



# WAPC

Western  
Australian  
Planning  
Commission

September 2025

## **Metropolitan Region Scheme Amendment 1344/57 (Minor Amendment)**



## Maida Vale Urban Precinct

Report on Submissions

City of Kalamunda

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**Metropolitan Region Scheme  
Amendment 1344/57  
(Minor Amendment)**

**Maida Vale Urban Precinct**

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**City of Kalamunda**



September 2025

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

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MRS Amendment 1344/57 (Minor) Report on Submissions

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

# 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 .....	7
8	Determinations .....	7
9	Coordination of region and local scheme amendments .....	7
10	Conclusion and recommendation .....	8
11	Ministers decision.....	8

Schedule 1    Alphabetical listing of submissions

Schedule 2    Summary of submissions and determinations

Schedule 3    Amendment Figure - Proposal 1 (as advertised)

Schedule 4    Amendment Figure - Proposal 1 (as modified)

Schedule 5    Environmental Conditions Statement No. 1240

Schedule 6    Addition to Metropolitan Region Scheme Schedule 1  
Environmental Conditions

Appendix A    List of plans (as advertised)

Appendix B    List of plans (as modified)

**Published under separate cover**

Submissions

## Report on Submissions

# Metropolitan Region Scheme Amendment 1344/57 (Minor)

## Maida Vale Urban Precinct

### Report on Submissions

#### 1 Introduction

At its May 2018 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 the former Section 57 of the *Planning and Development Act 2005*.

The principal differences between the former minor and major MRS amendment processes are that the former includes a 60-day advertising period while the period for the latter is 90 days, the former is not required to be placed before Parliament (for 12 sitting days) while the latter is and there is no requirement for submitters to be offered hearings for minor amendments.

#### 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 177.53 ha of land in Maida Vale from the Rural zone to the Urban Deferred zone in the MRS, as shown on the *Amendment Figure - Proposal 1*.

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

#### Lifting of Urban Deferment Requirements

The following requirements are to be addressed prior to the transfer of the land to the Urban zone:

- The Transport Impact Assessment (TIA) being updated to the satisfaction of Main Roads Western Australia (MRWA) and the Department of Transport and Major Infrastructure (DTMI), formerly Department of Transport (DoT);
- Confirmation on the location of the proposed Roe Highway overpass; and
- The completion of water and wastewater reviews for the subject land by the Water Corporation.

#### 3 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required. The EPA determined that the amendment should be assessed under Part IV Division 3 (48A) of the *Environmental Protection Act, 1986* (EP Act). The instructions provided by the EPA for the scope and content

of the Environmental Review No. 2175 identify three key environmental factors, with the following objectives:

- Flora and Vegetation - To protect flora and vegetation so that biological diversity and ecological integrity are maintained.
- Terrestrial Fauna - To protect terrestrial fauna so that biological diversity and ecological integrity are maintained.
- Inland Waters - To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.

An Environmental Review was prepared in accordance with instructions issued by the EPA and concurrently advertised with the *Amendment Report*. The EPA published its findings in EPA Report 1766 in May 2024. Appeals were lodged against the EPA's recommended conditions, and these were considered by the Environmental Appeals Convenor.

On 07 January 2025, the Minister for Environment released Statement No. 1240 advising that the Scheme could be implemented and determined the appeals accordingly. A copy of the Minister for the Environment's Statement 1240 is at Schedule 5.

## 4 Call for submissions

The Amendment and Environmental Review No. 2175 were advertised for public submissions from 29 September to 28 November 2023. The Amendment and Environmental Review were made available for public inspection during ordinary business hours at the:

- i) Western Australian Planning Commission, 140 William Street, Perth
- ii) offices of the Cities of Kalamunda and Gosnells
- iii) State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in *The West Australian* and relevant local newspaper/s circulating in the locality of the amendment.

## 5 Submissions

156 submissions (includes 2 late submissions) were received on the amendment. An index of all the persons and organisations lodging submissions is at Schedule 1.

102 submissions were of objection, 40 were of support and 14 were of general comments, non-objection or no comment.

A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions is published separately, within the **Submissions** report.

## 6 Main issues raised in submissions

### 6.1 Supporting Submissions

In summary, the following submissions of support were received:

- Based on Government and industry reports, there is a general lack of building blocks available for housing in WA. This is especially so in the Eastern suburbs, with the majority of land developments occurring in the northern and southern corridors from Perth.
- The proposal will assist in meeting some of the housing needs of people who wish to build in this area rather than those other corridors (which in many cases are a substantial distance from Perth).
- This area is close to Perth as well as the Perth Airport, new railway line and major regional centres such as Midland, Kalamunda and Cannington. As such, it would provide good housing options for people working in a number of different locations.
- The new Airport rail link offers a quick public transport option to Perth. In addition, the Tonkin and Roe Highways and future road extension projects provides quick vehicular access to many inner metropolitan suburbs (including Perth) as well as a number of outer suburbs.
- The area is already serviced by a number of major shopping areas (e.g. Midland, Forrestfield, Kalamunda and Carousel). It also has a range of public and private schools in the area, as well as other community facilities such as sporting grounds etc.
- The proposed development is a logical extension to the existing urban areas to the south (i.e. abutting Sultana Road) and the north (i.e. areas in Maida Vale up to Harold Road).
- There have been numerous community comments (including from people outside the affected area) about environmental concerns, particularly about black cockatoos and the degradation of natural bush areas. Many of these claims are incorrect or misleading and are also not generally supported by the Environmental Review undertaken by the EPA.

WAPC Comment: The submissions of support have been noted.

## **6.2 Objecting Submissions**

### **(a) Strategic Planning Matters**

Submitters advise that the proposal is not consistent with the *Perth and Peel@3.5million* and associated *North-East Sub-regional Planning Framework* and previous strategic planning such as the *Foothills Structure Plan*. The amendment will lead to an oversupply of urban land.

WAPC Comment: The MRS amendment is consistent with the State Cabinet endorsed and WAPC adopted *Perth and Peel@3.5million/North-East Sub-regional Planning Framework*. The Framework identifies the amendment area for Urban Expansion purposes with a Short-Medium (2015-2031) urban staging timeframe. The Frameworks considered population growth across the north-east subregion in the context of the Perth and Peel regions with this area being identified for development in the short-medium term.

The Foothills Structure Plan was first released in 1991 and was subsequently finalised as a strategic guidance document. However, *Perth and Peel@3.5million/North-East Sub-regional Planning Framework* and the City of Kalamunda Local Planning Strategy are the most up to date strategic planning for the locality and identify the site for future urban purposes.



These State and local Government planning documents represent the most current planning guidance for the Greater Perth region including the Maida Vale locality. Therefore, the proposed amendment seeks to progress the zoning of the site in accordance with its urban identification in *Perth and Peel@3.5million*.

**(b) Environmental Matters**

Submissions advise that the Environmental Review 2175 has been undertaken by the developer and is biased and can't be used. There will be a loss of flora and fauna (Black Cockatoos, Bandicoots, Rainbow Bee Eaters etc) and associated negative impacts.

WAPC Comment: Environmental Review 2175 was undertaken in accordance with EPA instructions including guidance and advice from the Department of Water and Environmental Regulation (EPA Services) and other government agencies. This included specialist environmental consultants with areas of technical expertise to address the scope and content of the review as required by the EPA.

The WAPC formally adopted the Environmental Review following consideration by the Department of Planning, Lands and Heritage and the document was sent to the EPA for a decision. Following further modifications, the EPA advised the WAPC that the Environmental Review was suitable for advertising. The MRS amendment and Environmental Review were concurrently advertised for 60 days, all environmental submissions (as received in full) were provided to the EPA and the WAPC's advice on submissions was also provided in accordance with the *Planning and Development Act 2005*.

The WAPC considers that the Environmental Review process has been undertaken to the satisfaction of the EPA and in accordance with Legislative requirements. The WAPC supports the independence of the EPA's processes and the Minister for Environment's Statement 1240 advising that the amendment can be implemented subject to Environmental Conditions.

The matters raised with respect to flora and fauna were considered in the environmental reporting as part of the Environmental Review process in accordance with the EPA's instructions. It is noted that flora and fauna surveys (including supplementary surveys) were undertaken to establish the presence of, or potential for the presence of certain fauna species at the recommended times. The Environmental Review identified areas for vegetation retention and revegetation to ensure habitat for fauna is provided. Detailed design and future planning will establish specific management measures, including likely fauna management plans to be prepared and the actions for their implementation prior to subdivision and development.

The long-term protection of environmentally sensitive areas is proposed through their inclusion in the amendment area, rather than leaving these areas in an unmanaged state where controls are not in place.

The requirement for referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) has been identified with respect to Matters of National Environmental Significance (MNES). In future planning stages where a proposed action is likely to result in an impact on MNES, referral requirements under the EPBC Act will need consideration.

On 07 January 2025, the Minister for Environment issued Statement No. 1240 confirming that MRS Amendment 1344/57 can be implemented subject to environmental conditions. These environmental conditions are to be inserted in the MRS Text and will need to be complied with.

Any structure plan and/or subdivision for the amendment area will need to demonstrate compliance with the environmental outcomes and values set out in Statement No. 1240 and this process is likely to be supported by additional and/or updated technical surveys, assessments and documentation.

**(c) Amenity Impacts**

Submitters advise the existing rural-residential amenity will be impacted, including the horse-riding activities at Rosevale Park. The existing green spaces will be destroyed and will create heat island impacts.

WAPC Comment: The MRS amendment process seeks to rezone the land to Urban reflecting its identification in *Perth and Peel@3.5million* for future urbanisation. In the subsequent structure planning stage, consideration will be given to appropriate land uses and densities that responds to the local context and landscape having regard to the established land uses such as the horse-riding school.

The need for open space areas, green linkages and landscaping that minimise heat island effect and other revegetation is also to be considered in the subsequent more detailed structure planning stage. This process includes consideration by State Government agencies and a separate public consultation period prior to a final determination being made by the WAPC.

**(d) Urban Deferred Zoning**

The amendment is requested to be modified to an Urban zone as the lifting of Urban Deferment requirements have been addressed.

WAPC Comment: The WAPC supports the modification of the amendment to an Urban zone as the lifting of Urban Deferment requirements have been addressed as follows:

- i) The TIA being updated to the satisfaction of Main Roads Western Australia (MRWA) and the Department of Transport and Major Infrastructure (DTMI), formerly Department of Transport.

DTMI refers to MRWA who raises no objections to the modification of the amendment to the Urban zone, provided the TIA is updated to MRWA's satisfaction and the location of the proposed Roe Highway overpass is confirmed during the subsequent structure planning stage.

- ii) Confirmation on the location of the proposed Roe Highway overpass.

The location of the proposed Roe Highway overpass is provided for in the concept design work that informed the Environmental Review, and as discussed above it will be further considered as part of the structure planning in consultation with the City of Kalamunda, MRWA and DTMI.

- iii) The completion of water and wastewater reviews for the subject land by the Water Corporation.

The Water Corporation has since undertaken water and wastewater reviews and has confirmed its support for an Urban zoning. The proponent will continue to work with the Corporation in relation to water and sewer infrastructure planning during the structure planning process to define development areas in the short to medium term.

**(e) Other Matters**

- The proposed amendment will exacerbate traffic and noise impacts in the locality.

WAPC Comment: It is noted that matters relating to traffic and noise impacts are typically considered in the more detailed local structure planning stage by the City of Kalamunda, MRWA and the WAPC. This process is subject to a separate public consultation period.

It is noted that Roe Highway abuts to the west, and there is the potential for noise attenuation to be required. The proponent has acknowledged that the exact nature of these measures is to be determined at the detailed structure planning stage in accordance with the requirements of *State Planning Policy 5.4 - Road and Rail Noise*.

- The amendment will have Aboriginal Heritage impacts.

WAPC Comment: A draft Aboriginal Cultural Heritage (ACH) Due Diligence Assessment has been undertaken to inform the planning of the site. The report was prepared in accordance with the *Aboriginal Heritage Act 1972* and a review of the ACH Inquiry System. While the MRS amendment area is partly within the boundary of Aboriginal Site ID 25023 (Poison Gully Creek) no changes are proposed to Poison Gully Creek. Therefore, further detailed consideration of Aboriginal heritage considerations would occur in the subsequent more detailed planning stages.

- There are constraints relating to Western Power easements and contamination which will affect the locality.

WAPC Comment: Areas within the amendment that are within the Western Power easement or may be contaminated due to a former tip are noted. However, further detailed consideration of these matters occurs in subsequent structure planning and subdivision stages and in accordance with relevant legislation where applicable. This may also result in specific subdivision and development approval conditions for the site.

- The proposal should not have been considered as a 'minor' amendment.

WAPC Comment: The MRS amendment was initiated under the former requirements of the *Planning and Development Act 2005* which allowed for amendments to be processed as either minor or major.

Former Development Control Policy 1.9 - Amendment to Region Schemes set out the criteria for deciding whether the minor or major process should be followed. The criteria related to a variety of matters not all of which relate to every amendment.

The WAPC determined that the amendment be processed as a minor amendment for the following reasons:

- The scale of the proposed amendment is not considered regionally significant. It does not reflect a regional change to the planning strategy or philosophy for the Metropolitan region and is unlikely to have an adverse impact on the surrounding locality;
  - The subject land has been identified in the *Perth and Peel@3.5million/North-East Sub-Regional Planning Framework* as an Urban Expansion area with a Short-Medium Term (2015-2031) urban staging timeframe; and
  - The City of Kalamunda and key State Government agencies agree to the initiation of the proposed amendment, subject to resolution of various issues at later stages of the planning and development process.
- A review of *Perth and Peel@3.5million* and associated Frameworks has not been undertaken.

WAPC Comment: *Perth and Peel@3.5million* and associated Frameworks are the current strategic planning documents which generally guide the WAPC in zoning of land for Urban purposes under the MRS. Therefore, the proposed amendment is in accordance with the current State Government adopted strategic planning which identifies this site for future urbanisation.

## 7 Modifications

The proposed amendment is to be modified as follows:

- The replacement of the Urban Deferred zone with an Urban zone as discussed above.
- The inclusion of the EC designation over the site as the amendment is subject to Environmental Conditions.

As these modifications do not alter the intent of the advertised amendment and do not include any new areas, readvertising of the amendment is not considered necessary.

## 8 Determinations

The response to all submissions are detailed in Schedule 2. The submissions of objection are recommended to be dismissed. It is recommended the amendment be adopted for finalisation as modified.

## 9 Coordination of region and local scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land being zoned Urban under the MRS to a zone which is consistent with the objective of the Urban zone in the corresponding local planning scheme.

As the amendment has been modified to an Urban zone, the concurrent amendment of the site to an 'Urban Development' zone under the City of Kalamunda Local Planning Scheme No. 3 is supported, as this would allow the progression of local structure planning for the site and the consideration of Ministerial Statement 1240.

## 10 Conclusion and recommendation

This report summarises the background to minor amendment 1344/57 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 4 (as modified) and in detail on the Amendment Plan listed in Appendix B (as modified) should be approved and finalised.

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

## 11 Ministers Decision

Amendments to the MRS using the provisions of section 57 of the *Planning and Development Act 2005* 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.

MRS Amendment 1344/57 is now finalised as modified and shown on WAPC Amending Plan 3.2686/2 and has effect in the MRS from the date of notice in the *Government Gazette* on 9 September 2025.

## **Schedule 1**

### **Alphabetical listing of submissions**

## Alphabetical Listing of Submissions

### MRS Amendment 1344/57

### Maida Vale Urban Precinct

Submission Number	Name
25	Abeleira, Tara
7	ATCO Gas Australia
91	Aungsein, Lucy
85	Aungsein, Mary
89	Aungsein, Monica
86	Aungsein, Natallia
88	Aungsein, Noelina
90	Aungsein, Pauline
87	Aungsein, Theresa
84	Baker, Gary
83	Baker, Susan
140	Baker-Jeanes, Derani
3	Barnes, Peter Macskasy
27	Bennett, Steve
154	Biodiversity, Conservation and Attractions, Department of
34	Bishop, Alison
14	Brown, Michael
54	Brunalli, Lauren
48	Burns, Ian
64	Caruso, Chris
71	Caruso, Suzanne
80	Coopmeiners, Eric
68	Corporation, Water
109	Criddle, Stacey
147	Crotty, Rachelle
26	Cunnane, Emma
56	Demetriou, Diane
69	Department of Transport
78	Desmond, Paul
93	Disisto, Lilliana
76	Disisto, Michael
32	Dobkowski, Domenica
8	Dornan, Bev & Charles (joint coordinators on behalf of the EcoVision)
144	Dornan, Charles
138	Doyle, Peter
41	Ferguson, Linda
42	Ferguson, William Scott
130	Forster, Bruce
103	Garner, Rachel
51	Gibbings, Ian
47	Gibbings, Sheryl
29	Gorman, Andrew
151	Health, Department of
53	Holford, Ada Mary
55	James, Keith (on behalf of Birdlife WA)
59	Jeavons, Jacqui
153	Kalamunda, City of
5	Kendall, Helen
6	Kendall, Ian
139	Lee, Mostyn
58	Lee, Penny

106	Lewis, Naomi
77	Lopez, Manuel
146	Lyra, Deirdre
126	MacDonald, Justine
50	Macskasy, Lynn
122	Manners, Allison
13	Marr, Karen
141	Marrapodi, Ross
45	Marrell, Joyce & Charlie
149	Mayer, Janette
150	Mayer, Richard
95	McNaughton, Catherine
18	Meshesha, Mareshet
135	Mills, Kathryn
60	Mines, Industry Regulation and Safety, Department of
134	Mitchell, Beverley & Maxwell
120	Mitchell, Shannon
97	Moore, Sarah
30	Moore, Shari
116	Morgan, Coel
115	Munro, Nicola Ann
19	Murray, Emma
39	Nairn, Sharon & Gavin
2	Name removed at the request of the submitter
9	Name removed at the request of the submitter
10	Name removed at the request of the submitter
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133	Name removed at the request of the submitter
137	Name removed at the request of the submitter
143	Name removed at the request of the submitter
118	Newman, Michael
128	Palerno, Aydin
1	Primary Industries and Regional Development, Fisheries & Agriculture Resource Management, Department of
65	Rivers, Melissa
67	Ryan, Graham
82	Ryan, Marie
24	Sadler, David
11	Sadler, Nita
99	Shelton, Lara
72	Sims, Dana
21	Smith, Brenda
57	Stubbs, Leonie
117	Taylor, James
112	Thompson, Kerri
113	Todd, Kylie
148	Tomlinson, Daniel
136	Urban Bushland Council WA Inc.
152	Water and Environmental Regulation, Environmental Protection Authority Services, Department of
4	Water and Environmental Regulation, Swan Avon Region, Department of
145	Watt, Chris
142	Wilson, Paul
20	Winter, Aimee

Late Submissions	Name
155	Bird Life Western Australia
156	Main Roads WA

## **Schedule 2**

### **Summary of submissions and determinations**

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

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**Submission:** 1, 7, 60

**Submitted by:** Department of Primary Industries and Regional Development, Fisheries & Agriculture Resource Management, ATCO Gas, Department of Mines, Industry Regulation and Safety Resource and Environmental Regulation

**Summary of Submission:** COMMENT

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

**WAPC Comment:** Comments noted. Wherever relevant, these comments have been provided to the proponent for consideration in the subsequent planning stages.

**Determination:** Submission noted.

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**Submission:** 2

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter objects to the proposed amendment and impact on Lot 29 (11) Arundel Court, Maida Vale. It is not 100% clear whether Lot 29 is being zoned as public open space (POS). They do not want their lot to rezoned to POS as there is no legitimate reasons.

There are no confirmed Black Cockatoo nesting trees and there are no threatened or priority flora species. From the environmental assessment adjacent Lot 30 contains numerous threatened and priority species. This should not affect the zoning of their lot and is relatively cleared and does not contain any threatened or priority species.

Another concern is on page 157 of the environmental assessment which states: "Additional areas of local open space will be investigated and provided at detailed structure planning stage". Within their there are two proposes areas as local open space. If additional local open space areas are required, they should be located between Bruce and Ravenswood Roads or the area bordered by Kent, Brewer, Harold and Hawtin Roads. These areas do not have much local open space and contain more Black Cockatoo potential breeding trees.

The submitter purchased the Lot in in late 2022 with the intention of it being forever to raise a family. They were aware of the proposal but never had any intention of selling to a developer. They both grew up on large properties and have always wanted the same for their kids. Do not want this rezoning to be approved and would much prefer for the property to remain zoned as Rural. However, if the rezoning is approved, they wish to be zoned as residential rather than POS. They have worked hard to afford this property and didn't pay over a million dollars to be reclaimed as POS. Hope that the submission is considered as this is the submitters dream home and we will do anything to keep it.

The Environmental Assessment Plan (EAR) compiled by 360 Environmental does not comply with the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and therefore cannot be considered valid for the purposes of the proposed MRS Minor amendment 1344/57. Furthermore, the presence of a nationally threatened species within the proposed amendment area is a matter of national environmental significance and must be referred to the Federal Government.

What Is the EPBC Act: According to the Department of Climate Change, Energy, Environment and Water (Link 1): “The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) is the Australian Government's central piece of environmental legislation.

The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places—defined in the EPBC Act as matters of national environmental significance. The nine matters of national environmental significance to which the EPBC Act applies are:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development.”

When Does A Project Need To Be Assessed By The Federal Government: According to the Department of Climate Change, Energy, Environment and Water (Link 1): “When a person (a 'proponent') wants an action (often called a 'proposal' or 'project') assessed for environmental impacts under the EPBC Act, he or she must refer the project to the Department of Sustainability, Environment, Water, Population and Communities. This 'referral' is then released to the public, as well as relevant state, territory and Commonwealth ministers, for comment on whether the project is likely to have a significant impact on matters of national environmental significance.

The minister or the minister’s delegate will then decide whether the likely environmental impacts of the project are such that it should be assessed under the EPBC Act. Any relevant public comments are taken into consideration in making that decision”.

Why Does the EPBC Act Apply: According to page 4 of the “EPBC Act referral guidelines for three threatened black cockatoo species: Carnaby’s Cockatoo, Baudin’s Cockatoo, Forest red-tailed black cockatoo” (Attachment 1), the Carnaby’s cockatoo, Baudin’s cockatoo and the Forest red-tailed black cockatoo are listed as threatened under the EPBC Act. The document also states that “Listed threatened species and ecological communities are matters of national environmental significance under the EPBC Act”.

According to Table 28 on page 63 (page 168 of the PDF) of the Environmental Assessment Plan (EAR) conducted by 360 Environmental, both the Carnaby’s Cockatoo and the Forest Red-tailed Black Cockatoo were recorded within the proposed amendment area. The presence of a nationally threatened species within the proposed amendment area is a matter of national environmental significance to which the EPBC Act applies. This means that the Environmental Assessment Plan prepared by 360 Environmental must comply with all aspects of the *Environment Protection and Biodiversity Conservation Act 1999*.

Reasons Why the EPA Does Not Comply with the EPBC Act: Data is too old: Table 10 on page 29 (page 53 of the PDF) of the EAR shows that the Level 2 Flora and Vegetation and Fauna Report was conducted in September of 2015. This data is now 8 years old and according to the Department of Climate Change, Energy, Environment and Water (Link 2): “We generally can’t accept survey data that’s more than 5 years old because:

- populations of species can change due to fires, drought, flooding and land management changes
- some species’ ranges can shift due to climate change.

If your data is older than 4 years when you start planning your project, you might need to do another survey”. Appendix F of the EAR contains a supplementary survey that was undertaken in September of 2022. This supplementary survey takes credit for data from the Level 2 Flora and Vegetation and Fauna Report which was 7 years old at the time making it not acceptable by EPBC guidelines. Another full Level 2 Flora and Vegetation and Fauna Survey should be completed to make the data current.

Observations did not occur at dawn/dusk: Page 65 (page 170 of the PDF) of the EAR states “...dawn/dusk surveys were not conducted (360 Environmental, 2023)”. According to the Department of Climate Change, Energy, Environment and Water Carnaby’s Black Cockatoo SPRAT Profile Survey Guidelines (Link 3): “Observations should occur at dawn and dusk, when the female is likely to move off the nest to feed.” The Survey Guidelines also go on to say: “Numbers tend to be largest at the roost site between dusk and dawn (Johnstone & Kirkby 2008), and surveys for roosts should occur at these times (30 minutes before and after sunrise and sunset), as birds are leaving or returning to roost sites, over several days.”

Surveys not conducted in the non-breeding season: Table 10 on page 29 (page 53 of the PDF) of the EAR shows that a total of 3 surveys were conducted in September 2015, September 2021 and September 2022. Although this falls within the breeding season, according to the Department of Climate Change, Energy, Environment and Water Carnaby’s Black Cockatoo SPRAT Profile Survey Guidelines (Link 3): “To get an accurate picture of the importance of a roost site, surveys should be conducted in both the breeding and non-breeding season.” The Survey Guidelines also go on to say: “Observations should occur over several days and in more than one month during the breeding season.”

Page 1745 of the EAR says that the supplementary survey “was conducted over eight days between June and September 2022” but does not mention specific dates. As there is no mention of the specific dates that this survey was conducted, this makes it difficult to say whether this survey was conducted in both the breeding and non-breeding season, raising questions about the validity of the data.

Furthermore, this supplementary survey takes credit for data from the Level 2 Flora and Vegetation and Fauna Report which according to page 184 of the EAR took place “On survey dates 16 and 21 September and 7 October 2015” which are both within the breeding season, making the data invalid.

Conclusion: The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) applies to the Environmental Assessment Plan (EAR) prepared by 360 Environmental due to the presence of nationally threatened species (Carnaby’s cockatoo, Baudin’s cockatoo and the Forest red-tailed black cockatoo) within the proposed amendment area.

The EAR references information which is older than 5 years and references surveys which were not conducted as per the Black Cockatoo Survey Guidelines under the EPBC Act.

The EPBC Act stipulates that data older than 5 years will not be accepted and recommends that another survey be conducted if the data is more than 4 years old. A “supplementary” survey which

takes credit for the old data is not sufficient. Furthermore, the EPBC Act Survey Guidelines for Black Cockatoos state that observations should occur at dusk and dawn, in both the breeding and non-breeding season and in more than one month during the breeding season. 360 Environmental have failed to fulfill these requirements and as such the submitted EAR cannot be considered a valid environmental assessment plan for the purposes of the proposed MRS Minor amendment 1344/57.

Recommendations: Since the EAR does not comply with various requirements of the EPBC Act, at the very least the WAPC should recommend that 360 Environmental conduct another Level 2 Flora and Vegetation and Fauna Survey as per the EPBC Act Survey Guidelines for Black Cockatoos and present data that is less than 5 years old. Specifically, another Level 2 Flora and Vegetation and Fauna Survey needs to be conducted within 4 years of the EAR submission date, in both the breeding and non-breeding season, in more than one month during the breeding season and with observations occurring at dusk and dawn.

As 360 Environmental was commissioned by Monument (the developer) to prepare the EAR, the WAPC should consider approaching an independent environmental consultancy to prepare a separate EAR to avoid bias.

Finally, as the presence of a nationally threatened species within the proposed amendment area is a matter of national environmental significance, I urge the WAPC to refer this matter to the Federal Government and the Department of Sustainability, Environment, Water, Population and Communities. This will allow the matter to be released to the public, as well as relevant state, territory and Commonwealth ministers, for comment on whether the project is likely to have a significant impact on matters of national environmental significance.

Figure 15 of the EAR prepared by 360 Environmental shows the recorded foraging, calls and sightings of Black Cockatoos during the survey period. The map shows a total of 4 calls and only 2 sightings. We have conducted our own surveys. Attached to this submission you will find documented observations of Black Cockatoo species foraging within the amendment area on different dates.

There is a significant difference between the quantity of data collected when comparing our survey and the survey conducted by 360 Environmental. From this we can conclude that the 360 Environmental survey effort is not sufficient for the purposes of the environmental assessment. This means that 360 Environmental have not met the requirements of "Technical Guidance: Flora and vegetation surveys for environmental impact assessment, EPA, December 2016c" which is listed in Table 9 of the environmental assessment.

This submission was supported by additional information including from EcoVision and videos.

Petition: The submitter advised that since hearing about the proposed amendment they started a paper (and online) petition to oppose the rezoning of Maida Vale South. The proposed rezoning poses a threat to our way of life as well as the livelihood of the threatened flora and fauna in the area.

To date they have collected 148 wet signatures, 89 of these being from residents within the affected area (from 48 of the affected lots) and 59 of these being from people outside the amendment area. The submitter was asked by some residents to start an online version of the petition, which, to date, has received a further 757 signatures. All signatures were provided freely, and no-one was misled or forced to sign the petition.

There are many elderly people in the area who are not able to lodge a submission to the WAPC, and the purpose of this petition was to collect signatures of those people who are opposed to the rezoning, so that their voices can be heard.

The submitter attached a copy of the paper submission (with the 148 wet signatures) and a spreadsheet listing the 757 online signatures from the change.org petition. Online Petition link: <https://chnq.it/qBNWR2HfnP>

The petition also acts as a guide for the feasibility of future development, if the rezoning is to be approved by the WAPC. Of the 147 lots affected by the proposed rezoning, 48 are opposed to the rezoning and future development (petition signatures received), while another (roughly) 50 lots are apathetic towards the rezoning but remain adamant that they do not want to develop. I know this because they spent a weekend doorknocking and speaking to residents in the area (something that the local government or council should have done before proceeding with the proposed amendment). This is a total of 98 lots (67%) that want to maintain the rural nature of their properties and will not subdivide or sign up with a developer.

While the submitter does not know much about planning, they understand that development uptake is a major part of any urban/residential development. Fragmented development would not be an economically viable option and that is what you can expect if approval is given for the rezoning and development of Maida Vale South. They have taken the liberty of marking up the "Amendment Area Map" to show all of the lots who are opposed to the rezoning and any future development (in red). They attached a PDF "Amendment Area Showing Lots Who Have Signed Petition". This should provide an idea of how fragmented any future development will be, this only includes the 48 lots that have signed the petition against the rezoning, and not the other 50 lots who are opposed to future development.

The submitter has been informed by the developer (Monument) as well as the City of Kalamunda's Planning department, that the future development will likely take 20 to 30 years. According to the "WA Planning Manual: Guidance for Structure Plans" (August 2023), "Structure plans are valid for 10 years – or a longer period approved by the WAPC – after which they will expire. A new structure plan should then be prepared and approved by the WAPC if required to guide implementation of any remaining stages of the structure plan". The planning manual also goes on to say that one of the considerations when determining an extension to the approval period is "the extent of subdivision and/or development uptake in the structure plan area". Based on the petition, the future extent of subdivision and/or development uptake will be very low, meaning that extension of a structure plan is unlikely.

It is clear from the petition that more community consultation should have been done prior to the proposal, and that even if the rezoning is approved, development will be fragmented, and developers will struggle to implement any future local structure plan that is approved by the WAPC.

On this basis, the submitter suggests that the WAPC reconsider the validity and feasibility of the proposed rezoning and urge the Minister to reject the proposed MRS amendment 1344/57 for Maida Vale South.

Letter to Minister for Planning: The submitter also included a letter to the Minister for Planning noting that the content of their submissions will be paraphrased before they get to the Minister, and advised as follows:

My partner and I have made numerous submissions to date regarding the serious environmental impact this proposed rezoning and future development will have on several threatened flora (Banksia woodland ecological community) and fauna species (Baudin, Carnaby's and Red-Tailed Forest Black Cockatoos). "Environment" is one of the key State Planning Strategy Principles and according to the Western Australian Planning Framework, the WAPC are required to "Conserve the State's natural assets through sustainable development".

Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. In order for sustainable development to be achieved, it is crucial that three core elements are addressed:

- Economic Growth
- Social Inclusion
- Environmental Protection

Despite this mandated planning requirement, history shows us that when presented with information highlighting the serious environmental impacts of a proposed development, the WAPC choose to prioritise Economic Growth and Social Inclusion over Environmental Protection, by granting approval in favour of residential and industrial infrastructure (Roe Highway Logistics Park Project which is ongoing, Roe Highway and Kalamunda Road Interchange Project completed September 2021, High Wycombe South LSP approved in July 2020, Roe 8 Project completed in April 2020).

Although I would love to be proven wrong, it is clear that the WAPC do not regard Environmental Protection as a State Planning priority, and I doubt that it will be considered in regards to the MRS Minor Amendment 1344/57 for Maida Vale South.

Instead, I would like to focus on sustainable development and provide an argument as to why the WAPC should reject the proposed amendment, based on the risk of the urban heat island effect.

Urban areas experience the Urban Heat Island (UHI) Effect, that is, they are significantly warmer than surrounding rural areas. This is due to the fact that urban structures such as buildings, roads and other infrastructure, absorb and re-emit the sun's heat far more than natural features such as trees and water bodies.

This increased heating effect can lead to serious health effects, such as heat cramps, heat stroke, respiratory effects and even death. Based on current projections for heat-related deaths, Perth is leading the charge with 1419 deaths estimated by 2050 (McMichael et.al 2006).

A general increase in temperature will also lead to an increase in energy costs and demand, resulting in potential blackouts as well as an increase in greenhouse gas emissions (Dr. Helen Brown). Needless to say, an increase in greenhouse gas emissions will add to global warming which will only amplify the problem and have detrimental effects on the environment, in terms of water quality and green spaces.

Economic Growth and Social Inclusion will also suffer, with temperature increases likely to cause railway system failures and other infrastructure faults, data centre shutdowns and internet loss.

According to Dr. Helen Brown, vegetation cover is a key variable for UHI and studies have shown that "vegetation cover (not density) explained 80% of variation in temperature". According to an article by WA Today (Research reveals Perth's hottest real estate... in terms of tree cover), "The Environmental Protection Authority has predicted heat-related deaths in Perth would more than double by 2050 because of climate change and the "urban heat island effect"". A report by the EPA found that "more than 70 per cent of Swan Coastal Plain vegetation had been cleared and the resulting overheating, together with climate change, was affecting public health".

According to the article, Perth Airport, which is less than 5 km (as the crow flies) from the proposed amendment area, is the hottest location in Perth. Luckily, according to WA Today, "experts found the "urban heat island effect" could be offset if planners took action".



Based on another article by WA Today (Bigger houses squeezed onto smaller blocks leave our suburbs sweating. How do we 're-green' Perth?), it is clear that you are an advocate for "urban forests" to reduce the urban heat island effect. The article also states that "Perth has the worst tree canopy cover of any Australian capital, with the Department of Planning, Lands and Heritage putting it at 16 per cent coverage".

While I understand that the concept of an "urban forest" involves the area being rezoned to "urban", surely you understand that this transition will allow for development which will ultimately reduce the tree canopy cover, resulting in an increase in the urban heat island effect. The amendment area currently acts as a rural buffer and offsets the urban heat island effect produced by neighbouring high density residential areas. Approving the rezoning (and hence opening the gateway for future development) will only result in a further reduction of Perth's tree canopy cover and contribute to the urban heat island effect which is already at an all-time high in this area due to the vicinity of the Perth Airport (hottest location in Perth).

This is not in keeping with the State Planning Framework's requirement for sustainable development, as adding to the urban heat island effect will only act to make conditions worse for future generations, in terms of their health, energy needs, infrastructure requirements and environmental dependence.

I am aware that the WAPC is unlikely to be opposed to the proposed amendment, as Maida Vale South is contributing to The North-East Sub-Regional Planning Framework target for additional dwellings for the City of Kalamunda (11,450) by 2050.

As you only came into the role of Minister in June 2023, I understand that the past decisions of the WAPC pre-date you, and I would like to take this opportunity to urge you to reject the proposed amendment to the MRS, on the grounds that it will add to the urban heat island effect and is therefore not in keeping with the State Planning Framework's requirement for sustainable development. Perth is already the worst capital city for tree canopy cover and is projected to result in the greatest number of heat-related deaths by 2050. Approving this proposed amendment will compromise the ability of future generations to meet their own needs and shows a lack of concern for the protection of the environment as well as for human life.

Information to the EPA/DWER: The amendment proposes the rezoning of 177.53 ha of land in Maida Vale from the Rural zone to the Urban Deferred zone in preparation for future development. This area of land contains several flora and fauna species that are listed as threatened and are therefore of national environmental significance under the EPBC Act. These species will be seriously affected by the proposed rezoning if development of the area is to occur.

Monument (the developer) has commissioned 360 Environmental to conduct flora and fauna surveys of the amendment area and produce an environmental assessment report as part of this process.

The environmental assessment does not adequately highlight the serious impact posed to threatened flora and fauna in the area and for the most part shows a lack of survey effort. I believe that this report does not meet the EPA requirements and needs to be addressed by the EPA as soon as possible.

They have conducted our own surveys and have numerous videos and photos of threatened flora and fauna species that we are more than willing to share with an officer on request.

They have also written 2 documents which highlight the species affected and the issues with the environmental assessment prepared by 360 Environmental (a consultancy commissioned by the developer).

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

The request to not have POS but preferably residential on the submitter’s land is noted. However, the MRS amendment seeks to rezone the subject land to Urban only. The indicative concept plan forming part of the Environmental Review seeks to illustrate areas of intended tree retention to accommodate Threatened Flora and Priority Flora etc. The actual designation of POS or other land uses is a matter that would require more detailed consideration at the structure planning stage which includes a period of public consultation.

**Determination:** Submission dismissed

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**Submission:** 3

**Submitted by:** Peter Barnes

**Summary of Submission:** SUPPORT

We are in favour of the re-zoning to be completed as soon as possible. With the urgent need for new infill building to house the fast-growing Perth population, this suburb is ideal.

Within 20 minutes of the Perth CBD, 10 minutes from the Perth International Airport, sitting adjacent to the existing Roe Highway and a few minutes from Tonkin Highway, what more do you need?

"The sooner the better" in the submitters opinion and this is from existing home owners in the area for over 20 years. Western Australia desperately needs more housing for the ever-growing population. 20 minutes from the CBD, 5 minutes from the international airport, 5 minutes from Tonkin highway, 2 minutes from Roe Highway.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 4, 152

**Submitted by:** Department of Water & Environmental Regulation,

**Summary of Submission:** COMMENT

The Department of Water and Environmental Regulation (DWER) has requested that the following matters be addressed:

#### Submission 1

- District Water Management Strategy (DWMS) – The DWMS has been revised and is supported by a Foreshore Assessment Report (as required by the EPA instructions). Re-assessment of the DWMS cannot commence until the Foreshore Assessment Report has been reviewed and endorsed/accepted by DWER.

- Foreshore Assessment Report (FAR) – the Report has been reviewed by DWER and has been found to be insufficient/incomplete. The following matters are to be addressed:
  - Water Note 23 – Determining Foreshore Reserves – Several criteria have not been sufficiently identified and addressed, including *‘The extent of the floodway and floodplain’*, *‘Landforms important to watercourse function’*, and *‘Adjacent land use pressures that may affect the foreshore area’*. This last criteria is of particular importance as it should be informing the extent of the proposed foreshore area that is required to protect the waterway from the proposed development. Specifically, the Water Note requires that:
    - *‘The impact of land use on foreshore areas should be considered. Land uses with less impact (such as rural-residential) may permit narrower foreshore reserves than land uses having higher impact (such as rural, industrial and high-density residential development). The location of existing or future infrastructure such as road, powerlines and sewerage should be identified, along with any existing or proposed firebreaks, buildings and fencing. The need for public access and recreation nodes should also be identified. Determine adjacent land use from town planning schemes, structure plans, and outline development plans, subdivision proposal, aerial photos and site inspections.’*
  - Step 3: Finalisation of the alignment and presentation of information has not been undertaken. Specifically, *‘The areas identified by earlier steps may now be overlayed on a map or sketch of the waterway (see Figure 2). The outer edge of these areas defines the foreshore reserve. Consideration of the purpose or function (recreation, conservation, flood protection or public access for example) of the foreshore reserve will determine which factor to assign greater weighting’*.
  - The Foreshore Assessment Report mentions the *“Local Open Space zone as defined by the City of Kalamunda Local Planning Scheme No. 3 (refer to Appendix A)”* on multiple occasions. The relevance of this has not been discussed, Appendix A has not been provided, and justification for using this to define the foreshore reserve has not been provided.
  - Sections 3.1 and 3.2 state that *“indicative foreshore area boundaries have been provided to guide more detailed investigation and planning at later stages of the planning process. Exact foreshore boundary areas will be identified at the local planning level...”*. While this is consistent with Operational Policy 4.3, it does not meet the requirements of the EPA’s instructions. It is also unclear what further work is required to refine the proposed foreshore reserve, whether it is intended to increase or decrease the reserve size, or why this has not been undertaken consistent with the EPA’s instructions.
  - Flood management – While a 1% AEP event flood map has been provided it does not define the floodway and flood fringe. The proposal states that culverts will be upgraded and the flooding will change but that post-development flood mapping has not been provided and there is no assessment of the upgrades required, how this will impact the waterway and the flood mapping. There is insufficient information to determine if the proposed foreshore reserve will appropriately manage flood risks. Figure 8 is confusing – what is the *“Preliminary Foreshore”* and the *“Foreshore Buffer”* and is this consistent with Figure 1 which also depicts the *“Proposed Crumpet Creek Foreshore Reserve”* and the *“Proposed Foreshore Buffer”*? In addition, has the waterway been surveyed for accurate data? This would be required in order to appropriately model the 1% AEP event. The 1% AEP event is also not wholly contained within the foreshore area.
  - The Foreshore Assessment Report should be part of the DWMS.

- The DWMS figures are not consistent with the FAR.
- Section 3.1 states “*It is recommended that a foreshore area be developed for Crumpet Creek that includes the mapped boundary in Figure 8*”. Which boundary?
- Section 3.2 states “*...to satisfy the minimum 30 metres setbacks by the DoW Operational Policy 4.3*” – Operational Policy 4.3 provides specific circumstances for when the 30 metre setback applies and this has not been considered.
- The assessment has also excluded other important information that should be considered and addressed, including soil types prone to erosion, areas of the waterway with existing erosion problems, existing aquatic habitats, water quality and other significant habitat areas.

The DWER requires that a revised report is submitted that addresses the above matters.

## Submission 2

Environmental factor: Flora and vegetation: ERD page x and section 10-Holistic Impact Assessment, states that implementation of the Amendment ‘will result in the direct loss of 25.05 hectares (ha) of native vegetation through clearing’ and lists (in section 10) that this includes ‘25.38 ha of high-quality foraging habitat’. Please confirm these areas.

Environmental factor: Terrestrial fauna: ERD page x and section 10-Holistic Impact Assessment, states that implementation of the Amendment ‘will result in the direct loss of 25.05 hectares (ha) native vegetation through clearing’ and lists (in section 10) that this includes ‘257 potential breeding trees for three black cockatoo species’. Confirm whether this number should also include the 33 trees within the Western Power (WP) easement, that is, this number should be 290 total.

Environmental factor: Inland Waters: Crumpet Creek: Floodway and Flood fringe: The floodway and flood fringe have not been adequately delineated or described for pre and post development. It is noted that the existing culverts are not large enough and cause overtopping and back up. Whilst it has been suggested in the ERD that the culverts will be upgraded, it appears that modelling has not occurred to predict the success of the culverts for water conveyance or to develop an appropriate foreshore buffer and delineation of an appropriate developable area. The proposed foreshore buffer (post development) has therefore not been substantiated. Confirm whether post development modelling has been completed and if so, provide this information.

Crumpet Creek: Flora and Vegetation: The Foreshore Area Report (FAR) (Appendix D) does not appear to include all vegetation types and condition in determining the proposed foreshore buffer area or those areas adjacent to proposed foreshore area. It is unclear whether the foreshore assessment considered relevant wetland vegetation types as part of delineation of the preliminary foreshore boundary. Provide clarification on the extent in which vegetation was included within the assessment criteria.

Clarification of Foreshore Buffer: The foreshore buffer area depicted in Figure 13 of the District Water Management Strategy differs to that in Figure 8 of the FAR. Confirm which foreshore buffer area is correct and applicable for the assessment.

Offsets: Residential Impact Significance Model: The presentation of information in Table 47-RISM is unclear. The (possible) clearing of *Conospermum undulatum* in the Western Power easement is included. It appears that this approach for other environmental values such as, black cockatoo foraging habitat and potential breeding trees in the WP easement has not been applied. Update Table 47 to clearly present impacts, for example, ‘of the 25.38 ha of black cockatoo foraging

habitat 3.9 ha is located in the WP easement', and '290 potential breeding trees including 33 located within the WP easement'.

**WAPC Comment:** Comments noted. The WAPC notes that since the DWER's comments were received additional information has been provided as part of the Environmental Review process. On 7 January 2025, the Minister for Environment issued Statement No. 1240 confirming that MRS Amendment 1344/57 can be implemented subject to a number of environmental conditions.

Any structure plan for the amendment area will need to demonstrate compliance with the environmental outcomes and values set out in Statement No. 1240 and is likely to be supported by additional and/or updated technical surveys, assessments and documentation. This includes the requirement to prepare an Offsets Strategy, approval of the draft DWMS and FAR prior to structure planning approval.

**Determination:** Submissions noted.

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**Submission:** 5, 6

**Submitted by:** Helen Kendall, Ian Kendall (interested residents)

**Summary of Submission:** SUPPORT

The submitters support the amendment and note that it will take some years to be completed. The submitters have spoken to the developer about the proposal.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 8

**Submitted by:** Bev & Charles Dornan (on behalf of Ecovision)

**Summary of Submission:** OBJECTION

#### Planning and Development Considerations

Legal & Regulatory Framework: Ecovision believe that the proposal is in direct contradiction to the State Planning Framework and the pertinent planning policies, which collectively provide a comprehensive guideline for land use in Western Australia. Notable factors include:

- The MRS which currently designates the area as Rural.
- *The Foothills Structure Plan*, still in legal effect until 2025, which also classifies the area as rural.
- The *Perth and Peel@3.5million / North-East sub-Regional Framework*, which was scheduled for review two years ago, designates Maida Vale South for "Urban Expansion".

These factors collectively emphasize the discordance between the proposal and the established planning framework and policies governing land use in Western Australia. The land use proposals contained in the Framework are based on a number of key principles and objectives including the need to preserve and enhance areas of landscape character and interest in appropriate areas.

The Framework's initial draft maintained the rural designation of Maida Vale South in alignment with the MRS and the Foothills Structure Plan but was altered at the request of the (then) Shire of Kalamunda without community knowledge. This in-house change denied residents the opportunity to voice their concerns regarding the shift to urban expansion and was therefore, arguably unlawful.

Despite the changes made, the 2018 Framework still stressed the conditional nature of designating areas for urban expansion or urban investigation. It emphasized the necessity for thorough planning before considering any rezoning. This cautious approach underscores the importance of conducting further investigations, as articulated in the following quotation:

"The classification of existing special rural zoned areas as urban investigation or urban expansion should not be interpreted as a commitment by the WAPC to endorse any rezoning or support for the increased development of these areas at a higher density. Such decisions hinge on the outcomes of subsequent planning investigations." (2018 Northeast Sub-Regional Framework).

This submission contends that the WAPC/EPA should ultimately reject the provisional 'urban expansion' designation and instead, maintain the rural zoning of the area within the MRS.

*Staging and Sequencing:* The Framework states that there is ample undeveloped urban land to meet housing requirements for approximately 32 years.

Urban Growth Monitor 14 (Feb 2023) has updated these projections stating that 'if land consumption continues at a rate consistent with the 20-year average, it would theoretically take an estimated 27 years to deplete existing stocks of non-urbanised land available for urban development in the Perth metropolitan and Peel regions.'

Therefore, there is no pressing need for urban intensification in Maida Vale South, given the existing land supply and its potential consequences for supply of infrastructure-, including the provision of reticulated sewerage- and traffic flow adjustments in the region.

*The State Planning Strategy:* The State Planning Strategy 2050, which represents the highest level of policy, encompasses six fundamental principles: Community, Economy, Environment, Infrastructure, Regional Development, and Governance. This submission focuses on four of the most pertinent principles: Community, Environment, Infrastructure, and Governance.

In terms of the Community principle, the proposed MRS amendment is at odds with it, as it poses a threat to the cherished identity and sense of belonging held by the residents of Maida Vale South.

Concerning the Environment principle, the proposed amendment fails to recognize and preserve the natural assets of the State. The destruction of biodiversity to accommodate an astonishing number of new dwellings runs counter to the Strategy's sustainability objectives. The proposed MRS amendment is contrary to the Environment principles of the Strategy in that it fails to recognise and conserve the State's natural assets. Maida Vale South is an integral part of the wider Perth hills context. Existing tree canopy contributes to lowering the heat island effect of urban development, and ecological linkages help to conserve threatened flora and fauna.

The destruction of biodiversity to make way for 5400+ dwellings is therefore inconsistent with the Strategy, Liveable Neighbourhoods, and various climate change considerations.

With regards to the Infrastructure principle, the proposed amendment lacks alignment with integrated and staged development processes and will disrupt existing infrastructure planning. Furthermore, it may lead to affected agencies leapfrogging' over areas that already have approved development.

In terms of the Governance Principle, the community – thus far – lacks confidence in the development processes and practices associated with the proposed Amendment. This lack of confidence arises from a history marked by the following issues:

- **Concealment of 'Urban Expansion' Descriptor:** The insertion of the descriptor 'urban expansion' into the finalised Framework without the knowledge of the affected community has eroded trust in the process.
- **Failure to Notify Residents:** The failure to notify residents in May 2018 about the lodging of the Amendment for Maida Vale raises concerns about the transparency and decision-making process of the WAPC. This omission becomes even more problematic when considering that the WAPC forwarded the proposed Amendment to the EPA. The logical inference of such action indicates WAPC's support for the proposed Amendment. Conversely, if the WAPC did not believe the Amendment should be supported, there would have been no need to involve the EPA at that stage.

This lack of communication and transparency undermines public trust and contradicts the principles of good governance outlined in the State Planning Strategy 2050, which describes good governance as "participatory, collaborative, accountable, transparent, and responsive." Furthermore, the failure to engage the community in seeking their views on this matter further diminishes public confidence that their input will be considered with anything more than token consideration in the future. This situation highlights the need for improved transparency and community engagement in the decision-making processes related to significant developments like the Maida Vale Amendment.

- **WAPC Decision Preceding EPA Referral:** The WAPC's decision to seemingly endorse the Amendment on 31 May 2018, prior to its referral to the Environmental Protection Authority (EPA), raises significant concerns. By making this preliminary decision of support for the Amendment before the EPA and the public had the opportunity to weigh in, the WAPC acted prematurely and essentially based its initial decision solely on the information provided by the proponent. This approach undermines the principles of transparency and public engagement that are vital in responsible governance.

These issues indicate a significant breakdown in governance and transparency related to the proposed Amendment, which has eroded the community's trust in the development processes and practices associated with it. In addition to the issues mentioned above, another factor contributing to the community's lack of confidence in the Governance Principle is the mischaracterization of the proposed Amendment as "minor".

This mischaracterisation downplayed the potential impact and significance of the Amendment, further undermining the community's trust in the decision-making process. The misrepresentation not only demonstrates a lack of transparency but also raises questions about the accuracy of the information provided to the public and stakeholders. Such mischaracterisations can lead to scepticism and suspicion regarding the intentions behind the Amendment, making it difficult for the community to have confidence in the development processes and practices associated with it.

*State Planning Policies:* The State Planning Framework is intended to provide a comprehensive and sustainable approach to land use and development, with State Planning Policies playing a pivotal role in achieving these objectives.

In assessing the proposed Amendment for Maida Vale South, the Amendment Report has identified four state planning policies as relevant to the matter, which are State

*State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region (SPP 2.8)*, Draft *State Planning Policy 2.9 – Planning for Water*, *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*, and *State Planning Policy 5.4 – Road and Rail Noise*.

However, it is a cause for concern that the Amendment Report has not considered other, more pertinent, State planning policies that ought to have been taken into account during the evaluation of this proposed Amendment.

*State Planning Policy 2.5 – Rural Planning (SPP 2.5)* – Given that the Amendment area is currently zoned rural under the MRS and special rural under the LPS, it is alarming that due regard has not been given to SPP2.5 in considering the proposed Amendment. This policy is the overarching policy which is meant to guide State and local government planning decision-making involving rural zoned land. Relevantly, clause 6.4 of SPP 2.5 directs attention to the factors planning decision-makers are required to consider when contemplating zoning proposals or amendments to region or local planning schemes.

In particular, clause 6.4(c)(i) requires decision-makers to consider 'the capacity of the site to accommodate the proposed zone/land use impacts and only support proposals which are consistent with endorsed planning strategies, or in exceptional circumstances, where the proposal meets the objectives and intent of WAPC policy.' (our emphasis)

The proposed MRS amendment contradicts *State Planning Policy 2.5* as it does not align with the *Foothills Structure Plan*, which is effective until 2025, and no exceptional policy circumstances are present to justify approval.

*State Planning Policy 2.0 – Environment and Natural Resources Policy (SPP 2.0)*: places a significant emphasis on the preservation of open spaces and natural environments, particularly in areas of environmental significance. It is driven by the objectives of protecting, conserving, and enhancing the natural environment.

SPP 2.0 also seeks to promote sustainable development and responsible environmental practices. However, the proposed Amendment, as detailed in Part 2 of this submission, clearly indicates that it will result in the extensive destruction of the environmental values within the Amendment area, including its tree canopy and the flora and fauna.

This policy further encourages the preservation of community character and heritage values, emphasizing the importance of maintaining the identity and cultural significance of a locality, a consideration that the proposed Amendment does not adequately address, as it seeks to allow a development that would fundamentally alter the character of Maida Vale South.

SPP 2.0 underscores the necessity for meaningful community engagement and consultation in the planning and development process, which has been notably absent from this Amendment process thus far. This policy also mandates the acknowledgment of the intrinsic value of the environment in planning processes.

This policy also underscores the importance of planning decisions that prioritize the "common good" over private profit and recognize the significance of "community lifestyle preferences" in the decision-making process. The proponent has not presented any substantiated evidence to the WAPC that they have secured the formal consent of the majority of landowners for the proposed Amendment.

In the absence of such evidence, the proposed Amendment can be viewed as a potential "land grab" orchestrated by a private entity. It is incumbent upon the WAPC, whose primary responsibility is to act in the best interests of the public of Western Australia, to refrain from colluding with the developer to the detriment of the landowners.



In such a context, the WAPC should exercise its role as a guardian of the public interest and ensure that planning decisions align with the principles of community well-being and the broader public good.

In light of these considerations, it is evident that the proposed MRS Amendment is inconsistent with SPP 2.0 because it will result in unacceptable environmental damage, affecting flora, fauna, and water resources, and further diminishing the tree canopy. The failure to give due regard to SPP 2.0 is a serious omission that should be rectified by rejecting this proposed Amendment.

*State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0):* acknowledges that the spread of urban development intensifies pressures on valuable land and water resources and imposes costs in the provision of infrastructure and services.

The proposed MRS amendment will impose costs on the State for the provision of unplanned infrastructure, utilities and sewer services and raises concerns of inconsistency with SPP 3.0 due to several key reasons.

Firstly, it fails to adequately address the principles of sustainable development outlined in SPP 3.0, such as promoting social, environmental, and economic well-being.

The Amendment lacks a comprehensive strategy for managing and preserving natural resources, which is a crucial aspect of SPP 3.0.

The proposed Amendment does not align with the regional planning framework and goes against the principles of integrated land use and transportation planning, a core element of SPP 3.0. These inconsistencies raise concerns about the long-term sustainability and compatibility of the proposed Amendment with the broader planning objectives outlined in SPP 3.0. Clause 5.6 of SPP 3.0 states that 'Rural-residential living is an important component of the settlement pattern in rural areas of the State. Rural-residential development also provides for lifestyle choice ....'

Given that SPP 2.5 states that within the Perth and Peel regions opportunities for rural living, including rural residential development, will become more limited with rural living proposals being considered by exception, it makes it even more important that Maida Vale South maintains its current rural zoning in order to provide residents of Perth with a range of opportunities for rural residential lifestyles. Additionally, the proposed new shopping hub will result in additional pressure on existing City of Kalamunda shopping centres which are experiencing very low occupancy rates.

*Traffic and Sewerage Considerations:* The proposed Amendment will significantly impact traffic and sewerage infrastructure. It requires extensive road network reconstruction and poses challenges in providing reticulated sewerage services to the area, which contradicts planning principles and environmental considerations.

The proposed MRS amendment will require significant unscheduled and costly intervention in State planning processes for reconstruction of the road network to accommodate an additional 10,800 vehicles in the Amendment area.

With respect to sewerage there is a general presumption against urban development where reticulated sewerage cannot be provided (Liveable Neighbourhoods 2015, p. 86).

The Maida Vale South subject area is not currently serviced by a wastewater scheme. Serious geomorphic, environmental and built form constraints to proposed new sewer works exist include the barrier presented by Roe Highway and intensive urban developments to the south. Unscheduled sewer works are inconsistent with the proper and orderly planning provision of infrastructure by the State.

*Conclusion:* In light of these numerous issues and inconsistencies, it is imperative that the WAPC and EPA carefully evaluate this proposed Amendment, considering the broader planning and development implications, legal and regulatory framework, and community well-being. The rejection of this Amendment is essential to protect the unique character and values of Maida Vale South and to ensure responsible and sustainable land use and development in Western Australia.

### Ecovision's Response to 360 Environmental Report

#### 1. Flora and Vegetation

- *Irreparable Loss of Native Vegetation:* The proposed Amendment casts a dark shadow of almost certain, permanent loss upon a substantial portion of native vegetation, including the representation of poorly accounted for vegetation complexes like Forrestfield and Southern River. This impending loss not only threatens the visual aesthetics of the region but, more critically, poses a dire threat to the overall health of the foothills ecosystem.

On page 79 of the Environmental Report, it is stated that 'the MRS amendment will result in the retention of at least 13.91 ha (21.0%) of fauna habitat, including 6.25 ha (43%) of moderate suitability for SRE (Sensitive Reptile Ecosystems)'. As is to be expected, fauna habitat comprises native and non-native vegetation, fallen logs, shrubbery, and grasses. The use of the term 'retention' in this context seeks to downplay the extent of planned vegetation loss.

In reality, the Environmental Report actually foresees the elimination of nearly 80% of the existing vegetation cover, including native flora. This stark reality becomes even more apparent when we consider that 10.59 ha of the MRS amendment area pertains to the existing City of Kalamunda managed local road reserves, which are protected from development, and an additional 14.10 ha are associated with a Western Power Easement. These figures strongly indicate that only a negligible fraction of the current flora will remain unaffected.

- *Endangered and Vulnerable Species:* The Amendment will result in the direct clearing of habitat for several threatened species of flora, notably *Conospermum undulatum*, classified as Vulnerable under both the Wildlife Conservation Act and the Environment Protection and Biodiversity Conservation Act. Furthermore, *Isopogon autumnalis*, designated as a Priority species, would also suffer adverse effects. This situation poses a substantial risk to the survival of these species. Adding to the concern is the uncertainty surrounding the future maintenance of the Western Power easement corridor, which is likely to entail further clearing. The potential long-term consequences of the proposed amendment on flora and vegetation are undeniably grave, verging on near-complete eradication.
- *Habitat Fragmentation:* The proposed development is likely to lead to fragment or isolate existing vegetation and populations of conservation- significant flora. Fragmentation disrupts ecological processes and reduces genetic diversity within populations, making species more vulnerable to extinction.
- *Impact on Waterways:* The proposed development also impacts two waterways, Crumpet Creek and Poison Gully, which support the mentioned vegetation and potentially threatened species. Any disturbance or pollution in these waterways will have cascading effects on the entire ecosystem.
- *Limited Mitigation Measures:* The Environmental Report has identified some mitigation measures, often accompanied by qualifiers like '*where possible*' or '*where practicable*'. However, it is evident that these measures fall short in effectively addressing the significant impacts on flora and vegetation. The proposed retention areas cannot fully compensate for the loss of habitat and vegetation, and notably, the Environmental Report itself acknowledges that

*"... an offset may be required to address the clearing associated with TECs (Threatened Ecological Communities) and habitat loss."*

Using an "offset" approach to address the loss of threatened and rare vegetation in the ever-diminishing vegetation complexes of Forrestfield and Southern River is inherently inappropriate. These ecosystems possess distinct environmental conditions and species compositions that are extremely challenging to replicate elsewhere. It should be stressed that it would not be possible to offset the area with bushland elsewhere since there is virtually nowhere equivalent in its landforms and biodiversity. Any attempt to replace them within offset areas will inevitably fall short in preserving their ecological value.

Moreover, even if a suitable replacement area could be identified, the lack of comprehensive monitoring and long-term planning for their survival renders the offset strategy impractical. Given these limitations, it is more appropriate to prioritize the protection and conservation of rare and threatened vegetation in its natural habitat through measures such as strictland-use planning, habitat restoration, habitat corridors, and other conservation strategies that prioritize the preservation of biodiversity in situ, rather than relying on offsetting.

In such circumstances, portraying an offset strategy as a valid mitigation measure is patronizing and misleading. It gives the false impression that permanent loss can be averted, when in reality, the ecological impact is likely irreversible.

*Summary of Flora and Vegetation Concerns:* The rezoning proposal's potential impact on flora and vegetation, as outlined in the Environmental Report, has raised serious concerns regarding issues such as permanent loss, endangered species, habitat fragmentation, disruption of waterways, and the perceived inadequacy of proposed mitigation measures, especially in terms of offsetting. It is crucial that the proposed Amendment aligns with the EPA's goals of safeguarding flora and vegetation to preserve biological diversity and ecological integrity.

There must be a clear demonstration that these goals will be upheld. Unfortunately, the environmental documentation associated with this proposed Amendment does not provide any assurances that effective measures will be implemented to protect and sustain the flora and vegetation in the affected area. Indeed, the Environmental Report itself acknowledges that almost 80% of the existing flora and vegetation will be permanently cleared. This being the case, we strongly oppose the MRS rezoning proposal.

## 2. Terrestrial Fauna

- *Permanent Loss of Habitat:* On page 79 of the Environmental Report, it states that the MRS amendment will 'result in the retention of at least 13.91 ha (21.0%) of fauna habitat including 6.25 ha (43%) of moderate suitability for SRE'. The use of the term 'retention' in this context seeks to downplay the extent of planned habitat loss.

The corollary of this statistic is that the Environmental Report predicts the elimination of nearly 80% of the existing vegetation cover, including most trees, shrubs and grasses, which provides habitat for terrestrial fauna if the proposed Amendment is approved. This stark reality becomes even more apparent when it is noted that 10.59 ha of the MRS amendment area pertains to the existing City of Kalamunda managed local road reserves, which are purportedly protected from development, and an additional 14.10 ha are associated with a Western Power Easement. These figures strongly indicate that only a negligible fraction of habitat vegetation will remain unaffected.

The authors of the Environmental Report acknowledge that the proposed development will result in the permanent loss of critical fauna habitat, including high-quality foraging habitat for

black cockatoos and numerous potential breeding trees. This loss constitutes a direct and severe threat to the survival and breeding success of these already vulnerable bird species. The Environmental Report identifies a high likelihood of the presence of the following species in the Amendment area:

Baudin's Black Cockatoo (*Zanda baudinii*) – Endangered (under the BC Act); Endangered (under the EPBC Act) Carnaby's Black Cockatoo (*Zanda latirostris*) – Endangered (under the BC Act); Endangered (under the EPBC Act) Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*) – Vulnerable (under the BC Act); Vulnerable (under the EPBC Act).

It's important to note that evidence of these birds in the Amendment area is even more likely to have become apparent if surveys were conducted at dawn and dusk, which would enable a more accurate identification of roosting trees. However, the Environmental Report on pages 9 and 65 confirms that no dawn/dusk surveys were carried out.

Black cockatoos, especially endangered or vulnerable species, play a critical role in maintaining biodiversity. These birds are an integral part of the ecosystem, and their presence helps in seed dispersal and plant regeneration. Their activities help maintain the overall health and resilience of the ecosystem, ensuring that it can adapt to changing environmental conditions.

Losing their breeding trees and foraging habitat will disrupt the natural balance of the local environment. Protection of their habitat is essential for their survival and recovery. The resulting permanent fragmentation of their current habitat within the Amendment area will isolate populations of black cockatoos, making it harder for them to find suitable mates, food, and shelter which will lead to a decline in their overall numbers.

The loss of potential breeding trees, especially those without suitable hollows, can severely limit black cockatoos' ability to reproduce. Suitable nesting sites are critical for their breeding success and any reduction in such sites will inevitably lead to a decline in their populations.

It ought to be noted that black cockatoos hold cultural significance for many indigenous communities. They are also essential components of the ecological and environmental heritage of the region. Preserving them is not only a matter of ecological responsibility but also, respects the cultural heritage of the area.

In May 2023 an article appeared in The Echo, a local community paper raising the concerns of orchardists in the Perth Hills regarding the damage caused by black cockatoos to their orchards. These birds have been forced to forage in orchards due to habitat loss from vegetation clearing and climate change. Orchardists in the Perth Hills claim that they are already facing significant economic losses due to the black cockatoos' damage to their fruit crops.

Permitting the rezoning of Maida Vale would likely lead to a larger population of these birds in search of food, resulting in even greater financial losses for growers who have limited means to protect their orchards from critically endangered birds.

The urban rezoning of Maida Vale would further diminish the cockatoos natural habitat, exacerbating the problem and potentially leading to more frequent negative interactions between the birds and agricultural areas. The WAPC has a significant responsibility to protect orchards and other agricultural pursuits from unfettered urban intensification elsewhere in the region for the following reasons:

- Orchards and agricultural activities are an integral part of the region's heritage and contribute to its cultural and economic identity. Protecting these pursuits ensures the

continuity of traditions and livelihoods that have often been passed down through generations as well as the food security of Perth and its broader regions.

- The WAPC's responsibility extends to long-term planning. Decisions made today regarding land use have lasting impacts on the region's future. Protecting orchards and agricultural pursuits involves considering the consequences of development decisions on both the present and future generations.
- The WAPC's responsibility to protect orchards and agricultural pursuits from unfettered urban intensification elsewhere is rooted in its commitment to safeguarding the region's cultural, economic, and environmental well-being. This responsibility involves not only addressing immediate concerns but also, planning for the sustainable growth and resilience of the region in the years to come. Balancing urban development with the preservation of agricultural lands is a crucial aspect of responsible land use planning. Preserving the habitat of endangered species is a shared responsibility, and urban rezoning in critical wildlife areas such as in Maida Vale should be avoided considering the broader ecological impact.

These birds are already under threat, and the proposed development could exacerbate their decline, potentially pushing them closer to extinction. Rejecting the proposed MRS Amendment is essential to ensure the continued survival and well-being of these iconic and ecologically significant birds.

- *Loss of Ecological Connectivity:* The fragmentation of fauna habitat and loss of ecological connectivity will disrupt the movement of wildlife, making it challenging for them to find food, mates, and suitable habitats. This will lead to decreased genetic diversity and population declines. The future maintenance of the Western Power easement corridor is uncertain. Any clearing or disturbance in this corridor will inevitably have detrimental effects on the terrestrial fauna in the area. Furthermore, the erection of 5400 colour bond fences demarking the boundary of each dwelling in the Amendment area will totally prevent ecological connectivity continuing in this area.
- *Alteration of Fauna Behavior:* Human activities associated with urban development, such as noise, lighting, and increased human presence, will inevitably alter the behavior of terrestrial fauna. These changes will lead to stress and reduced breeding success.
- *Limited Mitigation Measures:* While some mitigation measures are proposed, they are wholly inadequate. The authors of the Environmental Report openly acknowledge that 80% of the habitat of terrestrial fauna will be permanently removed. In reality, one only has to view the photographs above to see that it is more likely that the natural habitat of most terrestrial fauna will almost certainly be obliterated. The proposed retention areas will not compensate for the massive habitat loss, and there is no guarantee of effective long-term management.
- *Summary:* The proposed amendment must align with the EPA's objectives of safeguarding terrestrial fauna, thereby ensuring the well-being and conservation of land-dwelling animal species and their habitats. This encompasses the protection of endangered, threatened, or vulnerable species and the maintenance of the overall ecological equilibrium and ecosystem health. The EPA's responsibility also entails ensuring that human activities such as development projects and land use changes do not inflict harm upon or obliterate vital wildlife habitats. The extensive urban intensification outlined in this Mrs Amendment runs counter to the EPA's fundamental goal, and it is imperative for the WAPC/EPA to unequivocally reject it.

### 3. Inland Waters

The subject area currently falls within the Perth Airport Northern and Southern Drainage Catchments. The Water Corporation has confirmed that its drainage system can only take predevelopment flows meaning that the proponent will need to accommodate additional flows generated by the replacement of permeable surfaces in the amendment area with non-permeable surfaces within the Amendment area. The Amendment Report notes that major works (headworks) will be required this Amendment is approved.

The potential impacts of intense urban development within the Amendment area, designated for R30 zoning, as highlighted in the Environmental Report, raise significant concerns regarding the natural water drainage system and its connections to two vital water courses, Crumpet Creek and Poison Gully.

Drainage: R30 zoning typically signifies a density of 30 dwelling units per hectare and a minimum site area of 260 square metres, accommodating roughly 5,400 small residences. The impending increase in impermeable surfaces poses a substantial threat to the natural drainage system of the amendment area. Additionally, the requirements mandating each residence to cover a minimum of 45% of the total site, with only 24 square metres allocated for outdoor living, and a mandatory minimum setback of 4 metres from the primary street, further compound the potential challenges.

This reality has prompted the Environmental Report to prioritize the improvement and maintenance of the two waterways, one of which -Poison Gully Creek- is a registered Aboriginal Heritage Site as a water source and historical birthplace. It is undeniable that the urban intensification of the remaining portion of the amendment area will significantly and adversely affect natural water filtration by covering most of it with impermeable hard surfaces. Consequently, this will also harm, if not totally destroy, the habitat of terrestrial fauna across most of the Amendment area. Furthermore, the direct impacts on the waterways predict a permanent loss of the existing foreshore area and environmental values due to vegetation clearance, before undertaking restoration measures.

The concerns highlighted in the Environmental Report regarding inland waters emphasize the seriousness of the environmental risks associated with this development. We argue that these risks are insurmountable in terms of the EPA's goal to maintain sufficient groundwater and surface water to protect the current environmental values of the area. As mentioned earlier, terrestrial fauna heavily relies on vegetated porous landscapes for habitat, and passive infiltration mechanisms are vital for the groundwater-dependent ecosystems in the Amendment area. Replacing this vegetated porous landscape with hectares of impermeable hard surfaces in the form of roofs and roads will undoubtedly have a negative impact on the natural habitat of terrestrial fauna.

This aspect of the EPA's consideration necessitates a comprehensive evaluation of the proposed development's ecological implications and potential mitigation strategies to address the formidable challenges posed by urban intensification in the Amendment area. While the Environmental Report notes that the proposed development may not result in the permanent loss of the Crumpet Creek foreshore area, which plays a crucial role in preserving ecological values and managing storm events, any loss can have long-lasting impacts on the natural environment and the protection of waterways.

As mentioned earlier, groundwater "expresses" itself in both Crumpet Creek and Poison Gully water features after navigating through diverse geological formations. Modifying the surface water drainage of the amendment area can significantly alter the natural hydrological regime, potentially leading to adverse effects on significant wetlands and water courses in the broader region. This disruption can upset the delicate balance of the ecosystem and harm aquatic life.

Dependence on traditional "conveyance" methods, as recommended in the Environmental Report and primarily consisting of pipe drainage, engineered linear swales, linear open drains, and detention basins, is fundamentally flawed because it fails to mimic the natural water cycle. As noted by Assoc Prof Owen Richards, '*True replication of the natural water cycle can only be achieved through genuine source control approaches*'.

*Summary:* The EPA's primary goal with respect to Inland Waters is to safeguard the existing environmental values of the area through appropriate water management, implying that any development process must not result in any degradation of these values. The Environmental Report, however, falls short of providing a guarantee that this goal will be achieved through the proposed MRS development process.

A significant disparity exists between the environmental values on rural-zoned lands compared to land subject to urban intensification. Despite the Environmental Report's use of pejorative adjectives to describe some of the Amendment area as "completely degraded", inferring that the land has lost its original biodiversity and ecological functions, it does not mean it is entirely devoid of environmental value. Even in seemingly degraded landscapes, several aspects demonstrate that they still play a significant role in the ecosystem and hold value as listed below:

*Microbiomes and Soil Health:* Even in heavily degraded areas, there are often remnants of native or introduced plant species, and the soil still contains microorganisms crucial for nutrient cycling and organic matter decomposition. These microorganisms help maintain soil health and fertility, which is essential for the overall functioning of ecosystems.

*Natural Filtration and Erosion Control:* Vegetation, no matter how degraded, still contributes to natural filtration processes. Plants help to filter out pollutants and sediment, improving water quality in nearby streams and rivers. They also control erosion, preventing soil loss and sedimentation in aquatic ecosystems.

*Habitat for Wildlife:* Even degraded landscapes can provide habitat for various species, especially those that have adapted to human-altered environments. Such landscapes may serve as refuges for certain wildlife and help maintain biodiversity in the face of habitat loss.

*Carbon Sequestration:* Even when vegetation is sparse and not thriving, plants still capture and store carbon. This is important for mitigating climate change, as carbon sequestration helps reduce greenhouse gas concentrations in the atmosphere.

*Potential for Restoration:* Declaring a landscape as "completely degraded" doesn't mean it cannot be restored. With appropriate management practices, such as reforestation or habitat restoration efforts, these areas can be rehabilitated, demonstrating their inherent resilience and the potential for recovery.

In conclusion, the term "completely degraded" should not be interpreted as a declaration of environmental worthlessness. While it acknowledges the loss of certain ecological functions and biodiversity, even degraded landscapes have inherent value within the larger ecosystem. Recognizing this value can guide efforts to restore and conserve these areas, ultimately contributing to a more sustainable and biodiverse environment. However, covering the area with impermeable hard surfaces in the form of roads and roofs as proposed in the MRS Amendment would render the degradation permanent and seal in environmental loss forever.

#### 4. Summary – Holistic Assessment

The proposed MRS Amendment for Maida Vale raises significant concerns when assessed through the lens of a holistic impact assessment, as per EPA (2021) guidance. This assessment must consider the interconnectedness of various environmental factors and their potential impacts

on the entire ecosystem. In this case, the amendment affects key environmental factors: Flora and Vegetation, Terrestrial Fauna, and Inland Waters. The proposed Amendment should be refused for the following reasons:

*Loss of Vegetation:* The Environmental Report recognizes that almost 80% of the vegetation, which provides habitat for terrestrial fauna, will be lost forever, including the direct loss of 25.05 hectares of native vegetation through clearing. This includes areas in good to excellent condition and those representing Threatened Ecological Communities (TEC). Such losses have profound implications for biodiversity and the overall health of the environment. Native vegetation plays a crucial role in providing habitat, shelter, and food for terrestrial fauna.

*Impact on Fauna:* Terrestrial fauna heavily relies on flora and vegetation for habitat and sustenance. The clearance of both native and non-native vegetation directly endangers the well-being of numerous species, such as black cockatoos, which depend on these areas for foraging and breeding. The loss of potential breeding trees and high-quality foraging habitat will profoundly harm these species and exacerbate the already decimated habitat available for this species within the City of Kalamunda. The previous development in the 'Kalamunda Wedge,' now identified as the Roe Logistics Park, entirely obliterated the once-rich cockatoo habitat and has led to direct economic loss to orchardists, further underscoring the importance of preserving the remaining cockatoo habitat in the MRS amendment area.

*Erosion and Sedimentation:* Clearing vegetation, particularly in an area characterised by strong easterlies from October to March, will lead to increased erosion and sedimentation, particularly in areas like Crumpet Creek. Wholesale clearing will result in habitat degradation and negatively affect Inland Waters, affecting not only aquatic species but also those connected to the water bodies.

*Fragmentation:* Parts of the Amendment area have already undergone extensive clearing, leading to fragmented vegetation. The proposed Amendment threatens to clear most of what remains, except for areas under the control of Western Power and the City of Kalamunda, exacerbating this fragmentation. This fragmentation will further isolate flora and fauna populations and reduce genetic diversity, making species more vulnerable to extinction.

*Mitigation Measures:* While the proposal acknowledges the potential environmental impacts, it relies heavily on mitigation measures. While these measures are commendable, they are not sufficient to offset the damage caused by the wholesale clearing of such a significant area of native and non-native vegetation and replacing it with impermeable hard surfaces, thereby sealing in environmental loss forever.

*Holistic Impact:* The interconnectedness of these environmental factors cannot be understated. Flora and fauna are interdependent, and the health of Inland Waters relies on the integrity of the surrounding vegetation. The proposed amendment risks disrupting these delicate balances, potentially causing significant harm to the ecosystem.

*Alternative Approaches:* Given the high conservation significance of the impacted areas, the area ought to remain zoned rural under the MRS and 'rural residential' under the LPS. Property owners ought to be informed of the ecological significance of this area so that they can assist with preservation, restoration, or mitigation efforts to protect these valuable ecosystems.

In conclusion, the proposed MRS Amendment for Maida Vale, when evaluated through a holistic environmental impact assessment, raises serious concerns about its potential negative consequences on the environment. The loss of native vegetation, the impact on terrestrial fauna, the risks to inland waters, and the reliance on mitigation measures all suggest that refusing the Amendment would be the responsible course of action to protect the overall well-being of the ecosystem.



The area is tentatively designated as an 'Urban Expansion' area under the *NE sub -Regional Framework*. However, the Framework states that "*The classification of existing special rural zoned areas as urban investigation or urban expansion should not be interpreted as a commitment by the WAPC to endorse any rezoning or support for the increased development of these areas at a higher density. Such decisions hinge on the outcomes of subsequent planning investigations.*" (2018 Northeast Sub-Regional Framework). The Environmental Report has reinforced the precautionary approach adopted by the WAPC and shown that the Amendment area is not suitable for intense urban development.

The area should remain zoned 'rural residential,' with private landholders encouraged to undertake environmental restoration where needed on their properties and the City of Kalamunda proactively engaged in protecting and restoring the two waterways. The submission also included the following:

Appendix A – About Ecovision

Appendix B – City's Environmental Record

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

The WAPC notes that when an MRS amendment request is received, the WAPC seeks preliminary referral comments from the affected local government and relevant State Government agencies for their advice, prior to an amendment request being progressed to the WAPC for a decision on whether or not it should be initiated. In accordance with the *Planning and Development Act 2005*, if an amendment is initiated by the WAPC the amendment is referred to the EPA for a decision (and an Environmental Review completed – if required) and all affected landowners are notified of the amendment.

Therefore, the WAPC considers that the MRS amendment process has been undertaken in accordance with the requirements of *Planning and Development Act 2005*. In this case, as requested by the EPA an Environmental Review was undertaken and concurrently advertised with the MRS amendment for full transparency. This provided the community an opportunity to comment on both processes in a coordinated manner.

In relation to SPP 2.0, consideration of the environment and natural resources was carefully undertaken as part of SPP 2.8 and draft SPP 2.9 prior to the amendment being referred to the EPA for a decision. The EPA subsequently determined that the amendment should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*. An Environmental Review was undertaken to the satisfaction of the EPA and on 7 January 2025 the Minister for Environment released Statement 1240 advising that the amendment could be implemented subject to environmental conditions.

SPP 2.5 refers to rural planning considerations noting that the site is identified in *Perth and Peel@3.5million / North-East Sub-Regional Planning Framework* as an "Urban Expansion" area with a "Short-Medium Term (2015-2031)" urban staging timeframe. Therefore, this proposal is considered to be consistent with the current State Government adopted strategic planning and staging of the site and surrounds.

SPP 3.0 considers that urban growth should occur in areas that have been planned for such expansion. As discussed above, the proposed amendment seeks to progress the urban zoning of the site in accordance with its urban identification and staging in the *Perth and Peel@3.5million/North-East Sub-regional Planning Framework*.

**Determination:** Submission dismissed.

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**Submission:** 9

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter purchased their lifestyle block to enjoy nature and space, not to be built out and live-in density, they have a young family that love the area, nature and space.

There are bandicoots and local flora and fauna that live on their property. The environmental implications of this development will have devastating environmental consequences.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

The ERD and Concept Plan identify areas for vegetation retention and revegetation not only to retain plant species but to ensure habitat for fauna is provided. Detailed design and future planning will establish the specific management measures, including likely fauna management plans to be prepared and the actions for their implementation prior to subdivision and development.

**Determination:** Submission dismissed.

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**Submission:** 10, 22, 31, 46

**Submitted by:** Names removed at the request of the submitters (interested landowner), City of Gosnells

**Summary of Submission:** SUPPORT

The submitters support the amendment. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**WAPC Comment:** Support noted.

**Determination:** Submissions noted.

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**Submission:** 11

**Submitted by:** Nita Sadler (interested resident)

**Summary of Submission:** OBJECTION

The submission advises as follows:

- This area is abounded by Horse Properties and Bridal paths where children are taught to ride.
- The submitter has lived here for 36 years and the Red-tailed Black Cockatoos are prolific despite, so called, Environmental reviews.

- There are numerous Bandicoots (Quendas) which are using this only area left to breed due to dense Urbanisation creeping up on them.
- They have a pair of endangered Red Capped Parrots Breeding in their numerous trees.
- There are several "Bush Blocks" with numerous Native Flora including Black/Red Kangaroo Paws, and Grass trees.
- Most properties have a Western Power Easement due to the 330KV Transmission Towers and wires running across, so they are "Utilising", otherwise useless for Urban development land.
- Some of the blocks are Contaminated sites due to previous use as Rubbish Tips.
- The submitter does not wish to subdivide and will be staying put regardless of constant pushes by Developers.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 12

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter does not consent. Mother Earth is to be protected and not used for corporate monetary gain. The submitter speaks on behalf of all the water, rocks, plants & animals in the area.

The submitter advises you that under universal lore, if you are responsible for the death of an animal, that animal has a right to exist in your body & bring all its trauma with it. You have been warned.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 13

**Submitted by:** Karen Marr (interested resident)

**Summary of Submission:** OBJECTION

The submitter uses this area for horse riding lessons, it is incredibly important that city kids get country activities that are accessible. That's why there is a Royal Show every year. The area proposed is accessible and wonderful.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 14

**Submitted by:** Michael Brown (interested resident)

**Summary of Submission:** SUPPORT

The submitter supports the submission to change area zoning. With young adult children looking to secure land and house very soon. This area with existing infrastructure and prime location to employment, transport and education opportunities should be made available.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions”.

**Determination:** Submission noted.

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**Submission:** 15

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter wishes to keep the area rural for the lifestyle, peacefulness and safety, for the natural environment (which we are running out of) and all the creatures that depend on the natural resources.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 16

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

The submitters family fully support the proposed amendment to the Maida Vale area. The family have lived in Maida Vale for many years and their children are adults who would love to live close to their parents and grandparents so opening up this area to more people is an advantage for the young ones struggling to find property in the City.

Close location to all facilities like the CBD & airports, this would make this area very attractive to many people that have not been able to consider it due to lack of availability.

Some of the properties in this area (including the submitters) are old and needing some TLC so have probably not helped the area grow as far as values are concerned. With the changes outlined in the proposal this will have a big impact to existing values.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 17

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter lives with Steven Walczak and has concerns for the Maida Vale Urban Precinct. The submitter recently purchased in the area and have been living in their new home for just over a year. Steve and I both grew up on acreage and always dreamed of buying a rural property as our forever home to raise a family. Last year our dream came true and we found the perfect house in the beautiful suburb of Maida Vale. We love everything about our new found home and honestly couldn't be happier.

Last week we received a letter in the mail informing us that Maida Vale is to be rezoned to Urban Deferred under MRS Minor Amendment 1344/57, in preparation for the proposed future development. We are absolutely devastated by this news and can't believe that the Western Australian Planning Commission are even considering the proposal. This future development will transform a once quiet and beautiful rural area into just another built-up suburb, diminishing the uniqueness and appeal of the City of Kalamunda. The hills and foothills areas have always been known for their stunning views, natural bushland, wide open space and beautiful mix of both flora and fauna. Many Perth residents visit the area to escape the city and re-connect with nature.

To quote the City of Kalamunda website, the area is advertised as "Approximately 30 minutes from the Perth CBD, we offer a glorious mix of natural bushland, wildflowers, waterways, vineyards, fabulous views, galleries, restaurants & cafés and more". Maida Vale is an important part of what the City of Kalamunda has to offer and the MRS Minor Amendment 1344/57 plans on destroying this.

The submitter completed their Bachelor of Science Degree majoring in Conservation Biology and Zoology at the University of Western Australia in 2016 and then completed my teaching degree in 2018. I have dedicated my life to educating young minds on the importance of conserving the natural environment, as well as, protecting native flora and fauna.

I fear that it is not the younger generation, but in fact government agencies (such as the WAPC) that need to be educated on just how devastating the impacts of urban development can be on our precious endemic species of Western Australia.

Maida Vale is home to many native flora and fauna, including the Red-Tailed Black Cockatoo (Endangered Status: Vulnerable under the WA Wildlife Conservation Act), Baudin Black Cockatoo (Endangered Status: Vulnerable under the WA Wildlife Conservation Act) and the Carnaby's Black Cockatoo (Endangered Status: Specially Protected Fauna under the WA Wildlife Conservation Act). I personally see at least one Black Cockatoo a day, on my property or while walking the dog through the suburb and have been told that other residents have sent countless photos to Council showing proof of their presence.

Birdlife Australia have found that in the last 50 years, the population of Carnaby's Black cockatoos in the Perth-Peel area has declined by about 50%, with similar results being seen in Baudin's and Forest Red-tailed Black Cockatoo populations.

Numerous conservation cooperation's, including The Australian Conservation Foundation, identify the main threats to Black cockatoo's being habitat loss and degradation, competition for nesting sites and declining food supplies.

Not so funnily enough, these threats all stem from urban development. The Environmental Assessment for the proposed future development in Maida Vale under MRS Minor Amendment 1344/57, indicates that numerous potential black cockatoo nesting and foraging trees have been identified for removal (page 171). Additionally, the urbanisation of the area will lead to the encroachment of possums and other rodents that compete for nesting hollows against the Black Cockatoos.

The construction of Roe Highway is a prime example of development which affected the Black Cockatoos, with several studies such as "Effectiveness of biodiversity offsets: An assessment of a controversial offset in Perth, Western Australia" showing that the offset was not effective. More recently in September of 2018, a Black Cockatoo Habitat Assessment study (attached as a supporting document) was conducted by Strategen Environmental for the (then) proposed Kalamunda Road and Roe Highway extension. The assessment classed the Black Cockatoo habitat as "Very High Quality" for the survey area which is not even 2km away from the proposed development area under MRS Minor amendment 1344/57.

The assessment highlights the importance of high-quality habitats saying that "Availability of foraging habitat plays a particularly critical role in the post-breeding period, when birds need to build condition after breeding". The loss of high-quality habitats as a result of approved developments leads to a diminishing population as "Losing foraging resources across the range increases the likelihood that birds won't regain condition after breeding, and won't breed again the following season, and that juveniles won't survive to become part of the adult population". Despite the outcome of the report, the development was approved.

There are now only approximately 13,000 Carnaby Cockatoos left in the Perth-Peel region, and research indicates that their numbers are declining at 5% per annum (EPA Advice: Carnaby's Cockatoo in Environmental Impact Assessment in the Perth and Peel Region, May 2019). Can't we learn from our previous mistake and put a stop to MRS Minor Amendment 1344/57?

The reality is if we don't, it will be the nail in the coffin of our iconic Carnaby Cockatoo. If you had a conscience, you would put a stop to this.

I am a conservation biologist, zoologist and Science teacher. After reading the '360 Environmental Assessment Report' for the amendment area and comparing it to the 'Technical Guidance Flora and Vegetation Surveys for Environmental Impact Assessment' set by the EPA, I have found MANY concerning discrepancies that indicate a sheer LACK of surveying effort conducted by 360 Environmental.

In addition, after also reading the "Australian Government- Department of climate change, energy, the environment and water: Threatened Species and Ecological communities (SPRAT Profile)" for Black Cockatoo Species and comparing it with the '360 Environmental Assessment Report', I have further found discrepancies which if left unaddressed will result in the destruction of 39 hectares of valuable cockatoo foraging grounds and 485 nesting trees!

The submitter has summarised these findings in an easy to read document which was attached. For the sake of saving our endangered Black Cockatoo Species, please review the document and enforce that further surveying is conducted to increase the surveying effort implemented in the amendment area in compliance with these government regulations.

On an additional note, it seems controversial that the developer (Monument) employs the environmental company that carries out the environmental assessment within the amendment area. To avoid bias an independent environmental consultancy should be commissioned by the government and not by the developer.

After reviewing the 360 Environmental Assessment Report I have identified the following:

- 360 Environment have not adequately implemented a high enough survey effort in the amendment area, leading to the under-estimation the environmental impacts.
- The environmental impact that would occur if the amendment area was to be developed would be astronomical!
- The 360 Environmental employees have shown incompetence in identifying species within the area.
- The 360 Environmental employees have shown incompetence in not surveying the area during peak times of significant, threatened and priority fauna activity.
- Other consultancies and government agencies should be further engaged in this process such as the EPA and DER to ensure that regulatory acts are being followed.

After reading the 360 Environmental Assessment Report. It has been identified that contaminated sites are within the area. This poses a significant health risk to people that would inhabit this area if developed.

The passage below was directly taken from the 360 Environmental Assessment Report.

#### Contaminated Sites

Two registered contaminated sites are located approximately 1.5 km to the west of the site and are classified as "Contaminated – Restricted Use" and "Remediated for Restricted Use" (Figure 10). Historical land use analysis of Lots 44, 45 and 46 Brewer Road, Maida Vale indicate a potential for asbestos contamination. The site has since been removed from the Contaminated Sites Register. The extent and severity of contamination (if any) is unknown. Further assessments may need to be undertaken at a later stage in the planning process."

The following health impacts are quoted from the Cancer Council Website:

"Asbestos is extremely fibrous and the tiny fibres are easily breathed in where they can become trapped in the lungs. Being exposed to asbestos increases the risk of developing cancers of the lung, ovary and larynx as well as mesothelioma (cancer of the lining of the lung)."

"Today, all states and territories in Australia have work health and safety laws that explain duty of care for employers and workers' responsibilities to reduce the risk of asbestos

If employers and workers have a responsibility to reduce the risk of asbestos exposure... doesn't the Western Australian Planning Commission too?

Stopping the development of this area will prevent exposing innocent member of the public to asbestos. This prevents people being exposed to a potentially life-threatening substance.

Further assessments of these areas must be undertaken not "later in the planning process" but before the rezoning and planning process is approved. Failure to do so would illustrate a disregard for the health and wellbeing of members of the community and result in the loss of trust that the public would have in the Australian Government.

All 147 lots that are affected by the Maida Vale Urban Precinct are governed under the City of Kalamunda Council.

The City of Kalamunda released a "Kalamunda Advancing 2031 Strategic Community Plan" which highlights the values and priorities of councillors and community members. In the creation of the Kalamunda Advancing 2031 Strategic Community Plan, 23 survey were returned, 9 submissions were received, 16 social media posts were published, 3753 emails were sent/collected, resulting in 6,585 impressions being expressed.

The values and priorities emphasised by our city councillors and community members in the Kalamunda Advancing 2031 Strategic Community Plan are greatly focused on our love and want to conserve the natural environment and wildlife within the city of Kalamunda.

Examples have been provided to support this statement:

Example 1. Mayor, Margaret Thomas, wrote: "All of us who live, work and visit the City of Kalamunda know what a fantastic place it is. We have much to be grateful for from our unique bushland environment to the abundant wildlife that calls this place home".

"Your feedback confirms the need to continue our focus on:"

"2. Protection and enhancement of the natural environment through the continued development and implementation of our Local Environment, Urban Forest and Biodiversity strategies and the Environmental Land Use Planning Strategy (ELUPS)."

Example 2. Our Future – Emergent Themes

"2. The City of Kalamunda continues to be a biodiversity hotspot needing conservation"

"12. Growth slower than anticipated but increases in Wattle Grove, Maida Vale and High Wycombe occurring"

"18. Increased demand for transparency, accountability, community consultation and engagement"

"19. Strong focus on natural assets including bushland and wetlands of national and international environmental and aboriginal cultural significance" "28. Increased focus on greening the City by planting more trees down residential streets, along with the importance of protecting and enhancing our natural setting. There were also comments about preparing for emergencies, specifically bushfire prevention actions like clearing verges and trimming over hanging trees."

Example 3. Our Vision

"Connected Communities, Valuing Nature and Creating our Future Together"

Example 4. Our Vision Story

"Valuing Nature- In 2031 our cherished forests, bushlands, waterways, habitats and open space are protected and flourish. Our stewardship of the natural environment includes protecting and enhancing our natural bush areas and biodiversity, ...."

Your proposal in Maida Vale Urban Precinct to rezone 147 rural block into urban deferred does not align with the values of myself or what the community has reflected in the KALAMUNDA ADVANCING 2031 Strategic Community Plan.

Your Maida Vale Urban Precinct plans on the clearing and destruction of the natural bushland within our local area leading to flow on negative impacts on our native wildlife.

Page 157 of the Environmental Assessment clearly shows established *Banksia sessilis*, *Casuarina* sp. *Eucalyptus marginata*, *Corymbia calophylla*, *Eucalyptus rudis*, Jarrah (*Eucalyptus marginata*), Marri (*Corymbia calophylla*), Stag, Tuart (*Eucalyptus gomphocephala*) and Wandoo (*Eucalyptus wandoo*) trees identified for removal!

Less trees will lead to less nesting and foraging sites for our native bird life (especially for the endangered and critically endangered black cockatoos in the area). Specifically, this development would result in the permanent loss of up to 36 hectares of black cockatoo habitat and 485 potential black cockatoo breeding trees.



More roads will lead to more roadkill of native wildlife. More houses will lead to less natural bushland habitat for our native wildlife and more fragmentation of native bushland potentially leading to inbreeding within population.

Introduced weeds species in household gardens will further lead to the degradation of soil and habitats. Lastly, increased human presence may alter the migration patterns and behaviour of wildlife due to noise and light pollution.

By rezoning the proposed Maida Vale area, you have shown an utter disregard for the strong value of natural environment and wildlife conservation of the landowners within the area. That is why you will not get my support.

The submission was supported by additional information.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 18

**Submitted by:** Mareshet Meshesha (interested resident)

**Summary of Submission:** SUPPORT

The submitter advises that their property can see a huge increase in value when rezoned. The submitter can build, extend, subdivide or change the use of the land. Rezoning will allow them to subdivide or sell all or parts of the land to a developer who can subdivide and build residential unit blocks or commercial and industrial properties.

Maida Vale is close to the airport, has the High Wycombe train station nearby, major shopping canters such as Midland and Carousel within a few kilometres. These advantages make Maida Vale suitable to rezoning to urban which will allow the building of houses for thousands of families instead of the 170 property owners who occupy this large tract of valuable land.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 19

**Submitted by:** Emma Murray (interested resident)

**Summary of Submission:** OBJECTION

The amendment will be taking away the opportunity of leasing a horse which helps their mental health. You will be removing important flora and fauna which help the survival of the black cockatoos and small marsupials. It will be destroying the livelihood of the current business owners in the area.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 20

**Submitted by:** Aimee Winter (interested resident)

**Summary of Submission:** OBJECTION

The submitter does not want to live in an area where there are only tiny blocks for people and houses. Large properties that accommodate animals helps the wider community. The submitters daughter has ridden horses in Maida Vale since she was 2, if the area is rezoned then where would they take her? They would have to drive too far to another school which they couldn't do between the lack of time and cost of fuel. The City of Kalamunda is known for nature and large blocks. Don't destroy that and become like every other Shire.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 21

**Submitted by:** Brenda Smith (interested landowner)

**Summary of Submission:** OBJECTION

The submitter resides in the amendment area and would like it to remain special rural. It is a great lifestyle and there are many families that would like a larger plot of land to raise their children and animals or just enjoy some space. Not everyone wants a 400m2 block. They have native animals and birds living on the land and have spent 26 years here and do not support the change.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 23

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

As a young person cracking into the housing market is very difficult. The submitter wants to stay in this area to be close to friends and family as well as being close to the airport for work. The submitter looks forward to having the opportunity to buy where their family are.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 24

**Submitted by:** David Sadler (interested resident)

**Summary of Submission:** OBJECTION

This area is of Ecological significance. There are numerous Quendas, many Red-tailed Black cockatoos nesting in trees. The Environment report was carried out but not at times when these cockatoos are roosting at dusk or early morning. Since "The Hales" development has been built, all the Wildlife from the area has moved into this area.

If this area is bulldozed, then there is nowhere for them to go. Several properties have Contaminated site registration. Western Power has an 80m easement down Brewer Road. Please save this only remaining area from the bulldozer and allow us to remain enjoying its beauty.

Additional Information

- There are numerous constraints in the area including high voltage power lines and an easement to Western Power with provision for a further 330kv transmission line. Most of the properties in Brewer Road have an 80m easement to Western Power.
- Several properties have also got easements to the Water Authority.
- Several of the properties are Contaminated sites listed on the Contaminated sites register due to previous use as rubbish tips.
- The cost of infrastructure would be astronomical as all properties are on septs with no deep sewerage.
- Quendas are prolific throughout the area.
- Established horse businesses are in the area with the usage by many children to learn to ride.
- It is a fully treed area with a few bush blocks of rare flora and many very old native trees.
- Red-tailed Cockatoos are prolific despite the developers report to the contrary.
- The wildlife -Goannas, Birds, Bandicoots, etc.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 25

**Submitted by:** Tara Abeleira (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects and advises of the reasons to preserve the Rosevale Park as follows:

- One of the last city accessible riding schools in Perth Metro.
- Keeping this business alive provides many children with an opportunity to learn to ride. Important for recreational diversity.
- Rosevale will be providing horse therapy in 2024. The mental health benefits are becoming increasingly in today's mental health crisis.
- Urban living require recreation. It is important we don't swap recreational facilities for more houses and industrial sprawl. Instead, we should be smarter with our living space e.g. apartments and units over houses.
- Planning needs to balance with leisure facilities and open spaces.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 26

**Submitted by:** Emma Cunnane (interested resident)

**Summary of Submission:** OBJECTION

The submitter enjoys the area and their daughter attends horse riding which she absolutely loves and has made a great change in her life, it would be a shame for it to end. They are also looking to buy large land in that area, and it would be a great shame if they can't. This area is beautiful the way it is and hope it does not change.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 27

**Submitted by:** Steve Bennett (interested resident)

**Summary of Submission:** OBJECTION

The submitter advises that their family reasons for purchasing this block were many and varied and have not diminished in any way, the reasons have in fact been validated and expanded since moving in nearly 25 years ago, from giving the kids room to move and grow , run a few horses , sheep and a goat or two on occasion, grow some fruit and create a safe space away from neighbours for the kids, more recently grandkids and currently my wife with continuing mental health problems.

With the subdivisions surrounding us at present we have had a steady increase with traffic using our boundary roads as traffic corridors, hooning is a regular event with the majority of events attributable to vehicles coming from the latest subdivisions, we've had three vehicles in the last few years through our fences with one ending up in the pool. Petty theft and vandalism have noticeably increased with a number of violent incidents happening within walking distance from our property.

We now have one small area being referred to as the Maida Vale south development area that supports the entire subdivisions with people able to walk their animals , see a few trees with

wildlife, cockatoos, Parrots, and the odd bandicoot, pat a horse or two, get to view the hills uninterrupted that is entirely unavailable in the subdivisions despite attempts from the planners to incorporate totally inadequate open spaces and tiny parks .. We currently have two horses in the paddocks that have families from recently developed areas bringing the kids and grandkids for regular visits, video and petting sessions.

I'm also running an adhoc men's shed with a growing number of locals that have an appetite to work on a few project vehicles or motorbikes, borrow a few tools or just have a chat that is not available to them in the subdivisions. We also have a number of the local kids that regularly make use of the gym facilities in the shed.

The sense of community in this small pocket in the foothills and the opportunities that will be lost to the broader community if small areas like this are lost would be totally at odds with providing a sense of community within the shire.

With the amount of push from the realtors and property developers over many years failing to get a majority of numbers to support any development through the shire it's incredibly frustrating and disappointing that there is any push at all to develop this small parcel of land and is something the majority of us have no appetite for.

#### Additional Information

After re-reading submissions and reports and attempting to follow the processes, I have yet to see any reference to a process whereby the realtor and/or developer are able to basically conduct a door knock program offering inducements in the form of promised financial transfers prior to development if landholders sign up to support the development. I'm also yet to find where the landholders in any published process are able to stipulate the size of the landholdings they'd like to hold onto while development progresses around them.

Having been subject to this method of inducement I question the validity and ethics of this process and remain strongly opposed to both the proposed rezoning leading to sub development and the methods of the realtor and developer in garnering support for developing same.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 28

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter has lived on Hawtin Road for 60 years (212 and 210 Hawtin Road). They are opposed to the proposed amendment as follows:

- They have been a truck driver for the past 30 years and park their truck on their property, which they wouldn't be able to do if the rezoning is approved. This will have detrimental effects to their livelihood.
- They enjoy the rural lifestyle, open space and abundance of birds (including the endangered black cockatoos) that visit their property.

- The rezoning will involve clearing of trees which are home to the endangered black cockatoos (See them in the trees along Hawtin Road every day).
- They get many native animals on their property including Ducks, Bob Tailed Lizards, Quendas, Magpies, Kookaburras, Wattle Birds, Rainbow Bee Eaters (photos uploaded which were taken on 19 November 2015 on our property) and the three species of endangered black cockatoos (Carnaby: Specially protected fauna, Baudin: Vulnerable, Red-tailed: Vulnerable). Developing will destroy the habitat for these animals and result in population decrease.
- They remember when there was a rubbish tip off Kent Road along Brewer Road and this is a contaminated site.
- They have seen Smokebush on the corner of Kent and Brewer Roads which is endangered and will be cleared if the area is developed. Smokebush was declared as Rare Flora under the *Wildlife Conservation Act 1950* in 1997 and is currently ranked as Vulnerable under *World Conservation Union* (IUCN 1994) Red List criteria B1+2c. The main threats are further land clearing. Only 25 populations of *Conospermum undulatum* left. 20 of the 25 population have extant plants.
- They are concerned about contamination to Crumpet and Poison Gully Creeks if development is to go ahead. The 360 EAR already shows degradation to these areas. The Blue-billed Ducks use these creeks and will be affected by the contamination.
- The big overhead powerlines are a health hazard and will affect more people if the area is developed and more houses are built. Although they propose to put a buffer zone in this area, housing in close proximity are still at risk of health implications such as cancer.

Quendas: Quendas are classified as a Priority 4 (Species of Conservation Concern) under the *Wildlife Conservation Act 1950*. Quenda have declined within their range in south-western Australia, and in abundance since European arrival. This means they are Rare (Department of Justice 2019).

- Although Quendas are endangered. They are very important ecosystem engineers that disperse our native plant seeds. The main reasons for their decline include: habitat loss via land clearing for human development.
- They are responsible for the dispersal of native seeds which is important for environment sustainability.

Rainbow Bee Eater: The population has declined by 50% since 2001.

Black Cockatoos: There are now only approximately 15, 000 Carnaby Cockatoos left in the Perth-Peel region, and research indicates that their numbers are declining at 5% per annum (EPA Advice: Carnaby's Cockatoo in Environmental Impact Assessment in the Perth and Peel Region, May 2019).

- The EAR says the development will result in Permanent loss of fauna habitat, including up to 36 hectares of black cockatoo habitat and 485 potential black cockatoo breeding trees identified on site.
- EAR Page 171 figure shows removal or potential foraging and nesting black cockatoo areas.
- EAR Page 1181 figure shows limited number of cockatoo siting, calls heard, nesting and foraging.

Contaminated Sites: Two registered contaminated sites are located approximately 1.5 km to the west of the site and are classified as "Contaminated – Restricted Use" and "Remediated for Restricted Use" (Figure 10). Historical land use analysis of Lots 44, 45 and 46 Brewer Road, Maida Vale indicate a potential for asbestos contamination. The site has since been removed from the Contaminated Sites Register. The extent and severity of contamination (if any) is unknown. Further assessments may need to be undertaken at a later stage in the planning process.

Blue Billed Ducks: Threat to species: Destruction of habitat threatens the Blue-billed Duck, in particular land clearing, cropping, drainage and salinisation of water bodies and burning of riparian vegetation.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 29

**Submitted by:** Andrew Gorman (interested resident)

**Summary of Submission:** OBJECTION

Keep the foothills as they are and don't turn them into a sea of houses. Green zones are needed for rain catchment and wildlife.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 30

**Submitted by:** Shari Moore

**Summary of Submission:** OBJECTION

The removal of all vegetation for new housing is detrimental to the local wildlife, who suddenly have no home or habitat. Larger areas of trees and bush should be included in planning not destroyed then replanted.

The extra traffic to the whole surrounding area would be enormous. Extra pressure on all the local infrastructure including shops and schools. Creating 109 new precincts without the proper insight creates traffic bottlenecks as can clearly be experienced in Midland, no thought to the size of road and volume of traffic. The whole area is a disaster traffic wise.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 32

**Submitted by:** Domenica Dobkowski

**Summary of Submission:** OBJECTION

The submitter advises that Kalamunda and surrounds are turning into another concrete suburb with tiny little blocks, thanks to greedy developers who are only interested in making money.

The hills will no longer be the hills if this is allowed to happen. What is going to happen to all our native animals and birds? where are they going to go when all their habitat is destroyed? We need to preserve our wildlife, and bush land does not bulldoze the remaining habitat that they have left. Wildlife has been observed in this area and any development will definitely destroy their habitat. We have a large variety of birds, bandicoots and bobtails that we have the pleasure of seeing on our property. We need to give them all as much natural habitat we can, to breed and to feed.

The submitter is sick and tired of developers trying to take over beautiful unique semi- rural properties, the submitter wishes to maintain their chosen lifestyle, they've been here 26 years and it's heartbreaking seeing the changes that have taken place so far, please preserve what we have left because there's not many areas like this left. We don't all want to live on tiny blocks, we chose to live here because of the peace and quiet, the open spaces, wildlife and the beautiful bushland. Nearly all residents in this area are completely opposed to the rezoning and subdivision but the developers just won't take no for an answer.

This rural area is very unique, we get many compliments from family and friends regarding how beautiful the area is. They have neighbours with horses, sheep and emus, its wonderful seeing people park their cars and get out to show their children. We even have children having horse riding lessons around the block. Subdivision will cause more traffic, more noise and more crime. Do not approve the proposed rezoning, and from recent meetings and discussions with neighbours, these opinions are shared by many.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 33

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

WA is experiencing a land and housing shortage. The land under consideration is close to major road infrastructure. Rail infrastructure is also planned, with a station considered in High Wycombe. This will provide transport infrastructure which will benefit all persons living in the surrounding area including an increased population.

Maida Vale South, the area under consideration for development, has seen the land on its east and west boundaries already developed as housing. This means Maida Vale south is a small parcel of land in the middle of well-established housing developments which has already impacted on the ideals of a rural setting as argued by those petitioning to stop the re-zoning of Maida Vale south. It seems illogical to maintain this parcel of land as rural.

Monument, M/Group Brand, suggests that it may take up to 20 years for the development to be completed. It could be suggested that current landowners who currently support a "stop to rezoning" may cease living in the area within that timeframe which would make their arguments null and void.



**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 34

**Submitted by:** Alison Bishop

**Summary of Submission:** OBJECTION

The submitter is an ecologist and hills community member. Urban infill is removing important ecological linkages between bushland remnants. This area should remain zoned as semi-rural, being on the outskirts of Perth and within the foothills of the Darling Scarp.

We have the scientific knowledge and indigenous understanding that bushland and green space needs our priority protection, not only for nature protection but also for human health. Kalamunda Shire use to pride itself with the amount of tree canopy it had, a home among the forest. Our legislation is poor at protecting our biodiversity hotspot in Western Australia, and council shires are allowing death by a thousand cuts.

The Amendment would allow for clearing of remnant bushland and destruction of important ecological linkages of now limited urban bushland. habitat trees, shrubs and grasses including as an ecological linkage for our iconic black cockatoos. In addition, removal of trees increases the heat island effect, contributes to climate change and removes the aesthetic value of having nature in our suburbs.

It contradicts the Native Vegetation Policy for Western Australia to have a net gain in native vegetation – not an ongoing deficit. The current vegetation also contributes significantly to the The 3-30-300 Rule for Healthier and Greener Cities: NBSI where everyone has:

- 3 medium-large trees within sight of their home
- 30% canopy cover in their suburb and
- a park or green space within 300m (not just offset parks created with nature play areas and no trees)

The Federal government has signed up to protect 30% of our lands and waters through conservation and restoration by 2030, yet at the state and local government levels, this has not been strategically defined. It will always be someone else’s remit to do this, but really it starts at this level. Our neighbourhood level, of pushing back Strategic Assessments to pass land zone changes for housing developments to occur. The EPA needs to reject this proposal.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 35

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

The submitter advises there is a current acute shortage of new residential lots in Perth metro seriously demands subdivision in this area without further delay.

This subdivision will increase use of public transport, particularly for the train services from the new train station in High Wycombe to the airports and Perth suburbs.

With newly developed residential areas to the north and south of the proposed subdivision area (Maida Vale South), it is imperative that this subdivision should proceed to maximise the use of the current and proposed infrastructure in this region. The subdivision will reduce the risk of bushland fires in this region.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 36

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter advises that the government is being racist to Australian's. "The Aussie dream is to have a quarter acre block with a house" Stop making Australian's live like we are living in India or China. On top of each other.

The submitter enjoys being around bandicoots, blue tongue lizards, cockatoos and kookaburras. People from the city come out to these areas to visit to get away from living on top of each other.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 37

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises to stop carving up our Rural areas. There will be nothing left. Australia contains native animals that deserve to live, not to be bulldozed over by the Government's greed. You have not completed Bushmead which has caused massive road interruptions.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 38

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises there is no reason supporting this zone change other than government greed. Where are all the animals going to? Be run over on Roe Highway?

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 39

**Submitted by:** Sharon & Gavin Nairn (interested residents)

**Summary of Submission:** SUPPORT

The submitters support the development of the Maida Vale Urban Precinct as it is an opportunity to develop this area (sometime in the future) in the most aesthetically pleasing, well planned, well considered way. The plans that have been put forward by the Developer, City of Kalamunda, Infrastructure Planners and Environmental Departments have taken into account the current environment and the local amenities/facilities.

Based on many discussions and presentations (with all parties involved) and existing lands already developed by the Developer (M/Group), it is evident that a huge amount of care has been and will continue to be given to the development of the Maida Vale area. M/Group has been extremely transparent in their planning for the area while considering the feelings of the current residents. The staff involved have been very approachable and open to answering any questions by residents.

Due to its location, Maida Vale is very close to the new High Wycombe Train Station, Kalamunda, Midland and Forrestfield (to name a few) and Roe Highway is very easily accessible and public transport (buses) between the abovementioned suburbs is very convenient. For this reason, this land is perfect for families to live and grow in this area. This block of land is close to many existing schools close by, community sports/ovals and has existing trees and bush areas, so when blocks are made available for families to build their homes on, it won't take long for it to look established with all of these amenities in the area immediately available to them.

There is no doubt that this land will eventually be rezoned, and we would prefer it be re-zoned now and developed by M/Group in its entirety, so it can be developed in a well-considered, aesthetically pleasing and consistent way, utilising the existing environmental features.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 40

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises this is a unique area of special rural lots where the submitter has lived for 41 years. They have a tree canopy which is sadly missing from new developments and I feel this is the "Kings Park" of the foothills.

We have many birds, bandicoots, goannas etc., that live on these blocks. How sad it would be to lose all this and have nowhere for nature to thrive. Surely there are other areas more suited to the intense development that is now starting to surround us, they are a "sea of roofs" and are not environmentally acceptable.

Perth has very hot summers and needs a greenbelt around it with trees to cool and help it breathe. Please think very deeply and carefully before allowing this area to be ruined – it is something that can never be replaced.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 41, 42

**Submitted by:** Linda Ferguson, William Scott Ferguson (interested residents)

**Summary of Submission:** SUPPORT

The submitters support this amendment. The blocks are just now too big and the majority of homeowners only use small sections of their land. Being so close to the city, airport and public transport would be a huge draw for families and it is much needed in this area. We need to build more housing to keep up with the times and the demand, Maida Vale is perfect for this.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submissions noted.

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**Submission:** 43

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter is concerned that this amendment will result in the removal of habitat trees, shrubs and grasses including as an ecological linkage for our iconic black cockatoos.

In addition, removal of trees increases the heat island effect, contributes to climate change and removes the aesthetic value of having nature in our suburbs.

It contradicts the Native vegetation policy for Western Australia to have a net gain in native vegetation – not an ongoing deficit. The current vegetation also contributes significantly to the 3-30-300 Rule for Healthier and Greener Cities: NBSI where everyone has:

- 3 medium-large trees within sight of their home
- 30% canopy cover in their suburb and
- a park or green space within 300m.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 44

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises there needs to be a limit to how much land is being cleared for housing developments. The City of Kalamunda has always promoted itself as a ‘home in the hills’ and people who have chosen to live there do so because of the diverse flora and fauna.

Already, huge areas have been cleared along Midland Road, Wattle Grove, etc. Where are we providing safe spaces for the wildlife to thrive? With all the talk about global warming, one would think that there would be more consideration about preserving the natural environment rather than dense housing developments being approved which required vast areas of vegetation to be cleared.

Already the black cockatoos are endangered so losing their habitat in Maida Vale can only add to the problem. Housing is needed, but proper planning is essential to ensure that our wildlife is protected.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 45

**Submitted by:** Joyce & Charlie Marrell (interested residents)

**Summary of Submission:** OBJECTION

The submitters live in the proposed area for subdivision, on two and a half acres which is home not only to us, but to a wide variety of flora and fauna.

We have bandicoots, blue tongue goannas, frogs, bees, small skinks and lizards, bush rats plus kookaburras, red tailed black cockatoos, magpies, fairy wrens, willy wagtails, rainbow eaters, swallows, crows, mudlarks, butcher birds, doves, honey eaters, little greenies, parrots and so

many more I could keep going. We have multiple pockets of Australian Christmas Trees, Grass Trees, Kangaroo Paws, Smoke Bush, Milkmaids, Bacon & Egg, Geraldton Wax, Leschenaultia, Gum trees, Wattles, Orchids and many others we don't know the name of. How many suburbs do you know that can claim this?

Subdivision will put all of these plants and animals under threat by either eradicating them completely or taking away their nesting habitats! Have they not got a voice? Developers always promise to protect these areas but from past subdivisions, it is obvious from Wattle Grove, Forrestfield and through to Maida Vale, they have totally eradicated the natural bushlands. Did you know that Forrestfield and along Roe Highway used to flourish with wildflowers? Where are they now? Surely, we should be preserving our natural fauna and flora.

We live here for the peace, tranquillity and harmony. It's a special pocket, once zoned Special Rural and the home to many protected species. Today, new developments have smaller blocks, homes built so closely you can hear what's going on in neighbours' private conversations, narrower roads, limited or no parking for visitors etc.

Trees are gone and the blocks are so small, none can be planted by the owners. Aren't trees part of the water cycle? No wonder Perth is getting dryer and hotter! Isn't it well known around the world that nature is valuable for mental health, well-being, stress decoders, health enhancers? Doctors and psychologists encourage people to get out and walk, to be amongst nature. This reduces blood pressure, clears the mind, enhances health etc. Hospitals and businesses have "green" areas to give people places to relax, calm down and go to during their lunch breaks.

There's a problem in society with kids and adults being glued to technology. People in built up areas have homes with no large areas outdoors. There's no room for pretend play, kicking a ball, throwing a netball into a hoop. Kids used to play together, be creative, make cubbies, play marbles, kick the ball. They used to learn how to look after animals, gardens and work with their parents outdoors.

Why should we be punished and have our choice of living taken away all because someone sees the need to make money, become rich and think this is the way because others should have a new home and lifestyle in our area? That's an excuse for them to make money at our expense. Let the people who want to downsize, sell to someone who wants to live and/or bring up their family with nature, space and tranquillity. We don't need a new road link to connect us to High Wycombe station as it's less than a ten-minute drive. We are close to major places: the airport, Cannington, Midland, Highways, Perth. We don't need any other access as we are well catered for.

This development will take away people's businesses! These people have worked hard to establish their business in their home. This is how they make their money to survive. What traumas will you cause them with mental anguish as to where they could relocate if they could afford to? After the devastating effects Covid had on employment, is this necessary?

It's well documented that the survival of bees is in jeopardy. Home owners rarely plant gardens with flowers. Our trees blossom and the wildflowers bloom which swarm with bees! What happens then, when the area is flattened for homes to be built? Where will birds and butterflies get their nectar? How will other plants be pollinated? Where will the cockatoos, parrots and wildlife eat to survive when our land is flattened? What will happen to the survival of the frogs?

Anything man-made can be destroyed but it can also be rebuilt or replaced. Can nature be replaced once its roots have been removed? Koalas are only expected to live another 25 years. How long before our native birds and animals will be extinct? Why is there a worldwide push for saving the Earth, protecting the environment and looking after the natural habitats of wildlife, not being adhered to in our pocket of residence? Aren't we our future for helping to conserve instead of destroy?

Fairy Wrens need thickets to build nests, willy wag tails need small trees, cockatoos need hollows in tree trunks, rainbow eaters need to burrow in the ground, bees need blossoms in great quantities. We offer that in our properties.

When a fire goes through an area, everyone is worried about the wildlife. Are our developers worried about taking the natural habitats of our local wildlife? Increased traffic will kill them as they cross roads! At the moment, our wildlife exists in harmony with our environments. Subdivision will destroy this.

Please leave our area alone. It's a precious place filled with history, rare species and protected flora and fauna. Don't destroy this natural pocket. It's unique and that's why the developers want it because our properties are big enough for multiple homes to be built which equals money in their pockets. Leave our homes and businesses as they are. Let the ones who want to subdivide, sell and move on to allow another generation to live in peace, harmony and tranquillity whilst at the same time, preserving our precious West Australian plants and animals. This is our choice of a lifestyle. We are not in the business of wanting to make money from where we live. We want to live and enjoy the life we purposely chose when we bought our land and built our homes.

Please consider the points of interest for preserving where they live, not only because it's their home but because we are the caretakers of the land and animals which live harmoniously amongst us.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 47

**Submitted by:** Sheryl Gibbings (interested resident)

**Summary of Submission:** SUPPORT

The submitter purchased their property in the 2000's and were advised by the City of Kalamunda that it would be rezoned to residential. It has been their intention to sell part of their property to top up their pension.

The submitter believes the developer will maintain enough bushland for all the animals and the residents to be content with the outcome. They fully support the development and are looking forward to when it happens.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 48

**Submitted by:** Ian Burns (interested resident)

**Summary of Submission:** OBJECTION

The submitter lives on 20 acres in Pickering Brook, and the land is half-orchard and half-forest. The forest is habitat for a family of 10 red kangaroos, native birds and other native fauna. It is also a food and living space of a family of 9 red-tailed cockatoos. They have a ranging area of around 3 sq. km. in Pickering Brook.

The cockatoos do not eat orchard fruit or other introduced flora species. They depend on native flora for their food, shelter and existence. And they are shy of people and do not come into the orchard even for a brief rest. So the idea, proposed by the developer, that an urban development can enhance the rural environment needed by these birds to survive, is a self-interested lie, it is green wash.

Red-tailed cockatoos simply do not live-in urban areas. There is insufficient food and shelter, not to mention the cats, dogs and humans which they stay well clear of. We live with these birds on this land. They are clear about what they see. They don't see red-tailed cockatoos when they go shopping in Kalamunda.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 49

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

The submitter and their wife support the development/rezoning as this would be good for this area. They believe it will be a great development with shopping precincts, schools parks and other infrastructure which doesn't exist. The amendment is supported as there is a need for further housing.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 50

**Submitted by:** Lynn Macskasy (interested resident)

**Summary of Submission:** SUPPORT

There submitter advises they have been waiting for 13 years. This is their superannuation as well as wanting to stay in the area but live on a smaller easy to look after block. We need more housing, infill and are ready for development. Please populate the area.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.



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**Submission:** 51

**Submitted by:** Ian Gibbings (interested resident)

**Summary of Submission:** SUPPORT

The submitter advises is a long-time resident of the Maida Vale South area. The submitter sees so much vacant and unused land. Being so close to the city, the new development in Midland and the new rail service from High Wycombe and the need for additional housing for the growing population the time has come to rezone and develop this area.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 52

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter objects to the amendment and advises as follows:

Cockatoos: There are 3 threatened species of cockatoo present in the area including Carnaby: Specially protected fauna (WA listing), Baudin: Vulnerable (WA listing) and Red-tailed: Vulnerable (WA listing) Numerous conservation entities, including the Australian Conservation Foundation, identify the main threats to Black cockatoo's being habitat loss and degradation, competition for nesting sites and declining food supplies

There are now only approximately 15, 000 Carnaby Cockatoos left in the Perth-Peel region, and research indicates that their numbers are declining at 5% per annum (EPA Advice: Carnaby's Cockatoo in Environmental Impact Assessment in the Perth and Peel Region, May 2019). Fragmentation of land leading to inbreeding in animal populations, reduces genetic diversity.

Amphibians: The ER states no amphibians were recorded during the surveys carried out. These surveys were apparently carried out during the daylight hours, we have seen frogs at night at this location particularly late winter/ early spring.

Quenda: Quenda are classified as a Priority 4 (Species of Conservation Concern) under the Western Australian Wildlife Conservation Act 1950. Quenda have declined within their range in south-western Australia, and in abundance since European arrival – we have noticed a significant decline in the number of quendas at this location over the last few years. A real concern is the number of quenda hit and killed by cars as they attempt to cross the road. The loss of quenda will increase substantially with this proposed development because of the huge increase in traffic.

Environmental Factors: Three preliminary environment factors have been identified by the EPA with the following objectives. Flora & vegetation – "To protect flora and vegetation so that biological diversity and ecological integrity are maintained" Terrestrial fauna – "to protect terrestrial fauna so that biological diversity and ecological integrity are maintained" Inland waters – "to maintain hydrological regimes and quality of groundwater so that environmental values are protected".

This proposed development, should it go ahead, will have a detrimental effect on the remnant vegetation, remaining terrestrial fauna and local water ways (including Crumpet Creek). It will increase the risk of becoming a "heat sink" region with the probability of a high number of residences having metal/tile roofs, kilometres of black asphalt roads to enable access to the approximately 2,122 properties.

There will be permanent loss of fauna habitat including black cockatoo habitat and breeding trees, detrimental effects on fauna behaviour due to noise, lighting, human presence and in the development stage, earthmoving and machinery activities. There will be impacts on water quality both ground water and surface water during construction as well as draw down of groundwater for subsequent reticulation activities

This approximately 177 hectares should be retained as a "green" buffer between current dense housing developments (eg. neighbouring Forrestfield area between Apricot Street and Hawtin Road – barely a tree in sight) surrounding this area and the Darling Scarp.

Concerns for *Conospermum undulatum* (Smoke Bush) which is found in this area – development for housing and industry has resulted in the fragmentation of much of the remnant bushland in which the plant occurs. The species was declared as Rare Flora in 1997.

Quotes from ER – "No Blue-billed ducks were recorded within the Survey Area... Although the species may utilize the Crumpet Creek Fauna habitat it is unlikely the species will be reliant on the Survey Area" – the ducks return to the Crumpet Creek reserve each year to breed, they have been observed nesting in a hollow tree on Sultana Road East every year for the past 35 years in which we have lived on Sultana Road East. The ducks have also graze on adjacent areas of grasses.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 53

**Submitted by:** Ada Mary Holford (interested resident)

**Summary of Submission:** SUPPORT

There submitter advises that as a senior living on their daughter's property, they can and understand the need for the area to be rezoned. Their grandchildren are keen to stay in the area close by and their parents and the opportunity of some blocks becoming available is encouraging for them.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 54

**Submitted by:** Lauren Brunalli (interested resident)

**Summary of Submission:** SUPPORT

The submitter has grown up in this area and would like to continue living here. They work FIFO so prefer to be close to the area. Their family want to continue living in Maida Vale and I hope to be able to stay close to them. They feel there are limited opportunities to purchase land around Maida Vale and feel the rezoning will provide more possibilities. With the urban spread of Perth and Maida Vale's close proximity to the CBD and facilities They feel the rezoning is crucial.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 55

**Submitted by:** Keith James (on behalf of Birdlife WA)

**Summary of Submission:** OBJECTION

The submitter is making this submission on behalf of Birdlife WA, and as a member of the Birdlife WA Advocacy group. They are concerned that such a large number of potential roosting trees for the Red-tailed Black Cockatoo (485 according to the EPA ER) and that such a large area (36 hectares) of habitat would be lost to this bird species.

It has come to their attention (Saunders and Pickett, 2023) that the Forest Red-tailed Black Cockatoo (*C. banksii*) is a separate species of black cockatoo from other Australian species of Red-tailed Black Cockatoos which may as a result raise its status from Threatened to Endangered.

They believe that every effort should be made to preserve healthy forest in this context, and to maintain forest corridors to enable free movement of fauna across the northern Jarrah forest.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 56

**Submitted by:** Diane Demetriou (interested resident)

**Summary of Submission:** OBJECTION

The submitter lives down the road from where this proposed development is meant to be happening. This is so unfortunate, this is such a beautiful area where you see lots of wildlife like the endangered Black cockatoos, the quendas and their families and many other animals that will have their habitat destroyed. Ducks are already struggling to navigate to where they usually nest due to works in the area happening already. Snakes are going into recently built properties as they have nowhere else to go due to the works being done already. Traffic has already increased in the area and making it harder to get in and out of not only Forrestfield but also Maida Vale.

We have a horse on an agistment centre and riding school which we love going to, where would we move our horse to that I not more than over an hour's drive away? People love this area and

have been there for many years, a lifestyle they have chosen only to be forced to move and start all over again, many elderly they don't want to be uprooted and see the property they have built up be torn apart. Please put yourself in their shoes. The wildlife having homes destroyed is devastating and awful.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 57

**Submitted by:** Leonie Stubbs (interested resident)

**Summary of Submission:** OBJECTION

The submitter opposes any change in zoning because it will result in a loss of Carnaby's Cockatoo habitat. Any loss of Carnaby's Cockatoo habitat increases the threat of extinction for this species. This considered unacceptable when government, industry and developers know the precarious nature of that species' current situation and yet it appears are quite prepared to accept the consequences.

As with government and industries' approach to climate change, where they know exactly what needs to be done but wilfully ignore the science and continue with "business as usual", the same is happening with clearing on the Swan Coastal Plain. The scientific facts are clear in terms of threatened ecological communities and fauna species at risk of extinction yet clearing of bushland continues apace. Offsets are an illusion – if the vegetation is cockatoo habitat, then it is being utilised by the cockatoos. If land clearing of cockatoo habitat occurs, then that is a loss of cockatoo habitat irrespective of how many hectares of offsets or revegetation projects are included in the project. Our cockatoo species desperately need foraging habitat now, not in ten- or fifteen-years' time.

Currently this area is minimising the heat island effect of the surrounding residential areas. This is not inconsequential considering the fact that this November is shaping up to break records for the number of sequential extremely hot days, etc.

A further point is just from a casual glance at the reasons given for why people love living in Maida Vale is the number of parks, the rural aspect so close to the city and its friendliness. These important aspects will be lost if development occurs.

We need to maintain our rural areas and rather than clear them for residential development, instead provide incentives to improve biodiversity in the degraded areas and along the creeklines. This would align with the government's Native Vegetation Policy for Western Australia.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed

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**Submission:** 58

**Submitted by:** Lee Penny (interested resident)

**Summary of Submission:** COMMENT

The submitter supports the amendment because there is a necessity to expand medium density and medium and low-cost housing in the metropolitan area. They are concerned that all current and proposed new developments need to take into account the fact that Perth is expected to become much hotter within the near future. This has not been highlighted in the EPA requirements. Nor has it been addressed in the proponent's response.

Record temperatures are already being experienced. Housing built today needs to take into account increasing costs of power into the future. For this reason, new housing precincts need to be designed from the beginning to incorporate as much low water requiring vegetation as possible. Suburbs like Maida Vale already sustain much hotter average temperatures than coastal suburbs. This is going to get worse in future.

It is important that as much existing native vegetation is retained as possible, and that local area planning be required to include such features as shaded dual-purpose walkway/cycle paths. For instance, workers may want to cycle to the High Wycombe rail station and children should be able to walk or cycle to nearby schools. The retention of some areas of existing vegetation with mature trees plus understory and the proposal to revegetate additional areas is to be commended, both for the comfort of residents moving into the area and living in the area into future decades and also for the maintenance and enhancement of existing biodiversity and habitat for foraging fauna.

It is true that native vegetation is already fragmented but the proposal confirms that it is likely to become more so. This problem is significant and must be addressed by the EPA. The developers need to be required to retain a much greater number of existing trees by incorporating them into local nature links, for instance along dual purpose paths to and from schools and shops. As it stands, the vegetation to be retained seems to be the bare minimum to meet EPA requirements. Where existing trees do not have native understory currently, revegetation should be required at the same time as houses are built.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 59

**Submitted by:** Jacqui Jeavons (interested resident)

**Summary of Submission:** OBJECTION

The submitter requests that the amendment be rejected. This proposal, aiming to introduce 5,400 homes via R30 subdivision, in an area of profound environmental significance, is poised not just as a threat to the present community but as a dire infringement upon the sanctity of Perth's future.

Currently inhabited by 147 families, the Amendment area is more than just a piece of land. It's a thriving community, a delicate ecosystem, and a haven for diverse flora and fauna, including threatened species. The proposal, if approved, would not only displace these families but also ravage the ecological balance that this area sustains.

The echoes of past decisions by the Environmental Protection Authority (EPA) in 2017 against the Shire of Gingin Local Planning Scheme 9 resonate loudly here. The EPA then, with unequivocal clarity, highlighted the irreversible environmental damage that would result from similar rezoning actions.

The clearing of low representation remnant vegetation, the destruction of threatened ecological communities, and the habitat endangerment of species such as the Black Cockatoo were highlighted in its Reasons for Decision — all factors ominously present in this current proposal.

In this instance, the EPA rightly concluded that the rezoning proposal was 'incapable of being made environmentally acceptable under Part IV of the Environmental Protection Act 1986 (WA).

Moreover, the Department of Planning, Lands, and Heritage (DPLH) at that time wisely voiced their opposition to the rezoning proposal due to the absence of a genuine necessity to permit intense develop in an area recognized for its significant environmental values.

These stances resoundingly align with the fundamental principles embedded in both the State Planning Framework and the EPA Act—a commitment to conserving natural assets, ensuring intergenerational equity, and conserving biological diversity and ecological integrity.

The proposed Amendment seeks to obliterate invaluable environmental elements. It acknowledges the removal of over 80% of foraging habitat and native vegetation, completely decimating riparian vegetation associated with crucial waterways and anticipates damaging reserved land under power lines.

This planned destruction also extends beneath the land surface with a future requirement to install reticulated sewerage, posing a severe burden to taxpayers while perpetuating irreversible environmental losses.

This proposal is diametrically opposite to the ethos of sustainable development, blatantly disregarding the definition that advocates for meeting present needs without compromising future generations. It locks in environmental degradation through the transformation of water permeable surfaces into impermeable ones, exacerbating heat sink effects, worsening the impacts of climate change, and worsening water scarcity—a detrimental legacy for generations of Perth families to come.

In environmentally sensitive areas like these, the most sustainable and ethical residential approach is 'rural residential' living characterized by larger plots of land, each a minimum of one hectare. This form of living is an endorsed model under the State Planning Framework.

In my view, this model, coupled with open fencing to enable unimpeded movement of wildlife, should be prioritized and purposefully integrated into the planning strategies for all of Perth's foothills and water catchment areas. This deliberate approach ensures the preservation of the area's natural integrity while accommodating human habitation in harmony with the surrounding ecosystem for the benefit of Perth city overall.

The manner in which this proposal was initiated, devoid of engagement with the affected community and seemingly neglecting fundamental common law property rights, including the imperative need for express written consent from property owners, raises substantial ethical and procedural concerns.

It appears that the proponent aims to exploit the pressing need for more affordable housing in Perth, disguising profit-driven motives behind a veneer of public benefit. However, this exploitation comes at a considerable cost, jeopardizing both the tranquillity of rural living and the essential preservation of the environment. This approach starkly highlights a crude prioritization

of financial gains at the expense of community well-being and the delicate balance of the protecting the surrounding natural habitat.

In conclusion, no amount of advertising rhetoric or promises of 'offsets' can veil the glaring environmental catastrophe that this rezoning proposal embodies. I implore the WAPC and EPA to stand steadfastly by the principles they are entrusted to uphold. Let logic, ethics, and long-term public interest guide your decision-making process to firmly reject the amendment. The legacy we leave for future generations hinges on the choices made today. Let those choices be ones that prioritize the preservation of our natural heritage over short-term gains for individuals.

This submission was supported by a number of photographs.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 61

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises that Maida Vale is made up of large bush blocks maintaining the forest feeling of the area. There are many businesses and people that live there because they want to be close to town but still have land. If trees and bushland are removed, it will impact native wildlife and reduce the amount of natural space we have to explore in our area. Just walking the dog around that area is much better than walking around the houses closer to Berkshire Road.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 62

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises that the infrastructure does not support 100,000 more people in this area – each new house you build has two more cars, 5 more people. It already takes an ambulance 35 minutes to get from Kwinana to this area, as Midland has rezoning and Bushmead gets more rezoned there is no infrastructure. Forrestfield Police station is only open school hours Monday to Friday. You are going to create a crime zone.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 63

**Submitted by:** Name removed at the request of the submitter (interested resident and on behalf of WA Naturalists' Club)

**Summary of Submission:** OBJECTION

The submitter is writing on behalf of themselves and the WA Naturalists' Club. They are concerned that this amendment will result in the removal of habitat trees, shrubs and grasses that form an ecological linkage for our threatened black cockatoos (foraging and nesting trees), as well as other bird life and fauna such as quenda, also various reptile and invertebrate species.

The proposed clearing will include removal of poorly represented vegetation complexes and flora of significant conservation value such as *Conospermum undulatum* and *Isopogon autumnalis*. Such complexes cannot be replaced with offsets or re-vegetation works as listed in Table 18, as they take many decades to establish.

The habitat fragmentation that will result from this proposal will significantly impact all fauna currently relying on the area to move between foraging and nesting/denning sites. Mitigation measures proposed in table 31 will not help quenda, reptiles, possums and numerous other species which will suddenly lose their homes and their food sources.

In addition, the proposed removal of mature trees increases the 'heat island effect', contributes to climate change and removes the aesthetic and health values of having natural areas in our suburbs. It contradicts the Native vegetation policy for Western Australia which aims to have a net gain in native vegetation – not an ongoing deficit.

The current vegetation also contributes significantly to the 3-30-300 Rule for Healthier and Greener Cities: NBSI where everyone has:

- 3 medium-large trees within sight of their home
- 30% canopy cover in their suburb and
- a park or green space within 300m.

Request that this proposal be rejected as it stands and that another, more thorough Environmental Review be conducted before it is brought for consideration again in future.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 64

**Submitted by:** Chris Caruso (interested resident)

**Summary of Submission:** SUPPORT

The submitter has no objection to the future rezoning of the area providing the goal is to provide a high-quality estate that is well designed for the purpose of amenity, moderate density and in harmony with the semi-rural origins of the area.



A unique opportunity exists in this area to create a highly desirable urban development that is nature based and still close to all domestic services, schools and shops, including public transport and arterial roads. Whilst the typical temptation would be to maximize the density of the lot sizes. They feel it is important to attract families to a more traditional open environment with a variety of lot sizes to live in. I would be surprised if the appeal for this type of life style is not very high when going to market.

Although we are not ready to move out of the area, and quite enjoy the existing status, it is obvious that these central areas will be required in the future to provide for a higher density of population. It is my hope that this area can eventually still represent its origins as a model of what can be achieved with a more thoughtful development process.

They would also like to make note of some objections and petitions canvassed from outside of the area and submitted by non-residents or landowners. I would hope that these submissions are not held in the same status as those received by landowners within the defined area.

It should also be noted that some of the objections circulating are from landowners within the area, and by and large they themselves can be guilty of neglecting the care and maintenance of the semi-rural land and environment by which they claim to be protecting. In effect this is a facade of the pseudo environmentalist that actually devalues the area both economically and environmentally.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions”.

**Determination:** Submission noted.

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**Submission:** 65

**Submitted by:** Melissa Rivers (interested resident)

**Summary of Submission:** OBJECTION

The submitter supports the full conservation of the environment and wildlife that is planned to be urbanised. They believe we should be taking steps to further protect and preserve the wildlife biodiversity the area has to offer for future generations. The area needs conserving to retain the diversity of the plant and bird. For example, the area is currently home to some Australian Red-Tailed Black Cockatoos which are currently noted as rare and likely to become extinct in the near future. Please find attached the report on the Red-Tailed Black Cockatoo.

There are also a number of small businesses ran within the area that the proposed plan would dramatically affect if not fully shut them down. I am fully against the plan to urbanise/subdivide the properties and land and hope that you will reconsider.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 66

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter has lived on this property since 1996. We believe we lived within the Wildlife Corridor that has been in place since 1995. Our property has many mature native trees which provide homes, shelter and stop offs for birds in flight. Also, the eco environment that is created by the trees for insects. We also have owls who nest in our trees. The loss of the trees would mean the loss of a food source for the black cockatoos, both red tailed and white tailed. Where do these birds move to if we keep destroying trees for development?

Small native animals, mainly bandicoots frequent our property, but there has been a decline in numbers of these animals since the development of the "Hales estate" on Hale Road.

We also have freshwater yabbies in Crumpet Creek, when it is running. Also, the creek is a place for ducks and ducklings each year. Our main opposition to this proposal is the loss of a wonderful natural environment for the future.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 67

**Submitted by:** Graham Ryan (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects to the proposed amendment specifically concerning Maida Vale South as it is not sustainable for urbanisation.

The area of concern is currently rural which already consists of residential and open space. (Which the Environmental Report classifies some sections as being "Environmentally Excellent").

A draft Environmental Report document has been undertaken to examine the "Likely" environmental impacts of the amendment If implemented and puts forward proposed environmental and management measures.

The WAPC certifies that, in its opinion, the proposed amendment does not constitute a substantial alteration to the MRS. In the submitters opinion to dene grade 177 hectares with a rezoning to Urban is preposterous. Any rezoning, it needs to be Rural / Residential.

The area is a very significant area, particularly for the Forrest Red Tailed Black Cockatoo's. There have been several important Forest Red Tailed Black Cockatoo roost sights within and adjacent to the area in question. There is also a major roost within 500m's of the amendment area. This roost has had over 200-300 Forest Red Tailed Cockatoos roosting in three of four of the most recent Great Cocky Counts.

In general, this area of the foothills supports large numbers of Forest redtails. The birds often move along the creek lines that run through the landscape at the top (Poison Gully) and the bottom of the amendment area and then forage and roost on the surrounding properties, including the area to be cleared. Hence the proposed area provides critical foraging and roosting habitat for black-cockatoos and is a major movement corridor. Carnaby's also frequent the area and forage here and need to be considered.

It is important to note that corridors provide habitat for resident birds as well as a conduit for movement. Corridors increase the habitat values of an area. Large corridors allow for a complete range of community and eco system processes. 500m is a preferred minimum width.

It has been found that bird densities are significantly lower in bushland bordering roads with up to 60% of bird species present, experiencing lower densities for up to 930m from the road. Similarly, a study of grassland birds found that roads had no impacts when vehicle volumes were light, but once traffic exceeded 8,000 vehicles per day, breeding success was reduced for 400m from the road.

Traffic: Currently, Hawtin Road (1 lane traffic either way) is the main road that people travel from Forrestfield, Wattle Grove and Maida Vale to Kalamunda Road. The speed limit on this road used to be 70 kmh. Now, with the increase traffic flow from Wattle Grove, Forrestfield the speed limit has been reduced to 60 kmh. The main thoroughfare is not suitable for a further increase of a min of 5400 cars per day. For traffic to exit the proposed development area, in the case of fire or natural disaster the proposal is not sustainable.

Traffic going South, South West from the proposed development, will create another nightmare once the proposed roadworks at Hale, Tonkin Highway are complete – Not allowing traffic to turn left onto Tonkin Highway. This traffic in turn will need to continue to Welshpool Rd east (already congested) to Coldwell Road or Brook Road to Kenwick Road/Kelvin Road/Tonkin Highway. This area, Roe Logistics already has congestion of traffic without the proposed traffic from the proposed development of Maida Vale South.

Environmental Record: The reason the City of Kalamunda should not be endorsing the area to be rezoned and developed with 5400 houses on R30 blocks. 2020. The City of Kalamunda managed to feature in a Royal Melbourne Institute of Technology Publications with being one of the largest reductions in tree canopy cover among local government authorities across all of Australia over the past 4 years – Not a record to be proud of.

With the rezoning 177 hectares of habitat in Maida Vale South, this I'm sure will only help them get to top spot. Not a record to be proud of. "Why Do We Have Climate Change".

#### Additional Information

I am writing to express my staunch objection to the proposed MRS Amendment 1344/57 regarding Maida Vale South. Upon impartial consideration, it is evident that the proposed Amendment does not align with the core principle of 'sustainable urban development,' a fundamental pillar of the State Planning Framework. Indeed, it is apparent from associated documentation that this Amendment is the very antithesis of sustainable development.

Sustainable development, by its most widely accepted definition, involves meeting the present community needs without compromising the needs of future generations. Regrettably, if this MRS Amendment is approved, it will inevitably lead to irreversible environmental loss.

The area under consideration, currently zoned 'rural' within the MRS and 'rural residential' under the LPS, is home to around 147 families. These residents have demonstrated themselves as committed custodians of this land. It's crucial to note that the Amendment area predominantly comprises water-permeable surfaces intersected by two waterways, integral components of the broader Perth drainage system. The Environmental Report designates portions of this area as "Environmentally Excellent."

With guidance and support from the WAPC and City of Kalamunda, nearly all sections of the Amendment area could aspire to achieve this environmentally commendable classification in a relatively short span. As the entity responsible for enhancing the liveability of Perth City and

addressing climate change impacts, it is essential for the WAPC to acknowledge the compelling case for maintaining this area as 'rural residential.'

This designation stands out as a legitimate and environmentally sustainable living choice among various options listed in the WAPC's considerations. Disregarding the rural residential option in favour of R30 would be akin to adopting a mentality where environmental destruction is prioritized, mirroring the unfortunate approach of some landowners in Perth sacrificing entire areas of local natural vegetation for 'bushfire mitigation' purposes.

Recognizing 'rural residential' as the most sustainable living option in this area aligns with both environmental preservation and community well-being, fostering a balance that benefits both current and future generations.

It appears illogical for the WAPC to minimize the proposed amendment's significance by suggesting that altering the rural zoning of the Amendment area to high-density housing is a 'minor' adjustment. Comparatively, it's challenging to conceive of a proposal more substantial, except perhaps rezoning the area from rural to general industrial. However, in terms of the consequential impact of replacing permeable land surfaces with impermeable hard surfaces, the effect would be strikingly similar.

Downplaying the magnitude of this alteration disregards the profound implications it carries. Transitioning from rural zoning to high-density housing fundamentally transforms the landscape, significantly impacting its permeability and ecological balance. Such a shift mirrors the profound alteration that would accompany a rezoning to general industrial, albeit with different intentions. The common thread lies in the conversion of vital permeable land into impermeable surfaces, ultimately affecting the environmental integrity and water management dynamics.

The purported 'minor' nature of this amendment seems incongruous when evaluated against its far-reaching consequences. It's imperative for the WAPC to recognize and weigh the gravity of this change, considering its parallels in impact to more overtly substantial rezoning proposals.

This area holds significant ecological value, particularly for the Forest Red-Tailed Black Cockatoos. Notably, crucial roosting sites for these birds exist within and adjacent to the area in question, with a major roost located within 500 metres of the proposed amendment area. This habitat serves as a vital foraging and roosting ground, facilitating movement corridors for these endangered species. Additionally, Carnaby's Cockatoos frequent this area for foraging and must be considered in any decision.

Preserving wildlife corridors stands as a paramount concern due to their pivotal role in providing habitats and facilitating the movement of various species. The current amendment proposal, however, aims to partition the area into 300-square-metre blocks, each encircled by Colourbond fencing. This action threatens to obliterate existing wildlife movement routes across the entire area.

The significance of these wildlife corridors cannot be overstated. They serve as lifelines for various species, enabling them to traverse the landscape, find food, and seek shelter. The introduction of small, enclosed blocks separated by solid fencing disrupts these essential pathways, severely impeding the natural movement and interaction of wildlife.

This proposed division, if enacted, not only fragments the landscape but also poses a severe threat to the ecological balance and biodiversity of the region. The potential elimination of these vital wildlife corridors could have far-reaching and irreversible consequences for the area's natural ecosystem.

Safeguarding these corridors is not just a matter of environmental conservation but a commitment to maintaining the delicate balance of nature and preserving the rich diversity of wildlife for generations to come.

The ecological importance of the proposed area cannot be emphasized enough, particularly in its role in fostering diverse community and ecosystem processes. Research underscores the substantial impact of roads on wildlife, notably on bird populations. Studies reveal a staggering up to 60% decrease in bird species within 930 metres of roads. Furthermore, heightened traffic volumes have profound adverse effects on breeding success, affecting habitats up to 400 metres from heavily trafficked roads.

These findings underscore the vulnerability of wildlife to human-induced alterations in their habitats. The introduction of roads and increased vehicular activity significantly disrupts natural patterns and vital breeding grounds for various species. This disruption reverberates well beyond the immediate proximity of roads, influencing habitats at considerable distances and potentially jeopardizing the delicate ecological balance of the area.

Understanding these documented effects is crucial when contemplating any development within this ecologically significant region. The decisions made regarding the proposed changes must carefully consider and mitigate the potential consequences on the diverse wildlife and vital ecosystems thriving in this area.

Hawtin Road serves as the crucial link between Wattle Grove, Forrestfield, and Maida Vale, offering the primary access to and from Perth for commuters in the area. However, its current status as a single-lane local road already faces challenges due to heavy traffic, with a 60 km speed limit. The impending approval of the Amendment, without the possibility of direct access to Roe Hwy as rejected by Main Roads, raises concerns about a substantial increase in traffic volume. An estimated additional 10,000 vehicles could strain Hawtin Road, exacerbating congestion issues in both directions.

This surge in traffic could lead to hazardous conditions, particularly in emergencies, as the road's capacity is already stretched. Further exacerbating this strain, planned future roadworks in the vicinity might heighten congestion, creating bottlenecks and worsening the overall traffic flow.

The cumulative effect of increased traffic without expanded infrastructure could compromise safety and convenience for commuters. It's crucial to consider these potential ramifications and explore alternative solutions to alleviate congestion and maintain road safety in the region. The environmental record of the City of Kalamunda, particularly in tree canopy conservation, also warrants concern.

The Royal Melbourne Institute of Technology publication 'Where Will All the Trees Be' (2020) has shown a disconcerting decline in urban tree canopy across the country. The City of Kalamunda, sadly, stands out for all the wrong reasons, with one of the largest reductions in tree canopy cover among local government authorities across all of Australia over the past four years.

In conclusion, given the critical role of Hawtin Road as a primary link for commuters in the Wattle Grove, Forrestfield, and Maida Vale areas, it's imperative to carefully reconsider the proposed Maida Vale South MRS Amendment. The current strain on Hawtin Road, a single-lane local road, combined with the projected influx of over 10,000 additional vehicles, presents significant concerns for traffic congestion and safety.

To preserve the ecological significance of this area while addressing the residential needs of Perth's inhabitants, I strongly advocate for the rejection of the proposed amendment by the Department of Planning. Instead, a rural residential zoning approach appears to be the most prudent choice. This approach would help maintain the ecological balance of the area while also

allowing for sustainable residential development, catering to the housing preferences of Perth residents.

By opting for a rural residential zoning strategy, we can strike a balance between preserving the ecological vitality of the region and responsibly accommodating the residential needs of the community, all while safeguarding the integrity of essential local roadways like Hawtin Road.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 68

**Submitted by:** Water Corporation

**Summary of Submission:** COMMENT

The Water Corporation supports the rezoning to Urban Deferred but not Urban. Future structure planning over the area will need to address among other things the water and wastewater servicing requirements and identify land required to accommodate infrastructure.

This land is situated within the Water Corporation’s Gooseberry Hill Sewer District wastewater planning area. Implementation of the wastewater infrastructure planning for this part of the catchment relies on the prior development of the downstream sewer infrastructure to the west (i.e. downhill) before the Maida Vale land can be serviced. Lifting of Urban Deferment and subdivision of the Maida Vale land should be timed accordingly.

The land is situated partly within the Water Corporation’s Foothills Gravity Water Supply zone. Customers on the water networks supplied off the Foothills water scheme are currently provided with water via pressure reducing valves on the Canning-Foothills trunk main. The longer-term planning includes construction of a large water reservoir at the Corporation’s Forrestfield site located approximately 800 m southeast of the subject land.

The higher-lying land generally east of Brewer Road is in the Maida Vale High Level water supply zone, which is served from the smaller Maida Vale High Level storage tank. The structure plan over this land will provide the dwelling yields, land uses and hence water demand information required to enable further water planning to provide the water servicing strategy for the subdivision stage.

A significant infrastructure feature affecting this land is the combined Water Corporation and Western power trunk infrastructure corridor that runs north to south through the middle of the land. Structure planning will need to address this feature and consultation should occur with infrastructure agencies regarding land tenure and land requirements and setbacks from these trunk assets.

The Water Corporation currently operates the Canning-Foothills water trunk main (1,000 mm diameter steel) that traverses the subject land. This pipe sits within easements and road reserves. The Corporation’s trunk planning for this part of the metropolitan area includes the need for an additional, parallel trunk main coming from northern desalination sources to refill the future Forrestfield Reservoir.

It is projected that the Forrestfield Reservoir will be required around 2040 to service the growing urban expansion areas of Forrestfield North, the station precinct and the Maida Vale Urban expansion areas. The Forrestfield Reservoir will eventually serve the entire Foothills water supply scheme under gravity.

The approximate route for the planned future trunk main to Forrestfield Reservoir has been provided. It is understood that Western Power's long-term planning includes parallel duplication of the 330 KV transmission line through this corridor.

Structure planning over this area will need to consider how routes and land for these existing and future major assets can be accommodated in the future subdivision and development layout over this land.

#### Updated Submission

The Water Corporation has since updated its advice and supports the amendment being modified to an Urban zone in the MRS. The Corporation's position is that the central part of the amendment area won't be provided with a sewerage outlet until development and sewer extensions have occurred in the High Wycombe precinct on the western side of Roe Highway.

However, some areas of land along the northern and southern parts of the amendment area can be connected to the adjoining sewer networks by developer-funded sewer extensions. The maximum volume of wastewater discharge into the adjoining networks requires further detailed investigation and will be guided by the adopted Corporation's sewer planning for the Gooseberry Hill Sewer District.

To enable sewer servicing of the southern areas adjacent to Sultana East Road, a DN375 gravity sewer project needs to be timed and implemented before discharge can be accepted to the south because of current capacity limits in the sewer network south of Sultana Road. The Corporation will endeavour to secure capital funding for this project.

Existing water reticulation and distribution mains servicing existing customers in the area are 30-40 years old and don't have sufficient capacity to serve full urban development. Therefore, major upgrades to the water mains network will be required. The amendment is bisected by the water supply zone boundary between the lower Foothills PRV/gravity scheme and the upper Maida Vale High Level water scheme. Further engineering investigations will need to be conducted to determine the additional lots/services from the Maida Vale High-Level Scheme and what upgrades and mains extensions are required to serve land above the gravity zone supply limit.

The Corporation will continue to work with the proponents through the subsequent structure planning to further review water and sewer infrastructure planning and to help define the areas to be developed in the short to medium term.

**WAPC Comment:** Comments noted. Refer to part "6.2 (d) – Urban Deferred Zoning" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 69

**Submitted by:** Department of Transport

**Summary of Submission:** COMMENT

The Department of Transport (DoT) advises as follows:

- The amendment outlines a number of outstanding issues regarding Roe Highway and other concerns that require further consultation and resolution with Main Roads WA. DoT considers the proposed amendment to be premature due to the significant unresolved strategic transport planning matters/issues to prove that the subject land is fit for purpose as future Urban.
- The approach to rezone the subject site to Urban Deferred can be construed as in-principal support of future urban zoning and therefore DoT does not support the proposal with this approach. DoT is willing to consider a proposal once transport concerns have been resolved and addressed to MRWA's satisfaction.
- The amendment area has secondary and local route and abuts primary route in the Long-Term Cycling Network (LTCN). Opportunities should be identified to provide cycling connections to the LTCN in the updated Transport Impact Assessment and subsequent stages of planning and development.

**WAPC Comment:** Comments noted. Refer to part "6.2 (d) – Urban Deferred Zoning" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 70

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

The submitters support the proposed rezoning and has been informed of the process so far. They are pleased that the EPA has undertaken a thorough investigation and have released their ERD for comment. The following points are made:

- Retaining of mature habitat for the 3 species of Black Cockatoo – would like to see even more if possible as replanting's take time to grow.
- Retaining mature trees with hollows for breeding – again replanting takes time to mature.
- The maintaining of Crumpet Creek as a natural waterway is good. Also, the maintenance of the post development surface water flow is great.
- The proposed retention areas of vegetation will include threatened and priority species.

The submitter is in favour of different sized lots as mentioned in the local structure plan.

**WAPC Comment:** Comments noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 71

**Submitted by:** Suzanne Caruso (interested resident)

**Summary of Submission:** SUPPORT



The submitter has read the 1,100-page document for the Environment Assessment. The work done by 360 Environmental was very impressive. Their diligence and detailed research was very thorough for assessing all our areas of Rural zoned land. The ERD is acceptable to me, and I hope it is to the satisfaction of the WA State Govt and the Federal Govt as well.

With the zoning proposal to Urban Deferred, the submitter will not be impeding that progress, the submitter appreciates and loves living in this semi-rural area with our natural flora and flora surrounds. They have made many improvements to the property including planting a lot of native trees and bushes within our own surrounds.

When reading all the information that has been put forward by other locals, online petitions, social media, letterbox letters, the prospective developer Monument, and now the ERD, it is understandable to me, that this area would be suitable for young families and others that need homes in the future.

The location here in Maida Vale is also excellent with good access to many schools both primary and secondary, public and private, local shopping centres, and good employment areas nearby and surrounds. We are 2-5 minutes away from major highways, 7 minutes from the train station, and 10-20 minutes from international and domestic airports, as well as minor and major hospitals. This was a drawcard for them.

The submitters have some neighbours who have maintained the natural rural aspect on their properties, which appear to be these beauties will be mainly retained in the ERD and in Monument's framework. Notice also that the 2 creeks with buffers, and many cockatoos nesting sites and native flora and fauna have been recognised in the ERD, and has been considered to be retained, as per the WA State Govt and Federal Govt requirements.

Also have neighbours who have cleared and used their land for their own purposes, without replanting native species, which was their prerogative, but to such a state that their properties are deemed degraded by ERD. They are now campaigning the rural amenities of the area must be saved, though this makes them absolute hypocrites.

Also, they have new neighbours, perhaps feeling betrayed by their lack of due diligence and real-estate agents, that have started petitions. These neighbours have had strong social media/Facebook and online petition campaigns saying they want to save the Black Cockatoos, and rural way of life. They have invited others not living here, to join in the petition, however seeing the signees comments online, makes them realise many have not read the ERD documents/requirements, and have little knowledge of our area, which is disappointing. And of little productive benefit.

Many neighbours who don't mind the change of zoning, will find it too bothersome and some are elderly, to put in a submission or comment. They have been involved with and observed this had occurred previously, so hence putting my views forward. That took 25 years for rezoning, before moving here.

The submitter feels the natural environment, flora and fauna, and Black Cockatoo requirements will be met, and has been considered very well, alongside the needs of future home owners. It is a bonus to have this semi-rural environment here to work with and compliment what lies ahead.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 72

**Submitted by:** Dana Sims (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects to the amendment as the current 1 hectare lots are proposed to be changed to an R30 subdivision. This area comprises of 177 hectares of vital remnant tree canopy hosting diverse flora and fauna.

To implement R30 subdivision will remove foraging habitat which will pose a significant risk to endangered species that are present in the area, like the Red-Tailed Black Cockatoo. In environmentally sensitive areas like these, the most sustainable and ethical residential approach is 'rural residential' living characterized by larger plots of land, each a minimum of one hectare. This form of living is an endorsed model under the State Planning Framework.

We are currently enjoying rural living in Maida Vale and the proposed amendment will jeopardise both the tranquillity of this rural living as well as the preservation of this sensitive environment. This proposal will result in irreversible environmental damage.

The State Planning Framework states that there is ample undeveloped land already zoned urban to meet housing requirements for approximately 30 years. Therefore, there is no pressing need for urban intensification in Maida Vale South, given this existing available land supply.

The Maida Vale community urges you to please oppose the MRS Amendment in order to preserve both our lifestyles and the environment that we are current custodians of. It is my understanding that the proposed amendment area is within the Whadjuk People Indigenous Land Use Agreement. Development of the area would significantly impact this Aboriginal heritage site.

This submission was supported by audio visual material.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 73

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises that this is dividing the area and home owners should be left alone. This part of Maida Vale helps make the hills special.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 74

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter advises as follows:

- Ruins the identity of the area.
- Damages the fragile ecosystem within the area.
- Lack of government support in the area already with crime on the rise and antisocial behaviour.
- Lack of public services in the vicinity.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 75

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter has lived at 27 Bruce Road, Maida Vale for 23 years. Their husband and children also live at this address. Their children have lived at this address all their lives and love the "rural/country" feel our property has given them for the past 23 years. The submitter is strongly opposed for some of the following reasons:

- loss of natural bushland and habitats and in particular the flora and fauna in the area.
- with the potential removing of the beautiful native and gum trees in the area, the loss of the black cockatoo's that nest in the surrounding trees of our property and their foraging habitat will be devastating to this area.
- further increased traffic volume in our streets
- the potential of compulsory acquisition of our land and property. Our children were bought up on this land and in our family house and the thought of losing this lifestyle and living in this area is devastating.
- increase in noise and light in our area and the increase in temperatures due to urban heat effects.
- the loss of biodiversity.
- the threat to public health from building dwellings near power towers and old asbestos contamination sites.

They regularly see the red-tailed cockatoos in the trees that surround our property. They sit in the trees at night and it's wonderful to sit and listen to them. The quendas/bandicoots that we have in the area are a true sign of the beautiful area that we have choose to live in. To have their natural habitats destroyed for the sake of more concrete jungles is sad and unnecessary.

We constantly walk/drive our surrounding areas admiring the beauty of the native plants that are freely growing in our surrounds. In particular the smoke bush plants, kangaroo paw and multiple native orchids. To destroy these for the sake of more housing would be all but criminal. Soon we won't have any of these beautiful native plants, trees and animals left to admire. So why destroy

an area so full of these things for more housing when there are so many other areas than can be developed that don't have these important bush areas and habitats for our flora and fauna.

Only recently spotted a kangaroo in the area – looking for a place to rest in the heat – they were saddened to think that if development goes ahead in our little pocket of semi rural dwellings – where do these little guys go? They are slowly being pushed out of their habitat due to the increased greed of property developers.

Requests to not agree to develop our area in Maida Vale. We bought, built and moved here 23 years. The rural lifestyle is what attracted us to this area – the flora, fauna and different species of animals that make our home what it is today.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 76

**Submitted by:** Michael Disisto (interested resident)

**Summary of Submission:** SUPPORT

There submitter advises that patronage towards High Wycombe new train service. Extra land for housing to allow new homeowners. Create more services and employment for housing and infrastructure industries. Close to Perth CBD, Roe highway and Airport. Reduce increasing Rental prices. Housing for new immigrants.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 77

**Submitted by:** Manuel Lopez (interested resident)

**Summary of Submission:** SUPPORT

There submitter advises that Forrestfield and Maida Vale are well-positioned suburbs suitable for growing families. Seeking employment for a new family who has chosen to reside in Maida Vale, will have the flexibility to travel in at least three different directions Travel east on Roe Highway to Hazelmere, Midland, and Bellevue.

North and Northwest to High Wycombe, Perth Airport, Kewdale, and Welshpool. Travel west along Roe Highway to Maddington, Canning Vale, Jandakot, and Bibra Lake. Also, traveling to Perth would take about 15 minutes.

Maida Vale is well located, and the land mass chosen for development is mostly flat which is ideally suitable for development this will also help minimize site costs when constructing a new

home. There are 5 primary schools within a three to four-kilometre range and four high schools within a five-kilometre range.

The Kalamunda Shire region is quite diverse and has a lot to offer. And not all properties will be developed. Change takes many years to unfold, and most citizens will adopt and adapt to the growth within this new community. They respect all viewpoints and understand this will not be an easy decision.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 78

**Submitted by:** Paul Desmond (interested resident)

**Summary of Submission:** OBJECTION

The submitter expresses their concerns regarding the proposal to rezone approximately 177.53ha of land in Maida Vale (City of Kalamunda) from Rural zone to Urban Deferred zone to facilitate future residential and open areas of public open space.

They are concerned that the removal of habitat trees that are an ecological linkage for our iconic Black Cockatoos. In addition the removal of trees contributes or increases the heat island effect and thus to Climate Change and removes the aesthetic value of having nature in our suburbs and also contradicts the States policy on native vegetation to have a net gain of native vegetation not an ongoing deficit and the currant vegetation contributes to the 3-30-300 Rule for Healthier Greener Cities (where everyone has 3 medium large trees with sight of their home 30% canopy cover in their suburb and a park or green space within 300m.

On the issue of the remaining native vegetation that is largely along crumpet creek and poison gully all should be reserved, and ideally degraded areas restored we need to stop the extinction of native flora right across the south west biodiversity hot spot now with less than 30% of the eastern side of the Swan Coastal Plain (Forrestfield, Southern River) remaining the need to maintain our endemic life here is surely what we can do and hopefully we will.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 79

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

The submitter bought the property twelve years ago and had always intended to subdivide it. They believe it was Urban Deferred at the time. Perth needs more residential lots and it doesn't make

sense to maintain "green belts" while pushing "urban sprawl" ever further on the development frontier of the metropolitan area.

This area, Maida Vale South, is well located to access public transport – in particular the new High Wycombe train station – and transport via car – it is located on Roe Highway and very close to Tonkin and Reid Highways.

The area is also close to the domestic and international airports, and a new subdivision would be ideal for fly in and fly out worker to access the regional airlines and Terminals 2 and 4, via train or car.

The environmental report which has been prepared in the context of this minor amendment demonstrates that development of a new subdivision can take place with minimal environmental impact while maintaining valuable areas for Australian flora and fauna.

The cost of blocks in Perth has skyrocketed in the last 10 years. This is largely a supply issue. More subdivisions are required for a growing city and Maida Vale South is ideally placed to provide further housing options for Western Australians and those wishing to move here. If we continue as a State to encourage people to migrate from the eastern states and overseas to support our booming economy, we need to ensure that adequate and reasonably priced residential lots are available for rent or purchase. If not Maida Vale South, then where? It seems ideally suited as per my comments above.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 80, 81

**Submitted by:** Eric Coopmeiners, Name removed at the request of the submitter (interested residents)

**Summary of Submission:** SUPPORT

The submitters are property owners within the amendment area and support the change.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submissions noted.

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**Submission:** 82

**Submitted by:** Marie Ryan (interested resident)

**Summary of Submission:** OBJECTION

The submitter is strongly opposed to the amendment area which is currently zoned 'rural' and parts of it have been classified as "Environmentally Excellent" by the Environmental Report.

The drive along Hawtin Road is a busy, though pleasant one. Many trees line the road giving welcoming shade and a feeling of calm amidst the anxieties of the day. The road has one lane in each direction and is part of my regular driving routine.

Along Hawtin Road, Forest Red-tailed Black Cockatoos are seen at times and in Spring many ducks with ducklings in line, are also seen attempting to cross the road with drivers often stopping to allow them safe passage.

The residents of Maida Vale South are to be commended for keeping this area a haven for wildlife and a place of 'natural beauty' for many who use the walking trails, experiencing the health benefits of being close to nature.

In fact, the main 'sale's pitch' from Satterley's development 'The Hales' was to enjoy these very unique foothills' experiences. However, they are not to be found in 'The Hales' but in the adjacent 'rural' zoned Maida Vale South area. Once destroyed these characteristics cannot be regained. The high-density housing developments then become 'placeless'.

This area in particular is a very significant one for the Forest Red-tailed Black Cockatoos. Eighty per cent of the vegetation will be cleared if the rezoning is approved (approximately 141 hectares).

According to Murdoch University's tracking of Black cockatoos there are many important roost sites (trees with a height of 8 metres and over) in and adjacent to the proposed Amendment area. The 'Great Cocky Count' has also identified a roost in this area. A major roost 500 m metres from the Amendment area has over 200-300 Forest Red-tailed Black Cockatoos. Therefore, this area is the home of large numbers of Black cockatoos, including Baudin's and Carnaby's Black Cockatoos.

The birds often follow the creek lines for the high-quality foraging habitat that they provide. Poison Gully Creek is in this proposed Amendment area beginning at Lesmurdie Falls and running beyond the Western side of Dundas Road. Poison Gully Creek is also a registered Aboriginal Site (25023). It is an important waterway and has been identified as a 'wildlife corridor' and is one of the rare corridors that run from the Darling Scarp to the Swan Coastal Plain. The site extent was reported to be the entire length of the creek.

Originally Poison Gully Creek flowed into Munday Swamp but according to a letter written from Robert Bropho and Richard Wilkes stating that the Creek "was dug up and made into a drain three metres deep and diverted totally away from Munday Swamp to the Swan River at Garvey Park in 2002". Changing creeks into artificial drain lines is damaging for the environment and a full Due Diligence Assessment needs to be done where any future works or development of the area may impact cultural values. In 2018 the Whadjuk NTC were consulted in regard to this site and confirmed it one of high cultural significance. Anthropos Australis recorded that Poison Gully Creek is a 'sacred women's place' associated with woman's business, in particular birthing.

The MRS 1344/57 Amendment is considered to be a 'minor' amendment. However, going from 'rural' zoning to 'urban' zoning R30 represents a substantial 'major' amendment.

A major change in the landscape from the intensity of new fencing, impermeable surfaces, traffic with 10,000 extra cars, major loss of tree canopy together with existing environment and lifestyle.

The lack of consultation with affected landowners and the labelling of this monumental change as a 'minor' amendment heightens distrust in the bodies responsible for implementing democratic governance – further compounded by the absence of engagement by the City of Kalamunda and the WAPC until five years after the Amendment's lodgement. A letter to the residents is informing them not consulting with them.

Furthermore, considering the area's classification as a Bushfire Prone Zone, high-density housing poses significant safety concerns, as evidenced by the recent rejection of the North Stoneville development by the WAPC. The winding maze of streets with over 10,000 cars and few exit roads is to place lives and homes in danger.

Daily commuting via Hawtin Road is already challenging as it is used by vehicles from Wattle Grove, Forrestfield and Maida Vale. The Main Roads has refused direct access to Roe Hwy for the Amendment area. The Amendment indicates that commuters wanting to connect with Tonkin Hwy South will not be able to turn left at the Hale Road/Tonkin Hwy intersection but will have to continue along Hale Road to Welshpool Road East, then to Brook or Coldwell Roads to get to Bickley Road, then finally Tonkin Hwy South.

The other alternative is to turn left at Hale Road into Hartfield Road, proceed onto Lewis Road to the notorious intersection of Welshpool Road East. Wattle Grove South undoubtedly will be impacted with drivers turning from Welshpool Road East into Crystal Brook Road and onto Kelvin Road to get to Tonkin Hwy South. These inefficient routes will disrupt neighbourhoods and exacerbate commuters.

In light of the *Perth and Peel@3.5million / North-East sub-Regional Framework*, it's imperative to uphold objectives aimed at preserving and enhancing areas of landscape, character and interest.

The residents of Maida Vale South deserve to be able to keep their homes and chosen lifestyle that they have invested in. Together with their families they will continue to enjoy the amenity of this harmonious, sustainable foothills' environment. A rural residential zoning is the only acceptable zoning that will enable this traditional lifestyle to be preserved for all generations.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 83

**Submitted by:** Susan Baker (interested resident)

**Summary of Submission:** SUPPORT

The submitter grew up in Maida Vale and they purchased 153 Brewer Road, Maida Vale and built a home for their young family nearly 40 years ago.

They can appreciate how wonderful it has been to be able to live and raise a family in rural surroundings but also see the need to develop affordable properties of smaller land size this close to the CBD.

More so since the submitters own children have reached an age where they want to purchase a home but do not want to travel long distances for work. We currently have residential estates at both ends of the proposed development and we are a unique land holding in the middle of suburbia. I feel it is a natural progression to fill in this area and create more land opportunities for our future generations. They fully support the proposed development as advertised.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.



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**Submission:** 84

**Submitted by:** Gary Baker (interested resident)

**Summary of Submission:** SUPPORT

There submitter advises is the (joint) owner of 2 properties in the amendment area. I have lived on these properties for approximately 60 years and understand the area well and the developments that have occurred in the Forrestfield/Maida Vale areas over the past 60 years. The submitter supports the proposed amendment for the following reasons:

#### Need for Residential Development in the Eastern Suburbs

- Based on Government and industry reports, there is a general lack of building blocks available for housing in WA. This is especially so in the Eastern suburbs, with the majority of land developments occurring in the northern and southern corridors from Perth.
- While this is not a large development as such, it will assist in meeting some of the housing needs of people who wish to build in this area rather than those other corridors (which in many cases are a substantial distance from Perth).

#### Location of Proposed Development

- This area is close to Perth as well as the Perth Airport, new railway line and major regional centres such as Midland, Kalamunda and Cannington. As such, it would provide good housing options for people working in a number of different locations.
- The new Airport rail link offers a quick public transport option to Perth. In addition, the Tonkin and Roe Highways and future road extension projects provides quick vehicular access to many inner metropolitan suburbs (including Perth) as well as a number of outer suburbs.
- The area is already serviced by a number of major shopping areas (e.g. Midland, Forrestfield, Kalamunda and Carousel). It also has a range of public and private schools in the area, as well as other community facilities such as sporting grounds etc.
- The proposed development is a logical extension to the existing urban areas to the south (i.e. abutting Sultana Road) and the north (i.e. areas in Maida Vale up to Harold Road).
- The area is also in between logical "cutoffs" to the east and west. i.e. to the east the boundary would be roughly along Hawtin Road, after which the land is used as larger blocks etc and then boundaries Mundy Park etc. To the west, the cutoff is the Roe Highway which then generally forms part of the Airport land as well as land used for other industrial purposes. As such, I cannot see any further major urban infill occurring outside the proposed area.

#### Environmental Issues

There have been numerous community comments (including from people outside the affected area) about environmental concerns, particularly about black cockatoos and the degradation of natural bush areas. In my opinion, many of these claims are incorrect or misleading and are also not generally supported by the Environmental Review commissioned by the EPA. My comments on some of these issues are as follows.

#### Wildlife Issues (including black cockatoos)

Note: My property at 153 Brewer Road abuts Crumpet Creek so I am fully aware of any wildlife issues in this area. As stated previously, I have lived in the area for around 60 years. I have only seen black cockatoos roosting and feeding on their way to other sites

(presumably other feeding and nesting areas) and have never seen black cockatoos breeding (or showing an interest in breeding) in this area. I am not an expert but I doubt whether the so-called potential breeding tree sites are suitable for a bird the size of black cockatoos.

These feeding areas have generally been in the Crumpet Creek area, and some other areas where there are marri or redgum trees (as honky nuts seem to be a favourite food). It is also noted that the area along Crumpet Creek is planned to be reserved under the amendment plan so this will not impact on this habitat.

The only other wildlife species of significance we noted were what we called bandicoots. Again, they lived in the creek area and were not sighted to any great extent. Pink and grey galahs are also relatively common, but again I am not aware of any significant breeding of this species in this precinct.

### Land Vegetation and Usage

- I fully support the view expressed in the Environmental Review that the majority of the site is "completely degraded". This is particularly so for the area north of Bruce Road along Brewer Road (and a lot of the surrounding areas). These land holdings are often very gravelly and do not readily support vegetation. A number of other holdings (including the property I own in Sultana Road) are remnants of old orchards, or cleared orchards, and are of no vegetation value at all.
- A number of the properties in the area (including some along Hawtin Road) are holdings with substantial grassed areas. In my view, these holdings increase the potential fire problems given the easterly winds that occur in the area. In my view, development of this area would decrease this fire risk.

### Other Comments

The preliminary planning information from the proposed developer addresses many of the matters outlined above and I understand they are required to be formally addressed once urban development is approved.

Another matter which I wish to raise is that the developer is proposing a development with varying block sizes and associated open space areas. I support this proposal for varying sizes rather than the "one size" block approach which appears to be common place in many developments. This would add to the attractiveness of the overall development.

### Final Comments and Conclusions

In conclusion the submitter supports the proposed amendment of the Maida Vale Urban Precinct for the reasons outlined in this submission and the following summary comments.

- If not approved, this area will continue as a 'mishmash' of uses and type of holdings, ranging from undeveloped blocks, to houses on degraded land not utilised or not developed for any particular use through to well-developed properties.
- There are no significant environmental issues (both from a land vegetation and wildlife perspective) that this proposed development will affect or needs to be addressed in a substantial way.
- This development will meet a housing requirement in the Eastern Suburbs and (in a small way) the overall housing needs of many people in this State.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 85, 86, 87, 88, 89, 90, 91

**Submitted by:** Mary Aungsein, Natalia Aungsein, Teresa Aungsein, Noelina Aungsein, Monica Aungsein, Pauline Aungsein, Lucy Aungsein (interested residents)

**Summary of Submission:** OBJECTION

The submitters object to the rezoning of their land and occupancy related to the amendment. They have been living, enjoying the space, tranquillity surrounded by nature and we would like to continue to do so for the future and many years beyond. What is so critical is for the future generations which extend to our families, friends, neighbours’ is confronted and threatened by urbanisation.

In addition, many of whom live and work here created and built their homes across many years to not be impacted by urbanisation for this very fact. For the WAPC, City of Kalamunda and the developer – M Group to take this away is criminal to people’s livelihoods and destroying of the natural environment and living nature.

This letter is to express our strong grievance and total objection to the MRS Amendment 1344/57 Maida Vale Urban Precinct and the manner in which it has been handled by the WAPC, City of Kalamunda and the developer – M Group (Monument).

Furthermore, this submission outlines the various reasons for our opposition, highlighting concerns related to the lack of community input, disregard for legal obligations and failures in the decision-making process.

#### Procedural Fairness Denied

The exclusion of valid community input in the progression of this Amendment has resulted in a complete denial of procedural fairness to the affected community.

The timing of the WAPC's solicitation of community input - some 5 years after the Amendment was lodged - appears tokenistic, especially since the WAPC has already provided pre-emptive support for the Amendment prior to referral to the EPA and without due regard to many relevant aspects of the State Planning Framework

#### Lack of Due Diligence

The WAPC's decision to support the Amendment without first verifying whether the City of Kalamunda's engaged in community consultation is a breach of its legal obligations to make decisions with the public interest uppermost. It raises questions about the importance the WAPC places on administrative law, and whether relevant codes and standards as applied to the operations of the WAPC are merely ‘guidelines’ when powerful entities are involved.

#### Legal Obligations Ignored

The WAPC's legal and moral obligations, as specified in the Statutory Corporations (Liability of Directors) Act 1996, have been disregarded. The WAPC has not complied with its own

governance guide, failing to act honestly, exercise reasonable care and diligence, and undertake diligent analysis of proposals.

#### Lack of Integrity

The lack of community consultation and the absence of proper procedures have exposed the complicity of the WAPC, the City of Kalamunda, and the developer in keeping the Amendment hidden from the community for an extended period.

#### Neglected Property Owners

The interests, rights, and welfare of property owners have been disregarded, and the WAPC failed to put the public interest first. The community has been blindsided, and the WAPC must recognise its own failure to act in their interests and to ensure their legal property rights are observed and protected.

#### Lack of Community Engagement

The City of Kalamunda has demonstrated a lack of integrity and acted deceitfully by failing to reflect the interests of the local community. Property owners have not been surveyed regarding their support for the Amendment, disempowering residents.

#### Violation of Legal Framework

The Monument Amendment is inconsistent with the State Planning Framework and policies. Striking it out would restore the integrity of the overall planning framework.

#### Governance Failures

Elected and non-elected officers of the City of Kalamunda have failed in their duty to represent the interests of residents transparently and in accordance with the law. These governance failures are significant and concerning.

#### Community's Best Hope

Rejecting the proposed Amendment or at the very least, requiring the developer to present the WAPC with the signed consent of private landowners to enable WAPC reconsideration, is essential for a just outcome.

In conclusion, urge the WAPC to reconsider its support for MRS Amendment 1344/57 Maida Vale Urban Precinct, taking into account the various shortcomings and violations of legal and ethical obligations that have been highlighted in this submission. The public interest must be the top priority, and the rights and welfare of the affected community must be respected.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

*Procedural Fairness Denied:* The MRS amendment process has been conducted in accordance with the requirements of the *Planning and Development Act 2005*. In regard to the time period since the amendment was initiated, this reflects the requirements of the WAPC to refer the MRS amendment to the EPA who determined that the amendment was subject to formal environmental assessment. Following a number of environmental surveys and updates to the Environmental Review document, the EPA confirmed that it was accepted for the purposes of public consultation.

The WAPC subsequently concurrently advertised the amendment and the environmental review and affected landowners were advised.

*Lack of Due Diligence:* MRS amendments are initiated by the WAPC and not the local government. The WAPC's consideration as to whether to initiate an amendment had regard to *Perth and Peel@3.5million/North East Sub-regional Planning Framework* which identifies the site as "Urban Expansion" and staging timeframe, the advice of the City of Kalamunda and State Government agencies. It is also noted that the site is similarly identified for urbanisation in the City of Kalamunda's Local Planning Strategy.

*Legal Obligations Ignored:* The WAPC has adhered to the required statutory processes in initiating and advertising the MRS amendment in accordance with the *Planning and Development Act 2005*.

*Lack of Integrity:* The WAPC has adhered to the required statutory processes in initiating and advertising the MRS amendment in accordance with the *Planning and Development Act 2005*. As the amendment was subject to a formal environmental review by the EPA, a decision by the Minister for Environment was required (Ministerial Statement 1240) prior to the amendment being considered for a final determination.

*Neglected Property Owners:* Affected landowners were advised of the MRS amendment and environmental review. If the amendment is finalised, there will be the need for a local structure plan to be prepared which is also subject to a separate public consultation process.

*Lack of Community Engagement, Legal Framework, Governance:* The MRS amendment process was initiated by the WAPC, referred to the EPA (who requested a formal environmental assessment) and subsequently advertised for public comment. This process is led by the WAPC in accordance with the established requirements of the *Planning and Development Act 2005*.

**Determination:** Submission dismissed.

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**Submission:** 92

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises it appears that the application to subdivide in Maida Vale is purely driven by the desire of the developer to (understandably) make a profit. This area currently provides a unique rural type of lifestyle opportunity close to the city that is not easy to replicate once gone.

There are more deserving areas within the City of Kalamunda in need of additional housing opportunities in order to support the existing infrastructure even without considering the potential of the areas adjacent to the High Wycombe railway station.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 93

**Submitted by:** Lilliana Disisto (interested resident)

**Summary of Submission:** SUPPORT

The submitter advised of the following matters:

- Increase economic growth.
- Improve social inclusion by providing much needed affordable living.
- Bring more families into the area.
- Help our overall shortage of land problem in Perth by providing blocks close to the CBD and major road arteries.
- Close to the High Wycombe Train Station; thereby providing a less environmental impact.
- Retain larger sized blocks with parks for families promoting healthier lifestyle and mental health.
- Create jobs.
- My Parents (now deceased) originally owned the land since 1950's, when they built it up from scratch and turned it into a family orchard. It was their wish to see the land utilised for future planning and development such as the proposed Urban Development process.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 94

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

The submitter supports the proposed amendment, as it will go a long way in assisting with the shortage of housing properties in Perth. Maida Vale is close to major infrastructure, including schools, shops, public transport, major arterial roads, and the airport. It is an ideal location for a new subdivision.

**WAPC Comment:** Support noted. Refer to "Part 6.1 – Supporting Submissions" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 95

**Submitted by:** Catherine McNaughton (interested resident)

**Summary of Submission:** OBJECTION

The submitter advises that areas of rural land and remnant bush land improve the amenity of surrounding urban areas. The ability to undertake recreational activities, such as horse riding, horse agistment, cat boarding and bushwalking close to home is valuable and enjoyed by residents in the immediate vicinity and in neighbouring areas. It is becoming harder to find places to do these activities in the Perth. Further, business running services associated with these

activities would be severely impacted by the proposed change, particularly agricultural related activities.

This area is also home to the Crumpet Creek and Poison gully, waterways that need to be protected. The area is also home to red tailed cockatoos and Carnaby's cockatoos both of which need their habitats protected.

Infill in existing urban areas is preferable to rezoning this area. We need to preserve areas of remnant bush land and places to enjoy rural activities. This is a unique place in Perth and should be preserved for future generations to enjoy.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 96

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter advises that this amendment area is part of the Hills. People move to the area for trees and large blocks of land and small farm plots. There are so many urban areas, why do we have to create another.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 97

**Submitted by:** Sarah Moore (interested resident)

**Summary of Submission:** OBJECTION

The submitter advises that the area under consideration of training is far too important for native flora and fauna to risk further development. The area is a crucial feeding habitat for endangered forest red-tail black cockatoos and Carnaby's cockatoos, allowing development will be disastrous for their already dwindling numbers.

Why can we not keep this pocket of beautiful natural land and look after the floral and fauna that call it home. There are very few areas like it left and once rezoned it cannot be undone. We cannot get it back.

As a local resident, I have chosen to purchase my property to live in this area. Allowing further development and removing what few trees are left will also increase the heat island effect, contributing to climate change and removing the aesthetic value of having nature in our everyday lives. Please don't let developers make money from the depletion of our precious natural habitats, please.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 98

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

There submitter advises that they have lived in this Maida Vale area my whole life. I grew up on a property in Forrestfield that was subdivided in the early 2000’s. I now currently own a three-acre property in Maida Vale South. I am in full support of the MRS Minor Amendment 1344/57 – Maida Vale Urban Precinct.

I own a small local plumbing business and we have had our most difficult year yet trying to attract staff. I have had several interested candidates from interstate and overseas but the housing crisis in WA has made it very difficult for workers to move to WA to either buy or rent housing.

Providing more residential land this close to the CBD would be very beneficial to the local area and local businesses. Maida Vale has excellent access to Roe Highway, Tonkin Highway and now to the High Wycombe Train station and is ideally placed for residential land.

As a land owner we feel assured that the development can precede with minimal environmental impact as the environmental report which has been prepared demonstrates. We would like to see our children and this younger generation have the opportunity to buy land and build in this beautiful area.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions”.

**Determination:** Submission noted.

---

**Submission:** 99

**Submitted by:** Lara Shelton (interested resident)

**Summary of Submission:** OBJECTION

The submitter advises that native animal habits need to be preserved. This enriches all that come into contact with it.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 100

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter objects as this rural area contains native flora and fauna that depend on the ecosystem they have access to. The Red-Tailed Cockatoo and many other native birds frequent our area. With the amendment, their habitat will be destroyed. There is no need to destroy our native gardens for the sake of more housing. Our area is known for its abundant bird life and other native animals. The knowledge of this being destroyed for the sake of housing is ludicrous.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 101

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter’s parents have lived in the area for 30 years. They were attracted to the area because of the semi-rural lifestyle that was still within the metropolitan area. There is an abundance of unique wildlife that calls this area home and if developers come in and fill the area with small blocks and lots of residential housing this wildlife will be displaced.

With the abundance of land available in neighbouring suburbs it is not necessary to have this beautiful pocket of Maida Vale rezoned and developed. It should be kept as it is – a haven for those who wish to be surrounded by horses, sheep and natural wildlife as well a beautiful trees and gardens. If this development goes through it will be just another suburb ruined for nothing more than money and greed.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 102

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter advises to not destroy the habitat of our cockatoos and other native wildlife.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 103

**Submitted by:** Rachel Garner (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects to the amendment as follows:

- negative impact on wildlife
- strain on roads
- losing the small semi-rural community atmosphere
- increased rates for current residents

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 104

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter advises that the proposal will not benefit either the community or the environment as Maida Vale is such an amazing area and losing more green land will really be bad for the environment and the wellbeing of people leaving in the area.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 105

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter opposes the proposed amendment and favour the conservation of trees and animals in the neighbourhood.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 106

**Submitted by:** Naomi Lewis (interested resident)

**Summary of Submission:** OBJECTION

The submitter wishes to keep the habitat for the Red-Tailed Cockatoos.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 107

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter advises that the land and area is home to so much wildlife including the ‘listed vulnerable’ Red-tailed Cockatoos. This proposal puts the homes to this vulnerable wildlife and more at risk.

Not also is wildlife put at risk, but the Crumpet Creek and Poison Galley run through this area and would also be put at risk. There is no way I could support this proposal when it would have negative impacts on wildlife and natural elements.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 108

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter opposes the amendment due to the threat it poses to our native wildlife, in particular the black cockatoos. I’m also concerned about an increased bushfire risk.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

The structure planning process requires the updating of the existing Bushfire Management Plan having regard to Ministerial Statement 1240 and the environmental conservation areas. The structure plan includes a public consultation period and is subject to the approval of the WAPC.

**Determination:** Submission dismissed.

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**Submission:** 109

**Submitted by:** Stacey Criddle

**Summary of Submission:** OBJECTION

The submitter opposes the amendment due to the habitat needed for our native wildlife that is slowly dwindling.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 110

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter refers to environmental considerations such as drainage/sewerage, bush fires etc.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

The structure planning process requires the updating of the existing Bushfire Management Plan having regard to Ministerial Statement 1240 and the environmental conservation areas. The structure plan includes a public consultation period and is subject to the approval of the WAPC.

**Determination:** Submission dismissed.

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**Submission:** 111

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter objects to the amendment.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 112

**Submitted by:** Kerry Thompson (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects to the amendment given the destruction of natural habitat and impact on Red-Tailed Black Cockatoo.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 113

**Submitted by:** Kylie Todd (interested resident)

**Summary of Submission:** OBJECTION

The submitter opposes the amendment due to the wildlife in the area especially the cockatoos. The enjoy not having houses on top of each other in the surrounding area. It would also be sad for the children and people in the area that learn to ride horses or keep horses on their properties. Travelling out of the area would be costly for people.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 114

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter has agisted their horses in the area for over 10 years. They use the facilities at Rosevale Park almost every day and ride around the area regularly. The riding school also draws in many riders from all over Perth. With more houses, more cars and more traffic in the area we would need to adapt our training routines which involve riding around the block.

They have challenges with cars driving too fast and not giving way to the horses on the road, and I am concerned for the safety of myself and also the riding school kids on the roads. Request reconsideration of this rezoning as it will impact our way of enjoying and participating in our sport.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 115

**Submitted by:** Nicola Ann Munro (interested resident)

**Summary of Submission:** OBJECTION

The submitter lives in the next suburb to the proposed amendment to Maida Vale South but have kept my horses on the corner of Bruce and Brewer Street at Rosevale Agistment Centre and next door to that for the last 25 years.

I am concerned about the loss of trees, bush and green areas and Cockatoo habitat in the Metropolitan Regional Scheme (MRS) amendment for Maida Vale South. As the result of this my horses are likely to lose their homes where they have lived for the last 10 years and also the wide grass verges on which they walk and graze, due to the incapability of the Agistment Centre in the middle of a suburban area where people complain about dust, flies and horse manure.

#### The loss of mature trees and heat islands

They are concerned that the amendment to the MRS and the subsequent Momentum development will destroy most of the established trees in the rezoned area, most of which are many years old thereby reducing the tree canopy as there is little that the Council and State Government can do about clearing of mature trees on private land once the developers start to buy up the land for development. There are 56 trees on our agistment property alone, many are mature trees. Retaining 86 trees across the rezoned area is any proportion of the number of mature trees in that area.

The Draft Urban Forest Strategy 2021 notes "A recent independent study conducted within 131 Councils across Australia ranked the City of Kalamunda in the top 20 Councils of the 131 assessed in terms of overall tree canopy however it ranked poorly in terms of annual loss of tree canopy, primarily due to residential and industrial development". The finalised Urban Forrest strategy notes "The City aspires to achieve a target overall urban canopy of 30% (at tree maturity) by 2043, across the City. This target aligns with international best practice targets for canopy cover".

The proposed density of the development will create a heat island effect with many of the mature trees felled and the significant increase in concrete and bitumen, with blocks not large enough to support mature trees. At the Perth Tree Conference in February this year, it was stated that "Research had found trees and vegetation can lower local land temperatures by up to 5-6 degrees Celsius on days of extreme heat". Conversely without the existing trees and vegetation the heat island effect will raise temperatures in the area and there is no way to stop much of this felling as the trees are growing on private land.

At the Perth Tree Conference in February 2023, WA Planning Commission Chairman David Caddy agreed that Perth's planning policy was not currently mitigating the urban heat island effect well enough and that legislation does not address the problem of the removal of trees on private land.

#### The habitat and survival of Black Cockatoos

Further I am concerned about the reduction in habitat for the significant Black Cockatoo population in the area. On some evenings there is a whole flock of Black Cockatoos in the tree in my horse's paddock and you can hear them squawking and see them as they rise out of the trees. Enclosed is a picture of 4 of them sitting in a tree in the local vet's horse paddock across the road from my horses' paddock. Her house is at 198 Hawtin Road, on the west side of Hawtin Road in the rezoning area. The rest of the flock were scattered in the trees with one or two in each of the surrounding trees making a total of ten or so. The photos were taken on Monday 20th November about 6.25 in the evening. I understand that the environmental report was undertaken during the day however, the cockatoos usually only come out at dawn and dusk to cluster around the water troughs of the horses and that there are now on 15,000 Carnaby Cockatoos in the Perth-Peel region and they are protected by the *WA Conservation Act*, requiring specific surveying procedures.

### Areas of Aboriginal significance

Features or indicators of areas with a higher potential to contain archaeological sites include water courses particularly wetland areas. A Desk Top Aboriginal Heritage Review prepared by E Larkin for Prepared for GHD Pty Ltd in 2013 noted that the Register of Aboriginal Sites includes Crumpet Creek Forrestfield and "that some of these places may have cultural significance to local Aboriginal spokespersons "Crumpet Creek, Forrestfield" was identified as an artefact scatter containing 29 quartz artefacts located on a firebreak."

Photos were included with this submission.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 116

**Submitted by:** Coel Morgan (interested resident)

**Summary of Submission:** OBJECTION

The submitter understands the decision to rezone areas where people have lived for years or even their whole life happens often and are sure people lodge heartfelt submissions all the time.

The submitter been in the area since 2003 and recently have been enjoying the area with my daughter. She's been going to the horse-riding equestrian centre on Bruce Rd which we've been a part of that community now for 3 years. It's labelled as an Equestrian Centre however I would liken it to be more like a school. It's an unbelievable place for the young girls to learn about horses but also grow as people learning discipline and growing their own confidence. The students all help and encourage each other to improve and grow. The owners are extremely warm and inviting and are truly great role models for the young girls. Their daughter's half-sister also does horse riding there and started working there teaching classes this year. They love it there.

They'll go most days after school as it's around 500m down the road just to hang out there get involved with their friends that might be riding helping with videotaping for feedback or just helping around the stables with jobs like bringing horses in and cleaning up paddocks and stables. They also form bonds with each horse of which there must be 20 down there all with their own personality. I also love it down there as well. It's where I spend every weekend bonding with my daughter (and the animals) and of course helping out and learning myself. We go there after school every Friday to help out and Saturday mornings for her class. She also wants to work there teaching classes like her big sister when she's of age. We also volunteer to help out as a lot of kids do on the school holidays to prepare things for the next term.

There's around 50 girls and boys as well as adults that go to the school. Mostly local kids and a number of inner metro people because most other horse-riding schools are well out of town and they love the community that's been built there.

The submitter makes mention of the native wildlife there as well with the huge population of endangered red-tailed black cockatoo's squawking around everyday dropping half chewed gum nuts in the arenas and a very active local Quenda population that keep the spectating Mum's on their toes when they scurry through the foliage nearby.

I'm not sure what would happen to the school and horses if it was forced to sell. The owners don't do it for the money that's for sure. The local community will be negatively impacted for some time should the school have to close down.

Photos were also included with this submission.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 117

**Submitted by:** James Taylor (interested resident)

**Summary of Submission:** OBJECTION

The submitter opposes the amendment as it will facilitate large-scale clearing of native vegetation and encourage dense urbanisation of cleared areas. Together, this will adversely impact native fauna, such as three threatened black cockatoo species, and negatively alter the aesthetic of Maida Vale and the City of Kalamunda.

According to the Metropolitan Region Scheme Amendment 1344/57 – Maida Vale Urban Precinct Environmental Assessment conducted by 360 Environmental, the Amendment will enable the clearing of 66.4 ha of vegetation, if the development plan proposed by M Group is to proceed. This includes 25.06 ha of native flora, 21.33 ha\* of high-quality black cockatoo foraging habitat, and 257\* potential breeding/roosting trees for forest red-tailed black-cockatoo, Carnaby's black cockatoo, and Baudin's black cockatoo, each of which is considered endangered or vulnerable (DCCEEW 2023).

Additionally, the Amendment will clear 3.64 ha of good to excellent vegetation, part of which consists of the poorly represented Forrestfield (2.34 ha) and Southern River (0.34 ha) vegetation complexes. Given the conservation statuses of the above black cockatoo species and their vulnerability to deforestation (as exemplified by Carnaby's cockatoo, whose population has shrunk by 50% over the last 45 years in part due to urbanisation; Threatened Species Network u.d.), the suggestion of destroying sections of their habitat is alarming. Furthermore, as only 11.90% and 19.68% of the total pre-European extents of the Forrestfield and Southern River complexes, respectively, remain, clearing of these areas is imprudent. Though 19.34 ha\* of total native vegetation (50.17%), 284\* of total potential breeding/roosting trees for black cockatoos (49.95%), \*13.17 ha of total high-quality black cockatoo foraging habitat (34.16%) is said to be protected by M group's proposed development plan and existing public reserves, more areas need to be conserved to protect local fauna and flora, especially rare vegetation complexes and black cockatoos. One way to do this would be to further conserve and rehabilitate native vegetation areas deemed “excellent”, “very good”, and “good” within the Amendment area, not all of which are protected under the current development proposal (Figure 10, Page 10 of 360 Environmental 2023).

Clarification also needs to be made regarding how areas outside of the foreshore management plan will be conserved. Figure 3 (Page 165, 360 Environmental 2023), for example, indicates areas of “open space” and “vegetation retention” in the development plan; however, the legend colouring makes no distinction between these two categories, instead showing them both in green.



This obfuscates the public consultation process as citizens cannot determine the extent of areas that will be conserved/rehabilitated as natural bushland versus those that will simply be streetscaped. This should be clarified before the Amendment is passed.

In addition to environmental issues listed above, I am concerned about how the Amendment will affect my social surroundings (as per the Environmental Protection Act 1986), namely the aesthetic of my environment. Areas within Maida Vale and the City of Kalamunda are known for their natural aesthetic, with large residential blocks of land and abundant native fauna. By allowing the amendment to pass, we will be changing this aesthetic to one of densely populated urban dwellings. An excellent example of this is provided by the recent development of Lychee Way, on the north-eastern border of the amendment area. In five years (2017 to 2021), the area has changed dramatically (compare the attached photos: 3rd attachment).

An environment void of trees, nature, and a back garden is not somewhere in which I would like to raise a family in. Before the Cook government revoked the [name of bill], I would have been more confident that residential developments in the amendment area would have utilised space more effectively and in a more environmentally friendly way; however, with the bill's disappearance I am sure that much of the amendment area will become similar to Lychee Way over the next 20 years.

In conclusion, we hope that the City of Kalamunda will reconsider its position to the Amendment and oppose it. In doing so, it will help protect the important flora and fauna that characterise our beautiful city. If this will not be done, then the development plan proposed by M Group must be vastly modified in order to protect our environment and city for future generations.

This submission was supported by additional information.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 118

**Submitted by:** Michael Newman (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects as there are already enough high density residential in the area. Native species such as the red tail cockatoo need the trees. Existing road networks won't handle the increase. Expanding regional towns such as Mandurah, Bunbury and Geraldton make more sense.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 119

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter advises that the rezoning is not in the best interest of the community and would have major implications to the local environmental values. Cockatoo habitat would be lost and additional pressure put on services (water/drainage) would be detrimental to the area.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 120

**Submitted by:** Shannon Mitchell (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects to the amendment as this is a unique area with large country living blocks is different from every other area close to the city. With most residents using the blocks for horses or bush style blocks.

These huge trees and blocks provide homes for all wildlife many birds, lizards snakes including the red tail cockatoos that are here most of the year breeding and feeding. They have 70 riders that come here to ride horses and have metal health sessions which could not be done in a different urban environment.

They have already turned wattle grove into houses which is less than five minutes away. Please keep us as a green belt around the power lines, crumpet creek. There is so many heritage sites in the area. The developer is so dishonest with his plans and tells people that they will keep the lifestyle which we know isn't going to happen.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 121

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter advises this is home to wildlife, one very important one the Red-Tailed Cockatoo and many, many more.

We go on about climate change and saving the environment, but we are more than happy to cut down any bush area or natural habitat that we have mixed within our concrete dog boxes that we all live in just to make more dense living areas, and you guys wonder why people have so much mental health issues.

We need these small pockets of protected areas where wildlife is free to roam in peace within people's rural blocks and people don't have to drive for hours to see natural beauty, also horses and just feel like you have escaped the city, the traffic and pollution that surrounds us constantly. This area has always lived in peace and harmony, I don't understand why you would come along and destroy, kill all that wildlife, those beautiful Red-Tailed Cockatoos, have you actually gone for a walk around the area and just watched them go about their normal business, it's beautiful you would not kill them take their environment away from them.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 122

**Submitted by:** Alison Manners (interested resident)

**Summary of Submission:** OBJECTION

The submitter opposes the approval of this proposed MRS amendment. The proposal raises significant environmental concerns relative to MNES listed flora and fauna, inland waters, ecological linkage and cumulative impacts. It also generates human health concerns including detrimental impacts associated with the creation of urban heat islands, lack of tree canopy and community well-being. I urge the EPA to reject the Amendment due to the following reasons:

#### Flora and Vegetation

The proposed Amendment will result in clearing up to 25.05 ha of native vegetation including vegetation representative of the fragile Forrestfield and Southern River complexes. This is of great concern. Not only are these vegetation complexes poorly accounted for in representation but also play an essential part in the overall health of the foothills ecosystem.

The proposed clearing of 2.34 ha of Forrestfield and 0.34 ha of Southern River complexes must not be approved. The Forrestfield vegetation complex hangs by a thread with just 12.29% remaining. At what point do we cease clearing of these threatened complexes and start protecting them?

It is noted that the 360 Environmental Report confirms the richness and importance of the flora and fauna of the area and further noted that the report actually foresees the elimination of almost 80% of existing vegetation. In other words, permanently lost. This includes clearing of conservation significant flora and vegetation providing critical habitat for conservation significant fauna.

Additionally, the loss of habitat is further exacerbated by the fragmentation and isolation of vegetation patches leading to disruption in genetic diversity and healthy ecological processes.

Impacts to two waterways, Crumpet Creek and Poison Gully, will significantly affect remnant vegetation even further as it is dependent on these systems.

In summary, the proposed Amendment creates dangerous and serious environmental concerns to flora and vegetation including permanent loss of significant species from this site; loss of biodiversity; loss of critical habitat for endangered fauna; ecological fragmentation and disruption of waterways. The submitter opposes this Amendment and must not be approved as it risks irreversible harm to the environment.

### Terrestrial Fauna

There are 574 potential black cockatoo breeding trees and 38.55 ha of high-quality black cockatoo foraging habitat across the proposed Amendment area. Claims made in the proposal that “direct or indirect impacts to fauna resulting from the proposed MRS amendment are not considered to be significant” are completely inaccurate. In actuality, the Amendment forecasts the elimination of nearly 80% of existing fauna habitat, in particular to all three species of MNES listed Black Cockatoos. This represents permanent loss of high-quality critical habitat including that used for foraging and breeding. Of critical importance to these birds survival is the protection of roosting trees and foraging habitat. Preserving them is not only a matter of ecological responsibility but also of high importance in respect of the cultural heritage of the area.

Black Cockatoo habitat loss relevant to this Amendment and in conjunction with cumulative impacts of past, present and future clearing proposals represents unacceptable loss. These birds are under severe threat and proposals such as these push them further toward extinction. Rejecting the proposed MRS Amendment is essential to ensure the continued survival and wellbeing of these iconic and ecologically significant birds.

Another serious concern is the habitat fragmentation created from this proposed Amendment. The loss of ecological linkage disrupts fauna’s behaviour, genetic diversity and food sources leading to eventual population decline. It is essential that the rich faunal biodiversity is preserved through protection of ecological linkage and connectivity. Maida Vale represents a critical wildlife area and urban rezoning such as this Amendment should be avoided. The retention areas proposed will not nearly compensate for the massive habitat loss, and there is no guarantee of effective long-term management of remnant sections retained.

In summary, extensive urban intensification outlined in this proposed Amendment will have significant impacts on fauna, specifically MNES species. It is imperative the EPA unequivocally reject the proposed Amendment.

### Inland Waters

The proposed residential zoning plans to accommodate approximately 5,400 residences, which raises serious concerns about water drainage systems and impacts on the inland waterways of Crumpet Creek and Poison Gully. There are threats to natural drainage systems, which directly impact both water quality and marine life. Of concern is the lack of a sustainable approach to the proposed drainage methods.

### Cumulative Impacts

This proposal raises formidable concerns about the cumulative impact of loss of vegetation, destruction of terrestrial fauna habitat, erosion and sedimentation, ecological fragmentation, and increased climate-induced heat effects. The proposal risks disturbing delicate ecological balances, potentially causing significant harm to the ecosystem. An alternative approach, such as keeping the area zoned rural residential, engaging private landholders in restoration efforts, and proactively protecting waterways, is more appropriate. Refusing the Amendment aligns with a precautionary approach to ensure the area's preservation and ecological well-being.

## Social Surrounds – Human Health

The proposed Amendment's impact on the Maida Vale South community will be profound. It compromises unique environmental values and well-being of residents, in addition to presenting challenges with traffic congestion, sewerage issues and potential involuntary displacement of homeowners. The proposed changes run counter to the advantages of low-density rural living, including enhanced liveability and improved mental health, mitigation of urban heat islands and active participation in climate change mitigation.

In conclusion, this Amendment proposal raises numerous significant and critical issues relevant to conservation significant flora and fauna, inland waterways, ecological linkage, human health and liveability. It will have direct and permanent impact on the rich biodiversity and health of the environment. The submitter urges the EPA to play its vital role in protection of the environment and recommend rejection of this Amendment proposal.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 123

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter opposes the proposed development of Maida Vale, it will destroy the area and all the wildlife species who have lived there. The regular sight of Red-tailed cockatoos flying and nesting in the area is wonderful, there are lovely little streams and gullies like Crumpet Creek and Poison Gully which are both very important for the wildlife to survive and breed. It is a beautiful area to bring up children and the area does not need any more concrete jungle.

I personally would hate the area to be destroyed by concrete as I have my horse at one of the many properties, and businesses would be forced to close down, leaving children to play on the streets instead of learning how to care for animals and learn discipline and respect for other people and animals. It's the only opportunity some children get to see Emu's Alpaca's goats, sheep and horses in real life and many local children get the opportunity to ride a horse at the local riding school.

This area needs to be allowed to stay exactly how it is for future generations to enjoy just like the present are enjoying now, if doesn't need to become an urban concrete jungle.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 124

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter opposes the proposed development in our rural area. My family has a longstanding connection to this region, spanning generations. We chose to make this place our home due to its spacious blocks and the rich natural habitat that defines its character.

The allure of this rural setting lies in its untouched beauty and the harmony it provides with nature. Introducing extensive development would not only compromise the environment but also erase the unique charm that attracted us to settle here. The submitter urges careful consideration of the profound impact such development could have on the community, its heritage, and the natural habitat that makes this area truly special.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 125

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter objects as they will lose Rosevale Park, red cockatoos and so much more.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 126

**Submitted by:** Justine MacDonald (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects as it changes the lifestyle that we have chosen, designed and financially committed to, for our family.

Subdividing into 300-3,000 m<sup>2</sup> lots totally changes the lived experience of this pocket of paradise in Perth! I may be able to retain my 1ha of land and my livestock due to property rights, but daily life changes when you have 100s of small townhouses on your perimeter, notwithstanding the retention of "old trees" and creation of (small!) "green areas".

These new tiny neighbours will not be sharing the same joys of having large, farm-like properties, and noise levels will no longer be limited to the bleating of a sheep, or the neighing of a horse. It is also likely that such neighbours would complain (probably frequently, and likely formally to the shire, too) about the associated repercussions of such properties, e.g., flies or smells from livestock, or kids riding motorbikes in the paddocks.

There is no doubt that rezoning to include such small lots will completely change the lived experience that families like mine desire and have achieved here. Densifying a suburb from 150-

180 families to 1,200-2,000 families, in other words by a factor of approximately 100, fundamentally shifts the atmosphere, demographic and values of that suburb. This rezoning will destroy lives – both current and future residents.

Sadly, though, I realise that it is unlikely that our petitions will prevent the subdivision, due to the income-potential it will generate. Therefore, I suggest that the minimum lot size be revised and increased to 1,000 m<sup>2</sup> – thereby enabling a suburb akin to that behind the Hillview Golf Course.

The potential bridge over Roe Highway to High Wycombe planned off Ravenswood Road only becomes necessary if the population of this "Maida Vale South" area is increased substantially. Currently, using Berkshire, Maida Vale, or Kalamunda Roads provides perfectly efficient access to that suburb and the new train station. This bridge will by its very nature directly destroy the properties and lifestyles of at least 15 families! That is not a caring or considerate attitude towards existing residents and rate payers.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 127

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter objects as it would be a huge disruption to waterways in the area (Crumpet Creek etc), massive negative impact on wildlife, especially the endangered red-tailed black cockatoo. There is also already a ridiculous lack of infrastructure to support the current population in the area (one through road, Apricot St used to access Berkshire Road and Roe Highway already highly congested because of the poorly planned Hales development). Lack of doctors, schools already overcrowded (one planned school won't even meet current need let alone expanded population).

Not to mention the number of businesses already in the proposed area (cattery, horse riding school etc) that would be dislodged.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 128

**Submitted by:** Aydin Palermo (interested resident)

**Summary of Submission:** SUPPORT

The submitter supports the amendment as the land is needed and believes the developer is going to beautify the area and there will be blocks ranging from up to 3,000m<sup>2</sup> this is very favourable. A

lot of landowners may not be ready to subdivide but are very happy to have the possibility to do that down the track. The submitter lives here and hears a lot of comments.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions”.

**Determination:** Submission noted.

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**Submission:** 129

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

The submitter supports the amendment as follows:

- Utilisation of the land in close proximity to the CBD,
- Areas are majority cleared and have been used for multiple uses over a long period, and
- There are specific zones linked to Crumpet Creek that are being catered for sufficiently.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions”.

**Determination:** Submission noted.

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**Submission:** 130

**Submitted by:** Bruce Forster (interested resident)

**Summary of Submission:** OBJECTION

The submitter opposes the amendment as they moved to Perth about 14 years ago and have been living in Maida Vale for about 13 years. We bought here to have some land while being close to work and amenities. They have planted over 50 fruit and nut trees and now have a wonderful orchard and garden beds. It is a place their grandkids would love coming to as they did with their grandparents. It is not something that can be relocated or easily replaced. There is no substitute to sitting outside in the morning listening to the birds.

There has been a consortium trying to subdivide the area for several years with no luck as the vast majority of people have bought here for the same or similar reasons. The amount that has been offered does not come close to what a lot of the properties have recently sold for. No one wants to sell at a loss.

Eliminating the vegetation that is part of urban development also eliminates the wildlife that comes with it. The red-tailed cockatoos regularly come to visit and make a mess while they feed. Kookaburras, quendas, blue tongue lizards and a myriad of other bird life are enjoyed here.

All would be destroyed, or a large part of their habitat demolished as happened just up the road to an open parkland several years ago.

There is a need to retain some open living area as we live in here in Maida Vale and not urbanize everything. I hope this submission will be rejected and we can retain this semi-rural lifestyle along with the natural benefits that come with it.



**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 131

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

There submitter would hate to see the habitat of the red tail cockatoos destroyed further. Such a beautiful sight to see them around, it brings so much peace to the area. It would be so sad to see crumpet creek and poison gulley natural environment disrupted.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 132

**Submitted by:** Name removed at the request of the submitter

**Summary of Submission:** COMMENT

Our black cockatoo research team does not necessarily oppose the rezoning in general: what we are advocating strongly is for all marri at the site to be retained and protected, based on our tracking data – which show that at least three separate Baudin's cockatoo flocks use the marri at this site as a critical food resource. Baudin's cockatoos are marri specialists – they feed almost solely on marri. Our data also show that Baudin's cockatoos are roosting in multiple locations at this site; with roosts requiring sufficient food {i.e. marri} to be retained close to the roost. There are also flocks of Carnaby's cockatoos and forest red-tailed cockatoos {a marri-jarrah specialist} foraging within the site.

This submission was supported by a number of photos and plans.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

The environmental considerations raised in relation to habitat and impact on the Cockatoo population were considered in the environmental reporting as part of the Environmental Review. The matters raised are acknowledged and will be further considered as part of the more detailed structure planning having regard to Ministerial Statement 1240. It is noted that flora and fauna surveys (including supplementary surveys) were undertaken as part of the ERD to establish the presence of, or potential for the presence of certain fauna species to the satisfaction of the EPA.

**Determination:** Submission noted.

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**Submission:** 133

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter objects as this will ruin the black/red tail cockatoo environment. This is a major nesting/ home for them. Also, crumpet creek runs through. Please don't destroy this beautiful land and home for all the native animals.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 134

**Submitted by:** Beverley and Maxwell Mitchell (interested residents)

**Summary of Submission:** OBJECTION

The submitters purchased their property at 55 Bruce Road, Maida Vale after being forced to sell their previous property on Hawtin Road Forrestfield for development in 2005.

They chose the residence because it had already been set up for equine activities and had all the facilities we required. It was zoned rural and approved for 20 horses. For the past eighteen years we have operated a small family business agisting horses, teaching horse riding and recently offering equine therapy sessions.

They know their services are highly valued by our clients as the availability of such activities has become very rare in the metropolitan area and without this experience many would not gain the skills and confidence they can achieve.

With reference to the environmental investigations (table 26) I feel some important results are flawed. Firstly 360 Environmental in the surveys stated that they did not survey any cleared or developed properties. We were never approached to discuss or allow any surveys on our property at all. We have over 50 trees on our property, some native, some introduced. We always have an abundance of wild life here with many different species of birds nesting at different times of the year.

The endangered Forest Red tailed cockatoo, Baudin's black cockatoo and the Carnaby Black Cockatoos come here to forage, take water and nest. I did note that the surveys were carried out during the day and not any at dawn or dusk when these birds would be visible.

They are also concerned that the aboriginal cultural report was not complete and there are many areas of cultural significance in the proposed amendment area e.g. Crumpet Creek.

The surveys have shown that these endangered species are in this amazing area but there is no viable suggestions of how there will be protected from this proposed development.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 135

**Submitted by:** Kathryn Mills (interested resident)

**Summary of Submission:** OBJECTION

The submitter advises that this pocket of Maida Vale is a peaceful sanctuary. It's wonderful having it just a short distance away. My daughter attends the local riding school which is in the area to be rezoned and turned into housing.

That's a valuable part of our community and people's lives. There is nowhere else around the area that kids can ride or be around horses without having one themselves. Both kids and adults use them as therapy. If that whole area was made into housing, Maida Vale would lose its peaceful environment and would turn into just another suburb full of houses.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 136

**Submitted by:** Urban Bushland Council WA

**Summary of Submission:** OBJECTION

The Urban Bushland Council WA Inc. (UBC) is concerned that:

- Such a significant change from rural to urban is attributed as ‘minor’. The potential impact with regard to clearing of trees and shrubs alone should be assessed for its major level of impact.
- Poorly represented vegetation communities (Forrestfield and Southern River) will be cleared and/or highly disturbed.
- Foraging habitat as well as potential roosting and breeding habitat for the endangered Black Cockatoos will be cleared and/or highly disturbed.
- The proposal does not deliver on the legal and/or endorsed policies, strategies and guidelines that the relevant three spheres of government are responsible for either implementing or ensuring they are implemented by the appropriate body.

### International

COP15 Biodiversity Conference United Nations (UN) adopted an Agreement on 19 December 2022 Global Biodiversity Framework Aims:

- to protect 30% of the world's land and oceans
- to restore degraded ecosystems, and
- to end extinctions by 2050.

188 Nations (including Australia) agreed to adopt 4 goals and 23 targets for 2030. <https://www.cbd.int/article/cop15-cbd-press-release-final-19dec2022>  
Goals A and Targets 3 and 4 are especially relevant.

Global Biodiversity Hotspots: There are currently 36 recognized biodiversity hotspots. These are Earth's most biologically rich—yet threatened—terrestrial regions. To qualify as a biodiversity hotspot, an area must meet two strict criteria:

### National

#### Australian Government's Nature Positive Plan

8 December 2022 Environment Minister Tanya Plibersek committed to implementing the Samuel's Review recommendations.  
<https://www.dcceew.gov.au/environment/epbc/epbc-act-reform>

Climate Change Bill 2022 The Bill legislates the nation's commitment to reduce greenhouse gas emissions by 43% below 2005 levels by 2030, and net zero by 2050.

The legislation strengthens accountability through an annual statement by the Minister for Climate Change to Parliament and tasks the independent Climate Change Authority to provide advice on Australia's progress towards these targets, and on what Australia's future targets should be.  
<https://www.dcceew.gov.au/about/news/climate-change-bill-2022>

#### Climate Resilience and Adaption Strategies; Roles & Responsibilities

The Roles and Responsibilities for Climate Change Adaptation in Australia 2012 outlines the responsibilities of each level of Australian government to plan and implement adaptation activities.

The National Climate Resilience and Adaptation Strategy 2021 – 2025 outlines how the Australian Government will fulfil its 2012 COAG Roles and Responsibilities. (Refer COAG 2012 below).

#### COAG 2012 Australia's Native Vegetation Framework

(Coalition of Australian Governments) The goals of the COAG 2012 Australia's Native Vegetation Framework which WA is a signatory:

- Goal 1 – Increase the national extent and connectivity of native vegetation
- Goal 2 – Maintain and improve the condition and function of native vegetation
- Goal 3 – Maximise the native vegetation benefits of ecosystem service markets
- Goal 4 – Build capacity to understand, value and manage native vegetation
- Goal 5 – Advance the engagement and inclusion of Indigenous peoples in management of native vegetation

#### Environment Protection and Biodiversity Conservation (EPBC) Act 1999

(including TECs, Fauna and Flora) The EPBC Act protects our natural environment. It includes directories of listed threatened species and ecological communities (last updated 2022).

The EPBC guidelines address both protection and restoration actions including green corridors: "efforts should be made to increase the remaining extent, condition and landscape scale connectivity (including with other surrounding native vegetation types)".

### State

#### *Environmental Protection Act 1986 (amended Dec 2021)*

Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations) as amended establishes the EP Authority for "the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment..."

Schedule 5: Principles for clearing native vegetation, is pertinent.

Relevant EPA and DWER resources are:

- Native vegetation clearing permits (DWER)
- Statement of Environmental Principles, Factors and Objectives (October 2021)
- EPA Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas (December 2021).

*Perth to Peel@3.5million* (March 2018)

The aims of The Perth and Peel@ 3.5 million (2018) planning strategy include to:

- "protect areas with regional conservation and landscape values" and
- "encourage and guide increased connectivity through an integrated green network

Native Vegetation Policy 2022

Commits the State government to a net gain in native vegetation, through conservation and restoration of natural areas. Currently this is not happening, and WA is suffering a net LOSS of native vegetation and biodiversity.

Position Statement: Dark Sky and Astrotourism January 2022, DPLH & WAPC Includes a statement about (2.4) Dark Sky and Wildlife (p.2) including the critical importance reducing light due to impacts on insects and other nocturnal fauna.

Statement on Environment, Social & Governance (ESG) Outcomes in WA 2021

The WA Government is committed to Western Australia achieving the Paris Agreement objective of net zero emissions by 2050. We also recognise the importance of contributing to Australia's pursuit of the objectives of the United Nations Sustainable Development Goals (SDGs).

WA Government Climate Policy 2022

The Western Australian Climate Policy sets out the State Government's plan for a climate-resilient community and a prosperous low-carbon future. Mentions a number of conservation strategies, including Caring for our Landscapes p.20.

WA State of the Environment Report (2007), Key findings were:

Vegetation cover decreased in 64% of monitored bioregions in the South West between 1996 and 2004. (8 years)

- WA has 8 of the 12 Australian biodiversity hotspots and the South West is recognised as one of the world's 36 biodiversity hotspots.
- "There is ongoing loss and degradation of biodiversity in WA

Local Government

Climate Change Policy Position WALGA WA Local Government Association (WALGA) Climate Change Policy Position Local Government acknowledges:

- The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.
- Climate change threatens human societies and the Earth's ecosystems.
- Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.
- A failure to adequately address this climate change emergency places an unacceptable burden on future generations.

Guidance for the Integration of Biodiversity Conservation into Local Planning Strategies and Schemes, WALGA Produced by WA Local Government Association (WALGA), this document offers guidance and 'best practice' examples of approaches to biodiversity conservation in local planning strategies and local planning schemes.

#### *Planning & Development Act 2005 (WA)*

Framework for a land use planning system in the State and establishes WA Planning Commission as a body corporate to advise the Minister. Schedule 7 allows local planning strategies to include:

'The conservation of the natural environment of the scheme area, including the protection of natural resources, the preservation of trees, vegetation and other flora and fauna, and the maintenance of ecological processes and genetic diversity.'

#### *Urban Forest Strategy | City of Kalamunda*

The City has developed an Urban Forest Strategy (UFS) to guide the protection, management and growth of our urban forest, over future decades. The plan sets a clear direction for the City to follow, including engagement with the community, to ensure greener neighbourhoods into the future.

#### *Environmental Land Use Planning Strategy (ELUPS) – City of Kalamunda*

The Strategy provides actions to enhance and improve biodiversity and promote sustainable planning practices which are sensitive and complementary to the existing natural environment. Actions for the future include preparing a Street Tree Masterplan and Green Links Masterplan, developing a policy for management of wetlands and waterways, reviewing the impact of bushfire clearing on biodiversity and updated environmental mapping for public viewing.

The ELUPS identifies local environmental factors that will influence future planning in the City, and how these factors can be appropriately addressed during the assessment of development and subdivision applications.

The ELUPS also sets out strategic actions to provide guidance on how the City can improve environmental outcomes through the statutory and strategic planning processes including tree retention. The strategic actions will also be subject to further community engagement and consultation.

#### *Local Environment Strategy – City of Kalamunda*

<https://www.kalamunda.wa.gov.au/our-city/environment/local-environment-strategy>

Provides the framework to manage environmental pressures and improve sustainable practices over the next decade and beyond.

It will assist in protecting the cherished landscape character of Kalamunda and guide improvements in the City's own operations and its work with stakeholders and community groups.

Four Key Themes Identified:

- Green Spaces
- Natural Resources
- Reducing Waste
- Managing impacts

Biodiversity – delivering environmental sustainability – City of Kalamunda

The overarching vision of the Local Biodiversity Strategy 2020-2030 is that 'the City of Kalamunda and its community will protect, manage and value the local biodiversity to ensure lasting legacy for future generations.'

A rigorous, State Government Endorsed process drove the development of the Strategy, including;

- Review of Local Biodiversity Strategy 2008 indicating strengths and weaknesses in delivering the actions stated.
- Identification and Mapping of vegetation complexes within the City.
- Prioritisation, and mapping of City Local Natural Areas based on Ecological criteria.
- Identification of significant flora and fauna that occurs, or may occur within the City.
- Identification and mapping of significant linkages within the City to provide corridors for the movement of flora and fauna.

Climate Change Action Plan – City of Kalamunda

The City of Kalamunda has a vision for 2031 of connected communities, valuing nature, and creating our future together. Our guiding principle is to ensure everything we do will make the City of Kalamunda socially, environmentally, and economically sustainable. We in the City of Kalamunda have a part to play in reducing greenhouse gas emissions, as part of the urgent global effort under the Paris Agreement to keep global warming below 1.5 degrees Celsius (o C). The impacts of climate change are felt acutely at the local level, and local governments have a unique role in enhancing resilience to changing conditions while reducing greenhouse gas emissions. As a signatory of the Western Australian Local Government Association (WALGA) Climate Change Declaration the City of Kalamunda recognises that climate change is occurring and will continue to have a significant effect on the Western Australian environment, society, and economy. The Climate Change Action Plan (CCAP) is the first step in addressing risks to our City's environment, economy, infrastructure, community health, safety, and wellbeing.

Frustratingly, this lack of 'delivery' on these highly regarded legal and/or endorsed instruments, policies and agreements continues to result in the clearing and/or disturbance of natural vegetation and thus the:

- diminishing of biodiversity (360 Environmental Assessment 2023\*)
- diminishing/removal or foraging habit and potential roosting and breeding habitat including for the Endangered Black Cockatoos (Carnabys and Forest Red-Tail) (360 Environmental Assessment 2023\*)
- diminishing habitat for other fauna including reptiles and insects (360 Environmental Assessment 2023\*)
- exacerbating of climate change impacts
- reducing of the availability of positive health and wellbeing aspects of neighbourhood nature
- reducing of stepping stones / ecological linkages (360 Environmental Assessment 2023\*) and
- increasing of the heat island effect.

The UBC calls on the State Government to not proceed with the MRS Amendment because of the significant and irreversible impacts on neighbourhood nature that is not only critical for our natural ecosystems, but also the health and wellbeing of the community as well as for mitigating climate impacts.

This submission was accompanied by supporting information.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 137

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** SUPPORT

The submitter supports the amendment as there is an extreme shortage of land and severe lack of areas for housing within the metropolitan area. I feel that the government needs to open up more land close to the airport, hospitals and public transport and I also believe the developer who is involved will definitely make sure the environment is protected in every way possible.

I feel there are certain people in the area creating a lot of distrust in regard to the developer, even though they rarely ever go to meetings regarding the re-zoning. They continuously say that their land is being taken from them, when in fact that is not the case, and every individual homeowner has the same rights as everyone else and that is if you don't want to sell your re-zoned land then simply don't sell. I hold out that common sense will prevail in the making of this decision to rezone as it will benefit not only the residents but the whole community.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 138

**Submitted by:** Peter Doyle (interested resident)

**Summary of Submission:** SUPPORT

The submitter supports the amendment for the benefit of all residents and the community.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 139

**Submitted by:** Lee Mostyn (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects to the amendment as:

- The proportion of Forest Red Tailed Cockatoo breeding trees that this puts at risk is just too high.
- What seem to be missing parts and inaccuracies in the report. For example, the report claims that bat habitats are absent in the area, yet we have bats around our property just after sunset often.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 140

**Submitted by:** Derani Baker-Jeanes (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects as we need to keep Urban spaces for all wildlife.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 141

**Submitted by:** Ross Marapodi (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects as their daughter undertakes horse riding lessons within the amendment area and her and the other kids get to enjoy this as there are not many places like this around.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 142

**Submitted by:** Paul Wilson (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects as a resident in the Locality they fail to see the necessity to further subdivide the Maida Vale south area. Having spent the last 23 years living within the zoned 'Rural Residential' area with my partner and watching the densification of the surrounding residential land to R20/30, while the Town Centres of Kalamunda, Forrestfield and High Wycombe have not been further developed with increased density during this time, has made no sense to me.

Being an area of current subdivision to 10,000 sqm lots, of high-quality biodiversity as stated in Environmental 360 Report Assessment, the development will be costly in capital expense and detrimental to environment.

The purpose of the WAPC to approve further subdivision should be based on the goal of providing cost effective land for residential development with a focus on working with 'low hanging fruit' and then expanding to higher cost development as land becomes less available. With the town centres and the surrounding residential land somewhat underdeveloped, the support of the proposed amendment should be deferred until sometime in the future, say 20 to 30+ years. With 30 years of experience working in the field of building design and residential development, I see plenty of opportunity and potential to increase the density of the City of Kalamunda, without the detrimental impact to the environment.

The expansive Environmental Assessment prepared by Environmental 360, identifying the high-quality biodiversity of the area, including natural bushland, waterways, green spaces, tree canopy, understorey and foraging habit for endangered Red-Tailed Black Cockatoo, among other native fauna. These birds are threatened with extinction. The report indicates the area is an extremely valuable environmental asset and unique to the metropolitan area, the loss of such an asset would seem contrary to the WAPC and City of Kalamunda Sustainability charter and flies in the face of the City's declared 'Climate Emergency'.

They note that the development has received opposition by 30% of the land owners within the subject area, a very high number considering petitions rarely gain momentum. Having recently attended the Local Council Ordinary Meeting on 28/11/2023, the process of the application appears to be developer driven by a very experienced developer who has in depth knowledge of the process. With this knowledge, the process has had limited involvement of the councillors and local residents, as expressed by Councillors at the council meeting. Few had knowledge of the amendment proposal that was being voted on and the outcome due for submission to the WAPC within hours of the closing of the Council meeting. It was disappointing to see the majority of the council members voted to push forward with the City's Planning Department Report, while indicating that they had little knowledge of the contents on the report and hence the understanding of the consequences of the motion to proceed further.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 143

**Submitted by:** Name removed at the request of the submitter (interested landowner)

**Summary of Submission:** OBJECTION

The submitter objects to changing this zoning from Rural to Urban Deferred, land that has an important role to play in providing habitat and important ecological linkages for threatened species, will be removed.

In this time of rapidly worsening climate change and biodiversity loss, any removal of trees and other flora, is both significant and disturbing. Our suburbs are becoming hotter through climate change, we therefore need to have as much green canopy cover as possible, not less. If we continue on with this denuding of nature, Perth will be an unliveable desert city with little greenery to be found anywhere. Is this acceptable? As a Perth resident, they unequivocally say no.

I ask that the zoning not be changed from Rural to Urban Deferred so that we can protect what we have, not further contribute to climate change through tree removal and help support our precious native animals.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 144

**Submitted by:** Charles Dornan (interested resident)

**Summary of Submission:** OBJECTION

The submitter advises that at the 28 November 2023 Ordinary Council meeting the City of Kalamunda tabled its submission to the WAPC with respect to MRS Amendment 1344/57 Maida Vale Urban Precinct.

The submission was developed in-house, and no opportunities were provided for community input, contrary to the State Planning Framework. In the likely event that the City forwards this submission without modification to the WAPC, it is requested that the WAPC view and consider their critique of the City of Kalamunda’s submission as follows.

In the submitters view the City’s submission to the WAPC is not ‘neutral’ as claimed in the Officers Report. In the submission below, they highlight significant deficiencies in the City’s submission to the WAPC which favour the developer’s interests. This bias manifest itself in several ways:

- **Ignoring Community Values:** The submission fails to align with our Strategic Community Plan, a document intended to reflect our community's core values and meant to inform all City submissions to outside agencies. By disregarding this foundational document, the submission overlooks the community's aspirations and preferences. Had this proposal been properly assessed against the Plan, it would have clearly fallen short and resulted in a very different submission to the WAPC.
- **The Absence of Community Engagement:** The City's failure to ascertain and incorporate the views of the affected community about the development proposal in the submission contradicts its established Community Engagement Strategy.

Delaying community input until the structure planning stage is not only inadequate but, potentially unlawful in terms of councillor obligations (s 2.10 of LGA) By then, the pivotal rezoning decision would have been made, rendering subsequent consultations merely symbolic and ineffective.

Delaying community input until decisions are practically finalized undermines the very essence of fair and transparent governance.

- **Disregarding Environmental Concerns:** There's a concerning disregard for environmental sustainability in the submission. The submission overlooks the urgent need to address climate change and the City's acknowledgment of a Climate Emergency. It fails to account for the almost total environmental devastation posed by the proposed development, which contradicts the call for 'sustainable living' in our community plan.

Significantly it also fails to mention that rezoning to urban status would exempt the area from the Environmental Protection Act. This shift would mean that the City would have to rely on its own local environmental protection policies, which, unfortunately, are not legally binding.

Historically, developers prioritizing profit have routinely disregarded the City's policies and efforts to advocate for responsible development. The massive decline in tree canopy across the City's residential areas in recent years serves as a testament to this reality. Moreover, the environmental devastation brought about by City approval of the Roe Logistics Park further underscore the ineffectiveness of these policies when faced with developer interests.

- **Selective Emphasis and Omissions permeate the submission:** The submission selectively highlights aspects that favour development while conveniently omitting crucial details.

For example, the submission demonstrates a clear inclination toward hastening the shift to complete urban development and comprehensive structure planning in the amendment area, despite the developer's explicit request for 'Urban deferred' status only.

The submission's assertion of alignment of the development with the outdated 2013 Local Planning Strategy (LPS), is also worrying, especially since Council adopted it in 2011. Back then around 85% of the rural community opposed the rezoning of these areas to urban investigation within the Strategy, yet the Shire still designated several areas for urban investigation.

Clearly since 2011, the landscape of urban planning has notably shifted, particularly in response to Perth's urgent need to address Climate Change and the City's own acknowledgment of a Climate Emergency. The call for 'sustainable living' is now loud and clear. A development which proposes to eliminate 80% of local biodiversity like this one does, cannot be deemed 'sustainable' by any standard.

By emphasizing the need for further reviews and input on essential aspects such as the Bushfire Management Plan, District Water Management Strategy, and Transport Impact Assessment, but failing to oppose concerning aspects outright, the submission demonstrates a clear inclination toward supporting the developer's agenda rather than representing community interests.

In my view, the absence of these critical documents from the proposal ought to have generated fundamental opposition to the proposal rather than weak calls for more information.

- The submission places a heavy emphasis on the need for development. The submission consistently focuses on the City's very outdated future planning model without mentioning that a recent Dept of Planning study shows that it would take 27 years to use up the land already zoned for urban development in Perth, land which has already been assessed as satisfying all environmental and technical considerations. Therefore, this is absolutely no imperative for this Council to rush this development through, until and unless all concerns and implications are addressed.
- The submission Prioritizes City financial concerns Over Community Well-being: There is no mention in the submission of the City's explicit goal, as highlighted in the June 2022 budget papers, to actively pursue the rezoning of the City's Special Rural lands. This pursuit is

specifically outlined as a budget strategy aimed at mitigating the City's declining Operating Surplus Ratio.

This City financial direction aligns with the former CEO's proud announcement in the 2019 Annual report about the City driving the rezoning of key rural areas, possibly referring to the City assisting this developer in lodging the Maida Vale rezoning amendment to the WAPC in 2018 without community knowledge.

The fact that the submission does not acknowledge this explicit City intention to support any developer prepared to initiate the rezoning of rural lands to enhance the City's financial stability, further solidifies my perception of its inherent bias.

This 'selling off the farm' mentality which seeks to 'sacrifice the perimeter to save the core', so to speak ought to be a red flag for the WAPC.

In essence, the submission's various shortcomings collectively paint a picture of bias favouring the developer's agenda. It definitely is not the neutral document it is claimed to be in the Officer Report. It disregards community values, neglects environmental concerns, lacks transparency, selectively presents information to give the illusion that the City can ensure future sustainable development, and prioritizes City financial concerns over the community's best interests.

In the submitters opinion it is regrettable that the City did not exhibit true neutrality by crafting two contrasting submissions—one in clear support and another, staunchly opposing the MRS rezoning proposal. Such a clear demonstration of contrasting views would have guided the Council more decisively than one which purports neutrality and yet, seeks a pre-determined outcome.

The WAPC has the opportunity to choose the kind of future that residents of the City of Kalamunda have made clear that is wanted above all other considerations, a city which reflects its long held 'Home in the Forest' mantra. Most residents do not want wall to wall housing and irreversible destruction of what little remains of the City's local biodiversity. The submitter wants planning decision-makers to actually 'walk the talk' and insist upon sustainable development across the City of Kalamunda.

The submitter urges the WAPC to support the retention of Maida Vale South's rural and rural residential status to ensure sustainable living objectives and preservation of the environment in line with the State Planning Framework.

This submission was accompanied by supporting information.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

The WAPC notes that all submissions lodged are received in good faith and are carefully considered. Submitters are free to lodge their own unbiased views and comments on the amendment and are not 'guided' on any potential submission.

**Determination:** Submission dismissed.

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**Submission:** 145

**Submitted by:** Chris Watt (interested resident)

**Summary of Submission:** OBJECTION

The submitter objects to the amendment as the residents who live at 147 Brewer Road as the possible wilful destruction that the developers Monument Pty Ltd wish to do untold harm to the environment. Namely the native fauna and flora within this area we love to live in.

It is imperative that this area be protected for future generations you only have to see the people doing morning walks from surrounding suburbs through Maida Vale. Included in this submission are photographs of most of the animals common or more importantly endangered in the area.

An MRS Amendment not only the animals we can see but the one's we can't so once you do the Amendment it can't be undone and the millions of lifeforms arboreal ground dwelling and below ground will be wiped off the face of the earth.

#### Endangered Species

The most endangered species in the Maida Vale proposed area precinct. Carnaby's black and red cockatoos and White-tailed cockatoos and is major breeding site for these endangered birds. There is also the environmental impact report undertaken by Monument as the folk who did the actual report did it during the day when the birds fly at dawn and dusk to roost. There are also rainbow bee eaters that have nested underground twice on our property. There are also 2 blocks listed as bush forever due to the diverse plant life on these two blocks.

#### Brush tailed possum

Yes, another resident of Maida Vale. You would not be able to find them in the new residential area called the "The Hales" or High Wycombe. Would you bulldoze the tree he lives in if you had seen him in it? It's how many of the local residents feel about this current situation City of Kalamunda and the developers.

At a recent meeting of local like-minded people against the redevelopment of Maida Vale. It was discussed at length Monument Pty Ltd (Johnno Roth) is willing to go to, to bend the truth and make elderly residents needlessly worry. Other residents are in the same boat getting information that may be not true.

This submission was accompanied by supporting information.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 146

**Submitted by:** Deidre Lyra (interested resident)

**Summary of Submission:** COMMENT

The submitter and their husband have lived in Maida Vale for 55 years and wish to remain there. Rezoning to R2.5 Residential Bushland is requested as follows:

- Requires minimal changes or costs to existing infrastructure
- Allows for double the available lots which compliments the WA Governments preference for infill vs suburbia
- Would create a minimum of 60 new lots and new housing and building development
- The area is close to the city with bus services and a rail station
- It is close to schools, retail shopping and industrial areas

- Has all the services, electricity, water, water, telephone, internet etc
- Is consistent with other lots in the area

Consider rezoning the area from Special Rural to R2.5 Residential Bushland.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 147

**Submitted by:** Rachelle Crotty (interested resident)

**Summary of Submission:** OBJECTION

The submitter advises that it will affect the Red-Tailed Cockatoos, Crummet Creek and Poison Gully.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 148

**Submitted by:** Daniel Tomlinson (interested resident)

**Summary of Submission:** OBJECTION

The submitter would prefer that the land is not rezoned. Appreciate that their 2 sons can attend horse riding lessons at Rosevale Park which is less than 20 mins from home. If this is close, the closed would be in Gidgegannup which is 45 mins away. Foxwood are not taking any new clients.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 149, 150

**Submitted by:** Janette Mayer, Richard Mayer (interested residents)

**Summary of Submission:** SUPPORT

The submitters support the amendment and have been living in Maida Vale for 29 years and have been waiting for this.

**WAPC Comment:** Support noted. Refer to “Part 6.1 – Supporting Submissions” of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 151

**Submitted by:** Department of Health

**Summary of Submission:** COMMENT

The Department of Health (DoH) advises as follows:

#### Water Supply and Wastewater Disposal

The development is required to connect to scheme water, and reticulated sewerage and be in accordance with the *Government Sewerage Policy 2019*. It is recommended that Water Corporation be consulted at future planning stages to ensure that the scheme water and reticulated sewerage systems have sufficient capacity to service the proposed development.

#### Chemical Hazards

It is noted that historical land use analysis of Lots 44, 45 and 46 Brewer Road, Maida Vale indicates that prior to 1965 these lots were used as a quarry for the extraction of gravels.

From 1965 to 1972 the lots were used as a "sanitary landfill" by the City of Kalamunda and accepted all waste types, including asbestos. The lots are classified as Possibly Contaminated – Investigation Required, as the current extent and severity of contamination is unknown. The DoH recommends that the site's suitability for rezoning to a more sensitive land use be assessed and confirmed as appropriate for such land use either prior to rezoning, or prior to any subdivision or development applications. This will act as an appropriate means of conducting due diligence investigations and will streamline future approvals.

Land 100m to the west of the amendment area has been used as a large putrescible landfill site (i.e. Brand Road Landfill site) which is a potentially contaminating land use as set out in the DWER's 'assessment and management of contaminated sites'

The DoH is aware that investigations and risk assessments conducted in 2021 have demonstrated that leachate and landfill gas are being generated within the landfill site and are migrating offsite into adjacent land to the south and east.

The DoH recommends that the amendment area should not be rezoned until a leachate and landfill gas risk assessment has been prepared in accordance with The National Environment Protection (Assessment of Site Contamination) Measure guidelines and supervision of an accredited Contaminated Sites Auditor in accordance with Regulation 31(1) of the Contaminated Sites Regulations 2006 to determine the suitability of the amendment area for any future proposed redevelopment. Remediation or review of land use design to accommodate the existing conditions may need to be considered before any development application is made.

#### Medical Entomology

The subject land for the proposed amendment is in a region that occasionally experiences problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah



Forest (BFV) viruses. Human cases of RRV and BFV diseases occur annually in the Perth Metropolitan area, with 57 cases of RRV reported for the City of Kalamunda over the past 5 years.

To protect the health and lifestyle of communities, all land use planning decisions should include consideration of mosquitoes and their management. While it is well documented that mosquito-borne diseases occur in the Perth metropolitan area, the risk of exposure to mosquitoes and their diseases for future residents in Maida Vale is not clearly defined. It is recommended the Environmental Health section of the City of Kalamunda is contacted to determine the likelihood and the extent of this risk and whether mosquito management is required as a condition of approval for any future development.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

The WAPC notes that the City of Kalamunda raises no objections to the progression of the amendment to an Urban zone. The Minister for Environment has also released Ministerial Statement 1240 confirming that the amendment can be implemented subject to environmental conditions.

Mosquito risk impacts are typically considered in the subsequent local structure planning stage in consultation with the DoH and the City of Kalamunda. If mosquito risks are identified, then appropriate mitigation strategies are considered as part of a mosquito management plan.

In addition, the need for a leachate and landfill gas risk assessment is also considered in more detail as part of the local structure planning process with mitigation and management measures recommended if considered appropriate.

**Determination:** Submission noted.

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**Submission:** 153

**Submitted by:** City of Kalamunda

**Summary of Submission:** COMMENT

The City of Kalamunda advises as follows:

- The City notes that the proposed amendment aligns with the City’s adopted and published strategic planning framework. The Maida Vale South Precinct has been identified as an Investigation Area that presents an urban development and growth opportunity, since the preparation of the City’s Local Planning Strategy (2013).
- The MRS Amendment represents a significant proposal in Maida Vale and broader foothills locality, and an opportunity to engage in detailed planning for housing supply and diversity to meet the future growth of the City.
- It is noted that the proposed MRS Amendment assumes planning and growth scenarios adopted as part of the Local Planning Strategy (2013). There is a need to further consider the contemporary planning context, including changes that have occurred including the future urban development of High Wycombe South associated with the State Government’s Forrestfield Airport Link project, and any other revised growth assumptions identified in the City’s Local Housing Strategy (2021).

- The City requests an opportunity to review and provide comments on the current Bushfire Management Plan and proposed management measures, or to consider environmental and emergency response implications.
- The City requests an opportunity to review and provide comments on the draft District Water Management Strategy.
- Consistent with the City's adopted Local Biodiversity Strategy (2023-2043) the City requests that conservation significant values are distinguished and appropriately protected through a Parks and Recreation Reservation.
- Consistent with the City's adopted Urban Forest Strategy (2023-2043), the City encourages the avoidance of tree removal to maintain canopy cover and will recommend that the minimum canopy cover targets of the Urban Forest Strategy and of Local Planning Policy 33 Tree Retention are achieved through future structure planning and subdivision applications.
- The City recommends an appropriate foreshore protection area is identified for Poison Gully Creek.
- The City notes that the Maida Vale South area meets the criteria for the establishment of a Development Contribution Plan under *State Planning Policy 3.6: Infrastructure Contributions*. In order to meet the overarching principles including equity, certainty, and efficiency, an early preparation and adoption of a DCP is considered to be essential.
- There is a need to obtain confirmation of the future Roe Highway flyover between High Wycombe South and Maida Vale South. The High Wycombe South Residential Precinct Local Structure Plan Amendment No. 1 (WAPC approved in August 2023) notes the location of a 'Potential Future Fly-Over Roe Highway' connecting to Ravenswood Road in the Maida Vale area. The detailed overpass configuration and funding strategy has not been approved by the WAPC or Main Roads WA and requires further assessment.
- A Transport Impact Assessment is required. The City requests an opportunity to review and provide comments on the TIA once prepared.

### **Additional Information**

The City's previous comments were based on a preference for a linear progression of the amendment process. It was the City's understanding that there was interest to bring forward the consideration of a local structure plan to run alongside the MRS amendment.

The City understands the broad drivers being the timely progression of the project and the likelihood that the amendment if successful would deliver on broader strategic outcomes for the City and State. However, the City has been clear that whilst there may be benefits for streamlining and running some planning processes side by side, that approach does come with some risk that matters important to the City and community may not be sufficiently explored.

Whilst the City understood at the time that bringing forward a local structure plan had the benefit of presenting the detail earlier which may be of interest to the community, on balance the City's feedback was that it was more appropriate to step through the MRS process one thing at a time to allow for the thorough consideration of City and community feedback. The City's recent experience has been mixed when it comes to the transition of strategic growth areas from Rural to Urban.

In relation to the environmental review and appeals process, the certainty on the MRS amendment is much greater, key stakeholders have had opportunity to review key information and provide feedback, and the structure planning process remains one to be conducted in the future, after the MRS amendment has been determined.

As the planning context has evolved since the City's previous comments, there are no concerns with the amendment being updated to change to Urban zone and subsequently 'Urban Development' zone in the City of Kalamunda LPS 3.

The body of work completed is significant, has been well considered and assessed and no longer reflects a fast tracking of the planning process.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

**Determination:** Submission noted.

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**Submission:** 154

**Submitted by:** Department of Biodiversity, Conservation and Attractions

**Summary of Submission:** COMMENT

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

Threatened and priority ecological communities

DBCA considers the additional floristic community type (FCT) survey work and analysis included in the Technical Note was undertaken and prepared in accordance with the EPA 'Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment' (Environmental Protection Authority, 2016) (EPA Technical Guidance) and DBCA's guidance at Appendix 1 of 'Methods for survey and identification of Western Australian threatened ecological communities' (DBCA, 2021).

The conclusions regarding allocation of FCTs in Table 9 of the Technical Note generally appear adequate based on the data provided and are largely supported. However, the conclusions regarding the FCTs present within quadrats MVQ5, 22Q01, 22Q03, 22Q03, 22Q04, 22Q05 and 22Q08, when considering the statistical analyses against the Gibson dataset, as well as other factors such as key combinations of flora, and habitat features such as soil and landform, is not as clear. For the purpose of this assessment however, the consultants FCT assignment will be applied but with lower confidence.

The MRS Amendment area is located on the eastern side of the Swan Coastal Plain, near the Ridge Hill Shelf, which contains intergrade/transitional floristic areas. Without intensive vegetation sampling, FCT assignment can be difficult. It is likely however that further survey may not result in greater confidence in the FCT conclusions and correspondingly would not alter the significance of the vegetation, as it is likely that all the vegetation in good or better condition in this area is considered a State listed threatened ecological community (TEC). Based on the statistical analyses, with consideration of other factors such as key combinations of flora, and habitat features such as soil and landform, quadrat MVQ6 is likely an intergrade/transitional area between FCT20a (*Banksia attenuata* woodlands over species rich dense shrublands) and FCT20c (Shrublands and woodlands of the eastern side of the Swan Coastal Plain). Based on the available information, the assignment of FCT20a is accepted for the purposes of this assessment but given the rarity of FCT20c, the likely presence of this community is of note.

Threatened Flora

While the targeted flora surveys were considered to generally be undertaken in accordance with EPA technical guidance, the following advice is provided for consideration in ensuring adequate environmental information is provided to inform the MRS Amendment.

DBCA considers it reasonable that the targeted searches focused on remnants of native vegetation with suitable habitat. However, there also appears to be areas in Very Good condition and Good condition, such as the remnant vegetation south of Kent Road and south of Bruce Road, that were not included in the targeted surveys (no tracklogs shown in some areas in Figure 3). Areas such as these should be included in the targeted surveys to ensure all potential threatened and priority flora populations are identified.

It should be noted that the flora species *Thelymitra magnifica*, which occurs in Norwood Reserve <400m east of the development area, has recently been listed as Critically Endangered threatened flora under the BC Act. *T. magnifica* should therefore have been included in the targeted survey species list due to the proximity. This species generally occurs in moist granitic soils on ledges of lateritic and/or gravelly soil but it has been recorded in sandy areas. Plants grow in areas of dense heath where they prefer small clearings along tracks, near rocks and next to grass trees (*Xanthorrhoea preissii*). Two-leafed *Hakea* (*Hakea trifurcata*), white gums (*Eucalyptus wandoo*) and/or *marri* (*Corymbia calophylla*) are found in the vicinity.

It is noted that quadrats 22Q06, 22Q07 and 22Q08, as shown in Figure 3, have been placed in the area close to Norwood Reserve and were assessed in September 2022. Quadrat 22Q07 recorded the associated species *Xanthorrhoea preissii* and *Corymbia calophylla*. Quadrat 22Q08 soil type was recorded as gravel, sand, brown-orange with associated species *Hakea trifurcata*. Given all of these quadrats are within 200m of each other and within 400m of the known record of *T. magnifica*, this area appears to contain potentially suitable habitat. There are track logs surrounding these quadrats, but it is not clear if *T. magnifica* would have been identifiable at this time. This species generally flowers mid to late October, so it is likely the timing was too early to identify the species. As this species is a small orchid, it could have been overlooked if not actively surveyed when the flowers are fully open.

### Threatened Fauna

The remnant vegetation throughout the MRS amendment area provides known and potential habitat for conservation significant fauna species including Carnaby's black cockatoo (*Zanda latirostris*) (EN), forest red-tailed black cockatoo (*Calyptrorhynchus banksii naso*), Baudin's Cockatoo (*Zanda baudinii*) (EN) (VU), Western Quoll, Chuditch (*Dasyurus geoffroii*) (VU), Western Brush Wallaby (*Notomacropus irma*) (P4), water rat (*Hydromys chrysogaster*) (P4) and quenda (*Isodon fusciventer*) (P4). DBCA notes a supplementary on ground fauna and black cockatoo survey was undertaken in 2022 with results included in the Technical Note. Section 2.3, page 7). The additional survey undertaken also includes a comprehensive short range endemic survey at Appendix C of the ERD.

In accordance with the ERD, approximately 52.21 hectares of fauna habitat will be cleared as a result of the proposed development. With the exception of threatened black cockatoo species, the ERD does not adequately recognise direct and indirect impacts to native fauna likely or recorded to occur within the amendment area. The Technical Note indicates that six terrestrial fauna species were recorded during the 2022 field survey comprising five birds and one mammal (Section 3.3.4, page 39). There is limited consideration or discussion of impacts on any other fauna species that might be present in the amendment area – including likely occurrence (or visitation) of wambenger, water rat, western brush wallaby and a range of native birds, reptiles and frogs that could utilise the remnant vegetation. In addition, despite the recorded presence of quenda throughout the amendment area there is no consideration or discussion in the ERD of likely impacts on this species.

While it is unlikely that the clearing will result in significant impacts to terrestrial fauna at a regional level, a majority of the native fauna species currently utilising the habitats within the amendment area will not persist following urban development. There may be limited fauna, such as quenda, that may persist in small numbers within the proposed retention areas, if appropriately retained and managed as part of the future development.

As the retention of areas of fauna habitat is the primary mechanism proposed to avoid and mitigate fauna impacts in the ERD, it is important that the proponent identifies specific planning mechanisms at the MRS amendment stage, to ensure the appropriate protection and management of these areas in a future urban setting.

### Short Range Endemics

The ERD includes the “Baseline Short Range Endemic and Conservation Significant Invertebrate Survey for the Local Structure Plan Maida Vale, Western Australia” (Invertebrate Solutions Pty Ltd, 2023) at Appendix C, which involved a desktop assessment and field survey for short range endemic (SRE) species. Results of the survey indicate a relatively rich invertebrate and SRE invertebrate fauna in the amendment area, and highlights that the riparian vegetation, in particular, provides important SRE a habitat which should be protected and managed.

### Black Cockatoos

The Technical Note and ERD includes the results of additional survey for threatened black cockatoo habitat. The additional information provided is considered sufficient to assess the proposal’s potential impacts on the three species of black cockatoo (Carnaby’s black cockatoo (*Zanda latirostris*), forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) and Baudin’s Cockatoo (*Zanda baudinii*).

It should be noted that the cumulative impacts associated with the loss of threatened black cockatoo habitat is reducing the amount of habitat and reducing the number of birds that can be supported in the region. In the respective black cockatoo recovery plans they note that reversal of threats (including loss of habitat) is required before significant increases in the cockatoo populations can occur. The Recovery Plan’s identify the need to protect and manage as much habitat as possible to minimise the impacts of habitat loss. Therefore, all remaining resources are significantly important to black cockatoos.

If trees with suitable hollows are to be removed, it is recommended that trees be felled outside of the birds breeding period. If trees with suitable hollows are to be cleared within the breeding period, they must first be inspected by a suitably experienced fauna specialist to ensure that nesting is not occurring. If the inspection identifies nesting birds, a section 40 authorisation under the BC Act will be required. Where nesting is occurring, trees are to be demarcated and avoided, until after the cockatoos have naturally completed nesting (i.e. chick has fledged and dispersed from the hollow).

### Proposed Vegetation Retention in Open Space

It is noted in the Concept Plan, prepared to inform the MRS Amendment and shown at Figure 3 of the ERD that the identification 16.43 hectares of open space within the MRS Amendment area is proposed to provide for the retention of a majority of the environmental values on site. It is understood that these open space areas will protect a minimum of 8 hectares of TEC, 20 individuals of priority and threatened flora and 7.48 hectares of native vegetation in Good to Excellent condition (Table 2 of the ERD).

Some of the areas to be retained as open space are isolated and have a large perimeter to area ratios resulting in increased edge effects (e.g. disease weeds, rubbish etc). In addition, the

isolation and fragmentation is likely to further reduce the likelihood of persistence of the retained species/communities due to decreased genetic diversity resulting from the genetic isolation, reduced pollinator movement leading to lower overall reproductive potential and altered species/community demographics. It is recommended that the size of the retention areas be increased and amalgamated with other areas where possible to maximise the habitat supporting conservation significant species and communities.

The current proposed mitigation measures are not considered sufficient to ensure that the threatened flora populations / TEC occurrences, retained in small remnants with a high perimeter to area ratio, will persist in the long-term. Based on the current proposal, it is recommended that the loss of the environmental values in these areas should be recognised and considered for inclusion in the proposed significant residual impacts at Section 9.1 (page 101) of the ERD.

Planning mechanisms, ensuring the appropriate protection, enhancement and management of the identified open space areas, need to be identified and required early in the planning process. This includes the preparation of environmental management plans to maintain and improve areas of high conservation value which includes the rehabilitation of degraded areas to provide buffers to TEC's, threatened flora populations and fauna habitat. Given the significant environmental values within the retained open space areas, it is recommended that advice should be sought from DBCA during the preparation of future environmental management plans.

#### Bushfire Management

Information within the "BPP Bushfire Management Plan" (BPAD Bushfire Planning and Design, 2017) (BMP) prepared to support the MRS Amendment does not align with the retention areas shown at Figure 3 of the ERD. Areas of high conservation value and proposed for 'vegetation retention', including vegetation south of Bruce Road, is shown as 'Low Bushfire Hazard' in Figure 5.3 of the BMP. This indicates that the vegetation within these areas will be cleared or significantly modified to low fuels. The BMP should be updated to reflect the current development planning, recognising the requirement for development setbacks and hard road edges to the development interfaces with retained vegetation. DBCA supports the appropriate classification of retained and rehabilitated vegetation within open space areas within the BMP, which recognises that some areas, if not already containing remnant vegetation may be revegetated in the future.

There should be no indication in future planning stages that any significant fuel reduction measures or modification of existing vegetation or permissible rehabilitation species within the open space areas are necessary to meet the Building and Hazard Separation Zones required.

#### Biodiversity Conservation Act

The ERD indicates that the proposed urban development of the Maida Vale Urban Precinct proposed direct and indirect impacts to occurrences and habitat of threatened flora and fauna species (*Conospermum undulatum*, and black cockatoos), ecological communities listed as threatened under the BC Act and habitat for quenda and other conservation significant fauna.

Proponents for development proposals that are likely to take or disturb State-listed threatened species will be required to submit an application for ministerial authorisation under Section 40 or to modify an occurrence of a threatened ecological community under section 45 of the BC Act. Please contact DBCA for further advice regarding Ministerial Authorisation requirements under section 40 and 45 of the BC Act.

DBCA will continue to liaise with DWER, as part of the formal EP Act assessment, in relation to the proposed mitigation and offset measures for impacts to State listed species and communities.

### Matters of National Environmental Significance

It is noted that areas of vegetation within the MRS Amendment area align with the Commonwealth listed threatened ecological community 'Banksia Woodlands of the Swan Coastal Plain'.

The area also contains known populations of the threatened flora species *C. undulatum* and habitat for Carnaby's Black Cockatoo (*Zanda latirostris*), Forest Red-tailed Black Cockatoo (*Calyptrorhynchus banksii naso*) and Baudin's cockatoo (*Zanda baudinii*). There is therefore a potential impact to threatened species and communities listed under State and Federal legislation. Consideration should be given to the obligations for assessment of future development proposals in accordance with the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Please be aware that proponent(s) may have notification responsibilities under the EPBC Act and should contact the Commonwealth Department of Climate Change, Energy, the Environment and Water for further information on these responsibilities.

**WAPC Comment:** Comments noted. Refer to parts "6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters" of the Report on Submissions.

The WAPC notes that since the DBCA's comments were received additional information has been provided as part of the Environmental Review process. On 7 January 2025, the Minister for Environment issued Statement No. 1240 confirming that MRS Amendment 1344/57 can be implemented subject to environmental conditions.

Any structure plan for the amendment area will need to demonstrate compliance with the environmental outcomes and values set out in Statement No. 1240 and is likely to be supported by additional and/or updated technical surveys, assessments and documentation. This includes the requirement to prepare an Offsets Strategy, approval of the draft DWMS and FAR prior to structure planning approval. This process includes additional consultation with the DBCA as part of the structure planning process.

It is also acknowledged that the existing Bushfire Management Plan will need to be updated in accordance with *State Planning Policy 3.7 – Bushfire* to accompany the subsequent structure plan. The BMP will need to take in consideration Ministerial Statement 1240 including any environmental conservation areas.

**Determination:** Submission noted.

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**Submission:** 155 (Late)

**Submitted by:** Dr Sam Rycken (on behalf of Birdlife Australia)

**Summary of Submission:** OBJECTION

The submitter advises that this area constitutes key habitat for critically endangered Baudin's cockatoos as per Rycken et al. 2021. They advise that trees and remnant vegetation are protected within this area. In addition, the area holds important foraging and roosting habitat for the other two black cockatoo species (Forest Red-tailed Black Cockatoo and Carnaby's Black Cockatoo) as well. The following are the values of the proposed area in Maida Vale for Black Cockatoos:

### Impact on Baudin's Cockatoo foraging and roosting habitat

A large flock of Baudin's Black Cockatoos, a critically endangered species endemic to WA, uses this area yearly when starting its migration to the southern parts of the Jarrah Forest.

The flock spends weeks foraging and roosting throughout the proposed area. Our tracking research run by Murdoch University has previously demonstrated the importance of the area. Below we present some of this information published in the Wildlife Research Journal in 2021.

The above states that there are at least two known flocks of Baudin's cockatoos that use this area as roosting and foraging habitat on a seasonal basis. The fidelity to these sites and the revisitation rates with which they use the habitat present demonstrates the critical importance of the natural resources in the area to the species. If 25.23 ha of foraging habitat (marri trees, which is their dominant food source) is removed these birds will disappear from this area. This is incredibly problematic as Marri trees of the same foraging capacity are predominantly found in areas like these and other peri-urban areas edging the Darling Scarp. Within the Jarrah Forest this resource is more limited as Marri is outcompeted by Jarrah and will only occur in certain areas and elevations. With the clearing of all the Marri in the area, the roosts for the species will fail and an important link in their migratory connectivity will be disturbed. As this is a critically endangered species, the retention of the Marri in this area should be considered a priority. Offset procedures will not be appropriate here as this type of habitat cannot be replaced/restored.

### Impact on Baudin's Cockatoo breeding habitat

The fact that there are seven potential; breeding trees here for either Forest Red-tailed Black cockatoos or Baudin's cockatoos is concerning. Even if these trees are retained, the immediate loss of the foraging habitat nearby the breeding sites will result in the failure of breeding attempts. It is not enough to retain breeding trees if all the foraging habitat is cleared. We understand that foraging habitat is potentially harder to quantify and not as obvious as a potential breeding tree, but the fact that the foraging habitat set to be cleared is in proximity of the breeding trees should warrant its protection. The figures above demonstrate that all foraging habitat (Marri) in the area is being used by Baudin's and that is critical to protect these trees.

In addition, we would like to make the point that although out of 257 trees only 7 trees had suitable hollows, future breeding trees that have not had a chance to form any hollows yet are to be removed here. If we only protect hollow bearing trees, there is no chance of any decent recruitment rate when it comes to new breeding habitat for black cockatoos.

### Impact on other Black Cockatoo habitat

Through our knowledge of the Great Cocky Count, we know that there are another 13 Forest-Red-tailed Black Cockatoo roosts, four White-tailed Black cockatoo (Carnaby's or Baudin's) roosts and six joined roosts within 6km of the proposed. There is, for example, one roost only 500 m removed from the proposed which has had between 200 – 300 black cockatoos roosting there over the last three years. The sheer numbers of black cockatoos associated with the roosts in the area demonstrates the importance of the surrounding foraging habitat. The removal of 25.3 ha will have a significant impact on the endangered black cockatoos in the area including the critically endangered Baudin's cockatoo.

### Conclusion

Although it is understood that with urban expansion and the current housing crisis, rezoning of land for urban development is bound to happen, we would like to state that this area constitutes critical habitat for critically endangered Baudin's cockatoos. We therefore advise that the trees and remnant vegetation are protected within this area. We urge the department to take the



information presented here into consideration, especially at the landscape planning phase. Development can still take place without having to remove important remnant vegetation on which threatened species rely. Urban green spaces benefit both wildlife and the human population that inhabit an area.

This submission was accompanied by supporting information.

**WAPC Comment:** Comments noted. Refer to parts “6.2 (a) – Strategic Planning Matters, (b) – Environmental Matters, (c) – Amenity Impacts, (d) – Urban Deferred Zoning and (e) – Other Matters” of the Report on Submissions.

**Determination:** Submission dismissed.

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**Submission:** 156 (Late)

**Submitted by:** Main Roads WA

**Summary of Submission:** COMMENT

Main Roads WA raises no objections to the modifications of the amendment to the Urban zone, provided the TIA is updated to MRWA satisfaction and the location of the proposed Roe Highway overpass is confirmed during structure planning stage.

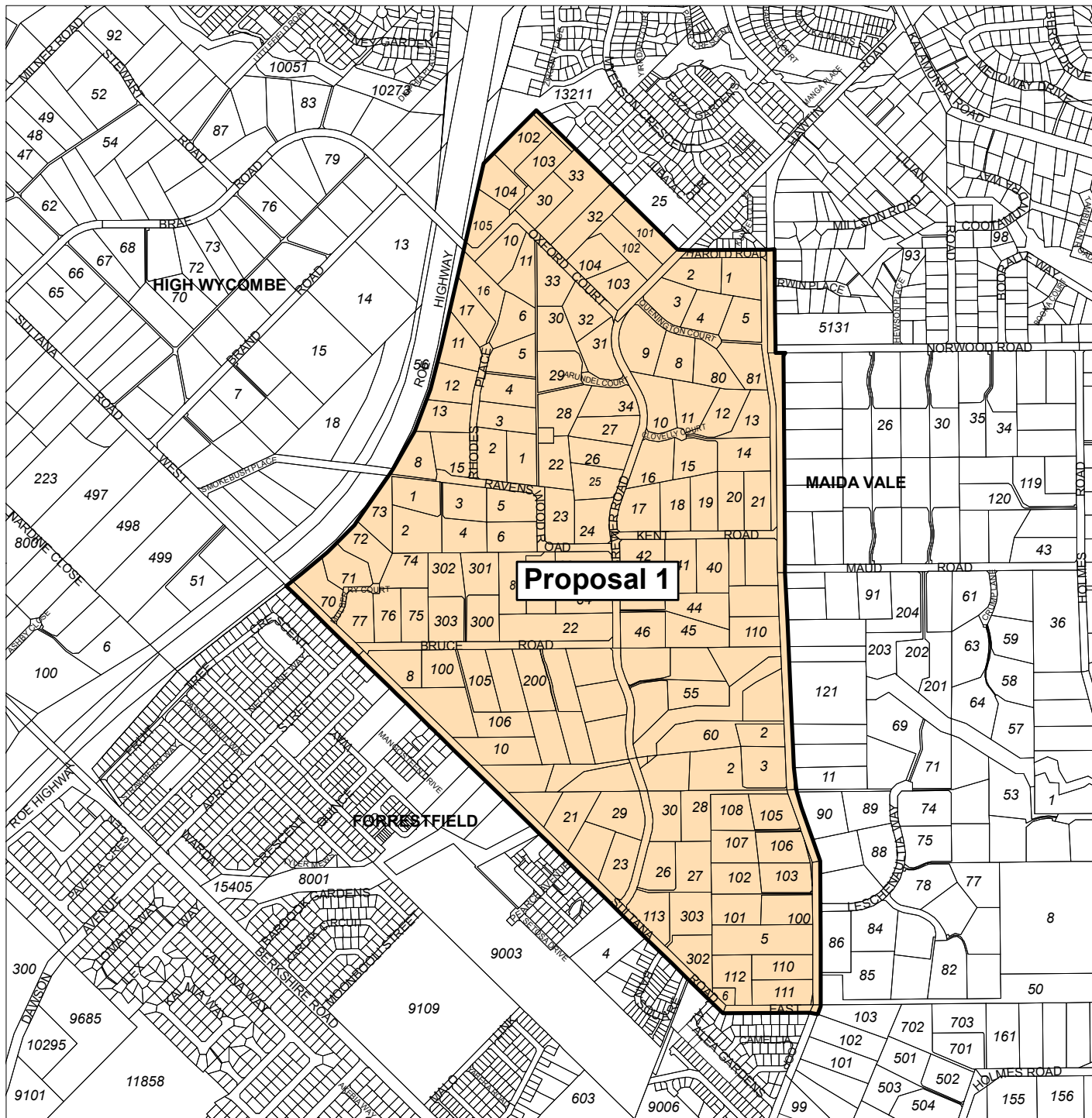
**WAPC Comment:** Comments noted. Refer to part “6.2 (d) – Urban Deferred Zoning” of the Report on Submissions.

**Determination:** Submission noted.

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### **Schedule 3**

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




## Maida Vale Urban Precinct Proposed Minor Amendment as advertised

31 May 2018

Proposal 1

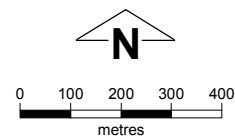
Proposed Amendment:

 Urban deferred zone

Oracle reference no: 2877  
File number: 833/02/24/0063  
Version number: 3

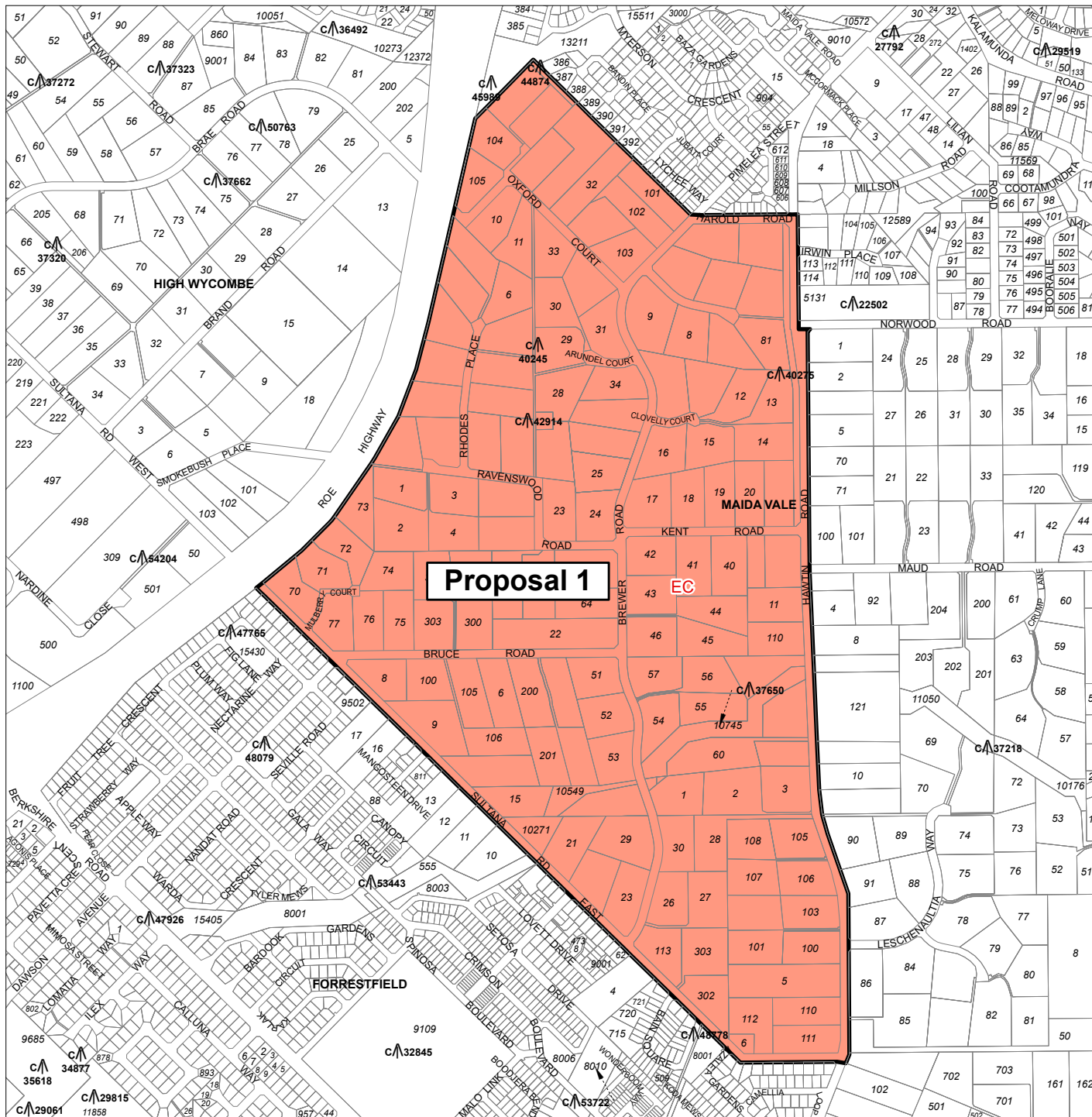


Date: 20/06/2018  
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1



## **Schedule 4**

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



## Maida Vale Urban Precinct Proposed Minor MRS amendment as modified

19 March 2025

Proposal 1

Proposed Amendment:

Rural zone to Urban zone

EC Environmental conditions

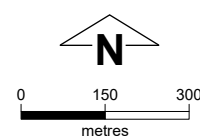
Reference no: 2877

File no: RLS/0607

Version number: 5

**WAPC**  
Western Australian  
Planning Commission

Date: 5/05/2025  
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority SLIP 1447-2023-1



## **Schedule 5**

**Environmental Conditions Statement No. 1240**

**THIS DOCUMENT**

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Published on: 7 January 2025

Statement No. 1240

**STATEMENT THAT A SCHEME MAY BE IMPLEMENTED**  
***(Environmental Protection Act 1986)***

**METROPOLITAN REGION SCHEME AMENDMENT 1344/57 –**  
**MAIDA VALE URBAN PRECINCT**

**Scheme Purpose:** *The Metropolitan Region Scheme (MRS) Amendment proposed to rezone land in Maida Vale from the 'Rural' zone to the 'Urban Deferred' zone. The proposed 'Urban Deferred' zone will facilitate future residential development, areas of public open space and retention areas (conservation of environmental values) following the lifting of 'Urban Deferment', a Local Planning Scheme (LPS) amendment, structure planning and subdivision and development approval.*

**Responsible Authority:** *Western Australian Planning Commission (WAPC)*  
*Australian Company Number (ACN) 35 482 341 493*

**Responsible Authority**  
**address:** *Gordon Stephenson House, 140 William St, Perth WA 6000*

**Assessment number:** 2175

**Report of the Environmental Protection Authority:** 1766

**Introduction:** Subject to the following conditions the Metropolitan Region Scheme (MRS) Amendment to which the above Report 1766 of the Environmental Protection Authority (EPA) relates to is likely to be consistent with the EPA's objectives for Inland waters, Flora and vegetation, and Terrestrial fauna.

## **Conditions and procedures**

### **ENVIRONMENTAL CONDITIONS FOR MRS AMENDMENT 1344/57**

**ATTACHMENT A: SPECIFICATIONS FOR RETENTION AREAS, FORESHORE AREAS AND ENVIRONMENTAL VALUES AND OBJECTIVES FOR AMENDMENT 1344/57.**



## ENVIRONMENTAL CONDITIONS FOR MRS AMENDMENT 1344/57

### General

1. The **Responsible Authority** must act consistently with:
  - A the requirements of Ministerial Statement 1240; and
  - B the achievement of the environmental outcomes in Attachment A to Ministerial Statement 1240when exercising powers under the **MRS** or approving any **subdivision** for land in the **MRS Amendment Area**.

### Requirements before structure plan approval

2. The **Responsible Authority** must not approve any **structure plan** for the **MRS Amendment Area** unless it is satisfied:
  - A in consultation with the Department of Water and Environmental Regulation (**DWER**) that:
    - a. the **Foreshore Assessment Report (FAR)** for Crumpet Creek has been updated;
    - b. the **District Water Management Strategy (DWMS)** has been updated; and
    - c. a **Local Water Management Strategy (LWMS)** has been prepared; and
  - B in consultation with **DWER** and Department of Biodiversity, Conservation and Attractions (**DBCA**), that a **Foreshore Management Plan** has been preparedin accordance with the requirements in Attachment A of Ministerial Statement 1240.
3. The **Responsible Authority** must not approve any **structure plan** for the **MRS Amendment Area** unless it is satisfied that surveys for **black cockatoo** and, if required, **buffer** investigations have been carried out for any land in the **MRS Amendment Area** to which the **structure plan** relates, in accordance with the requirements in Attachment A of Ministerial Statement 1240.

### Structure plan

4. The **Responsible Authority** must not approve any **subdivision** for the **MRS Amendment Area** unless:
  - A the proposed **subdivision** is a **minor subdivision**; or
  - B a **structure plan** that complies with the requirements in Attachment A of Ministerial Statement 1240 has been approved under an applicable local planning scheme.

## Further surveys

5. Prior to approval of any **subdivision** (other than **minor subdivision**) for any **Unsurveyed Land**, surveys for flora and vegetation, **black cockatoo** and associated habitat and, if required, buffer investigations must be carried out in accordance with the requirements in Attachment A of Ministerial Statement 1240 unless the **Responsible Authority** considers in consultation with **DWER** and **DBCA** that the relevant survey and/or buffer investigation is not required.
6. Prior to approval of any **subdivision** (other than **minor subdivision**) for any land in the **MRS Amendment Area**, **black cockatoo** surveys and, if required, buffer investigations must be carried out in accordance with the requirements in Attachment A of Ministerial Statement 1240 unless the **Responsible Authority** considers in consultation with **DWER** and **DBCA** that the relevant survey and/or buffer investigation is not required.

## Management plans for retention areas

7. Prior to approval of any **subdivision** (other than **minor subdivision**) for land that wholly or partly includes an **initial retention area** or an **additional retention area**, a management plan that complies with the requirements in Attachment A to Ministerial Statement 1240 must be prepared for the **retention area** unless the **Responsible Authority** considers, in consultation with **DBCA** and **DWER**, that a management plan is not required.
8. A management plan for a **retention area** must be implemented to the satisfaction of the **Responsible Authority**, in consultation with **DWER** and/or **DBCA**.

## Subdivision

9. Subject to condition 10, the **Responsible Authority** must not approve a **subdivision** (other than **minor subdivision**) unless:
  - A the proposed **subdivision** is consistent with:
    - a. the aspects of the approved **structure plan** that address the requirements in Attachment A of Ministerial Statement 1240; and
    - b. the achievement of the environmental outcomes in Attachment A to Ministerial Statement 1240; and
  - B the **Responsible Authority** is satisfied, in consultation with **DWER** and **DBCA**, that:
    - a. any surveys required by condition 5 and 6 have been carried out;
    - b. any management plan required by condition 7 has been prepared;
    - c. any **retention area** within the relevant land will be:

- i. ceded to the Crown as a reserve for conservation; or
    - ii. otherwise protected in perpetuity; and
  - d. any significant impacts to **environmental values** that will be caused by the **subdivision** will be appropriately offset in accordance with an **Offset Plan** that meets the requirements in Attachment A to Ministerial Statement 1240.
- 10. The precise boundaries of the **initial retention areas** shown in Figure 1 and the **additional retention areas** identified through further surveys may be refined through the **subdivision** approval process, provided that such refinement will not adversely impact the **environmental values** of the area or prevent the environmental outcomes in Attachment A of Ministerial Statement 1240 from being achieved.

#### **Retention areas and foreshore buffer**

- 11. Subject to condition 10, no **ground disturbing activities** are permitted in:
  - A the **initial retention areas** and **additional retention areas**; or
  - B the **foreshore area** and **foreshore buffer** of Crumpet Creek as shown in Figure 2 or, if the **FAR** has been updated, as delineated in that **FAR**, unless:
    - C the activity is **low impact management**; or
    - D it is demonstrated to the satisfaction of the **Responsible Authority** in consultation with **DWER** and **DBCA** that the activity is consistent with the achievement of the environmental outcomes in Attachment A of Ministerial Statement 1240 and the **environmental values** of the area will not be materially impacted.

#### **Environmental Performance Report**

- 12. The **Responsible Authority** must submit Environmental Performance Reports to **DWER** in accordance with the requirements in Attachment A of Ministerial Statement 1240.

#### **Definitions**

- 13. Terms in these conditions have the meaning set out Table 1 of Ministerial Statement 1240.

## ATTACHMENT A

### A Environmental outcomes

A1 The environmental outcomes for flora and vegetation are:

- (1) no **disturbance** to more than:
  - (a) 2.52 ha of *Banksia attenuata* woodlands over species rich dense shrublands **Threatened Ecological Community (TEC)** (Floristic Community Type (FCT) 20a); and
  - (b) 0.87 ha of *Banksia attenuata* and/or *Eucalyptus marginata* woodlands of the eastern side of the Swan Coastal Plain (SCP) **TEC (FCT 20b)**;
- (2) with the exception of **low impact management**, no **disturbance** or **adverse impacts** to flora and vegetation **environmental values** in **initial retention areas** and **additional retention areas** including:
  - (a) *Banksia attenuata* woodlands over species rich dense shrublands **TEC (FCT 20a)**;
  - (b) *Banksia attenuata* and/or *Eucalyptus marginata* woodlands of the eastern side of the Swan Coastal Plain **TEC (FCT20b)**;
  - (c) *Corymbia calophylla* – *Eucalyptus marginata* woodlands on sandy clay soils of the southern Swan Coastal Plain **TEC (FCT3b)**;
  - (d) *Conospermum undulatum*;
  - (e) *Isopogon autumnalis*; or
  - (f) other **threatened** or **priority** flora species or **TEC**; and
- (3) maintain the **viability** of the **environmental values** described in A1(2) in the **initial retention areas** and **additional retention areas**.

A2 The environmental outcomes for terrestrial fauna are:

- (1) no **disturbance** to more than:
  - (a) 21.33 ha of **black cockatoo high quality foraging habitat**;
  - (b) 257 **black cockatoo potential nesting trees**;
- (2) no **adverse impacts** to **black cockatoo foraging habitat**, **suitable nesting trees** and **roost** sites within the **initial retention areas**; and
- (3) no **adverse impacts** to **black cockatoo roost** sites outside the **initial retention areas**.

A3 The environmental outcomes for inland waters are:

- (1) no **adverse impacts** to Crumpet Creek (as shown in Figure 1) including the hydrological regime, water quality, ecological integrity, or ecological function;
- (2) maintain predevelopment flows in Crumpet Creek; and
- (3) no **adverse impacts** to Poison Gully (as shown in Figure 1) including the hydrological regime, water quality, ecological integrity, or ecological function.

**B Assessments and documents required prior to structure plan approval**

B1 The updated **Foreshore Assessment Report (FAR)** required by condition 2.A.a must:

- (1) be consistent with *Department of Water (2012) Operational Policy 4.3 Identifying and establishing waterways foreshore areas*; and
- (2) delineate the **foreshore area** and **foreshore buffer**, informed by at minimum:
  - (a) topographic survey;
  - (b) surface water flow monitoring data;
  - (c) predevelopment modelling of the floodway, floodplain and flood fringe;
  - (d) post development modelling of the floodway, floodplain and flood fringe;
  - (e) predevelopment and post development spatial definition of the floodway, floodplain and flood fringe;
  - (f) landforms important to watercourse function;
  - (g) vegetation types and conditions;
  - (h) adjacent land use;
  - (i) water quality protection;
  - (j) aquatic habitat protection; and
  - (k) soil types.

B2 The updated **District Water Management Strategy (DWMS)** required by condition 2.A.b must include:

- (1) the updated **FAR**;

- (2) delineation of the Crumpet Creek **foreshore area** and **foreshore buffer** consistent with the updated **FAR**;
- (3) surface water flow monitoring data;
- (4) surface water quality and flow monitoring program including monitoring parameters, sites, control/reference sites, methodology, timing and frequencies which will be used to determine threshold and **trigger criteria** for surface water flow and quality in Crumpet Creek, Poison Gully and unnamed watercourse (open drain) shown in Figures 1 and 2;
- (5) groundwater depth and quality monitoring program including monitoring parameters, sites, control/reference sites, methodology, timing and frequencies which will be used to determine threshold and **trigger criteria** to ensure the achievement of the environmental outcomes for inland waters; and
- (6) pre and post development surface water modelling.

B3 The **Local Water Management Strategy (LWMS)** required by condition 2.A.c must:

- (1) be informed by the updated **FAR** and the **DWMS**; and
- (2) include:
  - (a) geotechnical investigations;
  - (b) results of the implementation of the surface water quality and flow monitoring program in the DWMS;
  - (c) results of the implementation of the groundwater monitoring program in the DWMS;
  - (d) pre and post development surface water modelling;
  - (e) an update to the **FAR** based on the matters in (b) and (d) above;
  - (f) development of surface water quality threshold and trigger criteria based on the results of the surface water quality and flow monitoring program;
  - (g) development of groundwater quality threshold and trigger criteria based on the results of the implementation of the groundwater monitoring program;
  - (h) adaptive management methodology;

- (i) **contingency measures** which will be implemented if **trigger criteria** are not met;
- (j) a post development surface water monitoring program;
- (k) details of proposed source of irrigation for public open space; and
- (l) reporting requirements.

B4 The **Foreshore Management Plan** required by condition 2.B must:

- (1) be prepared in accordance with *Guidelines for the preparation of foreshore management plans in waterways management areas* (Waterways Commission 1994);
- (2) address management of the Crumpet Creek **foreshore area** and **foreshore buffer** as delineated in the updated **FAR**;
- (3) include:
  - (a) delineation of the **foreshore area** and **foreshore buffer** consistent with the updated **FAR**;
  - (b) landscaping and ongoing management of the **foreshore area**;
  - (c) flooding and stormwater management;
  - (d) vegetation and fauna habitat protection;
  - (e) rehabilitation and restoration; and
  - (f) management of potential environmental impacts during construction and post construction phases.

## **C Structure Plan**

C1 Any structure plan for the **MRS Amendment Area** must:

- (1) be consistent with:
  - (a) the achievement of the **environmental objectives** for Inland waters, Flora and vegetation and Terrestrial fauna; and
  - (b) the environmental outcomes set out in A1, A2 and A3;
- (2) depict the **initial retention areas** and any **additional retention areas** that have been identified following further surveys;
- (3) provide for the **retention areas** to be ceded to the Crown as a reserve for conservation or otherwise protected in perpetuity;

- (4) provide for the preparation and implementation of management plans for the **retention areas** which will meet the requirements in E1 and E2;
- (5) include an **offset strategy** that meets the requirements of F1; and
- (6) include the **Foreshore Management Plan** required by condition 2B.

## **D Further surveys**

D1 A flora and vegetation survey required by condition 5 must:

- (1) be consistent with **flora and vegetation technical guidance**; and
- (2) involve targeted searches for flora and vegetation including but not limited to *Thelymitra magnifica*, *Conospermum undulatum* and *Isopogon autumnalis*).

D2 On advice of **DWER** and **DBCA**, if a survey for flora or vegetation identifies one or more:

- (1) **viable population** of significant or threatened or priority flora;
- (2) **viable population** of *Conospermum undulatum*; and/or
- (3) **viable patch** of **TEC**;

then

- (4) an investigation must be carried out, in consultation with **DWER** and **DBCA**, to determine the buffer zone required for the relevant population/patch to remain **viable** and self-sustaining; and
- (5) the land containing the population/patch and the buffer zone is an **additional retention area** for the purposes of these conditions.

D3 A **black cockatoo** survey required by condition 3 or 6 must:

- (1) be consistent with **terrestrial fauna technical guidance**;
- (2) include a **black cockatoo hollow inspection**; and
- (3) involve determination as to whether there are any **black cockatoo roost** sites not shown in Figure 1.

D4 If a **black cockatoo** survey identifies a **black cockatoo roost** site or **suitable** or **known nesting tree** outside the **initial retention areas**:

- (1) an investigation must be carried out, in consultation with **DWER** and **DBCA**, to determine the **buffer** zone required for each:
  - (a) **roost** site; and
  - (b) **suitable** and **known nesting tree** that will be retained,



to ensure that the **environmental value** will remain **viable** and be self-sustaining; and

- (2) the land containing site or tree to be retained and the buffer zone is an **additional retention area** for the purposes of these conditions.

## **E Management plans**

E1 A management plan for a **retention area** must be consistent with the achievement of the environmental outcomes set out in A1, A2 and A3.

E2 A management plan for a **retention area** in which:

- (1) a **viable** population of *Conospermum undulatum*;
- (2) a **viable** population of *Banksia attenuata* woodlands over species rich dense shrublands (FCT20a) or other **TEC**; or
- (3) **black cockatoo roost** sites or **suitable** or **known nesting trees**

have been identified must be consistent with the relevant **recovery plan** and must include:

- (4) the enhancement and management activities to be undertaken;
- (5) **buffer** requirements;
- (6) management targets;
- (7) timeframe to meet the management targets;
- (8) maintenance, monitoring and reporting requirements; and
- (9) contingency measures required to meet management targets.

## **F Offsets**

F1 The **Offset Strategy** that must form part of the **structure plan** must:

- (1) be prepared in consultation with **DWER**;
- (2) demonstrate how the proposed offsets counterbalance the significant residual impacts on the following environmental values:
  - (a) *Banksia attenuata* woodlands over species rich dense shrublands **TEC** (FCT 20a);
  - (b) *Banksia attenuata* and/or *Eucalyptus marginata* woodlands of the eastern side of the SCP **TEC** (FCT 20b); and

- (c) any **threatened** or **priority** flora and vegetation and **black cockatoo** (high and/or very high) quality foraging habitat values not in **retention areas**;
  - (3) identify suitable offset sites in the local area that will be ceded to the Crown for the purpose of management for conservation or managed under another suitable mechanism for the purpose of conservation;
  - (4) demonstrate that the offset sites will be appropriately managed for the longer of:
    - (a) twenty (20) years after approval of subdivision; or
    - (b) until it is demonstrated that the **environmental value** is self-sustaining; and
  - (5) identify the person or body who will be responsible for the management of the offset site and include confirmation that they accept responsible for their role.
- F2 An **Offset Plan** required by condition 9.B.d must demonstrate that the implementation of the offsets provide for tangible, permanent and net environmental benefit for the **environmental values** listed in F1(2) including:
- (1) restoration of **TEC** vegetation which is recorded to be in 'Completely Degraded' to 'Degraded' condition' and on-ground management to increase the quality and ecological function of the remaining extent of the **TEC**; and
  - (2) habitat enhancement including revegetation to provide high quality **black cockatoo** foraging habitat in the local area.

## **G Environmental Performance Report**

- G1 Three months after a **structure plan** for the **MRS Amendment Area** is approved or amended, the **Responsible Authority** must submit to **DWER** an Environmental Performance Report which demonstrates how the approved structure plan responds to the requirements in C1.
- G2 Every three years after a **structure plan** for the **MRS Amendment Area** was first approved, until **DWER** confirms in writing that a report is no longer required under this condition, the **Responsible Authority** must submit to **DWER** an Environmental Performance Report which addresses the following in relation to the period since the last report was submitted under this condition:
- (1) the approval and implementation of the **FAR, DWMS, LWMS, Offset Strategy**, Foreshore Management Plan and management plans for **retention areas**; and

- (2) how any **subdivision** or **development** approvals granted by the **Responsible Authority** address the requirements of Ministerial Statement 1240.

[signed on 6 January 2025]

Hon Reece Whitby MLA

**MINISTER FOR ENVIRONMENT; CLIMATE ACTION**

<b>Key decision-making authority consulted under section 48F(1):</b>
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Minister for Planning
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**Table 1: Definitions**

<b>Acronym or abbreviation</b>	<b>Definition or term</b>
<b>Additional retention area</b>	An area identified as an additional retention area under the conditions of <b>Ministerial Statement 1240</b> following further flora and fauna or <b>black cockatoo</b> surveys.
<b>Adverse impact/ adversely impacted</b>	Negative change that is neither trivial nor negligible that could result in a reduction in health, diversity or abundance of the receptor/s being impacted, or a reduction in <b>environmental value</b> . Adverse impacts can arise from direct or indirect impacts, or other impacts from the implementation of scheme.  In relation to flora and vegetation and terrestrial fauna, includes but is not limited to change in hydrology, altered fire regime and edge effects.
<b>Black cockatoo</b>	Includes carnaby's cockatoo ( <i>Zanda latirostris</i> ), forest red-tailed black cockatoo ( <i>Calyptrorhynchus banksii naso</i> ) and baudin's cockatoo ( <i>Zanda baudinii</i> ).
<b>Black cockatoo hollow inspection</b>	Methodology to include but not limited to: <ul style="list-style-type: none"> <li>• Tree hollows are assessed from ground level using a pole camera or using a drone to assess each hollow</li> <li>• Observations made on the size, dimensions and angle of entrance and internal chamber, current use (chew markings, nesting material etc), condition, and likelihood of them being utilised by black cockatoos.</li> </ul>
<b>Buffer</b>	Adequate area adjacent to the <b>environmental value</b> important for protecting its integrity and providing protection from direct disturbance, to reduce the risk of significant adverse impact.
<b>Contingency measures</b>	Planned actions for implementation if it is identified that an environmental outcome, environmental objective, threshold criteria, or management target is likely to be, or is being, exceeded. Contingency measures include changes to or reductions in disturbance or <b>adverse impacts</b> to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold or management target and to ensure that the environmental outcome and/or objective can be met.
<b>DBCA</b>	Department of Biodiversity, Conservation and Attractions
<b>Development</b>	As defined in the <i>Planning and Development Act 2005</i>
<b>Disturb/ disturbance</b>	Directly has or materially contributes to the disturbance effect on health, diversity or abundance of the receptor/s being impacted or on an <b>environmental value</b> .  In relation to flora, vegetation, or fauna habitat, includes to result in death, destruction, removal, severing or doing substantial damage to.

Acronym or abbreviation	Definition or term
	<p>In relation to fauna, includes to have the effect of altering the natural behaviour of fauna to its detriment.</p> <p>In relation to inland waters, includes to have the effect of altering hydrological regimes or water quality to the detriment of the <b>environmental values</b> supported by or dependent on surface water and/or groundwater.</p>
<b>District Water Management Strategy (DWMS)</b>	360 Environmental, 2023. Maida Vale District Water Management Strategy. June, Prepared for M Group.
<b>DWER</b>	Department of Water and Environmental Regulation
<b>Environmental Review Document (ERD)</b>	360 Environmental (2023) Metropolitan Region Scheme Amendment 1344/57 – Maida Vale Urban Precinct Environmental Assessment (Rev 8; June).
<b>Environmental objectives</b>	<p>As per:</p> <ul style="list-style-type: none"> <li>• EPA (2016) Environmental Factor Guideline: Terrestrial Fauna</li> <li>• EPA (2016) Environmental Factor Guideline: Flora and Vegetation</li> <li>• EPA (2018) Environmental Factor Guideline: Inland Waters</li> </ul>
<b>Environmental value</b>	A beneficial use, or ecosystem health condition.
<b>FCT</b>	Floristic community type
<b>Flora and vegetation technical guidance</b>	The Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment (EPA 2016).
<b>Foreshore Area</b>	The land that adjoins or directly influences a waterway. It is the area of transition between the edge of the waterway and the furthest extent of riparian vegetation, the floodplain and riverine landforms, or a negotiated area endorsed by the Department of Water and Environmental Regulation. Determination of the foreshore area is informed by <i>Operational policy 4.3: Identifying and establishing waterways foreshore areas</i> (DoW 2012).
<b>Foreshore Assessment Report (FAR)</b>	360 Environmental 2023, MRS Amendment 1344/57 Maida Vale Foreshore Assessment Report. Rev 5; June. Prepared for M Group.
<b>Foreshore buffer</b>	The distance required between a foreshore area and any proposed development to help protect the water quality and manage the condition of the waterway. Determination of the foreshore buffer is informed by <i>Environmental Guidance for Planning and Development Guidance Statement No. 33</i> (EPA

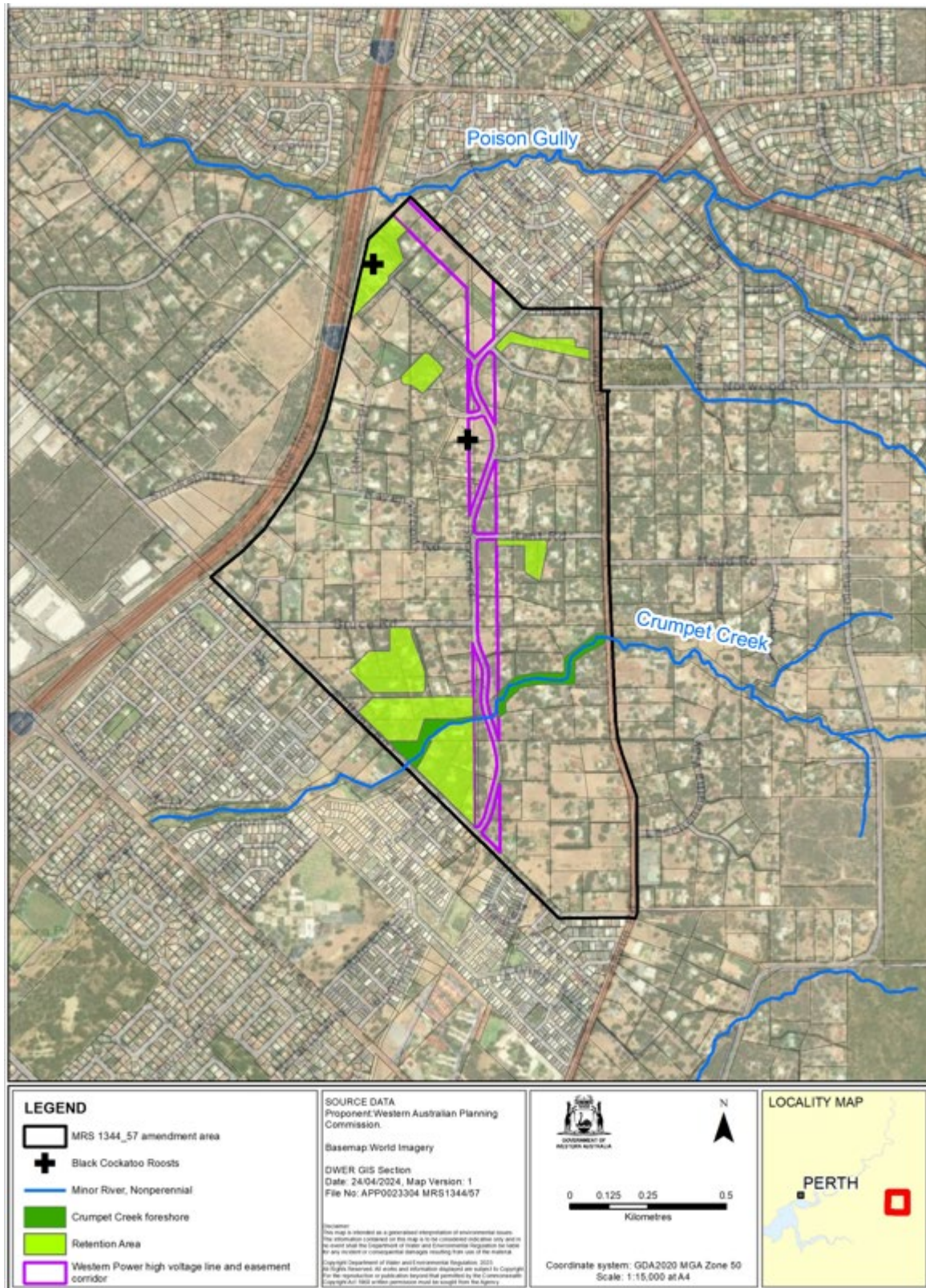
Acronym or abbreviation	Definition or term
	2008); and <i>Operational policy 4.3: Identifying and establishing waterways foreshore areas</i> (DoW 2012).
<b>Foreshore Management Plan</b>	A plan to guide future use of the foreshore and outline management strategies to enhance the foreshore area, informed by <i>Guidelines for the preparation of foreshore management plans in waterways management areas</i> (Waterways Commission 1994).
<b>High quality foraging habitat or very-high quality foraging habitat</b>	As defined in Bamford Consulting Ecologists (2020) Scoring system for the assessment of foraging value of vegetation for Black-Cockatoos, Revised 5 <sup>th</sup> or DAWE (2022) Referral guideline for 3 WA threatened black cockatoo species: Carnaby's Cockatoo, Baudin's Cockatoo and the Forest Red-tailed Black cockatoo, Department of Agriculture, Water and the Environment, Canberra, February.
<b>Initial Retention Areas</b>	As shown Figure 1
<b>Known nesting trees</b>	As defined in Department of Agriculture Water and the Environment (DAWE) 2022, Referral guideline for 3 WA threatened black cockatoo species Carnaby's Cockatoo, Baudin's Cockatoo and the Forest Red-tailed Black cockatoo, Department of Agriculture, Water and the Environment, Canberra.  Trees (live or dead but still standing) which contains a hollow where black cockatoo breeding has been recorded or which demonstrates evidence of breeding (i.e. showing evidence of use through scratches, chew marks or feathers).
<b>Local Water Management Strategy (LWMS)</b>	Water management document to support a land-use planning proposal at the local level (local planning scheme amendment or local structure plan) informed by a DWMS, <i>Better Urban Water Management</i> (WAPC 2008); and <i>Interim: Developing a local water management strategy</i> (DoW 2008).
<b>Low impact management</b>	Activities involving minimal disturbance of ground or vegetation, including revegetation, rehabilitation monitoring of fauna, vegetation or water, or management activities associated with feral fauna control or weed control.
<b>Ministerial Statement 1240</b>	Statement that a Scheme may be Implemented No. 1240 published on 2025.
<b>Minor subdivision</b>	Subdivision of a minor nature that does not involve any subdivision works and does not impede the achievement of the environmental outcomes in Attachment A of Ministerial Statement 1240.
<b>MRS Amendment Area</b>	The land the subject of MRS Amendment 1344/57.
<b>Offset Strategy</b>	A strategic document prepared to address offsets at a regional scale, informed by

Acronym or abbreviation	Definition or term
	<ul style="list-style-type: none"> <li>• <i>Environmental Protection Authority 2024, Public Advice: Considering environmental offsets at a regional scale, EPA, Western Australia</i></li> <li>• <i>Government of Western Australia (2011) WA Environmental Offset Policy</i></li> <li>• <i>Government of Western Australia (2014) Environmental Offset Guidelines.</i></li> <li>• Conservation advice notices</li> <li>• Recovery plans.</li> </ul>
<b>Offset Plan</b>	<p>A detailed document prepared to address:</p> <ul style="list-style-type: none"> <li>• Government of Western Australia (2011) WA Environmental Offset Policy</li> <li>• Government of Western Australia (2014) Environmental Offset Guidelines</li> <li>• Conservation advice notices</li> <li>• Interim/recovery plans.</li> </ul>
<b>Potential nesting tree</b>	<p>As defined in Department of Agriculture Water and the Environment (DAWE) 2022, Referral guideline for 3 WA threatened black cockatoo species Carnaby's Cockatoo, Baudin's Cockatoo and the Forest Red-tailed Black cockatoo, Department of Agriculture, Water and the Environment, Canberra.</p> <p>Trees that have a suitable Diameter Breast Height (DBH) to develop a nest hollow, but do not currently have hollows. Trees suitable to develop a nest hollow in the future are 300-500 mm DBH.</p>
<b>Priority</b>	<p>Species that may possibly be threatened species that do not meet the criteria for listing under the <i>Biodiversity Conservation Act 2016</i> (WA) because of insufficient survey or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of prioritisation for survey and evaluation of conservation status so that consideration can be given to potential listing as threatened.</p>
<b>Responsible Authority</b>	Western Australia Planning Commission (WAPC)
<b>Recovery plan</b>	<p>Species recovery plans outline the actions that are needed to help threatened species or ecological communities survive and 'recover' to a healthy level, including:</p> <ul style="list-style-type: none"> <li>• Department of Parks and Wildlife (2016). <i>Banksia attenuata</i> woodlands over species rich dense shrublands (Swan Coastal Plain community type 20a – Gibson et al. 1994). Interim Recovery Plan No. 359. Parks and Wildlife, Kensington, Western Australia.</li> <li>• Department of Environment and Conservation (2009). Wavy-leaved smokebush (<i>Conospermum undulatum</i>)</li> </ul>

Acronym or abbreviation	Definition or term
	Recovery Plan. Commonwealth Department of the Environment, Water, Heritage and the Arts, Canberra.
<b>Retention areas</b>	<b>Initial retention areas and additional retention areas</b>
<b>Roost</b>	<p>As defined in Department of Agriculture Water and the Environment (DAWE) 2022, Referral guideline for 3 WA threatened black cockatoo species Carnaby's Cockatoo, Baudin's Cockatoo and the Forest Red-tailed Black cockatoo, Department of Agriculture, Water and the Environment, Canberra.</p> <p>A tree (generally the tallest), native or introduced known to be used for night roosting or which demonstrates evidence of roosting.</p>
<b>Structure Plan</b>	As defined in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
<b>Subdivision</b>	As defined in the <i>Planning and Development Act 2005</i>
<b>Suitable nesting tree</b>	<p>As defined in Department of Agriculture Water and the Environment (DAWE) 2022, Referral guideline for 3 WA threatened black cockatoo species Carnaby's Cockatoo, Baudin's Cockatoo and the Forest Red-tailed Black cockatoo, Department of Agriculture, Water and the Environment, Canberra.</p> <p>Trees with suitable nesting hollows present, although no evidence of use. Note that any species of tree may develop suitable hollows for breeding.</p>
<b>Suitable nesting hollow</b>	<p>As defined in Department of Agriculture Water and the Environment (DAWE) 2022, Referral guideline for 3 WA threatened black cockatoo species Carnaby's Cockatoo, Baudin's Cockatoo and the Forest Red-tailed Black cockatoo, Department of Agriculture, Water and the Environment, Canberra.</p> <p>Any hollow with dimensions suitable for use for nesting by black cockatoos. Suitable nest hollows are only found in live trees with a Diameter Breast Height of at least 500 mm.</p>
<b>Terrestrial fauna technical guidance</b>	The Technical Guidance – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment (EPA 2020).
<b>Threatened</b>	<p>Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or a rediscovered species to be regarded as threatened species under section 26(2) of the <i>Biodiversity Conservation Act 2016</i> (WA).</p> <p>Threatened fauna is the species of fauna that are listed as critically endangered, endangered or vulnerable threatened species.</p> <p>Threatened flora is the species of flora that are listed as critically endangered, endangered or vulnerable threatened species.</p>



Acronym or abbreviation	Definition or term
<b>Threatened Ecological Community (TEC)</b>	A Threatened Ecological Community is a vegetation community which is found to fit into one of the following categories; “presumed totally destroyed”, “critically endangered”, “endangered” or “vulnerable” under the <i>Biodiversity Conservation Act 2016</i> (WA) and/or <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
<b>Trigger criteria</b>	Indicators that have been selected for monitoring to provide a warning that, if exceeded, the environmental outcome may not be achieved. They are intended to forewarn of the approach of the threshold criteria and trigger response actions.
<b>Unsurveyed Land</b>	Areas depicted as "No Access" or "Not Surveyed" in Figure 3.
<b>Viable (population or patch)</b>	The viability of a population or patch is to be determined in consultation with <b>DBCA</b> consistently with the relevant <b>recovery plan</b> .

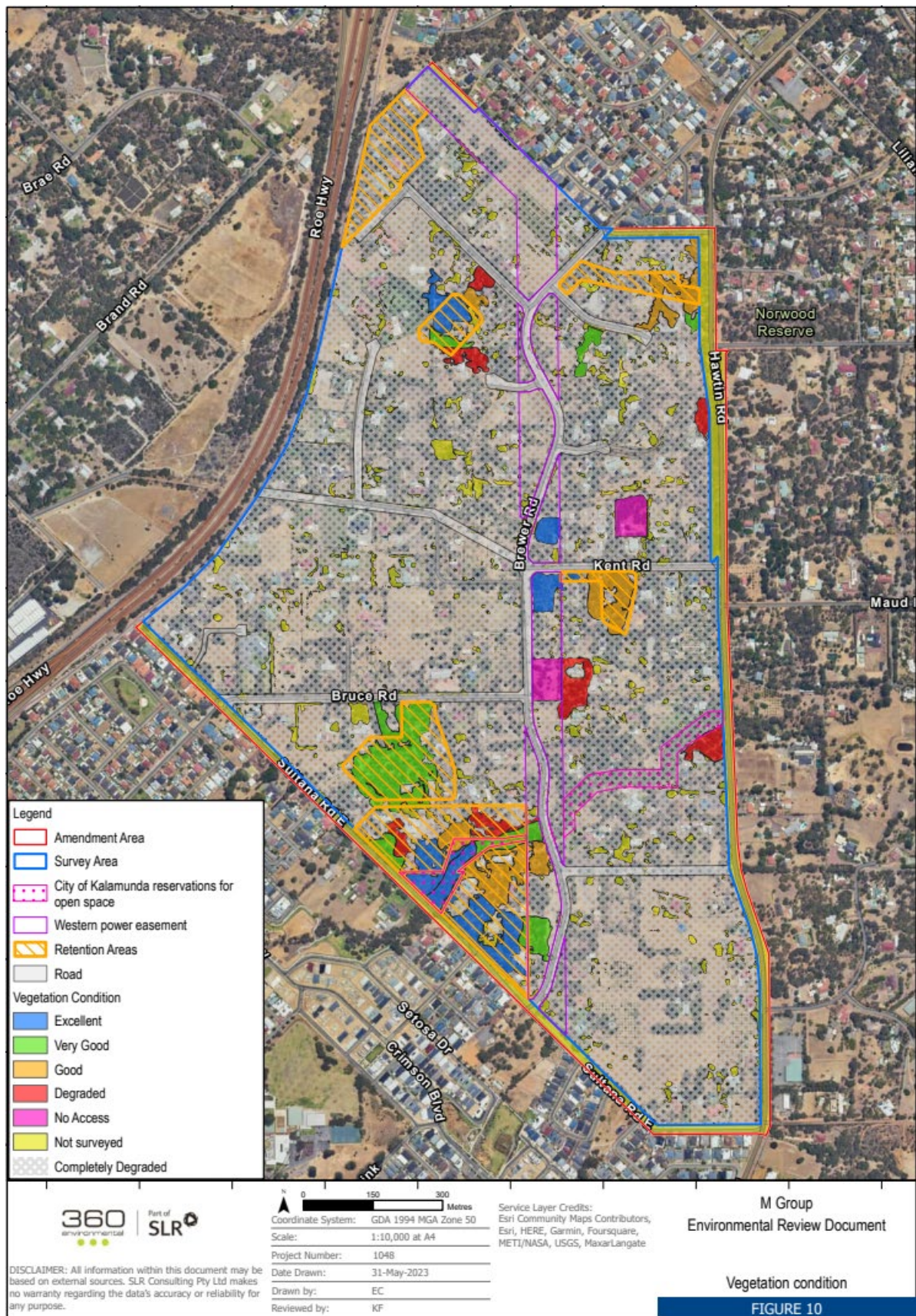


**Figure 1: Amendment Area and initial retention areas (including Crumpet Creek as per draft concept plan (360 Environmental 2023 Environmental Review Document))**









**Figure 3: Unserved (no access, not surveyed) areas within the amendment area (360 Environmental 2023 Environmental Review Document)**

## **Schedule 6**

### **Addition to Metropolitan Region Scheme Schedule 1 Environmental Conditions**

## SCHEDULE 1 ENVIRONMENTAL CONDITIONS

AMENDMENT NO AND GAZETAL DATE	LOCATION	ENVIRONMENTAL CONDITIONS
<p><b>METROPOLITAN REGION SCHEME AMENDMENT NO. 1344/57 (MAIDA VALE URBAN PRECINCT)</b></p> <p>Effective Date: 9 September 2025</p> <p>Gazettal: <b>9 September 2025</b></p>	<p><b>Maida Vale:</b> Land generally bounded by Roe Highway to the west, Sultana Road East to the south, Hawtin Road to the east and Urban and Rural zoned land to the north.</p>	<p><b>General</b></p> <p>1. The Responsible Authority must act consistently with:</p> <p style="padding-left: 40px;">A the requirements of Ministerial Statement 1240; and</p> <p style="padding-left: 40px;">B the achievement of the environmental outcomes in Attachment A to Ministerial Statement 1240 when exercising powers under the MRS or approving any subdivision for land in the MRS Amendment Area.</p> <p><b>Requirements before structure plan approval</b></p> <p>2. The Responsible Authority must not approve any structure plan for the MRS Amendment Area unless it is satisfied:</p> <p style="padding-left: 40px;">A in consultation with the Department of Water and Environmental Regulation (DWER) that:</p> <p style="padding-left: 80px;">a. the Foreshore Assessment Report (FAR) for Crumpet Creek has been updated;</p> <p style="padding-left: 80px;">b. the District Water Management Strategy (DWMS) has been updated; and</p> <p style="padding-left: 80px;">c. a Local Water Management Strategy (LWMS) has been prepared; and</p> <p style="padding-left: 40px;">B in consultation with DWER and Department of Biodiversity, Conservation</p>

		<p>and Attractions (DBCA), that a Foreshore Management Plan has been prepared in accordance with the requirements in Attachment A of Ministerial Statement 1240.</p> <p>3. The Responsible Authority must not approve any structure plan for the MRS Amendment Area unless it is satisfied that surveys for black cockatoo and, if required, buffer investigations have been carried out for any land in the MRS Amendment Area to which the structure plan relates, in accordance with the requirements in Attachment A of Ministerial Statement 1240.</p> <p><b>Structure Plan</b></p> <p>4. The Responsible Authority must not approve any subdivision for the MRS Amendment Area unless:</p> <p>A the proposed subdivision is a minor subdivision; or</p> <p>B a structure plan that complies with the requirements in Attachment A of Ministerial Statement 1240 has been approved under an applicable local planning scheme.</p> <p><b>Further Surveys</b></p> <p>5. Prior to approval of any subdivision (other than minor subdivision) for any Unsurveyed Land, surveys for flora and vegetation, black cockatoo and associated habitat and, if required, buffer investigations must be carried out in accordance with the requirements in Attachment A of Ministerial Statement 1240 unless the Responsible Authority considers in consultation with DWER and</p>
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		<p>DBCA that the relevant survey and/or buffer investigation is not required.</p> <p>6. Prior to approval of any subdivision (other than minor subdivision) for any land in the MRS Amendment Area, black cockatoo surveys and, if required, buffer investigations must be carried out in accordance with the requirements in Attachment A of Ministerial Statement 1240 unless the Responsible Authority considers in consultation with DWER and DBCA that the relevant survey and/or buffer investigation is not required. Management plans for retention areas.</p> <p>7. Prior to approval of any subdivision (other than minor subdivision) for land that wholly or partly includes an initial retention area or an additional retention area, a management plan that complies with the requirements in Attachment A to Ministerial Statement 1240 must be prepared for the retention area unless the Responsible Authority considers, in consultation with DBCA and DWER, that a management plan is not required.</p> <p>8. A management plan for a retention area must be implemented to the satisfaction of the Responsible Authority, in consultation with DWER and/or DBCA.</p> <p><b>Subdivision</b></p> <p>9. Subject to condition 10, the Responsible Authority must not approve a subdivision (other than minor subdivision) unless:</p> <p>A the proposed subdivision is consistent with:</p>
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		<p>a. the aspects of the approved structure plan that address the requirements in Attachment A of Ministerial Statement 1240; and</p> <p>b. the achievement of the environmental outcomes in Attachment A to Ministerial Statement 1240; and</p> <p>B the Responsible Authority is satisfied, in consultation with DWER and DBCA, that:</p> <p>a. any surveys required by condition 5 and 6 have been carried out;</p> <p>b. any management plan required by condition 7 has been prepared;</p> <p>c. any retention area within the relevant land will be:</p> <p>i. ceded to the Crown as a reserve for conservation; or</p> <p>ii. otherwise protected in perpetuity; and</p> <p>d. any significant impacts to environmental values that will be caused by the subdivision will be appropriately offset in accordance with an Offset Plan that meets the requirements in Attachment A to Ministerial Statement 1240.</p> <p>10. The precise boundaries of the initial retention areas shown in Figure 1 and the additional retention areas identified through further surveys may be</p>
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		<p>refined through the subdivision approval process, provided that such refinement will not adversely impact the environmental values of the area or prevent the environmental outcomes in Attachment A of Ministerial Statement 1240 from being achieved.</p> <p><b>Retention areas and foreshore buffer</b></p> <p>11. Subject to condition 10, no ground disturbing activities are permitted in:</p> <p>A the initial retention areas and additional retention areas; or</p> <p>B the foreshore area and foreshore buffer of Crumpet Creek as shown in Figure 2 or, if the FAR has been updated, as delineated in that FAR,</p> <p>unless:</p> <p>C the activity is low impact management; or</p> <p>D it is demonstrated to the satisfaction of the Responsible Authority in consultation with DWER and DBCA that the activity is consistent with the achievement of the environmental outcomes in Attachment A of Ministerial Statement 1240 and the environmental values of the area will not be materially impacted.</p> <p><b>Environmental Performance Report</b></p> <p>12. The Responsible Authority must submit Environmental</p>
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		<p>Performance Reports to DWER in accordance with the requirements in Attachment A of Ministerial Statement 1240.</p> <p><b>Definitions</b></p> <p>13. Terms in these conditions have the meaning set out Table 1 of Ministerial Statement 1240.</p> <p>Attachment A of Ministerial Statement 1240 contains the Specifications for Retention Areas, Foreshore Areas and Environmental Values and Objectives for Amendment 1344/57.</p>
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**Appendix A**  
**List of plans**  
**(as advertised)**

**Metropolitan Region Scheme Amendment 1344/57**  
**Maida Vale Urban Precinct**

**as advertised**

**Amending Plan 3.2686/1**

**Detail Plans**

1.6303, 1.6318, 1.6335

**Appendix B**  
**List of plans**  
**(as modified)**

**Metropolitan Region Scheme Amendment 1344/57**  
**Maida Vale Urban Precinct**

**as modified**

**Amending Plan 3.2686/2**

**Detail Plans**

1.6303, 1.6318, 1.6335