has been provided to the proponent for their consideration.

Determination: Submissions noted.

Submission: 3

Submitter: Department of Biodiversity, Conservation and Attractions

Summary of Submission: COMMENT

The Department of Biodiversity, Conservation & Attractions (DBCA) advises as follows:

Wetlands

It is recommended that the proponents undertake an updated evaluation of the wetlands on the site to confirm their boundaries and management categories. The current wetland mapping shown on the Geomorphic Wetlands (Swan Coastal Plain) dataset will not be accurate given changes that have occurred on the subject land.

A draft Wetlands of the Swan Coastal Plain dataset prepared by DBCA and the DWER using existing available datasets and aerial imagery indicates a potentially higher wetland management category for two vegetated areas on Lot 465 currently mapped as Multiple Use wetlands. Wetland evaluations should be in accordance with *A Methodology for the Evaluation of Wetlands of the Swan Coastal Plain*.

The Structure Plan should also consider requirements for buffers and ongoing wetland management for wetlands retained in open

space reserves, consistent with the Environmental Protection Authority's (EPA) *Guidance Statement No. 33*, to the satisfaction of the future managers of the open space reserves.

Vegetation and Flora

DBCA has statutory responsibilities under the *Biodiversity Conservation Act 2016* (BC Act) in relation to the potential take of threatened species under section 40 of the BC Act or for the modification of a threatened ecological community (TEC) under section 45 of the BC Act.

In order to determine the presence of threatened flora species and TEC's, targeted flora surveys are required to be undertaken at the appropriate time so that the targeted species and TEC's can be appropriately identified to determine if threatened species or TEC's will be impacted.

The Environmental Assessment Report (EAR) contains a desktop assessment of vegetation and flora which used a 5 km buffer to the survey area. The results included 11 threatened flora species many of which are orchids. The survey dates of 30 May 2018, 10 December 2019 and 15 February 2019 do not align with the flowering periods of the species. The EAR states that much of the vegetation across the site is in an a highly degraded state.

Lot 465 contains two separate patches of vegetation type VT5. The patch in the central portion is in a degraded condition, while the patch in the central portion is degraded to good condition. Aerial imagery shows that the two vegetated patches have had their vegetation intact since 1953. The unconstructed section of Pug Road contains VT7 vegetation mapped in degraded condition.

It is acknowledged that the vegetation patches have been grazed over many years which has led to areas being classified in a degraded state. However, the seed bank of threatened flora, especially orchid species, has the ability to persist in patches where clearing hasn't occurred. Without appropriately timed and targeted surveys, DBCA cannot determine if threatened species are present within native vegetation patches.

Targeted surveys for threatened species and ecological communities listed under the BC Act should be conducted at an appropriate time to allow the accurate identification and presence of the target species. Surveys should comply with the requirements of the EPA's *Technical Guidance - Flora and Vegetation Surveys for Environmental Assessment*.

Black Cockatoos

The EAR maps some threatened Black Cockatoo foraging habitat on Lot 1 and indicates that a portion of Lot 455 has not been surveyed. The EAR outlines that a portion of the site was referred Under the EPBC Act in 2020, and the decision was that

the clearing of vegetation for that portion of the site is not a controlled action.

DBCA recommends that the future planning for the site makes every effort to retain Black Cockatoo habitat, and that the proponent consider requirements to refer potential impacts on threatened Black Cockatoo habitat to the Commonwealth for areas that have not previously been referred.

Planning Comment: Comments noted. The DBCA's comments have been provided to the proponent as some of these matters relate to future planning and development processes.

Determination: Submission noted.

Submission: 8

Submitter: Water Corporation

Summary of Submission: COMMENT

The Water Corporation supports the zoning approach to Urban Deferred as it will allow for structure planning, road planning and related infrastructure planning to be undertaken across the broader area prior to lifting of Urban Deferment.

The amendment area currently does not have access to water and wastewater infrastructure and this land is located outside the extent of the Water Corporation's long-term infrastructure planning. Reviews of water and wastewater planning have been initiated. Infrastructure planning for North East Baldivis will include and allow for future demands from urban development across the rest of the East of Kwinana Urban Expansion Area to the north.

The Water Corporation's advice regarding water, wastewater and drainage/floodway planning for the North East Baldivis District Structure Plan area remains relevant and should be addressed prior to the lifting to Urban Deferment.

Planning Comment: Comments noted. Refer to 'Part 6' within the *Report on Submissions*.

Determination: Submission noted.

Submission: 9

Submitter: Department of Health

Summary of Submission: COMMENT

The Department of Health (DoH) advises as follows:

Water Supply and Wastewater Disposal

The proposed amendment is to be connected to drinking water and sewage services provided by a licensed service provider. The management of inland water, high water tables and storm events will require specialised long-term engineering management to prevent failures of deep sewerage pump stations. Waste water disposal in areas where sewer is not available is required to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and Government Sewerage Policy requirements.

Medical Entomology

The subject land is in a region that experiences problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several km from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest viruses. Human cases of RRV disease occur annually in this general locality, with 20 recorded for Baldivis in the past 5 years.

The subject land is also within 3 km of multiple mosquito breeding sites including Bollard Bullrush Swamp to the north and other wetlands to the south. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions. Additionally, there is the potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if they are poorly designed.

- Prior to any development a mosquito management plan (MMP) be developed and approved by the City of Rockingham (Precincts 1 to 4), City of Kwinana and the Shire of Serpentine Jarrahdale (Precincts 2 to 4) to ensure the risk to the community of exposure to nuisance and/or disease carrying mosquitoes is considered and mitigated. This MMP is to be approved by the City of Rockingham, City of Kwinana and the Shire of Serpentine Jarrahdale prior to subdivision.
- New residents of future developments should be warned of the risk from mosquito-borne disease and the potential for nuisance and disease carrying mosquitoes via an appropriately worded notification on any newly created property titles.

DoH has provided guides and templates for the development of suitable mosquito management plans to assist land developers to meet these requirements.

Separation distance and land suitability for sensitive land uses

The amendment plan needs to consider suitability of the land for sensitive land use based on previous land uses including contaminating activities, such as agricultural chemical use and uncontrolled land filling. Environmental condition (EN9) from the Model Subdivision Conditions Schedule is recommended.

Surrounding land use can impact sensitive land users within the planned development. Siting of sensitive land uses within the development need to be in accordance with *State Planning Policy 2.5 - Rural Planning*.

Planning Comment: Comments noted. Refer to 'Part 6' within the *Report on Submissions*.

DoH comments have been provided to the proponent as some of these matters relate to future planning and development processes.

Determination: Submission noted.

Submission: 11

Submitter: City of Rockingham

Summary of Submission: OBJECTION

The City of Rockingham objects to amendment as follows:

- The significant technical issues and ongoing land management issues associated with the development of the land, in particular the Multiple Use (Flood Storage) Corridors (MUC), which question the ability for the land to be developed in a sustainable manner. The City considers there are a few significant matters which require resolution prior to the DSP being further considered and/or determined.
- The remoteness of the land from existing or planned transport infrastructure and community infrastructure, and the ability for suitable services and facilities to be provided to future residents.
- The substantial areas of land already zoned, structure planned, serviced (or able to be serviced) for residential development within the City and surrounding local authorities, including the Karnup DSP (currently being prepared by the City), which the City considers should be the focus for development, rather than the subject land.
- An equitable solution to the distribution of Multiple Use (Flood Storage) land over the DSP area should be determined before subsequent planning processes, such as the proposed MRS Amendments, are progressed.
- Progressing MRS Amendments in the absence of an adopted DSP is contrary to the principle of orderly and proper planning. It is the City's view that any consideration by the Commission of the proposed MRS Amendments should cease until such time as the many issues relating to the DSP are suitably resolved and the DSP approved.
- The City considers further engagement with it, and other agencies, through the Technical Advisory Group process

must occur, prior to any further consideration by the WAPC of an MRS Amendment (or DSP), to understand, work through and resolve the concerns raised.

- The City considers it premature to support the rezoning of the land under the MRS until DSP issues are resolved, demonstrating that the land the subject of the amendments is capable of being developed. The number of issues that require resolution, in the City's opinion, do not currently demonstrate this to be the case.
- The inclusion of Lot 1 entirely within the Multiple Use (Flood Storage) classification in the draft DSP would require the land to remain in its current condition, and the City would likely not be able to use, develop or dispose of the land for an alternative suitable purpose(s) in the future, or be able to realise any value from the land. An equitable solution to the distribution of Multiple Use (Flood Storage) land over the DSP area should be determined before subsequent planning process, such as the proposed MRS Amendments, are progressed.
- The City considers further engagement with it, as a landowner, must occur prior to the DSP or MRS proposals being further progressed. This would enable the future use of the land to be further considered and provide scope for a more fair and equitable distribution of open space/drainage within the DSP area to be explored.
- The City of Rockingham does not support the concurrent TPS amendment as it cannot occur due to the need to introduce provisions within 'Schedule No. 7 - Development Areas' of the TPS 2, as confirmed by WAPC Section 126 Fact Sheet. Also, it is highly likely that suitable provisions would need to be included in Schedule No. 7.

Planning Comment: Comments noted. Refer to 'Part 6' and 'Part 9' within the *Report on Submissions*.

Determination: Submission noted.

Submission: 12

Submitter: Shire of Serpentine Jarrahdale

Summary of Submission: SUPPORT

The Shire of Serpentine-Jarrahdale Council provides conditional support to proposed MRS amendment subject to modifications to protect a suitable strip of Rural zoned land on the north side of Mundijong Road to enable ultimate reservation of Mundijong Road as a Primary Regional Roads reservation.

Planning Comment: Support noted. Refer to 'Part 6' within the *Report on Submissions*.

Determination: Submission noted.

Submission: 15 (Late Submission)

Submitter: CLE Town Planning + Design (on behalf of Stockland Pty Ltd)

Summary of Submission: SUPPORT

The submitter supports the proposed amendment and requests the modification of the amendment to an urban zone as all lifting of Urban Deferment requirements have been addressed:

Requirement for an approved District Structure Plan and District Water Management Strategy

It is requested that the amendment not be presented to the WAPC for final approval until the DSP and the DWMS have been approved. In doing so, both these requirements for the lifting of urban deferment will have been addressed, meaning that they will no longer exist as reasons to hold the land in the Urban zone. This is a more efficient rezoning process, as compared to rezoning the land to Urban and then having to progress a separate lifting of Urban Deferment process. This will save time and resources for both the DPLH / WAPC and the proponent.

Determination of the future Mundijong Road regional road reservation requirements

A 40-metre-wide Other Regional Roads (ORR) reserve currently exists for Mundijong Road. As part of the pre-referral process, MRWA advised that 40-metres would not be sufficient to accommodate the ultimate standard of Mundijong Road in the future however, MRWA did not specify how wide a future reservation would need to be, only that Mundijong Road was planned as a 6-lane 'expressway'.

Based on the traffic modelling and technical advice of the project traffic engineer, it was demonstrated that a 6-lane regional road could be accommodated within the existing 40-metre-wide ORR. MRWA did not accept this position and did not offer an alternative ORR width that could reasonably accommodate the ultimate standard of road. In order to progress the MRS Amendment (and DSP) ahead of MRWA's detailed planning for Mundijong Road - which is not expected to occur for several years - an interim strategy was proposed that enables the planning process to proceed without prejudicing the ultimate outcome for Mundijong Road.

Through further discussions between the DPLH, MRWA and the applicant, it is understood that MRWA agreed that protection of a 100-metre-wide corridor would be sufficient so as to not prejudice future infrastructure planning for Mundijong Road. For

reference, the Kwinana Freeway reserve which abuts the Amendment area's western boundary is 100 metres wide.

To accommodate the 100-metre-wide corridor, it was discussed between the applicant and DPLH that an additional 20-metres of road widening to the north of the existing 40-metre-wide ORR would be held in the Urban Deferred zone. This is not a commitment to cede the additional 20-metre Urban strip for road widening – it is to preserve a future outcome which may, or may not, be required. Should it be determined that this additional widening is required, the land would be reserved under the MRS in accordance with standard procedure. Should the 20 m wide Urban Deferred strip not be required, it will be transferred to the Urban zone and incorporated into the adjoining development.

Overall, the 100 m wide corridor for the future Mundijong Road planning would comprise the existing 20 m road reserve, plus 40-metres to the north, plus 40 m to the south. Importantly, this does not trigger the need to reserve any additional land at this stage, only that the ability to widen Mundijong Road by 40 m to the north is preserved, should further detailed planning of MRWA require it. Widening Mundijong Road by an equal width to the north and south of the existing reserve (i.e. 40 m to the north and 40 m to the south) is consistent with the standard approach to upgrading ORRs and is consistent with the principles of need and nexus established by *State Planning Policy 3.6 - Infrastructure Contributions*.

Appropriate resolution of sewer and water infrastructure servicing

Discussions between the proponent and the Water Corporation have occurred since the Amendment was initiated in May 2024. Specifically, it has been demonstrated that adequate sewer and water capacity exists within the Water Corporation network to service the Precinct 1 area, which is estimated to accommodate approximately 1,000 dwellings. The wastewater reticulation for Precinct 1 will be directed to a proposed Type 40 wastewater pumping station within the development, and into a 180 mm pressure main, which will head north along the existing St Albans Road, and west along Telephone Lane, under the Freeway.

The pressure main will connect to the existing wastewater reticulation in Baldivis via direct injection into existing pressure mains or the gravity system which will flow to the existing Pug Road Wastewater Pump Station. The total flows from Precinct 1 (1,000 lots) will ultimately be approximately 12 l/s and there is existing capacity in the Baldivis wastewater network to accommodate these flows over the time it will take to develop.

The water servicing is based on discussions with Water Corporation to date. The initial stage will be serviced via a 250 mm water main connecting to the existing water main at the intersection of St Albans Road and Bertenshaw Road. This will be suitable to cater for the initial stages of development. Later stages of the Precinct 1 area will require the 250 mm water main

link to be extended from the site north along St Albans Road, west along Telephone Lane and then south to connect to the existing water main on Heartwood Boulevard and close the loop. The water servicing of the Precinct 1 area will not prejudice servicing the remainder of the DSP area.

Whilst further refinement and detailed planning will occur as part of the local structure plan and subdivision processes, it has been appropriately demonstrated that the land can be serviced with sewer and water within a timeframe that matches the delivery of residential lots.

Concurrent amendment to Local Planning Scheme No. 2

Pursuant to section 126(3) of the Act, we request that the WAPC concurrently amend the City of Rockingham's LPS 2 by rezoning the land from the 'Rural' to the 'Development' zone. A concurrent amendment is requested for the following reasons.

Efficiency: A concurrent amendment to LPS 2 is the most efficient process to progress the planning framework over the land to deliver houses in accordance with the intended urban outcome. North East Baldivis is identified as a priority pipeline project that is needed to assist meet the current and foreseeable shortage of affordable housing. Streamlining the planning process will assist to meet the current housing shortage which is expected to persist in the short to medium term.

A concurrent amendment to LPS 2 will avoid a separate amendment process that will take a minimum of 12 months, and more likely 18 months, to complete. It is anticipated that the City would not accept a local structure plan until the land is suitably zoned under LPS 2, meaning that the sequential planning process, and the ultimate delivery of residential dwellings, would be unnecessarily delayed.

Future detailed planning: There are no scheme text provisions needed to coordinate the future, more detailed planning for the land as:

- The land will be subject to an approved DSP, which identifies specific matters to be addressed at the local structure plan and subdivision stages. Specifically, the Part One - Implementation Section of the DSP provides a detailed framework for the future preparation and assessment of local structure plans; and
- Rezoning the land to 'Development' will trigger the need to prepare a structure plan in accordance with Schedule A, clause 27(3) of LPS 2. The structure plan will need to be prepared in accordance with the WAPC's *WA Planning Manual - Guidance for Structure Plans* ensuring that all necessary details and technical reports are prepared to ensure a thorough and comprehensive structure plan. Prescribing structure plan requirements

within scheme text is not necessary, given the detailed guidance provided by the DSP and the WAPC's Planning Manual for structure plans. Scheme text will serve no benefit and would unnecessarily delay progression of the land as it would necessitate a separate LPS 2 amendment process

Environmental considerations: In its advice on the Amendment, the EPA noted the ability for future planning processes to assist mitigate environmental impacts and as such, elected to 'not assess' the Amendment. No significant matters or concerns were raised that would warrant the drafting of scheme text. This minimalist advice from the EPA is based on the unconstrained nature of the site and the fact that it is devoid of any significant environmental features.

In accordance with standard practice, the advice of the EPA can and will be implemented at the local structure plan stage without the need to address any environmental matters through scheme text.

Planning Comment: Support noted. Refer to 'Part 6' of the *Report on Submissions*.

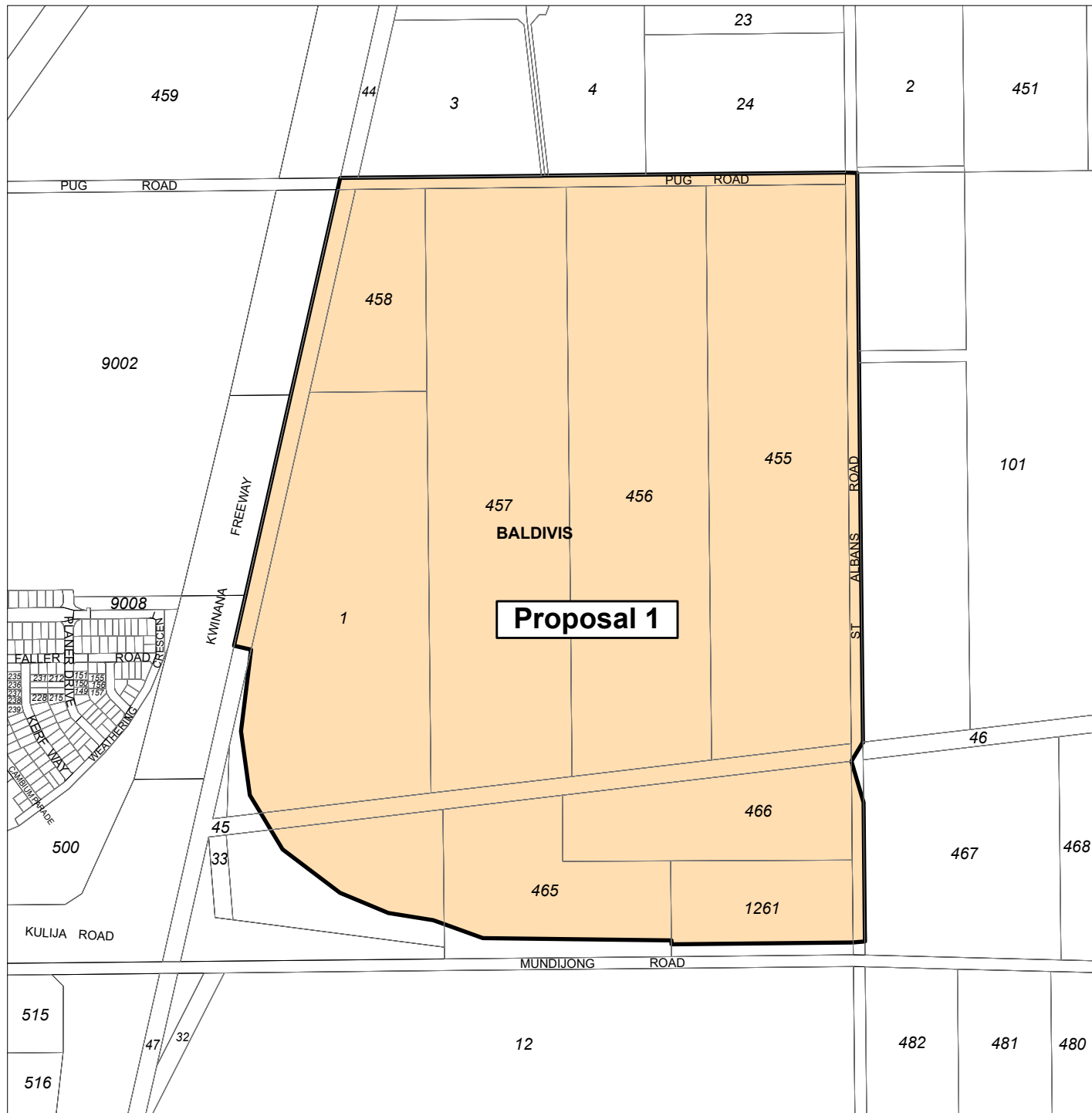
MRS Amendment 991/33 – South West Districts Omnibus (No. 3B) reserved as Controlled Access Highway (now Other Regional Roads (ORR)) the current Mundijong Road reservation. This amendment was subject to an Environmental Review and the Minister for Environment (Statement No. 546) determined that the Responsible Authority shall ensure that the future upgrading of Mundijong Road does not extend further south than the existing limit of the sealed road surface.

Therefore, in accordance with Ministerial Statement No. 546 any potential road widening of Mundijong Road (within the existing ORR reservation) is to be north of the existing sealed road surface for Mundijong Road.

Determination: Submission upheld.

Schedule 3

Amendment Figure - Proposal 1
(as advertised)




North East Baldvis District Structure Plan - Precinct 1

Proposed standard MRS amendment as advertised

29 May 2024

Proposal 1

Proposed Amendment:

 Rural zone to Urban Deferred zone

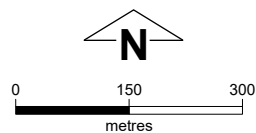
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File no: RLS/1125

Version number: 2

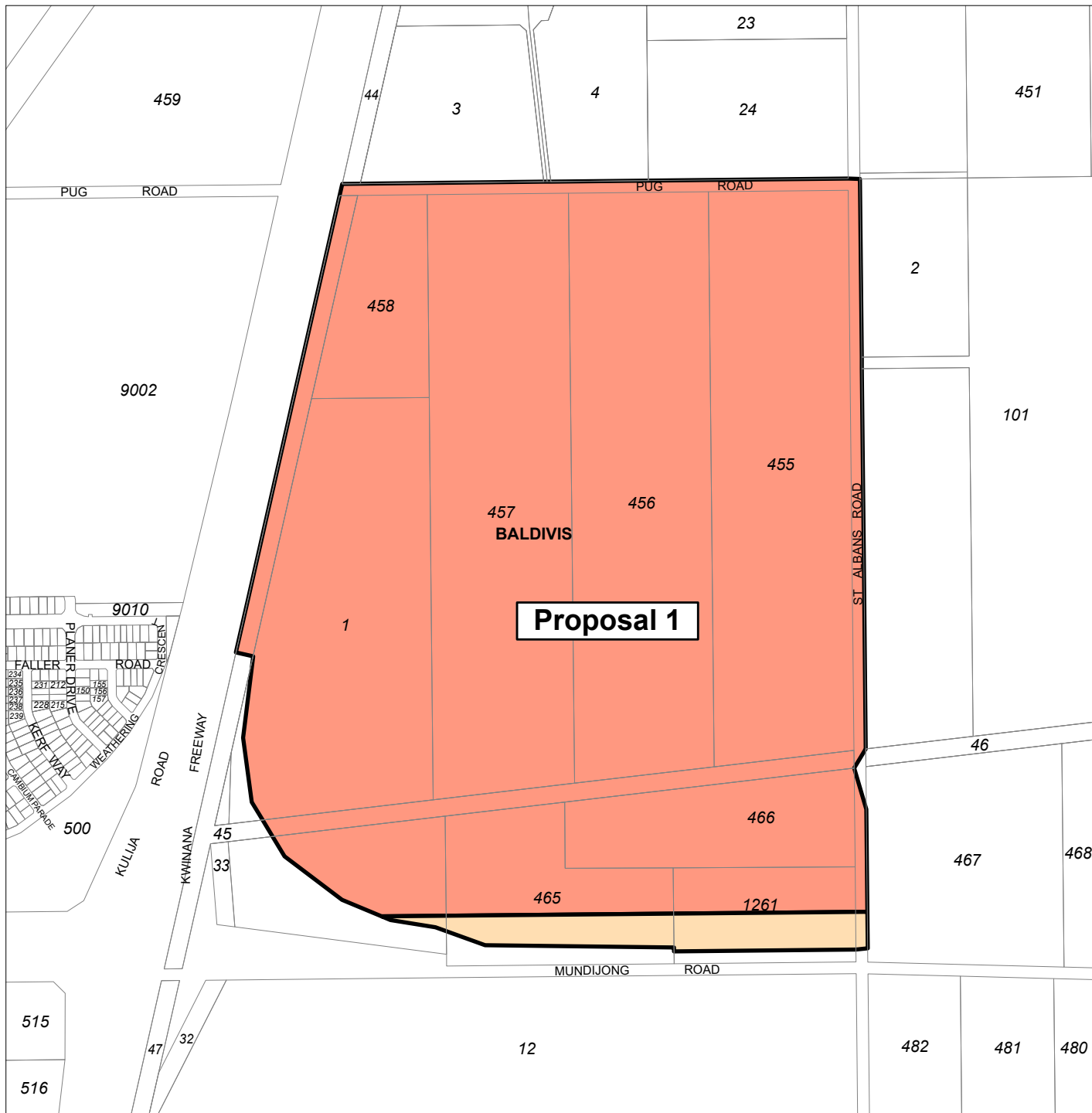


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Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
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Schedule 4

Amendment Figure - Proposal 1 (as modified)



North East Baldvis District Structure Plan - Precinct 1 Proposed Standard MRS amendment as modified

28 May 2025

Proposal 1

Proposed Amendment:



Rural zone to Urban zone



Rural zone to Urban Deferred zone

Reference no: 4766

File no: RLS/1125

Version number: 6

Appendix A

List of plans (as advertised)

Metropolitan Region Scheme Amendment 1427 (Standard)

**North East Baldivis
District Structure Plan - Precinct 1**

as advertised

Amending Plan 3.2840

Detail Plans

1.6805, 1.6825

Appendix B

List of plans (as modified)

Metropolitan Region Scheme Amendment 1427 (Standard)

**North East Baldivis
District Structure Plan - Precinct 1**

as modified

Amending Plan 3.2840/2

Detail Plans

1.6805, 1.6825

Submissions

From: Kim Hatcher <kim.hatcher@atco.com>
Sent: Wednesday, 7 August 2024 11:08 AM
To: Region Planning Schemes
Subject: ATCO Response - LM01307174 - Proposed Metropolitan Region Scheme Amendments 1427 & 1428 (Standard) - North East Baldivis District Structure Plan - Precinct 1 & Precincts 2-4 (RLS/1125 & RLS/1135)

Good Morning,

Re: Proposed Metropolitan Region Scheme Amendments 1427 & 1428 (Standard) - North East Baldivis District Structure Plan - Precinct 1 & Precincts 2-4 (RLS/1125 & RLS/1135)
ATCO Reference: LM01307174

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

Advice notes:

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

Please accept this email as ATCO's written response.

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

Kind Regards

Kim Hatcher
Engineering Coordinator
ATCO, Gas Division, Australia

A. 81 Prinsep Road, Jandakot, Western Australia, 6164
atco.com.au [LinkedIn](#) [Facebook](#) [X](#)



ATCO acknowledges the Traditional Owners of country throughout Australia and their continuing connection to land, sea and community. We pay respect to their



Anthony Muscara
Principal Planner
Department of Planning, Lands and Heritage
Sent by Email — Anthony.muscara@dplh.wa.gov.au
140 William Street, Perth WA 6000

Dear Sir/Madam

**MRS AMENDMENT - 1427 STANDARD - NORTH EAST BALDIVIS DISTRICT -
RLS/1125 - 1428 STANDARD - NORTH EAST BALDIVIS DISTRICT - RLS/1135**

Thank you for your letter dated 05/08/2024 inviting comment on the proposed Metropolitan Region Scheme (MRS) Amendments:

1427 (Standard) - North East Baldivis District Structure Plan - Precinct 1 (RLS/1125)

1428 (Standard) - North East Baldivis District Structure Plan - Precinct 2-4 (RLS/1135)

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials and makes the following comments.

- The area is underlain by Wellard Clay, a regionally significant resource in the Perth and Peel Region Scheme. This clay resource has no specific protection with parts of the area already extracted and Extractive Industry Licences in the area indicating that extraction may be complete with operations currently shut.

DEMIRS lodges no objections to the above MRS amendment.

Yours sincerely

Steven Batty | Senior Geologist
Mineral and Energy Resources Directorate
13 August 2024

Your ref: RLS/1125
Our ref: PRS51555
Enquiries: Lyndon Mutter
Phone: 9442 0342
Email: lyndon.mutter@dbca.wa.gov.au

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Proposed Metropolitan Region Scheme Amendment – Northeast Baldivis District Structure Plan – Precinct 1

In reference to your correspondence dated 5 August 2024, the Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (DBCA) provides the following comments.

Wetlands

It is recommended that the proponents undertake an updated evaluation of the wetlands on the site to confirm their boundaries and management categories.

The current wetland mapping shown on the Geomorphic Wetlands (Swan Coastal Plain) dataset is dated and will not be accurate given changes that have occurred over time on the subject land.

A draft Wetlands of the Swan Coastal Plain (WESCP) 2020 dataset prepared by DBCA and the Department of Water and Environmental Regulation (DWER) using existing available datasets and aerial imagery indicates a potentially higher wetland management category for two vegetated areas on Lot 465 currently mapped as Multiple Use Category wetlands.

Wetland evaluations should be in accordance with '*A Methodology for the Evaluation of Wetlands of the Swan Coastal Plain*' (DBCA, 2017) (the Methodology).

The Structure Plan should also consider requirements for buffers and ongoing wetland management for wetlands that are retained within open space reserves, consistent with the Environmental Protection Authority's (EPA) Guidance Statement No 33, to the satisfaction of the future managers of the open space reserves.

Vegetation and Flora

DBCA has statutory responsibilities under the Biodiversity Conservation Act 2016 (BC Act) in relation to the potential take of threatened species under s40 of the BC Act or for the modification of a threatened ecological community (TEC) under s45 of the BC Act.

In order to determine the presence of threatened flora species and TEC's, targeted flora surveys are required to be undertaken at the appropriate time so that the targeted species and TEC's can be appropriately identified to determine if threatened species or TEC's will be impacted.

The Environmental Assessment Report (EAR) (JBS&G) provided with the draft North-East Baldivis Structure Plan contains a desktop assessment of vegetation and flora which used a 5 km buffer to the survey area. The results of the threatened and priority flora search are provided in Table 3.7 and included 11 threatened flora species, many of which are orchids.

The survey dates of 30 May 2018, 10 December 2019 and 15 February 2019 mentioned in the EAR do not align with the flowering periods of the species listed in table 3.7 The EAR states that much of the vegetation remaining across the site is in an a highly degraded state as shown in Figure 3.6.

Lot 465 contains two separate patched of vegetation type VT5. The patch in the central portion of the lot is identified in a degraded condition, while the patch in the central portion is listed as being in degraded to good condition. Aerial imagery provide via Landgate shows that the two vegetated patches on Lot 465 have had their vegetation intact since imagery was captured in 1953. The unconstructed section of Pug Road contains VT7 vegetation mapped in degraded condition (vegetation mapped since about 1985).

It is acknowledged that the vegetation patches have been grazed over many years which has led to areas being classified in a degraded state. However, the seed bank of threatened flora, especially orchid species, has the ability to persist in patches where clearing hasn't occurred. Without appropriately timed and targeted surveys, DBCA cannot conclusively determine if threatened species listed Table 3.7 are present within native vegetation patches in the proposed amendment area.

Targeted surveys for threatened species and ecological communities listed under the BC Act should be conducted at an appropriate time to allow the accurate identification and presence of the target species.

Surveys should comply with the requirements of the Environmental Protection Authorities (EPA's) *Technical Guidance – Flora and Vegetation surveys for Environmental Assessment*.

Black Cockatoos

The EAR Figure 3.7 maps some threatened Black Cockatoo foraging habitat on Lot 1 and indicates that a portion of Lot 455 has not been surveyed.

Section 5.3.5 of the EAR outlines that a portion of the site was referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DoCCEEW) under an *Environmental Protection and Biodiversity Conservation Act 1999* referral in 2020, and that the DoCCEEW decision was that the clearing of vegetation for that portion of the site is not a controlled action.

DBCA recommends that the future planning for the site makes every effort to retain black cockatoo habitat, and that the proponent consider requirements to refer potential impacts on threatened Black cockatoo habitat to the Commonwealth for areas that have not previously been referred.

Thank you for the opportunity to provide comments. Should you have any queries, please contact Lyndon Mutter on 9442 0342.

Yours sincerely



Benson Todd
REGIONAL MANAGER

5 September 2024



Your reference: RLS/1125

Our reference: LUP 1926

Enquiries: Louise Murray

Marija Bubanic, Senior Planning Support Officer
Department of Planning, Lands and Heritage (DPLH)
140 William Street, Perth WA 6000

Email: regionplanningschemes@dplh.wa.gov.au

Date: 16 September 2024

Dear Marija

**Proposed Metropolitan Region Scheme (MRS) Amendment 1427 (Standard) -
North East Baldivis District Structure Plan - Precinct 1 (RLS/1125)**

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on MRS Amendment 1427, which proposes to rezone land in Baldivis from Rural to Urban Deferred.

DPIRD notes that the land is identified as 'Urban Expansion' in the 'Perth and Peel@3.5million: Planning Investigation Areas Update' published by the Western Australian Planning Commission (WAPC) and DPLH in September 2022. The City of Rockingham draft Local Planning Strategy also identifies the land for Urban Expansion and the delivery of employment-generating lands (e.g. light industrial or commercial).

DPIRD does not object to the proposed amendment but notes that the endorsement of a District Water Management Strategy (DWMS) by DWER, and the resolution of water servicing infrastructure in consultation with the Water Corporation, will be important matters to resolve prior to the lifting of Urban Deferment.

There are existing livestock operations located in the amendment area, as per previous DPIRD advice. (**Attachment 1** – Previous DPIRD Response). When areas transition from a rural zoning to urban, WAPC policy is to allow primary producers to continue to operate, using buffers when required.

DPIRD expects that future planning for the North East Baldivis Urban Expansion Area will take these holdings yards and their buffer distances into account.

For more information, please contact Louise Murray on 9368 3833 or louise.murray@dpiird.wa.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Timothy Overheu". The signature is written in a cursive style with a large, stylized 'T' and 'O'.

Mr Timothy Overheu
**Acting Director Agriculture Resource Management Assessment
Sustainability and Biosecurity**

Attachment 1: Previous DPIRD Response

Attachment 1. Previous DPIRD Response



Department of
Primary Industries and
Regional Development

Your reference: RLS/1125
Our reference: LUP 1763
Enquiries: Leon van Wyk

Marija Bubanic
Senior Planning Support Officer
Department of Planning, Lands and Heritage
regionplanningschemes@dplh.wa.gov.au

3 January 2024

Dear Marija

COMMENT: Request for Preliminary Comment - Proposed Metropolitan Region Scheme Amendment - Portion of North East Baldivis Urban Precinct (RLS/1125)

Thank you for the opportunity to comment on the proposed Metropolitan Region Scheme Amendment to rezone the Local Structure Plan area (LSP1) identified in the south-west corner of the District Structure Plan area (DSP) from 'Rural' to 'Urban'.

The Department of Primary Industries and Regional Development (DPIRD) does not object to the rezoning of LSP1 from 'Rural' to 'Urban' as the area has been identified as 'Urban Expansion' by the WAPC under the Perth and Peel@3.5million Planning Investigation Area Update (September 2022). LSP1 is 1.3km from a livestock holding facility on Lot 1 (1km buffer) and 3.5 km from Rosguy Holding Yards at No. 40 Wilkinson Road, Baldivis (1 - 2km buffer). Any future developments in the rest of the DSP area will need to take these holdings yards and the associated buffers into consideration as to avoid possible land use conflict.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@dpird.wa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'L. van Wyk'.

Leon van Wyk
Development Officer
Agriculture Resource Management and Assessment
Sustainability and Biosecurity

Verschuer Place, Bunbury WA 6230
Telephone +61 (0)8 9780 6100 landuse.planning@dpird.wa.gov.au
dpird.wa.gov.au
ABN: 18 951 343 745



mainroads
WESTERN AUSTRALIA

Submission 005

Enquiries: Susan Foster - (08) 9323 6180
Our Ref: 23/9624 (D24#1090975)
Your Ref: RLS/1125

10 September 2024

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

By Email: regionplanningschemes@dplh.wa.gov.au

Dear Madam

**METROPOLITAN REGION SCHEME (MRS) PROPOSED AMENDMENT 1427
(STANDARD) – NORTH-EAST BALDIVIS DISTRICT STRUCTURE PLAN – PRECINCT 1**

Thank you for the opportunity to comment on the proposed MRS amendment to transfer approximately 129.04 hectares of land from the Rural zone to Urban Deferred zone in the MRS.

The location is land bound by Mundijong Road, Kwinana Freeway, Pug Road and St Albans Road, Baldivis and is identified as Precinct 1 in the Draft North-East Baldivis District Structure Plan.

Main Roads has no objection to the transfer of land to Urban Deferred and agrees with the proposed requirements to lift urban deferment outlined in the Amendment Report, specifically:

- The resolution of detailed road planning by Main Roads along Mundijong Road to determine regional road reservation requirements.

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

From: Golestani, Shanthi <Shanthi.Golestani@transport.wa.gov.au>
Sent: Thursday, 12 September 2024 3:21 PM
To: Region Planning Schemes
Subject: 20240912 DoT response RE: Proposed Metropolitan Region Scheme Amendments 1427 & 1428 (Standard) - North East Baldivis District Structure Plan - Precinct 1 & Precincts 2-4 (RLS/1125 & RLS/1135)

Categories: Ack, SUB

OFFICIAL

Your ref: RLS/1125 & RLS/1135

Our ref: DT/24/00343

Enquiries: Shanthi Golestani (9216 8774)

Ms Sam Fagan
Secretary, Western Australian Planning Commission
Department of Planning, Lands and Heritage
140 William Street
PERTH WA 6000

Attention: Anthony Muscara

Dear Anthony

RE: Proposed Metropolitan Region Scheme Amendments 1427 & 1428 (Standard) - North East Baldivis District Structure Plan - Precinct 1 & Precincts 2-4 (RLS/1125 & RLS/1135)

Thank you for your email dated 5 August 2024 inviting the Department of Transport (DoT) to provide comment on the above proposed amendments. The Urban Mobility (UM) division of DoT has reviewed the submitted documents and advises that DoT has no objection to the proposal.

DoT has previously provided comments on the North East Baldivis District Structure Plan (SPN0873) and reiterates those comments for future stages of planning.

We understand Main Roads WA and the Public Transport Authority are sending their responses directly.

DoT would welcome the opportunity to comment at further planning stages.

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

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



Government of Western Australia
Department of Transport



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We acknowledge the Traditional Custodians of this land and pay respect to the Elders past and present.

Attachment: Previous DoT comments

From: [Nugraha, Yohan](#)
To: [Region Planning Schemes](#)
Cc: [Anthony Muscara](#)
Subject: REQUEST FOR PRELIMINARY COMMENT - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - PORTION OF NORTH EAST BALDIVIS URBAN PRECINCT (RLS/1125)
Date: Friday, 12 January 2024 11:43:38 AM
Attachments: [image001.png](#)

Some people who received this message don't often get email from yohan.nugraha@transport.wa.gov.au.
[Learn why this is important](#)

OFFICIAL

Your ref: RLS/1125
Our ref: DT/15/05089
Enquiries: Yohan Nugraha (6551 6103)

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

Attn: Anthony Muscara

Dear Ms Fagan

RE: REQUEST FOR PRELIMINARY COMMENT - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - PORTION OF NORTH EAST BALDIVIS URBAN PRECINCT (RLS/1125)

Thank you for your email dated 11 December 2023 inviting the Department of Transport (DoT) to provide comment on the above proposed development. The Urban Mobility (UM) and Freight, Ports, Aviation and Reform (FPAR) divisions of DoT have reviewed the submitted documents and provide the following comments:

- Mundijong Rd is currently reserved as an Other Regional Road in the Metropolitan Region Scheme (MRS) and is intended to become a future Primary Regional Road under the control of Main Roads WA. Mundijong Road is part of the Main Roads WA RAV 4 network and provides an important strategic east-west and north-south road connection for freight vehicles. Direct access onto this road from the subject land is likely to be restricted.
- Due to the proximity to the Kwinana Freeway and Mundijong Road the noise and vibration impact on potential future urban areas will need to be assessed in accordance with the State Planning Policy 5.4 - Road Rail Noise Guidelines. The type and detail of the assessment needs to be appropriate for an MRS Amendment stage in the planning process as outlined in SPP 5.4 and should include the mitigation to address the road/rail noise issues.
- The Department of Planning, Lands and Heritage's (DPLH) Infrastructure Planning and Policy team inform DoT that Mundijong Road may be upgraded

to a 6-lane road and it is very likely that additional land will be required for future road upgrades. DoT recommends liaison with both DPLH's Infrastructure Planning and Policy team and Main Roads to ensure the future upgrade of Mundijong Road is not compromised.

- The Amendment Area abuts primary (Kwinana Freeway) and secondary route (Mundijong Road) in the Long-Term Cycle Network (LTCN), and opportunities should be identified to provide cycling connections to the longer-term cycling network in subsequent stages of planning and development.
- The concept Masterplan indicates that a future school will be located at the eastern boundary of the amendment area. As such, it is recommended that consultation with the DoT's cycling team and Department of Education be conducted prior to structure planning stages in order to appropriately address school access issues.

DoT understands that Main Roads WA will send a response directly.

Thank you for the opportunity to provide comments for the above application. If you have wish to follow up on any of these matters, please do not hesitate to contact me on 6551 6103.

Kind regards,

Yohan Nugraha

Transport Designer / Planner | Urban Mobility | Department of Transport

GPO Box C102, Perth WA 6839

Tel: (08) 65516103

Email: Yohan.Nugraha@transport.wa.gov.au | Web: www.transport.wa.gov.au



Government of Western Australia
Department of Transport

Empowering a
thriving community



We acknowledge the Traditional Custodians of this land and pay respect to the Elders past and present.

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Department of
Education

Submission 007

Your ref: RLS/1125 & RSL/1135
Our ref: D24/0614491
Enquiries: Sharnie Stuart

Western Australian Planning Commission

Email: regionplanningschemes@dplh.wa.gov.au

Attention: Anthony Muscara
Principal Planning Officer

Dear Sir / Madam

Proposed Metropolitan Region Scheme Amendments:

1427 (Standard) - North East Baldivis District Structure Plan – Precinct 1 (RLS/1125)

1428 (Standard) - North East Baldivis District Structure Plan – Precinct 2- 4 (RLS/1135)

Thank you for your email dated 5 August 2024 providing the Department of Education (the Department) with the opportunity to comment on the abovementioned Metropolitan Region Scheme (MRS) Amendments.

The Department has previously provided preliminary comments on RLS/1125 for the proposed MRS Amendment from Rural to Urban (Our ref: 24/0011303) and through the WAPC's Technical Advisory Group (TAG) process for the draft North-East Baldivis District Structure Plan (DSP). In the submissions, the Department has raised significant concerns on, amongst other things, the suitability of the public high school site location within the DSP owing to non-compliances with the WAPC's Operational Policy 2.4 – Planning for School Sites (OP 2.4). The Department is working closely with the Department of Planning, Lands and Heritage (DPLH) and the proponent through the TAG meetings to address these non-compliant matters.

It is identified that under the Strategic Context section in both of the MRS reports, inaccurate references have been made to the OP 2.4 in relation to the size requirements of public school sites. A minimum of 4.25 hectares (ha) for stand-alone primary school sites or 3.75 ha if co-located with an active POS is required to accommodate the additional land of up to 2,500m² for childcare facilities. In addition, educational support facilities may also be needed. For secondary school sites, a minimum of 10 ha for stand-alone secondary school sites or 8 ha if co-located with an active POS is required.

Noting that, amongst other requirements, the DSP is required to be approved prior to lifting of the Urban Deferred zone land, the Department has no in principle objection to the proposed MRS Amendments and will continue to work through the school planning matters previously raised with DPLH.

Should you have any questions in relation to the above, please do not hesitate to contact Sharnie Stuart, Senior Consultant – Land Planning on (08) 9264 4046 or email at sharnie.stuart@education.wa.edu.au.

Yours sincerely

Matt Turnbull

Manager Land and Planning

11 September 2024



Department of
Education

Your ref: RLS/1125
Our ref: D24/0011303
Enquiries: Ikmal Ahmad

Department of Planning, Lands and Heritage

Email: referrals@dplh.wa.gov.au

Attention: Anthony Muscara

Dear Sir / Madam

**Request for preliminary comment
Proposed Metropolitan Region Scheme Amendment – Part of North-East Baldivis
Urban Precinct**

Thank you for your email dated 11 December 2023 providing the Department of Education (the Department) with the opportunity to comment on the proposed Metropolitan Region Scheme (MRS) Amendment on part of North-East Baldivis Urban Precinct.

On 2 October 2023, the Department (being part of the Technical Advisory Group) provided a written submission (ref: D23/1572855) to the Western Australian Planning Commission (WAPC) on the draft North-East Baldivis District Structure Plan (DSP) prior to its formal advertising. In the submission, the Department has raised significant concerns on, amongst other things, the suitability of the location of public high school site within the DSP owing to non-compliances with the WAPC's Operational Policy 2.4 – Planning for School Sites.

Notwithstanding the proposed MRS Amendment generally aligns with the broader intent of the draft DSP, the Department is concerned that supporting the MRS Amendment in its current form could be misconstrued as a support for no public high school site within the MRS Amendment area. Given the uncertainty on the location of the public high school site at this stage, the Department's preferred stance is for the location/size of the future public high school site be first resolved via an approved DSP and/or local structure plan prior to considering any MRS Amendment proposals within the North-East Baldivis Urban Precinct.

However, should the WAPC support the proposed MRS Amendment, the Department expects the final location of the public high school site to be reserved accordingly on the MRS Map (via future MRS Amendment process) following the final approval of the DSP and/or local structure plan.

Should you have any questions in relation to the above, please do not hesitate to contact Mr Ikmal Ahmad, Principal Consultant – Land Planning by telephone 9264 4435 or email ikmal.ahmad@education.wa.edu.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Barrett'.

Michael Barrett
**A/ Manager Land and Planning
Infrastructure Strategy and Planning**

9 January 2024



Your Ref: RLS/1125; RLS/1135
Our Ref: 164764805 (MRS405335)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Email: land.planning@watercorporation.com.au

16 September 2024

Secretary
Western Australian Planning Commission
140 William St
PERTH WA 6000

Attention: Anthony Muscara

**Metropolitan Region Scheme Amendments:
Northeast Baldivis Structure Plan Precinct 1 (RLS/1125)
Northeast Baldivis Structure Plan Precincts 2-4 (RLS/1135)**

I refer to your correspondence of 5 August 2024 inviting comments on the above proposed MRS amendments.

It is noted that the intention is to rezone the Northeast Baldivis land in two parts to "Urban Deferred". The Water Corporation supports this approach as it will allow for structure planning, road planning and related infrastructure planning to be undertaken across the broader area prior to lifting of Urban Deferment.

The amendment area currently does not have access to water and wastewater infrastructure and this land is located outside the extent of the Corporation's long term infrastructure planning. Reviews of water and wastewater planning have been initiated. Infrastructure planning for Northeast Baldivis will include and allow for future demands from urban development across the rest of the East of Kwinana Urban Expansion Area to the north.

The Water Corporation's advice regarding water, wastewater and drainage/floodway planning for the Northeast Baldivis District Structure Plan area (copy attached) remains relevant and should be addressed prior to the zoning of this land being lifted to Urban.

If you have any queries or require further clarification on any of the above issues, please contact the Enquiries Officer.

Brett Coombes
Senior Planner
Development Services

Your Ref: SPN/0873
Our Ref: 159690844 (SP402238)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Email: land.planning@watercorporation.com.au

6 October 2023

Director General
Department of Planning Lands and Heritage
Locked Bag 2506
PERTH WA 6000

Attention: Justin Breeze; Paul Cunningham

Draft North-East Baldivis District Structure Plan

Thank you for your letter of 8 September 2023 inviting comments on the draft DSP.

In addition to other issues raised previously in the TAG forum, the Water Corporation would like to highlight the following matters that are critical to the servicing of the NE Baldivis land, and the broader 'Urban Investigation' area.

In September 2022, the Commission published an update report on the status of the various 'Planning Investigation Areas' (PIAs) identified in the *Perth and Peel Sub-Regional Planning Frameworks*. The State government's subsequent decisions arising from that report are noted, particularly in relation to the 'East of Kwinana' PIA being reclassified as an "Urban Investigation" area. This represents a significant spatial addition to the long-term Perth and Peel metropolitan urban footprint into land that is currently not serviced with water and sewerage. It is noted that the WAPC's report identifies a range of matters that require further detailed planning, including service infrastructure coordination and staging.

The Water Corporation has not previously undertaken water or wastewater headworks infrastructure planning (for water storage and distribution, wastewater conveyance and treatment) to support urban development of land in the East of Kwinana area, as this land has previously not been regarded as being physically suitable to support urban development due to elevated groundwater, and drainage and flooding constraints across the Mundijong Rural Drainage catchment.

The decision to allow the southern portion of the 'East of Kwinana' PIA (north of Mundijong Road) to be reclassified to 'Urban Expansion' ahead of the adoption of a plan for the whole PIA is concerning and creates significant difficulties in relation to overall infrastructure planning for the whole area and complicates/limits short-term infrastructure staging options.

The Water Corporation has also had direct approaches from land developers in other parts of the East of Kwinana area and it is apparent that developer-driven planning for individual cells is being progressed in the absence of an overall agreed plan.

The Water Corporation is not able to plan for the efficient, long-term servicing of these urban growth areas in a piecemeal fashion without an overall agreed plan. The Department is requested to provide agencies with indicative long term dwelling yields and land uses for the whole of the East of Kwinana area to provide a base for infrastructure agencies to conduct their long-term infrastructure planning. In the absence of this information, it will be difficult to devise an interim servicing strategy only for the NE Baldivis land.

It is also likely, given the proximity of the subject land to the Water Corporation's East Rockingham WWTP, that a large transfer wastewater pump station site may be required somewhere in the vicinity of the northwest corner of the subject land. Large WWPS sites typically require a site area of 1-2ha and a 150m radius odour buffer, preferably with surrounding public open space or similar uses to accommodate the odour buffer.

With regard to the internal planning aspects of the NE Baldivis DSP, the proposed drainage swales/floodways and the connecting roads between development cells will need to be carefully designed. The levels of the various housing development areas will need to be adequately filled to provide adequate flood protection and also ensure acceptable depths and grades of connecting gravity sewers between development cells to facilitate an efficient sewer servicing strategy, minimising the number of wastewater pump stations.

It is recommended that governance and maintenance arrangements for the POS/floodway areas should be resolved prior to the DSP being advertised.

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

Brett Coombes
Senior Planner, Land Use Planning
Development Services



Your Ref: RLS/1125 & RLS/1135
Our Ref: F-AA-90444-48 / D-AA-24/166489
Contact: Bethany Angus 9222 2000

Ms Marija Bubanic
Senior Planning Support Officer
Department of Planning, Lands and Heritage
140 William Street
PERTH WA 6000

Via email: anthony.muscara@dplh.wa.gov.au

Dear Ms Bubanic,

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENTS 1427 & 1428
(STANDARD) – NORTH EAST BALDIVIS DISTRICT STRUCTURE PLAN –
PRECINCT 1 & PRECINCTS 2-4 (RLS/1125 & RLS/1135)**

Thank you for your email dated 5 August 2024, requesting comment from the Department of Health (DoH) on the above proposal.

The DoH provides the following comments:

1. Water Supply and Wastewater Disposal

The proposed amendment is to be connected to drinking water and sewage services provided by a licensed service provider.

The management of inland water, high water tables and storm events will require specialised long-term engineering management to prevent failures of deep sewerage pump stations. Waste water disposal in areas where sewer is not available is required to comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and Government Sewerage Policy requirements.

2. Medical Entomology

The subject land is in a region that experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometers (km) from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV disease occur annually in this general locality, with 20 recorded for Baldivis in the past 5 years.

The subject land is also within 3km of multiple mosquito breeding sites including Bollard Bullrush swamp to the north and other wetlands to the south. Mosquitoes will

disperse from these sites to the subject land under favourable environmental conditions. Additionally, there is the potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if they are poorly designed.

- Prior to any development stemming from this amendment, the DoH recommends a mosquito management plan (MMP) be developed and approved by the City of Rockingham (for Precincts 1 to 4), City of Kwinana and the Shire of Serpentine-Jarrahdale (for Precincts 2 to 4) to ensure the risk to the community of exposure to nuisance and/or disease carrying mosquitoes is considered and mitigated. This MMP is to be approved by the City of Rockingham, City of Kwinana and the Shire of Serpentine-Jarrahdale prior to any subdivision resulting from this amendment.
- The DoH also recommends that new residents of future developments are warned of the risk from mosquito-borne disease and the potential for nuisance and disease carrying mosquitoes via an appropriately worded notification on any newly created property titles.

The DoH has provided guides and templates for the development of suitable mosquito management plans to assist land developers to meet these requirements. Please see: [Mosquito management \(health.wa.gov.au\)](https://www.health.wa.gov.au/mosquito-management) for additional support.

3. Separation distance and land suitability for sensitive land uses

The amendment plan needs to consider suitability of the land for sensitive land use based on previous land uses including contaminating activities, such as agricultural chemical use and uncontrolled land filling. Environmental condition (EN9) from the [Model Subdivision Conditions Schedule \(www.wa.gov.au\)](https://www.wa.gov.au/government/publications/model-subdivision-conditions-schedule) is recommended.

Surrounding land use can impact sensitive land users within the planned development. Siting of sensitive land uses within the development need to be in accordance with State Planning Policy 2.5, Section 5.12.

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

Yours sincerely



Jane Cook
**A/EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

17 September 2024



Our Ref: D32405
Your Ref: RLS/1125

Anthony Muscara
Western Australian Planning Commission
regionplanningschemes@dplh.wa.gov.au

Dear Mr Muscara

**RE: METROPOLITAN REGION SCHEME AMENDMENT 1427 (STANDARD)
– NORTH EAST BALDIVIS DISTRICT STRUCTURE PLAN – PRECINCT 1**

I refer to an email dated 06 August 2024 regarding the submission of a Bushfire Management Plan (BMP) (Revision 0), prepared by JBS&G and dated 18 April 2023, for the above proposal. The BMP is accompanied by the Scheme Amendment Report.

This advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning and building requirements. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

- DFES acknowledges that the proposed Metropolitan Region Scheme (MRS) amendment, supported by the same JBS&G BMP mentioned above, was previously referred to DFES for comment in December 2023. DFES recommended that the proposal was compliant with SPP 3.7 and the Guidelines, and requested a minor modification to the BMP, as follows:

Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Siting and Design	The BMP makes a statement that future habitable building will not be subject to a BAL rating higher than BAL-29. The BMP should be amended to state that future lots will not be impacted by BAL-29. At this level of strategic planning an application should make statements that align with the intent and objectives of the policy as per policy measure 6.7.	Compliance with Bushfire Protection Criteria to be demonstrated at future planning stages.

- DFES notes that the proposed MRS amendment area includes an additional portion of Regional Roads reservation abutting Kwinana Freeway. As the area in question was assessed in the BMP to have a moderate bushfire hazard level, DFES has no objection to this minor change.
- As there is no material change in the current proposal, DFES's position remain unchanged. However, the future planning stages relating to the land are to address SPP 3.7 and the Guidelines.

Recommendation – compliant – no objection

DFES advises the proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP.

If you require further information, please contact me on telephone number 9395 9702.

Yours sincerely



Sean He
SENIOR LAND USE PLANNING OFFICER

18 September 2024

CC Anthony.Muscara@dplh.wa.gov.au

Our Ref: LUP/1708-2; D24/204945

Your Ref:

Enquiries to: Ms Sally Birkhead



25 September 2024

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Email:
RegionPlanningSchemes@dplh.wa.gov.au
nebdsp@dplh.wa.gov.au

Dear Sir

Re: Technical Submission - Proposed Metropolitan Region Scheme Amendments No.1427 and No.1428 - North East Baldvins

The City is pleased to provide the following submission on the above proposed Amendments to the Metropolitan Region Scheme (MRS), following consideration of the proposals by Council at its meeting of 24 September 2024.

The following submission provides the City's technical comments in respect to the proposed MRS Amendment.

Following review of the proposed Amendment Reports, the City **OBJECTS** to the proposed MRS Amendments for the following reasons:

- The significant technical issues and ongoing land management issues associated with the development of the land, in particular the Multiple Use (Flood Storage) Corridors (MUC), which question the ability for the land to be developed in a sustainable manner. The City considers there are a number of significant matters which require resolution prior to the DSP being further considered and/or determined.
- The remoteness of the land from existing or planned transport infrastructure and community infrastructure, and the ability for suitable services and facilities to be provided to future residents.
- The substantial areas of land already zoned, structure planned, serviced (or able to be serviced) for residential development within the City and surrounding local authorities, including the Karnup DSP (currently being prepared by the City), which the City considers should be the focus for development, rather than the subject land.
- An equitable solution to the distribution of Multiple Use (Flood Storage) land over the DSP area should be determined before subsequent planning processes, such as the proposed MRS Amendments, are progressed.
- Progressing MRS Amendments in the absence of an adopted DSP is contrary to the principle of orderly and proper planning. It is the City's view that any consideration by the Commission of the proposed MRS Amendments should cease until such time as the many issues relating to the DSP are suitably resolved and the DSP approved.



- The City considers further engagement with it, and other Agencies, through the Technical Advisory Group process must occur, prior to any further consideration by the WAPC of an MRS Amendment (or DSP), in order to understand, work through and resolve the concerns raised.

Should you wish to discuss this matter in further detail, please do not hesitate to contact Ms Sally Birkhead, Strategic Planning Consultant on 9591 0828.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Peter Ricci', with a stylized flourish at the end.

PETER RICCI
DIRECTOR PLANNING
AND DEVELOPMENT SERVICES

Our Ref: LUP/1708-2: D24/204942

Your Ref:

Enquiries to: Ms Sally Birkhead



25 September 2024

Secretary
Western Australian Planning Commission
Locked Bay 2506
PERTH WA 6001

Email:
RegionPlanningSchemes@dplh.wa.gov.au
nebdsp@dplh.wa.gov.au

Dear Sir

Re: Landowner Submission - Proposed Metropolitan Region Scheme Amendments No.1427 and No.1428 - North East Baldvis Urban Expansion Area

The City is pleased to provide the following submission on the above proposed Amendments to the Metropolitan Region Scheme (MRS), following consideration of the proposals by Council at its meeting of 24 September 2024.

As landowner of Lot 1 Mundijong Road, Baldvis ('subject lot'), within the proposed Amendment No.1427 (Precinct 1) area, shown on the figure below, the City **OBJECTS** to the proposed Amendments for the reasons detailed below.



Lot Detail

The City has owned the subject lot in freehold since 1996. The lot is approximately 27ha in area and in two (2) parts (north and south of a drainage reserve), bounded by the Kwinana Freeway to the west, and Mundijong Road to the south. Portion of the south-west corner of the lot is affected by a Primary Regional Roads (PRR) Reservation under the MRS to accommodate future upgrades to the intersection by Main Roads WA (MRWA).



Lot 1 contains 'man-made' clay pits which have been rehabilitated in the past by a former mining company, prior to the land being transferred to the City. The City also undertook some clay extraction and rehabilitation work in the area south of the drainage reserve prior to 2016.

The subject lot is held by the City for strategic and/or investment purposes. To date, the City has not considered, or been required to consider, the future use of the land, and intends to do so at a future suitable time.

Should the DSP be approved in its current form, the land would be located entirely within the Multiple Use (Flood Storage) classification.

Grounds for Objection

- The City considers it premature to support the rezoning of the land under the MRS until DSP issues are resolved, demonstrating that the land the subject of the Amendments is capable of being developed. The number of issues that require resolution, in the City's opinion, do not currently demonstrate this to be the case.
- The inclusion of Lot 1 entirely within the Multiple Use (Flood Storage) classification in the Draft DSP would require the land to remain in its current condition, and the City would likely not be able to use, develop or dispose of the land for an alternative suitable purpose(s) in the future, or be able to realise any value from the land. An equitable solution to the distribution of Multiple Use (Flood Storage) land over the DSP area should be determined before subsequent planning process, such as the proposed MRS Amendments, are progressed.
- The City considers further engagement with it, as a land owner, must occur prior to the DSP or MRS proposals being further progressed. This would enable the future use of the land to be further considered, and provide scope for a more fair and equitable distribution of open space/drainage within the DSP area to be explored.

Should you wish to discuss this matter in further detail, please do not hesitate to contact Ms Sally Birkhead, Strategic Planning Consultant on 9591 0828, or the undersigned.


Yours faithfully



JOHN PEARSON
DIRECTOR CORPORATE SERVICES

12. Agenda Items

Planning and Development Services

<div> <div>Planning and Development Services</div> <div>Strategic Planning and Environment</div> </div> <div>  </div>	
Report number/title:	PD-025/24 Proposed Amendments to Metropolitan Region Scheme - 'Rural' to 'Urban Deferred' - North-East Baldivis
File number:	LUP/1708
Applicant:	CLE Town Planning & Urban Design
Owner:	Stockland Pty Ltd (and other private landowners)
Author:	Ms Sally Birkhead, Strategic Planning Consultant
Other Contributors:	Mr Brett Ashby, Manager Strategic Planning and Environment
Date of Committee meeting:	16 September 2024
Previously before Council:	19 February 2024 (PD-001/24)
Disclosure of Interest:	
Nature of Council's role:	Executive
Attachments:	<ol style="list-style-type: none"> Draft Technical Submission to WAPC Draft Landowner Submission to WAPC
Maps/Diagrams:	<ol style="list-style-type: none"> North East Baldivis District Structure Plan Area Proposed District Structure Plan Location of Lot 1 Mundijong Road, Baldivis Proposed MRS Amendment Areas Proposed Metropolitan Region Scheme Amendment No.1427 (Precinct 1) Proposed Metropolitan Region Scheme Amendment No.1428 (Precincts 2-4)
Site:	Multiple lots (35 in total) bounded by Kwinana Freeway, Mundijong Road, Millar Road/Freight Railway and west of Duckpond Road, Baldivis
Lot Area:	760ha (total land area)
LA Zoning:	Rural, Special Rural, Local Reserve (Drainage), Primary Regional Roads Reservation, Other Regional Roads Reservation
MRS Zoning:	Rural, Primary Regional Roads Reservation, Other Regional Roads Reservation

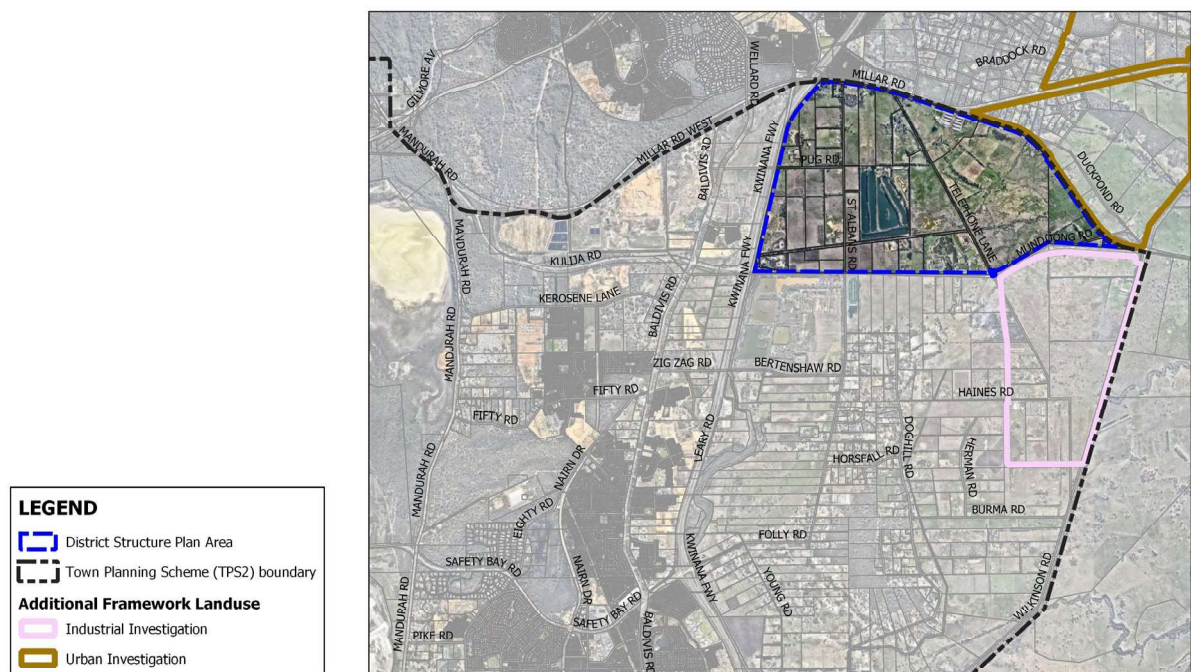
Purpose of Report

To consider two (2) proposed Amendments to the Metropolitan Region Scheme (**MRS**) for the North East Baldvis District Structure Plan (**DSP**) area and to seek Council approval to lodge two (2) submissions with the Western Australian Planning Commission (**WAPC**) on such.

Background

In 2018, the WAPC identified land in North East Baldvis (**subject land**) (refer Figure 1) as a Planning Investigation Area (**PIA**) within the *South Metropolitan Peel Sub-Regional Planning Framework 2018 (Planning Framework)*. One of the 'key considerations' for the area was the identification of the land for employment purposes.

Within the WAPC *Planning Investigation Update* (September 2022) (**2022 Planning Framework Update**), endorsed by Cabinet, the subject land was identified as 'Urban Expansion' with an intent that it be developed primarily for residential purposes.



1. North East Baldvis District Structure Plan Area

The City of Rockingham (**City**) has expressed its concerns to the WAPC about the loss of the land for employment based land uses on a number of occasions since 2018.

At its June 2020 meeting, Council resolved to adopt the following Advocacy Position as follows:

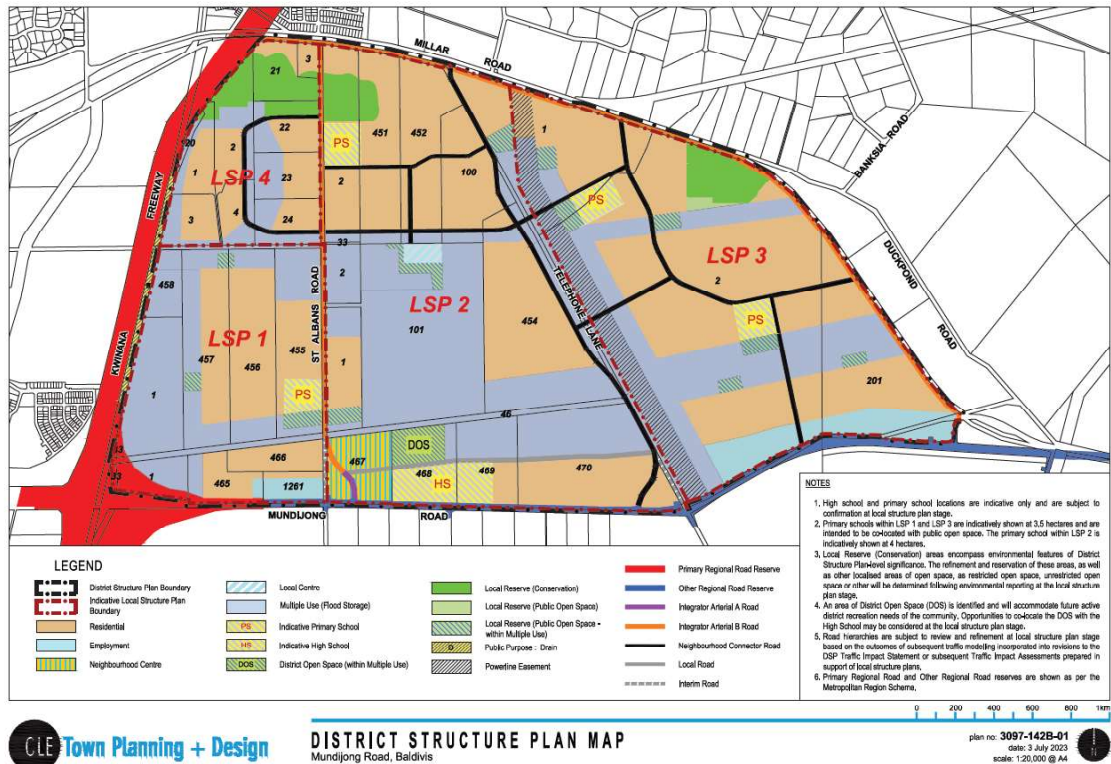
"That Council:

1. **ADVOCATES** that any planning for development within North East Baldvis should be primarily for employment generating land uses.
2. **DIRECTS** the CEO to write to the Minister for Planning and local members of the State Parliament advising of the above advocacy position, with appropriate supporting information."

The City has written to, and met with the Chair of the WAPC, Minister for Planning and Local Members on several occasions since this time.

In early 2023, the City was made aware by the Department of Planning Lands and Heritage (**DPLH**) of a DSP that had been prepared for the subject land on behalf of Stockland (**the Proponent**). The DSP identified the land being developed for primarily residential purposes, consistent with the 2022 Planning Framework Update.

The proposed DSP is shown in Figure 2 below.



2. Proposed District Structure Plan

In late 2023, the City was advised by DPLH that a draft MRS Amendment had been prepared for Precinct 1 of the DSP area, being land on the corner of Mundijong Road and the Kwinana Freeway, to rezone the land from 'Rural' to 'Urban'. Precinct 1 includes land owned by the City, being Lot 1 Mundijong Road, Baldiivis ('Lot 1'), which is proposed by the DSP to be wholly contained within a Multiple Use Corridor (MUC), primarily for drainage and floodwater retention purposes (refer Figure 3).



3. Location of Lot 1 Mundijong Road, Baldiivis, owned by City of Rockingham

In late December 2023, the DSP was advertised for public comment until February 2024. Pre-lodgement consultation also occurred on the proposed MRS Amendment for Precinct 1.

At its meeting of February 2024, Council resolved to lodge four (4) submissions with the WAPC and DPLH, being two (2) technical submissions objecting to the draft DSP and proposed MRS Amendment; and two (2) submissions objecting to the proposals from the City as landowner of Lot 1.

The key issues raised in the submissions on the DSP were in relation to loss of employment land and further impact on the City's Employment Self Sufficiency (ESS) levels, the extent and ongoing land use, management and cost of the MUC (encompassing approximately 45% of the DSP area), access/servicing and various design related issues.

The key concerns raised regarding the MRS Amendment were that the rezoning of the site under the MRS was premature and pre-emptive, in the absence of an adopted DSP; and that there were a number of significant issues still to be resolved in relation to the DSP, particularly the MUC. In addition, the City raised concerns that it had not been engaged as the owner of Lot 1, and that the lot was proposed to be located entirely within the MUC, effectively limiting any development potential, or value from the land to be realised by the City.

At its February 2024 meeting, Council also resolved to reaffirm its Advocacy Position of June 2020 (above) and:

- "3. *Advocate for collaboration between the City, other relevant Local Authorities and the State Government to plan for employment growth in the City of Rockingham (and the broader sub-region), that will deliver an increased level of Employment Self Sufficiency, resulting in acceptable levels of liveability and transport efficiency, in accordance with targets set out in the South West Metropolitan Peel Planning Framework 2018.*"

The City's Chief Executive Officer and members of the Executive met with the Chairman of the WAPC in June 2024 to discuss the Council's concerns regarding the implications of the proposed DSP on the City's land at Lot 1 Mundijong Road. The City has not, at this stage, been advised of any changes to the DSP as a result of these discussions or proposed measures to address the City's concerns, however, a further meeting has been scheduled with the Proponent, WAPC/DPLH and the City

Prior to this, in April 2024, DPLH convened a further targeted Technical Advisory Group (**TAG**) meeting between the Proponent, the City, Department of Water and Environmental Regulation (**DWER**) and Water Corporation to discuss matters relating to the proposed MUC.

Following the TAG meeting, at the request of DPLH, the City provided further comment on the MUC matter, recommending the preparation of a MUC Strategy at the DSP stage, and subsequent MUC Management Plan to be prepared at the (Local) Structure Plan stage, should WAPC resolve to support the proposed DSP and MRS Amendment to facilitate the development of the land. The City has now received a draft MUC Strategy, prepared by the Applicant, which City Officers have reviewed and provided advice to DPLH. It is anticipated that further significant revisions to the draft MUC Strategy will be required.

It is understood a further targeted TAG meeting(s) may be held in relation to traffic and transport matters, however, the City has not received further details at this stage.

In May 2024, the City received notification that the WAPC would be considering initiation of the proposed MRS Amendment at its meeting of 29 May 2024. The resolution of the WAPC is discussed in the 'Details' section of this Report.

In July 2024, the City received a request for pre-lodgement comment on a proposal to undertake bulk earthworks within the DSP area. The City had previously advised the Proponent's Engineering Consultant that such proposal was premature in the absence of an adopted DSP, 'Urban' or 'Urban Deferred' zoning of the land, and was inconsistent with the City's *Planning Policy No.3.3.15 - Bulk Earthworks*. The Proponent is now proposing earthworks under a Part 11B Significant Development pathway, requiring WAPC approval, rather than lodging a Development Application with the City. City Officers are continuing to liaise with DPLH in regard to this proposal.

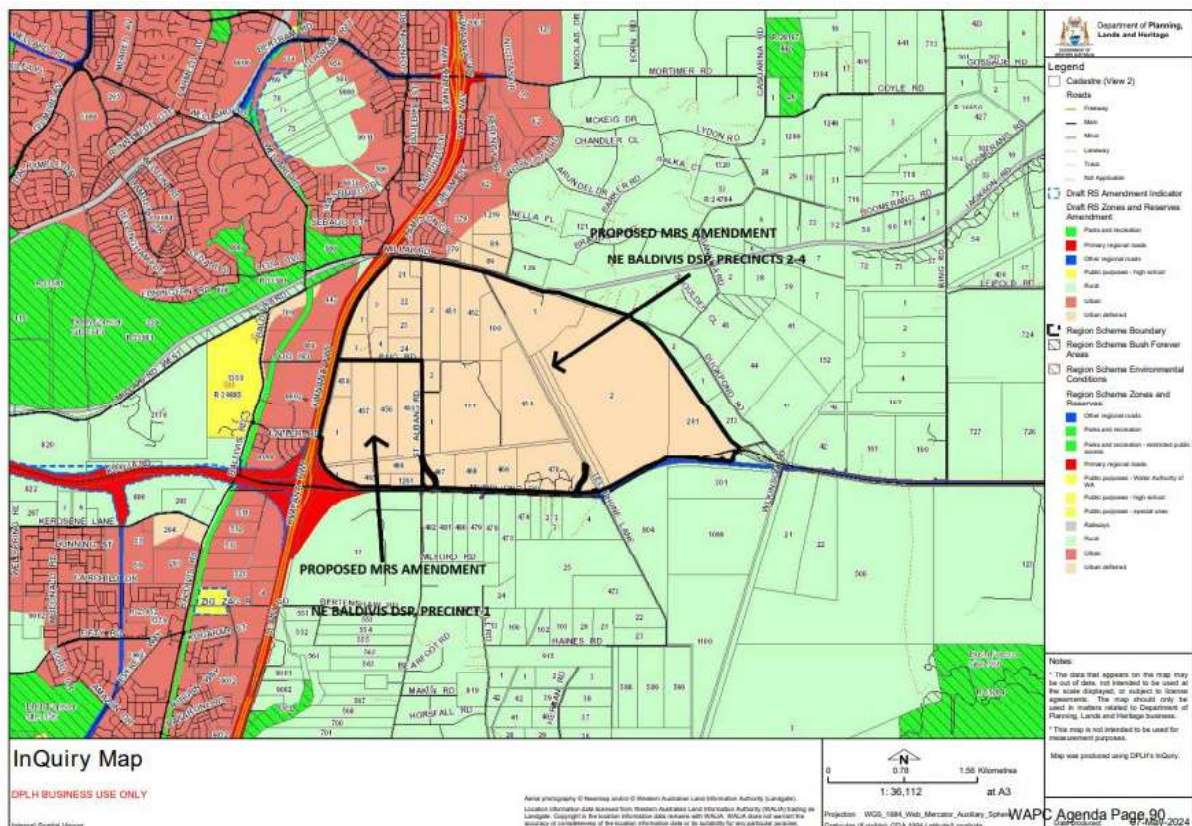
Details

At its meeting of 29 May 2024, WAPC resolved to initiate two (2) separate MRS Amendments over the subject land, comprising the entire 760ha DSP area. The MRS Amendment proposes to rezone the subject land from 'Rural' to 'Urban Deferred' (rather than 'Urban' over Precinct 1, which had been the subject of the pre-lodgement consultation).

Note: An 'Urban Deferred' zoning is utilised to provide a strong indication that land is suitable for urban purposes, but the land is not yet ready for development to proceed until certain requirements are met. Typically, land must satisfy the following in order to transfer from 'Urban Deferred' to 'Urban' under the WAPC's Lifting of Urban Deferment Guidelines:

- *the land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;*
- *planning is sufficiently advanced to depict an acceptable overall design to guide future development;*
- *the proposed urban development represents a logical progression of development;*
- *regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and*
- *any constraints to urban development, including in relation to environmental, hazard and risk issues, can be satisfactorily addressed."*

The MRS Amendments reflect two (2) stages - Precinct 1 (as previously proposed, over the south-west corner of the site, including the City's Lot 1 Mundijong Road, Baldivis), being an area of approximately 129ha; and Precincts 2-4 (over the balance of the DSP area), being approximately 630ha in area (Refer Figure 4).

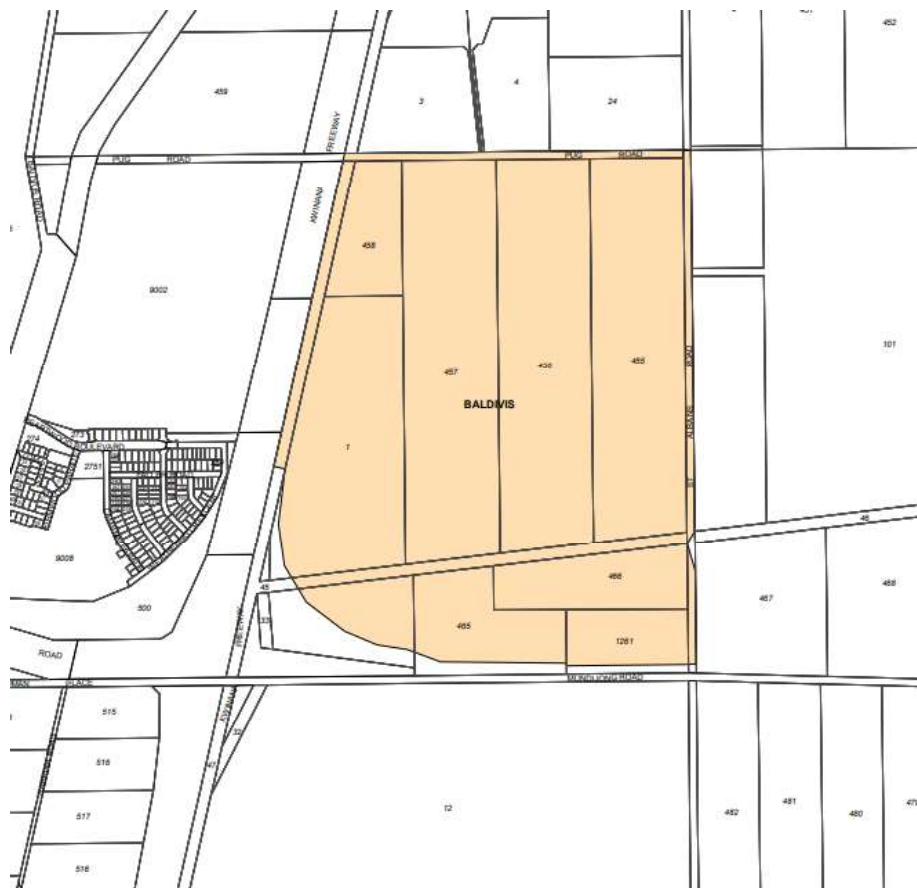


4. Proposed MRS Amendment Areas

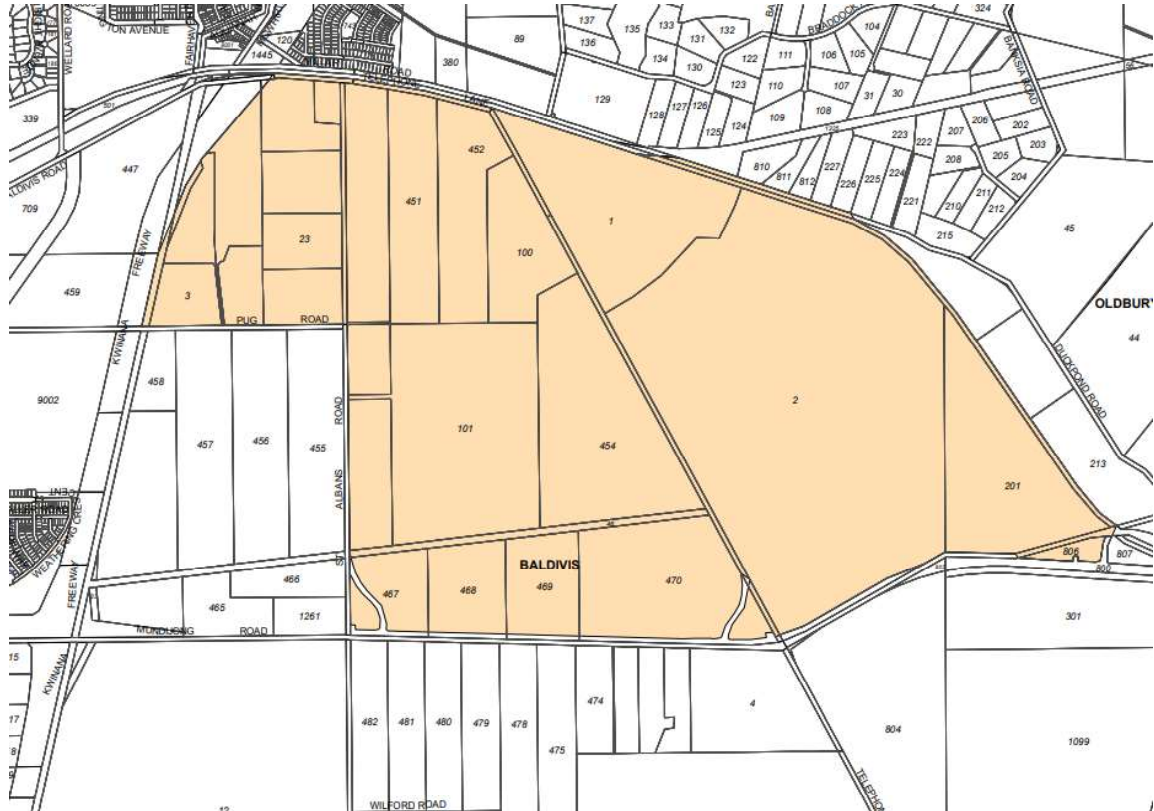
The purpose of the MRS Amendments is to facilitate development of the subject land in accordance with the draft DSP.

The MRS Amendments are being advertised for public comment until 16 September 2024. Following a request by the City, DPLH has advised that it will allow an extension of time for the City to lodge its formal submission(s) after the September 2024 Council meeting.

The two (2) MRS Amendment Maps are shown in Figures 5 and 6 below.



5. Proposed MRS Amendment No.1427 - Precinct 1



The matters which are identified by the WAPC as requiring resolution prior to the lifting of Urban Deferment are:

- Approval of the draft North East Baldivis District Structure Plan by the WAPC;
- Endorsement of a District Water Management Strategy (**DWMS**) by the Department of Water and Environmental Regulation (**DWER**);
- Resolution of detailed road planning by Main Roads WA along Mundijong Road to determine future regional road reservation requirements; and
- Appropriate resolution of sewer and water servicing infrastructure in consultation with the Water Corporation.

- Approval of the draft North East Baldivis District Structure Plan by the WAPC;
- Endorsement of a DWMS by DWER;
- Resolution of detailed road planning by Main Roads WA along Mundijong Road to determine future regional road reservation requirements;
- Appropriate resolution of sewer and water servicing infrastructure in consultation with the Water Corporation; and
- Provision of appropriate buffers around the fish/marron farm and livestock feed lot or termination of such uses.

- *“The (previous) MRS request to Urban (Precinct 1) be modified to an Urban Deferred zone for the purposes of initiation. At finalisation stage, and following EPA referral and advertising of the Amendment, it can be determined whether all Lifting of Urban Deferment requirements have been addressed to enable this site to be transferred to the Urban zone.*

- *The broader North East Baldivis Amendment area (Precincts 2-4) is also recommended to be zoned Urban Deferred and subject to requirements to be addressed prior to the transfer of this site to the Urban Zone.”*

The EPA has advised that the proposed MRS Amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*, and has provided advice to WAPC on the key environmental factors relating to the proposal.

Should the land be rezoned to 'Urban Deferred', the processes required to enable subdivision and development of the subject land are the approval of the DSP (and associated technical reports) by the WAPC (and others), the lifting of Urban Deferment, the preparation of (Local) Structure Plans and subdivision applications and development approval.

The lifting of Urban Deferment is an administrative process only, not requiring readvertising, once the various matters (discussed above) have been resolved.

Implications to Consider

a. Consultation with the Community

The proposed two (2) MRS Amendments are being advertised by the DPLH until 16 September 2024, to enable all stakeholders, including the City and the community, opportunity to review and provide comment on the proposals.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Strategic Community Plan 2023-2033:

Aspiration: **3. Built Environment - A built environment carefully planned for today and tomorrow**

Outcome/Objective: *Built infrastructure meets current and future community needs - Plan build and maintain current and future assets*

Aspiration: **4. Economic - A vibrant economy creating opportunities**

Outcome/Objective: *Local employment - Support existing and new businesses to increase local employment opportunities*

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Nil

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed MRS Amendments involve the subject land being rezoned in two (2) stages from 'Rural' to 'Urban Deferred' to reflect the boundaries of Precinct 1 and Precincts 2-4, as identified in the draft DSP.

The City's draft technical submission on the MRS Amendments is contained in Attachment 1 to this Report.

It is recommended that objections be submitted to the proposed MRS Amendments on the basis that there are significant issues which require prior resolution. In particular, the issues raised above by DPLH, and in Attachment 1 in relation to the DSP, must be resolved in the interests of orderly and proper planning, and a DSP adopted, before any MRS Amendment is progressed.

The City's fundamental concerns with the proposal are:

- The significant technical issues and ongoing land management issues associated with the development of the land, in particular the MUC, which question the ability for the land to be developed in a sustainable manner. The City considers there are a number of significant matters which require resolution prior to the DSP being further considered and/or determined;
- The remoteness of the land from existing or planned transport infrastructure and community infrastructure and the ability for suitable services and facilities to be provided to future residents; and
- The substantial areas of land already zoned, structure planned, serviced (or able to be serviced) for residential development within the City and surrounding local authorities, including the Karnup DSP (currently being prepared by the City), which the City considers should be the focus for development, rather than the subject land.

Further liaison between DPLH and the City should occur prior to the DSP and MRS Amendments being further progressed.

In relation to Lot 1 Mundijong Road, owned by the City, the DSP proposes the use of the land to remain in its current condition, entirely within the MUC classification, with no further development potential. This is notwithstanding the DSP proposes to otherwise equitably share the drainage area amongst the other land parcels, predominantly owned by the Proponent.

As the MUC areas are proposed to remain privately owned, it is unlikely the land would be reserved and subject to compensation. The City's options to use, develop or dispose of the land in the future for any purpose it deems suitable would be very limited.

Lot 1 is a significant asset for the City, and the DSP proposal will substantially restrict the future use and development potential of the land. Should the MRS Amendment be progressed over Precinct 1 to rezone it to 'Urban Deferred', a more equitable solution that does not disadvantage any landowner must be found. This should form one of the matters to be resolved prior to the lifting of 'Urban Deferment'.

The City's draft submission as landowner of Lot 1 forms Attachment 2 to this Report.

Conclusion

It is recommended that Council approve the lodgement of the attached draft submissions on the proposed MRS Amendments for the subject land, setting out the Council's technical objections, and objections as landowner of Lot 1.

The City considers it premature and pre-emptive to progress the MRS Amendment at this point, until the above matters have been resolved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the lodgement of submissions to the Western Australian Planning Commission objecting to the Proposed Metropolitan Region Scheme Amendments No.1427 and No.1428 for the North East Baldivis precinct, as contained in Attachments 1 and 2.

Committee Recommendation

Moved Cr Wormall, seconded Cr Jecks:

That Council **APPROVES** the lodgement of submissions to the Western Australian Planning Commission objecting to the Proposed Metropolitan Region Scheme Amendments No.1427 and No.1428 for the North East Baldivis precinct, as contained in Attachments 1 and 2.

Committee Voting (Carried) - 6/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

19 September 2024

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

Proposed Metropolitan Region Scheme Amendments 1427 and 1428 - North East Baldvis District Structure Plan - Precinct 1 and Precinct 2 - 4 - Request for Comment

The Shire of Serpentine Jarrahdale would like to thank the Western Australian Planning Commission for providing the opportunity to provide comment on the Proposed Metropolitan Region Scheme Amendments 1427 and 1428 - North East Baldvis District Structure Plan - Precinct 1 and Precinct 2 - 4. This matter was considered at the Ordinary Council Meeting held on 16 September 2024, where Council resolved the following.

OCM251/09/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Mazzini

That Council PROVIDES comments of CONDITIONAL SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendments 1427 and 1428 - North East Baldvis District Structure Plan - Precinct 1 and Precinct 2 - 4, subject to modifications to protect a suitable strip of Rural zoned land on the north side of Mundijong Road, to enable ultimate reservation of Mundijong Road as a Primary Regional Roads reserve, as a part of the Proposed Metropolitan Region Scheme Amendments 1427 and 1428.

CARRIED UNANIMOUSLY (en bloc at 7.31pm) 7/0

Please find enclosed a copy of the Council report and minutes relating to this matter.



If you have any further queries, please contact the undersigned on 9526 1124 or at ldujmovic@sjshire.wa.gov.au.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'L Dujmovic'.

Lauren Dujmovic
Coordinator Strategic Planning

10.1.5 - Proposed Metropolitan Region Scheme Amendments 1427 and 1428 - North East Baldvis District Structure Plan - Precinct 1 and Precinct 2 - 4 - Request for Comment (SJ206)

Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: Western Australian Planning Commission
Date of Receipt: 5 August 2024
Lot Area: 129.04ha (Amendment 1427) and 629.76ha (Amendment 1428)
Metropolitan Region Scheme Zoning: Rural

Report Purpose

The purpose of this report is for Council to consider the proposed Metropolitan Region Scheme (MRS) Amendments to rezone an approximately 129.04ha (Amendment 1427) and 629.76ha (Amendment 1428) portion of land in Baldvis from 'Rural' to 'Urban Deferred' under the MRS. It is recommended Council provide comment to the Western Australian Planning Commission (WAPC) recommending support for the proposed rezoning, subject to a number of modifications particularly pertaining to essential infrastructure planning and coordination.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

The Proposed MRS Amendments 1427 and 1428 seek to rezone two portions of land located in Baldvis relating to the Draft North East Baldvis District Structure Plan within the City of Rockingham from 'Rural' to 'Urban Deferred' under the MRS. Precinct 1 (Amendment 1427) is approximately 129.04ha in size and Precincts 2 - 4 are approximately 629.76ha in size (Amendment 1428). The subject land is located to the north of Mundijong Road and to the east of Kwinana Freeway as shown in Figure 1. The Proposed MRS Amendments are considered to be standard amendments.

The subject site has been used for rural purposes and is an extensive flood plain. Existing uses over the land include landscaping supplies, a ski park, a fish/marron farm, livestock feedlot and rural landholdings including associated dwellings. The Proposed MRS Amendments will primarily facilitate future residential development and areas for public open space (subject to Urban Deferment issues being overcome), a local planning scheme amendment, local structure planning and subdivision approval. The WAPC are currently seeking public comment on the Proposed MRS Amendments. The Proposed MRS Amendments are shown in Figures 2 and 3.



Figure 1: Subject site

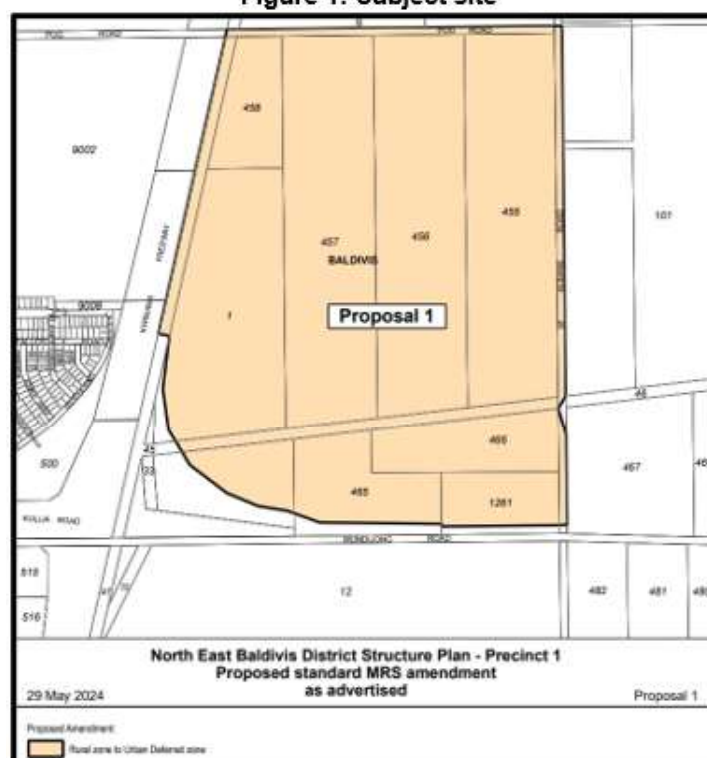


Figure 2: Proposed MRS Amendment 1427 - Precinct 1

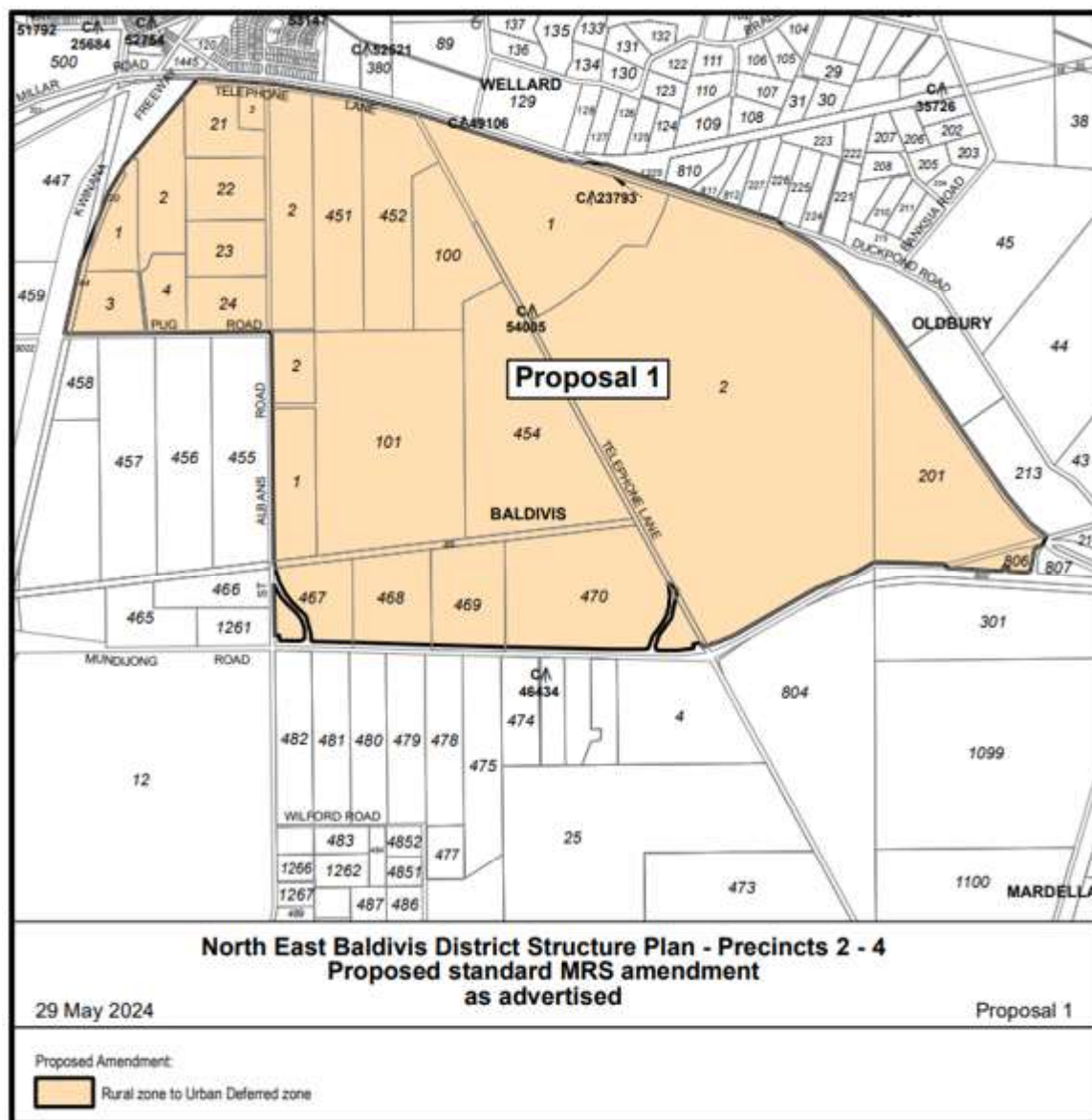


Figure 3: Proposed MRS Amendment 1428 – Precincts 2 - 4

Community / Stakeholder Consultation

The Proposed MRS Amendments are being advertised by the WAPC for public comment for a period of 42 days from 5 August 2024 until 16 September 2024. The formal advertising period provides an opportunity for the Shire, Government agencies, stakeholders and the community to make formal comment on the Proposed MRS Amendments. At the conclusion of the formal advertising period, the WAPC will consider all submissions received prior to making a recommendation to the Minister for determination.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Metropolitan Region Scheme*

State Government Policies

- Perth and Peel @ 3.5 Million - South Metropolitan Peel Sub-Regional Planning Framework
- State Planning Policy suite

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Strategy
- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

Planning Assessment

Planning Framework

The WAPC's Perth and Peel @ 3.5 Million Sub-Regional Planning Frameworks provide a land use planning and infrastructure framework to accommodate 3.5 million people by 2050, defining the urban form of the Perth and Peel regions. Under the South Metropolitan Peel Sub-Regional Planning Framework, the subject site is identified as 'Urban Expansion'. The Framework document defines Urban Expansion as '*land that has been identified for future urban development*'. The Perth and Peel @ 3.5 Million Planning Investigation Areas Update identifies the key considerations to be addressed for the East of Kwinana Urban Expansion area. These key considerations include:

- Road transport infrastructure coordination and staging (at a regional and district level);
- Servicing infrastructure coordination and staging;
- Protection of significant environmental values;
- Land to be set aside for flooding and drainage;
- Sand fill required to provide separation to groundwater and flood levels (including estimated volumes, resource locations and transport);
- Interface with the adjoining Urban Investigation area at North-East Baldivis.

The Proposed MRS Amendments should be considered in the context of the surrounding sub-region where there are a number of other significant strategic proposals and important strategic planning and infrastructure matters to be considered.

Previous advice on similar proposal

A number of proposals for urbanisation to the west of the Shire's main Byford / Mundijong urban corridor have previously been considered. While this site is outside of the Shire, it is worth noting some themes which are still pertinent to it. These include:

1. Road infrastructure coordination (specifically to request that Mundijong Road be recognised as a State Government Primary Regional Road, given its linkage between:
 - The Rockingham Strategic Centre;
 - The Kwinana Freeway;
 - The new Tonkin Highway (once extended);
 - South Western Highway.

2. Potable water and sewer infrastructure coordination (specifically to request that Water Corporation provide direction on the timing and delivery of the necessary urban water and sewer infrastructure) given the pressure for development already taking place within the already zoned areas of the Shire (namely Mundijong).
3. Industrial development expansion (specifically to recognise the capacity of West Mundijong Industrial Area to expand in a western and northwest direction, to anchor the future enterprise and employment needs of the southeast corridor over the next 50 years. By urbanising further areas of land, there needs to be a strong commitment to local jobs growth in order to provide greater and more efficient local access for the growing labour-force that development brings.
4. Activity Centre classification (specifically to request the Mundijong District Centre be considered for reclassification as a strategic regional centre so that further expansion of development is encouraged to gravitate back towards Mundijong, and the activity corridor underpinned by public transport investment). By urbanising the section of land on the north side of Mundijong Road, west to the freeway, there is opportunity to designate Mundijong Road a transport corridor that can provide bus services back to Mundijong, given the strategic centre status, and also the planned future expansion of passenger rail to Mundijong.

These provide relevant matters to also re-emphasis as part of responding on this MRS amendment request.

Mundijong Road

The Proposed MRS Amendments are bound by the Kwinana Freeway to the west and Mundijong Road to the south. Mundijong Road currently connects between the Kwinana Freeway, the Tonkin Highway extension, South Western Highway, and strategic regional centres and industrial areas, carrying large volumes of traffic. The addition of a major urban community, which under the Draft North East Baldivis District Structure Plan is proposed to accommodate 6,000 new dwellings, will place further impact on the safe operation and capacity of Mundijong Road in its current reservation. Mundijong Road, in the opinion of Officers, cannot safely remain an Other Regional Road. It is recommended that Mundijong Road be designated as a Primary Regional Road as part of the Proposed MRS Amendments to ensure that it can be identified and planned as a major road link between the Tonkin Highway and the Kwinana Freeway.

Identifying Mundijong Road as a Primary Regional Road also has implications relating to road widening, which is important to understand at the MRS Amendment stage as it affects the extent of land to be identified as Urban Deferred. To accommodate the road widening associated with a Primary Regional Road designation, it is appropriate for the Proposed MRS Amendments to retain a strip of land within the 'Rural' zone to the north of Mundijong Road, so that the necessary route definition work can occur to identify what is needed as part of a future Primary Regional Road reserve. Once the route is defined, the necessary land could be declared as a Planning Control Area to ensure the full extent of the future Primary Regional Road can be captured.

Road transport infrastructure coordination and staging was identified as a key consideration for the Urban Expansion area under the WAPC's Perth and Peel @ 3.5 Million Sub-Regional Planning Framework. Officers recommend that the Proposed MRS Amendments be amended to retain a strip of at least 100m of rural zoned land on the north side of Mundijong Road, to afford the future planning necessary for a Primary Regional Roads reservation.

This should also facilitate higher quality bus rapid transit, that can link this population back to the Mundijong centre, which will be an important activity centre given the future planned provision of

rail and the like. It also helps to support the expansion of industrial and enterprise areas like West Mundijong, which will support a range of population driven industrial developments.

Thomas Road / Anketell Road Westport Route

The Shire has previously raised its concerns pertaining to the road planning associated with the first phase of Westport. It is understood this is associated with a preference for a Kwinana Freeway / Roe Highway solution, versus the ultimate Anketell Road / Thomas Road / Tonkin Highway solution.

Officers note that freight traffic will seek out routes of least resistance, recognising the time costs of congestion. Even with selected upgrades, Officers are concerned that attempting to combine the freight traffic of Westport with Kwinana Freeway traffic, will not be viable even with the upgrades proposed. This has the potential to divert traffic on the east west roads through the Shire, namely Anketell Road and Thomas Road, which will not be fit for purpose to link traffic from the Port to its best access route, being the freight freeway of Tonkin Highway.

With the addition of urbanisation from this amendment, it only increases the concerns about the delays in not upgrading Anketell Road / Thomas Road / Tonkin Highway to the ultimate freight traffic solution.

Regional Flood Plain

The Proposed MRS Amendments area is subject to inundation and flooding occurring every winter, with flood water having a large degree of reliance on this approximately 700ha of land to manage the flood plain associated with winter rainfall events. The Draft North East Baldivis District Structure Plan identified some 340ha of land, which is 45% of the land area, as 'Multiple Use (Flood Storage)' to manage the risk of inundation.

The impact of the Proposed MRS Amendments and Draft North East Baldivis District Structure Plan on the regional flood plain is a concern, with regard to the management of the regional flood plain. There is concern about the impact of this proposal in respect of removing flood plain storage, and the potential pressure it will place upon the Birriga drainage system and Peel Harvey catchment. This may increase the flooding risk back towards the east, which is a concern for the Shire. There is also concern regarding the ownership and management arrangements of the flood storage areas within the subject area, which will be surrounded by urban development, and the potential of an increased flooding risk within the region.

Requirements to Lift the Urban Deferment

The Proposed MRS Amendment reports specify the requirements which are required to be addressed prior to the transfer of the land to the Urban zone. These requirements include the following:

- Approval of the Draft North East Baldivis District Structure Plan by the WAPC.
- Approval of a District Water Management Strategy (DWMS) by the Department of Water and Environmental Regulation (DWER).
- Resolution of detailed road planning by Main Roads WA (MRWA) along Mundijong Road to determine regional road reservation requirements.
- Appropriate resolution of sewer and water servicing infrastructure in consultation with the Water Corporation.
- Provision of appropriate buffers around the fish/marron farm and livestock feed lot or termination of such uses.

As discussed above, Officers recommend that Mundijong Road have a suitable strip of Rural zoned land retained on the north side (100m) which a Primary Regional Road reservation can ultimately be placed within. This is the approach that was taken for the Mundijong freight rail deviation prospect, that has enabled route planning and a planning control area to be secured.

This is important to remove any misunderstanding on the importance of securing a suitable Primary Regional Roads reservation for Mundijong Road.

Furthermore, prior to being approved by the WAPC, the Draft North East Baldivis District Structure Plan (DSP) should address the Primary Regional Roads reservation and future requirements of Mundijong Road. The DSP should also address the impact of the future urban area on the regional flood plain and the ownership and management arrangements of the flood storage areas, as discussed above. Consideration should also be given in the DSP to the appropriate location of employment generating land uses. There is a strategic opportunity to consider a band of enterprise and employment generating land uses to be located to interface with the freight rail located on the northern boundary. This would provide employment opportunities in a strategic location and such land uses would be more compatible with being located adjacent to the freight rail than residential land uses.

Neighbourhood Centres within the DSP area should be centrally located to the residential populations they are intended to service. School sites should be located in areas that are appropriately unconstrained, not subject to flooding and are able to achieve sufficient road frontages. The location and traffic impact of a future high school is an important consideration regarding safe access, traffic congestion, parking, and the safety of pedestrian movements, noting the recommended reservation of Mundijong Road as a Primary Regional Road ultimately. These matters should be appropriately addressed prior to the approval of the Draft North East Baldivis District Structure Plan.

Options

Option 1

That Council PROVIDES comments of CONDITIONAL SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendments 1427 and 1428 - North East Baldivis District Structure Plan - Precinct 1 and Precinct 2 - 4, subject to modifications to protect a suitable strip of Rural zoned land on the north side of Mundijong Road, to enable ultimate reservation of Mundijong Road as a Primary Regional Roads reserve, as a part of the Proposed Metropolitan Region Scheme Amendments 1427 and 1428.

Option 2

That Council PROVIDES comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendments 1427 and 1428 - North East Baldivis District Structure Plan - Precinct 1 and Precinct 2 - 4 to the Western Australian Planning Commission, due to the lack of advancement of Mundijong Road being reserved as a Primary Regional Road and transferred in responsibility to Main Roads WA.

Option 1 is recommended.

Conclusion

The Proposed MRS Amendments seeks to rezone an approximately 129.04ha (Amendment 1427) and 629.76ha (Amendment 1428) portion of land in Baldivis within the City of Rockingham from 'Rural' to 'Urban Deferred' under the MRS. The subject site is identified as 'Urban Expansion'

under the WAPC's South Metropolitan Peel Sub-Regional Planning Framework. Key considerations for the proposal include the planning framework, the transport network, the regional flood plain and future development considerations. Officers recommend the Proposed MRS Amendments be conditionally supported subject to modifications to retain a strip of Rural zoned land (100m wide) on the north side of Mundijong Road, so that route planning can occur to create a suitable Primary Regional Roads reserve.

Attachments (available under separate cover)

10.1.5 - attachment 1 - Proposed MRS Amendment 1427 - Precinct 1 (IN24/19311)

10.1.5 - attachment 2 - Proposed MRS Amendment 1428 - Precincts 2 - 4 (IN24/19313)

Alignment with our Council Plan 2023-2033

Thriving	
1.	Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Liveable	
2.	Improve maintenance and investment in roads and paths

Financial Implications

There are no direct financial implications relating to this matter.

Risk Implications

Risk has been assessed on the Officer Options:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option is considered the lowest strategic risk option.						
2	That Council PROVIDES comments NOT SUPPORTING the Proposed Metropolitan Region Scheme Amendments 1427 and 1428 - North East Baldivis District Structure Plan - Precinct 1 and Precinct 2 - 4 to the Western Australian Planning Commission, which impacts housing supply and affordability more generally.	Planning legislation and framework.	Social Community Outcomes /	Possible	Moderate	MODERATE	Accept Officer Recommendation

Voting Requirements: Simple Majority

OCM251/09/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Jerrett, seconded Cr Mazzini

That Council PROVIDES comments of CONDITIONAL SUPPORT in accordance with the content of this report to the Western Australian Planning Commission, on the Proposed Metropolitan Region Scheme Amendments 1427 and 1428 - North East Baldivis District Structure Plan - Precinct 1 and Precinct 2 - 4, subject to modifications to protect a suitable strip of Rural zoned land on the north side of Mundijong Road, to enable ultimate reservation of Mundijong Road as a Primary Regional Roads reserve, as a part of the Proposed Metropolitan Region Scheme Amendments 1427 and 1428.

CARRIED UNANIMOUSLY (en bloc at 7.31pm) 7/0



Respondent No: 1

Login: Anonymous

Email: n/a

Responded At: Aug 28, 2024 10:34:57 am

Last Seen: Aug 28, 2024 10:34:57 am

IP Address: n/a

Q1. What is your name? *Name removed at the request of the submitter*

Q2. What is your surname?

Q3. What is your email address?

Q4. What is your address?

Q5. What is your contact number?

Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes

Q7. Are you responding on behalf of an organisation? Yes

Q8. What is the name of the organisation? APA Group

Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Support

Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.

See attached letter

Q11. Upload supporting documents https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/14ed5a22eb27d3525ed687735e0bce9a64fbee5c/original/1724805284/f3b7d2415f284f305f9caa26e7e4ba67_LO_PGP_-_KP_374.00_-_20240807_-_504885_-_Proposed_MRS_Amendment_1427_-_North_East_Baldivis_District_Structure_Plan.pdf?1724805284

Q12. Upload supporting documents not answered

Q13. Upload supporting documents not answered



28 August 2024

APA Reference: 504885
Your Reference: RLS/1125

Attn: Region Schemes Team
Department of Planning, Lands and Heritage
Gordon Stephenson House
140 William Street
Perth WA 6000

EMAIL OUT:
regionplannngschemes@dplh.wa.gov.au

Dear Sir / Madam,

RE: Proposed MRS Amendment 1427 - North East Baldivis District Structure Plan – Precinct 1

Thank you for your referral request received on 5 August 2024 in relation to the proposed MRS Amendment 1427 - North East Baldivis District Structure Plan – Ref: RLS/1125.

APA Group (APA) is a leading Australian owned and operated energy infrastructure business with a \$22 billion portfolio of assets, delivering essential energy services across all of Australia. Our focus is on providing safe, reliable, affordable, and low emissions energy to Australian communities. Our investments are also critical to supporting Australian jobs, manufacturing and industry. APA is a trusted owner and operator of a range of energy infrastructure – from renewable energy, to electricity interconnectors and transmission, through to gas generation plants and transmission pipelines. APA is the Pipeline Licensee for the Parmelia Gas Pipeline, located approximately 3.2 kilometres west of the subject site.

The subject site is outside the Notification Area of any applicable APA assets, as such, APA has no comments to make in relation to this application.

For any further enquiries in relation to this correspondence, please contact myself on 03 8626 8523 or APA's Urban Planning team by email at PlanningWA@apa.com.au

Yours faithfully,

Name removed at the request of the submitter

**Urban Planning & Projects Approvals
Infrastructure Planning & Approvals
APA Group**



**Respondent No:** 2**Login:** daniellamrdja**Email:** daniella@urbanistaplanning
.com.au**Responded At:** Sep 16, 2024 16:38:31 pm**Last Seen:** Sep 16, 2024 06:34:17 am**IP Address:** 110.142.254.144

Q1. What is your name?	Daniella
Q2. What is your surname?	Mrdja
Q3. What is your email address?	daniella@urbanistaplanning.com.au
Q4. What is your address?	231 Bulwer Street, Perth WA 6000
Q5. What is your contact number?	0864449171
Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?	No
Q7. Are you responding on behalf of an organisation?	Yes
Q8. What is the name of the organisation?	Lorian Nominees Pty Ltd
Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?	Support
Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.	<p>Urbanista Town Planning acts for the landowner of No. 3 Pug Road, Baldivis, Lorian Nominees Pty Ltd. On behalf of our client, we fully support the proposed MRS amendment to rezone the area to Urban Deferred and look forward to the continued progression towards urban development in the area.</p>
Q11. Upload supporting documents	not answered
Q12. Upload supporting documents	not answered
Q13. Upload supporting documents	not answered

Our Reference: 3097Ltr212A
Enquiries: Daniel Martinovich

1 November 2024

Anthony Muscara
Principal Planning Officer
Department of Planning, Lands and Heritage
140 William Street
PERTH, WA, 6000

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

Dear Anthony

**RE: SUBMISSION ON METROPOLITAN REGION SCHEME AMENDMENT NO.1427
NORTH EAST BALDIVIS DISTRICT STRUCTURE PLAN – PRECINCT 1**

CLE Town Planning + Design is the applicant for proposed standard amendment 1427 (the Amendment) to the Metropolitan Region Scheme (MRS) prepared and lodged on behalf of our Client, Stockland.

We fully support the principle of the land being developed for urban purposes as proposed by the Amendment. We do, however, request a change to the zoning approach initiated by the Western Australian Planning Commission (WAPC). Specifically, we request that the WAPC, on the advice of the Department of Planning, Lands and Heritage (DPLH), rezone the land direct to 'Urban' as compared to the initiated and advertised version which proposes to rezone the land to 'Urban Deferred'.

Rezoning the land direct to the 'Urban' zone is warranted for the following reasons in direct response to the four 'lifting of urban deferment' requirements listed in the initiation report:

Requirement Approval of the draft *North East Baldivis District Structure Plan* (the DSP) by the Western Australian Planning Commission (WAPC).

Response The MRS Amendment is not expected to be presented to the WAPC for consideration until the DSP is approved. The requirement for the DSP to be approved will therefore have been addressed.

Requirement Approval of a District Water Management Strategy (DWMS) by the Department of Water and Environmental Regulation.

Response The MRS Amendment is not expected to be presented to the WAPC for consideration until the DSP and the associated DWMS have been approved. The requirement for the DWMS to be approved will therefore have been addressed.

Requirement Resolution of detailed road planning by Main Roads WA (MRWA) along Mundijong Road to determine regional road reservation requirements.

Response Progression of the DSP and associated traffic modelling enabled MRWA to confirm that an overall cross section width of 100 metres will provide an adequate infrastructure corridor for the future widening of Mundijong Road. The strategy to preserve a 100-metre wide corridor is discussed in further detail below.

Requirement Appropriate resolution of sewer and water servicing infrastructure in consultation with the Water Corporation.

Response The proponent has engaged directly with the Water Corporation to demonstrate that the Amendment area can be serviced with sewer and water infrastructure within the timeframe needed to progress additional planning approvals (local structure plan and subdivision approval). This will enable development of Precinct 1 to proceed ahead of the broader servicing matters being resolved for Precincts 2 – 4.

Further to the above, we also request that the WAPC concurrently amend the City of Rockingham's Local Planning Scheme No. 2 by rezoning the land to 'Development' pursuant to Section 126(3) of the *Planning and Development Act 2005*.

Background

CLE's initiation request in November 2023 proposed to rezone the Precinct 1 amendment area to 'Urban'. Notwithstanding, the DPLH recommended to the WAPC that the amendment area be held in the 'Urban Deferred' zone, subject to the following requirements for the lifting of urban deferment being addressed:

1. Approval of the draft *North East Baldivis District Structure Plan* (the DSP) by the WAPC.
2. Approval of a District Water Management Strategy (DWMS) by the Department of Water and Environmental Regulation.
3. Resolution of detailed road planning by MRWA along Mundijong Road to determine regional road reservation requirements.
4. Appropriate resolution of sewer and water servicing infrastructure in consultation with the Water Corporation.

The Amendment was initiated as per the above however, the WAPC has the option of rezoning the land to 'Urban' when it considers the outcomes of advertising and makes a recommendation to the Minister. Further, the WAPC also has the option of concurrently rezoning the land under the City of Rockingham's Local Planning Scheme No. 2 (LPS 2) to 'Development' (structure plan) zone pursuant to Section 126(3) of the *Planning and Development Act 2005* (the Act).

After the Amendment was initiated by the WAPC, Stockland and its consultant team has continued to progress the more detailed planning via the DSP process. This has included meetings and liaison with the DPLH, Water Corporation and the Department of Water and Environmental Regulation. As a result of this further work and negotiations over the past circa 12 months, the detailed planning for the land has progressed to a point where the requirements for holding the land in the 'Urban Deferred' zone will no longer apply at the time the WAPC considers this Amendment.

The requirements for the lifting of urban deferment as well as our request to concurrently amend LPS 2 are discussed in detail below.

Requirement for an approved District Structure Plan and District Water Management Strategy

We request that the Amendment not be presented to the WAPC for final approval until such time as the DSP and the DWMS have been approved. In doing so, both these requirements for the lifting of urban deferment will have been addressed, meaning that they will no longer exist as reasons to hold the land in the 'Urban Deferred' zone. This is a more efficient rezoning process, as compared to rezoning the land to 'Urban Deferred' and then having to progress a separate 'lifting of urban deferment' process. This will save time and resources for both the DPLH / WAPC and the proponent.

Determination of the future Mundijong Road regional road reservation requirements

A 40-metre wide 'Other Regional Road' (ORR) reserve currently exists for Mundijong Road. As part of the pre-referral process, MRWA advised that 40-metres would not be sufficient to accommodate the ultimate standard of Mundijong Road in the future however, MRWA did not specify how wide a future reservation would need to be, only that Mundijong Road was planned as a 6-lane 'expressway'.

Based on the traffic modelling and technical advice of the project traffic engineer, it was demonstrated that a 6-lane regional road could be accommodated within the existing 40-metre-wide ORR. MRWA did not accept this position and did not offer an alternative ORR width that could reasonably accommodate the ultimate standard of road. In order to progress the MRS Amendment (and DSP) ahead of MRWA's detailed planning for Mundijong Road - which is not expected to occur for several years - an interim strategy was proposed that enables the planning process to proceed without prejudicing the ultimate outcome for Mundijong Road.

Through further discussions between the DPLH, MRWA and the applicant, it is understood that MRWA agreed that protection of a 100-metre-wide corridor would be sufficient so as to not prejudice future infrastructure planning for Mundijong Road. For reference, the Kwinana Freeway reserve which abuts the Amendment area's western boundary is 100 metres wide. To accommodate the 100-metre-wide corridor, it was discussed between the applicant and DPLH that an additional 20-metres of road widening to the north of the existing 40-metre wide ORR would be held in the 'Urban Deferred' zone. This is not a commitment to cede the additional 20-metre 'Urban Deferred' strip for road widening – it is to preserve a future outcome which may, or may not, be required. Should it be determined that this additional widening is indeed required, the land would be reserved under the MRS in accordance with standard procedure. Should the 20-metre-wide 'Urban Deferred' strip not be required, it will be transferred to the 'Urban' zone and incorporated into the adjoining development.

Overall, the 100-metre-wide corridor for the future Mundijong Road planning would comprise the existing 20-metre road reserve, plus 40-metres to the north, plus 40-metres to the south. Importantly, this does not trigger the need to reserve any additional land at this stage, only that the ability to widen Mundijong Road by 40-metres to the north is preserved, should further detailed planning of MRWA require it. Widening Mundijong Road by an equal width to the north and south of the existing reserve (i.e. 40-metres to the north and 40-metres to the south) is consistent with the standard approach to upgrading ORRs and is consistent with the principles of 'need and nexus' established by the WAPC's *State Planning Policy 3.6 – Infrastructure Contributions*.

Appropriate resolution of sewer and water infrastructure servicing

Further discussions between the proponent and the Water Corporation have occurred since the Amendment was initiated in May 2024. Specifically, it has been demonstrated that adequate sewer and water capacity exists within the Water Corporation network to service the Precinct 1 area, which is estimated to accommodate approximately 1,000 dwellings.

The wastewater reticulation for Precinct 1 will be directed to a proposed Type 40 wastewater pumping station within the development, and into a 180mm pressure main, which will head north along the existing St Albans Road, and west along Telephone Lane, under the freeway. The pressure main will connect to the existing wastewater reticulation in Baldivis via direct injection into existing pressure mains or the gravity system which will flow to the existing Pug Road Wastewater Pump Station. The total flows from Precinct 1 (1,000 lots) will ultimately be approximately 12l/s and there is existing capacity in the Baldivis wastewater network to accommodate these flows over the time it will take to develop.

The water servicing is straightforward based on discussions with Water Corporation to date. The initial stage will be serviced via a 250mm water main connecting to the existing water main at the intersection of St Albans Road and Bertenshaw Road. This will be suitable to cater for the initial stages of development. Later stages of the Precinct 1 area will require the 250mm water main link to be extended from the site north along St Albans Road, west along Telephone Lane and then south to connect to the existing water main on Heartwood Boulevard and close the loop. The water servicing of the Precinct 1 area will not prejudice servicing the remainder of the DSP area.

Whilst further refinement and detailed planning will occur as part of the local structure plan and subdivision processes, it has been appropriately demonstrated that the land can be serviced with sewer and water within a timeframe that matches the delivery of residential lots.

Concurrent amendment to Local Planning Scheme No. 2

Pursuant to section 126(3) of the Act, we request that the WAPC concurrently amend the City of Rockingham's LPS 2 by rezoning the land from the 'Rural' to 'Development' zone. A concurrent amendment is requested for the following reasons.

Efficiency

A concurrent amendment to LPS 2 is the most efficient process to progress the planning framework over the land to deliver houses in accordance with the intended urban outcome. North East Baldivis is identified as a priority pipeline project that is needed to assist meet the current and foreseeable shortage of affordable housing. Streamlining the planning process will assist to meet the current housing shortage which is expected to persist in the short to medium term.

A concurrent amendment to LPS 2 will avoid a separate amendment process that will take a minimum of 12 months, and more likely 18 months, to complete. It is anticipated that the City would not accept a local structure plan until the land is suitably zoned under LPS 2, meaning that the sequential planning process, and the ultimate delivery of residential dwellings, would be unnecessarily delayed.

Future detailed planning

There are no scheme text provisions needed to coordinate the future, more detailed planning for the land as:

- The land will be subject to an approved DSP, which identifies specific matters to be addressed at the local structure plan and subdivision stages. Specifically the Part 1 – Implementation Section of the DSP provides a detailed framework for the future preparation and assessment of local structure plans; and
- Rezoning the land to 'Development' will automatically trigger the need to prepare a structure plan in accordance with Schedule A, clause 27(3) of LPS 2.

The structure plan will need to be prepared in accordance with the WAPC's 'WA Planning Manual – Guidance for Structure Plans' ensuring that all necessary details and technical reports are prepared to ensure a thorough and comprehensive structure plan. Prescribing structure plan requirements within scheme text is not necessary, given the detailed guidance provided by the DSP and the WAPC's Planning Manual for structure plans. Scheme text will serve no benefit and would unnecessarily delay progression of the land as it would necessitate a separate LPS 2 amendment process.

Environmental considerations

In its advice on the Amendment, the Environmental Protection Authority (EPA) noted the ability for future planning processes to assist mitigate environmental impacts and as such, elected to 'not assess' the Amendment. No significant matters or concerns were raised that would warrant the drafting of scheme text. In our view, this minimalist advice from the EPA is based on the unconstrained nature of the site and the fact that it is devoid of any significant environmental features.

In accordance with standard practice, the advice of the EPA can and will be implemented at the local structure plan stage without the need to address any environmental matters through scheme text.

Summary

For the reasons outlined in this submission, rezoning Precinct 1 directly to 'Urban' is warranted as there are no fundamental constraints that would prevent the land progressing to the local structure plan and subdivision stages. An approved DSP and DWMS will be in hand at the time the Amendment is considered by the WAPC and a strategy for accommodating the future potential widening of Mundijong Road has been agreed with MRWA and the DPLH.

Precinct 1 and the associated dwelling yield of 1,000 lots can be accommodated within the Water Corporation's existing sewer and water network capacity and an infrastructure corridor exists to connect Precinct 1 to the external network of infrastructure. Further detailed infrastructure planning will be undertaken as part of the local structure plan process and once the land is zoned 'Urban'. Importantly, an 'Urban' zoning will serve as an impetus for the Water Corporation to meaningfully engage in a detailed servicing solution.

A concurrent amendment to the City of Rockingham's LPS 2 is requested and warranted, given the detailed framework for the preparation and assessment of local structure plans established by the DSP. Further, no environmental values exist within Precinct 1 that warrant the inclusion of scheme text provisions for protection and management and the advice of the EPA can be implemented via a future local structure plan.

Thank you for the opportunity to make this submission. Should you have any queries, please don't hesitate to contact Daniel Martinovich on 9382 1233 or Daniel@cleplan.com.au.

Yours faithfully



DANIEL MARTINOVICH
PARTNER – PLANNING
CLE TOWN PLANNING + DESIGN

CC: Damian Shephard – Stockland
Jacob Abbott – Stockland