



WAPC

Western
Australian
Planning
Commission

August 2025

Metropolitan Region Scheme Amendment 1428 (Standard Amendment)



North East Baldivis District Structure Plan – Precincts 2-4

Report on Submissions
Submissions

City of Rockingham

**Metropolitan Region Scheme
Amendment 1428
(Standard Amendment)**

**North East Baldivis
District Structure Plan - Precincts 2-4**

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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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Locked Bag 2506
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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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Contents

Report on Submissions

1	Introduction	1
2	The proposed amendment	1
3	Environmental Protection Authority advice	1
4	Call for submissions	2
5	Submissions.....	2
6	Main issues raised in submissions	2
7	Modifications	3
8	Responses and determinations	3
9	Coordination of region and local planning scheme amendments	3
10	Conclusion and recommendation	4
11	Ministers decision.....	4

Schedule 1 Listing of submissions

Schedule 2 Summary of submissions and determinations

Schedule 3 Amendment Figure - Proposal 1 (as advertised)

Appendix A List of plans (as advertised)

Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1428 (Standard)
North East Baldivis District Structure Plan - Precincts 2 - 4

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 629.76 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.
- Provision of appropriate buffers around the fish/marron farm and livestock feed lot or termination of such uses.

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.

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

Twenty submissions (including one late submission) were received on the amendment. Six submissions were 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

Freight Railway Amenity Impacts

- Submitters advise that the northern boundary of the amendment area abuts the State Government's freight rail corridor, with the northern interface mapped as being within the 200 m freight rail trigger distance of *State Planning Policy 5.4 - Rail and Rail Noise* (SPP 5.4).
- A Special Control Area (SCA) should be considered to identify land likely to be subject to noise impacts from the operation of the freight rail corridor.

WAPC Response: The amendment site is identified as Urban Expansion in the *South Metropolitan Peel Sub-regional Planning Framework* (the Framework) and for residential development in the approved North East Baldivis DSP.

In relation to issues regarding noise and amenity on future residents from the nearby freight rail infrastructure, these matters are routinely addressed in the subsequent detailed structure planning stage followed by subdivision and development approval conditions.

However, the North East Baldivis DSP is supported by a Transportation Noise Assessment which identifies the rail corridor as a potential source of noise, specifying that a combination of noise walls and quiet house packages will be required. These matters are further refined as part of the local structure plan and subdivision processes in response to the specific road layout and lot designs. These requirements which will require careful consideration in accordance with SPP 5.4 and to the satisfaction of the local government and State Government agencies.

The use of a SCA it is not considered appropriate as the WAPC has a range of existing statutory and strategic planning instruments, including the MRS, local planning schemes and state planning policies, which provide control and guidance for the use and development of land in proximity to an existing freight railway.

Inclusion of additional land

Submitters have requested the inclusion of additional land in the amendment for urban purposes.

WAPC Response: The WAPC is generally guided by *Perth and Peel@3.5million / South Metropolitan Peel Sub-regional Planning Framework* in the zoning of new land for urban purposes. The Framework does not identify any further urban land in this locality. The WAPC has also approved the North East Baldivis DSP which aligns with the boundaries of the Framework and does not propose any additional urban areas.

It is also noted that the modification of the amendment to include new land is considered a major modification requiring re-assessment by the WAPC and EPA prior to re-advertising of the amendment and would not be within the scope of the advertised amendment.

7 Modifications

After consideration of submissions the amendment has been modified by refining the final lifting Urban Deferment requirements. Since the advertising of the amendment, the North East Baldivis DSP has been approved and minor modification to the last dot point to include reference to the existing livestock holding pen has also been undertaken. The final lifting of Urban Deferment requirements are as follows:

Lifting of Urban Deferment Requirements

- Approval of a DWMS by the DWER.
- Resolution of detailed road planning by 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/holding pen or termination of such uses.

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 advertised.

9 Coordination of region and local planning scheme amendments

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

As no land is being zoned Urban, section 126(3) of the Act is not applicable to this amendment.

10 Conclusion and recommendation

This report summarises the background to Amendment 1428 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the amendment as shown generally on the **Amendment Figure - Proposal 1** in Schedule 3 and in detail on the Amending Plan listed in Appendix A should be approved and finalised.

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

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 1428 is now finalised as advertised and shown on WAPC Amending Plan 3.2841 and has effect in the Metropolitan Region Scheme 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 1428 (Standard)

North East Baldivis District Structure Plan - Precincts 2-4

Submission Number	Name
1	ATCO Gas
2	Department of Energy, Mines, Industry Regulation and Safety
3	Department of Primary Industries and Regional Development
4	Main Roads Western Australia
5	Department of Transport
6	Department of Education
7	Water Corporation
8	Department of Health
9	City of Rockingham
10	Shire of Serpentine Jarrahdale
11	Department of Biodiversity, Conservation and Attractions
12	Department of Fire and Emergency Services
13	Site Planning Design (on behalf of Aurizon Operations Limited)
14	Livestock Express Pty Ltd and Franck Teissier
15	CSP Consulting (on behalf of Franck Teissier)
16	APA Group
17	Rowe Group (on behalf Aldwich Holdings Pty Ltd)
18	Arc Infrastructure
19	Freight and Logistics Council of Western Australia (FLCWA)
Late Submissions	Name
20	CLE Town Planning + Design (on behalf of Stockland)

Schedule 2

Summary of submissions and determinations

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

Submissions: 1, 2, 3, 4, 5, 6, 12 & 16

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

Summary of Submission: COMMENT

The above State Government agencies, infrastructure providers and 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: 7

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 and provided to the proponent as the provision of water and sewerage services remains a matter to be addressed prior to the lifting of Urban Deferment.

Determination: Submission noted.

Submission: 8

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 onsite 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 and provided to the proponent as some of these matters relate to future planning and development processes.

Determination: Submission noted.

Submission: 9

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 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.
- 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.

Planning Comment:

Comments noted. The WAPC supports the finalisation of the amendment as it is identified as Urban Expansion in the *South Metropolitan Peel Sub-Regional Planning Framework* and on 04 December 2024 the WAPC approved the NE Baldivis DSP subject to modifications.

A key modification to the DSP includes the proponent undertaking further investigations in conjunction with DPLH and key stakeholders to resolve the use, management, governance and ownership of the Multiple Use Corridors. The DSP is to be modified to reflect the agreed public ownership and management arrangements. Therefore, the amendment is to be finalised to an Urban Deferred zone with the minor refinement of the lifting of Urban Deferment requirements.

It is noted that Lot 1 is not located within this amendment area and as such is not impacted by the proposal.

Determination:

Submission noted.

Submission:

10

Submitter:

Shire of Serpentine-Jarrahdale

Summary of Submission:

SUPPORT

The Shire of Serpentine Jarrahdale Council provides conditional support to proposed MRS Amendments 1427 and 1428 - North East Baldivis District Structure Plan Precinct 1 and Precincts 2-4.

Subject to modifications to protect a suitable strip of Rural zoned land on the north side of Mundijong Road, to enable the ultimate reservation of Mundijong Road as a Primary Regional Roads reservation.

Planning Comment: Comments noted. The Shire of Serpentine-Jarrahdale's comments relate to the resolution of road planning along Mundijong Road which is a requirement to be addressed prior to the lifting of Urban Deferment.

Determination: Submission noted.

Submission: 11

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 Department of Water and Environmental Regulation using existing available datasets and aerial imagery indicates changed boundaries for some REWs currently mapped on the Geomorphic wetlands (Swan Coastal Plain) dataset, and potentially a higher wetland management category for several areas 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*.

Duckpond Nature Reserve, managed by DBCA, is located immediately adjacent to the southeast portion of the subject area. The nature reserve supports the Threatened Ecological Community (TEC) SCP3c *Corymbia calophylla* - *Xanthorrhoea preissii* woodlands and shrublands, Swan Coastal Plain, which is listed as critically endangered in WA, and as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The nature reserve is also mapped as a Conservation Category wetland (CCW).

Planning for the proposed Structure Plan area should consider requirements for a suitable buffer to the nature reserve's CCW and TEC or alternatively demonstrate that a buffer is not required. The proponent may also need to consider their obligations under the EPBC Act.

The Structure Plan should also consider requirements for buffers and ongoing wetland management for the 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) 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.

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 threatened Black Cockatoo foraging habitat and 13 potential Black Cockatoo breeding trees within the proposed amendment area and identifies portions of site that have not been surveyed.

Section 5.3.5 of 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: 13

Submitter: Site Planning Design (on behalf of Aurizon Operations Limited)

Summary of Submission: OBJECTION

The submitter objects to the amendment and advises as follows:

Background

Aurizon Holdings Limited is a top 100 ASX-listed company and is Australia's largest integrated rail-based freight transport provider. We offer our customers integrated freight and logistics solutions, operating across an extensive national rail, road and port network to move a comprehensive range of commodities, including mining, agricultural, industrial and retail products, for a diverse range of customers across Australia.

The section of the freight rail corridor abutting the land proposed to be rezoned to Urban Deferred, together with our Forrestfield, Kwinana and Picton rail depots, forms an integral part of operations that facilitate the intra-state and interstate movement of bulk freight (including iron ore, cobalt, alumina, fuels, chemicals, industrial products and grain) between WA's miners, producers, customers and markets, processing facilities and export shipping terminals at Kwinana, Fremantle and Bunbury. On this section of the freight rail network, Aurizon operates the following daily services:

- Two return alumina bulk freight services between Alcoa's Kwinana, Pinjarra and Wagerup refineries and their Kwinana export terminal.
- Two return caustic bulk freight services between Alcoa's Kwinana and Pinjarra operations.
- One return lime bulk freight service between Cockburn Cement's Munster facility and Alcoa's Pinjarra operations.

In addition to the above, Aurizon is planning for a multi-commodity freighter service to support the WA State Government's stated intent of transitioning more freight from road to rail.

As we continue to make significant investments in optimising our land holdings, infrastructure, assets and implement new technologies in support of our commitment to diversify services, decarbonise our fleet and grow the rail freight business in WA, it is vital that we have confidence and certainty in long-term unrestricted freight rail operations.

The Perth to Bunbury freight rail line forms a critical component of our growth strategy in WA. This growth relies on the ability to operate on an unrestricted year-round basis and to remain unimpeded by the risk of land use conflicts which may place restrictions on operations resulting from incompatible urban encroachment on freight rail corridors.

In 2018, Infrastructure Australia (IA) flagged that Australia's growing freight task is one of our biggest infrastructure challenges. The report highlighted that Australia's economic competitiveness and prosperity is closely tied to the quality and operational integrity of our supply chain infrastructure. IA acknowledge the social licence to operate challenge facing the freight industry in striking a balance between community expectations and customer demand and consequently, the need to more effectively manage land use change around freight networks.

In 2019, the Federal government released the *National Freight and Supply Chain Strategy* (the Strategy) to provide a long-term framework to position Australia's multimodal freight supply chains to face the challenges of the next 20 years and beyond.

The WA Government-owned freight rail network, the majority of which is managed by Arc Infrastructure on behalf of government, spans the south-western corner of WA from Geraldton to Leonora, Kalgoorlie and Esperance, connecting the State's key grain and resource producing regions to Perth, regional centres, port gateways and the east coast of Australia. This network is illustrated in the enclosed *WA Freight Rail Network Plan*.

WA's freight rail network operates 24 hours a day, seven days a week, 365 days a year ensuring the efficient and timely movement of freight across the State to customers and businesses, maintaining our quality of life and economic prosperity.

It is important to highlight that the section of rail abutting the land proposed to be rezoned:

- Forms part of the wider State and National freight rail network constructed between 1953 and 1965 and has operated continuously for over 60 years.

- Forms part of the only freight rail connection between Perth and Bunbury, including connections to:
 - Bunbury Port.
 - Alcoa's Pinjarra and Wagerup alumina refineries.
 - Aurizon's Picton Rail Depot.
- Connects the South West region's producers to key freight handling facilities, including seaport gateways and rail terminals in the Perth metropolitan region, and onshore processing and manufacturing operations.
- Supports industries in the Western Trade Coast's Global Advanced Industries Hub and Talison Lithium's mining operation in the Southwest.
- In addition to its current role, there is a significant opportunity to increase freight rail volumes on this part of the network (Perth to Bunbury) in consideration of:
 - Rapid population growth in the South West region and the associated growth in freight volumes, including fast moving consumer goods (FMCG), such as food and household items sold in supermarkets.
 - Growth in critical mineral extraction in the South West, which provide an input for processing industries within the Western Trade Coast and/or are exported through the Outer Harbour.
 - Decarbonising the supply chain, with rail transport generating comparatively lower emissions than road transport and rail operators implementing low and zero emissions technology for locomotives.
- An opportunity to relocate vehicle imports to Bunbury Port and subsequent transfer to Perth by rail.

Response to Amendment 1428

Approximately 1.6 km of the northern boundary of the subject land abuts the State Government's freight rail corridor, with approximately 2.5 km of the northern interface mapped as being within the 200 m freight rail trigger distance of SPP 5.4.

Aurizon considers that the Amendment Report and the EPA Notice of Environmental Assessment do not fully acknowledge the potential impacts of the freight rail corridor. The associated policy framework that guides decision making on these matters does not provide confidence that an appropriate land use interface will be secured through the various stages of the planning approvals process.

The intent of the Rural zone is for the use of the land for a range of agricultural, extractive and conservation uses, uses that are compatible neighbours with freight rail corridor operations.

The intent of the Urban Deferred zone is to identify land for future urban uses following the extension of urban services. The progressive development of urban areas adjacent to rail requires

appropriate environmental and planning frameworks to support such development. Noise-sensitive urban land uses, such as residential dwellings, schools, aged care living, and hospitals are not compatible with nearby freight rail corridor operations.

Whilst the Amendment is consistent with the strategic planning framework and supports broader Government objectives to address housing supply challenges, Aurizon does not support the future use and development of land within proximity to the freight rail corridor for noise-sensitive (urban) land uses without appropriate mitigations being put in place which protect ongoing integrity of the rail corridor.

In our experience, the proposed planning framework does not trigger requirements for development proponents to consider detailed planning, design requirements which address the impact of freight rail operations and compatibility with urban land uses (particularly noise-sensitive uses). The framework suggests that such impacts are only considered at the final stages of the planning process when there are only a limited number of options to address land use compatibility.

Aurizon is mindful that the only opportunity that for considering the amenity impacts of rail on land abutting the freight rail corridor will be at the local structure plan stage, which may not be advertised until after the land has been transferred to the Urban zone. At this late stage, applicant and community expectations regarding the future use of the land will not have fully addressed the impact of rail on proposed development outcomes.

Aurizon encourages the applicant, the City of Rockingham, and the DPLH to give detailed consideration to the impact of freight rail noise in assessing appropriate land use interfaces along, and within proximity to, the freight rail corridor.

In addition to avoiding incompatible noise-sensitive land uses, consideration should be given to the implementation of a Special Control Area (SCA) under the MRS to identify land likely to be subject to noise impacts from the operation of the freight rail corridor, following the inclusion of provisions for land to be included within a SCA in the MRS text as per the *Planning and Development (Metropolitan Region Schemes) Bill 2024*.

Conclusion

The freight rail network is a significant part of the State's transport infrastructure network. It is of critical importance to state development, connects WA industries (including miners and grain growers) to domestic and international markets and supports the supply of critical goods and resources to businesses and consumers.

Incompatible land uses which favour urban development within proximity to established freight rail corridors has the potential to significantly impact the integrity of the freight rail network as well

as the long-term amenity of new urban communities. In developing this submission, Aurizon has consulted with industry partners including Arc Infrastructure. Aurizon is aligned with, and fully supports, the concerns outlined in Arc's submission on this proposed Amendment.

Planning Comment: Comments noted. Refer to 'Part 6 - Freight Railway Amenity Impacts' within the *Report on Submissions*.

Determination: Submission dismissed.

Submission: 14

Submitter: Livestock Express Pty Ltd / Franck Teissier

Summary of Submission: OBJECTION

The submitter does not support the proposed amendment as follows:

- The North East DSP should cover the entire north-east Baldivis area and not be in isolation. This advice was previously acknowledged by the then WAPC Chairman Eric Lumsden.
- This will be for better planning rather than an ad-hoc isolated approach. At the moment, there is no interface planning between land north and south of Mundijong Road.
- North East Baldivis includes land south of Mundijong Road. However, the NE Baldivis DSP does not include land south of Mundijong Road.
- There are significant buffers over Precincts 2-4 from licenced intensive livestock holding facilities, livestock feedlots and such buffers to be respected in accordance with local and statutory regulations.
- No Urban zoning or residential housing should be approved inside buffers to prevent landuse conflict between rural industry and sensitive land uses.
- Buffers should be set from the boundary of the licensed premises and extend outwards.
- A minimum buffer of 1,000 m from the property boundary the livestock holding facility/sale yard and 2,000 m from the feedlot should apply, be enforced and respected.
- There are serious concerns about water levels prior and post development and the effects/impacts downstream. The WAPC have not fully investigated the water impacts from the development.
- It is probable that water levels downstream on the Berriga drain will increase due to any forthcoming residential

development. This will cause neighbouring properties to be significantly impacted by increased water levels.

- The Stockland land is located in a flood zone area and therefore great consideration must be given to verify if the land is suitable for development.

Planning Comment: Comments noted. Refer to 'Part 6 - Inclusion of Additional Land' within the *Report on Submissions*.

It is confirmed that although the proposed amendment is zoning the subject land to an Urban Deferred zone, buffers to the existing livestock holding facility and feedlot will need to be considered prior to the transfer of any land to the Urban zone.

Determination: Submission noted.

Submission: 15

Submitter: CSP Consulting (on behalf of Franck Teissier)

Summary of Submission: OBJECTION

The submitter does not support the proposed amendment as follows:

The draft NE Baldivis DSP fails to adequately address the interface between Stockland's land and the adjacent landholding's south of Mundijong Road, with regard to previous planning advice to include Lots 807 Wilkinson Road for Urban Expansion and to reflect correct buffers for current and future land use and operations.

The NE Baldivis DSP suggests that Livestock Holding Facilities have potential buffer implications for urban development. A previous email received from Chris Bebach, Manager Land Use Planning, DPLH on 04 November 2022 provided the following advice regarding Lots 806 & 807.

"Lots 806 & 807 (south of existing Mundijong Rd alignment)

- *Lot 806, which is located north of the proposed Mundijong Rd realignment, is included in the former PIA and has therefore been classified as Urban Expansion in the Framework.*
- *Lot 807 was excluded from the PIA; however, it is expected that future district structure planning for the recently classified Urban Expansion land north of the proposed realignment of Mundijong Rd will likely also include consideration of this land and resolve finer details as to whether it is suitable for a change in land use. (acknowledging that the Framework allows for minor changes to classification boundaries where appropriate/justified)."*

All other lots in the draft NE Baldivis DSP, North of Mundijong Road and East of Kwinana Freeway have been designated as *Urban Expansion*. Lot 807 is adjacent to Lot 806 Wilkinson Road and are both of similar size. However, Lot 807 has been excluded, and Lot 806 has been included despite both lots being located north of Mundijong Road. As the basis for a good planning outcome, Lot 807 should be included as a continuation for Urban (Employment) expansion in the draft NE Baldivis DSP as well.

No reasons have been provided why Lot 807 was excluded and was not designated as either Urban or Industrial Expansion in the *Perth and Peel@3.5million* and the draft NE Baldivis DSP or was this an accidental omission?

ROSGUY Feedlot - Statutory Buffers

The purpose of the district level structure plan is to address fatal flaws, and a buffer zone is considered to be a major constraint, especially related to Mr Franck Teissier's landholdings. The draft NE Baldivis DSP shows a 1,000 m buffer from a current shearing shed on Mr Franck Teissier landholdings that is designed to hold 5,000 sheep. This is incorrect and not consistent with the City of Rockingham Policy No. 3.1.1 Local Strategy, *State Planning Policy 4.1 - State Industrial Buffer Policy, EPA Guidance Statement No. 3 - Separation between Industrial and Sensitive Land Uses* and Landgate registered interest on properties with buffers.

Mr Teissier's company (Livestock Express Pty Ltd) is currently licensed by the Department of Water and Environment Regulation under Category 55: Livestock Saleyard or Holding Pen (Licence Number L8524/2011). The landholdings operate as an outdoor livestock holding facility and outdoor feedlot. The licence entitles the landholdings to hold up to 30,000 sheep and 5,000 sheep outside of the holding shed between 14 June and 01 October in each year. Mr Teissier plans to build more sheep holding sheds on Lot 301 Wilkinson Road that is directly opposite the Stockland property.

The buffers are from the boundary of the licensed outdoor livestock holding facility and feedlot to prevent land use conflict; protect facility operation and rural business; prevent impact onto residential from the facility, such as dust, noise, odour; and prevent the encroachment of residential housing. Therefore, buffer distances need to be accurately shown on the NE Baldivis DSP from the boundary of the livestock holding facility and feed lot on landholdings - Lot 1099, Lot 301, 806 and Lot 807 Wilkinson Road and Lot 804 Mundijong Road.

City of Rockingham Policy No. 3.1.1 Local Strategy and EPA Guidance Statement

As shown in the City of Rockingham Rural Land Strategy, together with *EPA Guidance Statement No. 3 Separation between Industrial and Sensitive Land Uses*, a sheep holding facility has a separation buffer of 1,000 m and a sheep feedlot

has a separation buffer of 2,000 m. Furthermore, the livestock saleyard or holding pen has a buffer distance of at least 1,000 m, depending on size.

The livestock holding facility on the top right corner shows that of Stockland. The livestock holding facility on its right shows that of Mr Teissier. The distance between the two is very small.

Landgate Property Interest

Two property interest reports were obtained from Landgate. The Property Interest Reports are for Lot 201 Mundijong Road obtained in 2017 and Lot 2 (plan P077728 Volume 2225/115 - Stockland Land).

The Property Interest Report for 201 Mundijong Road identifies an interest which will affect Lot 201 which is a Sheep Feedlot (Rosguy Feedlot) on 40 Wilkinson Road with the Primary Activity being the Sheep Feedlot and the secondary activity being the Sale Yard. It also shows a Separation Distance required of 2,000 m.

The Property Interest Report for Lot 2 (Deposited Plan 77728) identifies an interest which will affect Lot 2 (The Stockland Land) which identifies the Sheep Feedlot (Rosguy Feedlot) on 40 Wilkinson Road with the Primary Activity being the Sheep Feedlot and the secondary activity being the Sale Yard. It also shows a Separation Distance required of 2,000 m.

The Sheep Feedlot (Rosguy Feedlot) has been identified by the State Government (Landgate) Property Interest Report for Lot 2 and Lot 201 and therefore needs to be acknowledged and respected when assessing the draft NE Baldivis DSP. This is to avoid land use conflict between intensive agriculture industries and sensitive land uses.

Conclusion

Mr Teissier wishes to continue to expand his business interests in accordance with current approved licences to his livestock holding facility and feedlot operations. Therefore, request that the lifting of the Urban Deferment zoning require the following conditions in accordance with the EPA advice to apply *Guidance Statement No. 3 Separation Distances between industrial and Sensitive Land Uses* in the draft DSP:

- Include Lot 807 Wilkinson Road as Urban Expansion;
- Measure the outdoor sheep holding facility separation buffer 1,000 m from the boundary of Mr Teissier's property line;
- Measure the outdoor sheep feedlot separation buffer of 2,000 m from the boundary of Mr Teissier's property line; and
- Measure the livestock saleyard / holding pen separation buffer of 1,000 m from the boundary of Mr Teissier's property line.

Planning Comment: Comments noted. Refer to 'Part 6 - Inclusion of Additional Land' within the *Report on Submissions*.

The final lifting of Urban Deferment requirements has been modified to also include reference to the existing livestock holding pen buffer being a requirement to be considered prior to the lifting of Urban Deferment.

It is also confirmed that although the proposed amendment is zoning the subject land to the Urban Deferred zone, buffers to the existing livestock holding facility and feedlot will need to be considered prior to the transfer of the land to the Urban zone.

Determination: Submission noted.

Submission: 17

Submitter: Rowe Group (on behalf of Aldwich Holdings Pty Ltd)

Summary of Submission: COMMENT

Rowe Group acts on behalf of Aldwich Holdings Pty Ltd (trading as Golden Ponds), the owner of Lot 470 No. 355 Mundijong Road, Baldivis.

The submitter is supportive of the future urbanisation and development of the area and the MRS amendment, subject to minor modification to remove a portion of the Other Regional Roads reservation linking Mundijong Road to Telephone Lane and including that land within the Urban Deferred zoning.

Site Background

The subject site has a total land area of 37.338 ha with frontages of 855 m to Mundijong Road and 620 m to Telephone Lane. The site comprises the Golden Ponds Fishing and Marron Farm. There are several significant improvements on the subject site including a number of man-made dams repurposed following the clay extraction and now used for rearing fish and marron, as well as a reception centre, restaurant, nursery, holiday accommodation (chalets), home store and camping area. A portion of the subject site is also used for the rearing of cattle. All of these improvements have current and valid planning approval.

Whilst the broader MRS amendment area is generally low lying and affected by potential flooding, the subject site differs in that it has the highest elevation in the area and is not impacted by risk of possible flooding.

Support for Urbanisation

The MRS amendment area is strategically identified as Urban Expansion in the *Perth and Peel@3.5million*. Other areas in the locality are identified as Urban Investigation (east of the subject site) and Industrial Expansion (south of the subject site). The broader area has been recognised as an area that is suitable to accommodate the growing population of Perth having regard to the multiple existing and emerging employment opportunities and the access to efficient road and rail movement networks.

The risk of flooding is a key factor that needs to be addressed to facilitate the unlocking of the urban development potential however this needs to be considered in an equitable manner which recognises and does not penalise those landholdings that are not impacted by a risk of flooding. This may mean that some landholdings are not suitable for urban development and hence there is a need for consideration as to the future use of those landholdings.

Consideration of Flood Risk and Impact

The MRS amendment area has historically been held back from urban development due to concerns over environmental matters predominantly related to water management. It is noted that approval of DWMS is a prerequisite to the lifting of the Urban Deferred.

The draft North East Baldivis District Structure Plan includes a draft DWMS which considers flood risk and management. The existing or predevelopment flood risk scenario has been modelled. The modelling clearly demonstrates that the subject site is not affected by a risk of flooding in the existing pre-development modelled scenario. This observation is also confirmed through the DWER flood modelling. The draft structure plan is however fundamentally flawed in that it currently depicts the northern half of the subject site as 'Multiple Use (Flood Storage)'. This will need to be rectified to remove the 'Multiple Use (Flood Storage)' annotation from the subject site prior to adoption of a District Structure Plan and the DWMS.

The existing draft structure plan and DWMS documents are currently being assessed by the relevant agencies. It is anticipated that revisions will be required, and further consultation will be undertaken prior to adoption. This process of review and ultimate adoption is a necessary step in the planning process and as such it is considered appropriate that the lifting of Urban Deferment is contingent upon this process being completed.

Telephone Lane Deviation

The MRS amendment proposal depicts a portion of the Other Regional Roads reservation linking Mundijong Road to Telephone Lane in the southeastern corner of the subject site. The land affected by the reservation is in the ownership of our Client and includes a number of existing improvements (predominantly chalets). This is an existing historic reservation.

The need for, and the location of, an Other Regional Roads reservation linking Mundijong Road to Telephone Lane should be the subject of careful consideration through the structure planning process. As such, the affected land should more appropriately be included within the Urban Deferred zoning to provide greater flexibility in determining the future transport needs.

The road link will serve a broader function and as such, having regard to the principles of need and nexus, future acquisition of the land will be subject to compensation either by the State or through a Developer Contribution Scheme. Given the need for compensation to be paid with respect to reserved land, it is prudent to ensure the most efficient use of public funds by minimising the land requirement and maximising transport efficiency. Inclusion of the land in the Urban Deferred zone facilitates flexibility to achieve maximum efficiency.

Buffers

It is acknowledged that one of the requirements for the lifting of Urban Deferred is the provision of appropriate buffers around the fish/marron farm and livestock feed lot or termination of these uses. Our client intends to continue operating the rural and tourism uses on the subject site in the short to medium term but intends to cease these operations (or the sensitive elements of the uses) when market conditions are suitable, and services are available for redevelopment for the site.

Summary and Conclusion

The existing draft District Structure Plan is currently being assessed and will need to be amended to correctly reflect that the subject site is not affected by flood risk. It is acknowledged that the fish/marron farm and livestock feed lot may form a short to medium term impediment to urban development however it is intended that these operations will cease at the appropriate time to facilitate implementation of urban development.

The portion of the Other Regional Roads reservation linking Mundijong Road to Telephone Lane in the south eastern corner of the subject site should be removed and the land should be included within the Urban Deferred zone to facilitate flexibility for the consideration of the regional road network. Having regard to the commentary in this submission, it is requested that the MRS amendment proposal is modified to remove the Other Regional Roads reservation from the subject site and that it is replaced with an Urban Deferred zone.

The submitter supports the urbanisation of the locality and confirms their willingness to engage in a collaborative approach to the refinement of the planning framework for the locality.

Planning Comment:

Comments noted. Refer to 'Part 6 - Inclusion of Additional Land' within the *Report on Submissions*.

Determination:

Submission partly dismissed.

Submission: 18

Submitter: Arc Infrastructure

Summary of Submission: OBJECTION

Arc Infrastructure acknowledges that the amendment is consistent with the strategic planning framework that identifies the land for future urban use and development (subject to detailed planning) and supports broader Government objectives to address housing supply challenges, we wish to register our objection to the proposal to rezone land abutting and within proximity to a strategic freight rail corridor for future urban and noise-sensitive land uses as detailed in the following submission and summarised below:

- Noise-sensitive urban land uses, such as residential dwellings, schools, aged care living, and hospitals are not compatible within proximity to freight rail corridor operations.
- Evidence in the form of community complaints about freight rail operations and their impact on residential amenity, health and sleep disturbance.
- The essential nature and economic importance of the adjacent freight railway, the South West Main.
- The ways in which the planning system passes the cost of incompatible freight rail operations and noise-sensitive land uses (financial and reduced urban amenity) on to new home buyers.

The South West Main

The SWM runs between Kwinana and Bunbury Port (via Mundijong) and forms a critical part of the Arc Infrastructure network. The SWM includes several connecting spur lines (with the most notable being towards Collie) and it plays a critical role in servicing South32's operations and Alcoa's operations in Pinjarra and Wagerup.

Commodities hauled on this section include alumina, caustic, lime, coal and bauxite, all of which support the production of alumina as an output, with approximately 21 million tonnes hauled in 2023. The Australind passenger service also runs regularly between Perth and Bunbury.

The standard of track is high, with shorter trains operating compared to other parts of the network but running much more frequently. The track speed through this section is 80 km/h. Currently, there are around 10 movements per day running through this section of the SWM railway line in both directions.

Above rail/train noise can emanate from curves, and we note there is a short 575 m radius curve at the western end of the development. Rail noise in this area could also come from the

Wellard crossing loop, noting there are turnouts on both the western and eastern ends of the development area. As trains travel over turnouts there is typically impact noise over insulated joints and the switch area.

As the South West region's population and the volume of critical minerals continues to grow, there are considerable opportunities to increase the volume of freight moved on this part of the network, delivering wide reaching benefits for regional communities, including but not limited to, decreased heavy vehicle movements on local and regional road networks which in turn improves road safety, reduced congestion on the road network and lower carbon emissions creating healthier communities.

Planning Comment: Comments noted. Refer to 'Part 6 - Freight Railway Amenity Impacts' within the *Report on Submissions*.

Determination: Submission dismissed.

Submission: 19

Submitter: Freight and Logistics Council of Western Australia

Summary of Submission: OBJECTION

The Freight and Logistics Council of Western Australia Inc (FLCWA) advises as follows:

Background

The FLCWA has been strongly focused on engaging with state and local governments to inform strategic and statutory land use and transport planning and policy. It also identifies, protects and supports strategic supply chain infrastructure such as ports, intermodal terminals and road and rail corridors.

In December 2017, the FLCWA made a submission *State Planning Policy No. 5.4 - Road and Rail Noise* (SPP 5.4). The Guidelines associated with the Policy have also been updated. It has also made previous submissions where there is a potential conflict between significant road and rail freight routes and potentially incompatible land use near those routes. This submission is made in this context.

Potential impact on the South West Main Line (SWML)

The FLCWA's primary concern in this amendment is the area where the SWML runs adjacent to lots 1, 452, 451, 2, 3 and 21 (east to west). This area is approximately 1.6 km long. The FLCWA suggests Urban Deferred zoning is inappropriate when adjoining major freight routes such as the SWML. This is particularly important as these proposed lots can be rezoned to Urban later.

Furthermore, consideration should be given to implementing a Special Control Area (SCA), as reflected in the proposed amendments to the MRS currently before Parliament. This area would be subject to noise impacts from the operations of the SWML as a major freight route.

Freight rail noise and frequency

Noise from freight rail operations is an unavoidable aspect of ensuring goods can be moved efficiently and sustainably into, around and out of the State.

There are no noise limits within Western Australian Environmental Legislation which are applicable to noise from existing freight railways, however SPP 5.4 provides guidance to decision makers on the assessment and determination of proposals for new noise-sensitive land use and/or development within proximity to freight rail corridors.

Given the existence of SPP 5.4 since 2019 it was disappointing that there is no reference made to rail noise. We strongly recommend that the impact of freight rail noise and potential noise attenuation is considered in this context. There are several differences between the operation of freight versus passenger rail that influence off corridor impacts for neighbouring land uses (such as diesel versus electric power, length and weight of trains, hours of operation), all of which we expect were considered and factored into the 2019 review and update of SPP 5.4.

However, it is important to note the biggest and most important difference between freight and passenger rail is the highly variable operational nature of freight rail. Freight movements are driven in response to several external influences, including but not limited to:

- Customer demand, for example, when grain is ready for transport to export or when a ship is waiting for a bulk mineral delivery.
- The scheduling of other movements within the supply chain, such as off-loading ships on to rail at a port or the scheduling of interstate trains.
- Network disruption, such as track closure due to floods, bushfire etc or a derailed train.

In that regard, it is essential that the freight rail can operate 24 hours a day without any restrictions or limitations. In contrast, passenger rail services are designed in accordance with highly predictable demands both in terms of operating times and frequency of service. In addition, passenger rail services (primarily on the Perth and Peel Transperth network) run on limited services between approximately midnight and 6 am, with most lines ceasing operations on Sunday to Thursday between approximately 1 am and 5 am, during the noise-sensitive night-time period.

This means that it can be difficult to manage community expectations around the timing of freight train movements, as there are many variables to consider for track and service scheduling.

In addition to operational noise impacts, freight rail operators are required to comply with a suite of national safety standards to minimise the potential for conflict for the protection of the public. This includes the requirement to sound the train horn on the approach to road and pedestrian level crossings, of which there are two road level crossings within proximity to the land proposed to be rezoned by the Amendment.

Incompatibility of freight rail operations & noise sensitive land uses

Noise-sensitive urban land uses, such as residential dwellings, schools, aged care living, and hospitals are not compatible within proximity to freight rail corridor operations and there is growing evidence in the form of community complaints about freight rail operations and their impact on residential amenity, health and sleep disturbance.

Arc Infrastructure regularly receives community complaints from hotspots in urban areas that have been subdivided/developed since the construction of the freight railway line, including but not limited to; Fremantle, South Fremantle, Thornlie, Canning Vale, Woodbridge, Beeliar, Yangebup and Bibra Lake. We receive complaints in the form of email correspondence, representation from local Members of Parliament, change.org petitions and via Facebook community groups.

Noise sensitive land uses within proximity to the rail corridor is the dominant source of noise complaints we receive from adjacent landowners who report disruption from train horns, being woken by trains overnight, train wheel squeal near curves (like the one in the Amendment) and the overall loss of amenity in their homes and backyards. Complainants are often seeking changes to the operation of the existing freight rail operations (which Arc Infrastructure is unable to facilitate for reasons listed in the preceding section), even though the nature of the complaint has often been caused by poor planning decisions and lack of consideration for the impact of existing freight rail operations on new adjacent land development.

Once noise sensitive land uses are approved and constructed and the opportunity to implement effective and preventative noise attenuation has effectively been missed, it is very difficult for homeowners to mitigate the noise impacts, with very limited options available and those that are available are generally cost prohibitive. Recent case studies were also provided.

Conclusion

Arc Infrastructure manages the State's freight rail network, on behalf of Government, with a commitment to achieving greater efficiencies, growing freight volumes on rail and investing in the network for the benefit of the State.

Accordingly, it is in the best interests the State and all West Australians to not only protect the operational integrity of the freight rail network, but as outlined in the preceding letter, the long-term amenity of new urban communities and reduce the costs to home buyers by planning for, and delivering, an appropriate land use interface with freight rail corridors.

The freight rail network is a critical component of our State and National supply chain, supporting our economic prosperity and quality of life by ensuring that West Australian products and minerals are connected to global markets, communities have access to consumer goods, including food, clothing and other essential household items, and a diverse range of other benefits through the competitive and efficient movement of freight in, across and out of WA.

The continued erosion of compatible land uses in favour of new urban development within proximity to established freight rail corridors threatens the long-term amenity of urban communities and the integrity of the freight rail network and passes additional costs to mitigate noise impacts to homeowners and the supply chain industry (and ultimately to consumers).

Early intervention to protect the urban amenity of new communities and freight efficiency on established rail corridors, for the long-term, through careful, considered and balanced planning outcomes at every stage of the planning and land development processes is of critical importance to Arc Infrastructure.

In developing this submission, Arc Infrastructure has consulted with industry partners including Aurizon. Aurizon is aligned with, and fully supports, the concerns outlined in Arc's submission on this proposed Amendment.

Planning Comment: Comments noted. Refer to 'Part 6 - Freight Railway Amenity Impacts' within the *Report on Submissions*.

Determination: Submission dismissed.

Submission: 20 (Late Submission)

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

Summary of Submission: SUPPORT

The submitter supports the proposed amendment and advises as follows:

Detailed planning has progressed in the form of the DSP including the associated technical reports, such as the DWMS. As the MRS amendment is not expected to be presented to the WAPC for consideration until the DSP and DWMS are approved,

it follows that an approved DSP and DWMS as a requirement for the lifting of Urban Deferment will not be necessary.

We understand and accept that portions of Precincts 2-4 are impacted by land use buffers as depicted on the DSP and that these land use buffers require further investigation and resolution prior to the land being transferred to the Urban zone.

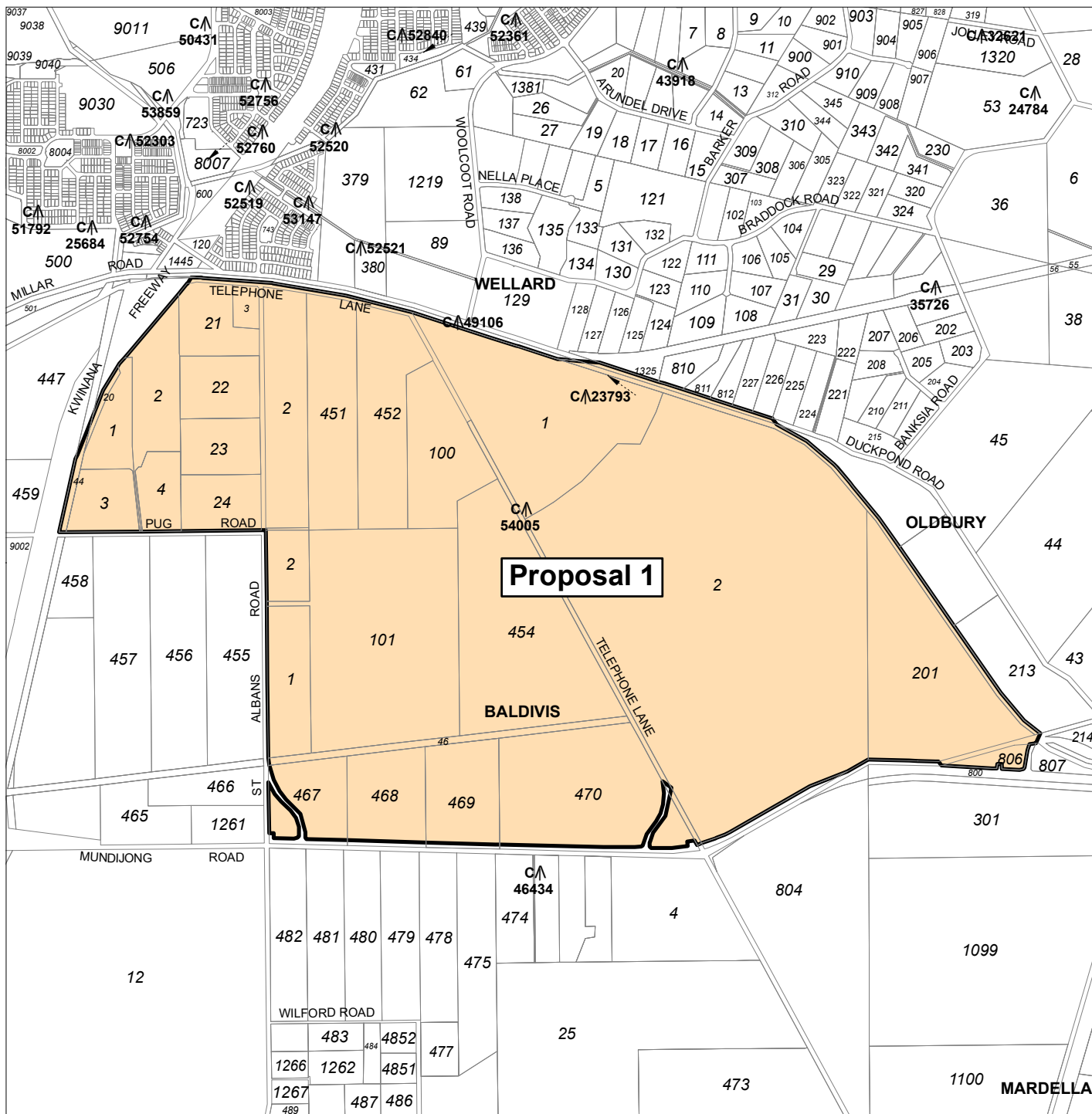
In summary, the submitter supports the amendment and will continue to work through the requirements for the lifting of Urban Deferment as needed to progress the land to the Urban zone.

Planning Comment: Support noted. Refer to 'Part 7 - Modifications' within the *Report on Submissions*.

Determination: Submission noted.

Schedule 3

**Amendment Figure - Proposal 1
(as advertised)**




North East Baldy District Structure Plan - Precincts 2 - 4 Proposed standard MRS amendment as advertised

29 May 2024

Proposal 1

Proposed Amendment:

 Rural zone to Urban Deferred zone

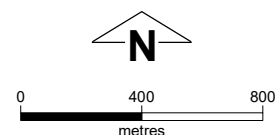
Reference no: 4830

File no: RLS/1135

Version number: 2



Date: 31/05/2024
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1447-2023-1



Appendix A

List of plans (as advertised)

Metropolitan Region Scheme Amendment 1428 (Standard)

**North East Baldivis
District Structure Plan - Precinct 2-4**

as advertised

Amending Plan 3.2841

Detail Plans

1.6805 - 1.6807, 1.6825 - 1.6827, 1.6841, 1.6842

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 reference: RLS/1135

Our reference: LUP 1927

Enquiries: Louise Murray

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

Email: regionplanningschemes@dplh.wa.gov.au

Date: 16 September 2024

Dear Marija

Proposed Metropolitan Region Scheme (MRS) Amendment 1428 (Standard) - North East Baldvis District Structure Plan – Precincts 2-4 (RLS/1135)

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on MRS Amendment 1428, which proposes to rezone land in Baldvis 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 the Department of Water and Environmental Regulation (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 004

Enquiries: Susan Foster - (08) 9323 6180
Our Ref: 24/7132 (D24#1093035)
Your Ref: RLS/1135

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 1428
(STANDARD) – NORTH-EAST BALDIVIS DISTRICT STRUCTURE PLAN – PRECINCTS
2-4**

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

The location is bounded by Mundijong Road, Kwinana Freeway, Duckpond Road, and Millar Road/Telephone Lane, Baldivis.

Main Roads and has no objection to the rezoning from Rural to Urban Deferred occurring 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

Main Roads Western Australia
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
PO Box 6202, East Perth WA 6892

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
138 138

OFFICIAL

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 006

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: 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@dph.wa.gov.au
nebdsp@dph.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

Planning and Development Services Strategic Planning and Environment	
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

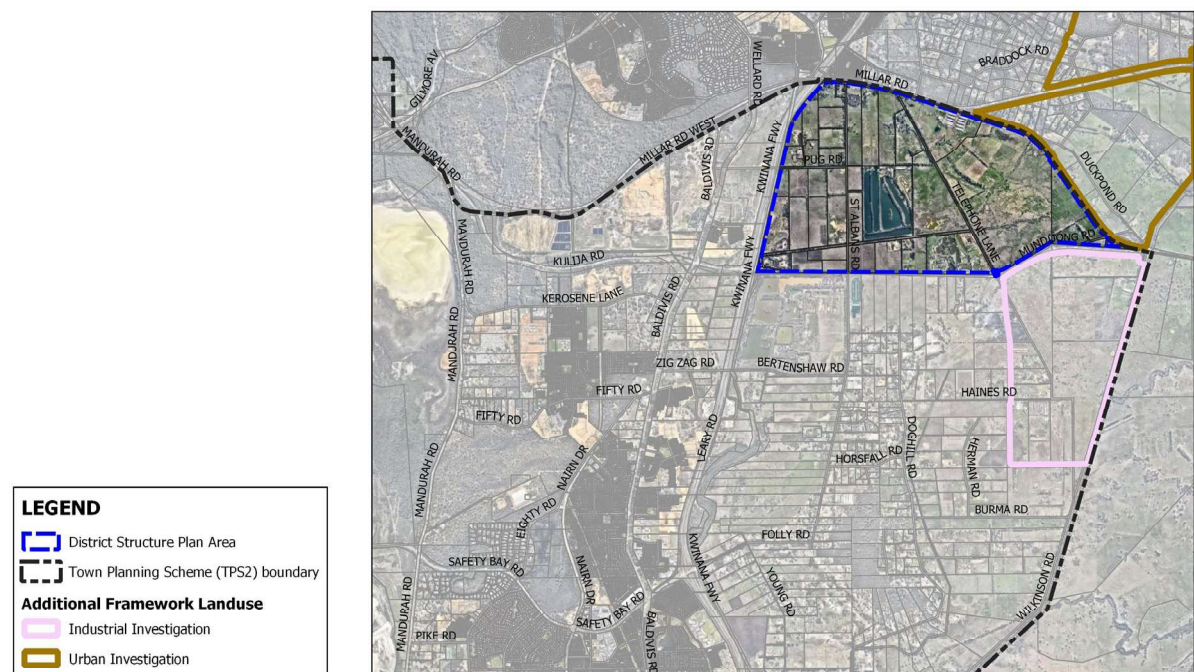
Purpose of Report

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:

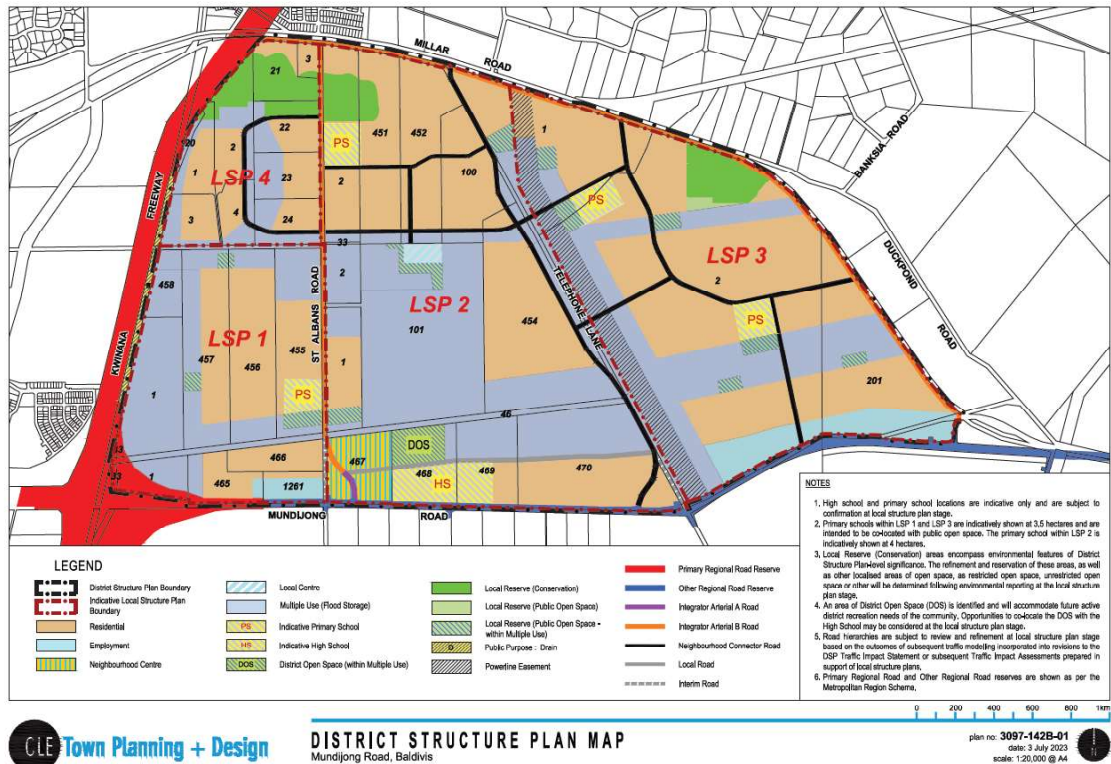
"That Council:

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.

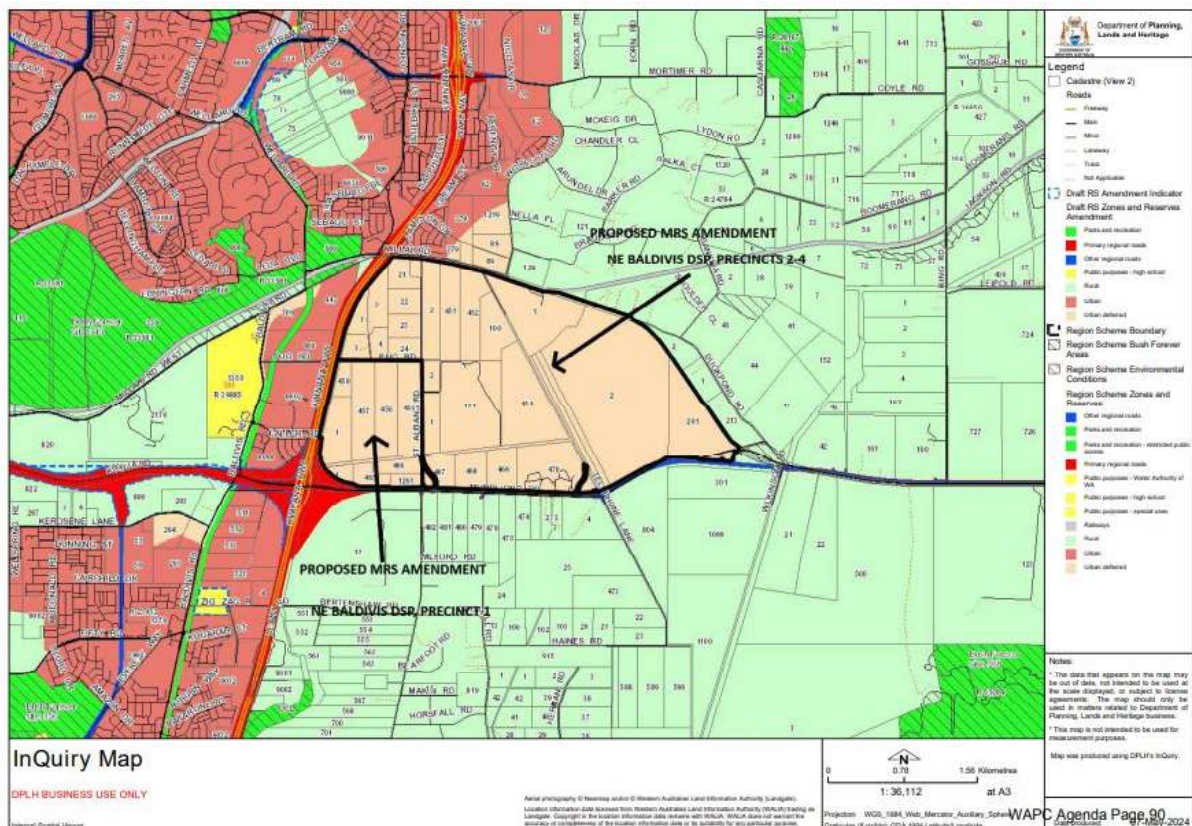
Details

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

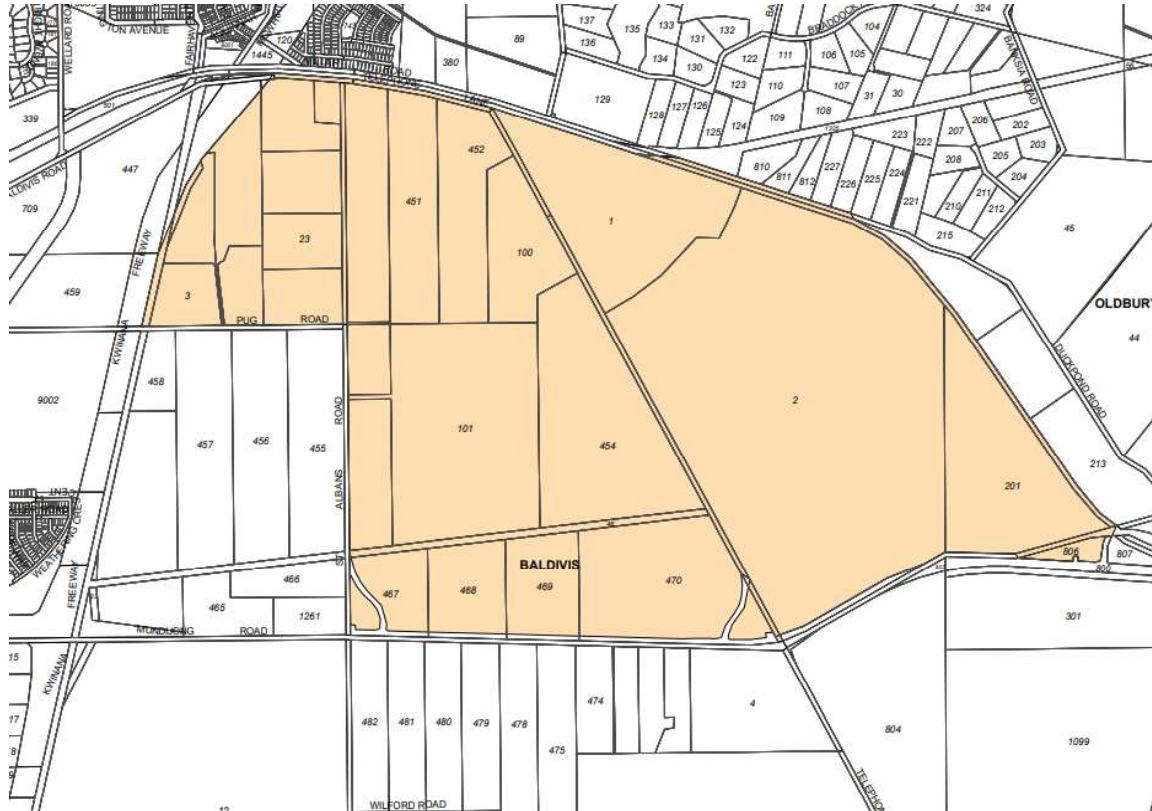
The purpose of the MRS Amendments is to facilitate development of the subject land in accordance with the draft DSP.

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



6. Proposed MRS Amendment No.1428 - Precincts 2-4

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

Precinct 1:

- Approval of the draft North East Baldvis 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.

Precincts 2-4:

- Approval of the draft North East Baldvis 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.

In its report to WAPC, DPLH recommended the following approach in respect to the MRS Amendments:

- *"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

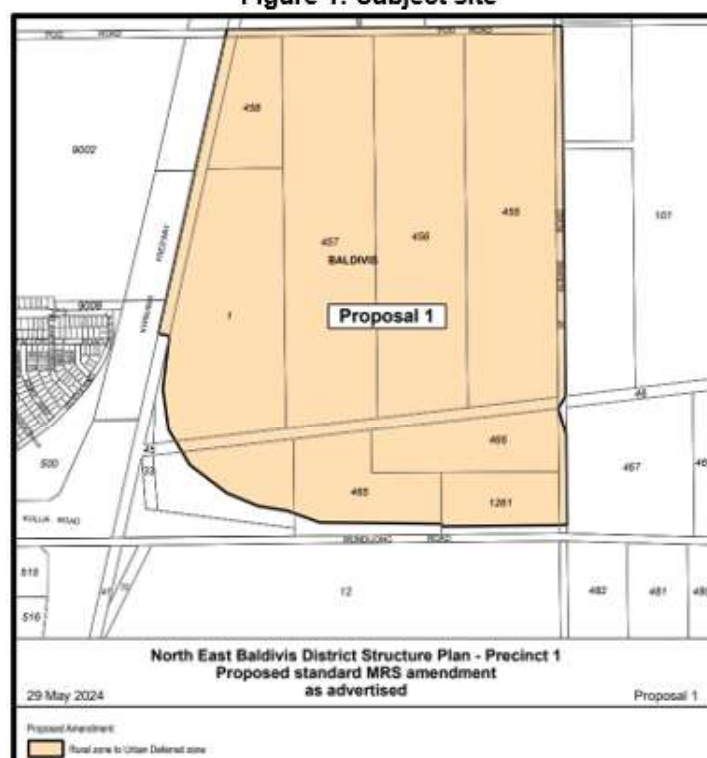


Figure 2: Proposed MRS Amendment 1427 - Precinct 1

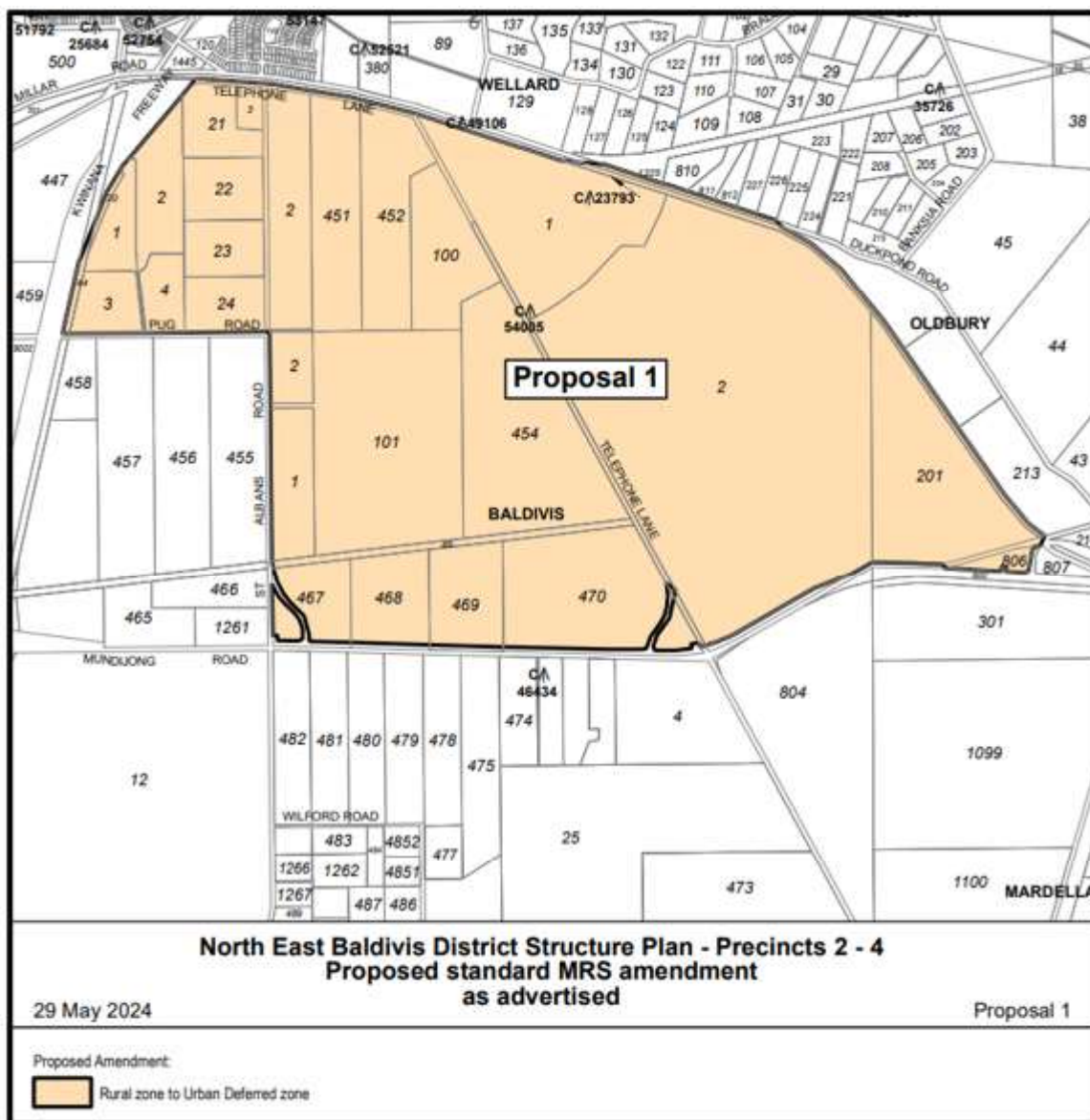


Figure 3: Proposed MRS Amendment 1428 – Precincts 2 - 4

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

Your ref: RLS/1135
Our ref: PRS52672
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 2 - 4

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 changed boundaries for some REWs currently mapped on the Geomorphic wetlands (Swan Coastal Plain) dataset, and potentially a higher wetland management category for several areas 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).

Duckpond Nature Reserve, which is managed by DBCA, is located immediately adjacent to the southeast portion of the subject area. The nature reserve supports the Threatened Ecological Community (TEC) SCP3c *Corymbia calophylla* - *Xanthorrhoea preissii* woodlands and shrublands, Swan Coastal Plain, which is listed as Critically endangered in WA, and as Endangered under the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The nature reserve is also mapped as a Conservation Category wetland (CCW).

Planning for the proposed Structure Plan area should consider requirements for a suitable buffer to the nature reserve's CCW and TEC, or alternatively demonstrate that a buffer is not required. The proponent may also need to consider any requirements to refer proposals for development in close proximity to the TEC to the Commonwealth Department of Climate Change, Energy, the Environment and Water under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Structure Plan should also consider requirements for buffers and ongoing wetland management for the 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.

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 threatened Black Cockatoo foraging habitat and 13 potential Black Cockatoo breeding trees within the proposed amendment area and identifies portions of site that have 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

A handwritten signature in black ink, appearing to be 'Benson Todd', with a stylized, flowing script.

Benson Todd
REGIONAL MANAGER

9 September 2024



Our Ref: D35934
Your Ref: RLS/1135

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

Dear Mr Muscara

**RE: METROPOLITAN REGION SCHEME AMENDMENT 1428 (STANDARD)
– NORTH EAST BALDIVIS DISTRICT STRUCTURE PLAN – PRECINCT 2 - 4**

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 Regional Scheme (MRS) amendment seeks to rezone land comprised in Local Structure Plan Areas 2 – 4 depicted on the draft North East Baldivis Structure Plan (DSP) from Rural zone to Urban Deferred zone in the MRS.
- A related MRS Amendment proposal (RSL/1125, in relation to Local Structure Plan Area 1 on the DSP), supported by the same JBS&G BMP mentioned above, was previously referred to DFES for comment in December 2023.
- DFES has previously assessed the BMP as a compliant application, with only a minor modification to be made as shown below. This comment remains unchanged.

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.

- As the proposed MRS amendment area has already been investigated in the BMP, no further assessment is required by DFES. 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

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

13 September 2024

Dear Mr Caddy

**SUBMISSION ON MRS AMENDMENT 1428 – NORTH BALDIVIS DISTRICT STRUCTURE PLAN –
PRECINCTS 2-4: PROPOSED REZONING FROM RURAL TO URBAN DEFERRED**

Aurizon Operations Limited (Aurizon) is Australia's largest integrated rail-based freight transport provider, offering its customers integrated freight and logistics solutions, operating across an extensive national rail, road and port network to move a comprehensive range of commodities for a diverse range of customers.

Aurizon, through its subsidiary entities including Australia Western Railroad Pty Ltd (AWR), operate a network of bulk rail terminals and rail haulage services throughout the Southwest WA region.

Aurizon would like to thank WAPC for the opportunity to comment on, and inform the consideration of, Amendment 1428 ('the Amendment') to the Metropolitan Region Scheme ('MRS'), which proposes to rezone 629.76 ha of land in north east Baldivis which adjoins a strategic freight rail corridor, from the 'Rural' to the 'Urban Deferred' zone. The enclosed *WA Freight Rail Network Plan* (and inset shown right) depicts the proposed land and its proximity to Aurizon's owned terminals and the State's freight rail network.

As our cities, towns and regions become larger and denser to accommodate growing populations, the risk of incompatible urban encroachment on strategic freight transport corridors (particularly freight rail corridors) increases, highlighting the need for balanced planning outcomes that deliver long-term protection for both urban amenity and the operational integrity of freight corridors.

PERTH METROPOLITAN INSET



Whilst we acknowledge that the Amendment is consistent with the strategic planning framework, the section of freight rail abutting the subject land forms an integral part of WA's broader supply chain. Aurizon therefore wishes to bring to the attention of WAPC the following important issues for consideration:

- The national importance of Australia's growing freight task to our economic prosperity and quality of life, and the challenge of moving it efficiently.
- The strategic and economic value of the freight rail network for improving productivity, efficiency and safety by reducing traffic congestion and vehicle emissions.
- Freight rail being essential to delivering a more sustainable and safer supply chain and to decarbonising Australia's transport network.
- The role of the freight rail corridor abutting the land, in connecting miners, primary producers and industry, both now and in the future to domestic and international export gateways and markets.
- The opportunity to protect the urban amenity of a new community and freight efficiency on an established rail corridor, for the long-term, through careful, considered and balanced planning outcomes at every stage of the planning and land development processes.

1. AURIZON

Aurizon Holdings Limited is a top 100 ASX-listed company and is Australia's largest integrated rail-based freight transport provider. We offer our customers integrated freight and logistics solutions, operating across an extensive national rail, road and port network to move a comprehensive range of commodities, including mining, agricultural, industrial and retail products, for a diverse range of customers across Australia.

In Western Australia, we play a critical role providing integrated supply chain services for WA producers, miners and industries through our Bulk operations and to consumers, businesses and industry through our Containerised Freight services.

The section of the freight rail corridor abutting the land proposed to be rezoned to 'Urban Deferred', together with our Forrestfield, Kwinana and Picton rail depots, forms an integral part of operations that facilitate the intra-state and interstate movement of bulk freight (including iron ore, cobalt, alumina, fuels, chemicals, industrial products and grain) between WA's miners, producers, customers and markets, processing facilities and export shipping terminals at Kwinana, Fremantle and Bunbury. This operation is illustrated in the extract from the enclosed WA Freight Rail Network Plan and to the right, where the blue and orange lines depict the State's freight rail network.



On this section of the freight rail network, Aurizon operates the following daily services:

- Two (2) return alumina bulk freight services between Alcoa's Kwinana, Pinjarra and Wagerup refineries and their Kwinana export terminal.
- Two (2) return caustic bulk freight services between Alcoa's Kwinana and Pinjarra operations.
- One (1) return lime bulk freight service between Cockburn Cement's Munster facility and Alcoa's Pinjarra operations.

Aurizon's freight rail services support Alcoa's South West operations at Pinjarra and Wagerup, which have the capacity to generate 7.6 million tonnes of alumina, valued at approximately US\$3 billion (AU\$4.45 billion), based on US\$400/tonne.

In addition to the above, Aurizon is planning for a multi-commodity freighter service to support the WA State Government's stated intent of transitioning more freight from road to rail.

As we continue to make significant investments in optimising our land holdings, infrastructure, assets and implement new technologies in support of our commitment to diversify services, decarbonise our fleet and grow the rail freight business in WA, it is vital that we have confidence and certainty in long-term unrestricted freight rail operations.

The Perth to Bunbury freight rail line forms a critical component of our growth strategy in WA. This growth relies on the ability to operate on an unrestricted year-round basis and to remain unimpeded by the risk of land use conflicts which may place restrictions on operations resulting from incompatible urban encroachment on freight rail corridors.

2. AUSTRALIA'S GROWING FREIGHT TASK

Australia's freight task is growing and changing rapidly in response to population growth and therefore increased demand from international trading partners as well as changing technology, supply chains and consumer behaviour.

"The volume of freight carried is expected to grow by over 35 per cent between 2018 and 2040, an increase of 270 billion tonnes (bringing the total volume to just over 1000 billion tonne kilometres)."¹

In 2018, Infrastructure Australia (IA) flagged that Australia's growing freight task is one of our biggest infrastructure challenges. The report highlighted that Australia's economic competitiveness and prosperity is closely tied to the quality and operational integrity of our supply chain infrastructure. IA acknowledge the social licence to operate challenge facing the freight industry in striking a balance between community expectations and customer demand and consequently, the need to more effectively manage land use change around freight networks.²

In 2019, the Federal government released the *National Freight and Supply Chain Strategy* (the Strategy) to provide a long-term framework to position Australia's multimodal freight supply chains to face the challenges of the next 20 years and beyond.

The Strategy identifies, as one of its recommendations, the need for "*better planning, coordination and*

¹ Australian Government, *National Freight and Supply Chain Strategy*, <https://www.freightaustralia.gov.au/what-is-the-strategy>, accessed: 28 August 2024

² Infrastructure Australia, *Australia's growing freight task: Challenges and opportunities*, <https://www.infrastructureaustralia.gov.au/listing/speech/australias-growing-freight-task-challenges-and-opportunities>, 31 October 2018

regulation” which recognises the critical role which land use and transport planning plays to deliver better outcomes through a coordinated, network approach that avoids additional costs to industry, community and governments, particularly those that result from avoidable land use conflicts.

By 2024, the Strategy (in partnership with State and Territory governments) aims to, “*Identify and protect freight and logistics land, corridors and precincts from incompatible urban development.*”

3. FREIGHT RAIL NETWORK

In 2019 rail made a direct contribution in excess of \$15b to the national economy, with rail freight contributing the largest share (35%) and directly employing over 21,000 workers.³

In addition to the economic contribution of rail freight, there are considerable benefits for moving freight on rail, including but not limited to:

- Lower environmental emissions (carbon emissions are 16 x lower⁴) compared to road freight transport, in turn improving health outcomes for communities along strategic freight transport routes.
- Reducing pressure on the demand for skilled workers, compared to the road transport workforce requirement.
- Reducing pressure and congestion on the road network and the associated economic costs, particularly during peak periods.
- Greater freight efficiency by eliminating the economic cost (time and money) of road congestion.
- Improved road safety and a reduction in road accidents and the associated costs, by reducing the volume of heavy vehicles and total kilometres travelled on the road network.

The WA Government-owned freight rail network, the majority of which is managed by Arc Infrastructure on behalf of government, spans the south-western corner of WA from Geraldton to Leonora, Kalgoorlie and Esperance, connecting the State’s key grain and resource producing regions to Perth, regional centres, port gateways and the east coast of Australia. This network is illustrated in the enclosed *WA Freight Rail Network Plan*.

WA’s freight rail network operates 24 hours a day, seven days a week, 365 days a year ensuring the efficient and timely movement of freight across the State to customers and businesses, maintaining our quality of life and economic prosperity.

It is important to highlight that the section of rail abutting the land proposed to be rezoned:

- Forms part of the wider State and National freight rail network constructed between 1953 and 1965⁵ and has operated continuously for over 60 years.
- Forms part of the only freight rail connection between Perth and Bunbury, including connections to:
 - Bunbury Port.
 - Alcoa’s Pinjarra and Wagerup alumina refineries.
 - Aurizon’s Picton Rail Depot.

³ Australian Railway Association, *Value of Rail 2020*, <https://ara.net.au/publication/value-of-rail-2020/>

⁴ Australian Railway Association, *Benefits of freight rail*, <https://ara.net.au/benefits-of-rail-freight/#:~:text=Rail%20freight%20produces%2016%20times,every%20tkm%20of%20freight%20moved,> accessed: 28 August 2024.

⁵ Landgate, *Historical Aerial Photography (via Map Viewer Plus)*, <https://map-viewer-plus.app.landgate.wa.gov.au/>, accessed: 28 August 2024

- Connects the South West region's producers to key freight handling facilities, including sea port gateways and rail terminals in the Perth metropolitan region, and onshore processing and manufacturing operations
- Supports industries in the Western Trade Coast's Global Advanced Industries Hub and Talison Lithium's mining operation in the Southwest.

In addition to its current role, there is a significant opportunity to increase freight rail volumes on this part of the network (Perth to Bunbury) in consideration of:

- Rapid population growth in the South West region and the associated growth in freight volumes, including fast moving consumer goods (FMCG), such as food and household items sold in supermarkets.
- Growth in critical mineral extraction in the South West, which provide an input for processing industries within the Western Trade Coast and/or are exported through the Outer Harbour.
- Decarbonising the supply chain, with rail transport generating comparatively lower emissions than road transport and rail operators implementing low and zero emissions technology for locomotives.
- An opportunity to relocate vehicle imports to Bunbury Port and subsequent transfer to Perth by rail.

4. RESPONSE TO MRS AMENDMENT 1428 – NORTH EAST BALDIVIS

MRS Amendment 1428 proposes to rezone approximately 629.76 ha of land in Baldivis from the 'Rural' to 'Urban Deferred' zone under the MRS.

Approximately 1.6km of the northern boundary of the subject land abuts the State Government's freight rail corridor, with approximately 2.5km of the northern interface mapped as being within the 200m freight rail trigger distance of State Planning Policy 5.4 Road and Rail Noise (SPP 5.4).

Aurizon considers that the advertised Amendment report and the Environmental Protection Authority's Notice of Environmental Assessment do not fully acknowledge the potential impacts of the freight rail corridor. The associated policy framework that guides decision making on these matters does not provide confidence that an appropriate land use interface will be secured through the various stages of the planning approvals process.

The intent of the 'Rural' zone is for the use of the land for a range of agricultural, extractive and conservation uses, uses that are compatible neighbours with freight rail corridor operations.

The intent of the 'Urban Deferred' zone is to identify land for future urban uses following the extension of urban services. The progressive development of urban areas adjacent to rail requires appropriate environmental and planning frameworks to support such development. Noise-sensitive urban land uses, such as residential dwellings, schools, aged care living, and hospitals are not compatible with nearby freight rail corridor operations.

Whilst we acknowledge that the Amendment is consistent with the strategic planning framework and supports broader Government objectives to address housing supply challenges, Aurizon does not support the future use and development of land within proximity to the freight rail corridor for noise-sensitive (urban) land uses without appropriate mitigations being put in place which protect ongoing integrity of the rail corridor.

In our experience, the proposed planning framework does not trigger requirements for development proponents to consider detailed planning, design requirements which address the impact of freight rail operations and compatibility with urban land uses (particularly noise-sensitive uses). The framework

suggests that such impacts are only considered at the final stages of the planning process when there are only a limited number of options to address land use compatibility.

Aurizon is mindful that the only opportunity that for considering the amenity impacts of rail on land abutting the freight rail corridor will be at the local structure plan stage, which may not be advertised until after the land has been transferred to the 'Urban' zone. At this late stage, applicant and community expectations regarding the future use of the land will not have fully addressed the impact of rail on proposed development outcomes.

Aurizon encourages the applicant, the City of Rockingham, and the Department of Planning, Lands and Heritage (DPLH) to give detailed consideration to the impact of freight rail noise in assessing appropriate land use interfaces along, and within proximity to, the freight rail corridor.

In addition to avoiding incompatible noise-sensitive land uses, consideration should be given to the implementation of a Special Control Area (SCA) under the MRS to identify land likely to be subject to noise impacts from the operation of the freight rail corridor, following the inclusion of provisions for land *to be included within a SCA in the MRS text as per the Planning and Development (Metropolitan Region Schemes) Bill 2024*.

5. CONCLUSION

The freight rail network is a significant part of the State's transport infrastructure network. It is of critical importance to state development, connects WA industries (including miners and grain growers) to domestic and international markets and supports the supply of critical goods and resources to businesses and consumers.

Incompatible land uses which favour urban development within proximity to established freight rail corridors has the potential to significantly impact the integrity of the freight rail network as well as the long-term amenity of new urban communities.

In developing this submission, Aurizon has consulted with industry partners including Arc Infrastructure. Aurizon is aligned with, and fully supports, the concerns outlined in Arc's submission on this proposed Amendment.

Thank you again for the opportunity to comment on Amendment 1428. Aurizon would welcome the opportunity to meet with DPLH to discuss our objection to the future use and development of land within proximity to the freight rail corridor for noise-sensitive (urban) land uses.

Should you have any queries regarding the content of this letter or would like to arrange a time to meet, please do not hesitate to contact the undersigned.

Yours sincerely,



Neil Sutcliffe

General Manager, Bulk West

Enc: WA Freight Rail Network Plan (SITE plan ref: 23006_1, Rev 1, 4 Sept 2024)

From: Franck Teissier <fpteissier@icloud.com>
Sent: Monday, 16 September 2024 10:22 PM
To: Region Planning Schemes
Subject: Submission: NE Baldivis DSP - Precincts 1, 2-4 - MRS Amendment 1428

To whom it may concern,

Livestock Express Pty Ltd and Franck Teissier do not support the rezoning from Urban expansion to Urban deferred or Urban zoning Precinct 1, 2-4 on the following grounds:

* The district structure plan [DSP] should cover the entire north-east Baldivis area and not be in isolation. This advice was previously acknowledged by WAPC Chairman Eric Lumsden.

This will be for better planning rather than a ad-hoc isolated approach. At the moment, there is no interface planning between land north and south of Mundijong Road.

*The north-east Baldivis includes land south of Mundijong Road. However, the DSP does not include land south of Mundijong road.

*. There are significant buffers over Precinct 2-4 from licenced intensive livestock holding facilities, livestock feedlots and such buffers to be respected in accordance to local and statutory regulations.

* No Urban zoning or residential housing should be approved inside buffers to prevent land use conflict between rural industry and sensitive land uses.

*. Buffers should be set from the boundary of the licensed premises and extend outwards.

* In our case, a minimum buffer of 1000 metres from the property boundary outwards of my livestock holding facility/sale yard and 2,000 metres for my feedlot should apply, be enforced and respected.

* We also have serious concerns about water levels prior and post development and the effects/impacts downstream. We believe WAPC have not fully investigated the water impacts from the development.

*It is probable that water levels downstream on the Berriga drain will increase due to any forthcoming residential development. This will cause neighbouring properties to be significantly impacted by increased water levels.

* The Stockland land is located in a flood zone area and therefore great consideration must be given to verify if the land is suitable for development.

Thank you.

Kind regards,
Franck Teissier

Regulation 7
Planning and Development (Region Planning Schemes) Regulations
2023

Amendment (Standard)
Submission Form

Submission
Metropolitan Region Scheme Amendment 1428

North East Baldivis District Structure Plan – Precincts 2–4

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

FILE
RLS/1135

Title Mr First Name Franck

Surname Teissier (PLEASE PRINT CLEARLY)

Address 30 KINTAIL ROAD APPLECROSS
~~Lot 806 Mundijong Road, Baldivis~~

Postcode ~~6171~~ 6153

Contact Number +61 404850941

Email Address fpteissier@icloud.com

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

No

Submission

(Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

General Comments

We have previously submitted a Submission (on 03/01/2024) regarding the Draft North East Baldivis Structure Plan (Draft NE Baldivis DSP) and no feedback was provided regarding comments and issues raised. The following are the key issues we raised and are still relevant with the MRS Amendment NE Baldivis DSP Precinct 2-4 process.

Stockland via their consultants (CLE) prepared the Draft NE Baldivis DSP without landowner and stakeholder consultation, which is a very unusual process.

As you know, a district level structure plan is a strategic plan covers parts of an LGA/LGAs that addresses 'fatal flaws' of a potential development area and provides for the major structural elements, including major roads, open space network, future residential, commercial and industrial areas, environmental conditions and interfaces with adjacent landholdings. It identifies the obligations to be addressed by subsequent planning stages and provides the basis for preparation of local structure plans.

The Draft NE Baldivis DSP Precincts 2-4 also fails to address the interface issues between Stockland's urban master plan community (north of Mundijong Road), current Rural uses and the possible future General Industrial (south of Mundijong Road) in terms of Sheep Holding/Feedlot Buffers, transport/infrastructure considerations and environmental implications. Appendix A Notice of Environmental Assessment advises "that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act)" and "there is no appeal right in respect of the EPA's decision to not assess the scheme". However advice provided under Social Surroundings concludes "the EPA notes there are three facilities with the potential to cause odour impacts to sensitive land uses within the assessment area and which may require site specific separation distances to mitigate potential odour impacts. The EPA supports the application of generic separation distances around facilities in accordance with the EPA's Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses in the Draft DSP*.

Therefore, we don't support the current Draft N-E Baldivis DSP Precincts 2-4 in its current form, unless the specific comments below are adequately reflected.

Specific Comments

The Draft NE Baldivis DSP Precincts 2-4 fails to adequately address the interface between Stockland's Study Area and the adjacent landholdings south of Mundijong Road, with regard to previous planning advice to include Lots 807 Wilkinson Road for Urban Expansion and to reflect correct buffers for current and future land use and operations.

The NE Baldivis DSP (p34, 4.8.4 Potential Land Use Conflicts) suggests that Livestock Holding Facilities "have potential buffer implications for urban development and the

J.P.

A previous Email received from Chris Bebich, Manager Land Use Planning, DPLH on 4 November 2022 provided the following advice regarding Lots 806 & 807.

"Lots 806 & 807 (south of existing Mundijong Rd alignment)"

- Lot 806, which is located north of the proposed Mundijong Rd realignment, is included in the former PIA and has therefore been classified as Urban Expansion in the Framework.*
- Lot 807 was excluded from the PIA however, it is expected that future district structure planning for the recently classified Urban Expansion land north of the proposed realignment of Mundijong Rd will likely also include consideration of this land and resolve finer details as to whether it is suitable for a change in land use. (acknowledging that the Framework allows for minor changes to classification boundaries where appropriate/justified)."*

All other lots in the Draft NE Baldivis DSP Precincts 2-4, North of Mundijong Road and East of Kwinana Freeway have been designated as Urban expansion. Lot 807 is adjacent to Lot 806 Wilkinson Road and are both of similar size. However, Lot 807 has been excluded and Lot 806 has been included despite both Lots being located north of Mundijong Road. As the basis for a good planning outcome, Lot 807 should be included as a continuation for Urban (Employment) expansion in the Draft NE Baldivis DSP as well.

No reasons has been provided why Lot 807 was excluded and was not designated as either Urban or Industrial Expansion in the Perth and [Peel@3.5m](#) SRPF and the Draft NE Baldivis DSP Precincts 2-4 or was this an accidental omission?

2. ROSGUY Feedlot - Statutory Buffers

The purposes of the district level structure plan is to address fatal flaws and a buffer zone is considered to be a major constraint, especially related to Mr Franck Teissier's landholdings. The Draft N-E Baldivis DSP Precincts 2-4 only shows a 1000 metre buffer from a current shearing shed on Mr Franck Teissier landholdings that is designed to hold 5,000 sheep. This is incorrect and not consistent with the City of Rockingham *Policy No.3..1.1 Local Strategy*, SPP No 4.1 *State Industrial Buffer Policy*, EPA Guidance Statement No.3 *Separation between Industrial and Sensitive Land Uses* and Landgate registered interest on properties with the buffers.

Mr Teissier's company, Livestock Express Pty Ltd, is currently licensed by the Department of Water and Environment Regulation under Category 55: Livestock Saleyard or Holding Pen (Licence Number L8524/2011). The landholdings operate as an outdoor livestock holding facility and outdoor feedlot. The licence entitles the landholdings to hold up to 30,000 heads sheep at any time and up to 5,000 sheep outside of the holding shed between 14 June and 1 October in each year. Mr Teissier plans to build more sheep holding sheds on Lot 301 Wilkinson Road that is directly opposite Stockland property.

The statutory buffers are set from the boundary of the licensed outdoor livestock holding facility and feedlot to prevent land use conflict; protect facility operation and rural business; prevent impact onto residential from the facility, such as dust, noise, odour; and prevent the encroachment of residential housing. Therefore, buffer distances need to be accurately shown on the NE Baldivis DSP from the boundary of the approved and licensed on the

livestock holding facility and feedlot on landholdings - Lot 1099, Lot 301, 806 and Lot 807 Wilkinson Road and Lot 804 Mundijong Road (see **Attachments 1 and 2**).

City of Rockingham Policy No.3.1.1 Local Strategy and EPA Guidance Statement

As shown below in the *City of Rockingham Rural Land Strategy*, together with *EPA Guidance Statement No. 3 Separation between Industrial and Sensitive Land Uses*, a sheep holding facility has a separation buffer of 1,000 metres and a sheep feedlot has a separation buffer of 2,000 meters. Furthermore, the livestock saleyard or holding pen has a buffer distance of at least 1,000 metres, depending on size.

In Figure 13 below, the LHF (livestock holding facility) on the top right corner shows that of Stockland. The LHF on its right shows that of Mr Teissier. The distance between the two is very small.

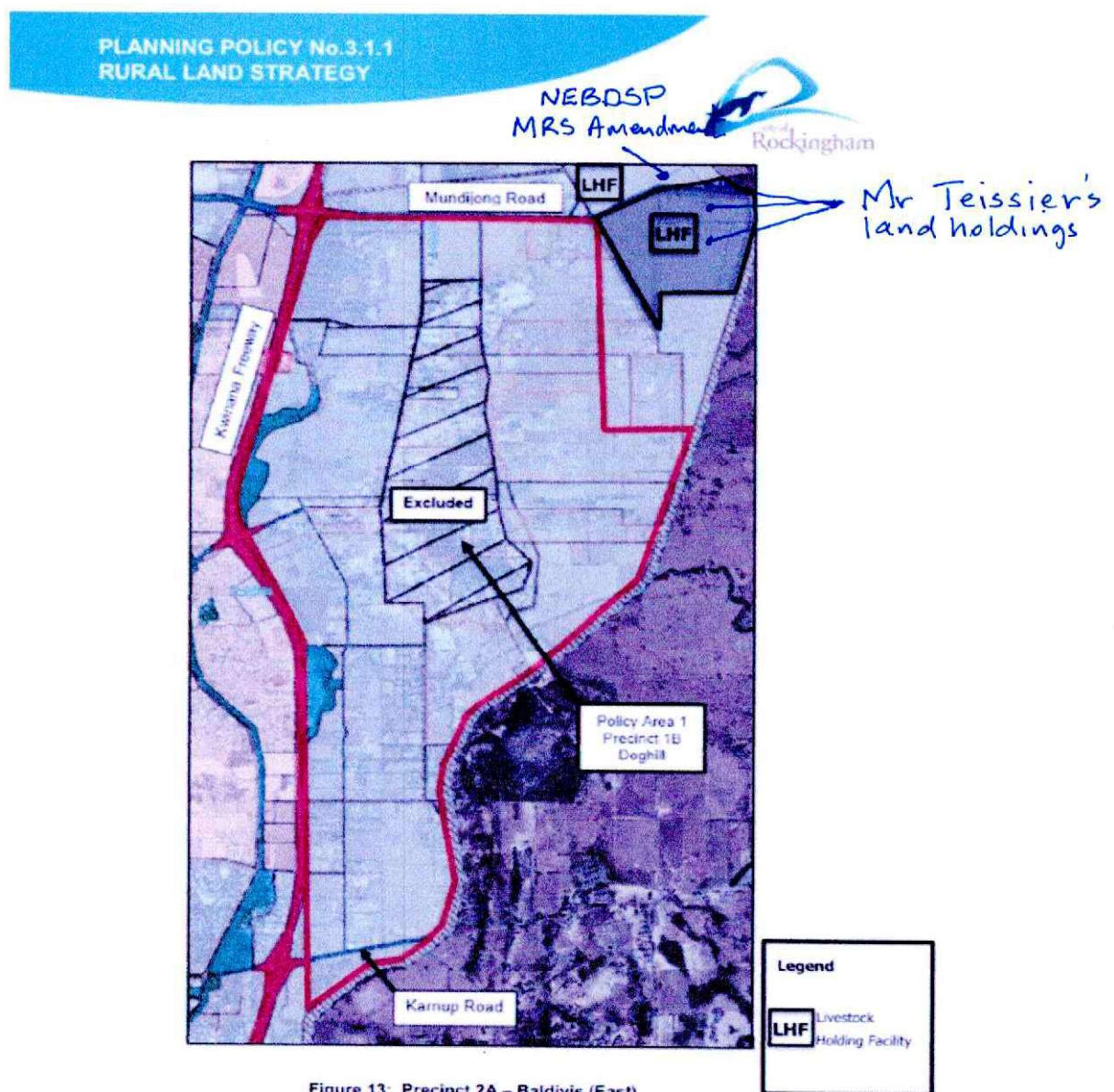


Figure 13: Precinct 2A – Baldivis (East)

ENVIRONMENTAL PROTECTION AUTHORITY
GENERIC SEPARATION DISTANCES BETWEEN SENSITIVE AND INTENSIVE RURAL
(INDUSTRIAL) LAND USES

Industry	Description of industry	Impacts					Buffer distance in metres and qualifying notes
		Gas- eous	Noise	Dust	Odour	Risk	
Abattoir	killing of animals for human consumption or pet food – no rendering		✓	✓	✓		500-1000, depending on size
Animal Feedlot	intensive rearing of cattle (in rural zone, away from towns)		✓	✓	✓		1000-2000, depending on size
Animal Feedlot	other intensive rearing, e.g. sheep (in rural zone, away from towns)		✓	✓	✓		1000-2000, depending on size
Aquaculture – ponds or tanks & natural waters included	propagation or rearing of aquatic fauna, with supplementary feeding		✓		✓		100-300, depending on size
Dairies	milking shed operations		✓	✓	✓		500
Dog kennels	in rural zones		✓		✓		500
Extractive Industries - sand and limestone extraction	no grinding or milling works		✓	✓			300-500, depending on size
Horse stables	keeping horses		✓	✓	✓		100-500, depending on size
Livestock saleyard or holding pen	holding of live animals pending sale, shipment or slaughter		✓	✓	✓		at least 1000, depending on size

Landgate Property Interest

Attached are two property interest reports obtained from Landgate (**Attachments 3 & 4**).

The Property Interest Reports are for Lot 201 Mundijong Road obtained in 2017 and Lot 2 plan P077728 Volume 2225/115 (Stockland Land).

The Property Interest Report for 201 Mundijong Road **page 18 (Attachment 3)** identifies an interest which will affect Lot 201 which identifies a Sheep Feedlot (Rosguy Feedlot) on 40 Wilkinson Road with the Primary Activity being the Sheep Feedlot and the secondary activity being the Sale Yard. It also shows a Separation Distance required of 2000 metres.

The Property Interest Report for Lot 2 On Deposited Plan 77728 **page 14 (Attachment 4)** identifies an interest which will affect Lot 2 (The Stockland Land) which identifies the Sheep Feedlot (Rosguy Feedlot) on 40 Wilkinson Road with the Primary Activity being the Sheep Feedlot and the secondary activity being the Sale Yard. It also shows a Separation Distance required of 2000 metres.

As you can see the Sheep Feedlot (Rosguy Feedlot) has been identified by the State Government (Landgate) Property Interest Report for Lot 2 and Lot 201 and, therefore needs to be acknowledged and respected when assessing the Draft NE Baldivis DSP

K.P.

Precinct 2-4 being proposed by Stockland. This is importantly so to avoid land use conflict between intensive agriculture industries and sensitive land uses.

Conclusion

Mr Teissier wishes to continue to expand his business interests in accordance with current approved licences for his livestock holding facility and feedlot operations.

Therefore, we request that the lifting of the Urban Deferment zoning require the Final NE Baldivis DSP Precinct 2-4 with the following conditions in accordance with the EPA advice to apply *Guidance Statement No. 3 Separation Distances between industrial and Sensitive Land Uses* in the Draft DSP:

- Include Lot 807 Wilkinson Road as Urban Expansion;
- Measure the outdoor sheep holding facility separation buffer 1,000 metres from the boundary of Mr Teissier's property line;
- Measure the outdoor sheep feedlot separation buffer of 2,000 metres from the boundary of Mr Teissier's property line; as well as
- Measure the livestock saleyard / holding pen separation buffer of 1,000 metres from the boundary of Mr Teissier's property line.

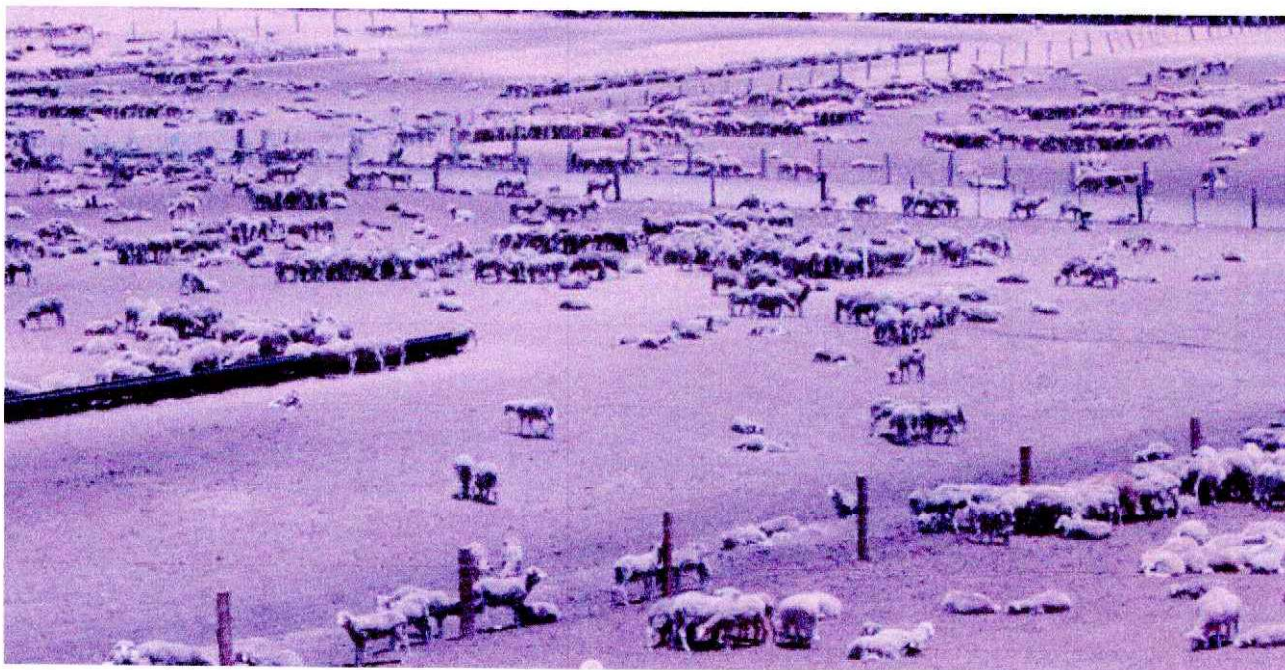


Figure 1: Photo showing sheep on Mr Teissier's outdoor feedlot and livestock holding facility

You should be aware that:

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

To be signed by person(s) making the submission

Signature 

Date 3 September 2024

Telephone: (08) 6551 8002 Email: RegionPlanningSchemes@dplh.wa.gov.au
Website: www.wa.gov.au/dplh/regionplanningschemes

Submitted by
Cane Spaseski
Town Planner
CSP CONSULTING
M: 0417 948 963
cspaseski@gmail.com

For Franck Teissier
Major landowner
Email: fpteissier@icloud.com
Mobile: +61 404 850 941

Attachments:

Attachment 1 DWER Licence L8524/2011/1
Attachment 2 DWER Licence L8524/2011/1 Amendment Notice 2
Attachment 3 Property Interest Reports are for Lot 201 Mundijong Road
Attachment 4 Property Interest Report for Lot 2 On Deposited Plan 77728



Government of Western Australia
Department of Environment and Conservation

Your ref: L8524/2011/1
Our ref: 2010/008498
Enquiries: Chris Malley
Phone: 9411 1706
Fax: 9419 5897
Email:

Franck Teissier
Director
Livestock Express Pty Ltd
Unit 309, 70 Canning Beach Road
APPLECROSS WA 6153

Dear Sir

ENVIRONMENTAL PROTECTION ACT 1986, - AMENDMENT TO LICENCE
Rosguy Holding Yard
Lot 1099 on Plan 203322 and Lots 805, 806 and 807 on Plan 66160 Wilkinson Rd
BALDIVIS WA 6167

Further to my letter dated 2 January 2012, please find enclosed conditions which are now applied to your *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence conditions, please do not hesitate to contact Chris Malley above on 9411 1706 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely

Carissa Aitken
A/Manager, Works Approvals & Emission Licensing

Thursday, 9 February 2012

Encs: Amended Licence L8524/2011/1
copy to: Local Government Authority: City of Rockingham

DIRECTOR GENERAL AND ENVIRONMENTAL SERVICES DIVISIONS: The Atrium, 168 St Georges Terrace, Perth, Western Australia 6000

Phone: (08) 6467 5000 Fax: (08) 6467 5562

PARKS AND CONSERVATION SERVICES DIVISIONS: Executive: Corner of Australia II Drive and Hackett Drive, Crawley, Western Australia 6009

Phone: (08) 9442 0300 Fax: (08) 9386 1578 Operations: 17 Dick Perry Avenue, Technology Park, Kensington, Western Australia 6151

Phone: (08) 9219 8000 Fax: (08) 9334 0490

POSTAL ADDRESS FOR ALL DIVISIONS: Locked Bag 104, Bentley Delivery Centre, Western Australia 6983

www.dec.wa.gov.au

wa.gov.au

PPMS-T10568v1.0

K000001

WESTERN AUSTRALIA
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Environmental Protection Act 1986

AMENDED LICENCE

LICENCE NUMBER: L8524/2011/1

FILE NUMBER: 2010/008498

LICENSEE AND OCCUPIER:

Livestock Express Pty Ltd
Unit 309, 70 Canning Beach Road
APPLECROSS WA 6153
ACN: 064967657

NAME AND LOCATION OF PREMISES:

Rosguy Holding Yard
Lot 1099 on Plan 203322 and Lots 805, 806 and 807 on Plan 66160 Wilkinson Rd
Baldivis WA 6171
(as depicted in Attachment 1)

Environmental Protection Regulations 1987
CLASSIFICATION(S) OF PREMISES:

Category 55: Livestock saleyard or holding pen

COMMENCEMENT DATE OF LICENCE: Monday, 9 May 2011

EXPIRY DATE OF LICENCE: Sunday, 8 May 2016

CONDITIONS OF LICENCE:

As described and attached:
DEFINITION(S) (6)
GENERAL CONDITION(S) (6)
AIR POLLUTION CONTROL CONDITION(S) (1)
WATER POLLUTION CONTROL CONDITION(S) (2)
ATTACHMENT(S) (2)



Officer delegated under Section 20
of the *Environmental Protection Act 1986*

Date of Issue: Thursday, 5 May 2011
Date of Last Amendment: Thursday, 9 February 2012

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Environmental Protection Act 1986

LICENCE NUMBER: L8524/2011/1

FILE NUMBER: 2010/008498

CONDITIONS OF LICENCE

DEFINITIONS

"AS/NZS 5667.1" means the current version of Australian Standard AS/NZS 5667.1 *Water Quality – Sampling – Guidance of the Design of sampling programs, sampling techniques and the preservation and handling of samples*;

"AS/NZS 5667.6" means the current version of Australian Standard AS/NZS 5667.6 *Water Quality – Sampling – Guidance on sampling of rivers and streams*;

"Director" means Director, or other appropriate officer of the Department of Environment and Conservation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*.

"Director" for the purpose of correspondence and advice means:

Regional Leader, Industry Regulation, Kwinana Office
Department of Environment and Conservation
PO Box 454
KWINANA WA 6167

Telephone 9411 1777
Facsimile 9419 5897;

"Holding Shed" means the building for holding sheep as depicted in Attachment 1; and

"NATA" means National Association of Testing Authorities.

GENERAL CONDITIONS

CONTAINMENT AND DISPOSAL OF MANURE

- G1(a) The licensee shall contain manure within the hardstand beneath the holding shed prior to collection and disposal off site.
- G1(b) The licensee shall ensure that dead sheep are removed from the premises within 48 hours.

MONITORING OF ANIMAL NUMBERS

- G2 The licensee shall maintain a monthly record of animal numbers held at the premises including the export details. The licensee shall provide a copy of this record to the director in a tabular format.

ANIMAL CAPACITY

- G3 The licensee shall not hold more than 30,000 sheep on the premises at any time.

HOLDING PADDOCKS

- G4 The licensee shall hold no more than 5,000 sheep outside of the holding shed between the months of 14 June and 1 October in each year.

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Environmental Protection Act 1986

LICENCE NUMBER: L8524/2011/1

FILE NUMBER: 2010/008498

REPORTING REQUIREMENT

- G5 The licensee shall **for the period beginning 1 July the previous year and ending on 30 June the following year** submit to the Director in writing **by 1 September in each year**, a report containing the monitoring data required by conditions G2 and W2(a) of this licence.
- G6 The licensee shall **by 1 September in each year**, provide to the Director an annual audit compliance report in the form in Attachment 2 to this licence, signed and certified in the manner required by Section C of the form, indicating the extent to which the licensee has complied with the conditions of this licence, and any previous licence issued under Part V of the Act for the premises, **during the period beginning 1 July the previous year and ending on 30 June the following year**.

AIR POLLUTION CONTROL CONDITIONS

MINIMISATION OF DUST LIFT-OFF

- A1 The licensee shall use all reasonable and practicable means to minimise dust lift-off from paddocks, which may include:
- (i) seeding cultivating, top dressing and stocking so as to maintain vegetative ground cover through the summer and autumn months; and
 - (ii) installing sprinkler or ground water irrigation to maintain soil moisture at a level which inhibits dust generation; and/or
 - (iii) the construction of feed lot facilities.

WATER POLLUTION CONTROL CONDITIONS

STORMWATER RUN-OFF

- W1(a) The mass loading of total phosphorus discharged from the licensed premises shall not exceed 146 kg per calendar year.
- W1(b) The licensee shall direct uncontaminated stormwater run-off away from both stock holding paddocks and facilities.

MONITORING AND ANALYSIS OF SAMPLES

- W2(a) The licensee shall collect and have analysed a representative sample of surface water at the location specified in Column 1 of Table 1, for the parameters specified in Column 2 of Table 1, at the frequency stated in Column 3 of Table 1 and in the units specified in Column 4 of Table 1.

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Environmental Protection Act 1986

LICENCE NUMBER: L8524/2011/1

FILE NUMBER: 2010/008498

Table 1 – Surface water sampling program

Column 1	Column 2	Column 3	Column 4
Sample Location	Parameters	Frequency	Units
Stormwater discharge from the premises into the drainage channel at the approximate location depicted in Attachment 1.	Total nitrogen, nitrate-nitrogen, ammonia-nitrogen and total phosphorous.	Within three weeks of drainage commencing to flow.	mg/l

W2(b) The licensee shall obtain all water samples in accordance with the relevant parts of AS/NZS 5667.1 and AS/NZS 5667.6.

W2(c) The licensee shall ensure that all water samples are analysed in a laboratory with NATA accreditation for the analyses specified.



Officer delegated under Section 20
of the *Environmental Protection Act 1986*

Date of Issue: Thursday, 5 May 2011

Date of Last Amendment: Thursday, 9 February 2012

ATTACHMENT 1 – PLAN OF PREMISES

LICENCE NUMBER: L8524/2011/1

FILE NUMBER: 2010/008498



LEGEND

- ☐ Colours
- ☐ Parks Metropolitan Council
- ☐ 150m Orthorectified -
- ☐ Landgate 2011

Scale 1:5000
 (approximate when not indicated or stated)

Georeferenced Datum Australia 1994
 Note: The scale in this map has not been
 applied. This may result in geometric
 distortion in the map when used.

Prepared by: sharon
 Prepared for:
 Date: 21/02/2012 09:25 AM

Information derived from this map should be
 confirmed with the data custodian and not used
 as the agency's statement in the legend.



Department of
 Environment and Conservation
 Our environment. Your future.
 www.environment.wa.gov.au

ATTACHMENT 2 - ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER: L8524/2011/1

FILE NUMBER: 2010/008498

SECTION A

LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name:	ABN:
Trading as:	
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of licence complied with within the reporting period? (please tick the appropriate box)

Yes ☐ Please proceed to Section C
No ☐ Please proceed to Section B

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____

ATTACHMENT 2 – ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER: L8524/2011/1

FILE NUMBER: 2010/008498

SECTION B

DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with?	
b) Date(s) when the non compliance occurred, if applicable?	
c) Was this non compliance reported to DEC?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DEC verbally Date _____ <input type="checkbox"/> Reported to DEC in writing Date _____	<input type="checkbox"/> No
d) Has DEC taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____

ATTACHMENT 2 – ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER: L8524/2011/1

FILE NUMBER: 2010/008498

SECTION C**SIGNATURE AND CERTIFICATION**

This Annual Audit Compliance Report may only be signed by a person(s) with legal authority to sign it. The ways in which the Annual Audit Compliance Report must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this Annual Audit Compliance Report is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
an individual	<input type="checkbox"/>	by the individual licence holder, or
	<input type="checkbox"/>	by a person approved in writing by the Chief Executive Officer of the Department of Environment and Conservation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/>	by the principal executive officer of the licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment and Conservation.
A corporation	<input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the Corporations Act 2001; or
	<input type="checkbox"/>	by two directors of the licensee; or
	<input type="checkbox"/>	by a director and a company secretary of the licensee, or
	<input type="checkbox"/>	if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or
	<input type="checkbox"/>	by the principal executive officer of the licensee; or
A public authority (other than a local government)	<input type="checkbox"/>	by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment and Conservation.
	<input type="checkbox"/>	by the principal executive officer of the licensee; or
a local government	<input type="checkbox"/>	by the chief executive officer of the licensee; or
	<input type="checkbox"/>	by affixing the seal of the local government.

It is an offence under section 112 of the Environmental Protection Act 1986 for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

SIGNATURE: _____

NAME:(printed) _____

NAME:(printed) _____

POSITION: _____

POSITION: _____

DATE: ____/____/____

DATE: ____/____/____

SEAL (if signing under seal)



Licence Number	L8524/2011/1
Licence Holder	Livestock Express Pty Ltd
ACN	064 967 657
File Number:	2010/008498-1
Premises	Rosguy Holding Yard Lot 1099 on Plan 203322 and Lots 805, 806 & 807 on Plan 66160 Wilkinson Rd, Baldivis, WA 6167
Date of Amendment	Tuesday, 16 April 2019

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

MANAGER, PROCESS INDUSTRIES
REGULATORY SERVICES

an Officer delegated under section 20 of the *Environmental Protection Act 1986* (WA).

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend Licence L8524/2011/1 granted under the EP Act. This notice of amendment is given under section 59B(9) of the EP Act.

Amendment description

This Amendment Notice is the result of a DWER initiated amendment to extend the licence duration as it will expire on 8 May 2019.

Amendment history

Table 1 provides the amendment history for L8524/2011/1.

Table 1: Licence amendments

Instrument	Issued	Description
L8524/2011/1	05/5/2011	New licence
L8524/2011/1	29/04/2016	Amendment to extend expiry date until 8 May 2019
L8524/2011/1	16/04/2019	Amendment to extend expiry date until 8 May 2031 (this amendment notice)

Decision

Section 63 of the EP Act prescribes that a licence shall continue in force for such period as is specified in the licence. In making the decision to extend the duration of the licence, the Delegated Officer had regard to DWER's *Guidance Statement: Licence Duration* that provides for the granting of a licence for the maximum appropriate licence term, up to 20 years.

The current Licence is due to expire on 8 May 2019. The Delegated Officer has determined that the licence duration will be extended by to 8 May 2031 (12 years) which is 20 years in aggregate from the commencement of the licence on 9 May 2011.

In determining to amend the duration of the licence, the following matters were considered by the Delegated Officer:

- The premises are subject to an August 2006 land use planning approval from the City of Rockingham which has no conditions that limit the duration of the approved operation;
- There is a reasonable expectation by Licensees and the Department that licences should continue without interruptions that necessitate new licence applications;
- In April 2016 the Department made the decision to extend the duration of Licence L8524 by 3 years to provide time for a review of the Licence to occur; and
- while the planned review is yet to occur, extending the duration of the licence for the maximum 20 years does not impact the Department's ability to review the risk of the premises or initiate amendments to the licence to address identified risk at any stage.

Licence Holder's comments

The Licence Holder was provided with a draft Amendment Notice on 3 April 2019. The Licence Holder accepted the proposed change on 10 April 2019.

Amendment

1. The licence expiry date has been extended from *8 May 2019 to 8 May 2031*.

Property Interest Report

Notice

This Property Interest Report has been produced by Landgate on behalf of the State of Western Australia. Landgate's Interest Enquiry Service has direct access to property interest information held by multiple government bodies and private organisations in Western Australia.

This report is accurate and current at the date and time it was generated. However, circumstances and interests may change and can differ from the contents of this report.

What is a property interest?

A property interest gives rights to a land owner but also, implies restrictions or imposes responsibilities which may impact on their use or enjoyment of the land. Most interests are created by government legislation, policies and guidelines.

What does the Interest Enquiry service do?

Landgate's Interest Enquiry Service gathers interest information from multiple government bodies and private organisations in Western Australia and consolidates that information into the Property Interest Report. This report will show interests that do and do not affect the property, as well as interests that may impact your current or intended use and enjoyment of the property.

Does this report include all interests?

This Property Interest Report only serves as a guide to interests that relate to this property not recorded on the Certificate of Title. Landgate does not have access to all interest information that affects property in Western Australia. There may be other interests that relate to the property, where that information is currently not available to Landgate.

How do I find out more information?

If further information about an interest is required, or if you have any queries or concerns, please contact the responsible agency or visit www.landgate.wa.gov.au/interestdictionary for more detailed information and contact details.

How to read this Report

This report has THREE sections , numbered for easy reference:

1. Property Details

This section includes an aerial photograph and details of this property.

2. Summary Section

This section helps you to see at a glance interests pertaining to this property.

3. Detailed Section

This section provides details of how an interest specifically relates to this property.

Please note: Where risk has been identified to a property within this report and construction has occurred on the land, contact your relevant Local Government Authority for management remediation plans relevant to your property, or for properties being purchased off the plan, contact your developer.

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Property Details

2225/115



Image captured on 17 February 2017

Address of Property	2225/115
Title Reference	2225/115
Survey Details	Lot 201 On Plan 36173
Crown Allotment	N/A
Reserve Number	N/A

2

Summary Section

A. Interests that commonly AFFECT all property in Western Australia

This section provides information for interests which affect all property in Western Australia depending on your current and intended future use of the property. For further information please refer to the relevant interest in the Detailed Section of this report.

- Building and Construction Industry Training Levy
 - Building Permit
 - Dial Before You Dig
 - Emergency Services Levy
 - Land Tax
 - Local Government Rates
 - Native Title and Indigenous Land Use Agreements
-

B. Interests that AFFECT this property

Interests below specifically affect this property but do not appear on the Certificate of Title.

- 1 in 100 AEP Floodplain Development Control Area
 - Acid Sulfate Soil (ASS) Risk
 - Bush Fire Prone Areas
 - Environmental Protection Policies
 - European House Borer
 - Garden Bore Suitability
 - Groundwater Salinity
 - Intensive Agricultural Industries
 - Iron Staining Risk
 - Local Planning Schemes
 - Metropolitan Region Improvement Tax
 - Mosquito-borne Disease Risk
 - Municipal Inventory
 - Proclaimed Groundwater Areas
 - Sprinkler Restrictions & Bans
 - Water Corporation Infrastructure (above and below ground)
 - Wetlands
-

C. Interests that DO NOT AFFECT this property

Information currently available to Landgate suggests that these interests do not affect this property.

- Aboriginal Heritage Places
- Aboriginal Lands Trust Estate
- APA Group Owned/Operated Gas Transmission Pipeline
- ATCO Gas Australia Infrastructure
- Australian Natural, Indigenous and Historic Heritage
- Basic Raw Material Zones
- Bush Forever Areas

C. Interests that DO NOT AFFECT this property - continued

- Clearing Control Catchments
- Commercial Building Disclosure
- Contaminated Sites (Contaminated Sites Database)
- Control of Access on State Roads
- Dampier to Bunbury Natural Gas Pipeline Development Setback Area
- Development Control Area (Swan and Canning Rivers)
- Former Military Training Area (Unexploded Ordnance)
- Future State Roads
- Harvey Water Infrastructure
- Heritage Council - Agreement
- Heritage Council - Assessment Program
- Heritage Council - Conservation Orders
- Heritage Council - State Register of Heritage Places
- Jandakot Airport - Aircraft Noise
- Jandakot Airport - Land Use Planning
- Lands owned or managed by the Department of Parks and Wildlife
- Liquor Restrictions
- Marine Harbours Act Areas
- Marine Navigation Aids
- Mining Titles
- National Park, Conservation Park and Nature Reserve
- Native Vegetation
- Navigable Water Regulations
- Notices on Properties under the Biosecurity and Agriculture Management Act 2007
- Notices on Properties under the Soil and Land Conservation Act 1945
- Perth Airport - Aircraft Noise
- Perth Airport - Land Use Planning
- Perth Parking Policy
- Petroleum Tenure
- Possible Road Widening
- Proclaimed Surfacewater Areas
- Protected Areas - Collaborative Australian Protected Area Database
- Public Drinking Water Source Areas
- Ramsar Wetlands
- Region Schemes
- Residual Current Device
- Residue Management Notice
- Shipping and Pilotage Port Areas
- Smoke Alarm
- State Forest and Timber Reserve
- State Underground Power Program
- Threatened Ecological Communities
- Threatened Fauna
- Threatened Flora
- Titanium - Zircon Mineralization Areas

C. Interests that DO NOT AFFECT this property - continued

- Water Corporation Infrastructure Buffer Zones
- Water Corporation Non-Standard Services (Private Fire Service)
- Water Resource License
- Waterways Conservation Act Management Areas
- Western Power Infrastructure

Certificate of Title Information

This report does not include interest information registered on the Certificate of Title.

Limitations, Interests, Encumbrances and Notifications may be registered on the Certificate of Title under Second Schedule Endorsements. It is recommended that a copy of the Certificate of Title is obtained to identify any registered interests and/or information, such as:

- Acquisitions
- Carbon Rights
- Caveats
- Charges
- Covenants
- Easements
- Memorials
- Notifications
- Survey Information
- Tree Plantation Agreements

Visit www.landgate.wa.gov.au to order a copy of the Certificate of Title.

Interests not currently accessible by Landgate

Landgate does not have access to any information for the interests listed in this section.

Landgate is not able to confirm whether these interests 'do affect' or 'do not affect' this property. If you are interested to know whether any of these interests affect your property, you can enquire with the responsible agency that holds the information.

For further information and contact details for the responsible agency visit, www.landgate.wa.gov.au/interestdictionary

- Declared Plants (Weeds)
- Demolition Permit
- Environmental Offset Register
- Fire Break
- Fishery Management Plans, Notices and Orders
- Horizon Power Infrastructure
- Hydrogeology
- Matters of National Environmental Significance
- National Broadband Network Rollout
- Occupancy Permit
- Public School Local-Intake Areas
- Register of Transferred Plot Ratio

Interests not currently accessible by Landgate - continued

- Sewer Infrastructure - Infill Sewerage Program
 - State Coastal Planning Policy
 - Water Corporation Drainage Charges
 - Water Corporation Sewerage (Wastewater) Service Charges
 - Water Corporation Water Service Charges
-

3

Detailed Section

A. Interests that commonly AFFECT all property in Western Australia

This section provides information for interests which affect all property in Western Australia depending on your current and intended future use of the property.

Building and Construction Industry Training Levy

Definition of Interest:

The Building and Construction Industry Training Levy is used to support training for people working within the building and construction industry, and is payable prior to the commencement of a project or upon application for a building license.

Affect of Interest:

The levy of 0.2% on the contract price is **applied to all** residential, commercial and civil engineering projects undertaken in Western Australia where the total value of construction is over \$20,000. The project owner pays the levy when an application for a building permit is made to the Local Government Authority.

For more information contact our office on (08) 9244 0100 or see www.bcitf.org.

Legislation Governing the Interest:

Building and Construction Industry Training Fund and Levy Collection Act 1990
Building and Construction Industry Training Levy Act 1990

Responsible Agency: Construction Training Fund Board

Building Permit

Definition of Interest:

All new buildings and incidental structure alterations to existing buildings and incidental structures are to be approved by the grant of a building permit by the relevant Permit Authority, in most instances this will be the Local Government Authority.

Affect of Interest:

All new buildings and alterations to existing buildings **are to be approved** by the issuing of a building permit.

For more information contact our office on 1300 489 099, or email bcinfo@commerce.wa.gov.au, or see www.buildingcommission.wa.gov.au.

Legislation Governing the Interest:

Building Act 2011
Building Regulations 2012

Responsible Agency: Department of Mines, Industry Regulation and Safety

Dial Before You Dig

Definition of Interest:

Dial Before You Dig is a referral service for information on locating underground utilities anywhere in Western Australia. Australia's national referral service for information on underground pipes and cables.

Affect of Interest:

This will affect the property when ground disturbance works are planned, for further information or plans on location of underground utilities see www.1100.com.au or contact our office on 1100.

Legislation Governing the Interest:

Occupational Health, Safety and Welfare Act 1984
Occupational Safety and Health Regulations 1996

Responsible Agency: Dial Before You Dig

Emergency Services Levy

Definition of Interest:

The Emergency Service Levy (ESL) category classification of a property (declared by the Minister for Emergency Services) determines the ESL assessment rate that will be applied to the Gross Rental Value (GRV) of a property to calculate the ESL charge each year (subject to minimum and maximum ESL charge declarations). ESL category classification boundaries are managed by the DFES based upon cadastral information.

Affect of Interest:

The selected property **currently has** the following Emergency Services Levy category classification:

Emergency Service Levy Boundaries:

ESL Category 3

ESL Boundary South Category 3

The ESL category classifications:



A. Interests that commonly AFFECT all property in Western Australia - continued

Category 1: Availability of a network of career Fire & Rescue Service stations and the State Emergency Service (SES).
Applies in the Perth metropolitan area.

Category 2: Availability of a career Fire & Rescue station and a volunteer Fire & Rescue Service brigade and the SES.
Applies in the city centres of Albany, Bunbury, Greater-Geraldton, Kalgoorlie-Boulder and Mandurah.

Category 3: Availability of a Volunteer Fire & Rescue Service brigade or bush fire brigade with frequent support from the metropolitan network of career Fire & Rescue Service stations and the SES.
Applies in the periphery of the metropolitan area.

Category 4: Availability of a Volunteer Fire & Rescue Service brigade or a Volunteer Emergency Service Unit or a breathing apparatus equipped bush fire brigade and the SES.
Applies in approximately 90 country townsites.

Category 5: Availability of a bush fire brigade and the SES.
Applies in all other areas of the State except Indian Ocean Territories.

Please note the following properties are exempt from ESL (by Regulation):

- Vacant land owned by Local Governments;
- Certain Mining Tenements granted for prospecting/exploratory activities only; and
- The Wittenoom town site (a contaminated site);

Use the Emergency Services Levy calculator below to work out how much ESL you are likely to pay on a property, see www.dfes.wa.gov.au/emergencyserviceslevy/pages/eslcalculator.aspx.

For more information contact our office on (08) 9395 9485, or see www.dfes.wa.gov.au.

Legislation Governing the Interest:

Fire and Emergency Services Act 1998

Fire and Emergency Services Regulations 1998

Responsible Agency: Department of Fire and Emergency Services

Land Tax

Definition of Interest:

Land tax is an annual tax based on the ownership and usage of land at midnight on 30 June and is levied in respect of the financial year following that date. Various exemptions or concessions may apply. Until land tax is paid it remains a first charge on the land.

Affect of Interest:

Land tax is an annual tax based on the ownership and usage of land at midnight on 30 June and is levied in respect of the financial year following that date. Various exemptions or concessions may apply; for example, primary residences.

For more information contact our office on (08) 9262 1200 or see www.finance.wa.gov.au/landtax.

Legislation Governing the Interest:

Taxation Administration Act 2003

Land Tax Assessment Act 2002

Land Tax Act 2002

Responsible Agency: Department of Finance

Local Government Rates

Definition of Interest:

A Local Government Authority can levy rates on any rateable land within its district in accordance with the provisions of the *Local Government Act 1995* and its associated regulations.

Affect of Interest:

Local Government Authorities can levy rates on any rateable land within its district in accordance with the provisions of the *Local Government Act 1995* and its associated regulations.

For more information contact your Local Government Authority.

Legislation Governing the Interest:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Responsible Agency: Department of Local Government, Sport and Cultural Industries

Native Title and

Definition of Interest:

Native title is the recognition in Australian law that some Indigenous people continue to hold



A. Interests that commonly AFFECT all property in Western Australia - continued

Indigenous Land Use Agreements

rights to lands and waters. An Indigenous Land Use Agreement (ILUA) is an agreement about native title made between one or more native title groups and other people.

Affect of Interest:

Your area of interest **is within** the geographic extent(s) of the following Native Title Applications, Determinations or Indigenous Land Use Agreements (ILUAs):

**IMPORTANT INFORMATION: PLEASE NOTE
WHILE NATIVE TITLE INTERESTS MAY HAVE BEEN IDENTIFIED OVER THE AREA OF YOUR SEARCH, IT MUST BE NOTED THAT:**

Native Title cannot generally exist over the following types of tenure:

- residential freehold;
- farms held in freehold or;
- pastoral or agricultural leases that grant exclusive possession;
- residential, commercial or community purpose leases, or
- public works like roads, schools or hospitals.

Native Title can generally only exist over the following types of tenure:

- vacant (unallocated) crown land;
- some state forests, national parks and public reserves depending on the effect of state or territory legislation establishing those parks and reserves;
- oceans, seas, reefs, lakes and inland waters;
- some leases, such as non-exclusive pastoral and agricultural leases, depending on the state or territory legislation they were issued under, or
- some land held by or for Aboriginal people or Torres Strait Islanders.

The status of a Native Title Application will determine the rights and restrictions within the boundary of that Application.

Applications Filed in the Federal Court:

Application Name	SINGLE NOONGAR CLAIM (AREA 1)
Federal Court Reference	WAD6006/2003
NNTT Number	WC2003/006
Status	UNREGISTERED
Date Filed (yyyy/mm/dd Time)	2003-10-06T00:00:00

Applications Registered With NNTT:

Application Name	GNAALA KARLA BOOJA
Federal Court Reference	WAD6274/1998
NNTT Number	WC1998/058
Status	REGISTERED
Date Registered (yyyy/mm/dd Time)	1998-09-17T00:00:00

Please refer to the Interest Dictionary (www.landgate.wa.gov.au/interestdictionary) for terms used in this report.

For more information contact our office on 1800 640 501 or see www.nntt.gov.au.

Legislation Governing the Interest:

Native Title Act 1993 (Commonwealth)

Responsible Agency: National Native Title Tribunal

B. Interests that AFFECT this property

Interests below specifically affect this property but do not appear on the Certificate of Title.

1 in 100 AEP Floodplain Development Control Area

Definition of Interest:

1 in 100 Annual Exceedance Probability (AEP) Floodplain Development Control Area delineates land that may be affected by the 1 in 100 AEP flooding and therefore subject to development control.

Affect of Interest:

This property **has been identified** as either being:

- within the 1 in 100 AEPI floodplain; or
- within 300 metres of the floodplain and may be affected by flooding during a 1 in 100 AEP flood.

Please note: Where risk has been identified to a property within this report and construction has occurred on the land, contact your relevant Local Government Authority for management remediation plans relevant to your property, or for properties being purchased off the plan, contact your developer.

1 in 100 AEP Floodplain Areas:

Floodplain Development Strategy Area Coverage

Murray River - Serpentine River - Peel Inlet - Harvey Estuary - Greater Peel
DoW: Murray Drainage and Water Management Plan (June 2011),
GHD: Murray Floodplain Development Strategy (2010) & SKM: Serpentine River Floodplain Management Study (5 February 2010)

The Floodplain Development Strategy for the area recommends that proposed development that is located:

- outside of the floodway is considered acceptable with respect to major flooding, however, a minimum habitable floor level of 0.50 metre above the adjacent 1 in 100 AEP flood level is generally recommended;
- within the floodway and is considered obstructive to major river flooding is not acceptable.

There is a 1% chance of the 1 in 100 AEP flood level (or greater) occurring in any one year. Larger floods will occur but will be less frequent.

As some flood risk can be mitigated through appropriate building conditions imposed by Local Government, the relevant Local Government can be contacted to ascertain if the flood risk to this property has been mitigated.

The Department of Water and Environmental Regulation (DWER) can be contacted on (08) 6364 7600 or flood@water.wa.gov.au for further site specific flood information or see www.water.wa.gov.au.

Legislation Governing the Interest:

Water Agency (Powers) Act 1984

Responsible Agency: Department of Water and Environmental Regulation

Acid Sulfate Soil (ASS) Risk

Definition of Interest:

The Department of Water and Environmental Regulation has produced Acid Sulfate Soil (ASS) risk maps for most coastal regions of WA to identify high risk ASS areas so disturbance and potential environmental damage can be avoided where possible. ASS risk areas are grouped into two classes according to the probability and depth of ASS and potential for disturbance.

Affect of Interest:

The area of interest **is categorised** into the following class or classes of ASS risk.

Note: Where more than one risk level exists at any one location within a site, the higher risk level will apply.

Please note: Where risk has been identified to a property within this report and construction has occurred on the land, contact your relevant Local Government Authority for management remediation plans relevant to your property, or for properties being purchased off the plan, contact your developer.

Acid Sulfate Soil Risk Map, Swan Coastal Plain:

Risk Class	2
Risk Level	Moderate to low risk
Risk Class	2

B. Interests that AFFECT this property - continued

Risk Level Moderate to low risk

Acid Sulfate Soil Areas:

Risk Class 2

Risk Level Moderate to low risk

Risk Class 2

Risk Level Moderate to low risk

- Class 1 – there is a high to moderate risk of disturbing ASS materials at this site. WA Planning Commission will impose a condition on planning proposals in Class 1 areas.

- Class 2 – there is a moderate to low risk of disturbing ASS materials at this site. However, if site characteristics or local knowledge indicate the potential presence of ASS, further investigations are recommended, particularly if excavating more than 100 cubic metres of soil or carrying out dewatering/drainage works.

WA Planning Commission (WAPC) is responsible for land use planning and land development in WA. A WAPC Acid Sulfate Soils Self Assessment Form must be submitted to the Department of Water and Environmental Regulation (DWER) before planning approval is granted.

See our website, www.der.wa.gov.au/ass for more information or phone 1300 762 982.

Legislation Governing the Interest:

Planning and Development Act 2005

Environmental Protection Act 1986

Responsible Agency: Department of Water and Environmental Regulation

Bush Fire Prone Areas

Definition of Interest:

A bush fire prone area is an area that is subject to, or likely to be subject to, a bushfire attack. Additional planning and building requirements may apply to developments within areas designated as bush fire prone by the Fire and Emergency Services Commissioner. A further assessment of bushfire risk may also be required under the Planning and Development (Local Planning Schemes), State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Building Code of Australia.

Affect of Interest:

The selected property **is identified** as being fully or partially within a designated bush fire prone area. Additional planning and building requirements may apply, in accordance with Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015, State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Building Code of Australia.

Details are as follows:

Bush Fire Prone Areas:

Designation

Bush Fire Prone Area (additional planning and building requirements may apply to development on this site)

Comments

This site has been in a designated bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site.

Designation Date

01/06/17 (since 08/12/15)

A Bushfire Attack Level (BAL) assessment or BAL Contour Map may be required in certain circumstances under Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015 if the site has been located in a bush fire prone area for a period of at least four months. Development approval must be obtained in areas with a BAL rating of BAL-40 or BAL-Flame Zone (FZ) before commencing any development, including instances where development approval would not normally be required. A bushfire management plan may also be required.

Bushfire construction requirements set out in GP5.1 and P2.3.4 of the Building Code of Australia apply to certain residential building work in designated bush fire prone areas if the site has been located in a bush fire prone area for a period of at least four months. A further assessment of bushfire risk, such as a BAL assessment, will assist in determining the appropriate level of bushfire resistant construction that should be incorporated into the building. In general a building permit is required before undertaking most new building work.

Certain exemptions and exclusions may apply. Local governments may also have locally specific building requirements.

For specific requirements contact the planning or building section of your local government.

For further information about the Planning and Development (Local Planning Schemes) Regulations 2015, State Planning Policy 3.7 Planning in Bushfire Prone Areas or the associated Guidelines, contact the Department of Planning, Lands and Heritage Bushfire Policy Officer at

B. Interests that AFFECT this property - continued

bushfire@planning.wa.gov.au or on (08) 6551 9000.

For general information regarding the Building Code of Australia and requirements for bush fire prone areas, contact the Building Commission at bcinfo@commerce.wa.gov.au or on 1300 489 099.

If the property has a notification on title stating that the land is within a designated bush fire prone area and the Map of Bush Fire Prone Areas confirms that the land is no longer designated as bush fire prone, then the notification on title may be removed through an N2 form 'Removal or modification of notification under section 70A of the Transfer of Lands Act 1893', available from www.landgate.wa.gov.au/for-individuals/forms-and-fees/land-titling-forms. Note that the relevant local government authority will be required to sign the form prior to its submission to Landgate. Fees apply.

Legislation Governing the Interest:

Fire and Emergency Services Amendment Act 2015

Fire and Emergency Services Act 1998

Planning and Development (Local Planning Schemes) Regulations 2015

Building Act 2011

Building Regulations 2012

Responsible Agency: Office of Bushfire Risk Management

Environmental Protection Policies

Definition of Interest:

Environmental Protection Policies (EPP) are Parliament-ratified whole-of-Government policies to establish environmental values and environmental quality objectives for a particular environment or component of the environment.

Affect of Interest:

The selected area is identified **as an area** protected by provisions under the *Environmental Protection Act 1986*.

Kwinana - Atmospheric Waste Miscellaneous Areas:

Type AREA C

Kwinana - Atmospheric Waste Policy Boundary:

Name Kwinana EPP

Protecting Air quality

Policy Environmental Protection (Kwinana) (Atmospheric Wastes) Policy and Regulations 1999

Peel Inlet - Harvey Estuary:

Name Peel Harvey EPP

Policy Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992

Protecting The estuary by setting environmental quality objectives and outlines the means by which they are to be achieved and maintained to prevent further degradation

For more information on the potential impact of these protection policies on your selected property please see www.epa.wa.gov.au/wa-government-policies.

For more information contact our office on (08) 6145 0800, or email us on info@epa.wa.gov.au or see www.epa.wa.gov.au.

Legislation Governing the Interest:

Environmental Protection Act 1986

Responsible Agency: Department of Water and Environmental Regulation

European House Borer

Definition of Interest:

The European House Borer (EHB) is a destructive pest of untreated dry (seasoned) pinewood and other softwood timbers. This impacts on the movement, storage, treatment and disposal of untreated pinewood located within a Restricted Movement Zone.

Affect of Interest:

The selected property **falls within** a suburb where EHB has been found. Restricted movement of pinewood may apply within all or part of this suburb. Refer to www.agric.wa.gov.au/biosecurity-biosecurity-quarantine-european-house-borer for up to date specific information on EHB Restricted Movement Zones and requirements.

The regulations restrict the movement, storage, treatment and disposal of untreated pinewood within EHB affected areas, known as Restricted Movement Zones (RMZ). Penalties of up to \$2000 apply for any regulation breaches. Assistance from individuals and businesses in complying with these regulations has played a large role in reducing the spread and infestation of EHB.



B. Interests that AFFECT this property - continued

Details are as follows:

European House Borer - Restricted Movement Zone Localities:

Suburb

BALDIVIS

For more information call us on 1800 084 881 or see our web site www.agric.wa.gov.au/biosecurity-biosecurity-quarantine-european-house-borer or email

Legislation Governing the Interest:

Agriculture and Related Resources Protection (European House Borer) Regulations 2006

Responsible Agency: Department of Primary Industries and Regional Development

Garden Bore Suitability

Definition of Interest:

As part of new water efficiency measures, the Department of Water and Environmental Regulation (DWER) has prepared a Perth groundwater area map showing where additional garden bores are suitable/unsuitable based on available hydrogeological information.

Affect of Interest:

The property **is within** an area where additional garden bores are:

Garden Bore Suitability:

Suitability

Unsuitable

The hydrogeological conditions beneath the property are listed above for the installation of a garden bore.

For more information please contact Water Information at the Department of Water and Environmental Regulation (DWER) on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.water.wa.gov.au/idelve/gwa.

Legislation Governing the Interest:

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Exemption (Section 26C) order 2010

Responsible Agency: Department of Water and Environmental Regulation

Groundwater Salinity

Definition of Interest:

The salinity in groundwater varies greatly in Western Australia. This depends on many factors such as geology, topography, climate and coastal seawater intrusion. The Department of Water and Environmental Regulation (DWER) categorises the groundwater salinity according to the salt content and its application for public drinking, irrigation, stock water etc.

Affect of Interest:

The salinity in groundwater in Western Australia varies considerably. This depends on many factors such as geology, topography, climate and coastal seawater intrusion.

Due to the fluid nature of ground conditions it is only possible to report on a indicative reading for the groundwater salinity that exists at this location.

If the groundwater salinity at this location is important then you should contact the closest regional office for advice on this subject.

Groundwater Salinity:

TDS per milligram per litre 1000-3000

Salinity is the measure of total dissolved solids (TDS) or salts in water and is reported as milligrams per litre (mg/L).

The range of salinity of natural water is:

Category	Salinity range
Fresh	0-500 mg/L TDS (suitable for selected agricultural use)
Marginal	500-1000 mg/L TDS (suitable for selected agricultural use)
Brackish	1000-3000 mg/L TDS (used for parkland irrigation)
Saline	3000-35,000 mg/L TDS (industrial use and stock watering up to 10,000mg/L)
Hypersaline	>35,000 mg/L TDS

To verify the groundwater salinity at a particular location contact our office on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.tinyurl.com/bdvs3bs.

Legislation Governing the Interest:

The Department of Water advises against drilling garden bores in areas underlain by the saltwater interface. There is no legislative basis or implications for this advice.

Responsible Agency: Department of Water and Environmental Regulation



B. Interests that AFFECT this property - continued

Intensive Agricultural Industries

Definition of Interest:

The Department of Primary Industries and Regional Development (DPIRD) is responsible for advice to the state's agrifood industries and other government agencies on activities such as dairies, piggeries, tanneries, abattoirs, feedlots, saleyards, vineyards and commercial chicken production facilities. DPIRD associates such activities to land management units (properties) through the Client Property Database.

Affect of Interest:

The selected property is **located close** to an intensive agricultural industry, identified by Department of Primary Industries and Regional Development (DPIRD). Sensitive uses, such as residential dwellings, which are located within the recommended separation distance for this industry may be subject to noise, dust and odour from this established business.

Details are as follows:

Intensive Agricultural Industry:

Property Address	LOT 454, TELEPHONE LANE, BALDIVIS WA 6171
Local Government Authority	ROCK
Property Name	LA BERGERIE FEEDLOT
Description of Activity	Feed Lot
Secondary Activity	Sale Yard
EPA Description	Livestock saleyard or holding pen
EPA License Number	L8338/2009/1
Separation Distance (Meters)	2000
DAFWA Property ID	3148725
Property Address	40 WILKINSON ROAD, BALDIVIS WA 6171
Local Government Authority	ROCK
Property Name	ROSOUY FEEDLOT
Description of Activity	Feed Lot
Secondary Activity	Sale Yard
EPA Description	Livestock saleyard or holding pen
EPA License Number	L8524/2011/1
Separation Distance (Meters)	2000
DAFWA Property ID	3158084

The recommended EPA separation distance is generic and is based on the 2005 Environmental Protection Authority Guidance Statement No 3 Separation distances between industrial and sensitive land uses. More specific information on restrictions to use may be available from local government. Relevant state level policies include the Western Australian Planning Commission's State Planning Policy 4.1 State Industrial Buffer Policy, State Planning Policy 2.5 – Land use planning in rural areas and for poultry enterprises, State Planning Policy 4.3 Poultry Farm Policy.

For more information call us on (08) 9368 3333, or email gis@agric.wa.gov.au or see www.agric.wa.gov.au.

Legislation Governing the Interest:

Environmental Protection Act 1986
Biosecurity and Agriculture Management Act 2007
State Planning Policy 4.1 State Industrial Buffer Policy

Responsible Agency: Department of Primary Industries and Regional Development

Iron Staining Risk

Definition of Interest:

Groundwater in many areas in Western Australia contains dissolved iron. When the water is exposed to air, the iron is oxidised and forms a rust-coloured coating on walls and paving's.

Affect of Interest:

The property **is in an area** where there is an elevated iron / manganese staining risk according to data available at the time of publication.

Iron Staining Risk:

Risk Low risk

If you wish to verify whether your proposed garden bore is located in an area of high risk of iron staining, please contact Water Information at the Department of Water and Environmental



B. Interests that AFFECT this property - continued

Regulation (DWER) on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.water.wa.gov.au/home.

Legislation Governing the Interest:

There is no legislation directly related to this Interest.

Responsible Agency: Department of Water and Environmental Regulation

Local Planning Schemes

Definition of Interest:

Local Planning Schemes set out the way land is to be used and developed, classify areas for land use and include provisions to coordinate infrastructure and development in a locality.

Affect of Interest:

The selected area of land **has** the following zoning(s) and/or land-use class(es):

Local Government Authority:

Name ROCKINGHAM, CITY OF

Local Area Zoning:

Zoning Public open space

Label -

Label Description -

Additional Use -

Restricted Use -

Special Additional Use -

Zoning Rural

Label -

Label Description -

Additional Use -

Restricted Use -

Special Additional Use -

For more information see online.planning.wa.gov.au/LPS/LocalPlanningSchemes.asp. Or contact your Local Government Authority for more information.

Legislation Governing the Interest:

Planning and Development Act 2005

Planning and Development (Consequential and Transitional Provisions) Act 2005

State Planning Policy 3.1 - Residential Design Codes

Model Scheme Text

Responsible Agency: Department of Planning, Lands and Heritage

Metropolitan Region Improvement Tax

Definition of Interest:

Metropolitan Region Improvement Tax (MRIT) is an annual tax on land in the metropolitan region that is also liable for land tax. Unpaid MRIT remains a first charge on the land.

Affect of Interest:

The selected property **may be** subject to Metropolitan Region Improvement Tax (MRIT). MRIT is an annual tax on land in the metropolitan region that is also subject to land tax.

Your property falls within the Local Government Authority (LGA) below:

Local Government Authority ROCKINGHAM, CITY OF

For more information contact our office on (08) 6551 1000, or see www.finance.wa.gov.au/landtax.

Legislation Governing the Interest:

Metropolitan Region Improvement Tax Act 1959

Land Tax Assessment Act 2002

Taxation Administration Act 2003

Planning and Development Act 2005

Responsible Agency: Department of Finance and Department of Planning, Lands and Heritage

Mosquito-borne Disease Risk

Definition of Interest:

Mosquitoes can be a serious nuisance in certain regions of Western Australia and can spread disease-causing viruses such as Ross River, Barmah Forest, Kunjin and Murray Valley encephalitis viruses.



B. Interests that AFFECT this property - continued

Affect of Interest:

The selected area **is impacted** by the risk of mosquito-borne diseases.

Details are as follows:

Mosquito-borne Disease Risk:

Risk Level

Low or unknown risk

Frequent high risk

The selected area is in a region that frequently experiences problems with nuisance and disease carrying mosquitoes.

Occasional very high risk

The selected area is in a region that experiences severe problems with nuisance and disease carrying mosquitoes in some years, depending on environmental conditions.

Frequent high and occasional very high risk

The selected area is in a region that frequently experiences problems with nuisance and disease carrying mosquitoes, and severe issues are also experienced in some years depending on environmental conditions.

Low or unknown risk

This location has not experienced high rates of mosquito-borne disease in the past. However, the sporadic nature of mosquito-borne disease outbreaks means that this not necessarily a precise indicator of future risk. Furthermore, regions with low or no resident human population may also be classified as low risk even though there may be an undocumented high risk in the area. Finally, significant mosquito nuisance issues may still be experienced, despite a low health risk.

Residents are advised to avoid exposure to mosquitoes and minimise mosquito breeding around the home as appropriate, particularly following extreme weather events such as heavy rainfall, high tides (in coastal areas) or localised flooding that may create abnormally large areas of mosquito breeding habitat.

For information on mosquito control in your local area or to report a mosquito problem please contact your Local Government Environmental Health Officer.

For more information about mosquito management, contact the Environmental Health Directorate on (08) 9388 4999 or email medical.entomology@health.wa.gov.au or see http://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management.

Legislation Governing the Interest:

Health Act 1911

Responsible Agency: Department of Health

Municipal Inventory

Definition of Interest:

A Municipal Inventory is a list of places within a local district which are, or may become, of cultural heritage significance. Listing in a Municipal Inventory does not give a place legal protection, but it may be protected by other statutory provisions such as inclusion in the Heritage List of a local plan, or listing in the State Register of Heritage Places, or by a Heritage Agreement or Conservation Order.

Affect of Interest:

The selected area is in a local government, where Municipal Inventory places **have been** mapped. If the the area is part of a Municipal Inventory listing, details for the place can be found below.

The selected area may have other heritage listings such as a Heritage Listing in a Local Planning Scheme. Contact the relevant local government for more information.

Government Agencies and Government Trading Enterprises must comply with the Government Heritage Property Disposal Process (GHPDP) and seek further information from the Department of Planning, Lands and Heritage prior to demolition or disposal of places with heritage listings.

Municipal Inventory Status:

Local Government Authority Rockingham

Mapping Status complete

For more information contact the local government or our office on (08) 6552 4000, or in regional areas 1800 52 4000, or see www.stateheritage.wa.gov.au.

Legislation Governing the Interest:

Heritage of Western Australia Act 1990

Responsible Agency: Department of Planning, Lands and Heritage



B. Interests that AFFECT this property - continued

Proclaimed Groundwater Areas

Definition of Interest:

Access to groundwater is regulated under the *Rights in Water and Irrigation Act 1914* in order to manage water resources.

Affect of Interest:

The selected area of land **falls within** a groundwater area that is proclaimed under the *Rights in Water and Irrigation Act 1914*.

Details of the proclaimed area(s) are provided below:

Proclaimed Groundwater Areas:

Groundwater Area Name	Stakehill
Proclaimed Status	Proclaimed
Relevant Act	RIWI Act 1914
Relevant Act Section	Section 26B (1)
Gazetted (Legal) Name	Stakehill Groundwater Area
Date Published in Gazette (yyyy/mm/dd)	1988-06-29
Gazetted Type	Proclamation
Page in Gazette	2094
Gazetted Plan Number	BF18
Comments	-

You may need a licence or permit from the Department of Water and Environmental Regulation (DWER) if you propose to construct a bore or take groundwater from the shallow (superficial) aquifer or deeper aquifers.

There are exemptions from licensing requirements for certain purposes. For example the majority of garden bores may not require a licence if accessing a shallow (superficial) aquifer only.

To confirm whether you need a licence, go to the water licensing website page or contact your local DWER office.

For more information contact our office on (08) 6364 7600, or see www.water.wa.gov.au.

Legislation Governing the Interest:

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Regulations 2000

Responsible Agency: Department of Water and Environmental Regulation

Sprinkler Restrictions & Bans

Definition of Interest:

Sprinkler restrictions and/or bans apply throughout Western Australia for scheme water users and domestic garden bores.

Affect of Interest:

The selected property **is identified** as being fully or partially within in an area designated to have sprinkler restrictions.

Details are as follows:

Sprinkler Restrictions:

Region	Perth/Mandurah
Winter Restrictions	Stage 6
Summer Restrictions	Stage 4

Sprinkler restrictions and or bans apply to this area. Due to the drying climate, the State Government introduced water efficiency measures, including the introduction of restrictions on domestic sprinklers.

These restrictions include permanent efficiency measures, an annual winter sprinkler ban that applies to domestic sprinkler use and some non-domestic use, and can also include extra efficiency measures and restrictions from time to time such as extensions of the winter sprinkler ban period or other restrictions.

Restriction stages are detailed in the Water Agencies (Water Use) By-laws 2010. www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11731_homepage.html
Additional restrictions may also apply to specific locations. Please refer to your water service provider for more information relating to your area.

B. Interests that AFFECT this property - continued

For more information please see www.water.wa.gov.au/urban-water/water-restrictions/garden-bores.

For more information contact our office on 13 10 39 or see www.water.wa.gov.au and go to the Domestic Garden Bore website page.

Legislation Governing the Interest:

Water Agencies (Powers) Act 1984

Water Agencies (Water Use) By-laws 2010

Responsible Agency: Department of Water and Environmental Regulation

Water Corporation Infrastructure (above and below ground)

Definition of Interest:

The Water Corporation operates vast water, sewerage and drainage pipe networks throughout WA. At any given location there may be various infrastructure in the ground of different sizes, depths, alignments and materials belonging to the Water Corporation.

Affect of Interest:

The selected property **is impacted** by Water Corporation pipes or access chambers. No construction is permitted in the proximity of this infrastructure without the consent of the Water Corporation and it should be noted that 24 hour access may be required for maintenance purposes in certain circumstances.

Water Infrastructure:

Infrastructure Type Water Meter

Water and sewer services located outside the property boundaries (road reserves) are not included in this report, as this report only includes interests inside the property boundaries. However they can be viewed here, www.mywater.com.au/css-web-external/pub/propertySearch.

Please be aware that it is a **legislative requirement** to notify the Water Corporation of any proposed construction, alteration or demolition of a building in areas where the Corporation is the licensed provider of water, wastewater or drainage services. A person is not permitted to construct, alter or demolish a building without the prior authorisation of the Water Corporation.

For more information contact our office on 13 13 95, or see www.watercorporation.com.au/buying-selling-and-building/building-or-renovating.

PLEASE NOTE:

This report and the Water Corporation online property search tool is not an alternative to Dial Before You Dig.

Information about underground cable and pipe networks is available by requesting the utility maps through the Dial Before You Dig web site, www.1100.com.au or contact their call centre on 1100 during business hours, to find out about the location of underground infrastructure prior to commencing any excavation works on a property.

Legislation Governing the Interest:

Water Services Act 2012

Responsible Agency: Water Corporation

Wetlands

Definition of Interest:

Wetlands are areas that are permanently, seasonally or intermittently waterlogged or inundated with water that may be fresh, saline, flowing or static.

Affect of Interest:

The selected area **is impacted** by the *Environmental Protection Act 1986*.

The details are as follows:

Geomorphic Wetlands - Swan Coastal Plain:

Unique Feature Identifier	16021
Wetland Name	unknown
Classification	Palusplain
Evaluation	Multiple Use

As your area of land is impacted by the *Environmental Protection Act 1986*, land use constraints may apply.

For information on the mapping and management of wetlands, contact the Department of Biodiversity, Conservation and Attractions (DBCA) on (08) 9334 0455 or see www.dpaw.wa.gov.



B. Interests that AFFECT this property - continued

au/management/wetlands.

For more information on how wetlands are protected contact the Department of Water and Environmental Regulation (DWER) office on (08) 6467 5000 or see www.der.wa.gov.au/your-environment/environmentally-sensitive-areas.

Legislation Governing the Interest:

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Responsible Agency: Department of Biodiversity, Conservation and Attractions

C. Interests that DO NOT AFFECT this property

Information currently available to Landgate suggests that these interests do not affect this property, for definitions of the interests below, visit www.landgate.wa.gov.au/interestdictionary.

Aboriginal Heritage Places

Definition of Interest:

Aboriginal Heritage Places are any places or objects that are of importance and significance to Aboriginal people, or have historical, anthropological, archaeological or ethnographic interest.

Affect of Interest:

The specified search area contains **no record** of Aboriginal heritage places. This means that no Registered sites are located within that area however users should be aware that Aboriginal sites may be present that have not as yet been identified or recorded.

It should be noted that the Register only holds information concerning Aboriginal heritage places that have been recorded and registered by the Department of Planning, Lands and Heritage (DPLH). There are an unknown number of sites within the State that have not as yet been identified or recorded and therefore do not appear on the Register. These sites however are still afforded protection under the *Aboriginal Heritage Act 1972*.

For more information contact our office on (08) 9235 8052 or sites@daa.wa.gov.au.

Legislation Governing the Interest:

Aboriginal Heritage Act 1972

Responsible Agency: Department of Planning, Lands and Heritage

Aboriginal Lands Trust Estate

Definition of Interest:

The ALT Estate comprises crown reserves, pastoral leases, freehold and general purpose leases, administered by the Aboriginal Lands Trust, through the Department of Planning, Lands and Heritage. Some reserves have extra legislative protection through Part III of the *Aboriginal Affairs Planning Authority Act 1972 (AAPA Act)*.

Affect of Interest:

The selected area **does not fall within or extend over** any Aboriginal Lands Trust (ALT) Estate properties.

For more information contact our office on 1300 651 077, or see www.daa.wa.gov.au.

Legislation Governing the Interest:

Aboriginal Affairs Planning Authority Act 1972

Responsible Agency: Department of Planning, Lands and Heritage

APA Group Owned/Operated Gas Transmission Pipeline

Definition of Interest:

APA Groups owns and/or operates gas transmission pipelines and other associated energy infrastructure across mainland Australia. APA's major Western Australian assets include the Goldfields Gas Pipeline, Kambalda Pipeline, Parmelia Gas Pipeline - Dongara to Perth, Mid West Pipeline, Pilbarra Pipeline System, the Telfer & Nifty Pipelines and the Mondarra Gas Storage Facility.

Affect of Interest:

The selected property **is not** impacted by an APA Group Owned/Operated Gas Transmission Pipeline, however restrictions may still apply with regard to planning proposals in the vicinity of the pipeline.

For more information please contact APA Heritage Environment and Lands Management on 1800 103 452, email helm@apa.com.au or see www.apa.com.au.

PLEASE NOTE:

This report is not an alternative to Dial Before You Dig. Information about underground cable and pipe networks is available by requesting the utility maps through the Dial Before You Dig web site, www.1100.com.au or contact their call centre on 1100 during business hours, to find out about the location of underground infrastructure prior to commencing any excavation works on a property.

Legislation Governing the Interest:

Petroleum Pipelines Act 1969
Goldfields Gas Pipeline Agreement Act 1994
Metropolitan Region Scheme

C. Interests that DO NOT AFFECT this property - continued

WAPC Planning Bulletin 87

Responsible Agency: APA Group

ATCO Gas Australia Infrastructure

Definition of Interest:

ATCO Gas Australia is a private company delivering safe, reliable, cost-effective natural gas to West Australians. As a gas distribution company, ATCO Gas builds, owns and maintains an underground network of pipelines that bring natural gas to more than 700,000 consumers. Along with building and maintaining the network, we also perform the work to connect your homes and businesses to gas and read your meter.

Affect of Interest:

The selected property **is not in the vicinity** to ATCO Gas Australia Infrastructure.

For more information about ATCO Gas Australia's gas distribution network and plans for future expansion, please visit our website www.atcogas.com.au/About-Us/Network-Expansion.

PLEASE NOTE:

This report is not an alternative to Dial Before You Dig.

Information about underground cable and pipe networks is available by requesting the utility maps through the Dial Before You Dig web site, www.1100.com.au or contact their call centre on 1100 during business hours, to find out about the location of underground infrastructure prior to commencing any excavation works on a property.

Legislation Governing the Interest:

Energy Coordination Act 1994

Energy Operators (Powers) Act 1979

Gas Standards Act 1972

Gas Standards (Gas Supply and System Safety) Regulations 2000

Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999

Responsible Agency: ATCO Gas Australia

Australian Natural, Indigenous and Historic Heritage

Definition of Interest:

The Department of the Environment has several themes it reports on one of these is Australian Heritage this deals with the extent and condition of Australia's rich Indigenous, natural and historic heritage, the threats each faces from natural and human processes, and the challenges of management.

Affect of Interest:

The selected property **has not** been identified as having one or more of the following heritage listings, Natural, Indigenous or Historic listings.

For more information please see www.environment.gov.au/topics/heritage/publications-and-resources/australian-heritage-database

or call us on (02) 6274 1111.

Legislation Governing the Interest:

Environment Protection and Biodiversity Conservation Act 1999

Responsible Agency: Department of the Environment and Energy

Basic Raw Material Zones

Definition of Interest:

State Planning Policy 2.4 - Basic Raw Materials (BRM) indicates Key Extraction Areas, Priority Resource Locations, Extraction Areas and tenement information relating to the current and future extraction of BRM.

Affect of Interest:

The selected area of land does **not fall within** an area containing Basic Raw Materials.

Please contact the Department of Planning, Lands and Heritage (DPLH) on (08) 6551 9000 for more information on rezoning or initiating an extraction operation of raw materials.

For more information see www.planning.wa.gov.au/publications/1166.asp.

Legislation Governing the Interest:

State Planning Policy 2.4 Basic Raw Materials

Responsible Agency: Department of Planning, Lands and Heritage



C. Interests that DO NOT AFFECT this property - continued

Bush Forever Areas

Definition of Interest:

Bush Forever is a strategic plan to retain regionally significant bushland which aims to conserve at least 10 per cent of each of the original 26 vegetation complexes of the Swan Coastal Plain portion of the Perth Metropolitan Region, and to protect threatened ecological communities.

Affect of Interest:

The selected area does **not fall within** the boundaries of a Bush Forever Area.

For more information contact our office on (08) 6551 9000, or see www.planning.wa.gov.au.

Legislation Governing the Interest:

State Planning Policy No. 2.8 Bushland Policy for the Perth Metropolitan Region

Responsible Agency: Department of Planning, Lands and Heritage

Clearing Control Catchments

Definition of Interest:

Clearing Control Catchments are proclaimed under the *Country Areas Water Supply Act 1947* to limit the clearing of indigenous vegetation in some existing or potential water supply catchments in the South West of W.A. where the permanent clearing of indigenous vegetation would cause salinisation of water resources.

Affect of Interest:

The selected area of land **is not situated** within a Clearing Control Catchment as specified in the *Country Areas Water Supply Act 1947 (CAWS Act)*.

Land owners or occupiers considering clearing native vegetation should contact the Department of Parks and Wildlife.

- by phoning (08) 9334 0333 for advice on the *Environmental Protection Act 1978* Permit requirements, or
- contact a local Department of Biodiversity, Conservation and Attractions (DBCA) office.

Legislation Governing the Interest:

Country Areas Water Supply Act 1947

Responsible Agency: Department of Water and Environmental Regulation

Commercial Building Disclosure

Definition of Interest:

Disclosure of Commercial Office Building Energy Efficiency is part of a broad package of measures designed to improve building energy efficiency, delivered under the Council of Australian Governments' National Energy Productivity Plan.

Affect of Interest:

The selected property **may not be subject** to energy efficiency disclosure obligations in the *Building Energy Efficiency Disclosure Act 2010* in connection with the sale, lease or sublease of more than 1000 square metres of office space therein.

For more information contact our office on 1800 020 131 and info@cbd.gov.au, or see www.cbd.gov.au.

Legislation Governing the Interest:

Building Energy Efficiency Disclosure Act 2010

Responsible Agency: Department of the Environment and Energy

Contaminated Sites (Contaminated Sites Database)

Definition of Interest:

All known or suspected contaminated sites must be reported to the Department of Water and Environmental Regulation (DWER). Sites are classified based on the risk posed to the community and environment. A memorial may be registered on the property's Certificate of Title. The Contaminated Sites Database holds information on confirmed contaminated sites. For information on all other reported sites submit a Form 2 to DWER.

Affect of Interest:

The search has returned a **nil response**. However, this does not guarantee the selected area is free from contamination. Further investigation is highly recommended. The site may be awaiting classification or may be classified as one of four classification categories where information is not publicly available through a Property Interest Report. All reported sites are recorded on DWER's Reported Sites Register and information can be accessed by submitting a Form 2 to DWER.

For more information or to access a Form 2, contact our office on 1300 762 982 or see the DWER website at www.der.wa.gov.au/contaminatedsites.

C. Interests that DO NOT AFFECT this property - continued

Legislation Governing the Interest:

Contaminated Sites Act 2003
Contaminated Sites Regulations 2006

Responsible Agency: Department of Water and Environmental Regulation

Control of Access on State Roads

Definition of Interest:

Control of Access identifies the sections of state roads where the access to and from adjacent land and properties is controlled by Main Roads Western Australia.

Affect of Interest:

The selected area does **not contain** state roads.

Information about Control of Access on local government roads should be obtained from the respective local government authority.

For more information contact our office on (08) 9323 4580.

Legislation Governing the Interest:

Main Roads Act 1930

Responsible Agency: Main Roads Western Australia

Dampier to Bunbury Natural Gas Pipeline Development Setback Area

Definition of Interest:

The Dampier to Bunbury Natural Gas Pipe (DBNGP) currently passes through the Perth metropolitan region, transporting gas from the north-west to the southwest of the State. The Dampier to Bunbury Natural Gas Pipeline was constructed in 1984. For more information see Western Australian Planning Commission (WAPC) Planning Bulletin 87.

Affect of Interest:

The selected property **is not** impacted by the Dampier to Bunbury Natural Gas Pipeline.

For more information contact our office on (08) 9223 4928, or email landmanagement@dbp.net.au or see www.dbp.net.au/the-pipeline/about.aspx.

For planning related enquires please contact the Department for Regional Development and Land, Infrastructure Corridors Branch (for the Dampier to Bunbury Natural Gas Pipeline) on (08) 6552 4572 or email infrastructurecorridors@rdl.wa.gov.au.

Legislation Governing the Interest:

Dampier to Bunbury Pipeline Act 1997
Petroleum Pipelines Act 1969
WAPC Planning Bulletin 87
Metropolitan Region Scheme

Responsible Agency: Dampier Bunbury Pipeline

Development Control Area (Swan and Canning Rivers)

Definition of Interest:

The Development Control Area is the geographical area under the management of the Swan River Trust (formerly known as the Swan River Trust Management Area). Development approvals, licences and permits are required for activities occurring within or adjacent to this area.

Affect of Interest:

This property is **not partly/wholly within** a Development Control Area.

WARNING - If this property abuts the boundary of a Development Control Area, development approvals may still be required.

For more information contact our office on (08) 9278 0900 or see www.dpaw.wa.gov.au/management/swan-canning-riverpark/planning-development-and-permits/358-development-control-area or email planning@swanrivertrust.wa.gov.au.

Legislation Governing the Interest:

Swan and Canning Rivers Management Act 2006
Swan and Canning Rivers Management Regulations 2007

Responsible Agency: Department of Biodiversity, Conservation and Attractions (Swan River Trust)

Former Military Training Area (Unexploded)

Definition of Interest:

A Former Military Training Area is an area that may have been used by the Department of Defence, Allied or Foreign Armed Services in a manner where a hazard such as explosive



C. Interests that DO NOT AFFECT this property - continued

Ordnance)

ordnance may exist.

Affect of Interest:

The selected area **is not** part of a former military training, ammunition storage or airfield area. For more information contact our office (08) 9482 1760, or Andrew.Arnold@dfes.wa.gov.au, or see www.defence.gov.au/uxo.

Legislation Governing the Interest:

Commonwealth Policy on the Management of Land Affected by Unexploded Ordnance

Responsible Agency: Department of Fire and Emergency Services

Future State Roads

Definition of Interest:

Main Roads is responsible for Western Australia's highways, freeways and main roads which represent almost 30% of the State's total assets. This responsibility includes the expansion of the existing State road network, in planning, some land in WA has been identified and reserved for possible future expansion of existing roads.

Affect of Interest:

The selected area **falls outside** any zones that have been identified for possible future state road development.

For more information contact our office on 13 81 38 or see www.mainroads.wa.gov.au.

Legislation Governing the Interest:

Main Roads Act 1930

Responsible Agency: Main Roads Western Australia

Harvey Water Infrastructure

Definition of Interest:

Harvey Water is responsible for the delivery of infrastructure - a network of channels and pipes: 83 km lined channels, 172 km unlined channels and 430 km of pipeline with a total of 1536 supply points.

Affect of Interest:

The selected area does **not fall** within the boundaries of a Harvey Water area.

For more information contact our office on (08) 9729 0100 or see www.harveywater.com.au.

Legislation Governing the Interest:

Water Services Licensing Act 1995

Water Agencies (Powers) Act 1984

Responsible Agency: Harvey Water

Heritage Council - Agreement

Definition of Interest:

Heritage Agreements are entered into between a property owner and the Department of Planning, Lands and Heritage or another public authority on behalf of the State in return for planning approval or other concessions granted to the owner.

Affect of Interest:

The selected area **is not subject to** a Heritage Agreement under the Heritage of Western Australia Act 1990.

For more information contact our office on (08) 6552 4000, or Freecall (regional): 1800 52 4000, or see www.stateheritage.wa.gov.au.

Legislation Governing the Interest:

Heritage of Western Australia Act 1990

Responsible Agency: Department of Planning, Lands and Heritage

Heritage Council - Assessment Program

Definition of Interest:

When a place is on the Assessment Program, it means that the Department of Planning, Lands and Heritage has an interest in the place and it will be assessed and considered for inclusion on the State Register of Heritage Places.

Affect of Interest:

There are **no places** in the Assessment Program on the selected land.

The land may have other heritage listings such as in a Town Planning Scheme or Local

C. Interests that DO NOT AFFECT this property - continued

Government Municipal Inventory.

Government Agencies and Government Trading Enterprises must comply with the Government Heritage Property Disposal Process (GHPDP) and seek further information from the Heritage Council prior to demolition or disposal of places with heritage listings or values.

For more information contact our office on (08) 6552 4000, or in regional areas 1800 52 4000, or see www.stateheritage.wa.gov.au.

Legislation Governing the Interest:

Heritage of Western Australia Act 1990

Responsible Agency: Department of Planning, Lands and Heritage

Heritage Council - Conservation Orders

Definition of Interest:

Conservation Orders protect places of cultural heritage significance to Western Australia from damage.

Affect of Interest:

There are **no** Conservation Orders in place on the selected land.

For more information contact our office on (08) 6552 4000, or in regional areas 1800 52 4000, or see www.stateheritage.wa.gov.au.

Legislation Governing the Interest:

Heritage of Western Australia Act 1990

Responsible Agency: Department of Planning, Lands and Heritage

Heritage Council - State Register of Heritage Places

Definition of Interest:

The State Register of Heritage Places contains places of cultural heritage significance to Western Australia.

Affect of Interest:

There are **no State-registered places** on the selected land.

The land may have other heritage listings such as in a Town Planning Scheme or Local Government Municipal Inventory.

Government Agencies and Government Trading Enterprises must comply with the Government Heritage Property Disposal Process (GHPDP) and seek further information from the Department of Planning, Lands and Heritage prior to demolition or disposal of places with heritage listings or values.

For more information contact our office on (08) 6552 4000, or in regional areas 1800 52 4000, or see www.stateheritage.wa.gov.au.

Legislation Governing the Interest:

Heritage of Western Australia Act 1990

Responsible Agency: Department of Planning, Lands and Heritage

Jandakot Airport - Aircraft Noise

Definition of Interest:

Property in the vicinity of Jandakot Airport may be exposed to aircraft noise which can affect individuals in different ways. It is important that aircraft noise impacts are considered and understood when making appropriate property and lifestyle decisions. Jandakot Airport prepares N65 noise contours which describe the number of aircraft events greater than 65 decibels that can be expected over an average day.

Affect of Interest:

The selected property **is outside** the N65 noise contour for Jandakot Airport but may still be exposed by aircraft noise.

For more information contact Jandakot Airport on (08) 9417 0900 or see www.jandakotairport.com.au.

Legislation Governing the Interest:

Airports Act 1996 (C'th)

Responsible Agency:



C. Interests that DO NOT AFFECT this property - continued

Jandakot Airport

Jandakot Airport - Land Use Planning

Definition of Interest:

Land in the vicinity of Jandakot Airport may be exposed to aircraft noise. Australian Noise Exposure Forecast (ANEF) noise contours form the basis for land use planning considerations by planning authorities under State Planning Policy 5.3 - Jandakot Airport Vicinity. The Jandakot Airport - Aircraft Noise interest included in this report should also be considered.

Affect of Interest:

The selected property **is not** within the Jandakot Airport ANEF contours or subject to State Planning Policy 5.3 Jandakot Airport Vicinity, but may still be exposed to aircraft noise. The Jandakot Airport - Aircraft Noise interest report should also be considered.

For more information see www.planning.wa.gov.au/publications/6429.asp, or see www.jandakotairport.com.au.

Legislation Governing the Interest:

Airports Act 1996 (C'th)

Planning and Development Act 2005

State Planning Policy 5.3 Land Use Planning in the Vicinity of Jandakot Airport

Responsible Agency: Jandakot Airport

Lands owned or managed by the Department of Parks and Wildlife

Definition of Interest:

The Department of Biodiversity, Conservation and Attractions (DBCA) owns and manages freehold land and pastoral leases for conservation and recreation purposes. The department can manage these lands solely or jointly with other parties.

Affect of Interest:

The selected area **does not fall within** the boundaries of lands owned or managed (solely or jointly) by the Department of Biodiversity, Conservation and Attractions (DBCA). However, DBCA may comment on land use or development proposals where there is the potential to impact on DBCA managed lands or waters.

DBCA may also comment on other environmental factors relating to Bush Forever sites, the *Conservation and Land Management Act 1984* and *Wildlife Conservation Act 1950*, e.g. threatened fauna, threatened and priority flora, and wetlands of conservation significance.

For more information contact the Land Planning Program Coordinator (statutory and strategic planning) on 9442 0306 or the Land Services Coordinator (land tenure) on 9219 8771, or see www.dpaw.wa.gov.au or email info@dpaw.wa.gov.au.

Legislation Governing the Interest:

Conservation and Land Management Act 1984

Conservation and Land Management Regulations 2002

Land Administration Act 1997

Wildlife Conservation Act 1950

Responsible Agency: Department of Biodiversity, Conservation and Attractions

Liquor Restrictions

Definition of Interest:

Liquor restrictions are in place in many parts of the State in relation to purchasing, consuming or possessing alcohol.

Affect of Interest:

The selected property **is not within** an area where Liquor Restrictions apply.

To view information on towns and areas that may be affected by liquor restrictions see www.rgl.wa.gov.au/maps/tourism.html or for more information please contact our office on (08) 9425 1888.

Legislation Governing the Interest:

Liquor Control Act 1988

Responsible Agency: Department of Local Government, Sport and Cultural Industries

Marine Harbours Act Areas

Definition of Interest:

The Marine Harbours Act Areas refers to Areas declared under the *Marine and Harbours Act 1981*.

Affect of Interest:

C. Interests that DO NOT AFFECT this property - continued

The selected property **is not within** a Marine Harbours Act Area.

For further information, see www.transport.wa.gov.au/imagine/marine_information.asp or contact the Department of Transport on 1300 863 308 or email coastaldata@transport.wa.gov.au.

Legislation Governing the Interest:

Shipping and Pilotage Act 1967
Marine and Harbours Act 1981
Western Australian Marine Act 1982

Responsible Agency: Department of Transport

Marine Navigation Aids

Definition of Interest:

Marine Navigation Aids refer to infrastructure provided on or near the coast, such as lighthouse, light ship, port light, buoy, beacon, signal, or other structure, mark, device or apparatus that is or is intended to be an aid to marine navigation, and includes a radio beacon or an electronic aid.

Affect of Interest:

The selected property **is not impacted** by a Marine Navigation Aid.

For further information, see www.transport.wa.gov.au/imagine/navigation_aids.asp or contact the Department of Transport on 1300 863 308 or email coastaldata@transport.wa.gov.au.

Legislation Governing the Interest:

Marine Navigational Aids Act 1973

Responsible Agency: Department of Transport

Mining Titles

Definition of Interest:

Mining Titles give legal rights to explore for and mine minerals in Western Australia. The Department of Mines, Industry Regulation and Safety (DMIRS) receives applications for, and allocates, Mining Titles.

Affect of Interest:

The selected area **is not affected** by mining titles.

For more information contact our office on (08) 9222 3626 or fax (08) 9222 3444, or see www.dmp.wa.gov.au.

Legislation Governing the Interest:

Mining Act 1978
Mining Regulations 1981

Responsible Agency: Department of Mines, Industry Regulation and Safety

National Park, Conservation Park and Nature Reserve

Definition of Interest:

National Park, Conservation Park or Nature Reserve are categories of land protected for the purposes of nature conservation and public recreation. As of 1 July 2013 the formerly named Department of Conservation and Land Management and the Department of Environment and Conservation, became the Department of Biodiversity, Conservation and Attractions (DBCA).

Affect of Interest:

The selected area **is outside** the boundaries of a National Park, Conservation Park or Nature Reserve. However, Department of Biodiversity, Conservation and Attractions (DBCA) may comment on land use or development proposals where there is the potential to impact on DBCA managed lands or waters.

DBCA may also comment on other environmental factors relating to Bush Forever sites, the *Conservation and Land Management Act 1984* and *Wildlife Conservation Act 1950*, e.g. threatened fauna, threatened and priority flora, and wetlands of conservation significance.

For more information contact our office on (08) 9219 8000 or email info@dpaw.wa.gov.au or see www.dpaw.wa.gov.au.

Legislation Governing the Interest:

Conservation and Land Management Act 1984
Conservation and Land Management Regulations 2002
Land Administration Act 1997
Wildlife Conservation Act 1950

Responsible Agency: Department of Biodiversity, Conservation and Attractions

C. Interests that DO NOT AFFECT this property - continued

Native Vegetation

Definition of Interest:

Clearing of native vegetation is prohibited unless a clearing permit is granted by the Department of Primary Industries and Regional Development (DPIRD) or the clearing is for an exempt purpose.

Affect of Interest:

The selected property or area of land **does not fall** within an area known to have native vegetation.

Please note: Clearing of native vegetation requires a permit unless it is exempt. Exemptions apply for day-to-day activities that have a low environmental impact. Exemptions do not apply in areas classified as Environmentally Sensitive Areas.

Those intending to develop a site by clearing native vegetation should undertake their own due diligence to ensure no further native vegetation remains on the site before undertaking any on-ground works.

For more information on Clearing Permits for Native Vegetation contact Department of Water and Environmental Regulation (DWER) on (08) 6467 5000 or see www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms.

For more information regarding the Native Vegetation registered on your property please contact Department of Primary Industries and Regional Development (DPIRD) Geographic Information Services on (08) 9368 3925 or see our web site www.agric.wa.gov.au or email enquiries@agric.wa.gov.au.

Legislation Governing the Interest:

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Responsible Agency: Department of Primary Industries and Regional Development

Navigable Water Regulations

Definition of Interest:

Navigable Water Regulations are administered by the Department of Transport. Navigable Water Regulations are areas where speed restrictions and restrictions on certain activities apply.

Affect of Interest:

The selected property **is not within** a Navigable Water Regulations Area.

For further information, see www.transport.wa.gov.au/imateine/general-rules-and-regulations.asp or contact the Department of Transport on 1300 863 308 or email coastaldata@transport.wa.gov.au.

Legislation Governing the Interest:

Shipping and Pilotage Act 1967

Marine and Harbours Act 1981

Western Australian Marine Act 1982

Responsible Agency: Department of Transport

Notices on Properties under the Biosecurity and Agriculture Management Act 2007

Definition of Interest:

The Department of Primary Industries and Regional Development (DPIRD) administers the *Biosecurity and Agriculture Management Act 2007* (BAM Act), and may issue notices directing persons in charge of places to take certain actions to control, eradicate or exclude organisms that are declared pests under the Act. These notices are binding on the current and subsequent owners and occupiers.

Affect of Interest:

The selected property **is not subject** to a notice under the *Biosecurity and Agriculture Management Act 2007* (BAM Act). However, the property is within an area for which a number of organisms are declared pests, which the person in charge is obliged to control.

Please visit the Department of Primary Industries and Regional Development (DPIRD) website at www.agric.wa.gov.au/organisms for details of declared pests in the area and related control obligations, or www.agric.wa.gov.au/biosecurity-biosecurity-quarantinebam-act-and-resources for more information on the BAM Act and relevant contact details.

Legislation Governing the Interest:

Biosecurity and Agriculture Management Act 2007

Biosecurity and Agriculture Management Regulations 2013



C. Interests that DO NOT AFFECT this property - continued

Responsible Agency: Department of Primary Industries and Regional Development

Notices on Properties under the Soil and Land Conservation Act 1945

Definition of Interest:

The Commissioner of Soil and Land Conservation may issue a Soil Conservation Notice (SCN) under s32 of the *Soil and Land Conservation Act 1945*, directing landholders to take measures to prevent and mitigate land degradation or, enter an agreement with a landholder to set aside land for the protection and management of vegetation. These notices and agreements are binding on current and subsequent owners and occupiers.

Affect of Interest:

There is currently **no notice**, covenant or agreement under the Soil and Land Conservation Act 1945 in effect for this property.

Legislation Governing the Interest:

Soil and Land Conservation Act 1945
Soil and Land Conservation Regulations 1992

Responsible Agency: Department of Primary Industries and Regional Development

Perth Airport - Aircraft Noise

Definition of Interest:

Property in the vicinity of Perth Airport may be exposed to aircraft noise which can affect individuals in different ways. It is important that aircraft noise impacts are considered and understood when making appropriate property and lifestyle decisions. Perth Airport prepares N65 noise contours which describe the number of aircraft events greater than 65 decibels that can be expected over an average day.

Affect of Interest:

The selected property **is outside** the N65 noise contour for Perth Airport but may still be exposed by aircraft noise.

For more information contact Perth Airport on (08) 9478 8888 or see www.perthairport.com.au.

Legislation Governing the Interest:

Airports Act 1996

Responsible Agency: Perth Airport

Perth Airport - Land Use Planning

Definition of Interest:

Land in the vicinity of Perth Airport may be exposed to aircraft noise. Australian Noise Exposure Forecast (ANEF) noise contours form the basis for land use planning considerations by planning authorities under State Planning Policy 5.1 - Land Use Planning in the Vicinity of Perth Airport. The Perth Airport - Aircraft Noise interest included in this report should also be considered.

Affect of Interest:

The selected property **is not** within the Perth Airport ANEF or subject to State Planning Policy 5.1 - Land Use Planning in the Vicinity of Perth Airport, but may still be exposed to aircraft noise. The Perth Airport - Aircraft Noise interest included in this report should also be considered.

For more information see www.planning.wa.gov.au/publications/6429.asp, or see www.perthairport.com.au/index.aspx.

Legislation Governing the Interest:

Planning and Development Act 2005
State Planning Policy 5.1 Land Use Planning in the Vicinity of Perth Airport
Airports Act 1996

Responsible Agency: Perth Airport

Perth Parking Policy

Definition of Interest:

The Perth Parking Policy places controls over the provision and use of non-residential parking in the Perth Parking Management Area as well as requiring all non-residential parking to be licensed and where liable, pay a licence fee.

Affect of Interest:

The selected area **does not fall within** the Perth Parking Management Area.

For more information contact our office on (08) 6551 6108, or email parking@transport.wa.gov.au, or see www.transport.wa.gov.au/perthparking.

Legislation Governing the Interest:



C. Interests that DO NOT AFFECT this property - continued

Perth Parking Policy 2014
Perth Parking Management Act 1999
Perth Parking Management Regulations 1999
Perth Parking Management (Taxing) Act 1999
Responsible Agency: Department of Transport

Petroleum Tenure

Definition of Interest:

Ownership of petroleum in Western Australia is vested in the Crown. However, discovery and development is carried out by the private sector. Petroleum titles define the rights and the obligations of the government and the explorer/developer.

Affect of Interest:

The selected area **is not affected** by Petroleum Tenure (Titles, Onshore Title Applications, Release Areas and/or Pipelines).

For more information contact our office on (08) 9222 3333 or fax (08) 9222 3799 or see www.dmp.wa.gov.au.

Legislation Governing the Interest:

Petroleum and Geothermal Energy Resources Act 1967
Petroleum (Submerged Lands) Act 1982
Petroleum Pipelines Act 1969
Petroleum (Submerged Lands) Act 1974

Responsible Agency: Department of Mines, Industry Regulation and Safety

Possible Road Widening

Definition of Interest:

Some property in Western Australia can be affected by an existing or future road widening reservation. Land which is affected by a road widening reservation in a Region Scheme can generally remain in private ownership until the constructing authority requires it for its intended purpose. This road widening information is contained in the Metropolitan Region Scheme(MRS), Peel Region Scheme(PRS) and the Greater Bunbury Region Scheme(GBRS).

Affect of Interest:

The selected lot **may not** be subject a road widening reservation under a Region Planning Scheme.

Please note, whilst the Property Interest Report may show Region Planning Scheme information, it does not have any statutory bearing and therefore does not replace Clause 42, 47 and 53 Region Scheme Certificates produced by the Department of Planning, Lands and Heritage.

For clause 42, 47 and 53 application forms please see, www.planning.wa.gov.au/5551.asp. Note this does not include Local Government Authority road widening or Main Roads WA controlled roads, not currently reserved.

For more information about your property and the region schemes please visit, www.planning.wa.gov.au/686.asp or phone (08) 6551 9000.

Legislation Governing the Interest:

Planning and Development Act 2005
Planning and Development (Consequential and Transitional Provisions) Act 2005
Metropolitan Region Scheme Text
Peel Region Scheme Text
Greater Bunbury Region Scheme Text

Responsible Agency: Department of Planning, Lands and Heritage

Proclaimed Surfacewater Areas

Definition of Interest:

Access to surface water is regulated under the *Rights in Water and Irrigation Act 1914* in order to manage water resources.

Affect of Interest:

The selected area of land **does not** fall within a surfacewater area proclaimed under the *Rights in Water Irrigation Act 1914*.

Water can be taken from a watercourse in unproclaimed surfacewater areas without a licence so long as the flow is not 'sensibly diminished', affecting the rights of downstream users. A permit may still be required to interfere with the beds and banks of the watercourse in certain circumstances. To confirm whether you need a licence, go to the Department of Water and Environmental Regulation's (DWER) website www.water.wa.gov.au or contact your local Department of Water office.

C. Interests that DO NOT AFFECT this property - continued

For more information contact our office on (08) 6364 7600, or see www.water.wa.gov.au.

Legislation Governing the Interest:

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Regulations 2000

Responsible Agency: Department of Water and Environmental Regulation

Protected Areas - Collaborative Australian Protected Area Database

Definition of Interest:

"A protected area is an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated culture." The Collaborative Australian Protected Area Database (CAPAD) provides a national perspective on the conservation of biodiversity in protected areas.

Affect of Interest:

The selected property **does not** have any Protected Areas - Collaborative Australian Protected Area Database within it.

For more information please contact the Department on (02) 6274 1111 or see www.environment.gov.au/parks/nrs/science/capad/index.html.

Legislation Governing the Interest:

Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

Responsible Agency: Department of the Environment and Energy

Public Drinking Water Source Areas

Definition of Interest:

Public Drinking Water Source Areas (PDWSAs) include all proposed and proclaimed underground water pollution control areas, catchment areas and water reserves constituted and are used to supply drinking water to the community.

Affect of Interest:

The selected area of land **is outside** a public drinking water source area.

For more information contact our office on (08) 6364 7600, or email drinkingwater@water.wa.gov.au, or see www.water.wa.gov.au.

Legislation Governing the Interest:

Water Agencies (Powers) Act 1984

Water Resources Legislation Amendment Act 2007

Country Areas Water Supply Act 1947

Metropolitan Water Supply Sewerage and Drainage Act 1909

Rights in Water and Irrigation Act 1914

Responsible Agency: Department of Water and Environmental Regulation

Ramsar Wetlands

Definition of Interest:

Ramsar Wetlands are internationally recognised wetlands that are representative, rare or unique wetland, or are important for conserving biological diversity. These are included on the List of Wetlands of International Importance developed under the Ramsar convention.

Affect of Interest:

The selected area is **not** impacted by the *Environmental Protection Act 1986*.

For more information contact the Department of Water and Environmental Regulation (DWER) office on (08) 6467 5000 or see www.der.wa.gov.au/your-environment/environmentally-sensitive-areas.

For information on the management of wetlands listed under the Ramsar Convention, contact the Department of Biodiversity, Conservation and Attractions (DBCA) on (08) 9334 0455 or see www.dpaw.wa.gov.au/management/wetlands.

Legislation Governing the Interest:

Environment Protection and Biodiversity Conservation Act 1999

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Responsible Agency: Department of Biodiversity, Conservation and Attractions

Region Schemes

Definition of Interest:

Region Schemes exist for the areas of Perth, Peel and Greater Bunbury. They outline objectives for state and regional development and provide a statutory mechanism to assist strategic planning, coordinate the provision of major infrastructure and set aside areas for regional open



C. Interests that DO NOT AFFECT this property - continued

space and other community purposes.

Affect of Interest:

The selected area **is not subject** to zoning and/or reservation under a Region Scheme.
Please note, whilst the PI Report may show Region Scheme information, it does not have any statutory bearing and therefore does not replace Clause 42, 47 and 53 Region Scheme Certificates produced by the Department of Planning, Lands and Heritage.

For more information contact our office on (08) 6551 9000, or see www.planning.wa.gov.au/639.asp.

Legislation Governing the Interest:

Planning and Development Act 2005
Planning and Development (Consequential and Transitional Provisions) Act 2005
Metropolitan Region Scheme Text
Peel Region Scheme Text
Greater Bunbury Region Scheme Text

Responsible Agency: Department of Planning, Lands and Heritage

Residual Current Device

Definition of Interest:

Residual Current Devices (RCDs) monitor the flow of electricity from the main switchboard and prevent electrocution by cutting the electricity supply if an imbalance in the current is detected. Two RCDs must be fitted before land title is transferred.

Affect of Interest:

The area of inquiry is deemed to have a **low probability** of having less than two RCD fitted because it was either built after the year 2000 when two RCDs are required to be fitted or a property sale occurred after 9 August 2009, when any residential properties that are offered for sale must be fitted with two RCDs.

For more information contact our office on (08) 9422 5200 or see www.commerce.wa.gov.au/EnergySafety/RCD.

Legislation Governing the Interest:

Electricity Regulations 1947

Responsible Agency: Department of Mines, Industry Regulation and Safety

Residue Management Notice

Definition of Interest:

A Residue Management Notice places restrictions on the use of land. The notice is issued where land has chemical residues in the soil that could result in a risk of residues in livestock grazed on that land. Contact the Department of Primary Industries and Regional Development (DPIRD) for further information.

Affect of Interest:

The selected property **is not** affected by a Residue Management Notice.
For more information see www.agric.wa.gov.au, or contact our office on (08) 9368 3342 or email enquiries@agric.wa.gov.au.

Legislation Governing the Interest:

Biosecurity and Agricultural Management Act 2007
Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013

Responsible Agency: Department of Primary Industries and Regional Development

Shipping and Pilotage Port Areas

Definition of Interest:

The *Shipping and Pilotage Act 1967* (WA) governs shipping and pilotage in and about ports, boat harbours and mooring control areas of the State. These ports are generally single user facilities operated by resource companies with limited guidance from the State Government, other than safety controls.

Affect of Interest:

The selected property **is not within** a Shipping and Pilotage Port Area.

For further information, see www.transport.wa.gov.au/imate/port-legislation-and-policies.asp or contact the Department of Transport on 1300 863 308 or email coastaldata@transport.wa.gov.au.

C. Interests that DO NOT AFFECT this property - continued

Legislation Governing the Interest:

Shipping and Pilotage Act 1967
Marine and Harbours Act 1981
Western Australian Marine Act 1982

Responsible Agency: Department of Transport

Smoke Alarm

Definition of Interest:

Since 1997, it has been mandatory to fit mains powered smoke alarms in all newly constructed residential buildings. For existing dwellings, there are laws in Western Australia requiring owners to have mains-powered smoke alarms fitted to all residential properties that are subject to sale, rent or hire, regardless of when they were built.

Affect of Interest:

The selected area of interest **is not** impacted by the National Construction Code Series, (Volume Two of the Building Code of Australia). Mains-powered smoke alarms must be fitted in existing residential buildings that are subject to sale, lease or hire.

For more information contact the Department of Fire and Emergency Services on 9395 9300, visit www.dfes.wa.gov.au, contact your Local Government Authority or access the laws (Building Regulations 2012) at www.slp.wa.gov.au.

Legislation Governing the Interest:

Building Act 2011
Building Regulations 2012

Responsible Agency: Department of Mines, Industry Regulation and Safety

State Forest and Timber Reserve

Definition of Interest:

Western Australia's native forests and timber reserves are managed to conserve biodiversity; water source protection; for recreation; and to provide economic opportunities – such as timber production (planted to pine species) or mining.

Affect of Interest:

The selected area **is outside** the boundaries of State forest or timber reserve. However, the Department of Biodiversity, Conservation and Attractions (DBCA) may comment on land use or development proposals where there is the potential to impact on DBCA managed lands or waters.

DBCA may also comment on other environmental factors relating to Bush Forever sites, the *Conservation and Land Management Act 1984* and *Wildlife Conservation Act 1950*, e.g. threatened fauna, threatened and priority flora, and wetlands of conservation significance.

For more information contact the Land Planning Program Coordinator (statutory and strategic planning) on 9423 2983 or the Land Services Coordinator (land tenure) on 9219 8771, or see www.dpaw.wa.gov.au or email info@dpaw.wa.gov.au.

Legislation Governing the Interest:

Conservation and Land Management Act 1984
Conservation and Land Management Regulations 2002
Land Administration Act 1997
Wildlife Conservation Act 1950
Forest Products Act 2000

Responsible Agency: Department of Biodiversity, Conservation and Attractions

State Underground Power Program

Definition of Interest:

The State Government started the underground power program in 1996, it aimed to provide underground power to at least 50% of Perth homes by 2010. This target was achieved in January 2010 and by January 2013 more than 55% of Perth homes were connected to underground systems. The State Underground Power Program (SUPP) is an initiative where Local Governments can nominate areas to be converted to underground power.

Affect of Interest:

The selected property **is outside** the area of the State Underground Power Program for the known current round. The SUPP Steering Committee through a rigorous selection process determines which Local Council submitted areas will be part of a shortlisted round of projects.

For more information on the State Underground Power Program please refer to our website, www.westernpower.com.au/network-projects-your-community-state-underground-power-program-upp-.html, or contact us on (08) 9219 2004.

C. Interests that DO NOT AFFECT this property - continued

Legislation Governing the Interest:

Electricity Industry Act 2004
Electricity Corporations Act 2005

Responsible Agency: Western Power

Threatened Ecological Communities

Definition of Interest:

An ecological community is a naturally occurring biological assemblage that occurs in a particular type of habitat. A Threatened Ecological Community (TEC) is subject to processes that threaten to destroy or significantly modify it across much of its range. A Priority Ecological Community is being assessed as a TEC.

Affect of Interest:

The selected area **has no recorded** locations of Threatened Ecological Communities (TECs) and/or Priority Ecological Communities (PECs).

Note; the data does not necessarily represent a comprehensive listing of TECs and/or PECs in the area in question. Comprehensiveness is dependent on the amount of survey carried out within the specified area. To be certain of the TECs and PECs within an area, on ground surveys should be undertaken.

For more information contact our office on (08) 9334 0455 or email communities.data@dpaw.wa.gov.au, or see our website www.dpaw.wa.gov.au.

Legislation Governing the Interest:

Environmental Protection Act 1986
Environment Protection and Biodiversity Conservation Act 1999
Environmental Protection (Environmentally Sensitive Areas) Notice 2005

Responsible Agency: Department of Biodiversity, Conservation and Attractions

Threatened Fauna

Definition of Interest:

Threatened fauna are native animals that are specially protected because they are under identifiable threat of extinction, are rare, or otherwise in need of special protection. Priority Fauna are being assessed for listing as Threatened Fauna. The Department of Biodiversity, Conservation and Attractions (DBCA) is the custodian of databases providing distributional data on threatened fauna.

Affect of Interest:

The selected area has **no recorded** locations of threatened and/or priority fauna.

Note; the data does not necessarily represent a comprehensive listing of the threatened species of the area in question. Comprehensiveness is dependant on the amount of survey carried out within the specified area. To be certain of the threatened fauna within an area, on ground surveys should be undertaken.

For more information contact our office on (08) 9219 9511 or email fauna.data@dpaw.wa.gov.au or see www.dpaw.wa.gov.au/plants-and-animals/threatened-species-and-communities.

Legislation Governing the Interest:

Wildlife Conservation Act 1950
Environment Protection and Biodiversity Conservation Act 1999
Environmental Protection Act 1986

Responsible Agency: Department of Biodiversity, Conservation and Attractions

Threatened Flora

Definition of Interest:

Threatened flora are native plants that are specially protected because they are under identifiable threat of extinction, are rare, or otherwise in need of special protection. Also known as Declared Rare Flora. Priority Flora are being assessed for listing as Threatened Flora. The Department of Biodiversity, Conservation and Attractions (DBCA) is the custodian of databases providing distributional data on threatened flora.

Affect of Interest:

The selected area **has no recorded** locations of threatened and/or priority flora.

Note; the data does not necessarily represent a comprehensive listing of the threatened flora in the area in question. Comprehensiveness is dependent on the amount of survey carried out

C. Interests that DO NOT AFFECT this property - continued

within the specified area. To be certain of the threatened flora within an area, on ground surveys should be undertaken.

For more information contact our office on (08) 9219 9511 or email flora.data@dpaw.wa.gov.au, or see our website www.dpaw.wa.gov.au/plants-and-animals/threatened-species-and-communities.

Legislation Governing the Interest:

Wildlife Conservation Act 1950

Environment Protection and Biodiversity Conservation Act 1999

Environmental Protection Act 1986

Responsible Agency: Department of Biodiversity, Conservation and Attractions

Titanium - Zircon Mineralization Areas

Definition of Interest:

Titanium - Zircon Mineralization Areas are areas in the Swan Coastal Plain where defined resources or possible strategic resources including an infrastructure halo to allow future mining have been identified. These Areas also include a 500m separation area where land use options may be restricted.

Affect of Interest:

The selected area **has not** been identified as a Titanium - Zircon Mineralization Area.

For more information contact our office on (08) 9222 3571, or see www.dmp.wa.gov.au/gswa.

Legislation Governing the Interest:

Mining Act 1978

Responsible Agency: Department of Mines, Industry Regulation and Safety

Water Corporation Infrastructure Buffer Zones

Definition of Interest:

Buffer zones are geographic areas that are expected to be impacted by some form of emission from Water Corporation Infrastructure.

Affect of Interest:

The selected area **is not located** within a Water Corporation Infrastructure Buffer Zone(s).

For more information contact our office on 13 13 85, or see www.watercorporation.com.au.

Legislation Governing the Interest:

Water Corporation Act 1995

Responsible Agency: Water Corporation

Water Corporation Non-Standard Services (Private Fire Service)

Definition of Interest:

The majority of water, sewerage and drainage services provided by the Water Corporation throughout WA are standard services and are subject to standard service conditions. However, there are some non-standard services that the Water Corporation provides. A Private Fire Service is one type of non-standard service, and additional charges and/or conditions may apply to the provision of this service.

Affect of Interest:

According to Water Corporation records **this property does not have a** Water Corporation Non-Standard Service (Private Fire Service).

However as there are significant ongoing maintenance obligations for an owner in respect of a Private Fire Service, you are advised not to rely on this information and to confirm that there is no Fire Service at the property by inspecting the property, and seeking advice from your Local Authority as to whether a Fire Service is required.

It is important to note that the provision of a Private Fire Service by the Water Corporation is subject to terms and conditions, which amongst other things, require owners of properties with a Private Fire Service to maintain the Private Fire Service and undertake repairs (where necessary), up to the Property Connection Point. They are also liable for other costs and have other obligations in relation to the service.

For full details of the owner's responsibilities and obligations in relation to a Private Fire Service see, www.watercorporation.com.au/home/builders-and-developers/services-for-existing-land/add-a-service/fire-services.

For more information contact the Water Corporation on 13 13 95 or email building.



C. Interests that DO NOT AFFECT this property - continued

services@watercorporation.com.au.

Legislation Governing the Interest:

Water Services Act 2012

Responsible Agency: Water Corporation

Water Resource License

Definition of Interest:

The Department of Water and Environmental Regulation (DWER) is the state's water resource management agency. We manage and allocate water in Western Australia through licences and permits issued under the *Rights in Water and Irrigation Act 1914*.

Affect of Interest:

The selected area of land **is not** impacted by a Water Resource Licence. For more information contact the Water Licensing Branch, the Department of Water and Environmental Regulation (DWER) on (08) 6364 7600 during business hours or email licence.enquiry@water.wa.gov.au. To access the Water Register see: <https://maps.water.wa.gov.au/#/webmap/register>.

Legislation Governing the Interest:

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Regulations 2000

Responsible Agency: Department of Water and Environmental Regulation

Waterways Conservation Act Management Areas

Definition of Interest:

Under the *Waterways Conservation Act 1976*, the Minister for Water and Department of Water and Environmental Regulation (DWER) have responsibility for the conservation of the waters and associated land in declared management areas. The Department of Water and Environmental Regulation has an approval process for certain works affecting these waterways and their foreshore areas.

Affect of Interest:

The selected property **is not located** within a Waterways Conservation Act Management Area. For more information contact our office on (08) 6364 7600, further information and advice can be sought the Department of Water and Environmental Regulation's (DWER) regional offices. Contact information for regional offices is available at www.water.wa.gov.au.

Legislation Governing the Interest:

Waterways Conservation Act 1976

Water Agencies (Powers) Act 1984

Water Resources Legislation Amendment Act 2007

Responsible Agency: Department of Water and Environmental Regulation

Western Power Infrastructure

Definition of Interest:

Western Power is a Western Australian State Government owned corporation which builds, maintains and operates the electricity network in the south west corner of Western Australia. The Western Power Network forms the vast majority of the South West Interconnected Network (SWIN), which together with all of the electricity generators comprises the South West Interconnected System (SWIS).

Affect of Interest:

The selected property **may not be impacted** by Western Power Infrastructure.

However, power services located outside the property boundaries (road reserves) are not included in this report, as this report only includes interests inside the property boundaries.

Based on information provided with the permission of WESTERN POWER, (03/2015).

For more information on our network please refer to our website, www.westernpower.com.au, or contact us on 13 10 87.

PLEASE NOTE:

This report is not an alternative to Dial Before You Dig. Information about underground cable and pipe networks is available by requesting the utility maps through the Dial Before You Dig web site, www.1100.com.au or contact their call centre on 1100 during business hours, to find out about the location of underground infrastructure prior to commencing any excavation works on a property.

Legislation Governing the Interest:



C. Interests that DO NOT AFFECT this property - continued

Electricity Industry Act 2004
Electricity Corporations Act 2005

Responsible Agency: Western Power

END OF REPORT

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Property Interest Report

2834/499

landgate.wa.gov.au

1.

Property information

This section includes an aerial photograph and details of this property.

2.

Summary of interests that **AFFECT** this property

This section helps you to see at a glance interests pertaining to this property.

3.

Summary of interests that **DO NOT AFFECT** this property

This section helps you to see at a glance interests that do not affect this property.

4.

Details of interests that **AFFECT** this property

This section provides details of how an interest specifically relates to this property.

What is a property interest?

A property interest gives rights to a land owner but also, could imply restrictions or impose responsibilities which may impact on their use or enjoyment of the land. Most interests are created by government legislation, policies and guidelines.

Where does property interest information come from?

This service gathers interest information from multiple government bodies and private organisations in Western Australia and consolidates that information into the Property Interest Report. This report will show interests that do and do not affect the property.

Does this report include all interests?

This Property Interest Report only serves as a guide to interests that relate to this property not recorded on the Certificate of Title. Landgate does not have access to all interest information that affects property in Western Australia. There may be other interests that relate to the property, where that information is currently not available to Landgate. For information on other known interests not in this report, see <https://www.landgate.wa.gov.au/land-and-property/property-ownership/property-interest-report/interest-dictionary>.

Are interests on the Certificate of Title in this report?

No, this report does not include interest information registered on the Certificate of Title. Limitations, Interests, Encumbrances and Notifications may be registered on the Certificate of Title under Second Schedule Endorsements.

It is recommended that a copy of the Certificate of Title is obtained to identify any registered interests and/or information. Visit [landgate.wa.gov.au](https://www.landgate.wa.gov.au) to order a copy of the Certificate of Title.

How do I find out more information?

For further information about interests including information, contact details and relevant legislation on any interests in this report, see <https://www.landgate.wa.gov.au/land-and-property/property-ownership/property-interest-report/interest-dictionary>.

If you have any queries or concerns, please contact the responsible agency of the interest in question, contact details can be found in this report or the interest dictionary.

Notice

This Property Interest Report has been produced by Landgate on behalf of the State of Western Australia. This report has direct access to property interest information held by multiple government bodies and private organisations in Western Australia.

This report is believed to be accurate and current at the time it was generated. However, circumstances and interests may change and can differ from the contents of this report. You must make your own assessment of it and rely on it at your own risk. Please see the full Disclaimer at the end of this report for further details.

Please note: Where risk has been identified to a property within this report and construction has occurred on the land, contact your relevant Local Government Authority for management remediation plans relevant to your property, or for properties being purchased off the plan, contact your developer.



Image captured February 2023

2834/499

Number of interests that impact this property	25
Certificate of title number	2834/499
Land ID	Lot 2 On Deposited Plan 77728
Type of property	Stock Yard
Property use	Commercial
Year built	N/A
Wall/Roof type	Brick Walls/Tile Roof
Land area	1828807 m²
Building area	N/A
Local Government Authority	Rockingham
Zoning	Farming (RURAL)



Perth CBD
35.6km



Beach
10.3km



Primary School
2.1km



Secondary School
3.5km

2. Summary of interests that **AFFECT** this property

4

Interests below specifically affect this property but do not appear on the Certificate of Title. For information and details on how the below interests may impact your property, please see section four of this report.

- 1 in 100 AEP Floodplain Development Control Area
- Acid Sulfate Soil (ASS) Risk
- Building and Construction Industry Training Levy
- Building Permit
- Bush Fire Prone Areas
- Dial Before You Dig
- Emergency Services Levy
- Environmental Protection Policies
- European House Borer
- Garden Bore Suitability
- Groundwater Salinity
- Intensive Agricultural Industries
- Iron Staining Risk
- Land Tax
- Local Government Rates
- Local Planning Schemes
- Metropolitan Region Improvement Tax
- Mosquito-borne Disease Risk
- Native Title and Indigenous Land Use Agreements
- Native Vegetation
- Proclaimed Groundwater Areas
- Sprinkler Restrictions & Bans
- State Planning Policy 5.4 - Road and Rail Noise
- Western Power Infrastructure
- Wetlands

3. Summary of interests that **DO NOT AFFECT** this property

5

Information currently available to Landgate suggests that these interests do not affect this property. For further information and contact details on these interests, please see the interest dictionary <https://www.landgate.wa.gov.au/land-and-property/property-ownership/property-interest-report/interest-dictionary>.

- Aboriginal Heritage Places
- Aboriginal Lands Trust Estate
- APA Group Owned/Operated Gas Transmission Pipeline
- ATCO Gas Australia Infrastructure
- Australian Natural, Indigenous and Historic Heritage
- Bush Forever Areas
- Clearing Control Catchments
- Commercial Building Disclosure
- Contaminated Sites (Contaminated Sites Database)
- Control of Access on State Roads
- Dampier to Bunbury Natural Gas Pipeline Development Setback Area
- Development Control Area (Swan and Canning Rivers)
- Environmentally Sensitive Areas
- Former Military Training Area (Unexploded Ordnance)
- Future State Roads
- Harvey Water Infrastructure
- Heritage Council - Agreement
- Heritage Council - Assessment Program
- Heritage Council - Protection Orders
- Heritage Council - State Register of Heritage Places
- Jandakot Airport - Aircraft Noise
- Jandakot Airport - Land Use Planning
- Lands owned or managed by the Department of Biodiversity, Conservation and Attractions
- Liquor Restrictions
- Local Heritage Surveys
- Marine Harbours Act Areas
- Marine Navigation Aids
- Mining Titles
- National Park, Conservation Park and Nature Reserve
- Navigable Water Regulations
- Notices on Properties under the Biosecurity and Agriculture Management Act 2007
- Notices on Properties under the Soil and Land Conservation Act 1945
- Perth Airport - Aircraft Noise
- Perth Airport - Land Use Planning
- Perth Parking Policy
- Petroleum Tenure
- Possible Road Widening
- Proclaimed Surfacewater Areas
- Protected Areas - Collaborative Australian Protected Area Database
- Public Drinking Water Source Areas
- Ramsar Wetlands
- Region Schemes
- Residual Current Device
- Residue Management Notice
- Shipping and Pilotage Port Areas
- Smoke Alarm
- State Forest and Timber Reserve
- State Underground Power Program
- Threatened Ecological Communities
- Threatened Fauna
- Threatened Flora
- Titanium - Zircon Mineralization Areas
- Water Corporation Beneficiary Lot Water and/or Sewer
- Water Corporation Brighton Non-Drinking Water
- Water Corporation Effluent Discharge Scheme
- Water Corporation Farmlands Service Conditions
- Water Corporation Infrastructure (above and below ground)
- Water Corporation Infrastructure Buffer Zones
- Water Corporation Infrastructure Contribution - Water, Sewer and/or Drainage
- Water Corporation Non-Standard Services (Private Fire Service)
- Water Corporation Pressure Exempt
- Water Corporation Private Pressure Sewer System
- Water Corporation Reserve Sewer, Water and Drainage Infrastructure Contribution Charge
- Water Corporation Saline Water
- Water Corporation Sewer System

3. Summary of interests that **DO NOT AFFECT** this property 6

- Water Corporation Special Agreement - Nitrate Water Condition
- Water Corporation Special Agreement - Non-Potable
- Water Corporation Water service is supplied by an Agreement
- Water Resource License
- Waterways Conservation Act Management Areas

4. Details of interests that **AFFECT** this property

7

Interests below in alphabetical order specifically affect this property but do not appear on the Certificate of Title. For further information and Legislation details, see <https://www.landgate.wa.gov.au/land-and-property/property-ownership/property-interest-report/interest-dictionary>.

1 in 100 AEP Floodplain Development Control Area

Responsible agency:
Department of Water and
Environmental Regulation

Definition of Interest:

1 in 100 Annual Exceedance Probability (AEP) Floodplain Development Control Area delineates land that may be affected by the 1 in 100 AEP flooding and therefore subject to development control.

Affect of Interest:

This property **has been identified** as either being:

- within the 1 in 100 AEPI floodplain; or
- within 300 metres of the floodplain and may be affected by flooding during a 1 in 100 AEP flood.

Please note: Where risk has been identified to a property within this report and construction has occurred on the land, contact your relevant Local Government Authority for management remediation plans relevant to your property, or for properties being purchased off the plan, contact your developer.

1 in 100 AEP Floodplain Areas:

Floodplain Development Strategy Area - Murray River - Serpentine River - Peel Inlet - Harvey Estuary - North-east Baldivis - Birrega and Oaklands - Greater Peel

Coverage - DoW: Murray Drainage and Water Management Plan (June 2011), GHD: Murray Floodplain Development Strategy (2010) & SKM: Serpentine River Floodplain Management Study (5 February 2010)

The Floodplain Development Strategy for the area recommends that proposed development that is located:

- outside of the floodway is considered acceptable with respect to major flooding, however, a minimum habitable floor level of 0.50 metre above the adjacent 1 in 100 AEP flood level is generally recommended;
- within the floodway and is considered obstructive to major river flooding is not acceptable.

There is a 1% chance of the 1 in 100 AEP flood level (or greater) occurring in any one year. Larger floods will occur but will be less frequent.

As some flood risk can be mitigated through appropriate building conditions imposed by Local Government, the relevant Local Government can be contacted to ascertain if the flood risk to this property has been mitigated.

The Department of Water and Environmental Regulation (DWER) can be contacted on (08) 6364 7600 or flood@water.wa.gov.au for further site specific flood information or see www.water.wa.gov.au.

Legislation governing the interest:

Water Agency (Powers) Act 1984

Acid Sulfate Soil (ASS) Risk

Responsible agency:

Definition of Interest:

The Department of Water and Environmental Regulation has produced Acid Sulfate Soil (ASS) risk maps for most coastal regions of WA to identify high risk ASS areas so disturbance and potential environmental damage can be avoided where possible.

4. Details of interests that **AFFECT** this property

8

Department of Water and
Environmental Regulation

ASS risk areas are grouped into two classes according to the probability and depth of ASS and potential for disturbance.

Affect of Interest:

The area of interest **is categorised** into the following class or classes of ASS risk.

Note: Where more than one risk level exists at any one location within a site, the higher risk level will apply.

Please note: Where risk has been identified to a property within this report and construction has occurred on the land, contact your relevant Local Government Authority for management remediation plans relevant to your property, or for properties being purchased off the plan, contact your developer.

Acid Sulfate Soil Risk Map, Swan Coastal Plain:

Risk Class - 2.0

Risk Level - Moderate to low risk

Acid Sulfate Soil Areas:

Risk Class - 2.0

Risk Level - Moderate to low risk

- Class 1 – there is a high to moderate risk of disturbing ASS materials at this site. WA Planning Commission will impose a condition on planning proposals in Class 1 areas.

- Class 2 – there is a moderate to low risk of disturbing ASS materials at this site. However, if site characteristics or local knowledge indicate the potential presence of ASS, further investigations are recommended, particularly if excavating more than 100 cubic metres of soil or carrying out dewatering/drainage works.

WA Planning Commission (WAPC) is responsible for land use planning and land development in WA. A WAPC Acid Sulfate Soils Self Assessment Form must be submitted to the Department of Water and Environmental Regulation (DWER) before planning approval is granted.

See our website, www.der.wa.gov.au/ass for more information or phone 1300 762 982.

Legislation governing the interest:

Planning and Development Act 2005

Environmental Protection Act 1986

Building and Construction Industry Training Levy

Responsible agency:

Construction Training
Fund Board

Definition of Interest:

The Building and Construction Industry Training Levy is used to support training for people working within the building and construction industry, and is payable prior to the commencement of a project or upon application for a building license.

Affect of Interest:

The levy of 0.2% on the contract price is **applied to all** residential, commercial and civil engineering projects undertaken in Western Australia where the total value of construction is over \$20,000. The project owner pays the levy when an application for a building permit is made to the Local Government Authority.

For more information contact our office on (08) 9244 0100 or see www.bcitf.org.

Legislation governing the interest:

4. Details of interests that **AFFECT** this property

9

Building and Construction Industry Training Fund and Levy Collection Act 1990
Building and Construction Industry Training Levy Act 1990

Building Permit

Responsible agency:

Department of Mines,
Industry Regulation and
Safety

Definition of Interest:

All new buildings and incidental structure alterations to existing buildings and incidental structures are to be approved by the grant of a building permit by the relevant Permit Authority, in most instances this will be the Local Government Authority.

Affect of Interest:

All new buildings and alterations to existing buildings **are to be approved** by the issuing of a building permit.

For more information contact our office on 1300 489 099, or email bcinfo@commerce.wa.gov.au, or see www.buildingcommission.wa.gov.au.

Legislation governing the interest:

Building Act 2011
Building Regulations 2012

Bush Fire Prone Areas

Responsible agency:

Department of Fire and
Emergency Services

Definition of Interest:

A bush fire prone area is an area that is subject to, or likely to be subject to, a bushfire attack. Additional planning and building requirements may apply to developments within areas designated as bush fire prone by the Fire and Emergency Services Commissioner. A further assessment of bushfire risk may also be required under the Planning and Development (Local Planning Schemes), State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Building Code of Australia.

Affect of Interest:

The selected property **is identified** as being fully or partially within a designated bush fire prone area. Additional planning and building requirements may apply, in accordance with Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015, State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Building Code of Australia.

Details are as follows:

Bush Fire Prone Areas:

Designation - Bush Fire Prone Area (additional planning and building requirements may apply to development on this site)

DesignationDate - 11/12/21 (since 08/12/15)

LGA - ROCKINGHAM

Comments - This site has been in a designated bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site.

A Bushfire Attack Level (BAL) assessment or BAL Contour Map may be required in certain circumstances under Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015 if the site has been located in a bush fire prone area for a period of at least four months. Development approval must be obtained in areas with a BAL rating of BAL-40 or BAL-Flame Zone (FZ) before commencing any development, including instances where development approval would not normally be required. A bushfire management plan may also be required.

Bushfire construction requirements set out in GP5.1 and P2.3.4 of the Building Code of Australia apply to certain residential building work in designated bush fire prone areas if the site has been located in a bush fire prone area for a period of at

4. Details of interests that **AFFECT** this property

10

least four months. A further assessment of bushfire risk, such as a BAL assessment, will assist in determining the appropriate level of bushfire resistant construction that should be incorporated into the building. In general a building permit is required before undertaking most new building work.

Certain exemptions and exclusions may apply. Local governments may also have locally specific building requirements.

For specific requirements contact the planning or building section of your local government.

For further information about the Planning and Development (Local Planning Schemes) Regulations 2015, State Planning Policy 3.7 Planning in Bushfire Prone Areas or the associated Guidelines, contact the Department of Planning, Lands and Heritage Bushfire Policy Officer at bushfire@planning.wa.gov.au or on (08) 6551 9000.

For general information regarding the Building Code of Australia and requirements for bush fire prone areas, contact the Building Commission at bcinfo@commerce.wa.gov.au or on 1300 489 099.

If the property has a notification on title stating that the land is within a designated bush fire prone area and the Map of Bush Fire Prone Areas confirms that the land is no longer designated as bush fire prone, then the notification on title may be removed through an N2 form 'Removal or modification of notification under section 70A of the Transfer of Lands Act 1893', available from <https://www.landgate.wa.gov.au/land-and-property/land-transactions-hub/land-transaction-forms/land-titling-and-search-forms>. Note that the relevant local government authority will be required to sign the form prior to its submission to Landgate. Fees apply.

Legislation governing the interest:

Fire and Emergency Services Amendment Act 2015

Fire and Emergency Services Act 1998

Planning and Development (Local Planning Schemes) Regulations 2015

Building Act 2011

Building Regulations 2012

Dial Before You Dig

Responsible agency:

Dial Before You Dig

Definition of Interest:

Dial Before You Dig is a referral service for information on locating underground utilities anywhere in Western Australia. Australia's national referral service for information on underground pipes and cables.

Affect of Interest:

This will affect the property when ground disturbance works are planned, for further information or plans on location of underground utilities see www.1100.com.au or contact our office on 1100.

Legislation governing the interest:

Occupational Health, Safety and Welfare Act 1984

Occupational Safety and Health Regulations 1996

Emergency Services Levy

Responsible agency:

Definition of Interest:

The Emergency Service Levy (ESL) category classification of a property (declared by the Minister for Emergency Services) determines the ESL assessment rate that will be applied to the Gross Rental Value (GRV) of a property to calculate the ESL

4. Details of interests that **AFFECT** this property

11

Department of Fire and
Emergency Services

charge each year (subject to minimum and maximum ESL charge declarations).
ESL category classification boundaries are managed by the DFES based upon
cadastral information.

Affect of Interest:

The selected property **currently has** the following Emergency Services Levy category
classification:

Emergency Service Levy Boundaries:

ESL Category - 3

ESL Boundary - South Category 3

ESL Calculation - In 2023-24 Category 3 properties pay \$0.006976 x the Gross
Rental Value (GRV) subject to a minimum \$98 charge & a maximum charge of \$246
for vacant, residential & farming usages; and \$140,000 for commercial, industrial &
miscellaneous usages

The ESL category classifications:

Category 1: Availability of a network of career Fire & Rescue Service stations and the
State Emergency Service (SES).

Applies in the Perth metropolitan area.

Category 2: Availability of a career Fire & Rescue station and a volunteer Fire &
Rescue Service brigade and the SES.

Applies in the city centres of Albany, Bunbury, Greater-Geraldton, Kalgoorlie-Boulder
and Mandurah.

Category 3: Availability of a Volunteer Fire & Rescue Service brigade or bush fire
brigade with frequent support from the metropolitan network of career Fire & Rescue
Service stations and the SES.

Applies in the periphery of the metropolitan area.

Category 4: Availability of a Volunteer Fire & Rescue Service brigade or a Volunteer
Emergency Service Unit or a breathing apparatus equipped bush fire brigade and
the SES.

Applies in approximately 90 country townsites.

Category 5: Availability of a bush fire brigade and the SES.

Applies in all other areas of the State except Indian Ocean Territories.

Please note the following properties are exempt from ESL (by Regulation):

- Vacant land owned by Local Governments;
- Certain Mining Tenements granted for prospecting/exploratory activities only; and
- The Wittenoom town site (a contaminated site);

Use the Emergency Services Levy calculator below to work out how much ESL you
are likely to pay on a property, see

www.dfes.wa.gov.au/emergencyserviceslevy/pages/eslcalculator.aspx.

For more information contact our office on (08) 9395 9485, or see
www.dfes.wa.gov.au.

Legislation governing the interest:

4. Details of interests that **AFFECT** this property

12

Fire and Emergency Services Act 1998
Fire and Emergency Services Regulations 1998

Environmental Protection Policies

Responsible agency:

Department of Water and
Environmental Regulation

Definition of Interest:

Environmental Protection Policies (EPP) are Parliament-ratified whole-of-Government policies to establish environmental values and environmental quality objectives for a particular environment or component of the environment.

Affect of Interest:

The selected area is identified **as an area** protected by provisions under the *Environmental Protection Act 1986*.

Kwinana - Atmospheric Waste Miscellaneous Areas:

Type - AREA C

Kwinana - Atmospheric Waste Policy Boundary:

Name - Kwinana EPP

Protecting - Air quality

Policy - Environmental Protection (Kwinana) (Atmospheric Wastes) Policy and Regulations 1999

For more information on the potential impact of these protection policies on your selected property please see www.epa.wa.gov.au/wa-government-policies.

For more information contact our office on (08) 6145 0800, or email us on info@epa.wa.gov.au or see www.epa.wa.gov.au.

Legislation governing the interest:

Environmental Protection Act 1986

European House Borer

Responsible agency:

Department of Primary
Industries and Regional
Development

Definition of Interest:

The European House Borer (EHB) is a destructive pest of untreated dry (seasoned) pinewood and other softwood timbers. This impacts on the movement, storage, treatment and disposal of untreated pinewood located within a Restricted Movement Zone.

Affect of Interest:

The selected property **falls within** a suburb where EHB has been found. Restricted movement of pinewood may apply within all or part of this suburb. Refer to www.agric.wa.gov.au/biosecurity-biosecurity-quarantine-european-house-borer for up to date specific information on EHB Restricted Movement Zones and requirements.

The regulations restrict the movement, storage, treatment and disposal of untreated pinewood within EHB affected areas, known as Restricted Movement Zones (RMZ). Penalties of up to \$2000 apply for any regulation breaches. Assistance from individuals and businesses in complying with these regulations has played a large role in reducing the spread and infestation of EHB.

Details are as follows:

European House Borer - Restricted Movement Zone Localities:

Suburb - OLDBURY

For more information call us on 1800 084 881 or see our web site www.agric.wa.gov.au/biosecurity-biosecurity-quarantine-european-house-borer or email info@agric.wa.gov.au.

Legislation governing the interest:

Agriculture and Related Resources Protection (European House Borer) Regulations 2006

4. Details of interests that **AFFECT** this property

13

Garden Bore Suitability

Responsible agency:

Department of Water and Environmental Regulation

Definition of Interest:

As part of new water efficiency measures, the Department of Water and Environmental Regulation (DWER) has prepared a Perth groundwater area map showing where additional garden bores are suitable/unsuitable based on available hydrogeological information.

Affect of Interest:

The property is **within** an area where additional garden bores are:

Garden Bore Suitability:

Suitability - Unsuitable

The hydrogeological conditions beneath the property are listed above for the installation of a garden bore.

For more information please contact Water Information at the Department of Water and Environmental Regulation (DWER) on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.water.wa.gov.au/urban-water/bores.

Legislation governing the interest:

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Exemption (Section 26C) order 2010

Groundwater Salinity

Responsible agency:

Department of Water and Environmental Regulation

Definition of Interest:

The salinity in groundwater varies greatly in Western Australia. This depends on many factors such as geology, topography, climate and coastal seawater intrusion. The Department of Water and Environmental Regulation (DWER) categorises the groundwater salinity according to the salt content and its application for public drinking, irrigation, stock water etc.

Affect of Interest:

The salinity in groundwater in Western Australia varies considerably. This depends on many factors such as geology, topography, climate and coastal seawater intrusion.

Due to the fluid nature of ground conditions it is only possible to report on a indicative reading for the groundwater salinity that exists at this location.

If the groundwater salinity at this location is important then you should contact the closest regional office for advice on this subject.

Groundwater Salinity:

TDS per milligram per litre - 500-1000

TDS per milligram per litre - 1000-3000

Salinity is the measure of total dissolved solids (TDS) or salts in water and is reported as milligrams per litre (mg/L).

The range of salinity of natural water is:

Category	Salinity range
Fresh	0-500 mg/L TDS (suitable for selected agricultural use)
Marginal	500-1000 mg/L TDS (suitable for selected agricultural use)
Brackish	1000-3000 mg/L TDS (used for parkland irrigation)
Saline	3000-35,000 mg/L TDS (industrial use and stock watering up to 10,000mg/L)
Hypersaline	

To verify the groundwater salinity at a particular location contact our office on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.water.wa.gov.au/water-topics/groundwater.

Legislation governing the interest:

The Department of Water advises against drilling garden bores in areas underlain by the saltwater interface. There is no legislative basis or implications for this advice.

4. Details of interests that **AFFECT** this property

14

Intensive Agricultural Industries

Responsible agency:

Department of Primary Industries and Regional Development

Definition of Interest:

The Department of Primary Industries and Regional Development (DPIRD) is responsible for advice to the state's agrifood industries and other government agencies on activities such as dairies, piggeries, tanneries, abattoirs, feedlots, saleyards, vineyards and commercial chicken production facilities. DPIRD associates such activities to land management units (properties) through the Client Property Database.

Affect of Interest:

The selected property is **located close** to an intensive agricultural industry, identified by Department of Primary Industries and Regional Development (DPIRD). Sensitive uses, such as residential dwellings, which are located within the recommended separation distance for this industry may be subject to noise, dust and odour from this established business.

Details are as follows:

Intensive Agricultural Industry:

Local Government Authority - ROCK

EPA License Number - L8338/2009/1

EPA Description - Livestock saleyard or holding pen

DAFWA Property ID - 3148725

Property Address - LOT 454, TELEPHONE LANE, BALDIVIS WA 6171

Property Name - LA BERGERIE FEEDLOT

Decription of Activity - Feed Lot

Secondary Activity - Sale Yard

Separation Distance (Meters) - 2000

Local Government Authority - ROCK

EPA License Number - L8524/2011/1

EPA Description - Livestock saleyard or holding pen

DAFWA Property ID - 3158084

Property Address - 40 WILKINSON ROAD, BALDIVIS WA 6171

Property Name - ROSGUY FEEDLOT

Decription of Activity - Feed Lot

Secondary Activity - Sale Yard

Separation Distance (Meters) - 2000

The recommended EPA separation distance is generic and is based on the 2005 Environmental Protection Authority Guidance Statement No 3 Separation distances between industrial and sensitive land uses. More specific information on restrictions to use may be available from local government. Relevant state level policies include the Western Australian Planning Commission's State Planning Policy 4.1 State Industrial Buffer Policy, State Planning Policy 2.5 – Land use planning in rural areas and for poultry enterprises, State Planning Policy 4.3 Poultry Farm Policy.

For more information call us on (08) 9368 3333, or email gis@agric.wa.gov.au or see www.agric.wa.gov.au.

Legislation governing the interest:

Environmental Protection Act 1986

Biosecurity and Agriculture Management Act 2007

State Planning Policy 4.1 State Industrial Buffer Policy

Iron Staining Risk

Responsible agency:

Department of Water and Environmental Regulation

Definition of Interest:

Groundwater in many areas in Western Australia contains dissolved iron. When the water is exposed to air, the iron is oxidised and forms a rust-coloured coating on walls and paving's.

Affect of Interest:

The property **is in an area** where there is an elevated iron / manganese staining risk according to data available at the time of publication.

Iron Staining Risk:

Risk - Low risk

4. Details of interests that **AFFECT** this property

15

If you wish to verify whether your proposed garden bore is located in an area of high risk of iron staining, please contact Water Information at the Department of Water and Environmental Regulation (DWER) on (08) 6364 7600 or waterinfo@water.wa.gov.au, or see www.water.wa.gov.au/home.

Legislation governing the interest:

There is no legislation directly related to this Interest.

Land Tax

Responsible agency:

Department of Finance

Definition of Interest:

Land tax is an annual tax based on the ownership and usage of land at midnight on 30 June and is levied in respect of the financial year following that date. Various exemptions or concessions may apply. Until land tax is paid it remains a first charge on the land.

Affect of Interest:

Land tax is an annual tax based on the ownership and usage of land at midnight on 30 June and is levied in respect of the financial year following that date. Various exemptions or concessions may apply; for example, primary residences.

For more information contact our office on (08) 9262 1200 or see www.finance.wa.gov.au/landtax.

Legislation governing the interest:

Taxation Administration Act 2003

Land Tax Assessment Act 2002

Land Tax Act 2002

Local Government Rates

Responsible agency:

Department of Local Government, Sport and Cultural Industries

Definition of Interest:

A Local Government Authority can levy rates on any rateable land within its district in accordance with the provisions of the *Local Government Act 1995* and its associated regulations.

Affect of Interest:

Local Government Authorities can levy rates on any rateable land within its district in accordance with the provisions of the *Local Government Act 1995* and its associated regulations.

For more information contact your Local Government Authority.

Legislation governing the interest:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local Planning Schemes

Responsible agency:

Department of Planning, Lands and Heritage

Definition of Interest:

Local Planning Schemes set out the way land is to be used and developed, classify areas for land use and include provisions to coordinate infrastructure and development in a locality.

Affect of Interest:

The selected area of land **has** the following zoning(s) and/or land-use class(es):

Local Government Authority:

Description - LGA Boundary

Name - ROCKINGHAM, CITY OF

Local Area Zoning:

Scheme Name - ROCKINGHAM

Zoning - Rural

Label -

Label Description -

4. Details of interests that **AFFECT** this property

16

Gazettal Date - 19/11/2004

Scheme Number - 2

For more information see www.planning.wa.gov.au/Local-planning-schemes.aspx.
Or contact your Local Government Authority for more information.

Legislation governing the interest:

Planning and Development Act 2005

Planning and Development (Consequential and Transitional Provisions) Act 2005

State Planning Policy 3.1 - Residential Design Codes

Model Scheme Text

Metropolitan Region Improvement Tax

Responsible agency:

Department of Finance
and Department of
Planning, Lands and
Heritage

Definition of Interest:

Metropolitan Region Improvement Tax (MRIT) is an annual tax on land in the metropolitan region that is also liable for land tax. Unpaid MRIT remains a first charge on the land.

Affect of Interest:

The selected property **may be** subject to Metropolitan Region Improvement Tax (MRIT). MRIT is an annual tax on land in the metropolitan region that is also subject to land tax.

Your property falls within the Local Government Authority (LGA) below:

Local Government Authority - ROCKINGHAM, CITY OF

For more information contact our office on (08) 6551 1000, or see www.finance.wa.gov.au/landtax.

Legislation governing the interest:

Metropolitan Region Improvement Tax Act 1959

Land Tax Assessment Act 2002

Taxation Administration Act 2003

Planning and Development Act 2005

Mosquito-borne Disease Risk

Responsible agency:

Department of Health

Definition of Interest:

Mosquitoes can be a serious nuisance in certain regions of Western Australia and can spread disease-causing viruses such as Ross River, Barmah Forest, Kunjin and Murray Valley encephalitis viruses.

Affect of Interest:

The selected area **is impacted** by the risk of mosquito-borne diseases.

Details are as follows:

Mosquito-borne Disease Risk:

Risk Level - Low or unknown risk

Frequent high risk

The selected area is in a region that frequently experiences problems with nuisance and disease carrying mosquitoes.

Occasional very high risk

The selected area is in a region that experiences severe problems with nuisance and disease carrying mosquitoes in some years, depending on environmental conditions.

Frequent high and occasional very high risk

The selected area is in a region that frequently experiences problems with nuisance and disease carrying mosquitoes, and severe issues are also experienced in some years depending on environmental conditions.

Low or unknown risk

This location has not experienced high rates of mosquito-borne disease in the past.

4. Details of interests that **AFFECT** this property

17

However, the sporadic nature of mosquito-borne disease outbreaks means that this not necessarily a precise indicator of future risk. Furthermore, regions with low or no resident human population may also be classified as low risk even though there may be an undocumented high risk in the area. Finally, significant mosquito nuisance issues may still be experienced, despite a low health risk.

Residents are advised to avoid exposure to mosquitoes and minimise mosquito breeding around the home as appropriate, particularly following extreme weather events such as heavy rainfall, high tides (in coastal areas) or localised flooding that may create abnormally large areas of mosquito breeding habitat.

For information on mosquito control in your local area or to report a mosquito problem please contact your Local Government Environmental Health Officer.

For more information about mosquito management, contact the Environmental Health Directorate on (08) 9388 4999 or email medical.entomology@health.wa.gov.au or see http://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management.

Legislation governing the interest:

Health Act 1911

Native Title and Indigenous Land Use Agreements

Responsible agency:
National Native Title Tribunal

Definition of Interest:

Native title is the recognition in Australian law that some Indigenous people continue to hold rights to lands and waters. An Indigenous Land Use Agreement (ILUA) is an agreement about native title made between one or more native title groups and other people.

Affect of Interest:

Your area of interest **is within** the geographic extent(s) of the following Native Title Applications, Determinations or Indigenous Land Use Agreements (ILUAs):

IMPORTANT INFORMATION: PLEASE NOTE

WHILE NATIVE TITLE INTERESTS MAY HAVE BEEN IDENTIFIED OVER THE AREA OF YOUR SEARCH, IT MUST BE NOTED THAT:

Native Title cannot generally exist over the following types of tenure:

- residential freehold;
- farms held in freehold or;
- pastoral or agricultural leases that grant exclusive possession;
- residential, commercial or community purpose leases, or
- public works like roads, schools or hospitals.

Native Title can generally only exist over the following types of tenure:

- vacant (unallocated) crown land;
- some state forests, national parks and public reserves depending on the effect of state or territory legislation establishing those parks and reserves;
- oceans, seas, reefs, lakes and inland waters;
- some leases, such as non-exclusive pastoral and agricultural leases, depending on the state or territory legislation they were issued under, or
- some land held by or for Aboriginal people or Torres Strait Islanders.

The status of a Native Title Application will determine the rights and restrictions within the boundary of that Application.

Applications as Determined by the Federal Court:

native_title_determined_number - 6117

nttt_no - WC1996/041, WC1996/109, WC1997/071, WC1998/058

4. Details of interests that **AFFECT** this property

18

federal_court_reference - WAD6085/1998
determination_name - SOUTH WEST SETTLEMENT
registered_nt_body_corp - N/A
data_source - Spatial : Graphic Services, Landgate. Aspatial : Federal Court and NNTT.
comments -
area_sq_km - 195128.35
determination_method - Consent
determined_in_full - Yes
determined_outcome - Extinguished
design_file -
design_level -
last_updated - 25/02/2022
registration_date - 03/12/2021
determination_date - 01/12/2021
determination_reference - WCD2021/010
Indigenous Land Use Agreements:
native_title_ilua_number - 3104
NNTT Number - WI2015/005
Agreement Name - GNAALA KARLA BOOJA INDIGENOUS LAND USE AGREEMENT
Status - Registered
Agreement Type - Area
Applicant Name - State of Western Australia
Date Registered (dd/mm/yyyy) - 17/10/2018

Please refer to the Interest Dictionary (<https://www.landgate.wa.gov.au/land-and-property/property-ownership/property-interest-report/interest-dictionary>) for terms used in this report.

For more information contact our office on 1800 640 501 or see www.nntt.gov.au.

Legislation governing the interest:

Native Title Act 1993 (Commonwealth)

Native Vegetation

Responsible agency:

Department of Primary Industries and Regional Development

Definition of Interest:

The clearing provisions of the *Environmental Protection Act 1986 (EP Act)* require the clearing of native vegetation to be authorised by a clearing permit, unless the clearing is subject to an exemption.

Affect of Interest:

Native Vegetation is mapped as occurring **within the** selected property or area of land.

It is the responsibility of the person undertaking the clearing to determine whether an exemption is applicable in each circumstance. If an exemption does not apply, a clearing permit will be required to authorise the clearing.

Native Vegetation:

ID Number - 220420

Area and Date - SLIP WANow Jan Feb 2020

Comments - REMNANT VEGETATION

Capture Scale - 10000

ID Number - 174092

Area and Date - SLIP WANow Jan Feb 2020

Comments - REMNANT VEGETATION

Capture Scale - 10000

ID Number - 174093

4. Details of interests that **AFFECT** this property

19

Area and Date - SLIP WANow Jan Feb 2020

Comments - REMNANT VEGETATION

Capture Scale - 10000

ID Number - 220419

Area and Date - SLIP WANow Jan Feb 2020

Comments - REMNANT VEGETATION

Capture Scale - 10000

For more information on native vegetation on your property or Clearing Permit applications see www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms or contact DWER on (08) 6364 7098, or email admin.nvp@dwer.wa.gov.au.

Legislation governing the interest:

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Proclaimed Groundwater Areas

Responsible agency:

Department of Water and
Environmental Regulation

Definition of Interest:

Access to groundwater is regulated under the *Rights in Water and Irrigation Act 1914* in order to manage water resources.

Affect of Interest:

The selected area of land **falls within** a groundwater area that is proclaimed under the *Rights in Water and Irrigation Act 1914*.

Details of the proclaimed area(s) are provided below:

Proclaimed Groundwater Areas:

Groundwater Area Name - Stakehill

Proclaimed Status - Proclaimed

Relevant Act - RIWI Act 1914

Relevant Act Section - Section 26B (1)

Gazetted (Legal) Name - Stakehill Groundwater Area

Date Published in Gazette (dd/mm/yyyy) - 29/06/1988

Gazetted Type - Proclamation

Page in Gazette - 2094

Gazetted Plan Number - BF18

Comments -

You may need a licence or permit from the Department of Water and Environmental Regulation (DWER) if you propose to construct a bore or take groundwater from the shallow (superficial) aquifer or deeper aquifers.

There are exemptions from licensing requirements for certain purposes. For example the majority of garden bores may not require a licence if accessing a shallow (superficial) aquifer only.

To confirm whether you need a licence, go to the water licensing website page or contact your local DWER office.

For more information contact our office on (08) 6364 7600, or see www.water.wa.gov.au.

Legislation governing the interest:

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Regulations 2000

4. Details of interests that **AFFECT** this property

20

Sprinkler Restrictions & Bans

Responsible agency:

Department of Water and Environmental Regulation

Definition of Interest:

Sprinkler restrictions and/or bans apply throughout Western Australia for scheme water users and domestic garden bores.

Affect of Interest:

The selected property **is identified** as being fully or partially within in an area designated to have sprinkler restrictions.

Details are as follows:

Sprinkler Restrictions:

Region - Perth/Mandurah

Winter Restrictions - Stage 6

Summer Restrictions - Stage 4

Sprinkler restrictions and or bans apply to this area. Due to the drying climate, the State Government introduced water efficiency measures, including the introduction of restrictions on domestic sprinklers.

These restrictions include permanent efficiency measures, an annual winter sprinkler ban that applies to domestic sprinkler use and some non-domestic use, and can also include extra efficiency measures and restrictions from time to time such as extensions of the winter sprinkler ban period or other restrictions.

Restriction stages are detailed in the Water Agencies (Water Use) By-laws 2010.

www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11731_homepage.html

Additional restrictions may also apply to specific locations. Please refer to your water service provider for more information relating to your area.

For more information please see www.water.wa.gov.au/urban-water/water-restrictions/garden-bores.

For more information contact our office on 13 10 39 or see www.water.wa.gov.au and go to the Domestic Garden Bore website page.

Legislation governing the interest:

Water Agencies (Powers) Act 1984

Water Agencies (Water Use) By-laws 2010

State Planning Policy 5.4 - Road and Rail Noise

Responsible agency:

Department of Planning, Lands and Heritage

Definition of Interest:

Land within the vicinity of the States freight and major traffic routes may be exposed to excessive levels of noise which can affect the health and amenity of nearby communities.

Affect of Interest:

The selected land **is within** the trigger distance of freight and or major traffic route and maybe be exposed to excessive noise. Restrictions on development, may apply to this property. You are required to refer to State Planning Policy 5.4 Road and rail noise to determine if the land is affected and to what extent.

SPP5.4

Policy Title - SPP 5.4 Road and Rail Noise

Description - Strategic freight and/or major traffic route

Policy Title - SPP 5.4 Road and Rail Noise

Description - Freight railway

State Planning Policy (SPP) 5.4 - Road and Rail Noise (2019)

<https://www.dplh.wa.gov.au/draftspp5-4>

A key objective of SPP 5.4 is to minimise the adverse impact of road and rail noise on noise-sensitive land-use within the specified trigger distance of transport routes, whilst protecting future freight operations of these transport corridors.

Where any part of the lot is within the specified trigger distance, an assessment against the policy is required to determine the likely level of transport noise and management/ mitigation required. An initial screening assessment will determine if the lot is affected and to what extent. Refer to table 2 of the Guidelines.

Note: the mapped trigger distance includes a margin of error to account for the distance measured from within the carriageway as opposed to the carriageway edge as stipulated in the policy.

Legislation governing the interest:

Planning and Development Act 2005

State Planning Policy 5.4 Road and Rail Noise

**Western Power
Infrastructure**

Responsible agency:

Western Power

Definition of Interest:

Western Power is a Western Australian State Government owned corporation which builds, maintains and operates the electricity network in the south west corner of Western Australia. The Western Power Network forms the vast majority of the South West Interconnected Network (SWIN), which together with all of the electricity generators comprises the South West Interconnected System (SWIS).

Affect of Interest:

The selected property **is impacted** by Western Power Infrastructure. Land use, Building, Demolition and access constraints may apply.

Details are available below:

Infrastructure Type and ID:

Pole Type - STEEL ANGLE SECTION

STRUCTURE_ID - T30717

TRMSN_LINE_GIS_LABEL - KW-KEM/OLY 91-0049,

Pole Type - STEEL ANGLE SECTION

STRUCTURE_ID - T32995

TRMSN_LINE_GIS_LABEL - SHO-ST/OLY 91-0430

Pole Type - STEEL ANGLE SECTION

STRUCTURE_ID - T32997

TRMSN_LINE_GIS_LABEL - SHO-ST/OLY 91-0432

Pole Type - STEEL ANGLE SECTION

STRUCTURE_ID - T30716

TRMSN_LINE_GIS_LABEL - KW-KEM/OLY 91-0050,

Pole Type - STEEL ANGLE SECTION

STRUCTURE_ID - T32993

TRMSN_LINE_GIS_LABEL - SHO-ST/OLY 91-0428

Pole Type - STEEL ANGLE SECTION

STRUCTURE_ID - T32994

TRMSN_LINE_GIS_LABEL - SHO-ST/OLY 91-0429

Pole Type - STEEL ANGLE SECTION

STRUCTURE_ID - T30718

TRMSN_LINE_GIS_LABEL - KW-KEM/OLY 91-0048,

Pole Type - STEEL ANGLE SECTION

4. Details of interests that **AFFECT** this property

22

STRUCTURE_ID - T32996

TRMSN_LINE_GIS_LABEL - SHO-ST/OLY 91-0431

Pole Type - STEEL ANGLE SECTION

STRUCTURE_ID - T30719

TRMSN_LINE_GIS_LABEL - KW-KEM/OLY 91-0047,

Transmission Overhead Powerlines ID - KW-KEM/OLY 91

Transmission Overhead Powerlines ID - SHO-ST/OLY 91

Transmission Overhead Powerlines ID - LWT-ST 91

Other Underground Cable ID - C8350830

Power services located outside the property boundaries (road reserves) are not included in this report, as this report only includes interests inside the property boundaries.

Based on information provided with the permission of WESTERN POWER, (03/2015).

For more information on our network please refer to our website, www.westernpower.com.au, or contact us on 13 10 87.

PLEASE NOTE:

This report is not an alternative to Dial Before You Dig.

Information about underground cable and pipe networks is available by requesting the utility maps through the Dial Before You Dig web site, www.1100.com.au or contact their call centre on 1100 during business hours, to find out about the location of underground infrastructure prior to commencing any excavation works on a property.

Legislation governing the interest:

Electricity Industry Act 2004

Electricity Corporations Act 2005

Wetlands

Responsible agency:

Department of
Biodiversity, Conservation
and Attractions

Definition of Interest:

Wetlands are areas that are permanently, seasonally or intermittently waterlogged or inundated with water that may be fresh, saline, flowing or static.

Affect of Interest:

The selected area **is impacted** by the *Environmental Protection Act 1986*.

The details are as follows:

Geomorphic Wetlands - Swan Coastal Plain:

Unique Feature Identifier - 14734

Wetland Name - unknown

Classification - Palusplain

Evaluation - Multiple Use

Unique Feature Identifier - 16021

Wetland Name - unknown

Classification - Palusplain

Evaluation - Multiple Use

Unique Feature Identifier - 14736

Wetland Name - unknown

Classification - Palusplain

Evaluation - Resource Enhancement

Unique Feature Identifier - 14735

Wetland Name - unknown

4. Details of interests that **AFFECT** this property

23

Classification - Palusplain

Evaluation - Multiple Use

As your area of land is impacted by the *Environmental Protection Act 1986*, land use constraints may apply.

For information on the mapping and management of wetlands, contact the Department of Biodiversity, Conservation and Attractions (DBCA) on (08) 9334 0455 or see www.dpaw.wa.gov.au/management/wetlands.

For more information on how wetlands are protected contact the Department of Water and Environmental Regulation (DWER) office on (08) 6467 5000 or see www.der.wa.gov.au/your-environment/environmentally-sensitive-areas.

Legislation governing the interest:

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

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Tel: (08) 9273 7373

Fax: (08) 9273 7666

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1 Midland Square, MIDLAND WA 6056

Telephone: +61 (0)8 9273 7341

Email: customerservice@landgate.wa.gov.au

landgate.wa.gov.au

Image on cover for illustrative purposes only



Respondent No: 1

Login: Anonymous

Email: n/a

Responded At: Aug 28, 2024 10:39:54 am

Last Seen: Aug 28, 2024 10:39:54 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/72922aa249e3054178fe6f6df20cdc85159057be/original/1724805582/bb623137d684536d59df9dea5a24e2e4_LO_PGP_-_KP_374.00_-_20240807_-_504886_-_Proposed_MRS_Amendment_1428_-_North_East_Baldivis_District_Structure_Plan.pdf?1724805582

Q12. Upload supporting documents not answered

Q13. Upload supporting documents not answered



28 August 2024

APA Reference: 504886
Your Reference: RLS/1135

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 1428 - North East Baldivis District Structure Plan – Precinct 2-4

Thank you for your referral request received on 5 August 2024 in relation to the proposed MRS Amendment 1428 - North East Baldivis District Structure Plan – Ref: RLS/1135.

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 3.6 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:** Anonymous**Email:** n/a**Responded At:** Aug 30, 2024 17:50:41 pm**Last Seen:** Aug 30, 2024 17:50:41 pm**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? Aldwich Holdings Pty Ltd C/- Rowe 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 Submission
- Q11. Upload supporting documents https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/a58981aea9d3e495a42015bae883fd779eb205a0/original/1725004233/6ab8199416affd12065a6f2319633c7b_4855_20240823_S_MRS_Amt_v1_gh.pdf?1725004233
- Q12. Upload supporting documents not answered
- Q13. Upload supporting documents not answered



ROWE
GROUP

Job Ref: 4855
27 August 2024

Western Australian Planning Commission C/-
Department of Planning, Lands and Heritage
140 William Street
PERTH WA 6000

Dear Sir/Madam

**Submission on Metropolitan Region Scheme Amendment No.1428
North East Baldivis District Structure Plan Precincts 2 - 4**

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Rowe Group acts on behalf of Aldwich Holdings Pty Ltd (trading as Golden Ponds), the owner of Lot 470 (No. 355) Mundijong Road, Baldivis - herein referred to as the 'subject site'. The subject site is situated in Baldivis and is bound by Mundijong Road to the south, Telephone Lane to the east, a local drainage reserve to the north and rural land to the west. As such the site is located adjacent the south eastern boundary of the Metropolitan Region Scheme (MRS) amendment area.

Our Client is supportive of the future urbanisation and development of the area, and as such is fundamentally supportive of the MRS Amendment proposal subject to minor modification to remove a portion of the 'Other Regional Road' reservation linking Mundijong Road to Telephone Lane and including that land within the 'Urban Deferred' zoning.

Site Background

The subject site has a total land area of 37.338ha with frontages of 855m to Mundijong Road and 620m to Telephone Lane. The site comprises the Golden Ponds Fishing and Marron Farm. There are several significant improvements on the subject site including a number of man-made dams repurposed following the clay extraction and now used for rearing fish and marron, as well as a reception centre, restaurant, nursery, holiday accommodation (chalets), home store and camping area. A portion of the subject site is also used for the rearing of cattle. All of these improvements have current and valid planning approval.

Whilst the broader MRS Amendment area is generally low lying and affected by potential flooding, the subject site differs in that it has the highest elevation in the area and is not impacted by risk of possible flooding.



Support for Urbanisation

The MRS Amendment area is strategically identified as 'Urban Expansion' in the 'Perth and Peel@3.5million – Planning Investigation Areas Update'. Other areas in the locality are identified as 'Urban Investigation' (east of the subject site) and 'Industrial Expansion' (south of the subject site). The broader area has been recognised as an area that is suitable to accommodate the growing population of Perth having regard to the multiple existing and emerging employment opportunities and the access to efficient road and rail movement networks.

The risk of flooding is a key factor that needs to be addressed to facilitate the unlocking of the urban development potential however this needs to be considered in an equitable manner which recognises and does not penalise those landholdings that are not impacted by a risk of flooding. This may mean that some landholdings are not suitable for urban development and hence there is a need for consideration as to the future use of those landholdings.

Consideration of Flood Risk and Impact

The MRS Amendment area has historically been held back from urban development due to concerns over environmental matters predominantly related to water management. It is noted that approval of a District Water Management Plan (DWMS) is a pre-requisite to the lifting of the urban deferment.

The draft North East Baldivis District Structure Plan includes a draft DWMS which considers flood risk and management. The existing or pre-development flood risk scenario has been modelled and is depicted in Figure 18 under section 6.6.3.1 of the draft DWMS. The modelling clearly demonstrates that the subject site is not affected by a risk of flooding in the existing pre-development modelled scenario. This observation is also confirmed through the DWER flood modelling. The draft structure plan is however fundamentally flawed in that it currently depicts the northern half of the subject site as 'Multiple Use (Flood Storage)'. This will need to be rectified to remove the 'Multiple Use (Flood Storage)' annotation from the subject site prior to adoption of a District Structure Plan and the DWMS.

The existing draft structure plan and DWMS documents are currently being assessed by the relevant agencies. It is anticipated that revisions will be required and further consultation will be undertaken prior to adoption. This process of review and ultimate adoption is a necessary step in the planning process and as such it is considered appropriate that the lifting of Urban Deferment is contingent upon this process being completed.

Telephone Lane Deviation

The MRS Amendment proposal depicts a portion of the 'Other Regional Road' reservation linking Mundijong Road to Telephone Lane in the south eastern corner of the subject site. The land affected by the reservation is in the ownership of our Client and includes an number of existing improvements (predominantly chalets). This is an existing historic reservation.

The need for, and the location of, an 'Other Regional Roads' reservation linking Mundijong Road to Telephone Lane should be the subject of careful consideration through the structure planning process. As such, the



affected land should more appropriately be included within the 'Urban Deferred' zoning to provide greater flexibility in determining the future transport needs.

The road link will serve a broader function and as such, having regard to the principles of need and nexus, future acquisition of the land will be subject to compensation either by the State or through a Developer Contribution Scheme. Given the need for compensation to be paid with respect to reserved land, it is prudent to ensure the most efficient use of public funds by minimising the land requirement and maximising transport efficiency. Inclusion of the land in the 'Urban Deferred' zone facilitates flexibility to achieve maximum efficiency.

Buffers

It is acknowledged that one of the requirements for the lifting of urban deferment is the provision of appropriate buffers around the fish/marron farm and livestock feed lot or termination of these uses. Our client intends to continue operating the rural and tourism uses on the subject site in the short to medium term but intends to cease these operations (or the sensitive elements of the uses) when market conditions are suitable and services are available for redevelopment for the site.

Summary and Conclusion

The existing draft District Structure Plan is currently being assessed and will need to be amended to correctly reflect that the subject site is not affected by flood risk. It is acknowledged that the fish/marron farm and livestock feed lot may form a short to medium term impediment to urban development however it is intended that these operations will cease at the appropriate time to facilitate implementation of urban development.

The portion of the 'Other Regional Road' reservation linking Mundijong Road to Telephone Lane in the south eastern corner of the subject site should be removed and the land should be included within the 'Urban Deferred' zone to facilitate flexibility for the consideration of the regional road network. Having regard to the commentary in this submission, it is requested that the MRS Amendment proposal is modified to remove the 'Other Regional Road' reservation from the subject site and that it is replaced with an 'Urban Deferred' annotation.

Our Client reiterates his support for the urbanisation of the locality and confirms his willingness to engage in a collaborative approach to the refinement of the planning framework for the locality.

Should you require any further information or clarification in relation to this submission, please contact the undersigned on 9221 1991.

Yours faithfully,

Name removed at the request of the submitter

Rowe Group



Respondent No: 3

Login: Anonymous

Email: n/a

Responded At: Sep 16, 2024 14:47:59 pm

Last Seen: Sep 16, 2024 14:47:59 pm

IP Address: n/a

Q1. What is your name?	Rochelle
Q2. What is your surname?	Zaknich
Q3. What is your email address?	rochelle.zaknich@arcinfra.com
Q4. What is your address?	3/1 George Wiencke Drive, Perth Airport
Q5. What is your contact number?	0436845732
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?	Arc Infrastructure
Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?	Oppose
Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.	
	Please see Arc Infrastructure's full submission of objection attached in PDF format. Thank you.
Q11. Upload supporting documents	https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/42cf5cd1a993f068e02be30abe68d88ba3102b45/original/1726462057/a4377b5d289a9959242e686f5cbe8fa1_240916_MRS_Proposed_Amendment_1428_-_Arc_Infrastructure_FINAL.pdf?1726462057
Q12. Upload supporting documents	not answered
Q13. Upload supporting documents	not answered

North East Baldivis District Structure Plan – Precincts 2-4 - Metropolitan Region Scheme Amendment 1428 (Standard): Submission of Objection

As the manager of the State's freight rail network, Arc Infrastructure operates and maintains a railway that stretches more than 5,500km across the southern half of Western Australia. From the Midwest across to the Goldfields and all the way down to the South West, the network we manage connects local producers, businesses, communities and industries with local, national and overseas markets.

Our freight rail network ensures that WA products and exports are delivered to the rest of the world efficiently and competitively – 24 hours a day, seven days a week, 365 days a year – by connecting the dots between people, products and ports.

Powered by a team of over 600 employees with a true regional footprint, Arc Infrastructure is proud to provide a service that's helping to drive the State's economic growth, prosperity and the quality of life of our communities.

It is in this context that we would like to thank you for the opportunity to comment on, and inform, the consideration of Amendment 1428 ('the Amendment') to the Metropolitan Region Scheme ('MRS'), which proposes to rezone 629.76 ha of land in north east Baldivis, abutting and within close proximity to a strategic freight rail corridor, from the 'Rural' to the 'Urban Deferred' zone.

Whilst Arc Infrastructure acknowledges that the Amendment is consistent with the strategic planning framework that identifies the land for future urban use and development (subject to detailed planning) and supports broader Government objectives to address housing supply challenges, we wish to register our objection to the proposal to rezone land abutting and within proximity to a strategic freight rail corridor for future urban and noise-sensitive land uses as detailed in the following submission and summarised below:

- Noise-sensitive urban land uses, such as residential dwellings, schools, aged care living, and hospitals are not compatible within proximity to freight rail corridor operations;
- Evidence in the form of community complaints about freight rail operations and their impact on residential amenity, health and sleep disturbance;
- The essential nature and economic importance of the adjacent freight railway, the South West Main;
- The ways in which the planning system passes the cost of incompatible freight rail operations and noise-sensitive land uses (financial and reduced urban amenity) on to new home buyers.

Arc Infrastructure

In December 2000 the WA Government entered into a 49-year lease agreement with Arc Infrastructure's former entities to manage and operate the State's below rail infrastructure network (train control, track, signalling and communications infrastructure) across the southern half of WA, from Geraldton to Leonora, Kalgoorlie and Esperance, including connections to sea ports in Geraldton, Fremantle, Kwinana, Bunbury, Albany and Esperance.

The WA Government's motivations to privatise the network were centred around achieving greater efficiencies, growing freight volumes on rail and investing in the network for the benefit of the State.

Since taking over the network in late 2000, Arc Infrastructure has:

- invested over \$3 billion in maintaining and upgrading network assets;
- grown freight volumes on the rail network from 32 million tonnes per year to around 60 million tonnes in 2023, equating to an 87% increase;

demonstrating our commitment to supporting WA producers, miners and communities who rely on rail freight services to transport local products to national and international markets, the movement of consumer and household products to supermarkets and retailers and the distribution of mining commodities, amongst others.

As an independent railway operator, the freight rail network and the protection of their operational integrity is of paramount importance to our commercial operations and those who rely on our network, including above-rail operators (i.e. Aurizon, Pacific National and Watco/Qube) and West Australian producers, businesses and industries.

It is also important to highlight that essential regional passenger services operate on our network, including the Australind, the AvonLink, the Prospector and the Indian Pacific, connecting Perth to Bunbury, Northam, Kalgoorlie, Sydney and all the communities along the tracks.

Part of our role in managing the State's rail network includes liaising with aggrieved urban communities who experience negative amenity impacts from the operation of the freight rail network. The nature of complaints from urban communities living within proximity to the freight rail network is discussed further under the heading "Incompatibility of freight rail operations and noise-sensitive land uses", below.

The importance of freight rail

In 2018, Infrastructure Australia reported that between 2011 and 2031, Australia's land freight task will grow by 80%¹, with freight rail forecast to play an integral role in the safe, efficient and productive movement of freight into, across and out of WA to the benefit of all Western Australians.

An effective freight transport network is essential for the long-term development of Western Australia. A strong freight network ensures metropolitan, regional and remote communities and business have reliable access to goods and services. It underpins the capability to move these goods efficiently and sustainably into, around and out of the State thereby making a substantial contribution to the overall prosperity and liveability of Western Australia. For these reasons, it is in the interest of all Western Australians to ensure that the State has an effective freight network, and that key infrastructure can continue to operate in a manner that meets the State's freight task.

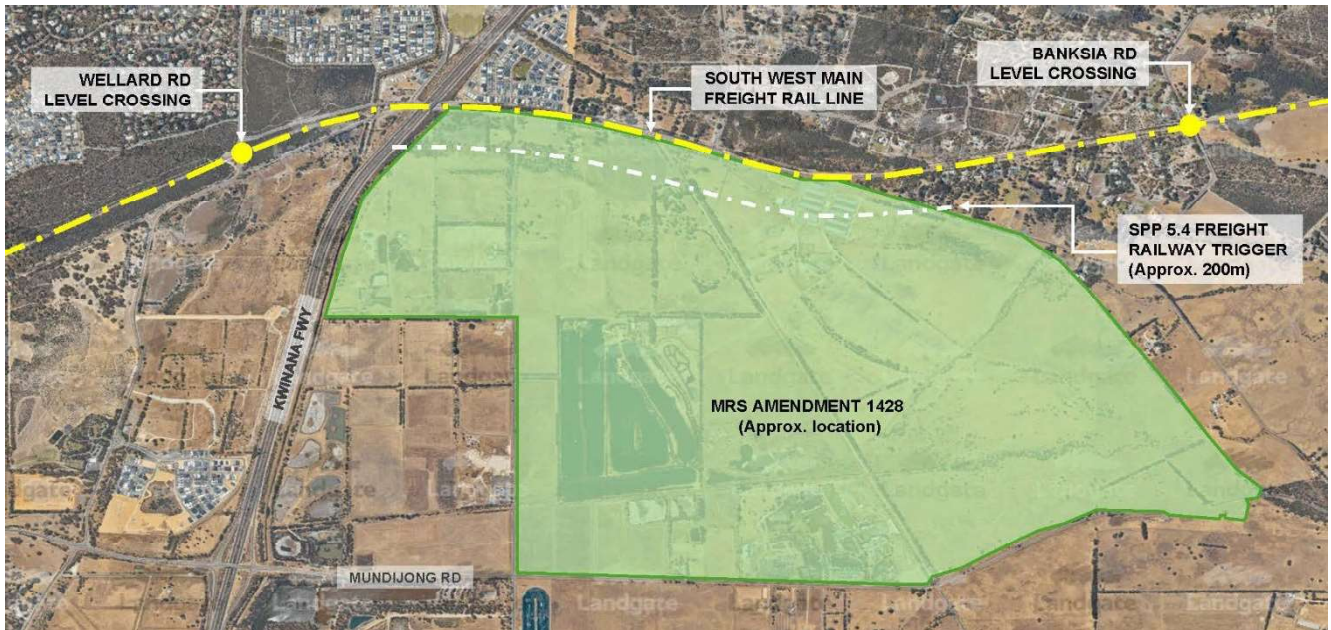
Freight rail is used for a variety of different industries. When the rail lines were first developed, they were mainly for transporting people and consumer goods to regional and remote communities. Today, they move large volumes of bulk freight into and out of the ports, including household goods, minerals and aggregates, iron ore, grain and other agricultural products, industrial products, bulk liquids and import/export containers.

The South West Main

The mainline section of freight rail track that abuts the land subject to the proposed MRS amendment, shown in the image below, is known as the South West Main (SWM). It was constructed between 1953 and 1965² and has operated continuously for over 60 years.

¹ Infrastructure Australia, *Australia's growing freight task: Challenges and opportunities*, <https://www.infrastructureaustralia.gov.au/listing/speech/australias-growing-freight-task-challenges-and-opportunities>, 31 October 2018

² Landgate, *Historical Aerial Photography (via Map Viewer Plus)*, <https://map-viewer-plus.app.landgate.wa.gov.au/>, accessed: 28 August 2024



The SWM runs between Kwinana and Bunbury Port (via Mundijong) and forms a critical part of the Arc Infrastructure network.

The SWM includes several connecting spur lines (with the most notable being towards Collie) and it plays a critical role in servicing South32's operations and Alcoa's operations in Pinjarra and Wagerup.

Commodities hauled on this section include alumina, caustic, lime, coal and bauxite, all of which support the production of alumina as an output, with approximately 21 million tonnes hauled in 2023.

The Australind passenger service also runs regularly between Perth and Bunbury.

The standard of track is high, with shorter trains operating compared to other parts of the network but running much more frequently. The track speed through this section is 80km/h. Currently, there are around 10 movements per day running through this section of the SWM railway line in both directions.

Above rail/train noise can emanate from curves, and we note there is a short 575m radius curve at the western end of the development. Rail noise in this area could also come from the Wellard crossing loop, noting there are turnouts on both the western and eastern ends of the development area. As trains travel over turnouts there is typically impact noise over insulated joints and the switch area.

As the South West region's population and the volume of critical minerals continues to grow, there are considerable opportunities to increase the volume of freight moved on this part of the network, delivering wide reaching benefits for regional communities, including but not limited to, decreased heavy vehicle movements on local and regional road networks which in turn improves road safety, reduced congestion on the road network and lower carbon emissions creating healthier communities.

As an example, Talison Lithium, in collaboration with the State Government, the South West Development Commission, Arc Infrastructure and Aurizon are undertaking a study to investigate the feasibility of recommissioning the Greenbushes to Bunbury freight railway line.

If recommissioned the Greenbushes railway line will be used to transport lithium mineral concentrate between Greenbushes and Kemerton (via Bunbury) and the Western Trade Coast (Kwinana) for export and onshore processing, adding around two freight train movements through this section of the SWM railway line per day. Moving lithium mineral concentrate off road and onto rail will help to reduce the number of truck movements along the South-Western Highway and has broad Government and

community support. The outcome of the detailed feasibility study is expected to be announced in 2025.

Looking to the longer term, the Westport project is investigating intermodal traffic as far as Bunbury, and it is expected that the future Westport would see increased rail modal share and train movements on this section of the freight network.

Freight rail noise and frequency

Noise from freight rail operations is an unavoidable aspect of ensuring goods can be moved efficiently and sustainably into, around and out of the State.

There are no noise limits within Western Australian Environmental Legislation which are applicable to noise from existing freight railways, however State Planning Policy 5.4 Road and Rail Noise (SPP 5.4) provides guidance to decision makers on the assessment and determination of proposals for new noise-sensitive land use and/or development within proximity to freight rail corridors.

Given the existence of SPP 5.4 since 2019 (with superseded versions of the Policy in place since 2009) it was disappointing to note that there is no reference made to rail noise in the section 'State Planning Policy 5.4 - Road and Rail Noise' on page 4 of the Amendment Report (only Kwinana Freeway and Mundijong Road are referred to). We strongly recommend that the impact of freight rail noise and potential noise attenuation is considered in this context.

There are several differences between the operation of freight versus passenger rail that influence off-corridor impacts for neighbouring land uses (such as diesel versus electric power, length and weight of trains, hours of operation), all of which we expect were considered and factored into the 2019 review and update of SPP 5.4.

However, it is important to note the biggest and most important difference between freight and passenger rail is the highly variable operational nature of freight rail. Freight movements are driven in response to several external influences, including but not limited to:

- Customer demand, for example, when grain is ready for transport to export or when a ship is waiting for a bulk mineral delivery.
- The scheduling of other movements within the supply chain, such as off-loading ships on to rail at a port or the scheduling of interstate trains.
- Network disruption, such as track closure due to floods, bushfire etc or a derailed train.

In that regard, it is essential that the freight rail can operate 24 hours a day without any restrictions or limitations.

In contrast, passenger rail services are designed in accordance with highly predictable demands both in terms of operating times and frequency of service. In addition, passenger rail services (primarily on the Perth and Peel Transperth network) run on limited services between approximately midnight and 6am, with most lines ceasing operations on Sunday to Thursday between approximately 1am and 5am, during the noise-sensitive night-time period.

This means that it can be difficult to manage community expectations around the timing of freight train movements, as there are many variables to consider for track and service scheduling.

In addition to operational noise impacts, freight rail operators are required to comply with a suite of national safety standards to minimise the potential for conflict for the protection of the public. This includes the requirement to sound the train horn on the approach to road and pedestrian level crossings, of which there are two road level crossings within proximity to the land proposed to be rezoned by the Amendment.

Incompatibility of freight rail operations and noise-sensitive land uses

Noise-sensitive urban land uses, such as residential dwellings, schools, aged care living, and hospitals are not compatible within proximity to freight rail corridor operations and there is growing evidence in the form of community complaints about freight rail operations and their impact on residential amenity, health and sleep disturbance.

Arc Infrastructure regularly receives community complaints from hotspots in urban areas that have been subdivided/developed since the construction of the freight railway line, including but not limited to: Fremantle, South Fremantle, Thornlie, Canning Vale, Woodbridge, Beeliar, Yangebup and Bibra Lake. We receive complaints in the form of email correspondence, representation from local Members of Parliament, change.org petitions and via facebook community groups.

Noise-sensitive land uses within proximity to the rail corridor is the dominant source of noise complaints we receive from adjacent landowners who report disruption from train horns, being woken by trains overnight, train wheel squeal near curves (like the one in the Amendment) and the overall loss of amenity in their homes and backyards. Complainants are often seeking changes to the operation of the existing freight rail operations (which Arc Infrastructure is unable to facilitate for reasons listed in the preceding section), even though the nature of the complaint has often been caused by poor planning decisions and lack of consideration for the impact of existing freight rail operations on new adjacent land development.

Once noise-sensitive land uses are approved and constructed and the opportunity to implement effective and preventative noise attenuation has effectively been missed, it is very difficult for homeowners to mitigate the noise impacts, with very limited options available and those that are available are generally cost prohibitive.

Recent case studies

Movida Estate in Midvale: [City of Swan set to reject noise mitigation for residents affected by Movida Estate wall \(watoday.com.au\)](#)

Ongoing freight rail noise complaints in Beeliar and Yangebup (refer to page 14): [A41 S1 20230831 All.pdf \(parliament.wa.gov.au\)](#)

Cale Street level crossing in Midland: [Metronet in Midland: New Cale Street crossing causes concerns \(watoday.com.au\)](#)

In addition to the long-term impact on amenity for new urban communities developed within proximity to established freight rail corridors, it is important to highlight how the planning system passes the cost (financial and reduced urban amenity) on to new home buyers through:

- Increased dwelling construction standards to mitigate noise impacts.
- Increased energy costs through mechanical ventilation, allowing residents to keep windows and doors shut to mitigate noise disturbance.
- Reduced internal amenity through keeping windows and doors shut to mitigate noise disturbance.
- Reduced private open space amenity resulting from noise disturbance.
- Increased Government spending on retrofitting noise walls and/or barriers.
- Planning to protect urban amenity and freight rail operations by avoiding urban encroachment.

While we acknowledge and support the WAPC's role to plan for a growing population and ensure housing supply and that the proposed Amendment is consistent with the strategic planning framework that identifies the land for future urban use and development (subject to detailed planning) we urge

the Department and the WAPC to give due consideration for the impacts of the freight railway on residential amenity and the growing evidence of land use conflict.

Given our critical role in the supply chain and the 24/7/365 nature of freight rail, urban encroachment on the rail corridor should be considered as part of any proposal to rezone, subdivide and/or develop adjacent land. Freight trains are long and heavy and have the potential to cause significant noise disturbance and impact on the amenity to any urban development that borders the rail corridor. In our experience, the detailed planning, design and consideration of freight rail operations and compatibility with urban land uses (particularly noise-sensitive uses) are not fully considered until the final stages of the process when it is too late to meaningfully address the impact of freight rail noise and when there is a limited number of options to address land use compatibility, many of which result in increased costs for the home buyer.

Arc Infrastructure does not support the future use and development of land within proximity to the freight rail corridor for noise-sensitive (urban) land uses.

Planning for the location of appropriate land uses adjacent to the freight rail corridor and land use separation to noise-sensitive land uses at the earliest stage of the planning process, most importantly the urban rezoning stage, is in the interests of orderly and proper planning to avoid:

- Land use conflicts that can impact on the long-term health of urban communities.
- Passing on additional costs to home buyers.
- Long-term impacts on the amenity of urban communities.

This approach is supported by SPP 5.4, which outlines that the application of the policy at the Schemes and Amendments stage of the planning process should leverage the opportunity to avoid the introduction of noise-sensitive land-use and/or development particularly in the vicinity of strategic freight routes and goes further to state:

“While noise management plans represent an initial cost, they provide the opportunity to avoid land-use conflict and achieve better land planning outcomes. Once land is zoned and/or a transport corridor is constructed, the practicable options for achieving the noise target are more limited and generally more expensive.”

As such, we encourage the applicant, the City of Rockingham, and the Department of Planning, Lands and Heritage (DPLH) to give detailed consideration to the impact of freight rail noise (in terms of both long-term amenity and increased costs for purchasers) and deliver an appropriate land use interface along, and within proximity to, the freight rail corridor at the earliest stage of the planning process.

Conclusion

Arc Infrastructure manages the State’s freight rail network, on behalf of Government, with a commitment to achieving greater efficiencies, growing freight volumes on rail and investing in the network for the benefit of the State.

Accordingly, it is in the best interests the State and all West Australians to not only protect the operational integrity of the freight rail network, but as outlined in the preceding letter, the long-term amenity of new urban communities and reduce the costs to home buyers by planning for, and delivering, an appropriate land use interface with freight rail corridors.

The freight rail network is a critical component of our State and National supply chain, supporting our economic prosperity and quality of life by ensuring that West Australian products and minerals are connected to global markets, communities have access to consumer goods, including food, clothing and other essential household items, and a diverse range of other benefits through the competitive and efficient movement of freight in, across and out of WA.

The continued erosion of compatible land uses in favour of new urban development within proximity to established freight rail corridors threatens the long-term amenity of urban communities and the integrity of the freight rail network, and passes additional costs to mitigate noise impacts to homeowners and the supply chain industry (and ultimately to consumers).

Early intervention to protect the urban amenity of new communities and freight efficiency on established rail corridors, for the long-term, through careful, considered and balanced planning outcomes at every stage of the planning and land development processes is of critical importance to Arc Infrastructure.

In developing this submission, Arc Infrastructure has consulted with industry partners including Aurizon. Aurizon is aligned with, and fully supports, the concerns outlined in Arc's submission on this proposed Amendment.

Thank you again for the opportunity to comment on Amendment 1428. We would welcome the opportunity to meet with DPLH to discuss our objection to the future use and development of land within proximity to the freight rail corridor for noise-sensitive (urban) land uses.

Should you have any queries regarding the content of this letter or would like to arrange a time to meet, please do not hesitate to contact the undersigned on 0436 845 732 or at rochelle.zaknich@arcinfra.com.

Yours sincerely,



Rochelle Zaknich

Head of Stakeholder Engagement



Respondent No: 4

Login: Anonymous

Email: n/a

Responded At: Sep 16, 2024 17:24:14 pm

Last Seen: Sep 16, 2024 17:24:14 pm

IP Address: n/a

Q1. What is your name?	Drew
Q2. What is your surname?	Gaynor
Q3. What is your email address?	Drew@flcwa.com.au
Q4. What is your address?	PO Box 6800 East Perth WA 6892
Q5. What is your contact number?	0488071976
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?	Freight and Logistics Council of Western Australia
Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?	Oppose
Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.	
	Some lots in the proposed amendment are adjacent to the South West Main Line (rail freight). Urban deferred zoning may be incompatible with a major freight route due to the noise impact.
Q11. Upload supporting documents	https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/5675ca04538724e42945e6462f2ef797e3100cbb/original/1726471429/c908b557eff635c1bee5bb51c447e83b_2024.09.16_FL_CWA_submission_to_WAPC_-_MRS_Amendment_Submission.pdf?1726471429
Q12. Upload supporting documents	not answered
Q13. Upload supporting documents	not answered

16 September 2024

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

Dear Mr Caddy

SUBMISSION ON MRS AMENDMENT 1428 – NORTH BALDIVIS DISTRICT STRUCTURE PLAN – PRECINCTS 2-4: PROPOSED REZONING FROM RURAL TO URBAN DEFERRED

The Freight and Logistics Council of Western Australia Inc (FLCWA) comprises senior decision-makers from industry and government. Its charter is to provide independent policy advice to the Minister for Transport on issues impacting freight and logistics services in this State.

The FLCWA would like to thank you for the opportunity to comment on and inform the consideration of North Baldivis Structure Plan – Precincts 2-4 Amendment 1428 to the Metropolitan Region Scheme (MRS). The Amendment proposes to rezone Precincts 2-4 from rural to urban deferred.

Background

Since its inception, the FLCWA has been strongly focused on engaging with state and local governments to inform strategic and statutory land use and transport planning and policy. It also identifies, protects and supports strategic supply chain infrastructure such as ports, intermodal terminals and road and rail corridors.

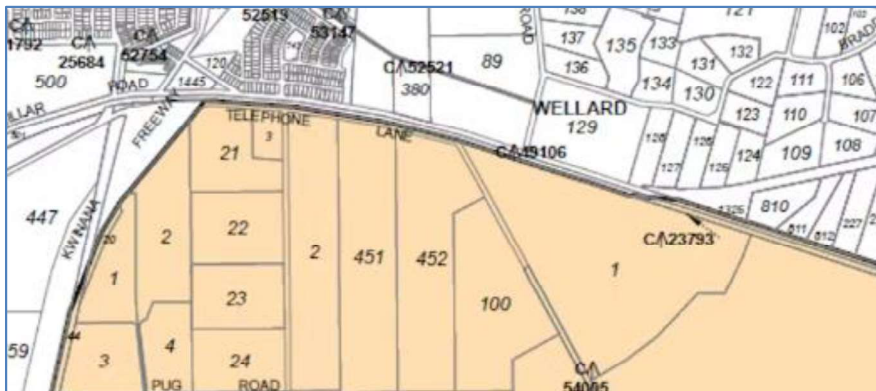
In December 2017, the FLCWA made a submission to the Western Australian Planning Commission on the updated State Planning Policy No. 5.4 - Road and Rail Noise; September 2017). The Guidelines associated with the Policy have also been updated. It has also made previous submissions where there is a potential conflict between significant road and rail freight routes and potentially incompatible land use near those routes. This submission is made in this context.

This submission will not go into detail as the FLCWA is aware that FLCWA members - ARC Infrastructure and Aurizon will provide submissions with greater detail.

Potential impact on the South West Main Line (SWML)

The FLCWA's primary concern in this amendment is the area where the SWML runs adjacent to lots 1, 452, 451, 2, 3 and 21 (east to west), as shown in Figure 1 below. This area is approximately 1.6 km long.

Figure 1 Lots adjacent to SWML





The FLCWA suggests urban deferred zoning is inappropriate when adjoining major freight routes such as the SWML. This is particularly important as these proposed lots can be rezoned to urban later.

Furthermore, consideration should be given to implementing a Special Control Area, as reflected in the proposed amendments to the MRS currently before parliament. This area would be subject to noise impacts from the operations of the SWML as a major freight route.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Drew Gaynor', written over a light blue rectangular background.

Drew Gaynor
Executive Officer
on behalf of
Megan McCracken GAICD
Chair
Freight and Logistics Council of WA

*Our Reference: 3097Ltr213
Enquiries: Daniel Martinovich*

28 October 2024

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

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

Dear Anthony

**RE: SUBMISSION ON METROPOLITAN REGION SCHEME AMENDMENT NO.1428
NORTH EAST BALDIVIS DISTRICT STRUCTURE PLAN – PRECINCTS 2 - 4**

CLE Town Planning + Design is the applicant for the North East Baldivis District Structure Plan (the DSP) prepared and lodged on behalf of our Client, Stockland.

We fully support the principle of the DSP and the Metropolitan Region Scheme (MRS) amendment area being developed for urban purposes as proposed, and do not object to Precincts 2 – 4 being rezoned from 'Rural' to 'Urban Deferred'.

Detailed planning has progressed in the form of the DSP including the associated technical reports, such as the District Water Management Strategy (DWMS). As the MRS Amendment is not expected to be presented to the WAPC for consideration until the DSP and DWMS are approved, it follows that an approved DSP and DWMS as a requirement for the lifting of urban deferment will not be necessary.

We understand and accept that portions of Precincts 2 – 4 are impacted by land use buffers as depicted on the DSP and that these land use buffers require further investigation and resolution prior to the land being transferred to the 'Urban' zone.

In summary, we support Amendment 1428 and will continue to work through the requirements for the lifting or urban deferment as needed to progress the land to the 'Urban' zone.

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