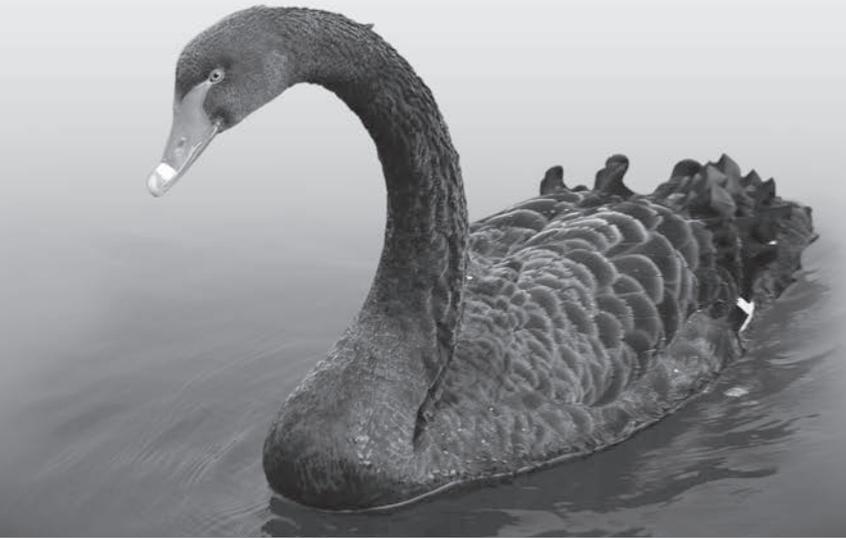




July 2021

Metropolitan Region Scheme Amendment **1380/57** (Minor Amendment)



South-East and South-West Districts Omnibus 4

Amendment Report

Cities of Armadale, Cockburn,
Gosnells, Kwinana and Rockingham
Shire of Serpentine-Jarrahdale

**Metropolitan Region Scheme
Amendment 1380/57
(Minor Amendment)**

**South-East and South-West
Districts Omnibus 4**

Amendment Report

**Cities of Armadale, Cockburn, Gosnells, Kwinana and Rockingham
Shire of Serpentine-Jarrahdale**



July 2021

The Western Australian Planning Commission acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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MRS Amendment 1380/57 Amendment Report
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The Metropolitan Region Scheme

What it is and how it is amended - minor

Planning Perth's future

Perth is currently home to more than 2 million people and this is anticipated to grow to 3.5 million by 2050.

To meet this growth, land must be identified for future housing, employment opportunities, transport, conservation and recreation.

The Metropolitan Region Scheme (MRS) provides for this by defining what land can be used for. It is also the means by which landowners can be compensated for land acquired for public purposes.

The role of the WAPC?

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. The WAPC comprises a Chair and 16 members, representing industry, government and the community.

The WAPC is a statutory authority and operates in accordance with the *Planning and Development Act 2005*. It is supported by the Department of Planning, Lands and Heritage, which provides professional and technical expertise, administrative services and corporate resources.

What is the Metropolitan Region Scheme?

The MRS is a large town planning scheme which defines how land can be used in the Perth metropolitan area, dividing it into broad zones and reservations. The metropolitan area stretches from south of Rockingham to north of Yanchep and east of Mundaring.

The MRS uses a set of maps and a scheme text to set the planning rules and identify the various zones and reservations.

This plan has been in operation since 1963 and provides the legal basis for planning in the Perth metropolitan area.

The MRS is amended frequently as the region grows and changes.

What is an amendment?

An amendment to the MRS changes the zoning or reservation of land to allow for a different land use.

When a rezoning or a new reservation is considered, it is classified as either a major or a minor amendment and is advertised to seek comment from landowners, the broader community and all levels of government. Under the Act, the process for proposed major and minor amendments is different.

This process allows for extensive community consultation and discussion in Parliament, prior to a final decision being made.

How is the Metropolitan Region Scheme amended?

The WAPC is responsible for maintaining the MRS, including reviewing and initiating changes where necessary.

The amendment process is regulated by the *Planning and Development Act 2005*. The Act requires an amendment to be consistent with both the *Swan River Trust Act 1988* and the *Heritage of Western Australia Act 1990* and does not allow for an amendment to occur within the defined area of which a redevelopment scheme applies.

The amendment proposed in this report is being made under the provisions of section 57 (often referred to as a minor amendment).

The minor amendment process includes (also see the diagram on page viii):

- Request submitted and considered by the WAPC.
- WAPC determines to either progress or reject application, classifying it as either a major or minor amendment.

- If progressed, the application is referred to the Environmental Protection Authority (EPA) to set the level of environmental assessment. If the EPA requires an environmental review, this is carried out before the amendment is advertised.
- Proposed amendment is advertised for public comment. Advertisements are placed in local and statewide newspapers and the information is made available on www.dplh.wa.gov.au/mrs-amendments. Landowners directly affected by a proposed amendment are contacted in writing. Where there is an environmental review, this is also made available for comment.
- WAPC receives public submissions over a period of 60 days.
- WAPC reviews the proposed amendment in light of both the submissions and planning advice provided by the Department of Planning, Lands and Heritage.
- WAPC provides recommendation to the Minister for Planning whether to accept, reject or modify the proposed amendment.
- Minister considers proposed amendment.
- If approved, with or without modification, the amendment becomes legally effective in the MRS with the publishing of a notice in the Government Gazette. If declined, the amendment is discarded.
- Within three months of an MRS amendment being finalised, all affected local governments must initiate an amendment to its local planning scheme to match the new zonings.

Zones and reservations

Zones and reservations in the MRS are broad categories to define how land can be used and developed. The following descriptions are a guide only.

Zones

Urban: areas in which a range of activities are undertaken including residential, commercial, recreational and light industry.

Urban deferred: land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.

The WAPC must be satisfied that these issues have been addressed before rezoning to urban.

Central city area: strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

Industrial and special industrial: land on which manufacturing, processing, warehousing and related activities are undertaken.

Rural: land on which a range of agricultural, extractive and conservation uses is undertaken.

Private recreation: areas of significance to the region's recreation resource, which are (or are proposed to be) managed by the private sector.

Rural - water protection: rural land over public groundwater areas where land use is controlled to avoid contamination.

Reservations

Land reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure.

Parks and recreation: land of regional significance for ecological, recreation or landscape purposes.

Railways: provides for public transit routes, freight rail lines and associated facilities such as marshalling yards, maintenance depots and park n' ride stations.

Port installations: regional maritime shipping facilities.

State forests: areas of woodland located on Crown land and managed under the *Conservation and Land Management Act 1984*.

Water catchments: water sources protected for high quality public water supply. These areas have strict controls on land use to avoid pollution of the water resource.

Civic and cultural: significant civic precincts and buildings.

Waterways: permanent inland and coastal waters including many rivers and reservoirs.

Public purposes: land for public facilities such as hospitals, high schools, universities, prisons, utilities for electricity, water and treatment of wastewater, commonwealth government and other special uses.

Primary regional roads: important regionally significant roads as part of the planned road network that are currently, or proposed to be declared, under the *Main Roads Act 1930*.

Other regional roads: roads of regional significance in the planned road network for which the planning responsibilities are shared by the WAPC and local governments.

What if my land is rezoned?

Landowners may find that an amendment seeks to rezone their property, for example from rural to urban or urban deferred.

If the zoning is changed, landowners do not have to change their lifestyle or the way they use the land. However, depending on the new zone, there may be opportunities to change the land use, such as seek approval to subdivide or apply to develop it in some way that suits the new zoning.

The WAPC realises that many people choose their properties because they like them as they are and may not want to change from, for example, a rural-residential lifestyle to an urban area. Others are keen to change the land use.

For these reasons, amendments to the MRS are advertised so that all affected landowners and the broader community have time to examine the proposal and provide their comment.

What if my land is reserved?

Land is reserved because it will eventually be needed for a public purpose such as parks and recreation or other regional roads.

If your land is proposed to be reserved in an advertised amendment, you can continue to use and enjoy your property. Generally, reserved land can remain in private ownership until it is needed for the purpose for which it is reserved.

To protect landowners, there are procedures for acquisition or compensation by the WAPC. These are outlined in *Your Property and the planning system – region schemes*, a leaflet reproduced at the back of this report and online at <https://www.dplh.wa.gov.au/your-property-and-region-schemes>.

How can my views be heard?

You can lodge a submission during the advertised period:

- online at www.dplh.wa.gov.au/mrs-amendments.
- in writing to Western Australian Planning Commission, Level 2, 140 William Street, Perth 6000 (a submission form is included at the back of this report).

Publications

Amendments made to the MRS using the provisions of section 57 will in most cases have information published under the following titles:

Amendment report

This document is available from the start of the public submission period of the proposed amendment. It sets out the purpose and scope of the amendment, explains why the proposal is considered necessary, and informs people how they can comment.

Environmental review report

The EPA considers the environmental impact of an amendment to the MRS before it is advertised. Should the EPA require formal assessment, an environmental review is undertaken, and that information is made available for comment at the same time as the *Amendment Report*.

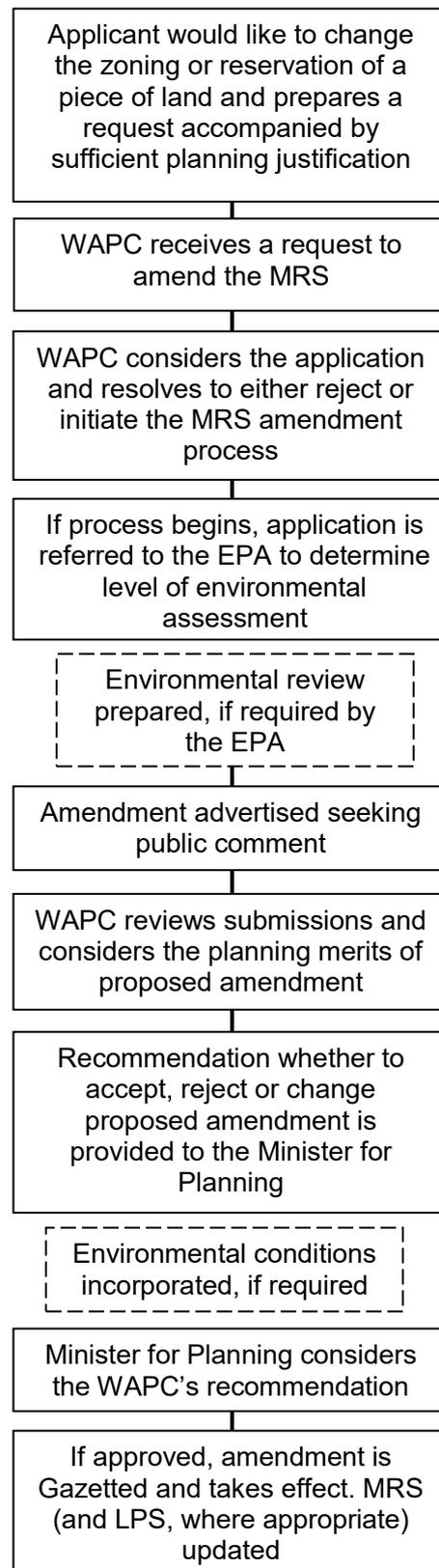
Report on submissions

This publication documents the planning rationale, determination of submissions received, and the recommendations for final approval of the amendment made by the WAPC.

Submissions

All written submissions received on the proposed amendment are reproduced as a public record.

A simple diagram of the amendment process.



Abbreviations

AHA	Aboriginal Heritage Act
DPLH	Department of Planning, Lands and Heritage
EPA	Environmental Protection Authority
MRS	Metropolitan Region Scheme
SWALSC	South West Aboriginal Land and Sea Council
WAPC	Western Australian Planning Commission

Amendment Report

Metropolitan Region Scheme Amendment 1380/57
South-East and South-West Districts Omnibus 4

Amendment Report

1 Purpose

The purpose of the amendment is to update various zones and reservations in the South-East and South-West Districts of the Perth Metropolitan Region Scheme (MRS) at the request of Government agencies and landowners.

Proposals in the amendment include; small scale amendments to the region scheme which do not warrant consideration as individual amendments, the rationalisation of zones and reservations to match cadastral boundaries, updates to reflect infrastructure or buildings as constructed, and other general updates to ensure the MRS is kept up-to-date as the statutory plan for Perth.

The amendment contains 16 separate proposals in the cities of Armadale, Cockburn, Gosnells, Kwinana and Rockingham and the Shire of Serpentine-Jarrahdale.

2 Background

The amendment is part of a continuing program of omnibus amendments to the MRS which are utilised to progress groups of proposals of relatively less significance in a regional context rather than progressing the proposals as individual amendments.

3 Scope and content of the amendment

The amendment proposes the following modifications to the MRS.

City of Cockburn

Proposal 1

Jandakot: To transfer portions of Lot 28 Cutler Road and Lot 9001 Knock Place from the Other Regional Roads reservation to the Industrial zone (Figure 1).

The landowner of Lot 28 Cutler Road has requested that the Other Regional Roads reserved portion of this lot be rezoned to the Industrial zone to facilitate its development for industrial purposes. Part of the adjacent Lot 9001 Knock Place which is reserved Other Regional Roads and located outside of *Planning Control Area 122 - Armadale Road Deviation (Cockburn Central)* is also included in the proposal to rezone all land no longer required for regional road purposes in this location. The proposal is consistent with the *Cockburn Central East Structure Plan* which designates the amendment area as a Mixed Business zone.

Proposal 2

Treeby: To transfer a portion Lot 700 Fraser Road (Reserve 53280) from the Rural - Water Protection zone to the Parks and Recreation and Water Catchments reservations (Figure 2).

The Rural - Water Protection zoning over this portion of Lot 700 is anomalous with the zoning of surrounding land which is either zoned Urban or is reserved for Parks and Recreation and Water Catchments. This land is being transferred to the Parks and Recreation and Water Catchments reservations consistent with the current reservation of land to the east.

Proposal 3

Treeby: To transfer portions of Lot 705 Armadale Road from the Rural - Water Protection zone to the Urban zone and from the Urban zone to the Rural - Water Protection zone (Figure 3).

The landowner has requested that the portions of Lot 705 which are zoned Rural - Water Protection and are located outside of Bush Forever Site 390 be rezoned to the Urban zone, to facilitate the development of the amendment area as public open space as part of the future residential development of Lot 705. A small area of land (less than one square metre) is to be transferred from the Urban zone to the Rural -Water Protection zone to align with the boundary of Bush Forever Site 390.

The amendment area is designated as Open Space and Proposed Open Space - nature/passive recreation in the *South Metropolitan Peel Sub-Regional Planning Framework*, which states it may be appropriate for land designated as Open Space to be ceded as part of the subdivision of adjacent urban land. In this respect, the *Lots 705 and 707 Armadale Road, Treeby Structure Plan* indicates that the majority of the amendment area will be ceded and developed as public open space, including drainage areas. It is anticipated that these areas can be developed to provide an appropriate interface to Bush Forever Site 390 in subsequent planning stages.

Proposal 4

Treeby: To transfer a portion of Lot 502 (Reserve 1820) Armadale Road from the Parks and Recreation reservation to the Primary Regional Roads reservation and a portion of Lot 500 (Reserve 1820) Armadale Road from the Parks and Recreation and Water Catchments reservations to the Urban zone and to remove part of these areas from Bush Forever Site 390 (Figure 4).

This proposal seeks to align the Primary Regional Roads reservation with the extent of the road widening required for the upgraded intersection of Armadale Road with Liddlelow Road and Torwood Avenue. Part of Lot 500 (approximately 514 m²) is to be zoned Urban in order to facilitate the future construction of Torwood Avenue between this intersection and future residential development on Lots 705 and 707 Armadale Road to the north. Areas of cleared land within Lots 500 and 502 are to be removed from Bush Forever Site 390.

Proposal 5

Lake Coogee: To transfer a portion of Lot 811 Fawcett Road from the Urban zone to the Parks and Recreation reservation (Figure 5).

This proposal seeks to align the extent of the Parks and Recreation reservation with the cadastral boundaries of Lot 811.

Proposal 6

Success: To transfer the Other Regional Roads reserved portion of Lot 8 Hird Road to the Urban zone (Figure 6).

This proposal seeks to align the extent of the Other Regional Roads reservation and the Urban zone with the cadastral boundaries of Lot 8 Hird Road.

Proposal 7

Hammond Park: To transfer the Hammond Park Secondary College site, Lot 5000 Irvine Parade, from the Urban zone to the Public Purposes - High School reservation (Figure 7).

The amendment area is the site of the Hammond Park Secondary College and is to be reserved for Public Purposes - High School consistent with this use.

City of Kwinana

Proposal 8

Casuarina: To transfer portions of Lot 9013 Bombay Boulevard and the road reserve for Bombay Boulevard from the Rural - Water Protection zone to the Urban zone (Figure 8).

This proposal seeks to align the extent of the Urban zone over this land with the cadastral boundaries of Lot 9013.

The amendment area is identified as a Priority 2 groundwater protection area in *State Planning Policy 2.3: Jandakot Groundwater Protection*, where low risk and intensity development consistent with the Rural zoning is generally supported, subject to appropriate conditions. This proposed Urban zoning is unlikely to significantly impact on the significant values of the Jandakot groundwater protection area given the small area of land involved (approximately 3,300 m²) and is considered a minor rationalisation of the zoning of the site under the MRS.

City of Rockingham

Proposal 9

Warnbro: To transfer a portion of the Warnbro Community High School site, Lot 1500 Swallowtail Parade, from the Urban zone to the Public Purposes - High School reservation (Figure 9).

The amendment area is part of the site of the Warnbro Community High School and is to be reserved Public Purposes - High School consistent with this use.

Proposal 10

Baldivis: To transfer the Ridge View Secondary College site, Lot 99 Viva Boulevard, from the Urban zone to the Public Purposes - High School reservation (Figure 10).

The amendment area is the site of the Ridge View Secondary College and is to be reserved Public Purposes - High School consistent with this use.

City of Gosnells

Proposal 11

Orange Grove: To transfer a portion of Lot 105 Hardinge Road from the Rural zone to the Parks and Recreation reservation (Figure 11).

This proposal seeks to align the Parks and Recreation reservation of the land with the cadastral boundaries of Lot 105 and to reflect its current use for recreational purposes.

Proposal 12

Canning Vale: To transfer a portion of Warton Road, adjacent to its intersection with Garden Street, from the Urban zone to the Other Regional Roads reservation (Figure 12).

This proposal seeks to align the extent of the Other Regional Roads reservations with the extent of the road reserve for Warton Road in this location.

Proposal 13

Southern River: To transfer a portion of the road reserve for Southern River Road from the Urban zone to the Other Regional Roads reservation, and portions of Lot 8001 and 9001 Halcyon Loop and portions of Lots 106 and 107 Asana Road from the Other Regional Roads reservation to the Urban zone (Figure 13).

This proposal seeks to align the extent of the Other Regional Roads reservation and the Urban zone with the extent of the road reserve for Southern River Road in this location and the cadastral boundaries of Lots 106 and 107.

Proposal 14

Southern River: To transfer portions of the road reserves for Holmes Street and Faverolles Drive from the Urban zone to the Other Regional Roads reservation, and portions of Lot 351 Bassett Way and Lot 352 Faverolles Drive from the Other Regional Roads reservation to the Urban zone (Figure 14).

This proposal seeks to align the extent of the Other Regional Roads reservation and the Urban zone with the extent of the road reserves for Holmes Street and Faverolles Drive in this location and the cadastral boundaries of Lots 351 and 352.

City of Armadale

Proposal 15

Hilbert: To transfer Lot 5072 Atlantic Road from the Rural zone to the Urban zone (Figure 15).

The landowner has requested that this site be rezoned to the Urban zone to facilitate the structure planning and development of this site for residential purposes.

The proposed zoning is consistent with the *South Metropolitan Peel Sub-Regional Planning Framework*, which designates the site as "Urban Expansion" and as having a "Short-medium term (2015-2031)" staging timeframe. It is also consistent with the current planning framework for the adjacent land which provides for residential development, as outlined in the *Armadale Redevelopment Scheme 2* and the *Wungong Urban Water Master Plan*.

The amendment area is located approximately 460 metres north of the City of Armadale Landfill & Recycling Facility (located on Lot 600 Hopkinson Road). It is likely that an appropriate separation distance can be provided between this facility and future residential development within the amendment area, in accordance with *State Planning Policy 4.1: State Industrial Buffer Policy* and the Environmental Protection Authority *Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses*.

Shire of Serpentine-Jarrahdale

Proposal 16

Cardup: To transfer a portion of Lot 60 Robertson Road and portions of Lot 21 Norman Road from the Rural zone to the Industrial zone and to remove this land from Bush Forever Site 361, and to transfer portions of Lot 21 Norman Road from the Industrial zone to the Rural zone and to add this land to Bush Forever Site 361 (Figure 16).

This proposal seeks to rationalise the extent of the Industrial and Rural zones and the boundaries of Bush Forever Site 361 over the amendment area to provide an improved interface between the Industrial zoned land and Bush Forever Site 361. The amendment is consistent with a draft negotiated planning outcome for Bush Forever Site 361.

4 Aboriginal heritage

The *Aboriginal Heritage Act 1972* (AHA) is administered by the Department of Planning, Lands and Heritage and provides for the protection and preservation of Aboriginal heritage and culture throughout Western Australia, including places and objects that are of significance to Aboriginal people. Aboriginal sites and materials are protected whether or not they have been previously recorded or reported.

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the AHA. Proposed changes to land-use at MRS amendment stage are broad by nature and do not physically interfere with the land. Consideration of any protection that may be required is addressed more specifically at later stages of the planning process, typically being a local planning scheme amendment and when preparing a local structure plan.

Proponents of proposals are advised to familiarise themselves with the State's *Cultural Heritage Due Diligence Guidelines* (the Guidelines). These have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The Guidelines are available electronically at: <http://www/dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/aboriginal-heritage-surveys>.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC and the Department of Planning, Lands and Heritage have entered into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All MRS amendment proposals likely to be of interest to Aboriginal persons are referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

The amendment was not referred to SWALSC as part of preliminary investigations as it was not expected to impact on Aboriginal heritage values. However, the amendment will be referred to SWALSC during the formal advertising period.

5 Co-ordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005*, the local governments have the option of recommending to the WAPC to concurrently rezone land Urban under the MRS to a "Development" zone (or similar) in their Local Planning Schemes.

The WAPC will consider the concurrent amendment of the subject land for proposals within this omnibus amendment at the time the amendment is considered for final approval.

6 Substantiality

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either major or minor amendments depending on whether they are considered to constitute a substantial alteration to the MRS. *Development Control Policy 1.9 - Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed.

The criteria outlined in Development Control Policy 1.9 relate to a variety of matters, not all of which relate to every amendment. In this regard, the amendment is proposed to be processed as a minor amendment as the extent and nature of each proposal individually and taken as a whole within the omnibus does not constitute a substantial or regionally significant change to the planning philosophy of the MRS.

7 Sustainability appraisal

Due to the small scale of the proposals in this amendment, many have no significant sustainability impacts. Where proposals do have environmental, economic, social or other sustainability issues, these are discussed in the sections on each individual proposal.

8 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required.

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. However, it has provided advice on the key environmental factors for the amendment. A copy of the notice from the EPA is included at appendix A.

9 The amendment process

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 57 of that Act.

In essence, the procedure for an amendment not constituting a substantial alteration to the MRS (often referred to as a minor amendment) involves:

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment
- completion of an environmental review (if required) to EPA instructions
- public submissions sought on the proposed amendment (including environmental review if required);
- consideration of submissions

- approval, with or without any modifications in response to submissions, or decline to approve by the Minister
- the amendment takes legal effect with gazettal of the Minister's approval.

An explanation of this process entitled *The Metropolitan Region Scheme, what it is and how it is amended*, can also be found in the front of this report.

10 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the MRS.

The amendment is being advertised for public submissions for a period of 60 days from Friday 2 July 2021 to Friday 3 September 2021.

Copies of the amendments are available for public inspection at the:

- i) Western Australian Planning Commission, 140 William Street, Perth
- ii) City of Armadale
- iii) City of Cockburn
- iv) City of Gosnells
- v) City of Kwinana
- vi) City of Rockingham
- vii) Shire of Serpentine-Jarrahdale
- viii) State Reference Library, Northbridge.

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

Written submissions commenting on the amendment should be sent to:-

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

or by email to:-

mrs@dplh.wa.gov.au

and must be received by 5 pm Friday 3 September 2021.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 57) is contained in this report (appendix E). Additional copies of the form are available from the display locations and the Department of Planning, Lands and Heritage website www.dplh.wa.gov.au/mrs-amendments.

You should be aware that calling for submissions is a public process and all submissions lodged will become public. All submissions are published and made available when the

Minister has made a determination on the amendment. Advice of disclosure and access requirements are shown on side two of the submission form.

Before making your submission, it is recommended that you read the information in appendix D of this report regarding preparing a submission.

11 Modifications to the amendment

After considering any comments received from the public and government agencies, the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

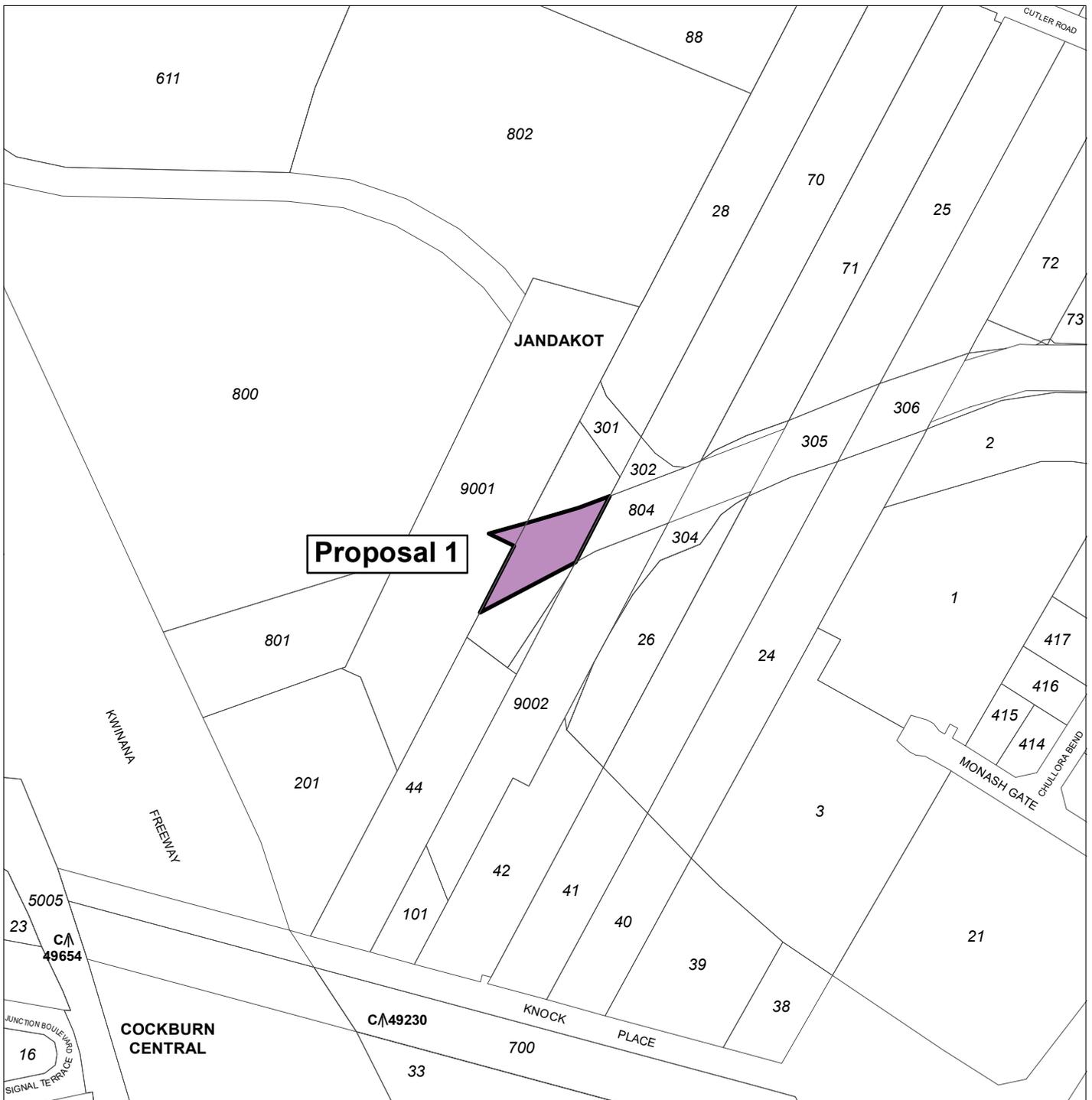
12 Final outcome

The recommendations of the WAPC, including any modifications, along with the determination of the Minister, are published in a report on submissions. Anyone who has made a submission, along with affected landowners, will be notified of the outcome when the amendment is Gazetted to give it legal effect.

MRS Amendment 1380/57

South-East and South-West Districts Omnibus 4

**Amending Figures
Proposal 1 - 16**



South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised

9 December 2020

Proposal 1

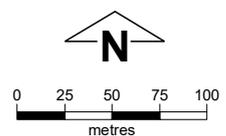
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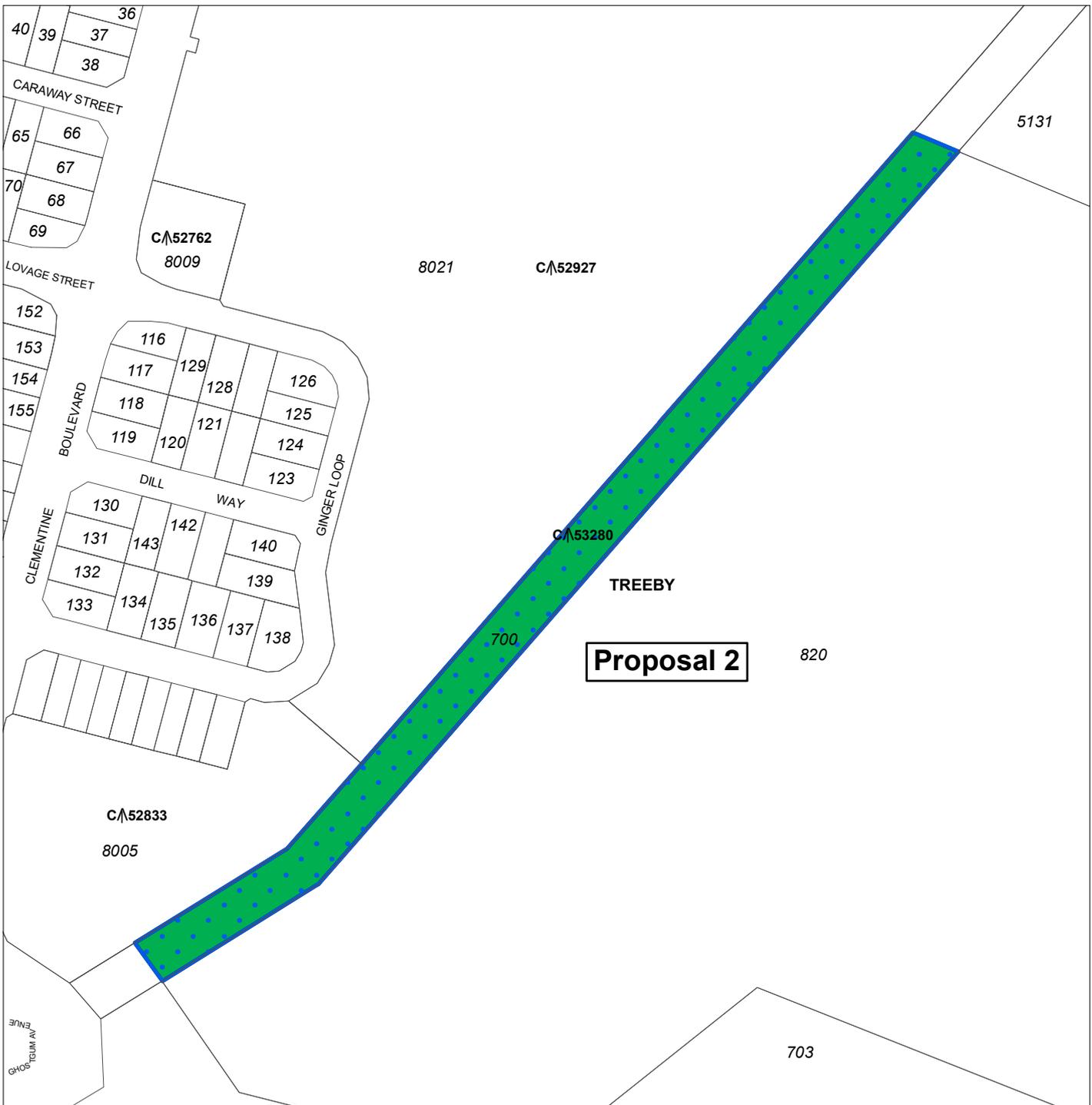
 Industrial zone

Oracle reference no: 3010
 File number: 833/02/01/0074
 Version number: 4



Date: 30/11/2020
 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





**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

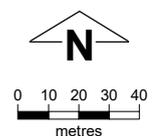
9 December 2020

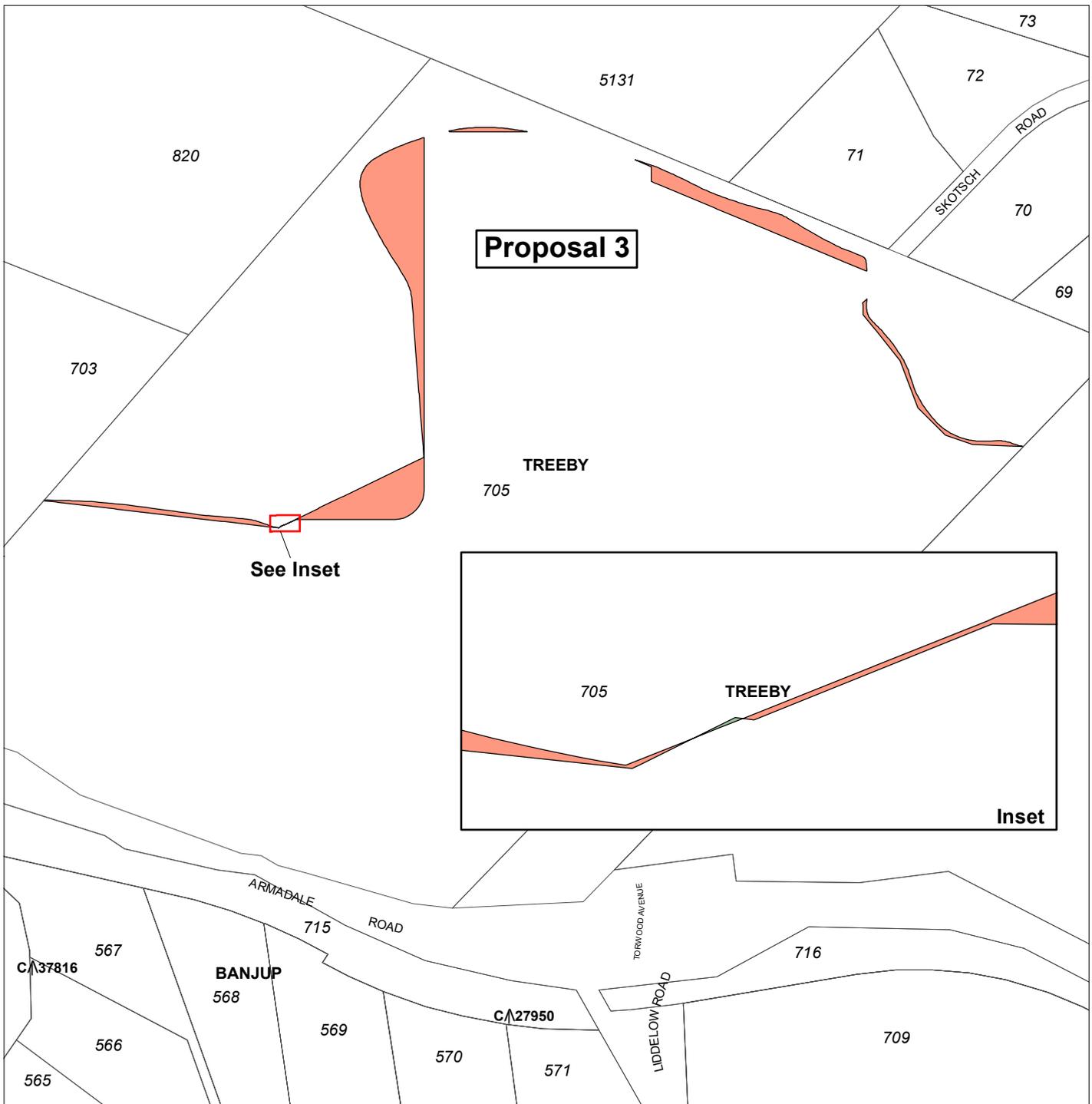
Proposal 2

Proposed Amendment:

-  Parks and recreation reservation
-  Water catchment reservation addition

Oracle reference no: 3010
File number: 833/02/01/0074
Version number: 4





**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

Proposal 3

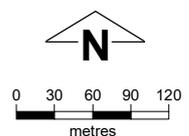
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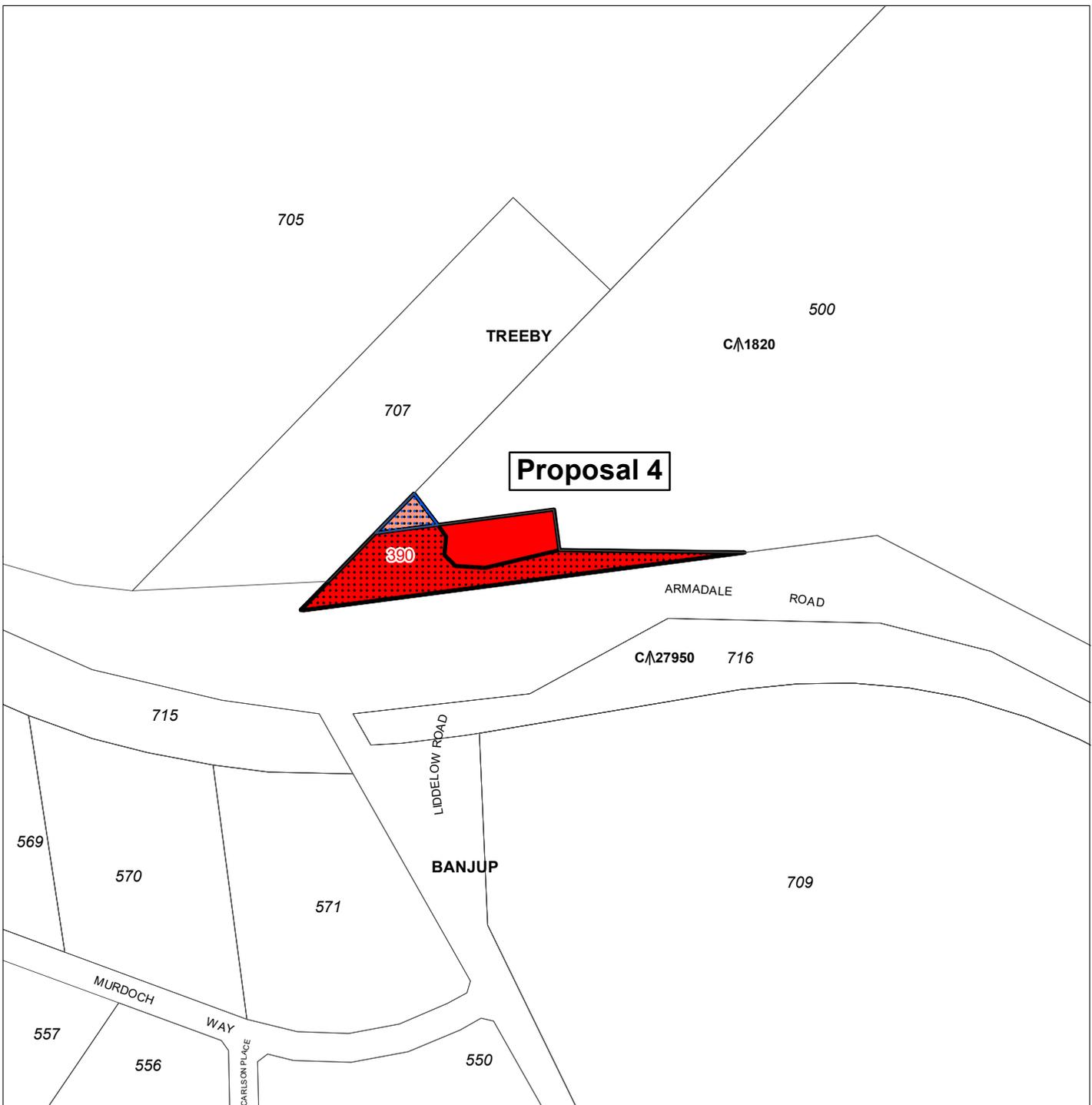
-  Rural - water protection zone
-  Urban zone

Oracle reference no: 3010
File number: 833/02/01/0074
Version number: 4



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**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

Proposal 4

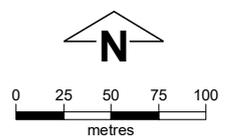
Proposed Amendment:

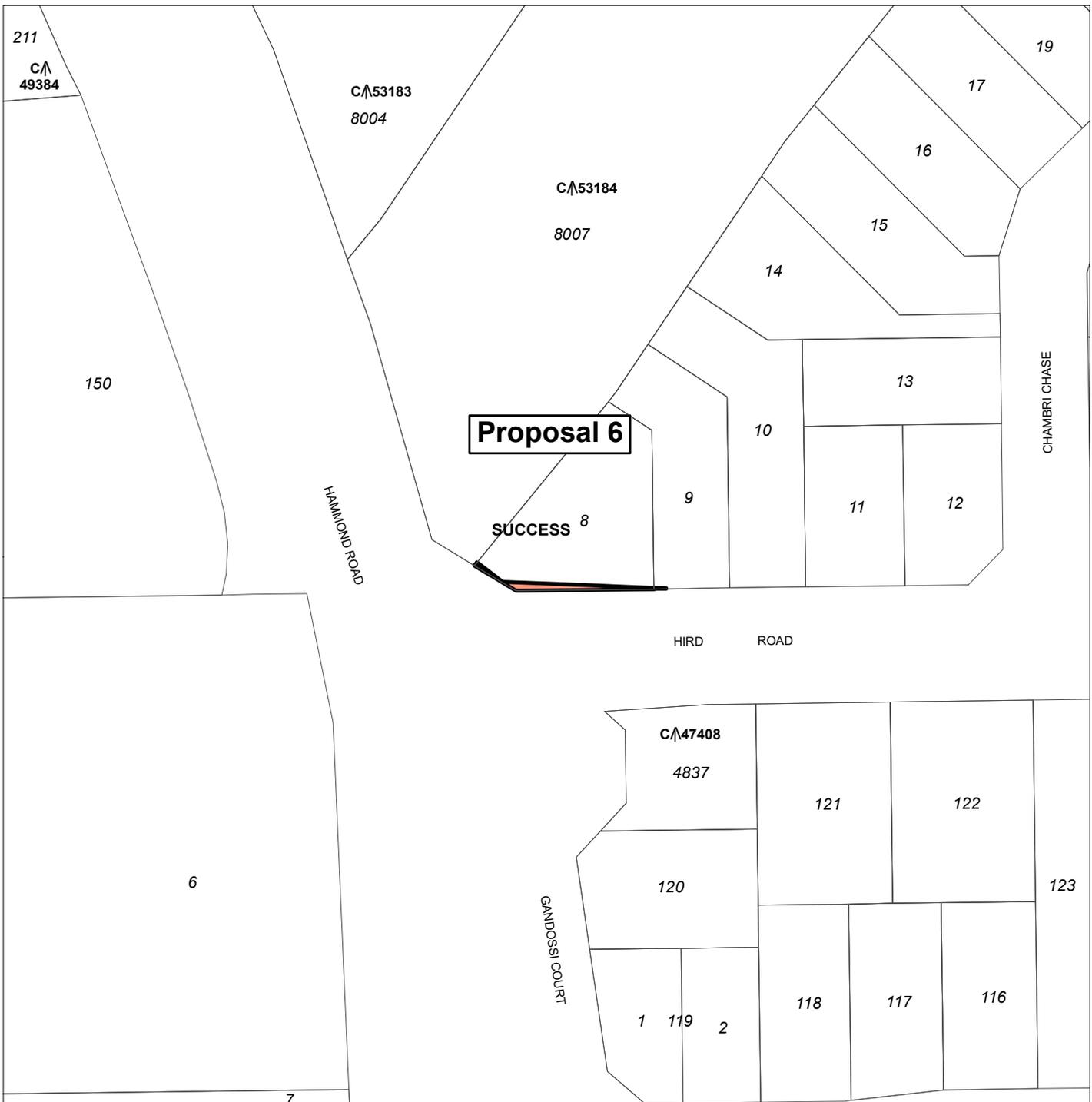
-  Primary regional roads reservation
-  Urban zone
-  Water catchment reservation for removal

Notice of Delegation

-  (Site No. 390) Bush Forever area for removal

Oracle reference no: 3010
File number: 833/02/01/0074
Version number: 4





**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

Proposal 6

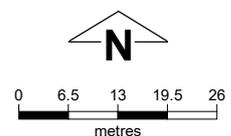
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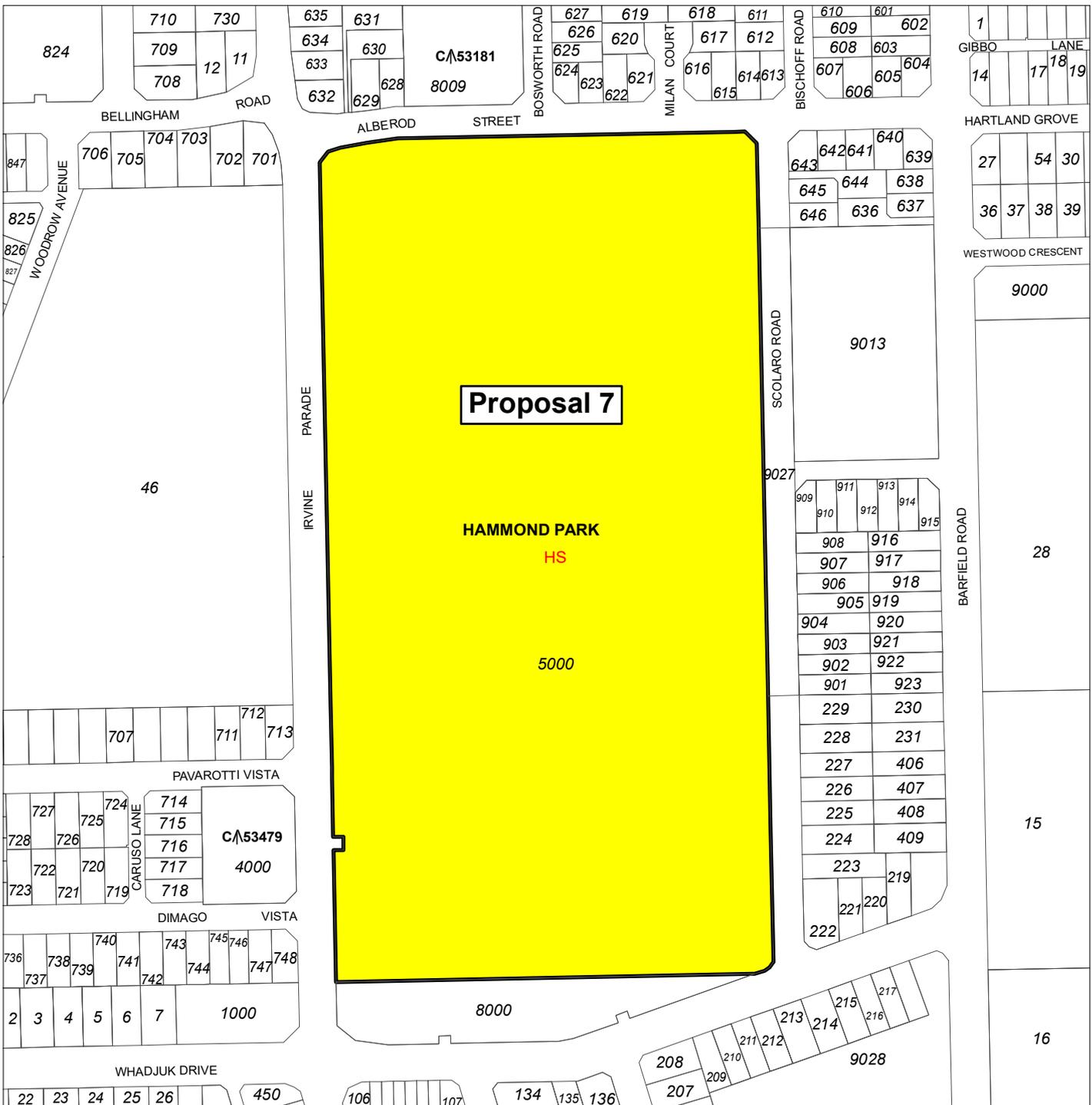
 Urban zone

Oracle reference no: 3010
File number: 833/02/01/0074
Version number: 4



Date: 25/11/2020
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





South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised

9 December 2020

Proposal 7

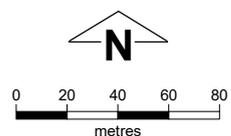
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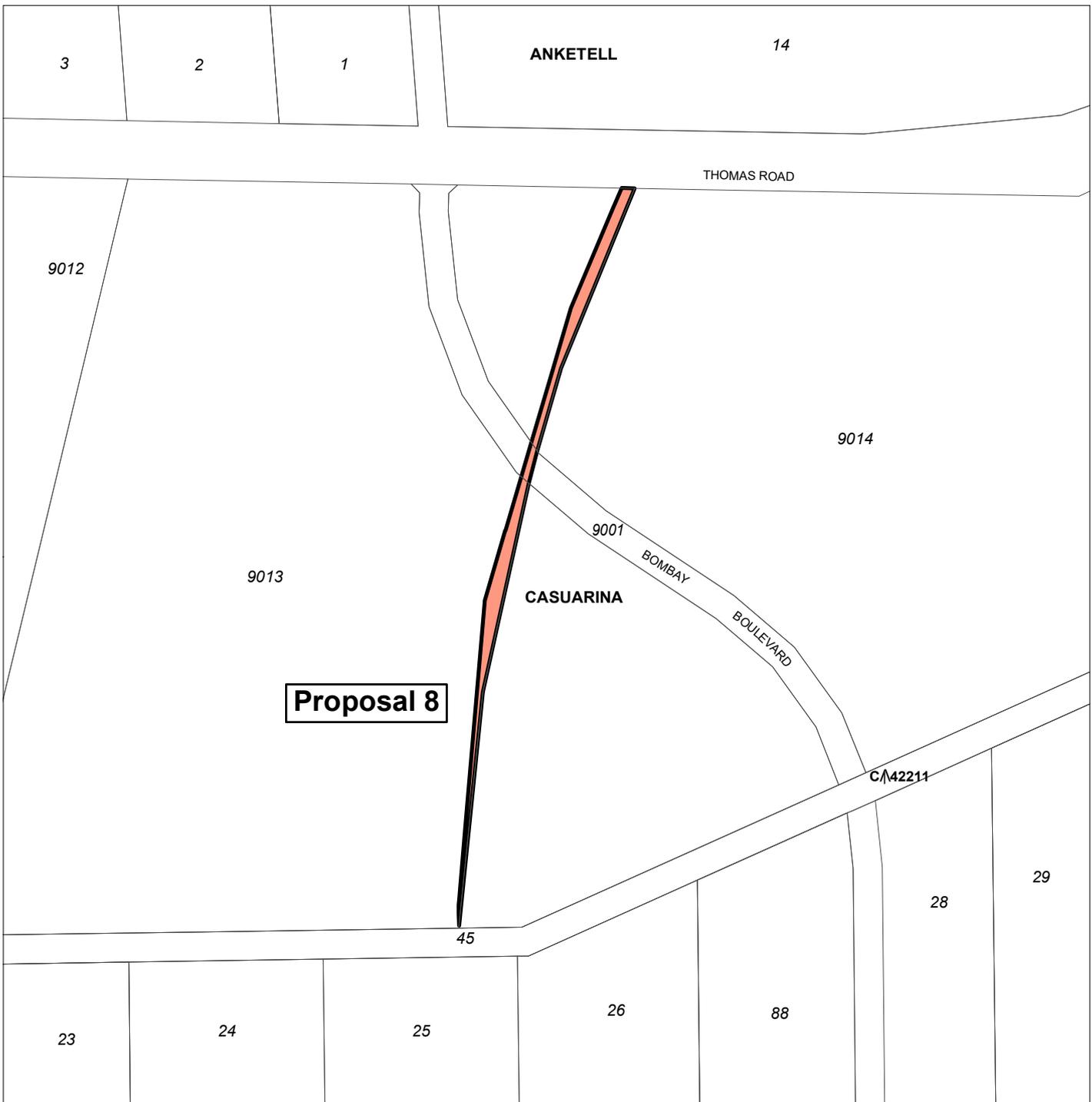
 **HS** Public purposes reservation - high school

Oracle reference no: 3010
 File number: 833/02/01/0074
 Version number: 4



Date: 25/11/2020
 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





Proposal 8

**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

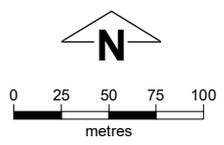
Proposal 8

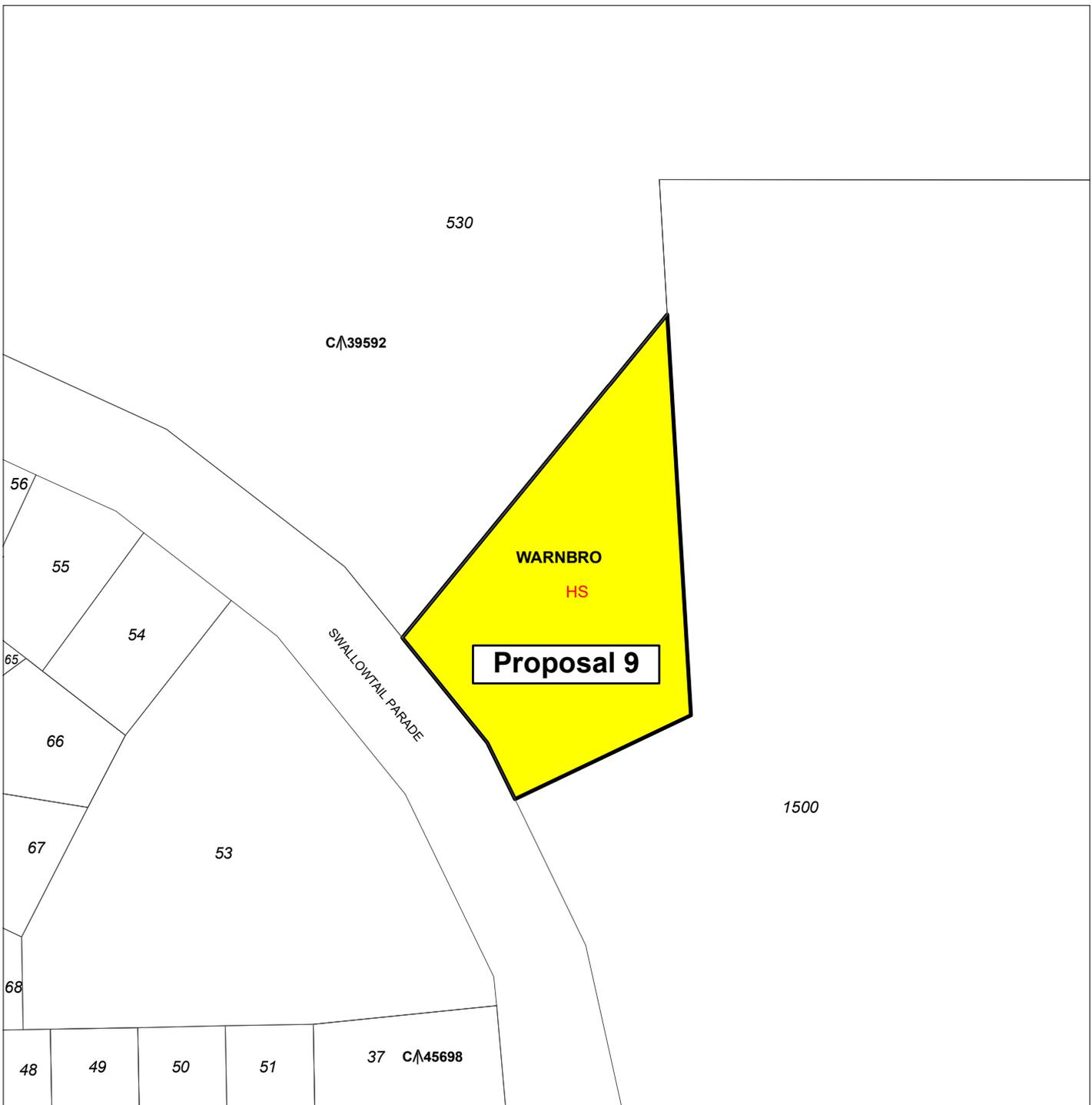
Proposed Amendment:
 Urban zone

Oracle reference no: 3010
 File number: 833/02/01/0074
 Version number: 4



Date: 25/11/2020
 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





**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

Proposal 9

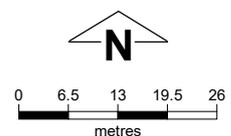
Proposed Amendment:

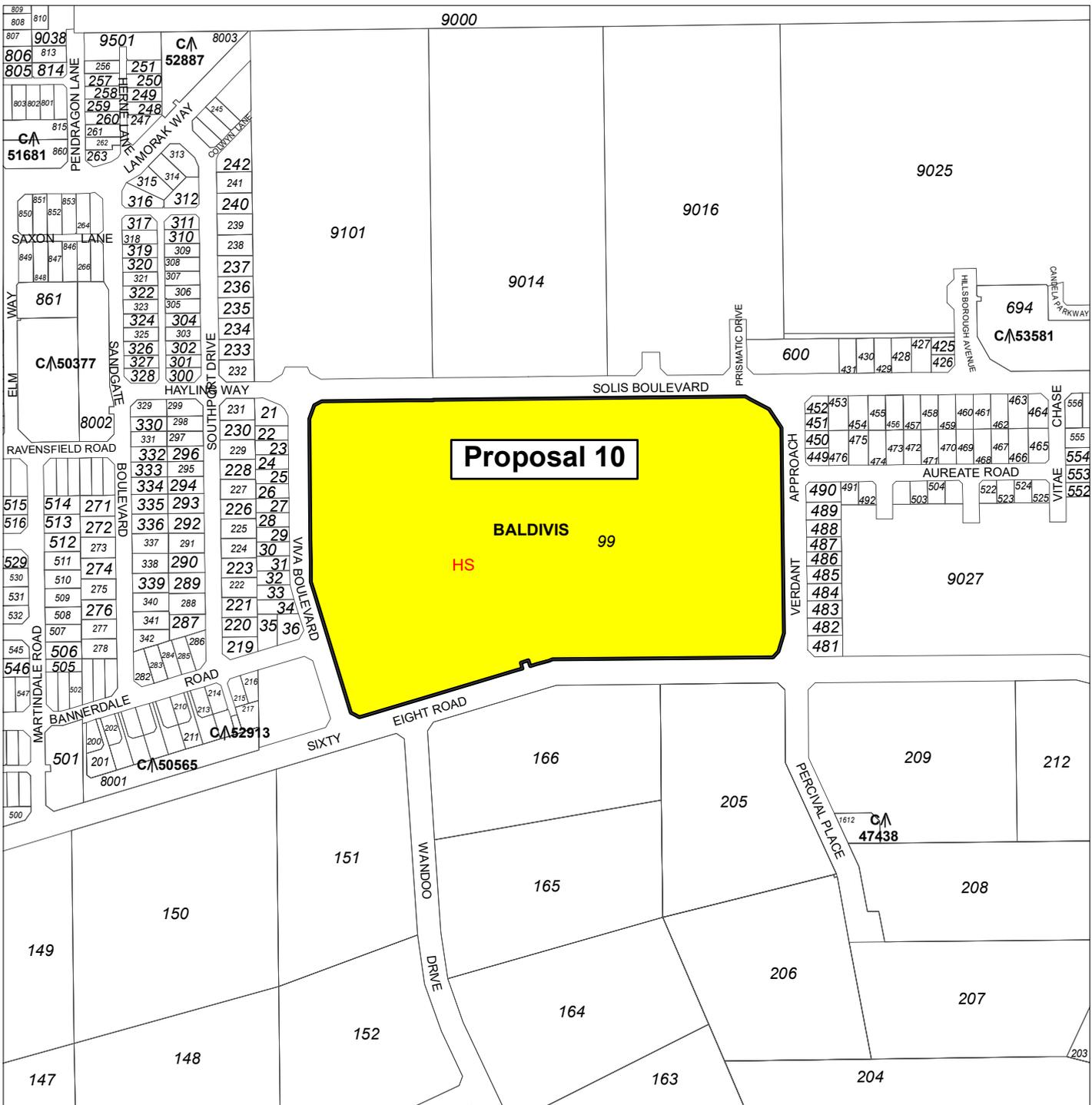
 HS Public purposes reservation - high school

Oracle reference no: 3010
File number: 833/02/01/0074
Version number: 4



Date: 25/11/2020
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





South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised

9 December 2020

Proposal 10

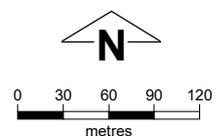
Proposed Amendment:

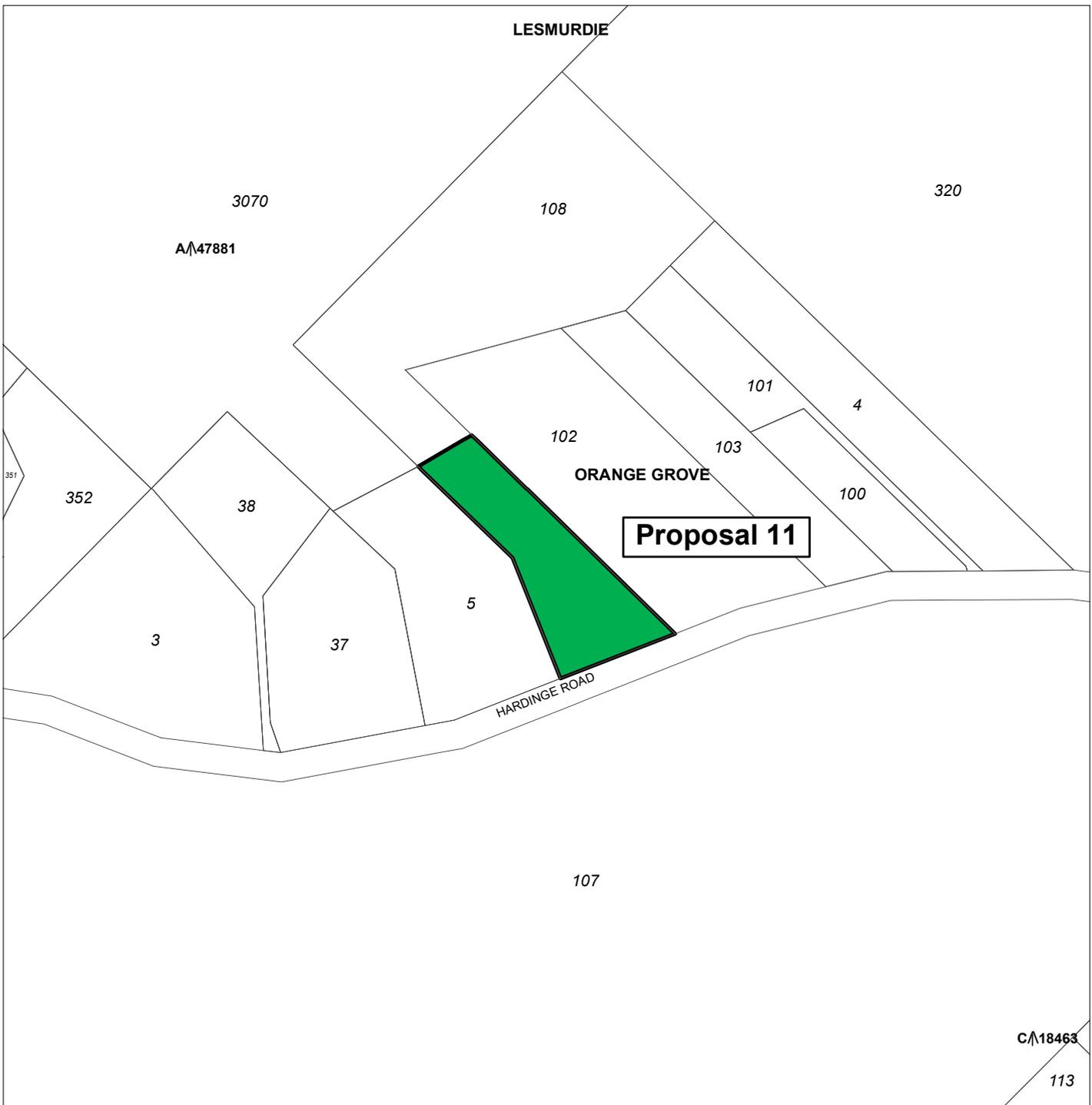
 **HS** Public purposes reservation - high school

Oracle reference no: 3010
 File number: 833/02/01/0074
 Version number: 4



Date: 25/11/2020
 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





**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

Proposal 11

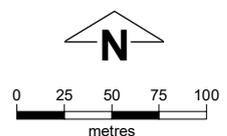
Proposed Amendment:

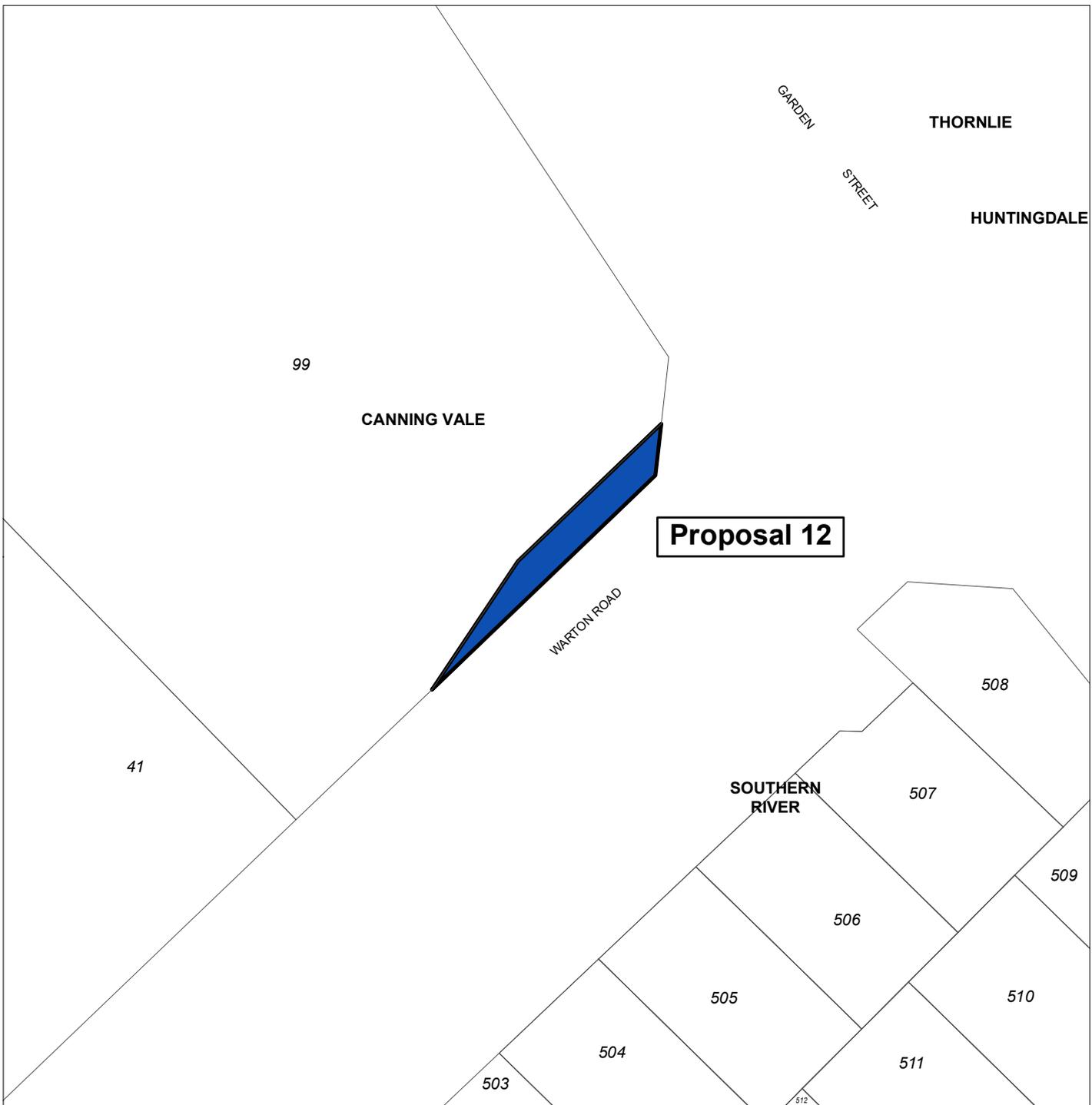
 Parks and recreation reservation

Oracle reference no: 3010
File number: 833/02/01/0074
Version number: 4



Date: 25/11/2020
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





**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

Proposal 12

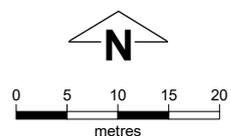
Proposed Amendment:

 Other regional roads reservation

Oracle reference no: 3010
File number: 833/02/01/0074
Version number: 4



Date: 25/11/2020
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





South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised

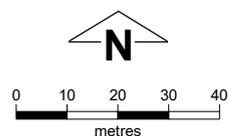
9 December 2020

Proposal 13

Proposed Amendment:

-  Other regional roads reservation
-  Urban zone

Oracle reference no: 3010
 File number: 833/02/01/0074
 Version number: 4





**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

Proposal 14

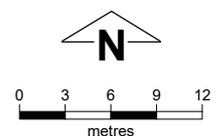
Proposed Amendment:

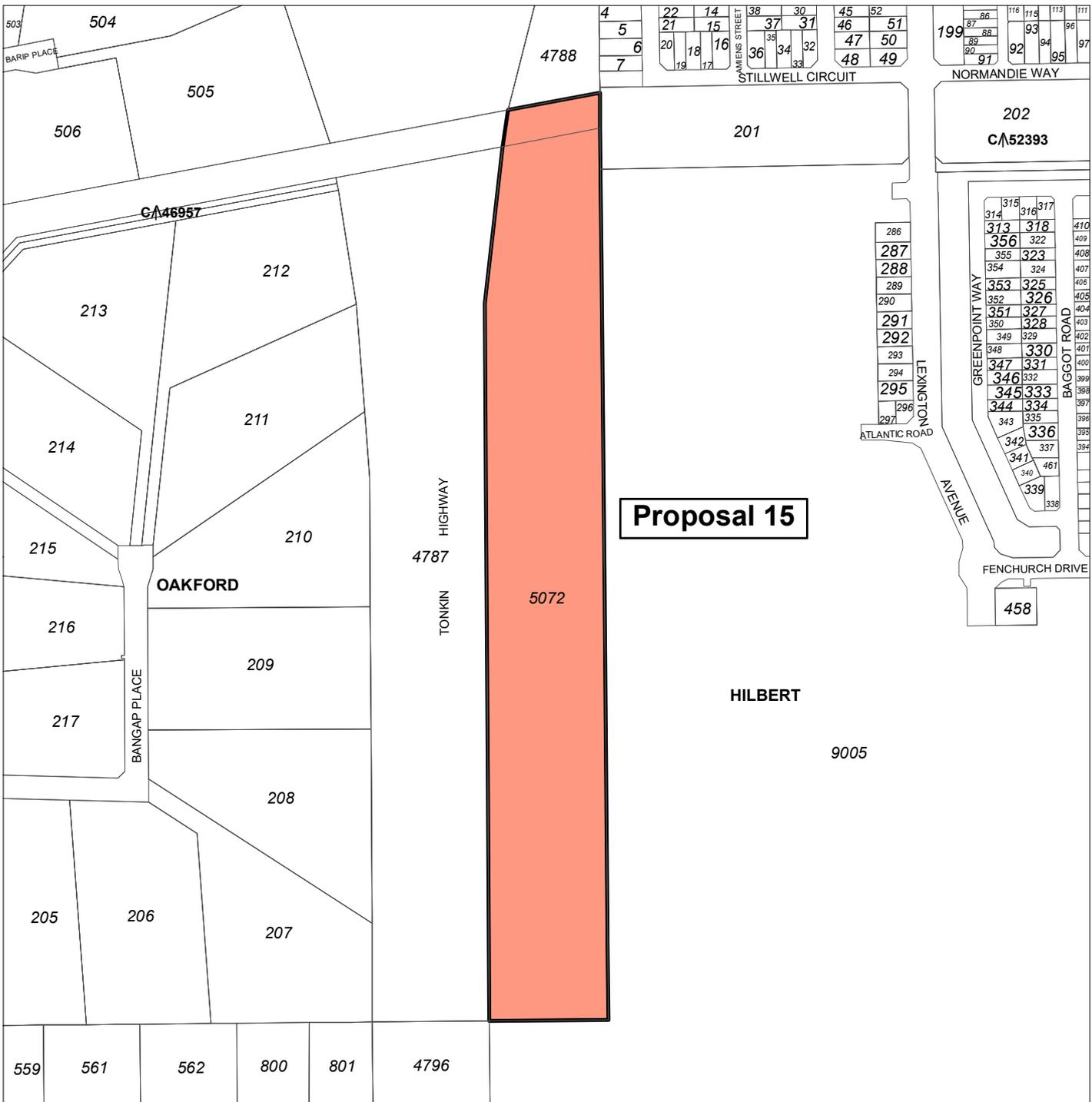
-  Other regional roads reservation
-  Urban zone

Oracle reference no: 3010
File number: 833/02/01/0074
Version number: 4



Date: 25/11/2020
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





South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised

9 December 2020

Proposal 15

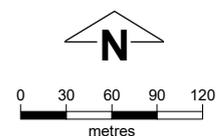
Proposed Amendment:

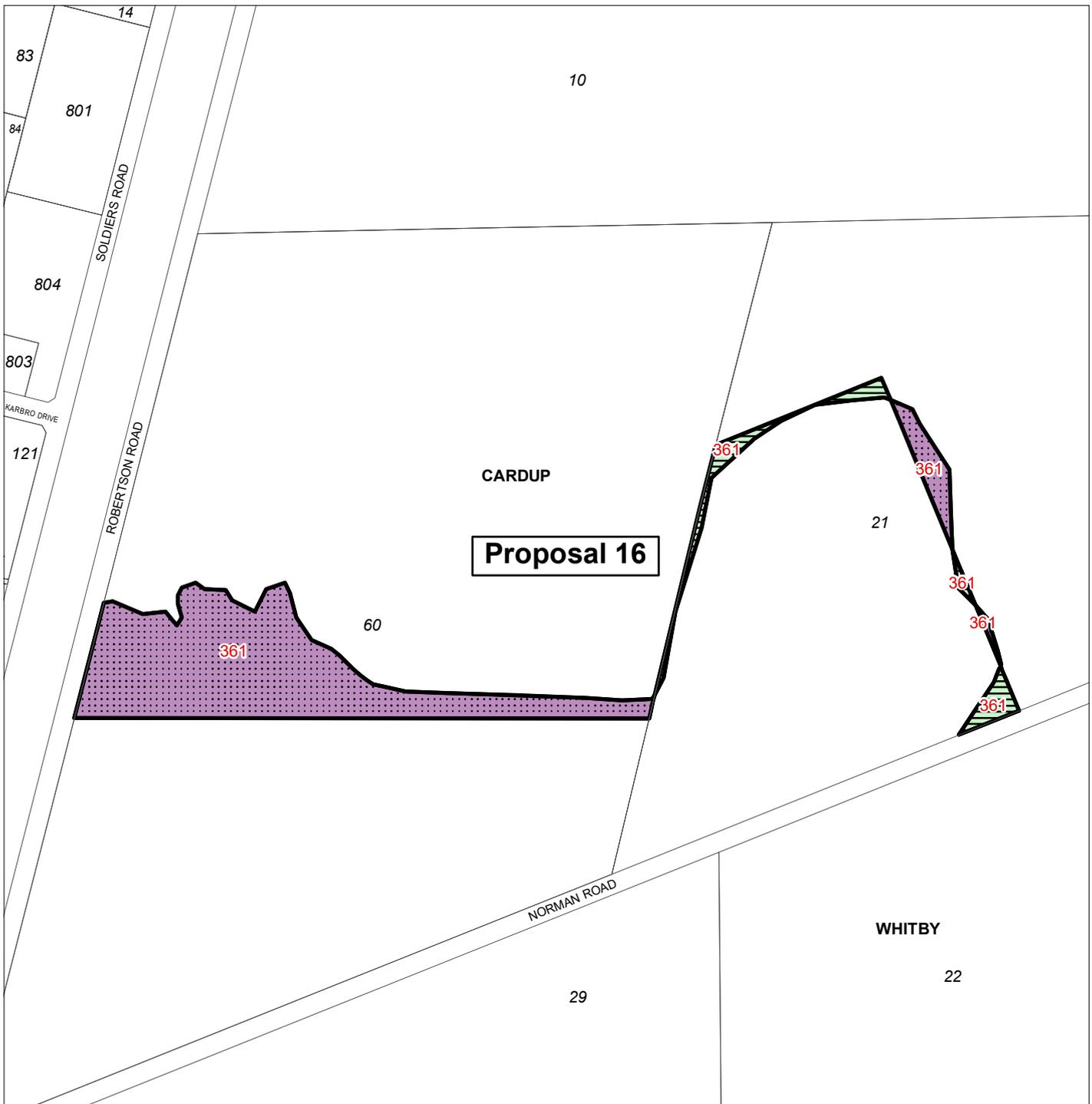
 Urban zone

Oracle reference no: 3010
 File number: 833/02/01/0074
 Version number: 4



Date: 25/11/2020
 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





**South East and South West Districts Omnibus Amendment No. 4
Proposed minor amendment
as advertised**

9 December 2020

Proposal 16

Proposed Amendment:

 Industrial zone

 Rural zone

Notice of Delegation

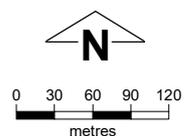
 (Site No.361) Bush Forever area addition

 (Site No.361) Bush Forever area for removal

Oracle reference no: 3010

File number: 833/02/01/0074

Version number: 4



Appendix A

Notice of environmental assessment

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

Our Ref: CMS 17950
Enquiries: Angela Coletti, 6364 6430
Email: Angela.Coletti@dwer.wa.gov.au

Dear Ms Fagan

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME	Metropolitan Region Scheme Amendment 1380/57 South East and South West Districts Omnibus 4
LOCATION	Various zones and reservations in the South East and South West Districts of the metropolitan region
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) but nevertheless provides the attached advice and recommendations. I have also attached a copy of the Chair's determination of the scheme.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.

- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the Chair's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

31 May 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Metropolitan Region Scheme Amendment 1380/57

Location: South East and South West Districts

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 31 May 2021

Summary

The Western Australian Planning Commission (WAPC) proposes to rezone various zones and reservations in the Cities of Armadale, Cockburn, Gosnells, Kwinana and Rockingham and Shire of Serpentine-Jarrahdale.

The Environmental Protection Authority (EPA) has considered the amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA expects future proposals likely to lead to significant environmental impacts are referred to the EPA pursuant to Part IV of the EP Act. The EPA has based its decision on the documentation provided by the WAPC, and having considered this matter, the following advice is provided.

Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna
- Social Surroundings

Advice and Recommendations regarding Environmental Factors

The EPA considers there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA.

Proposal 15 City of Armadale

To rezone Lot 5072 Atlantic Road from the Rural zone to the Urban zone.

Social Surroundings

The EPA advises the amendment area is located approximately 460 meters north of the City of Armadale's landfill and recycling facility. The land fill site may also be potentially contaminated.

The EPA recommends an appropriate separation distance between the landfill facility and future residential development within the amendment area consistent with State Planning Policy 4.1 *State Industrial Buffer Policy* and the EPA's Guidance Statement No.3 *Separation Distances between Industrial and Sensitive Land Uses*.

Proposal 16 Shire of Serpentine-Jarrahdale

To rezone:

- a portion of Lot 60 Robertson Road and portions of Lot 21 Norman Road from the Rural zone to the Industrial zone and remove this land from BFS 361; and
- portions of Lot 21 Norman Road from the Industrial zone to the Rural zone and to add this land to BFS 361.

Flora and Vegetation and Terrestrial Fauna

The proposal is to rationalise the Industrial and Rural zones and the boundaries of BFS 361 to provide an interface between the Industrial zoned land and BFS 361. The EPA acknowledges the amendment is consistent with a deed of agreement between with the owners of Lots 21 and 60 relating to a negotiated planning outcome and the deed of agreement will be executed prior to finalisation of the amendment.

The EPA notes the proposed boundary rationalisation will remove areas containing native vegetation from BFS 361 and that overall, there has been a net loss of area/vegetation to BFS 361. The rationalisation of BFS boundaries should seek to retain native vegetation in BFS. Rationalisation that may incorporate degraded areas into BFS may be revegetated and/or managed for passive open space. The EPA also advises the local planning scheme should contain text to ensure management of potential impacts to BFS 361, flora and vegetation and fauna from development of the amendment area. Therefore, the EPA does not support a concurrent amendment under Section 126(3) of the P & D Act.

Conclusion

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives. The EPA recommends its advice is implemented to mitigate potential impacts to Flora and Vegetation, Terrestrial Fauna and Social Surroundings. Local planning scheme amendments should contain specific scheme reserves and/or text to ensure impacts to these values will be avoided and/or managed.

Appendix B

List of detail plans supporting the amendment

**Metropolitan Region Scheme
Amendment 1380/57**

South-East and South-West Districts Omnibus 4

as advertised

Amending Plan 1.7984

Detail Plans

1.6559, 1.6560, 1.6579, 1.6582, 1.6584, 1.6653 & 1.6739

Amending Plan 1.7985

Detail Plans

1.6424, 1.6507, 1.6521, 1.6545, 1.6659, 1.6675, 1.6778 & 1.6779

Amending Plan 1.7986

Detail Plans

1.6888, 1.6916 & 1.6922

Appendix C

Your property and the planning system - region schemes

Your property and the planning system – region schemes

Rights to compensation in relation to reserved land

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. It does this by reserving and zoning land for immediate and future development through region schemes and/or planning control areas.

Region schemes

The WAPC administers three region schemes which classify land into zones and reservations:

- Metropolitan Region Scheme
- Peel Region Scheme
- Greater Bunbury Region Scheme.

Zones are large areas identified for purposes such as industry (industrial zone) and residential (urban zone).

Reservations are required for public purposes such as schools, railways, major roads, and parks and recreation.

How do you amend a region scheme?

Schemes can be amended as regions grow and change. This process begins with the local government, landowner, State Government or WAPC making a request to amend a scheme. The WAPC considers the request and can either refuse or approve the initiation of an amendment.

The amendment process is lengthy and in general, takes between 12 to 24 months to complete and includes extensive consultation with landowners and the broader community. In some cases amendments are subject to assessment by the Environmental Protection Authority. Amendments can be classified as Major or Minor, in accordance with *Development Control Policy 1.9 – Amendment to Region Schemes*.

Planning Control Area

In some instances, the WAPC will use a planning control area (PCA) to protect land required for a particular purpose from development until it may be reserved in one of the region schemes. A PCA acts in a similar manner as a region scheme but can be applied as a temporary measure to enable an amendment to be progressed. This also provides affected landowners with rights to claim compensation while a decision is made to reserve land or not. A PCA is valid for up to five years.

This means the WAPC is the decision-making authority for any development applications on land within a PCA. A person must not commence and carry out development within the PCA area without the prior approval of the WAPC. There are penalties for failure to comply with this requirement.

The same compensation and alternative purchase rules apply as with a region scheme. However, if compensation is paid and the PCA or reservation is reduced or removed in the future, the compensation is repayable in whole or part upon the subsequent sale or subdivision of the property.

What if your land is proposed to be reserved?

The WAPC approaches landowners on land proposed to be reserved and invites them to comment through the amendment process.

The Government will ultimately acquire reserved land, but as the reservations are strategic and long-term requirements, the land can generally remain in private ownership until it is needed for the public purpose. Several options are available to the owners of reserved land:

- **Retain ownership of your property** and continue quiet enjoyment until it is needed for the public purpose. You may complete any development or subdivision approved prior to the reservation taking effect. Under non-conforming use rights, you may continue to use the property for the purpose for which it was legally being used immediately before the reservation came into effect.
- **Sell the property on the open market** to another person(s). The WAPC recognises that the reservation may make this difficult. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property if an owner is unable to achieve a private sale on the open market. This does affect your right to otherwise claim statutory compensation (outlined in the compensation section below).
- **Offer the property for sale** to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property. The WAPC purchases a property at its current market value, ignoring the impact of the reservation and proposed public purpose. The WAPC obtains two independent valuations to provide it with advice on the value of the property.

Am I entitled to claim compensation?

If your land is reserved in a region scheme or subject to a PCA and **you are the owner of the land when it was first reserved or the PCA was declared**, you may be able to make a claim for compensation for injurious affection if:

1. **Private Sale** – you sell the property on the open market at a reduced price (due to the effect of the reservation or PCA);
or
2. **Refused development** – the WAPC has either refused a development application over the property or approved it subject to conditions that are unacceptable to you.

What is injurious affection?

Injurious affection occurs when the value of a piece of land is affected by the application of a reservation or restriction for a public purpose.

How do I claim compensation?

1. Private sale

If you wish to sell your property on the open market at a reduced price (affected value), you will need to complete a *Notice of Intention to Sell* form, which is available online at www.dplh.wa.gov.au. The Department of Planning, Lands and Heritage will establish the extent of the reservation and forward the notice to the Board of Valuers.

The Board of Valuers will determine the value of the property as if there was no reservation or PCA (unaffected value). You may wish to attend the board's meeting to present any matters you believe are relevant to the value of your property.

Following the board's decision:

- The board will advise you of the unaffected value of the property.
- You pay the board's valuation fee to the department and you will be advised of the affected value of the property (as determined by the WAPC) – the minimum price for which you can sell the property and receive the full amount of compensation (the difference between the affected and unaffected values). The valuation fee is refundable upon the sale of the property and the payment of compensation.
- You then arrange the sale of the property (either privately or through an agent) – the sale price must not be less than the affected value.

You (and your agent) must inform prospective purchasers that you are selling the property at a reduced price and that you will be claiming compensation for injurious affection from the WAPC. You must also include a special condition in the offer and acceptance.

- After you sell the property, you can make a claim for compensation for injurious affection through the WAPC **within six months** of the property being sold (registered at Landgate).
- After the WAPC pays compensation, the WAPC will lodge a notification on the Certificate of Title to identify that it has paid compensation, which is only payable once.
- If the property does not sell within one year of the board's valuation, you may ask the board to revalue the property. The sale process is then repeated.
- Alternatively, you may wish to ask the WAPC to purchase the property, as you have been unable to sell it privately. The WAPC will purchase the property at its then fair market value (unaffected value).

2. Refused development

If the WAPC refused your development application or approved it subject to unacceptable conditions, you may make a claim for compensation for injurious affection **within six months** of the WAPC's decision.

The WAPC will either pay compensation or may elect to purchase the property instead of paying compensation. If the WAPC elects to purchase the property, it obtains valuations for the fair market value (unaffected value) as at the date of the election to purchase.

What is compulsory acquisition?

If land is required for a reservation and has not been previously acquired or compensation has been claimed, the Government may compulsorily acquire the property. The WAPC will obtain independent valuations and make an offer of compensation, in accordance with the *Land Administration Act 1997*.

How can I view a region scheme?

- online at www.dplh.wa.gov.au/your-property-and-region-schemes
- office of the WAPC and the Department of Planning, Lands and Heritage Level 2, 140 William Street, Perth
- any local government office.

The WAPC operates in accordance with the *Planning and Development Act 2005* and receives administrative support from the Department of Planning, Lands and Heritage.

This information is correct as at January 2019.

Appendix D

Preparing a submission

Preparing a submission

The WAPC welcomes comment on proposed amendments to the MRS from interested individuals, groups and organisations.

What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding. Advertised proposals are often modified in response to the public submission process.

What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

Before lodging your submission

The WAPC prefers to receive submissions online at <https://consultation.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (form 57 – appendix E).

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

The closing date for submissions and how to lodge them is shown on form 57 and in the submissions on the amendment section of the amendment report.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and your submission will become a public document.

Appendix E

**Submission form for this amendment
(form 57)**

