

SHAPING THE FUTURE OF WESTERN AUSTRALIA



## Western Australian Planning Commission Agenda

Notice is hereby given the next meeting of the Western Australian Planning Commission will be:

**Meeting No. 340**

**Wednesday, 29 May, 2024, 9:30 am**

**Room 2.24, 140 William Street**

This meeting is not open to members of the public

1.	Declaration of opening	
2.	Apologies	
3.	Members on leave of absence and applications for leave of absence	
4.	Disclosure of interests	
5.	Declaration of due consideration	
6.	Minutes	
6.1	Confirmation of minutes - Meeting No. 339 on Wednesday, 1 May 2024	9 - 23
7.	Deputations and presentations	
8.	Governance items for decision	
8.1	State Design Review Panel Manual Update (A13395469)	
9.	Strategic items for decision	
9.1	Development Control Policy 2.2 Modifications (DP/17/00098)	
9.2	State Planning Policy 3.7 Bushfire - For Final Endorsement (PLH2019P1195)	
9.3	State Planning Policy 3.7 Bushfire – Consequential amendments (PLH2019P1195)	
9.4	Future of Fremantle Place and Economic Vision (PLH2021P0405)	
10.	Statutory items for decision	
10.1	Planning Control Areas – Port Precinct & Anketell Road West (Westport) (RLS/0850, RLS/0993, RLS/1130, RLS/1131)	
10.2	Improvement Plans – Lot 200 (71) Edward Street and Lot 1001 (120) Claisebrook Road, Perth – Recommendation to Minister (RLS/1133 & RLS/1134)	
10.3	Proposed MRS Amendment – Mitchell Freeway, Osborne Park - Rationalisation (RLS/1139)	24 - 46
10.4	Proposed MRS Amendment – Lyon and Kinley Roads, Banjup (RLS/1124)	47 - 78

- 10.5 Proposed MRS Amendments – North East Baldivis District Structure Plan, Precincts 1 - 4 (RLS/1125 & RLS/1135) 79 - 119
- 10.6 Lifting of Urban Deferment – Pt Lot 6 Matison Street, Southern River (RLS/1041) 120 - 132
- 10.7 UWA-QEII Specialised Activity Centre - Improvement Plan
- 11. Project reports
  - 11.1 WAPC Regulations – Final Draft (PLH2020P0092)
- 12. Reports for noting
- 13. Stakeholder engagement and site visits
- 14. Urgent or other business
- 15. Items for consideration at a future meeting
- 16. Meeting closure

## Information for WAPC members

### Quorum: 7 of 14 members

*Representation in accordance with the Planning and Development Act 2005*

	<p><b>Mr David CADDY</b> WAPC Chairman <i>Section 10(1)(a)</i></p>		<p><b>Mr Anthony KANNIS</b> Director General, Department of Planning, Lands and Heritage <i>Section 10(1)(c)(i)</i></p>
	<p><b>Vacant</b> Metropolitan Local Government Representative (nominated by WALGA) <i>Section 10(1)(b)(i)</i></p>		<p><b>Mr Alistair Jones</b> A/Director General, Department of Water and Environmental Regulation <i>Section 10(1)(c)(ii) and 10(1)(c)(iv)</i></p>
	<p><b>Cr Caroline KNIGHT</b> Non-Metropolitan Local Government Representative (nominated by WALGA) <i>Section 10(1)(b)(ii)</i></p>		<p><b>Mr Peter WORONZOW</b> Director General, Department of Transport <i>Section 10(1)(c)(iii)</i></p>
	<p><b>Ms Helen BROOKES</b> Coastal Planning and Management Representative <i>Section 10(1)(b)(iii)</i></p>		<p><b>Ms Rebecca BROWN</b> Director General, Department of Jobs, Tourism, Science and Innovation <i>Section 10(1)(c)(v)</i></p>
	<p><b>Ms Jane BENNETT</b> Deputy Chairperson and Professions Representative <i>Schedule 1, Clause 6(3) and Section 10(1)(b)(iv)</i></p>		<p><b>Mr Mike ROWE</b> Director General, Department of Communities <i>Section 10(1)(c)(vi)</i></p>
	<p><b>Mr Gene Koltasz</b> Professions Representative <i>Section 10(1)(b)(v)</i></p>		<p><b>Ms Lisette Traves</b> Portfolio Agency Representative <i>Section 10(1)(c)(vii)</i></p>
	<p><b>Mr Barry McGUIRE</b> Professions Representative <i>Section 10(1)(b)(vi)</i></p>		<p><b>Ms Lynne CRAIGIE</b> Nominee of the Minister for Regional Development <i>Section 10(1)(c)(viii)</i></p>
	<p><b>Cr Liam GOBBERT</b> Metropolitan Local Government Representative (Deputy) (nominated by WALGA) <i>Schedule 1 clause 7(1)</i></p>		<p><b>Mr Leigh BALLARD</b> Non-Metropolitan Local Government Representative (Deputy) (nominated by WALGA) <i>Schedule 1 clause 7(1)</i></p>

Current Vacancies:

- Associate Member, *Section 11*

## **Role of the Western Australian Planning Commission (WAPC)**

The functions of the WAPC are described in section 14 of the *Planning and Development Act 2005* (PD Act):

### **14. Functions**

The functions of the WAPC are —

- (a) to advise the Minister on —
  - (i) the coordination and promotion of land use, transport planning and land development in the State in a sustainable manner;
  - (ii) the administration, revision and reform of legislation relating to land use, transport planning and land development;
  - (iii) local planning schemes, and amendments to those schemes, made or proposed to be made for any part of the State;

and

- (b) to prepare and keep under review —
  - (i) a planning strategy for the State; and
  - (ii) planning policies,  
as a basis for coordinating and promoting land use planning, transport planning and land development in a sustainable manner, and for the guidance of public authorities and local governments on those matters; and
- (c) to plan for the coordinated provision of transport and infrastructure for land development; and
- (d) to provide advice and assistance to any body or person on land use planning and land development and in particular to local governments in relation to local planning schemes and their planning and development functions; and
- (e) to undertake research and develop planning methods and models relating to land use planning, land development and associated matters; and
- (f) to keep under review the strategic planning for the metropolitan region and any other part of the State to which a region planning scheme applies and to make recommendations to the Minister on that strategic planning; and
- (g) to prepare and amend State planning policies under Part 3; and
- (h) to prepare region planning schemes under Part 4; and
- (ia) to prepare improvement plans and improvement schemes under Part 8; and
- (i) to keep under review each region planning scheme and improvement scheme, to review the scheme completely whenever requested by the Minister to do so and to submit for approval under Part 4 or 8 any amendment considered necessary as a result of a review; and
- (j) to develop, maintain and manage land held by it that is reserved under a region planning scheme or improvement scheme and to carry out such works, including the provision of facilities on the land, as may be incidental to development, maintenance or management or to be conducive to the use of the land for any purpose for which it is reserved; and
- (k) to establish, and exercise powers in relation to, committees under Schedule 2; and
- (l) to do all things that are necessary for the purpose of carrying out this Act, region planning schemes and improvement schemes; and
- (m) to do anything else that it is required or authorised to do by this or any other written law.

*[Section 14 amended by No. 28 of 2010 s. 7.]*

The WAPC is the statutory authority with Statewide responsibilities for urban, rural and regional land use planning and land development matters. The WAPC responds to the strategic direction of government and is responsible for the strategic planning of the State.

The WAPC operates with the support of the Department of Planning (DoP), which provides professional and technical expertise, administrative services, and resources to advise the WAPC and implement its decisions. In this partnership the WAPC has responsibility for decision-making and a significant level of funding while the department provides the human resources and professional advice.

The WAPC delegates some of its functions to officers of the department. This delegated authority includes decisions on subdivision and development applications, when they comply with the WAPC policies and practices.

### **Membership (extract from PD Act)**

The composition of the Board is in accordance with Section 10(1) of the *Planning and Development Act 2005*:

#### **10. Membership of board**

- (1) The board is to consist of the following members —
  - (a) a chairperson appointed by the Governor on the nomination of the Minister; and
  - (b) 6 members appointed by the Governor, of whom —
    - (i) one is to be a person nominated by the Minister from a list of the names of 4 persons representing the interests of local governments within the metropolitan region submitted to the Minister by WALGA; and
    - (ii) one is to be a person nominated by the Minister from a list of the names of 4 persons representing the interests of the local governments outside the metropolitan region submitted to the Minister by WALGA; and
    - (iii) one is to be a person nominated by the Minister as having experience of the field of coastal planning and management; and
    - (iv) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of urban and regional planning, property development, commerce and industry, business management, financial management, engineering, surveying, valuation, transport or urban design; and
    - (v) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of environmental conservation, natural resource management or heritage interests; and
    - (vi) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of planning and provision of community services, community affairs or indigenous interests;

and

- (c) the least number of other members who include —
  - (i) the chief executive officer of the department principally assisting in the administration of this Act; and
  - (ii) the chief executive officer of the Water and Rivers Commission established by the Water and Rivers Commission Act 1995 3; and
  - (iii) the chief executive officer of the department principally assisting in the administration of the Transport Co-ordination Act 1966; and
  - (iv) the chief executive officer of the department principally assisting in the administration of the Environmental Protection Act 1986; and
  - (v) the chief executive officer of the department principally assisting in the administration of the Government Agreements Act 1979; and
  - (vi) the chief executive officer of the department principally assisting in the administration of the Housing Act 1980; and
  - (vii) a person, whether a member under another subparagraph or another person nominated by the Minister, who has experience in the field of urban and regional planning and is employed in an agency, as defined in the Public Sector Management Act 1994, for which the Minister is responsible; and

(viii) a person nominated by the Regional Minister”.

In accordance with Section 11(2) of the *Planning and Development Act 2005*, “The Governor may, on the nomination of the Minister, appoint an associate member for a region referred to in Schedule 4”.

On 13 December 2011, the Governor appointed an Associate Member for a region referred to in Schedule 4.

#### **Delegated Authority (extract from section 16 PD Act)**

- (1) The WAPC may, by resolution, delegate to a person or body referred to in subsection (3) any function of the WAPC under this Act or any other written law, except this power of delegation.
- (2) A resolution referred to in subsection (1) takes effect when notice of the resolution is published in the *Gazette*.
- (3) A delegation under subsection (1) may be made to –
  - (a) a member or associate member;
  - (b) a committee established under Schedule 2, or a member of such a committee;
  - (c) an officer of the WAPC;
  - (d) a public authority or a member or officer of a public authority; or
  - (e) a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.
- (4) The reference to functions in subsection (1) extends, without limitation or restriction, to all of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by this Act or any other written law.
- (5) Without limiting the generality of subsection (1), where the WAPC has delegated its functions under section 14(i) and (1), the delegation includes, subject to the instrument of delegation, a delegation of every function of the WAPC under Part 4.
- (6) A delegate cannot sub-delegate the exercise or performance of any function.
- (7) A delegate exercising or performing a function as authorised under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (8) Nothing in this section limits the ability of the WAPC to act through an officer or agent.
- (9) This section does not apply to the execution of documents but authority to execute documents on behalf of the WAPC can be given under section 24.

#### **Quorum for meetings**

In accordance with Clause 8(5) of Schedule 1 of the *Planning and Development Act 2005*, the quorum for board meetings is as follows: *At any meeting of the board a number of members equal to at least one half of the number of members provided for by Section 10 constitute a quorum.*

## Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Section 4 of the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” is one where a member has an interest in a matter where it is reasonable to expect that the matter if dealt with by the Board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the member.

An “**indirect pecuniary interest**” refers to an interest in a matter where a financial relationship exists between a member and another person who requires a WAPC decision in relation to the matter.

A “**proximity interest**” refers to an interest of a member, or close associate of the member, in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an organisation or an association with any decision-making process relating to a matter for discussion before the Board or a Committee.

Members disclosing any pecuniary or proximity interests for an item cannot participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

## Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members.



**Western Australian Planning Commission**

**Minutes**

Meeting No. 339  
Wednesday, 1 May, 2024

Members: David Caddy - Chairman WAPC  
Jane Bennett - Professions Representative  
Helen Brookes - Coastal Planning and Management Representative  
Lynne Craigie - Nominee of the Regional Minister  
Anthony Kannis - Director General, Department of Planning, Lands and Heritage  
Caroline Knight - Local government representative – non-metropolitan  
Gene Koltasz - Professions Representative  
Lisette Traves - Portfolio Agency Representative

Apologies: Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation  
Liam Gobbert - Deputy Metropolitan Local Government Representative  
Alistair Jones - A/Director General, Department of Water and Environmental Regulation  
Barry McGuire - Professions Representative  
Mike Rowe - Director General, Department of Communities  
Peter Woronzow - Director General, Department of Transport

Observers: Phil Gorey - Department of Jobs, Tourism, Science and Innovation  
Damien Hills - Department of Water and Environmental Regulation

Others present: Kathy Bonus - Chief Planning Advisor, Reform, Design and State Assessment  
Sam Boucher - Manager, Commission Business  
David Brash - Planning Director, Regional South  
Navarre Brick - Planning Officer, Urban Design  
Jason Carr - Principal Planning Officer, Westport  
Andrew Cook - Planning Manager, Metro North East  
Michael Daymond - Strategic Advisor WAPC  
Aleisha D'Costa - Senior Planning Projects Officer, Reform, Design and State Assessment  
Johanna Dowsett - Planning Manager, Metronet  
Philip Elliott - Senior Planning Officer, Metronet  
Isla Finlay - Principal Planner, Metro Central  
Sally Grebe - Planning Director, Planning Appeals  
Cate Gustavsson - Executive Planning Director, Land Use Planning

Jas Lapinski - Senior Planner, Metro South East  
Andrea Lawson - A/Planning Manager, Metro South East  
Damien Martin - Executive Director Infrastructure Policy and Planning  
Rohan Miller - Planning Director, Schemes and Strategies  
Kirstan Muir - Special Legal Counsel, Legal Services  
Irene Obales - A/Commission Support Team Leader  
Amy Pires - Governance Officer, Commission Support  
Phillida Rodic - Planning Director Reform Projects  
Dale Sanderson - Planning Director, Metro Central  
David Saunders - Assistant Director General, Land Use Planning  
Mathew Selby - A/Executive Planning Director, Land Use Planning  
Belinda Sleaf - Commission Support Officer  
Jacquie Stone - Executive Director Policy, Strategic Policy and Projects  
Katya Tripp - Senior Planner, Regional South  
Brett Pye - Senior Planner, Schemes and Strategies

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**1. Declaration of opening**

The Chairman declared the meeting open at 9:30 am, acknowledged the Whadjuk people of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

**2. Apologies**

Mike Rowe - Director General, Department of Communities

Alistair Jones - A/Director General, Department of Water and Environmental Regulation (Damien Hills as Observer)

Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation (Phil Gorey as Observer)

Peter Woronzow - Director General, Department of Transport

Liam Gobbert - Metropolitan Local Government Representative

**3. Members on leave of absence and applications for leave of absence**

Nil.

**4. Disclosure of interests**

Ms Bennett declared a Perceived Impartiality Interest on Item 9.3 - Revised Draft Position Statement - Child Care Premises (In response to public submissions). Ms Bennett stated that she is the Chairperson of a Not-for-Profit day care Board, Subicare. Ms Bennett further stated that the Centre has

all planning approvals in place and does not require further planning approvals to operate. Members agreed that Ms Bennett is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Ms Bennett's conduct in relation to the matter.

Ms Bennett declared an Actual Impartiality Interest on Item 9.5 - Karnup Station Precinct Structure Plan – For Advertising. Ms Bennett stated that her employer, CLE, prepared the original Precinct Structure Plan for the Department of Planning, Lands and Heritage. Members agreed that Ms Bennett should not be present during the discussion and/or decision-making procedure on the item.

Ms Bennett declared an Actual Impartiality Interest on Item 10.1 - Ellenbrook Station Precinct Improvement Scheme No.1 – For Final Determination. Ms Bennett stated that she is a Director on the DevelopmentWA Board, the landowner of the Improvement Plan and Scheme area. Members agreed that Ms Bennett should not be present during the discussion and/or decision-making procedure on the item.

Ms Bennett declared an Actual Impartiality Interest on Item 11.1 - Westport Anketell-Thomas Road Freight Corridor – Planning Control Areas 168-172 – Main Roads WA Report No. 2. Ms Bennett stated that her employer, CLE act for a landowner impacted by the acquisition. Members agreed that Ms Bennett should not be present during the discussion and/or decision-making procedure on the item.

The Chairman declared an Interest in Common for WAPC members on Items 9.5 - Karnup Station Precinct Structure Plan – For Advertising and 10.4 - MRS Amendment 1410 – Pt Lot 96 Starflower Road, Henley Brook – Consideration for final determination of MRS Amendment and concurrent amendment of Local Planning Scheme. The Chairman stated that the Western Australian Planning Commission is the landowner and the planning authority for the abovementioned items.

## **5. Declaration of due consideration**

All members indicated that they had received and considered the agenda items prior to the Western Australian Planning Commission meeting.

### **5.1 Questions from Members and Responses from DPLH Staff**

## **6. Minutes**

### **6.1 Confirmation of minutes - Meeting No. 338 on Wednesday, 27 March 2024**

**Moved by** Mr Koltasz  
**Seconded by** Ms Brookes

*That the minutes of the Western Australian Planning Commission meeting held on Wednesday, 27 March 2024, be confirmed as a true and correct record of the proceedings.*

**The motion was put and carried**

**7. Deputations and presentations**

**7.1 Karnup Station Precinct Structure Plan – For Advertising (PLH2020P0831) (Item 9.5)**

**Presenters: City of Rockingham representatives - Tristan Fernandes and Sally Birkhead**

This deputation has been withdrawn at the request of the City of Rockingham.

**7.2 Proposed MRS Amendment – Helena Valley Urban Precinct (RLS/1033) (Item 10.5)**

**Presenter: Reegan Cake – Dynamic Planning and Developments and Rachel Tu - Urbis**

Mr Cake and Ms Tu made a presentation to the Commission on the Proposed MRS Amendment – Helena Valley Urban Precinct and expressed their support for the recommendation of the Department of Planning, Lands and Heritage to initiate the amendment. Mr Cake requested that the proposed amendment be modified to transfer 15.3 hectares of land from Rural zone to Urban zone rather than partially including a portion of the land in the Urban Deferred zone.

**7.3 MRS Amendment 1410 – Pt Lot 96 Starflower Road, Henley Brook – Consideration for final determination of MRS Amendment and concurrent amendment of Local Planning Scheme (RLS/1090) (Item 10.4)**

**Written Deputation:**

**Tim Trefry - Hatch**

Members noted the written deputation on Item 10.4 - MRS Amendment 1410 – Pt Lot 96 Starflower Road, Henley Brook – Consideration for final determination of MRS Amendment and concurrent amendment of Local Planning Scheme.

**7.4 Request to Initiate Preparation of Improvement Plans – Lot 200 (71) Edward Street and Lot 1001 (120) Claisebrook Road, Perth (RLS/1133 & RLS/1134) (Item 10.8)**

**Written Deputation:**

**Steve Allerdig – Allerdig and Associates**

Members noted the written deputation on Item 10.8 - Request to Initiate Preparation of Improvement Plans – Lot 200 (71) Edward Street and Lot 1001 (120) Claisebrook Road, Perth.

**ITEMS FOR DECISION**

**8.1 2024 WAPC and Committee Meeting Dates – July to December**

**THIS ITEM IS CONFIDENTIAL**

**9.1 Regulation 10A – Review of Schedule 2 Part 10B of the Planning and Development (Local Planning Schemes) Regulations 2015 (PLH2020P0252)**

**THIS ITEM IS CONFIDENTIAL**

**9.2 Declaration of Planning Control Area – Lot 99 Syros Court, Mindarie**

**THIS ITEM IS CONFIDENTIAL**

**9.3 Revised Draft Position Statement - Child Care Premises (In response to public submissions) (DP/10/01648/1)**

**THIS ITEM IS CONFIDENTIAL**

**9.6 Polyphagous Shot-Hole Borer Response - Update (PLH2023P1228)**

**THIS ITEM IS CONFIDENTIAL**

**10.2 Malaga Station Precinct Improvement Scheme No. 1 – Consent to Advertise (RLS/0890)**

**THIS ITEM IS CONFIDENTIAL**

**10.4 MRS Amendment 1410 – Pt Lot 96 Starflower Road, Henley Brook – Consideration for final determination of MRS Amendment and concurrent amendment of Local Planning Scheme (RLS/1090)**

**THIS ITEM IS CONFIDENTIAL**

**10.6 METRONET Armadale Road Principal Shared Path Bridge (22-50251-1)**

**Moved by Mr Koltasz  
Seconded by Cr Knight**

*That the Western Australian Planning Commission resolves to approve the application for the proposed principal shared path bridge within*

*Planning Control Area No. 164 pursuant to section 116 of the Planning and Development Act 2005 subject to the following conditions and advice:*

**CONDITIONS:**

- 1. The proposed development is to be carried out in accordance with the plans date-stamped 11 April 2024 (Attachment 1) and the supplementary plans required by Conditions 4 and 5 to the satisfaction of the Western Australian Planning Commission.*
- 2. The development approval is valid for two years from the date of this letter. If the subject development is not substantially commenced within two years, the approval shall lapse and be of no further effect.*

*Prior to the commencement of site works*

- 3. A Tree Retention Strategy shall be submitted to and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Tree Retention Strategy is to be implemented in its entirety to the satisfaction of the Western Australian Planning Commission.*

*Prior to the commencement of building works*

- 4. Detailed plans for City of Armadale Gateway Entry Statement shall be submitted and approved by the Western Australian Planning Commission, on the advice of the Government Architect Western Australia and the City of Armadale, prior to the commencement of building works. Once approved, the plans are to be implemented in their entirety.*

- 5. Supplementary plans being prepared on the advice of the Government Architect Western Australia and City of Armadale and approved by the Western Australian Planning Commission to;*

- a. Integrate the design of the ramp, balustrade and throw barrier;*
- b. Provide treatment beneath the all ramp areas with less than 1.8 metres clearance to ground level to ensure public safety and amenity;*
- c. Modifying the design of the drainage connection within the Frog Hollow event space to allow continued use for events;*

*d. Provide additional plans clarifying privacy screening for residential properties fronting Aragon Court.*

- 6. A Crime Prevention through Environmental Design (CPTED) statement outlining how the design response will mitigate the risk of crime shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on advice of the City of Armdale prior to the commencement of operations. Once approved it is to be implemented in its entirety, including any identified remedial measures to the satisfaction of the Western Australian Planning Commission.*

*Prior to the commencement of operations*

- 7. A Schedule of Materials, Finishes and Artwork shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale and the Government Architect Western Australia. Once approved, the plan is to be implemented in its entirety prior to operations.*
- 8. A Detailed Landscape Plan shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of operations. Once approved, the Landscape Plan is to be implemented in its entirety.*
- 9. A Drainage Management Plan shall be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Armadale and Main Roads, prior to the commencement of operations. Once approved, the plan is to be implemented in its entirety.*
- 10. A Lighting Plan being submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale. Once approved, the plan shall be implemented in its entirety prior to the commencement of operations.*
- 11. All accessible structures within three metres of ground level which are the subject of this application are to be applied with an anti-graffiti coating to the satisfaction of the Western Australian Planning Commission on the advice of City of Armadale.*
- 12. A Signage and Way-Finding Plan shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of station operations. Once approved, the plan is to be implemented in its entirety to the satisfaction of the Western Australian Planning Commission.*

13. *Arrangements being made for the maintenance and management of the proposed public realm areas on the advice of the City of Armadale and the Public Transport Authority and to the satisfaction of the Western Australian Planning Commission prior to commencement of operations.*

#### ADVICE NOTES

1. *All development should comply with the provisions of the Building Code of Australia, Health Regulations, Public Building Regulations and all other relevant Acts. Regulations and Local Laws, including obtaining any relevant permits and licenses. Additional approvals/licences may be required to ensure compliance with State Government environmental legislation.*
2. *In regard to Condition 3, the Tree Retention Strategy is to address only those trees outside existing tree retention strategies approved as part of the previous development approval for the viaduct structure.*
3. *In regard to Condition 4 the following should be addressed in the detailed design for the City of Armadale Entry Gateway Statement;*
  - a. *Integration of text and lighting elements;*
  - b. *Coordination with the design and materials of the throw barrier; and*
  - c. *Coordination with the concrete PSP edge beam and columns.*
4. *In regard to Condition 8 the Landscape Plan should address:*
  - a. *Landscape and drainage treatment within Frog Hollow to maintain the capacity of the site to accommodate events and maintain suitable flood storage requirements;*
  - b. *Substitute an earthy coloured concrete cement for the proposed stabilised gravel fines where the proposed footpath is likely to carry constant pedestrian traffic and/or maintenance vehicles. The fines are a short-term landscaping treatment suitable for decorative embellishments without constant pedestrian traffic;*
  - c. *Identify areas of permanent irrigation including water supply sources, protection of existing reticulation systems and removal/capping of redundant reticulation pipe;*

- d. *Reduction in areas of seeding and arrangements for a temporary irrigation system with tube stock planting and mulch, with the aim to reduce irrigation over time;*
  - e. *Landscape treatments beyond planting, such as hard landscaping, decorative lighting and artworks to achieve the appearance of high-quality landscaping;*
  - f. *Screening of the Western Power transformer site;*
  - g. *Proposed pavement finish along Streich Avenue to be concrete due to loose stones ending up within the road pavement;*
  - h. *Further detail of battering and drainage infrastructure in Frog Hollow, to ensure the event space remains fit for purpose;*
  - i. *Electrical and lighting corresponding with the lighting plan;*
  - j. *Bollards to protect from unwanted access;*
  - k. *Planting species, pot sizes of trees, rates of planting of tubestock to be 4/m<sup>2</sup> Rates of 130mm pots to be 3/m<sup>2</sup>;*
  - l. *Species selection and climatic suitability, endemism, shade from viaduct, slip hazard from nuts;*
  - m. *Soil preparation including ripping, aeration and soil conditioners; and*
  - n. *An assets and maintenance register of all hard landscaping assets, including detailed specifications and drawings.*
5. *ATCO advises the proposed development may require additional safety measures to be considered, identified and in place for the high pressure gas pipeline risk mitigation. Anyone proposing to carry out construction or excavation works within 15 metres of the Critical Asset Infrastructure must contact 'Before You Dig' to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24-Additional Information for Working Around Gas Infrastructure: <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>.*

*Atco Gas advises that other gas mains also exist within the development application area and ATCO request the applicant*

*commences early discussions to determine the impact of the development on the gas infrastructure.*

**The motion was put and carried**

**8.2 Review of WAPC Committee Terms of Reference & Delegations (PLH2020P0092)**

**THIS ITEM IS CONFIDENTIAL**

**9.4 City of Bunbury - Spencer and Blair Streets Precinct Plan - Approval to Prepare (PLH2023P1228)**

Members noted the need for planning intervention for Spencer and Blair Streets Precinct and queried whether an improvement plan was considered and were advised that there is no immediate need for an improvement plan at this stage.

Members queried whether the proposed budget of \$200,000 is going to be enough to prepare the Precinct Structure Plan and were advised that the City of Bunbury has supported to add \$50,000 to the budget of the Western Australian Planning Commission so a total of \$250,000 would be enough.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by** Cr Knight

**Seconded by** Ms Bennett

*That the Western Australian Planning Commission in accordance with clause 15(c) of Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to:*

- 1. support preparation of a Precinct Structure Plan for the Spencer and Blair Street Area in the City of Bunbury; and*
- 2. note that the proposal is subject to consideration of a business case and funding request by the Executive Finance and Property Committee which will consider the Department of Planning, Lands and Heritage being the project lead in collaboration with the City of Bunbury.*

**The motion was put and carried**

**9.5 Karnup Station Precinct Structure Plan – For Advertising (PLH2020P0831)**

**Ms Bennett declared an Actual Impartiality Interest on this item and left the meeting at 10:05 am.**

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by** Mr Koltasz  
**Seconded by** Cr Knight

*That the Western Australian Planning Commission resolves to:*

1. *Approve the preparation of a precinct structure plan for the Karnup Station precinct for the purposes of orderly and proper planning, consistent with s15(c) Schedule 2 Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*
2. *Endorse submission of the Draft Karnup Station Precinct Structure Plan (and supporting technical reports) to the City of Rockingham for advertising and assessment, consistent with s17 Schedule 2 Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*

**The motion was put and carried**

**10.1 Ellenbrook Station Precinct Improvement Scheme No.1 – For Final Determination (TPS/3051)**

**Ms Bennett declared an Actual Impartiality Interest on this item and remained outside the meeting.**

**THIS ITEM IS CONFIDENTIAL**

**Ms Bennett returned to the meeting at 10:08 am.**

**10.3 MRS Amendment 1406/57 – Lot 30 Soldiers Road, Cardup – For Final Determination (RLS/0671)**

**THIS ITEM IS CONFIDENTIAL**

**10.5 Proposed MRS Amendment – Helena Valley Urban Precinct (RLS/1033)**

Members discussed the Bushmead Road/Helena Valley Road bridge issue which is yet to be resolved and noted that the Department of Planning, Lands and Heritage needs to work with MainRoads WA on the final bridge design and to come up with a solution.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

**Moved by** Ms Brookes  
**Seconded by** Mr Koltasz

*That the Western Australian Planning Commission, under section 35 of the Planning and Development Act 2005 and regulation 5 of the Planning and Development (Region Planning Schemes) Regulations 2023, resolves to:*

- 1. prepare an amendment to the Metropolitan Region Scheme as detailed in Attachment 4 – draft Amendment Report – MRS Amendment – Helena Valley Urban Precinct; and*
- 2. form the opinion that the amendment constitutes a standard amendment to the Metropolitan Region Scheme as it is consistent with the strategic planning framework and the relevant recommendations of the State Planning Framework.*

**The motion was put and carried**

**10.7 Two Proposed Temporary Dome Shelters (Workshops) in Planning Control Area 152 - Midland Freight Rail Realignment, at Lot 14 (No. 150) Lakes Road, Hazelmere (21-50904-1)**

Members discussed the Two Proposed Temporary Dome Shelters (Workshops) in Planning Control Area 152 (PCA 152) - Midland Freight Rail Realignment, at Lot 14 (No. 150) Lakes Road, Hazelmere and agreed that the Commission should be consistent on its decision in relation to the lease period of 15 years for development within PCA 152.

Members agreed to endorse the amended recommendation of the Department of Planning, Lands and Heritage with approval to the proposed development for a temporary period of 15 years commencing 1 May 2024 and expiring on 1 May 2039.

**Moved by Ms Bennett**

**Seconded by Ms Brookes**

*That the Western Australian Planning Commission, pursuant to section 116 of the Planning and Development Act 2005, resolves to approve the application for two proposed shelters (warehouses) at Lot 14 (No. 150) Lakes Road, Hazelmere, and the plans submitted thereto subject to the following conditions:*

- 1. This development approval is granted for a temporary period only, expiring on 1 May 2039.*
- 2. The landowner shall enter into an agreement with the Western Australian Planning Commission for the removal of the proposed dome shelter (warehouse) developments the subject of this approval prior to the expiry of the approval period on 01 May 2039.*

3. *Land use and development is restricted to 'Dry Industry' activities unless the site and development is connected to reticulated sewer.*
4. *Prior to a building permit being issued, stormwater disposal plans, details and calculations must be submitted for approval to the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.*
5. *No more than ten (10) staff are permitted on site at any one time. No customers are permitted.*
6. *Vehicle parking, access, and circulation areas being provided and drained to the specification the City of Swan and satisfaction of Western Australian Planning Commission.*
7. *Prior to occupation or use of the development, the development must incorporate the relevant requirements of the Bushfire Management Plan (BMP) as amended to the satisfaction of the City of Swan.*

Advice

1. *Upon expiration of this approval, the landowner/applicant may apply to obtain approval through a separate application for an extension of the approved timeframe specified in Condition 1. Any such application will be assessed against the prevailing planning framework.*
2. *This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Department to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Department's attention.*
3. *This approval does not authorise commencement of any building and/or demolition works. In accordance with the Building Act 2011 and Building Regulations 2012, a building and/or demolition permit must be obtained prior to the commencement of any works.*
4. *In regard to condition 4, Prior to a building permit being lodged, an amended Stormwater Management Plan shall be submitted to the City of Swan. The Management Plan shall demonstrate that runoff is contained onsite for a 1 year Annual Recurrence Interval (ARI) storm and discharge from lots is limited to a rate of 16L/s/ha through the use of onsite compensation.*

5. *The carrying on of the development must not cause a dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City of Swan if it is considered that a dust nuisance exists.*
6. *The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Swan.*
7. *External lighting shall comply with the requirements of AS4282 – Control of Obtrusive Effects of Outdoor Lighting.*
8. *Connection to an Aerobic Treatment Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government.*

**The motion was put and carried**

**10.8 Request to Initiate Preparation of Improvement Plans – Lot 200 (71) Edward Street and Lot 1001 (120) Claisebrook Road, Perth (RLS/1133 & RLS/1134)**

**THIS ITEM IS CONFIDENTIAL**

**11.1 Westport Anketell-Thomas Road Freight Corridor – Planning Control Areas 168-172 – Main Roads WA Report No. 2 (PLH2019P0301)**

**Ms Bennett declared an Actual Impartiality Interest on this item and left the meeting at 10:35 am.**

**THIS ITEM IS CONFIDENTIAL**

**Ms Bennett returned to the meeting at 10:36 am.**

**12. Reports for noting**

Nil.

**13. Stakeholder engagement and site visits**

Nil.

**14. Urgent or other business**

Nil.

**15. Items for consideration at a future meeting**

Nil.

**16. Meeting closure**

The next ordinary meeting is scheduled for 9:30 am on Wednesday, 29 May 2024.

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 10:49 am.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

UNCONFIRMED



<b>REPORT TO</b>	Western Australian Planning Commission		
<b>Meeting date</b>	29 May 2024	<b>File number</b>	RLS/1139
<b>Subject</b>	Proposed MRS Amendment – Mitchell Freeway, Osborne Park - Rationalisation		
<b>Purpose</b>	Requires WAPC decision		
<b>Title of Approving Officer</b>	Planning Director, Schemes and Strategies		
<b>Agenda Part for Reports (All parts are confidential unless otherwise stated)</b>			
WAPC - Statutory Items for Decision			
<b>SITE-SPECIFIC DETAILS</b>			
<b>Region/s</b>	Perth		
<b>Local government/s</b>	City of Stirling		
<b>Landowner/Consultant</b>	<u>Proponent:</u> Main Roads Western Australia <u>Landowners:</u> Various		
<b>Location map</b>	<b>Attachment 1</b> – Location Map and Existing MRS Context		
<b>Bushfire Prone Area</b>	NO		
<b>SUMMARY</b>			
<p>The proposed MRS amendment seeks to transfer approximately 1.19ha of land in Osborne Park from the Primary Regional Roads (PRR) reservation to the Industrial and Urban zones under the Metropolitan Region Scheme (MRS).</p> <p>The removal of land within the amendment area from the PRR reservation will reflect the Main Roads Western Australia (MRWA) land requirements for parts of the Mitchell Freeway between Hutton Street and Scarborough Beach Road in Osborne Park. The proposed Industrial and Urban zonings will facilitate the planning and development of this land for these purposes.</p> <p>The Cities of Stirling and Vincent, MRWA, Department of Water and Environmental Regulation (DWER) and the Water Corporation do not raise any objections or issues which would prevent the initiation and advertising of the proposed amendment.</p> <p>It is recommended that the WAPC resolves to initiate the proposed amendment and to progress it as a ‘basic’ MRS amendment, as it is consistent with the intent of the <i>Central Sub-regional Planning Framework</i> and the relevant recommendations of the State Planning Framework.</p>			
<b>DETAILS OF PROPOSAL</b>			
<p>The proposed amendment seeks to transfer approximately:</p> <p>(a) 5,604m<sup>2</sup> of land with part of Lot 102 Linwood Court, parts of Lots 55, 113, 308, 309 &amp; 310 Sangiorgio Court, and part of the road reserve for Gordon Road West in Osborne Park from the PRR reservation to the Industrial zone (Proposal 1);</p>			

- (b) 5,218m<sup>2</sup> of land within Lot 13976/Reserve 46377, part of Lot 311 Sangiorgio Court, part of Lot 30 Frobisher Street, and parts of Lots 36, 801 and 807 (Reserve 28240) Neil Street in Osborne Park from the PRR reservation to the Urban zone (Proposal 2); and
- (c) 1,050m<sup>2</sup> of land within parts of Lots 205, 206 & 11797 (Reserve 42366) David Close, parts of Lots 202 & 203 Cape Street, and part of the road reserve for Cape Street in Osborne Park from the PRR reservation to the Urban zone. (Proposal 3);

under the MRS (**Attachment 1 & Attachment 2** – Aerial Plan).

The proposed Industrial and Urban zonings will rationalise the extent of the PRR reservation for this section of the Mitchell Freeway, consistent with the MRWA land requirements for this road, and facilitate the planning and development of this land for industrial and urban purposes.

## **BACKGROUND**

The subject land is located in the City of Stirling, approximately 4.5 kilometres north-west of the Perth Central Business District and one kilometre south-east of the Stirling Strategic Activity Centre.

Land within the amendment area is both privately owned and owned by the State, and is currently reserved PRR under the MRS. In this regard, MRWA advises that the land within the amendment area is no longer required for the Mitchell Freeway.

The use and development of the subject land is currently controlled by the MRS, and will be subject to the requirements of the *City of Stirling's Local Planning Scheme No. 3* (LPS 3) should the amendment be approved.

Land within the amendment area is predominantly developed for industrial and urban purposes and is not known to contain any significant environmental values.

### **Strategic Planning Context**

#### **Perth and Peel@3.5 Million / Central Sub-regional Planning Framework (the Framework)**

The Perth and Peel@3.5 Million suite of strategic planning documents have been prepared to guide the strategic planning for the Perth and Peel regions, and make the case for a more considered, connected, consolidated urban form.

*DPLH Comment: The Framework generally designates land within the amendment area as being part of the Osborne Park industrial centre or as being part of the PRR reservation for the Mitchell Freeway. The amendment is consistent with the intent of the Framework.*

#### **Draft State Planning Policy 2.9 – Planning for Water (draft SPP 2.9)**

Draft SPP 2.9 seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process.

*DPLH Comment: DWER has not identified any need for a district or local water management strategy to be prepared in support of the amendment.*

## State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4)

SPP 5.4 seeks to minimise the adverse impact of road and rail transport noise on sensitive land uses within the specified trigger distance of major transport corridors. It also seeks to protect the functionality of these corridors from the encroachment of incompatible development.

*DPLH Comment: SPP 5.4 is applicable to Proposal 3 as the land subject to this proposal is predominantly developed for residential purposes and is located within the policy trigger distance to the Mitchell Freeway. The Noise Exposure Forecast table in the Road and Rail Noise Guidelines indicates this land is likely to be subject to transport noise levels which exceed the noise targets in SPP 5.4, but this is not considered to be a significant issue given that this land is already developed, and that noise levels have already been constructed along the western boundary of this land, which is likely to mitigate these noise levels to an appropriate level.*

### Statutory Planning Context

#### Water and Wastewater Infrastructure

The amendment area for Proposal 2 contains Water Corporation drainage assets. However, these are not of a regional nature, and the amendment would not have any impact on the existing infrastructure.

### Referral Agency Comments

#### City of Stirling / City of Vincent / MRWA / DWER / Water Corporation

The above State Government agencies and service providers either raise no objections to or provide no comments on the proposed amendment and/or provide comments which do not prevent the proposed amendment from being initiated.

### KEY ISSUES

<b>Consistency with WAPC Policies &amp; Planning Framework</b>	<i>Perth and Peel @ 3.5 Million / Central Sub-regional Planning Framework</i>	Some inconsistency, variation warranted
	<i>Draft SPP 2.9 – Planning for Water</i>	Fully consistent
	<i>SPP 5.4 – Road and Rail Noise</i>	Fully consistent
	<i>WAPC Fact Sheet - Amendments to Region Schemes, amendment types and processes for public consultation</i>	Fully consistent
<b>Budget</b>	In-house (officer hours and incidentals)	N/A
<b>Consultation</b>	If initiated, the amendment will be advertised for public comment for 14 days in accordance with regulation 6 of the <i>Planning and Development (Region Planning Schemes) Regulations 2023</i> (the Regulations).	

### PLANNING ASSESSMENT

#### Substantiality

The Regulations allows for amendments to the MRS to be processed as either a 'complex', 'standard' or 'basic' amendment depending on the substantiality of the alteration to the MRS. It is recommended that the amendment be processed as a 'basic' amendment for the following reasons:

- the amendment is not complex and does not represent a significant change to the strategic planning for the Metropolitan region;
- the amendment is consistent with the intent of the Framework;
- the amendment is not likely to result in significant impacts to the environmental values of the amendment area and the surrounding locality; and
- the City of Stirling and key State Government agencies have not raised any matters which would prevent the initiation and advertising of the amendment.

### **Coordination of Local and Region Scheme Amendments**

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

In this respect, the WAPC has the option of concurrently amending the City of Stirling LPS 3 to rezone land which is proposed to be transferred to the Urban zone under the MRS to the Development zone or another suitable zone, should the amendment be approved. In accordance with standard practice a determination on the concurrent amendment of LPS 3 will be made after the close of the public submission period.

### **Conclusion**

The DPLH supports the initiation of the proposed amendment (**Attachment 3 – Draft Amendment Report – MRS Amendment 14XX (Basic) – Mitchell Freeway, Osborne Park – Rationalisation**) and for it to be processed as a ‘basic’ amendment, as it is consistent with the intent of the Framework and the relevant recommendations of the State Planning Framework.

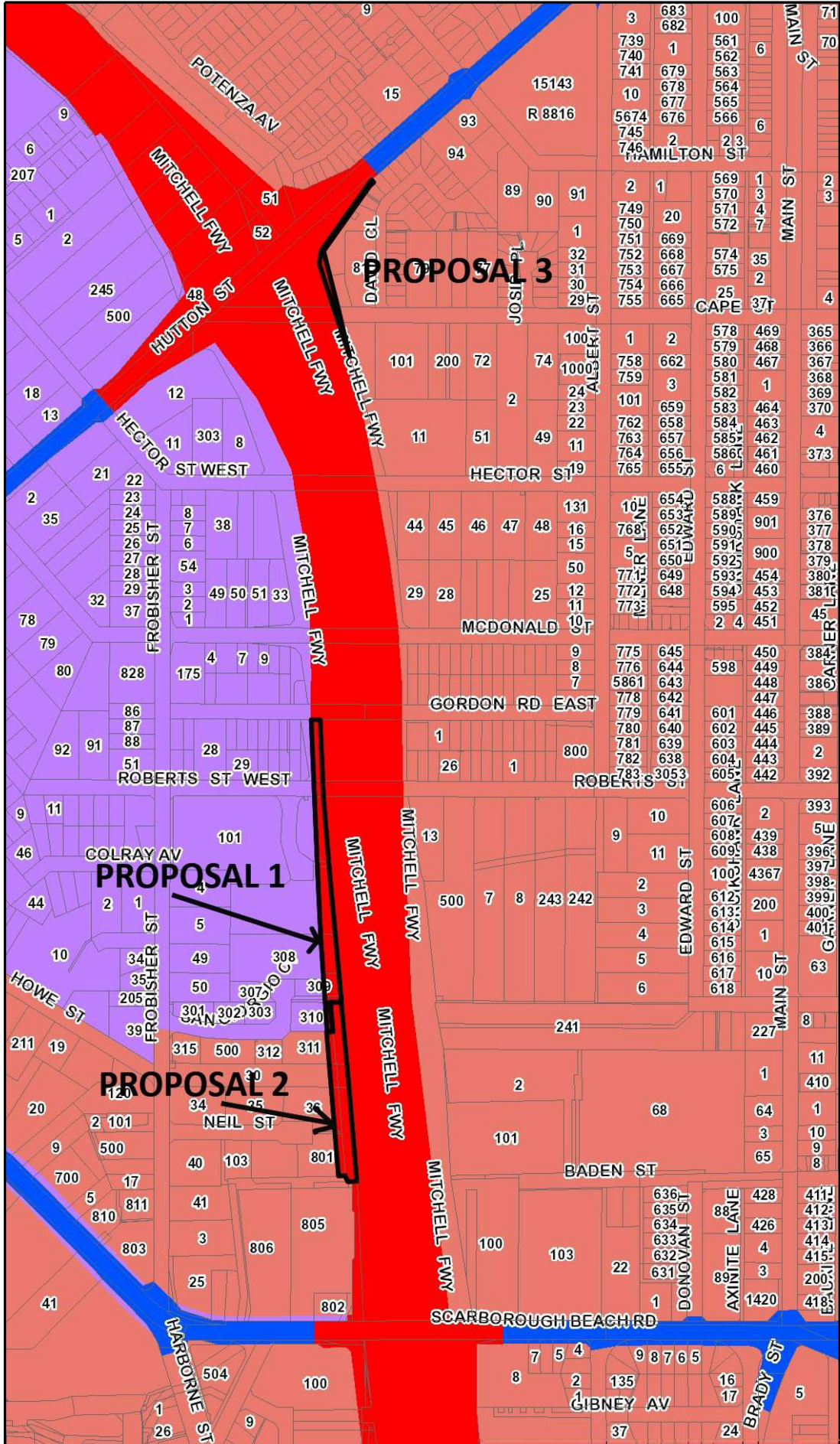
### **RECOMMENDATION**

***That the Western Australian Planning Commission, under section 35 of the Planning and Development Act 2005 and Regulation 6 of the Planning and Development (Region Planning Schemes) Regulations 2023, resolves to:***

- 1. prepare an amendment to the Metropolitan Region Scheme (MRS) as detailed in Attachment 3 – Draft Amendment Report – Mitchell Freeway, Osborne Park – Rationalisation; and***
- 2. form the opinion it constitutes a basic amendment to the MRS as it is considered administrative or minor in nature and is unlikely to have an adverse effect on any owner or occupier of any land.***

### **ATTACHMENTS**

- A1 – Location Map and Existing MRS Context
- A2 – Aerial Plan
- A3 – Draft Amendment Report, MRS Amendment 14XX (Basic) - Mitchell Freeway, Osborne Park - Rationalisation



**Legend**

- Cadastre (View 1)
- Region Scheme Boundary

**Region Scheme Zones and Reserves**

- Industrial
- Other regional roads
- Primary regional roads
- Urban

0      0.18      0.35  
 Kilometres  
**1: 9,028**  
 at A4

**Notes:**

- \* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.
- \* This map is not intended to be used for measurement purposes.

Map was produced using DPLH's InQuery.

**A1 - Location Map and Existing MRS Context**

**DPLH BUSINESS USE ONLY**

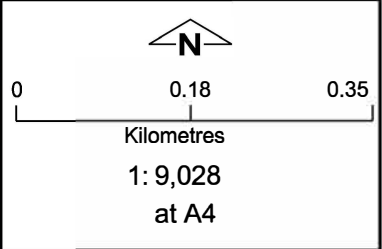
Internal Spatial Viewer  
 Projection: WGS 1984 Web Mercator Auxiliary Sphere  
 Graticules (if visible): GDA 1994 Latitude/Longitude

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**Legend**  
 Cadastre (View 1)



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- \* This map is not intended to be used for measurement purposes.

Map was produced using DPLH's InQuery.

**A2 - Aerial Plan**

**DPLH BUSINESS USE ONLY**

Internal Spatial Viewer  
 Projection: WGS 1984 Web Mercator Auxiliary Sphere  
 Graticules (if visible): GDA 1994 Latitude/Longitude

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**Mitchell Freeway Osborne Park  
Proposed Basic MRS amendment  
as advertised**

29 May 2024

Proposal 1

Proposed Amendment:

 Primary Regional Roads reservation to Industrial zone

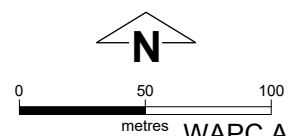
Reference no: 4851

File no: RLS/1139

Version number: 1



Date: 11/04/2024  
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority SLIP 1447-2023-1





**Mitchell Freeway Osborne Park  
Proposed Basic MRS amendment  
as advertised**

29 May 2024

Proposal 2

Proposed Amendment:

Primary Regional Roads reservation to Urban zone

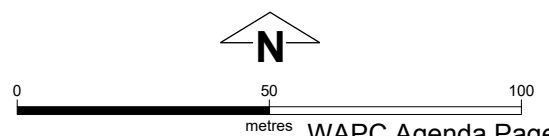
Reference no: 4851

File no: RLS/1139

Version number: 1



Date: 11/04/2024  
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority SLIP 1447-2023-1





**Proposal 3**

**Mitchell Freeway Osborne Park  
Proposed Basic MRS amendment  
as advertised**

29 May 2024

Proposal 3

Proposed Amendment:

 Primary Regional Roads reservation to Urban zone

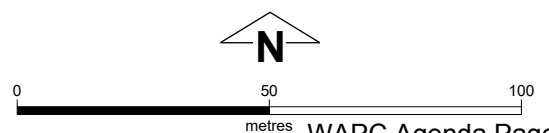
Reference no: 4851

File no: RLS/1139

Version number: 1



Date: 11/04/2024  
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OFFICIAL

**DRAFT**

**METROPOLITAN REGION SCHEME  
AMENDMENT NO. 14XX  
(Basic Amendment)**

**Mitchell Freeway, Osborne Park Rationalisation**

**City of Stirling**

**AMENDMENT REPORT**

DRAFT

## CONTENTS

### The Metropolitan Region Scheme

#### Abbreviations

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**Amendment Figures - Proposals 1 - 4** . . . .

Appendix A	Notice of environmental assessment
Appendix B	List of detailed plans supporting the amendment
Appendix C	Preparing a submission
Appendix D	Submission form for this amendment

**Metropolitan Region Scheme Amendment 14XX  
(Basic Amendment)**

**Mitchell Freeway, Osborne Park Rationalisation**

City of Stirling

**1. PLANNING OBJECTIVE**

The purpose of the amendment is to rationalise the extent of the Primary Regional Roads reservation for parts of the Mitchell Freeway between Hutton Street and Scarborough Beach Road in Osborne Park under the Metropolitan Region Scheme (MRS), by transferring approximately 1.19 hectares of land from the Primary Regional Roads reservation to the Industrial and Urban zones.

The amendment will rationalise the extent of the Primary Regional Roads reservation for this section of the Mitchell Freeway consistent with the regional road land requirements for this road.

**2. BACKGROUND**

The amendment area is located in the City of Stirling and is approximately 4.5 kilometres north-west of the Perth Central Business District, and one kilometre south-east of the Stirling strategic centre.

Land within the amendment area is both privately owned and owned by the State, and is currently reserved Primary Regional Roads under the MRS.

The use and development of land within the amendment area is controlled by the MRS, and will be subject to the requirements of the *City of Stirling Local Planning Scheme No. 3* should the amendment be approved.

**3. SCOPE AND CONTENT OF THE AMENDMENT**

The amendment proposes the following modifications to the MRS.

**Proposal 1**

**To transfer parts Lot 102 Linwood Court, Lots 308, 309 and 310 Sangiorgio Court, Pedestrian Access Way Lots 55 and 113, and part Lot 13976 Frobisher Street from the Primary Region Roads reservation to the Industrial zone (Figure 1).**

To transfer approximately 5,604 square metres of land to the Industrial zone under the MRS.

**Proposal 2**

**To transfer parts Lot 13976/Reserve 46377 and Lot 6 Frobisher Street, Lot 311 Sangiorgio Court, Lots 36, 801 and 807/Reserve 28240 Neil Street, Lots 805 and**

**802 Scarborough Beach Road, Lot 104 Frobisher Street and Lot 13633 Scarborough Beach Road from the Primary Region Roads reservation to the Urban zone (Figure 2).**

To transfer approximately 5,218 square metres of land to the Urban zone under the MRS.

**Proposal 3**

**To transfer parts Lots 205, 206 and 11797/Reserve 42366 David Close and Lots 202 and 203 Cape Street from the Primary Regional Roads reservation to the Urban zone (Figure 3).**

To transfer approximately 1,050 square metres of land to the Urban zone under the MRS.

**4. DISCUSSION**

**STRATEGIC CONTEXT**

**Perth and Peel@3.5 Million / Central Subregional Planning Framework**

The *Perth and Peel@3.5 Million* suite of strategic planning documents have been prepared to guide the strategic planning for the Perth and Peel regions, and make the case for a more considered, connected, consolidated urban form.

The *Central Sub-regional Planning Framework* (the Framework), which forms part of this suite of documents, generally designates land within the amendment area as being part of the Osborne Park industrial centre or as being part of the Primary Regional Roads reservation for the Mitchell Freeway. The amendment is generally consistent with the Framework.

**Draft State Planning Policy 2.9 – Planning for Water**

Draft State Planning Policy 2.9 – Planning for Water (draft SPP 2.9) seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process. In this regard, the Department of Water and Environmental Regulation (DWER) has not identified any need for a district or local water management strategy to be prepared in support of the amendment.

**STATUTORY CONTEXT**

**Environment**

The amendment area does not contain any remnant vegetation which is identified as threatened or priority flora, as being part of any priority or threatened ecological community, or any other significant environmental values.

## **Water and wastewater infrastructure**

The amendment area for Proposal 2 contains Water Corporation drainage assets. However, these are not of a regional nature, and the amendment would not have any impact on the existing infrastructure. Water Corporation advises that it has no objections to the amendment.

## **5. ABORIGINAL CULTURAL HERITAGE**

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the ACHA, given that any amendment the zoning or reservation of land under the MRS are broad in nature and do not physically interfere with the land. Any need to protect Aboriginal heritage sites and artefacts is a matter which is most appropriately considered and addressed in the subsequent, and more detailed, stages of the process, such as the local scheme amendment and local structure planning stages of the planning process.

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 will be referred to SWALSC during the formal advertising period.

## **6. COORDINATION OF LOCAL AND REGION SCHEME AMENDMENTS**

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

In this respect, the WAPC has the option of concurrently amending the *City of Stirling Local Planning Scheme No. 3* to rezone land which is transferred to the Urban zone under the MRS to the 'Urban Development' zone or another suitable zone, should the amendment be approved. In accordance with standard practice a determination on the concurrent amendment of LPS 3 will be made after the close of the public submission period.

## **7. SUBSTANTIALITY**

The *Planning and Development (Region Planning Schemes) Regulations 2023* (the Regulations) allows for amendments to the MRS to be processed as either complex, standard or basic amendment depending of the substantiality of the alteration to the MRS.

This amendment is recommended to be processed as a basic amendment, pursuant to regulation 6 of the Regulations, as the proposal is considered to be minor in its scale and only seeks to rationalise the extent of the Primary Regional Roads reservation under the MRS consistent with the land requirements for the Mitchell Freeway.

## 8. ENVIRONMENTAL PROTECTION AUTHORITY ADVICE

*{To be inserted after formal advice received from EPA}*

## 9. THE AMENDMENT PROCESS

The procedures for amending the MRS are set out in the P&D Act and the Regulations. The amendment proposed in this report is being made under the provisions of section 35 of the PD Act and regulation 6 of the PD Regulations.

In essence, the procedure for a basic region scheme amendment involves:

- formulation and initiation of the amendment by the WAPC;
- referral to the EPA for environmental assessment;
- completion of an Environmental Review to EPA instructions (if required);
- public submissions being sought on the proposed amendment (including environmental review if required);
- consideration of submissions;
- approval, with or without any modifications in response to submissions, or refusal to approve, by the Minister; and
- 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 be found in the front of this report.

## 10. SUBMISSIONS ON THE AMENDMENT

The amendment will be advertised for public submissions for a period of 14 days from the date of gazettal, being Friday, XX XXXX 2024.

You can lodge a submission during the advertising period:

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

**and must be received by Friday XX XXXX 2024.**

For your convenience a submission form for this amendment No. 14XX is attached to this report (Appendix D). Additional copies of this form are available from the Department of Planning, Lands and Heritage website: <http://www.dplh.wa.gov.au/mrs-amendments>.

You should be aware that calling for submissions is a public process and all submissions lodged will together become a public document. The document will be published and made available when the Minister for Planning has made a determination on the amendment. Advice of disclosure and access requirements is shown on side two of the submission form.

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

## **11. MODIFICATIONS TO THE AMENDMENT**

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

## **12. FINAL OUTCOME**

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

**METROPOLITAN REGION SCHEME  
AMENDMENT NO. 14xx  
(BASIC AMENDMENT)**

**MITCHELL FREEWAY, OSBORNE PARK RATIONALISATION**

**City of Stirling**

**FIGURES 1 - 3**

DRAFT



**Proposal 1**

**Mitchell Freeway Osborne Park  
Proposed Basic MRS amendment  
as advertised**

29 May 2024

Proposal 1

Proposed Amendment:



Primary Regional Roads reservation to Industrial zone

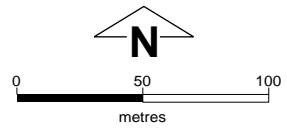
Reference no: 4851

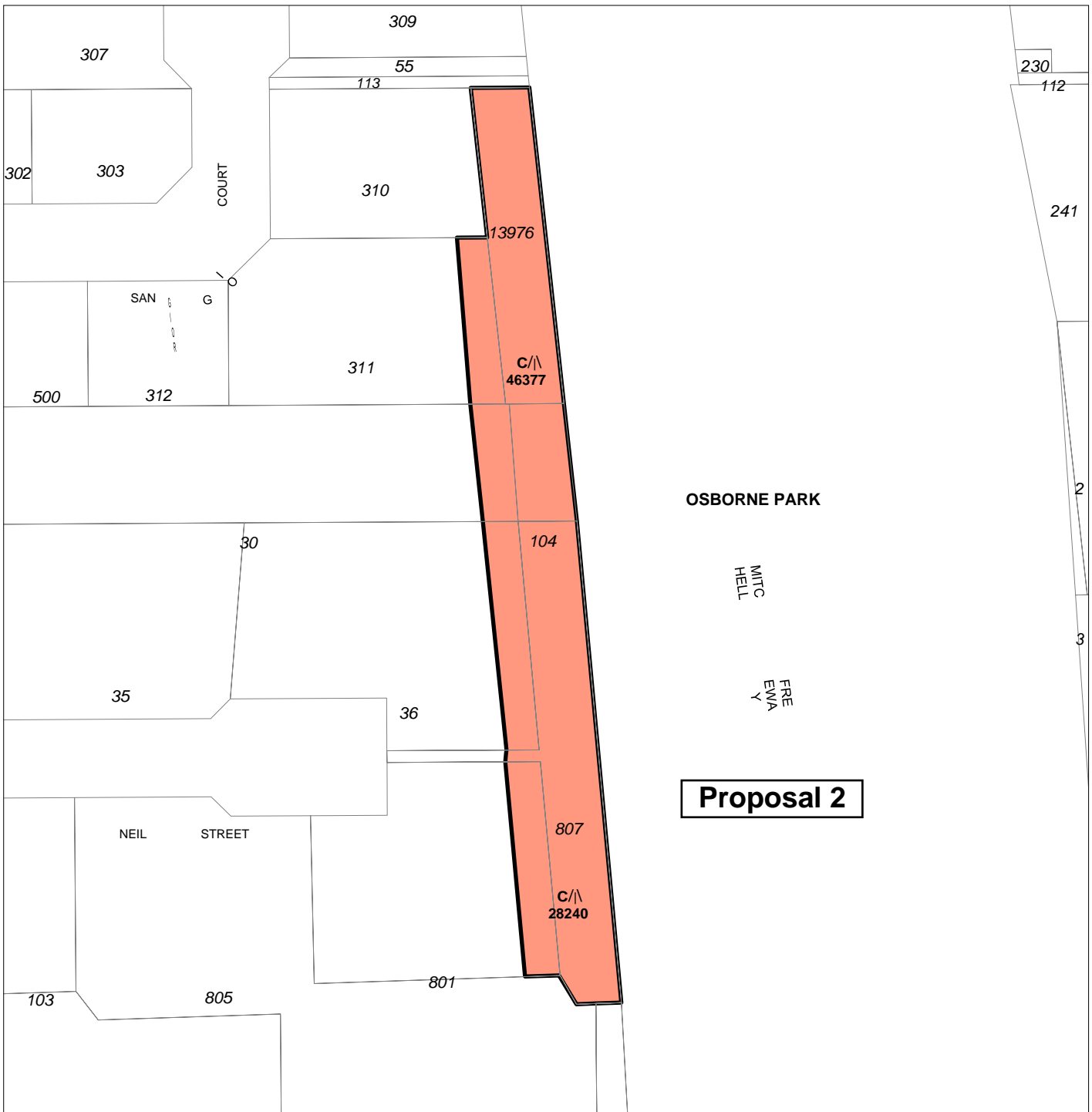
File no: RLS/1139

Version number: 1



Date: 11/04/2024  
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority SLIP 1447-2023-1





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**Mitchell Freeway Osborne Park  
Proposed Basic MRS amendment  
as advertised**

29 May 2024

Proposal 2

Proposed Amendment:



Primary Regional Roads reservation to Urban zone

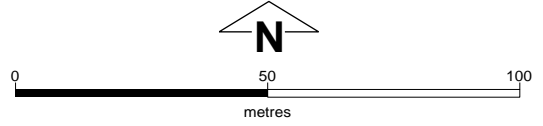
Reference no: 4851

File no: RLS/1139

Version number: 1



Date: 11/04/2024  
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority SLIP 1447-2023-1



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MITCHELL  
HELL

81

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OSBORNE PARK

232

FRY  
EMMA

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**Proposal 3**

CAPE STREET

202

101

200

**Mitchell Freeway Osborne Park  
Proposed Basic MRS amendment  
as advertised**

29 May 2024

Proposal 3

Proposed Amendment:



Primary Regional Roads reservation to Urban zone

Reference no: 4851

File no: RLS/1139

Version number: 1

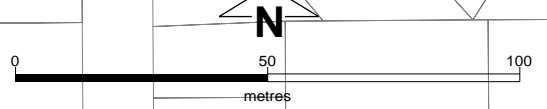


Western  
Australian  
Planning  
Commission

Date: 11/04/2024

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

Base information supplied by Western Australian Land Information Authority SLIP 1447-2023/1





<b>REPORT TO</b>	Western Australian Planning Commission		
<b>Meeting date</b>	29 May 2024	<b>File number</b>	RLS/1124
<b>Subject</b>	Proposed MRS Amendment – Lyon and Kinley Roads, Banjup		
<b>Purpose</b>	Requires WAPC decision		
<b>Title of Approving Officer</b>	Planning Director - Schemes and Strategies		
<b>Agenda Part for Reports (All parts are confidential unless otherwise stated)</b>			
WAPC - Statutory Items for Decision			
<b>SITE-SPECIFIC DETAILS</b>			
<b>Region/s</b>	Perth		
<b>Local government/s</b>	City of Cockburn		
<b>Landowner/Consultant</b>	<u>Consultant:</u> Urban Plan <u>Landowners:</u> Water Corporation, Skycross Pty Ltd, QVM Enterprises Pty Ltd, QUBE Lyon Road Pty Ltd, Golden West Development Pty Ltd, Maystar Priority Pty Ltd, Octagon Investments Pty Ltd and individual landowners		
<b>Location map</b>	Attachments 1 and 2		
<b>Bushfire Prone Area</b>	YES		
<b>SUMMARY</b>			
<p>The amendment seeks to rezone approximately 57.76ha of land in Banjup from the Rural-Water Protection zone to the Urban and Urban Deferred zones in the Metropolitan Region Scheme (MRS) to facilitate primarily residential development. Part of the site is to be zoned Urban Deferred to allow confirmation of the Primary Regional Roads reservation requirements for the future widening of Rowley Road.</p> <p>The site is designated as “<i>Rural-Residential</i>” in the <i>South Metropolitan Peel Sub-regional Planning Framework</i> and is not identified for future urbanisation. Therefore, the site is also inconsistent with draft <i>State Planning Policy 2.9 – Planning for Water</i> (draft SPP 2.9). However, as the decision-maker on initiating MRS amendments the Western Australian Planning Commission (WAPC) does have discretion when considering the merits of a particular amendment.</p> <p>The Department of Water and Environmental Regulation (DWER) and the Water Corporation object to the amendment as it departs from the intent of the Framework and draft SPP 2.9. The City of Cockburn had provided qualified support for the amendment subject to it’s inclusion in the City’s draft Local Planning Strategy (LPS) and detailed planning requirements. However, the WAPC has determined that the City’s draft LPS should be consistent with the Framework and therefore MRS amendment requests are to be considered on their merits.</p> <p>On balance, the DPLH recommends that a ‘complex’ MRS amendment be initiated for this site as the proposal is considered a relatively unique urban infill site which completes the urbanisation of the Aubin Grove locality, would not set a precedent for similar proposals in this locality and seeks to maximise the efficient use of existing services and infrastructure.</p>			

## DETAILS OF PROPOSAL

The amendment seeks to rezone approximately 57.76ha from the Rural-Water Protection zone to the Urban (53.73ha) and Urban Deferred (4.03ha) zones in the MRS (**Attachment 1 – Existing & Proposed MRS Plans & Attachment 2 – Aerial Plan**). The proposal contains 18 lots which are primarily used for rural-residential purposes. The abutting Aubin Grove residential development to the north and west was rezoned to Urban Deferred in December 1994 by *MRS Amendment 938/33 – South West Corridor Stage A* and has since been transferred to the Urban zone.

The amendment area is situated approximately 24km south of the Perth CBD and abuts the Kwinana Freeway to the west and Rowley Road to the south. The amendment area is situated adjacent to the existing Aubin Grove residential estate. The Aubin Grove Primary School and Aubin Grove reserve abut to the north of the site. The Aubin Grove rail station is approximately 2km to the north-west.

The site contains Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community, and the proposed development may result in the loss of habitat for Carnaby's Black Cockatoo and the Forest Red-tailed Black Cockatoo. The proponent will need to consider their obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Biodiversity Conservation Act 2016* (BC Act).

The site does contain a Resource Enhancement Wetland (REW) which is to be retained with a 50m buffer but does not contain or abut any Bushforever areas. The site is located within a Priority 2 (P2) Public Drinking Water Source Area (PDWSA). The south-west corner of the site contains a Water Corporation extraction bore and is within a 300m Wellhead Protection Zone (WPZ) and the north-west corner of the site is also partly within a 300m WPZ (**Attachment 3 – Jandakot Public Drinking Water Source Areas/Water Extraction Bores**).

The amendment area is zoned "Resource" and "Public Purposes – Water Corporation" under the City of Cockburn Local Planning Scheme No. 3 (LPS 3).

### Concept Plan

The amendment is supported by a concept plan which proposes residential development with area of public open space and commercial development (**Attachment 4 – Concept Plan**). The envisaged residential density will likely range from R30 single residential lots, R40 cottage lots and potential R60 units. Dwellings of greater density are proposed adjacent to public open space and the retail facility. The estimated residential yield is approximately 750 dwellings.

*DPLH Comment: It has been discussed with the proponent that should this MRS amendment proceed the proponents concept plan will need further consideration and revision having regard to the advice of the City of Cockburn, State Government agencies and the State Planning Framework.*

## BACKGROUND

### Pre-lodgement MRS Amendment Request

On 12 May 2020, the proponent was advised that it was unlikely that the Department of Planning, Lands and Heritage would recommend to the WAPC that a MRS amendment request be initiated for this site. Concerns were raised regarding compliance with *Perth and Peel @3.5Million/South Metropolitan Peel Sub-regional Planning Framework*, *State Planning Policy 2.3 - Jandakot Groundwater Protection* (replaced by draft SPP 2.9) and *State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region*. However, the proponent was encouraged to await the review of the *Perth and Peel@3.5 Million / South Metropolitan Peel Sub-Regional Planning Framework* for further strategic planning guidance for this area.

*DPLH Comment: It is noted that since the above advice was provided the review of Perth and Peel@3.5Million and associated Frameworks is currently not proposed. Therefore, the WAPC is to*

consider all MRS amendment requests on their merits having regard to the current strategic and statutory planning framework.

### **Strategic Planning Context**

#### ***Perth and Peel@3.5 Million / South Metropolitan Peel Sub-regional Planning Framework***

The *Perth and Peel@3.5 Million* document provides a snapshot of the Perth and Peel regions in the future and makes the case for a change to a more considered, connected, consolidated urban form. As such, it links four Frameworks and encourages the consideration of new urban growth opportunities.

Future areas for urban development have been determined in conjunction with the State Government's draft *Strategic Assessment of the Perth and Peel Regions*, in order to avoid and protect areas that have significant regional environmental value.

*DPLH Comment: The site is designated as "Rural-Residential" in the South Metropolitan Peel Sub-regional Planning Framework, however as the decision-maker in initiating MRS amendments the WAPC does have discretion when considering the merits of a particular case.*

*The Sub-regional Frameworks are the first step in the ongoing process of refining and detailing planning proposals for an area. The Sub-regional Framework's state that this refinement will continue through the MRS/PRS, local planning schemes, structure planning, subdivision and/or development.*

*The DPLH supports the urbanisation of the site as it is a relatively unique site which completes the urbanisation of the Aubin Grove locality, would not set a precedent for other similar proposals in the locality and seeks to maximise the use of existing services and infrastructure.*

*This recommendation responds to the individual and particular circumstances of this proposal and is not necessarily a recommendation that may be applicable in other areas or circumstances.*

### **Statutory Planning Context**

#### **State Planning Policy 2.0 – Environment and Natural Resources Policy (SPP 2.0)**

SPP 2.0 provides guidance on the integration of the consideration of environmental values into the land use planning system. It recommends that planning schemes and decision-making should support the conservation and protection of remnant vegetation where possible and avoid development that may result in unacceptable environmental damage.

*DPLH Comment: The subject land contains areas of Banksia Woodland of the Swan Coastal Plain TEC, and the proposed development may result in the loss of habitat for Carnaby's Black Cockatoo and the Forest Red-tailed Black Cockatoo. The proponent has prepared a concept plan which proposes to retain remnant vegetation (including the existing TEC) and a REW and associated 50m buffer in areas of public open space whilst balancing bushfire management requirements.*

*As the planning of the site progresses, environmental values will be given further consideration in the subsequent local structure planning stage with the input of the City of Cockburn, Department of Water and Environmental Regulation (EPA services) and the Department of Biodiversity, Conservation and Attractions.*

*In addition, if the amendment is initiated by the WAPC it will require referral to the EPA for a decision on the environmental impacts and further information may be required. It is also noted that the proponent will need to consider their obligations under the EPBC and BC Acts accordingly.*

### **State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment Policy (SPP 2.1)**

SPP 2.1 aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it consistent with policy measures and other planning and environmental considerations.

*DPLH Comment: The amendment site is partially within the SPP 2.1 catchment area and a draft District Water Management Strategy (DWMS) has been prepared where the requirements of SPP 2.1 will be given further detailed consideration in consultation with the DWER prior to a final decision being made on the amendment.*

### **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8)**

SPP 2.8 aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it consistent with policy measures and other planning and environmental considerations.

*DPLH Comment: The subject land is primarily cleared of remnant vegetation but does contain areas of Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community, and the proposed development may result in the loss of habitat for Carnaby's Black Cockatoo and the Forest Red-tailed Black Cockatoo. It is also noted that if the amendment is initiated by the WAPC it will require referral to the EPA for a decision to be made on the environmental impacts of the amendment. Refer to SPP 2.0 above for further discussion on these matters.*

### **Draft State Planning Policy No. 2.9 – Planning for Water (draft SPP 2.9)**

Draft SPP 2.9 intends to replace *State Planning Policy 2.3 – Jandakot Groundwater Protection Area* and similarly states that there is a general presumption against the intensification of landuses in Priority 1 and P2 areas, and proposals will only be considered where land is identified for development through a strategic planning document prepared by the WAPC such as a sub-regional planning framework.

*DPLH Comment: The site is designated as "Rural-Residential" in the South Metropolitan Peel Sub-regional Planning Framework and not for urbanisation and therefore inconsistent with the requirements of draft SPP 2.9.*

*The amendment has been assessed against draft SPP 2.9 which provides a range of measures which should be considered including approval of a DWMS and consideration of DWER's Water Quality Protection Note No. 25: Land Use Compatibility Tables For Public Drinking Water Source Areas which generally restricts sensitive landuses being located within Priority 3\* (P3\*) areas.*

*The DWER has considered the draft Lyon and Kinley Road, Banjup DWMS for advertising purposes and in accordance with the requirements of Better Urban Water Management will require approval prior to a final determination being made on the amendment. Should the amendment be finalised the DWER will also need to amend the priority water status over the subject land from P2 to P3\*.*

*All future development will need to be connected to reticulated water and sewerage services and the expansion of the Urban zone at this location is not expected to have a significant detrimental impact on the overall Jandakot Groundwater Protection Area given the abutting similar landuses to the north and west and the exclusion of sensitive landuses under the P3\* groundwater classification.*

*The DPLH supports the urbanisation of the site as it is a relatively unique proposal which completes the urbanisation of the Aubin Grove locality, would not set a precedent for other similar proposals in the locality and seeks to maximise the efficient use of existing services and infrastructure.*

*This recommendation responds to the individual and particular circumstances of this proposal and is not necessarily a recommendation that may be applicable in other areas or circumstances.*

### **State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7)**

SPP 3.7 forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

*DPLH Comment:* *A Bushfire Management Plan has been undertaken and the Department of Fire and Emergency Services has requested modifications which are to be undertaken prior to a final determination being made on the amendment.*

### **State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4)**

SPP 5.4 seeks to minimise the adverse impact of road and rail noise on noise-sensitive land use and/or development within the specified trigger distance of major transport corridors. The Policy also seeks to protect the functionality of the State's transport corridors by protecting them from encroaching incompatible development.

*DPLH Comment:* *As Rowley Road abuts to the south 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 consultation with the City of Cockburn and relevant State Government agencies (e.g. MRWA).*

### **Referral Agency Comments**

#### **City of Cockburn**

The City of Cockburn advises that the boundary of the Rural – Water Protection zone south of Armadale Road has a spatially regular western interface with the Urban zone, except for the subject area. The draft *Perth and Peel @3.5million* defined urban expansion as “*land that has been identified for potential urban development in preceding planning studies or represents the logical expansion of an existing urban area*”. In light of this, the City's 2015 submission on *Perth and Peel @3.5million* advocated for this area to be identified as ‘urban expansion’. Subsequently, it was not identified in the final *Perth and Peel @3.5million* as an urban expansion or investigation area.

These spatial characteristics, and identification within State Government strategic planning documents of the 1990s as ‘future’ or ‘potential’ urban, has precipitated ongoing requests from landowners for rezoning to ‘urban’.

In this context, and in response to feedback during advertising of the City's draft Local Planning Strategy, Council have recommended the draft Strategy be amended to include the area within 'Planning Area K' to provide a framework to consider any MRS amendment requests for the area. The draft Local Planning Strategy is awaiting a decision of the WAPC, therefore it unknown whether Planning Area K will be included in the endorsed document.

In the meantime, it is noted the area has not been identified as 'Urban Expansion' under the *South Metropolitan Peel Sub-regional Planning Framework* following a decision by the Minister for Planning in August 2023.

It is therefore considered premature for the proposed amendment to be considered for initiation prior to the WAPCs endorsement of the City's draft Local Planning Strategy. It is also noted that the proposal does not adequately address draft Planning Area K, and a number of key issues are discussed below.

Groundwater Protection Area: The site is currently identified as a P2 area under SPP 2.3 and draft SPP 2.9. The proposal lacks justification for the reclassification of the subject land to P2 to P3 under the criteria for draft SPP 2.9. It is also noted the subject area is located within the Peel-Harvey Plain Coastal Catchment and this has not been addressed in the amendment request documentation.

To best assess the impact of future development on the Jandakot Groundwater Mound and whether reclassification from 'P2' to 'P3' is acceptable advice should be sought from the Water Corporation and DWER.

Planning Direction 1 of draft Planning Area K is 'Protection of the groundwater resource including impact on the wetlands'. The associated action for this Planning Direction is the City advocating for a comprehensive study demonstrating protection of the groundwater resource in addition to groundwater impacts on the wetland systems and other environmental values. A comprehensive study is required to determine the potential cumulative impact of incremental development on the groundwater mound, considered alongside water supply planning and the role of the Jandakot groundwater resource into the future. Ideally this analysis should inform the review of *Perth and Peel @3.5million* and identification of any areas for future urbanisation, if appropriate.

As noted in the draft DWMS it is understood that pre and post-development monitoring suggests that water quality typically improves post-development when Water Sensitive Urban Design principles are used in site planning for management of drainage waters.

However, without an understanding of the function of the groundwater mound (as a whole), including the interrelationship with the wetland chain, incremental urbanisation of the area poses a risk to the drinking water resource and environmental values of the broader area which at a point may be irreversible. For this reason, it is inadequate for proposals to demonstrate in isolation that more intensive development of that area can occur without a negative impact on groundwater quality or levels.

Servicing Arrangements: The Water Corporation have not undertaken headworks planning for the area given the site is classified as 'P2' under SPP 2.3 and draft SPP 2.9. The absence of planning for key servicing infrastructure is not considered to support rezoning to 'Urban' under the MRS, and it is the City's expectation that a DSP considers the capacity of infrastructure servicing arrangements in more detail to demonstrate the area can accommodate urban development.

Development Contributions: References to Developer Contribution Area 13 (DCA13) for Community Infrastructure applying to the area do not acknowledge that this DCA has been prepared with

infrastructure and catchments that did not include planning for further urban development within the Rural - Water Protection zone.

Rowley Road: Rowley Road is identified as a future Primary Regional Roads reservation in *Perth and Peel @3.5million*. Main Roads WA and the Department of Planning, Lands and Heritage should work together to define the needs of the Rowley Road corridor and provide clarity to all parties concerned, in particular potentially affected landowners. The future road reservation will force a number of alternative access points to the existing lots along Rowley Road as it becomes a controlled access road.

Concept Plan: The proposed amendment includes a concept plan however proposed Planning Direction 4 of Draft Planning Area K requires a comprehensive district structure plan to address a range of key issues. A preliminary review of the concept plan has been undertaken, and identified the following key issues:

- Vehicle access arrangements to Rowley Road require further discussion, as the additional access point is unlikely to be acceptable given current issues on this section of Rowley Road.
- There are functionality issues with the proposed road network, which include numerous four-way intersections.
- The extent of the proposed R60 coded areas are considered unjustified in this location.
- Any proposed local centre would require justification and an appropriate design and interface with the residential area and Rowley Road.
- While no land areas are indicated, a number of proposed POS areas appear too small to be functional. An indicative POS schedule should be provided in a DSP to demonstrate the amount of useable open space.
- It is unclear whether 40 Kinley Road is proposed POS as it is coloured green but annotated as 'remains undeveloped' and requires clarification and will need to be included in a DSP for the area.
- Figure 3 (Post Development BAL Contour Plan) is missing from the Bush Fire Management Plan.
- There is no evidence of consultation with the Department of Education in accordance OP2.4 'Planning for School Sites', and there is insufficient evidence of the existing projected catchments of nearby schools.

It is considered premature for the proposed amendment to be considered for initiation prior to the endorsement of the City's draft Local Planning Strategy. Should the City's draft Local Planning Strategy be endorsed by the WAPC with the inclusion of Planning Area K: Kinley/Lyon Road Area, it is the City's expectation that the Planning directions are addressed, including a comprehensive groundwater study demonstrating protection of the groundwater resource, wetlands and other environmental values.

DPLH Comment: Refer above for comments relating to draft SPP 2.9 and Perth and Peel @3.5 Million/South Metropolitan Peel Sub-regional Planning Framework. It is noted that since the City of Cockburn's comments were provided, the WAPC resolved to not include Area K in the City's draft Local Planning Strategy given this area was not included in the South Metropolitan Peel Sub-regional Planning Framework and therefore all MRS amendment requests should be considered on their merits by the WAPC.

### **Department of Water and Environmental Regulation (DWER)**

The DWER objects to the amendment and advises as follows:

Jandakot Underground Water Pollution Catchment Area: The land subject to this proposal is located within the Jandakot UWPCA which is a constituted Public Drinking Water Source Area under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* which supplies drinking water. The

land has been classified as a P2 area and is managed to maintain or improve the quality of the drinking water source with the objective of risk minimisation. The Jandakot UWPCA is managed in accordance with SPP 2.3 and draft SPP 2.9, which state:

*“In order to protect the quality of the public drinking water source, there is a presumption against new urban or industrial land uses in the Water Catchment reservation and the Rural-Water Protection zone of the Metropolitan Region Scheme.”*

Consistent with the aforementioned state planning policies and the DWER’s Strategic Policy: Protecting PDWSA’s in WA, the intensification of land uses within PDWSA’s is not recommended due to the increased risk to drinking water quality and public health.

*“Increased development in a PDWSA will increase the risk to water quality and public health. For example, urban areas pose a greater risk of water quality contamination than rural areas, and rural areas pose a greater risk of contamination than naturally forested areas. This is an inevitable consequence of more chemical, biological and physical hazards being introduced due to more people, buildings, vehicles and rubbish associated with land use intensification.”*

There are no urban building or engineering methods that can effectively manage risks to drinking water resources in perpetuity and as such, the State’s policy framework has a presumption against intensified land uses in P1 and P2 PDWSAs.

Notwithstanding this policy position, SPP 2.3 and draft SPP 2.9 recognises that there are situations where development may be appropriate, following a government led strategic planning process that determines an urban rezoning is the preferred outcome for the land. The policy stipulates that an MRS amendment will only be supported where the land has been identified for development through a strategic planning document, such as the *Perth and Peel @ 3.5million*. The *South Metropolitan Peel Sub-regional Planning Framework* identifies this site as a “Rural-Residential” land use, the existing land use.

SPP 2.3 and draft SPP 2.9 also states that upon consideration of such future rezonings through strategic planning instruments, subject land should also be large landholdings that were already substantially cleared at the time this policy was published. The intent for retained vegetated areas, such as this site, is also reiterated in the objectives of the policies as “to maintain or increase natural vegetation cover over the policy area”.

The subsequent decision to rezone, and subsequently reclassify to Priority 3\* (P3\*), acknowledges the supply from this area will likely be subject to higher water quality treatment costs, used less frequently as part of the integrated water supply system, and eventually may be abandoned. The subject site has not been identified within the framework as future urban or in a planning investigation area and as such would contravene SPP 2.3 and draft SPP 2.9 and would not be supported by the DWER.

Jandakot-Treeby Planning Investigation Area: The State’s policy framework, through SPP 2.3 and draft SPP 2.9, supports the consideration of issues such as the economy, housing supply, urban consolidation, transport, societal benefit, infrastructure provision, environment, risks to current water supply and future supply options through Government led processes to determine strategic planning outcomes of greatest benefit to the State and community.

The DPLH previously led strategic investigations into land and water values and was consistent with the above scope for the Jandakot-Treeby PIA, located north of this site. In August 2023, Government resolved to designate this 600ha site as “urban expansion” to meet the needs of future land supply. This decision determines the government’s preferred strategic planning outcome as urban

development and acknowledges the likely impacts to supply costs, reliability and potential loss from Perth's integrated water supply system.

The Jandakot-Treeby urban expansion area is located approximately 6km from the subject site, and consolidates the urban footprint north of Armadale Road, to the Jandakot Airport. As such, the site subject to this proposed MRS amendment does not appear to represent a planning outcome consistent with the aforementioned principles of strategic planning in PDWSA's, nor necessary to meet future housing needs of the Perth-Peel Region.

District Water Management Strategy: A DWMS has been included with the MRS amendment consistent with Better Urban Water Management. However, a DWMS is not the mechanism to determine a rezoning within a PDWSA. It is to be a strategic decision by Government considering land supply factors and resultant impact and costs to water supply. This is consistent with the approach for the previous limited urban rezoning's on the Jandakot UWPCA, and relevant DWMS's were prepared in the context of recognition of the strategic decision making, rather than attempting to demonstrate the urban development will not impact the PDWSA.

The DWMS and associated reports are based on inaccurate assumptions and information regarding water resource protection and relevant science, policy and planning process. The Department has not undertaken a full assessment of the report, however advice on the key principles proposed to justify the urban rezoning.

The proposal significantly departs from the intent of SPP 2.3 and draft SPP 2.9 regarding drinking water protection principles and Governments need to strategically balance urban expansion and water supply for the Perth-Peel Region, and as such would not be supported by the Department. The issue of precedent should also be considered for this proposal.

DPLH Comment: Refer to the DPLH's comments on draft SPP 2.9 and Perth and Peel@3.5Million/South Metropolitan Peel Sub-regional Planning Framework above for a response to DWER's comments on this MRS amendment request.

*The DPLH also notes the site contains Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community, Resource Enhancement Wetland and the proposed development may result in the loss of habitat for Carnaby's Black Cockatoos and the Forest Red-tailed Black Cockatoos. Therefore, the proponent will need to consider their obligations under the EPBC and BC Acts. It is also noted that if the amendment is initiated by the WAPC it will require referral to the EPA for a decision to be made on the environmental impacts of the proposal where further environmental information may be required.*

#### **Department of Biodiversity, Conservation and Attractions (DBCA)**

The DBCA advises as follows:

Resource Enhancement Wetland (UFI 6886): The proponents environmental assessment report outlines that the Resource Enhancement Wetland that is mapped on the Geomorphic wetlands (Swan Coastal Plain) and will be retained with a 50-metre buffer.

The proponents advised that the DWER (EPA Services) had indicated the preference for local scheme provisions requiring that an assessment of the onsite wetland to inform structure planning, identify measures to ensure the retention, protection and ongoing management of the identified resource enhancement wetland within public open space or conservation reserve, including setting out ongoing management and responsibilities to ensure its long-term viability.

The proponent's environmental assessment report states that the flora and vegetation survey identified that the extent of the Resource Enhancement Wetland appears larger than is represented on the Geomorphic wetlands (Swan Coastal Plain) dataset.

DBCA recommends that the proponents undertake an updated evaluation of the wetland to confirm the boundaries and management category and to inform the structure planning for the site, as recommended by DWER (EPA Services). Wetland evaluations should be in accordance with the DBCA's 'A Methodology for the Evaluation of Wetlands of the Swan Coastal Plain'.

It is DBCA's expectation that the DWER and the City of Cockburn will consider whether the future Local Water Management Strategy and Urban Water Management Plans adequately provide for the maintenance of the pre-development hydrology of the Resource Enhancement Wetland area.

Flora and Vegetation: The proponent's flora and vegetation surveys did not record any threatened or priority flora species or threatened ecological communities that are listed under the BC Act. The amendment report outlines that the highest value banksia woodland on the site are proposed to be retained in open space with 83% of good condition vegetation being retained together with 77% of the highest score foraging habitat for the threatened Carnaby's Black Cockatoo.

Bushland and wetland management plans should be prepared during local structure planning to address the ongoing management requirements for the bushland and wetland areas that are being retained within open space reserves to the satisfaction of the future managers of the open space reserves. The proponent's environmental assessment report states that "improvement in condition of the retained vegetation areas onsite through implementation of weed control and revegetation actions which will be detailed in the proposed POS management plan(s)."

The proponent should consider any requirements for the referral of the proposal to Department of Climate Change, Energy, the Environment and Water in relation to impacts on the Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community which is listed as Endangered under the EPBC Act.

Boundary Interface: DBCA recommends that a hard road edge be provided between the retained bushland and wetland areas and residences for reasons of public safety, protection of bushland, and fire safety for residents. DBCA recommends that the width of the road is adequate to accommodate all road and drainage infrastructure and still allow for a gently sloping batter.

Bushfire Protection: It is DBCA's expectation that the WAPC will ensure that any bushfire protection requirements for the development can be accommodated within the subdivision areas and do not place reliance or impositions on the management of the adjoining Resource Enhancement Wetland area and buffer or retained Bushland areas.

Kangaroo Management: The proponents fauna assessment recorded the presence of Western Grey kangaroos. The displacement of kangaroos can become a highly emotive issue with the local community. Displaced kangaroos can create problems for local residents, nearby agriculture industries, and public open space users, potentially resulting in public safety and animal welfare issues. The relocation of kangaroos if required post-development is very difficult.

Black Cockatoo Habitat: The proposed development may result in the loss of habitat for Carnaby's Black Cockatoo and the Forest Red-tailed Black Cockatoo as defined by the EPBC Act referral guidelines for threatened black cockatoo species. These species are listed as 'Endangered' and 'Vulnerable' under the EPBC Act. These species are also listed as threatened under the BC Act. It is DBCA's expectation that the detailed planning for the site will identify and seek to retain black cockatoo habitat, and that the proponent will consider their referral requirements under the EPBC Act.

DPLH Comment: The DBCA's comments are noted and have been provided to the proponent for consideration in subsequent planning stages.

### **Water Corporation**

The Water Corporation advises that the subject land falls outside their planning area as it is located within the Jandakot Underground Water Pollution area and is classified as a P2 area. P2 areas carry a high priority for public drinking water supply and are therefore managed to ensure only low risk and low intensity land uses are permitted to ensure no increased risk of groundwater contamination.

DPLH Comment: The Corporation has adopted water, wastewater and drainage infrastructure planning for the adjoining Aubin Grove Urban zoned areas to the north and west. However, the addition of the proposed amendment will require reviews of the Corporation's planning to determine the servicing of this site given it has not been previously identified for urbanisation. Any system upgrades to the existing water and wastewater networks will need to be funded by the proponents.

### **Main Roads WA (MRWA)**

MRWA raises no objections and advises that there will be a land requirement for the future widening of Rowley Road which affects the proposed amendment area. It is therefore recommended that this proposed amendment excludes the land immediately north of Rowley Road. Similar approaches have been used in the past and an area of 50-100m is recommended. MRWA has also provided comments on the supplementary information including the draft Concept Plan and TIA Report.

DPLH Comment: As requested by MRWA the MRS amendment includes a 50m wide Urban Deferred area north of Rowley Road. This area will require confirmation of the Primary Regional Roads (PRR) reservation requirements for the widening of Rowley Road. Once this road widening is known this area can be reserved PRR in a MRS amendment and any remaining area can be transferred to the Urban zone if applicable.

### **Department of Education (DoE)**

The proposed amendment area falls within the student intake area of Aubin Grove Primary School and Hammond Park Secondary College. The Primary School is operating beyond its permanent built capacity with the number of temporary accommodation. Based on the residential growth and the higher student-to-dwelling ratio in the locality, the estimated delivery of 750 dwellings from the proposed amendment area could yield 350 – 360 public primary school students. With no future public primary schools planned within the Banjup locality to provide accommodation relief.

Hammond Park Secondary College is projected to reach its capacity in the medium to long term. With the potential yield of approximately 100-120 public secondary school students, additional/transportable classrooms would likely be required to support the future student population growth.

The *South Metropolitan Sub-regional Planning Framework* identifies the proposed amendment area as Rural Residential. Any potential residential development in unplanned growth areas is a concern for the DoE and is a risk to the operation and resourcing of the affected public primary schools, quality of education outcome and the amenity of the locality.

The DoE requests that any MRS amendments in the Rural Residential areas should not be considered until a holistic land use planning/assessment be undertaken and that additional public school sites identified. The DoE expects that it is engaged at the earliest possible opportunity in the

preparation of any future local structure plan to ensure the future educational needs of the area are adequately planned for.

*DPLH Comment: The DPLH has met with the DoE since the above comments were provided and discussed the potential options available should the amendment be finalised. This includes further consideration of the existing capacity within the surrounding schools and responding to the increased student intake via the local structure planning process. It is at this detailed planning stage that a better understanding of lot yields for this area will be known and the associated capacity of existing primary schools in consultation with the DoE.*

**Department of Mines, Industry Regulation and Safety / Department of Fire and Emergency Services / Department of Transport / Department of Health / Atco Gas / Department of Primary Industries and Regional Development**

The above Departments raise no objections, no comment or provide advice applicable to subsequent, more detailed stages of the planning and development process. Wherever applicable, the proponent has been provided with this advice.

**Substantiality**

The *Planning and Development (Region Schemes Regulations) 2023* allows for amendments to the MRS to be processed as either complex, standard or basic depending on the alteration to the MRS. This amendment is recommended to be processed as a complex amendment (Regulation 4) as it is inconsistent with the *Perth and Peel@3.5Million/South Metropolitan Peel Sub-regional Planning Framework*, draft SPP 2.9 and there are existing environmental values on-site which require consideration.

**Coordination of Local and Region Scheme Amendments**

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option to concurrently rezone land being zoned Urban under the MRS to a "Development" zone (or similar) in the LPS. In accordance with standard practice, the WAPC will make a decision on the concurrent LPS amendment of the proposed Urban zone area at the final determination stage.

**KEY ISSUES**

<b>Consistency with WAPC Policies &amp; Planning Framework</b>	Perth and Peel @3.5Million/South Metropolitan Perth and Peel Sub-regional Planning Framework	Some inconsistency, variation warranted
	State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment Policy	Fully Consistent
	State Planning Policy 2.0 - Environment and Natural Resources Policy	Fully Consistent
	State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region	Fully Consistent
	Draft State Planning Policy No. 2.9 - Planning for Water	Some inconsistency, variation warranted
	State Planning Policy 3.7 - Planning in Bushfire Prone Areas	Fully Consistent
	State Planning Policy 5.4 - Road and Rail Noise	Fully Consistent

	WAPC Fact Sheet - Amendments to Region Schemes, amendment types and processes for public consultation	Fully consistent
<b>Budget</b>	In-house (officer hours and incidentals)	
<b>Consultation</b>	If the WAPC initiates a complex amendment it will be advertised for 60 days in accordance with Regulation 4 of the <i>Planning and Development (Region Schemes Regulations) 2023</i> .	

## PLANNING ASSESSMENT

### Discussion

The issue for consideration by the WAPC is whether the proposed amendment is considered to be a unique situation to vary *Perth and Peel @3.5 Million/South Metropolitan Peel Sub-regional Planning Framework* and the provisions of draft SPP 2.9 to facilitate future urban development.

The DPLH considers that although the proposed amendment site is not identified for urbanisation in the Framework and therefore inconsistent with the provisions of draft SPP 2.9, the proposal is a relatively unique area which will complete or “round-off” the existing urban development of the abutting Aubin Grove residential estates to the north and west. There would also be no further urban development potential for a similar sized “rounding-off” of the Urban zone in the Aubin Grove/Banjup localities.

In relation to the requirements of draft SPP 2.9, a draft DWMS has been prepared for the site and all future development will need to be connected to reticulated water and sewerage services. Although the site is not identified for urbanisation in the Framework, the expansion of the Urban/Urban Deferred zones at this location is not expected to have a significant detrimental impact on the Jandakot Groundwater Protection Area given the abutting similar landuses to the north and west and the exclusion of ‘sensitive’ landuses under the P3\* groundwater classification.

Although the site is cleared in parts it does contain Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community, and the proposal may result in the loss of habitat for Black Cockatoo’s. Therefore, the proponent will need to consider their obligations under the EPBC Act and BC Act. Noting that if the amendment is initiated by the WAPC it will require determination by the EPA where further information may be required regarding the environmental values of the site.

The DPLH notes that the proposal efficiently maximises the use of existing services and infrastructure by ‘rounding-off’ the urbanisation in this locality. There are also numerous examples of MRS Urban amendments over the Jandakot Groundwater Protection Area which have been completed or are at the detailed planning stage (MRS Amendments 1186/41, 1367/57, 1369/57, 1370/57, 1381/57 etc) and have also been transferred from the P2 to P3/P3\* groundwater classification.

In summary, the options open to the WAPC are to:

- Approve: the initiation of the amendment as it considered a relatively unique site which completes the urbanisation of the locality, does not create an undesirable precedent for other similar situations in the Banjup/Aubin Grove locality and maximises the efficient use of existing services and infrastructure;
- Defer: the amendment pending a strategic review of the Jandakot Groundwater Protection Area prior to any MRS amendments being undertaken which are inconsistent with *Perth and Peel @3.5 Million/South Metropolitan Peel Sub-regional Planning Framework* and draft SPP 2.9; and

- **Refuse:** the amendment request as it is not considered to warrant the variation of *Perth and Peel @ 3.5 Million/South Metropolitan Peel Sub-regional Planning Framework*, draft SPP 2.9 and would set an undesirable precedent for the remainder of the Jandakot Groundwater Protection Area.

On balance, it is recommended that the WAPC support the initiation of a “complex” MRS amendment to rezone the site to the Urban and Urban Deferred zones for the reasons discussed above (**Attachment 5 – Draft Amendment Report, MRS Amendment – Lyon and Kinley Roads, Banjup**).

#### **RECOMMENDATION**

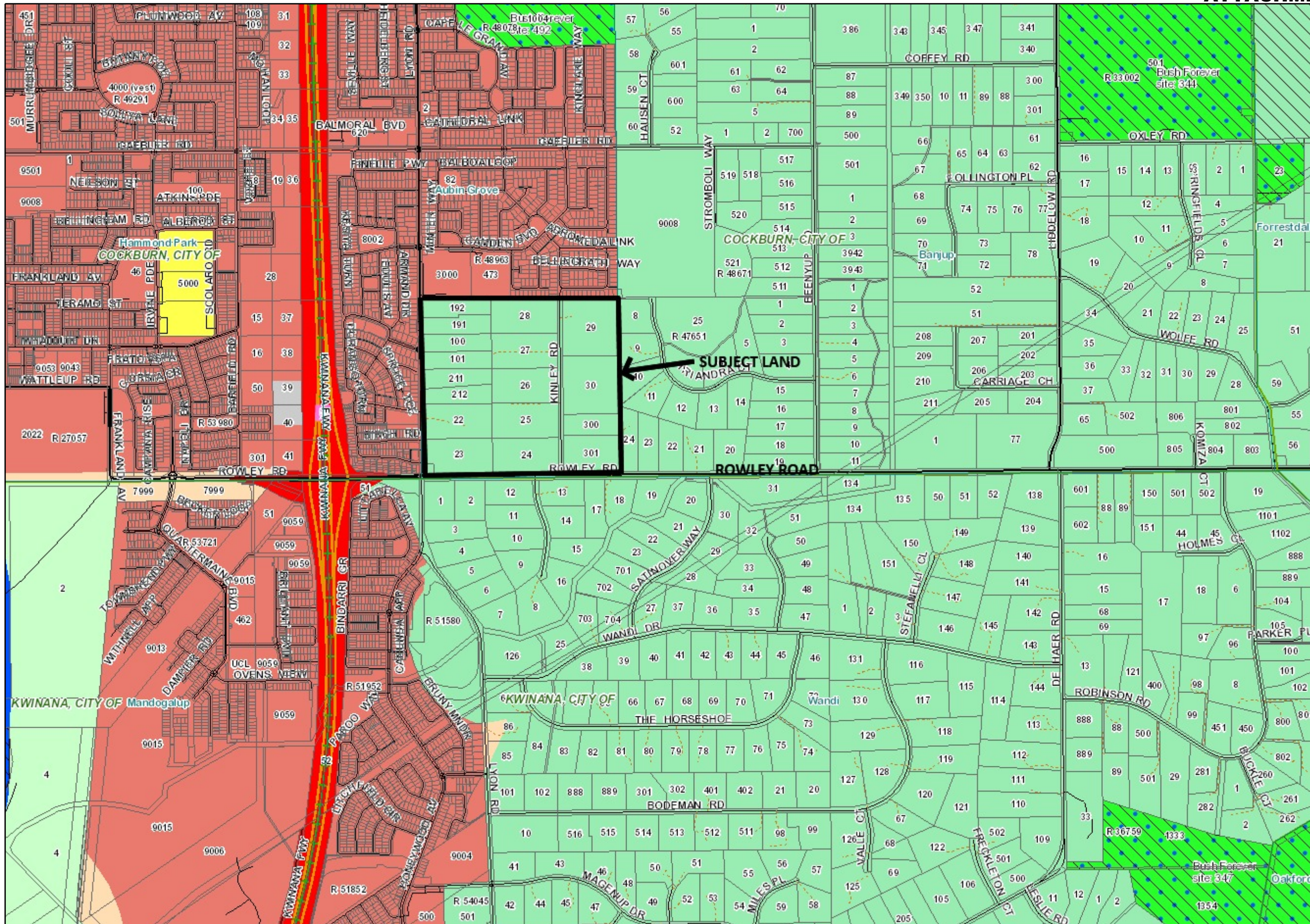
***That the Western Australian Planning Commission, under section 35 of the Planning and Development Act 2005 and Regulation 4 of the Planning and Development (Region Planning Schemes) Regulations 2023, resolves to:***

- 1. prepare an amendment to the Metropolitan Region Scheme as detailed in Attachment 5 – draft Amendment Report – Lyon and Kinley Roads, Banjup; and***
- 2. form the opinion that the amendment constitutes a complex amendment to the MRS as it is considered to be of regional significance given the scale and complexity of the proposal and likely community interest.***

#### **ATTACHMENTS**

- A1 - MRS Plan (existing and proposed)
- A2 - Aerial Plan
- A3 - Jandakot Public Drinking Water Source Areas/Water Extraction Bores
- A4 - Concept Plan
- A5 - Draft Amendment Report, MRS Amendment – Lyon and Kinley Roads, Banjup

- Legend**
- Localities
  - Local Government Area
  - Cadastre (View 1)
  - Railway Stations**
  - Future/proposed
  - Railway Lines**
  - Passenger
  - Roads**
  - Freeway
  - Main
  - Minor
  - Laneway
  - Track
  - Not Applicable
  - Region Scheme Boundary
  - Region Scheme Bush Forever Areas
  - Region Scheme Water Catchments
  - Region Scheme Zones and Reserves**
  - Other regional roads
  - Parks and recreation
  - Primary regional roads
  - Public purposes - high school
  - Railways
  - Rural
  - Rural - water protection
  - Urban
  - Urban deferred



**Notes:**

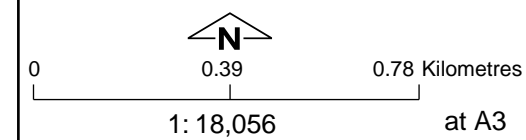
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- \* This map is not intended to be used for measurement purposes.

# InQuery Map

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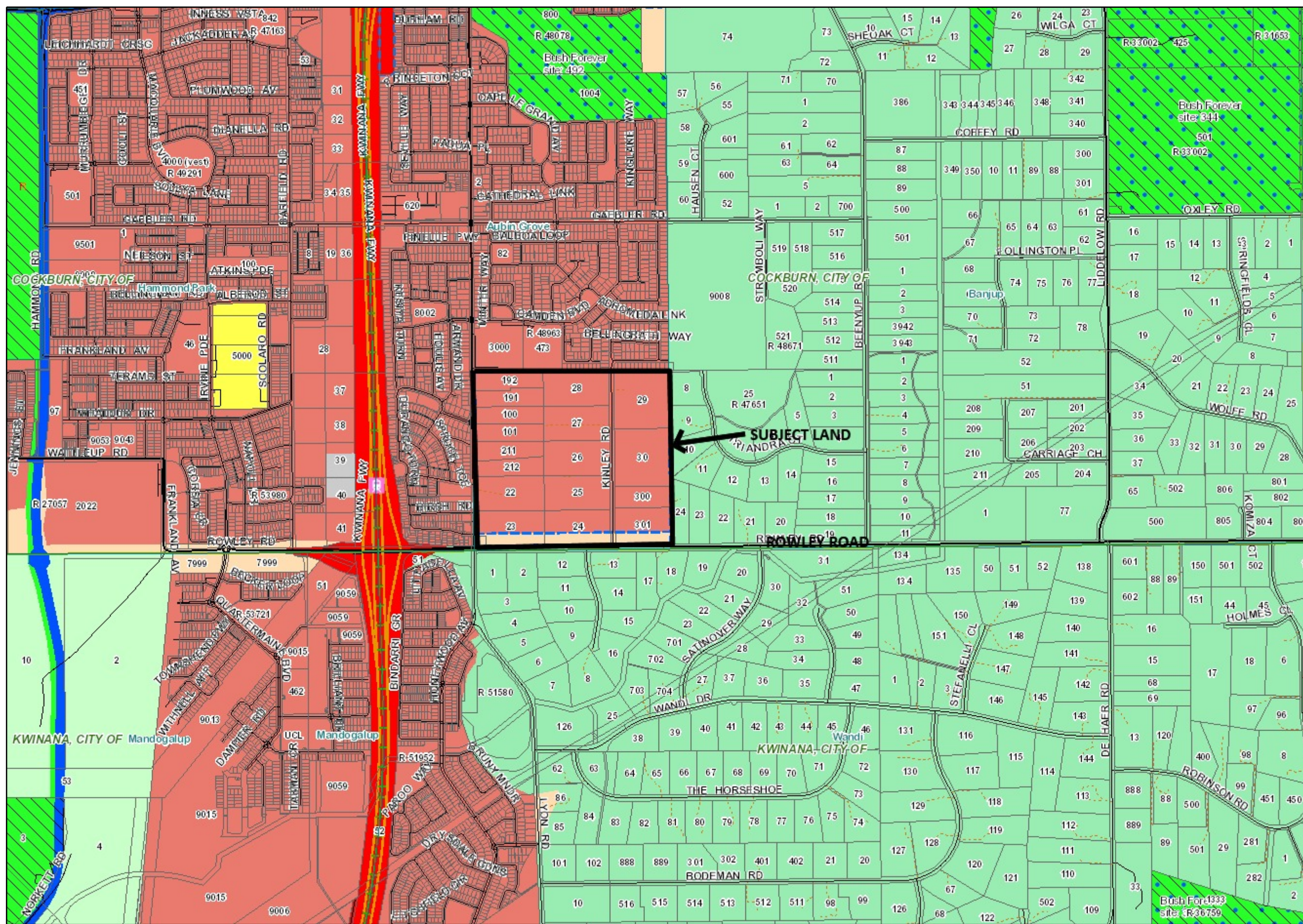
Internal Spatial Viewer

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**Legend**

- Localities
- Local Government Area
- Cadastre (View 1)
- Railway Stations
  - Future/proposed
- Railway Lines
  - Passenger
- Roads
  - Freeway
  - Main
  - Minor
  - Laneway
  - Not Applicable
- Draft RS Amendment Indicator
- Draft RS Zones and Reserves Amendment
  - Primary regional roads
  - Urban
  - Urban deferred
- Region Scheme Boundary
- Region Scheme Bush Forever Areas
- Region Scheme Water Catchments
- Region Scheme Zones and Reserves
  - Other regional roads
  - Parks and recreation
  - Parks and recreation - restricted public access
  - Primary regional roads
  - Public purposes - high school
  - Railways
  - Rural
  - Rural - water protection
  - Urban
  - Urban deferred

**Notes:**

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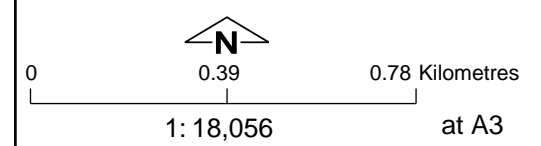
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# InQuery Map

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Internal Spatial Viewer

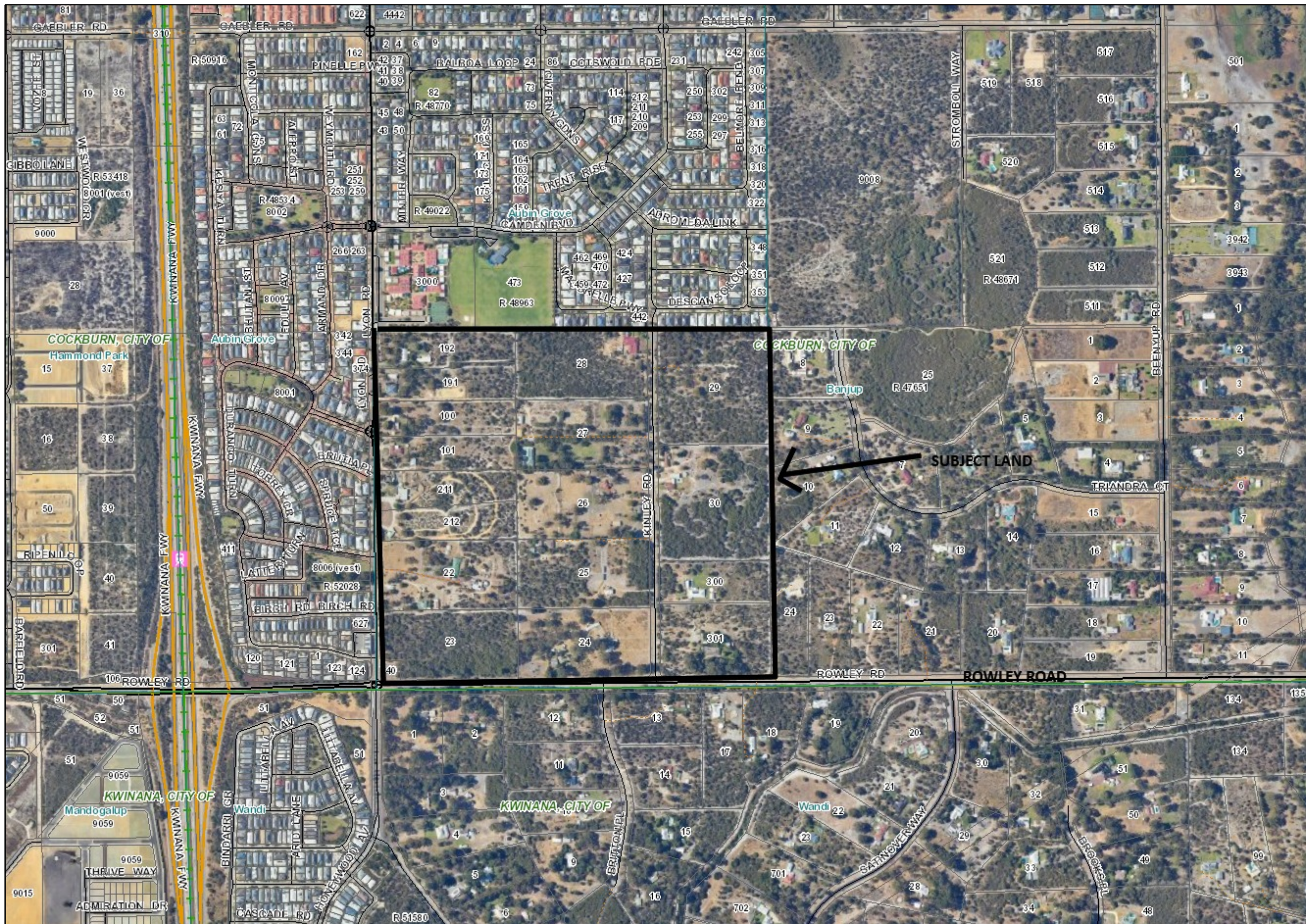
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- Legend**
- Localities
  - Local Government Area
  - Cadastre (View 1)
  - Railway Stations**
  - Future/proposed
  - Railway Lines**
  - + Passenger
  - Roads**
  - Freeway
  - Main
  - Minor
  - Laneway
  - Not Applicable



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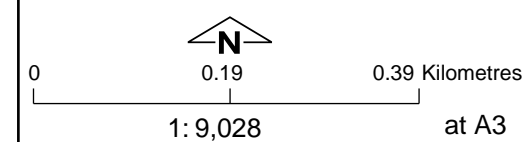
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Internal Spatial Viewer

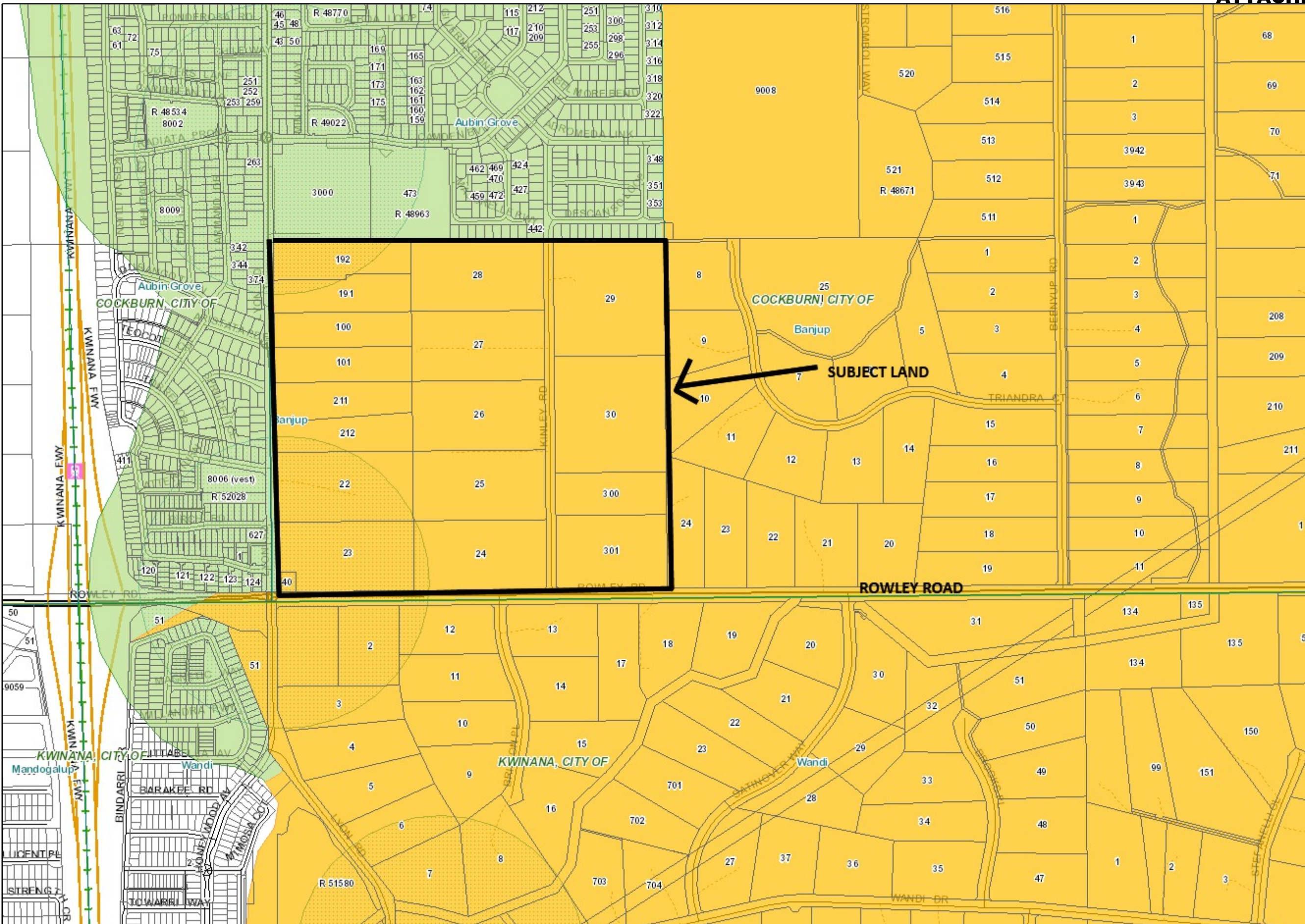
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WAPC Agenda Page 63

- Legend**
- Localities
  - Local Government Area
  - Cadastre (View 1)
  - PDWSA Priority 2
  - PDWSA Priority 3
- PDWSA - Protection Zones**
- Wellhead Protection Zone
- Railway Stations**
- Future/proposed
- Railway Lines**
- Passenger
- Roads**
- Freeway
  - Main
  - Minor
  - Laneway
  - Not Applicable



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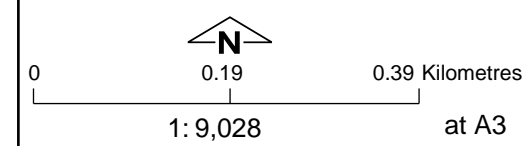
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Projection: WGS 1984 Web Mercator Auxiliary Sphere  
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PRIMARY SCHOOL

No vehicle link north

EXISTING AUBURN GROVE RESIDENTIAL

10m Pedestrian Access

Coordinated POS and Detention

10m Pedestrian Access

Coordinated POS and Detention

"REMAINS UNDEVELOPED"

Total Retained Bushland  
20% of Amendment Area

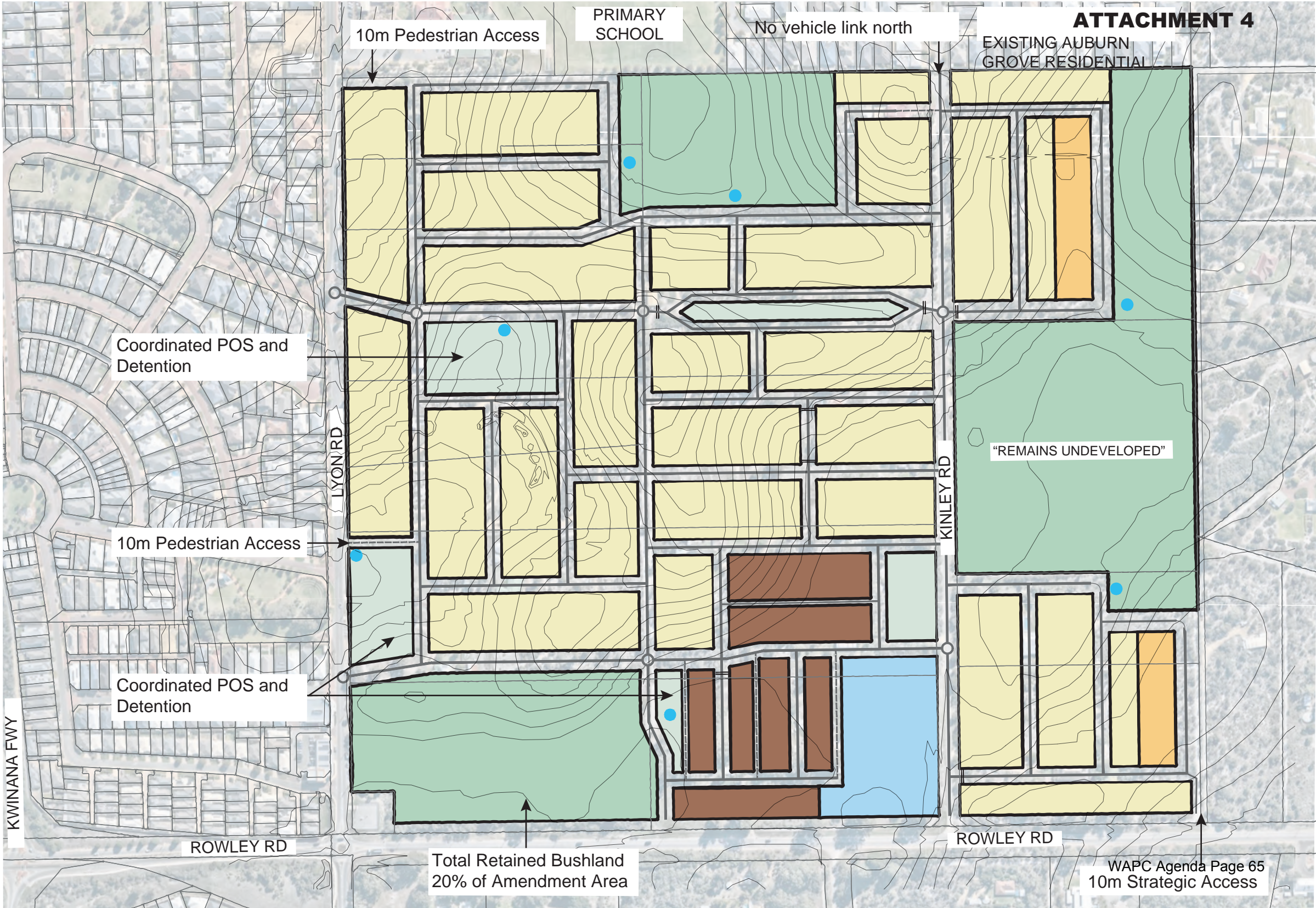
KWINANA FWY

LYON RD

KINLEY RD

ROWLEY RD

ROWLEY RD



**DRAFT**  
**AMENDMENT REPORT**

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**METROPOLITAN REGION SCHEME**  
**Amendment No. 14xx**  
(Complex Amendment)

**LYON AND KINLEY ROADS, BANJUP**

City of Cockburn

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### The Metropolitan Region Scheme

#### Abbreviations

1.	<b>Planning Objective.</b>	.	.	.	.	.	.	.	.
2.	<b>Background</b>	.	.	.	.	.	.	.	.
3.	<b>Discussion</b>	.	.	.	.	.	.	.	.
4.	<b>Aboriginal Cultural Heritage</b>	.	.	.	.	.	.	.	.
5.	<b>Co-ordination of Region and Local Scheme Amendments</b>	.	.	.	.	.	.	.	.
6.	<b>Substantiality</b>	.	.	.	.	.	.	.	.
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8.	<b>The Amendment Process</b>	.	.	.	.	.	.	.	.
9.	<b>Submissions on the Amendment</b>	.	.	.	.	.	.	.	.
10.	<b>Modifications to the Amendment</b>	.	.	.	.	.	.	.	.
11.	<b>Final Outcome</b>	.	.	.	.	.	.	.	.

#### Figure 1

Appendix A	Environmental Protection Authority Advice
Appendix B	List of Detailed Plans Supporting the Amendment
Appendix C	Preparing a submission
Appendix D	Submission Form for this Amendment

# AMENDMENT NO. 14xx TO THE METROPOLITAN REGION SCHEME

## LYON AND KINLEY ROADS, BANJUP (Complex Amendment)

City of Cockburn

### 1 PLANNING OBJECTIVE

The purpose of the amendment is to rezone an approximately 57.76ha from the Rural – Water Protection zone to the Urban and Urban Deferred zones in the Metropolitan Region Scheme (MRS), as shown on *Figure 1*. The proposed amendment will primarily facilitate future residential development with areas of public open space.

#### Requirements to lift the Urban Deferment

Portion of the subject land is being zoned Urban Deferred, as the following requirements are to be addressed prior to the Lifting of Urban Deferment:

- Confirmation of the Primary Regional Roads reservation requirements for the future widening of Rowley Road.

### 2 BACKGROUND

The amendment seeks to rezone approximately 57.76ha from the Rural-Water Protection zone to the Urban (53.73ha) and Urban Deferred (4.03ha) zones in the MRS. The proposal contains 18 lots which are primarily used for rural-residential purposes. The abutting Aubin Grove residential development to the north and west was rezoned to Urban Deferred in December 1994 by *MRS Amendment 938/33 – South West Corridor Stage A* and has since been transferred to the Urban zone.

The amendment area is situated approximately 24km south of the Perth CBD and abuts the Kwinana Freeway to the west and Rowley Road to the south. The amendment area is situated adjacent to the existing Aubin Grove residential estate. The Aubin Grove Primary School and Aubin Grove reserve abut to the north of the site. The Aubin Grove rail station is approximately 2km to the north-west.

The site contains an area of Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community (TEC), and the proposed development may result in the loss of habitat for Carnaby's Black Cockatoo and the Forest Red-tailed Black Cockatoo. The proponent will need to consider their obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Biodiversity Conservation Act 2016* (BC Act).

The site does contain a Resource Enhancement Wetland (REW) which is to be retained with a 50m buffer but does not contain or abut any Bushforever areas.

The site is located within a Priority 2 (P2) Public Drinking Water Source Area (PDWSA). The south-west corner of the site contains a Water Corporation extraction bore and is within a 300m Wellhead Protection Zone (WPZ) and the north-west corner is also partly within a 300m WPZ.

The amendment area is zoned “Resource” and “Public Purposes – Water Corporation” under the City of Cockburn Local Planning Scheme No. 3 (LPS 3).

### 3 DISCUSSION

#### **STRATEGIC CONTEXT**

##### **Perth and Peel @ 3.5 Million / South Metropolitan Peel Sub-regional Planning Framework**

The *Perth and Peel @ 3.5 Million* document provides a snapshot of the Perth and Peel regions in the future. It makes the case for change to a more considered, connected and consolidated urban form. It links four draft Frameworks and encourages the consideration of new urban growth opportunities.

The Sub-regional Frameworks are the first step in the ongoing process of refining and detailing planning proposals for an area. The Sub-regional Framework’s state that this refinement will continue through the MRS/PRS, local planning schemes, structure planning, subdivision and/ or development.

The site is designated as “*Rural-Residential*” in the *South Metropolitan Peel Sub-regional Planning Framework*, however as the decision-maker in initiating MRS amendments the WAPC does have discretion when considering the merits of a particular case.

The Sub-regional Frameworks are the first step in the ongoing process of refining and detailing planning proposals for an area. The Sub-regional Framework’s state that this refinement will continue through the MRS/PRS, local planning schemes, structure planning, subdivision and/or development.

The WAPC supports the urbanisation of the site as it is a relatively unique site which completes the urbanisation of the Aubin Grove locality, would not set a precedent for other similar proposals in the locality and is seeks to maximise the use of existing services and infrastructure.

This recommendation responds to the individual and particular circumstances of this proposal and is not necessarily a recommendation that may be applicable in other areas or circumstances.

#### **State Planning Policy 2.0 – Environment and Natural Resources Policy**

*State Planning Policy 2.0 – Environment and Natural Resources Policy* provides guidance on the integration of the consideration of environmental values into the land use planning system. It recommends that planning schemes and decision-

making should support the conservation and protection of remnant vegetation where possible and avoid development that may result in unacceptable environmental damage.

The subject land contains areas of Banksia Woodland of the Swan Coastal Plain TEC, and the proposed development may result in the loss of habitat for Carnaby's Black Cockatoo and the Forest Red-tailed Black Cockatoo. The proponent has prepared a concept plan which proposes to retain remnant vegetation (including the existing TEC) and a REW and associated 50m buffer in areas of public open space whilst balancing bushfire management requirements.

As the planning of the site progresses, environmental values will be given further consideration in the subsequent local structure planning stage with the input of the City of Cockburn, Department of Water and Environmental Regulation (EPA Services) and the Department of Biodiversity, Conservation and Attractions.

In addition, if the amendment is initiated by the WAPC it will require referral to the EPA for a decision on the environmental impacts and further information may be required. It is also noted that the proponent will need to consider their obligations under the EPBC and BC Acts accordingly.

#### **State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment Policy Bushland Policy**

*State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment Policy (SPP 2.1)* aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it consistent with policy measures and other planning and environmental considerations.

The amendment site is partially within the SPP 2.1 catchment area and a draft District Water Management Strategy (DWMS) has been prepared where the requirements of SPP 2.1 will be given further detailed consideration in consultation with the Department of Water and Environmental Regulation (DWER) prior to a final decision being made on the amendment.

#### **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region**

*State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8)* aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it consistent with policy measures and other planning and environmental considerations.

The subject land is primarily cleared of remnant vegetation but does contain areas of Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community, and the proposed development may result in the loss of habitat for

Carnaby's Black Cockatoo and the Forest Red-tailed Black Cockatoo. It is also noted that if the amendment is initiated by the WAPC it will require referral to the EPA for a decision to be made on the environmental impacts of the amendment. Refer to SPP 2.0 above for further discussion on these matters.

### **Draft State Planning Policy No. 2.9 – Planning for Water**

Draft *State Planning Policy No. 2.9 – Planning for Water* (Draft SPP 2.9) intends to replace *State Planning Policy 2.3 – Jandakot Groundwater Protection Area* and similarly states that there is a general presumption against the intensification of landuses in Priority 1 and P2 areas, and proposals will only be considered where land is identified for development through a strategic planning document prepared by the WAPC such as a sub-regional planning framework.

The site is designated as “Rural-Residential” in the *South Metropolitan Peel Sub-regional Planning Framework* and not for urbanisation and therefore inconsistent with the requirements of draft SPP 2.9.

The amendment has been assessed against draft SPP 2.9 which provides a range of measures which should be considered including approval of a DWMS and consideration of DWER's *Water Quality Protection Note No. 25: Land Use Compatibility Tables For Public Drinking Water Source Areas* which generally restricts sensitive landuses.

The DWER has considered the draft *Lyon and Kinley Road, Banjup DWMS* for advertising purposes and in accordance with the requirements of *Better Urban Water Management* will require approval prior to a final determination being made on the amendment. Should the amendment be finalised the DWER will also need to amend the priority water status over the subject land from P2 to Priority 3\* (P3\*).

All future development will be connected to reticulated water and sewerage services and the expansion of the Urban zone at this location is not expected to have a significant detrimental impact on the overall Jandakot Groundwater Protection Area given the abutting similar landuses to the north and west.

The WAPC supports the urbanisation of the site as it is a relatively unique proposal which completes the urbanisation of the Aubin Grove locality, would not set a precedent for other similar proposals in the locality and seeks to maximise the use of existing services and infrastructure.

This recommendation responds to the individual and particular circumstances of this proposal and is not necessarily a recommendation that may be applicable in other areas or circumstances.

### **State Planning Policy 3.7 - Planning in Bushfire Prone Areas**

*State Planning Policy 3.7 - Planning in Bushfire Prone Areas* (SPP 3.7) seeks to guide the implementation of effective risk-based land use planning and

development to preserve life and reduce the impact of bushfire on property and infrastructure.

A Bushfire Management Plan has been undertaken and the Department of Fire and Emergency Services has requested modifications which are to be undertaken prior to a final determination being made on the amendment.

### **State Planning Policy 5.4 - Road and Rail Noise**

*State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4)* seeks to minimise the adverse impact of road and rail noise on noise-sensitive land use and/or development within the specified trigger distance of major transport corridors. The Policy also seeks to protect the functionality of the State's transport corridors by protecting them from encroaching incompatible development.

As Rowley Road is in close proximity to the south 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. Such measures will be given further detailed consideration in the subsequent local structure planning stage in consultation with the City of Cockburn and relevant State Government agencies (e.g. MRWA).

## **STATUTORY CONTEXT**

### **Environment**

The DWER (EPA Services) has advised that the site contains Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community, a Resource Enhancement Wetland and the proposed development may result in the loss of habitat for Black Cockatoo's.

### **Urban Water Management**

The DWER has considered the draft *Lyon and Kinley Road, Banjup DWMS* for advertising purposes which will require approval in accordance with the requirements of *Better Urban Water Management*, prior to a final determination being made on the amendment. Should the amendment be finalised the DWER will need to amend the priority status over the subject land from P2 to P3\*.

### **Infrastructure**

#### **Water & Wastewater**

The Water Corporation has adopted water, wastewater and drainage infrastructure planning for the adjoining Aubin Grove Urban zoned areas to the north and west.

The addition of the proposed amendment to the Urban zone will require reviews of the Corporation's planning to determine the servicing of this site. Any system

upgrades to the existing water and wastewater networks will need to be funded by the proponents.

### Transportation

Main Roads WA raises no objections and advises that there will be a land requirement for the future widening of Rowley Road which affects the proposed amendment area. It is recommended that the amendment exclude the land immediately north of Rowley Road.

The MRS amendment includes a 50m wide Urban Deferred area north of Rowley Road. This area will require confirmation of the Primary Regional Roads (PRR) reservation requirements for the widening of Rowley Road. Once this road widening is known this area can be reserved as PRR in a future MRS amendment and any remaining area can be transferred to the Urban zone.

## **4 ABORIGINAL HERITAGE**

The process of rezoning or reservation of land in a region scheme is broad by nature and does not physically interfere with the land. Consideration of Aboriginal Cultural Heritage (ACH) is addressed more specifically at later stages of the planning process, typically when preparing a local structure plan or at the subdivision and development approval stages. All ACH is protected whether or not it has been previously recorded or reported.

Nevertheless, in recognising the importance of having reliable Aboriginal cultural heritage information, 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 amendment proposals likely to be of interest to Aboriginal persons are pre-referred to SWALSC for comment. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

The amendment was pre-referred to SWALSC with no advice received. However, the amendment will be formally referred to SWALSC during the public advertising period.

## **5 COORDINATION OF LOCAL AND REGION SCHEME AMENDMENTS**

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option to concurrently rezone land being zoned Urban under the MRS to a "Development" zone (or similar) in the LPS. In accordance with standard practice, the WAPC will make a decision on the concurrent LPS amendment of the subject land at the final determination stage.

## 6 SUBSTANTIALITY

The *Planning and Development (Region Schemes Regulations) 2023* allows for amendments to the MRS to be processed as either complex, standard or basic depending on the alteration to the MRS.

This amendment is recommended to be processed as a complex amendment (Regulation 4) given the proposal is inconsistent with the *Perth and Peel@3.5Million/South Metropolitan Peel Sub-regional Planning Framework*, draft SPP 2.9 and is considered a substantial/regional change in the Aubin Grove/Banjup locality.

## 7. ENVIRONMENTAL PROTECTION AUTHORITY ADVICE

*{to be inserted after advice received from the EPA}*

## 8. THE AMENDMENT PROCESS

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005* and the *Planning and Development (Region Schemes Regulations) 2023*. In essence, the procedure for a complex 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 on the proposed amendment (including environmental review if required);
- consideration of submissions;
- referral of WAPC recommendations, with or without any modifications in response to submissions, to the Minister for Planning;
- approval by the Governor;
- consideration by both Houses of Parliament, who can disallow the amendment;
- amendment takes legal effect when no longer subject to disallowance after 12 sitting days;
- where the WAPC has agreed to the parallel amendment of a local planning scheme under section 126(3) of the *Planning and Development Act 2005*, the local planning scheme amendment becomes effective upon gazettal of the MRS amendment.

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.

## 9 SUBMISSIONS ON THE AMENDMENT

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

The amendment is being advertised for public submissions for a period of 60 days from Tuesday XX XXXX 2024 to Friday XX XXXXXX 2024.

You can lodge a submission during the advertising period:

- online at <https://consultation.dplh.wa.gov.au>.
- in writing to Western Australian Planning Commission, Level 2, 140 William Street, Perth 6000.

**and must be received by 5 pm Friday XX XXXXXXXX 2024.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form is contained in this report appendix D. Additional copies of the form are available from the Department of Planning, Lands and Heritage website <https://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 amendment is presented to both Houses of Parliament. Advice of disclosure and access requirements are shown on side two of the submission form.

## **10 MODIFICATIONS TO THE AMENDMENT**

After considering any comments received from the public and government agencies, the WAPC may make modifications to the amendment.

The recommendations of the WAPC, including any modifications, are published in a report on submissions which will be available on the Department of Planning, Lands and Heritage website <https://www.dplh.wa.gov.au/mrs-amendments>. Anyone who has made a submission will be notified when the amendment is tabled in Parliament.

## **11 FINAL OUTCOME**

After considering the submissions, the WAPC may make modifications to the amendment. The WAPC will then submit the amendment plans, together with a *Report on Submissions* and a copy of all written submissions, to the Minister for Planning for presentation to the Governor.

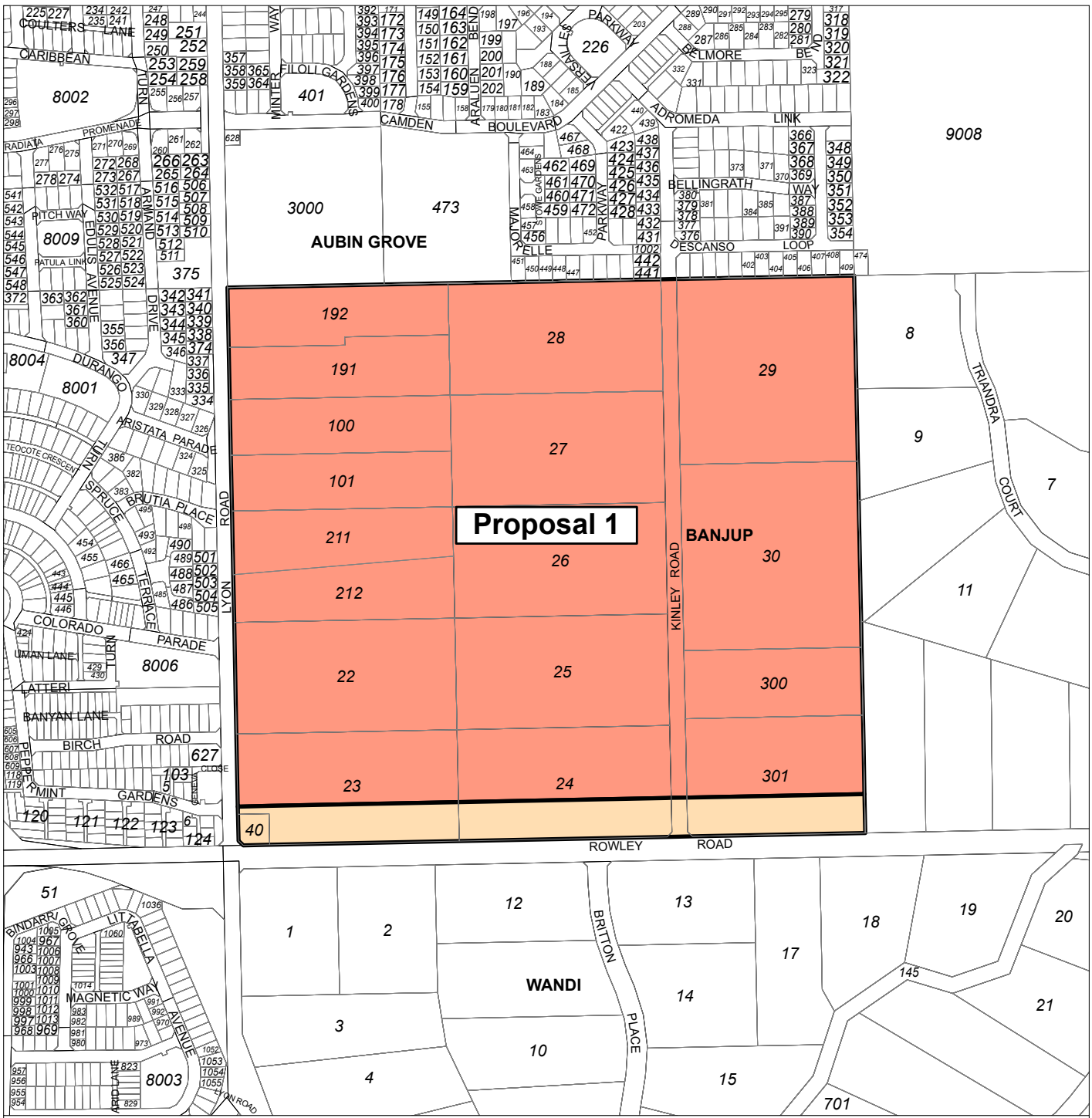
If the Governor approves, a copy of the plans of the amendment together with the *Report on Submissions* will be laid before each House of Parliament for twelve sitting days. Either House may, by resolution, disallow the amendment within that time. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the MRS.

People who have made submissions will be kept advised on the progress of the amendment, and along with all affected landowners, will be notified of the final outcome.

**LYON AND KINLEY ROADS, BANJUP**

**AMENDMENT NO. 14xx  
(Complex Amendment)**

**FIGURE 1**



**Lyon & Kinley Roads, Banjup  
Proposed complex MRS amendment  
as advertised**

29 May 2024

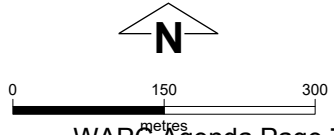
Proposal 1

- Proposed Amendment:
- Rural-Water Protection zone to Urban zone
  - Rural-Water Protection zone to Urban Deferred zone

Reference no: 4726  
File no: RLS/1124  
Version number: 1



Date: 12/03/2024  
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority SLIP 1447-2023-1





<b>REPORT TO</b>	Western Australian Planning Commission		
<b>Meeting date</b>	29 May 2024	<b>File number</b>	RLS/1125 & RLS/1135
<b>Subject</b>	Proposed MRS Amendments – North East Baldivis District Structure Plan, Precincts 1 - 4		
<b>Purpose</b>	Requires WAPC decision		
<b>Title of Approving Officer</b>			
<b>Agenda Part for Reports (All parts are confidential unless otherwise stated)</b>			
WAPC - Statutory Items for Decision			
<b>SITE-SPECIFIC DETAILS</b>			
<b>Region/s</b>	Perth		
<b>Local government/s</b>	City of Rockingham		
<b>Landowner/Consultant</b>	<u>Consultant:</u> CLE Town Planning and Design <u>Landowner:</u> Various (Stockland, City of Rockingham and private owners)		
<b>Location map</b>	Attachments 1 & 2		
<b>Bushfire Prone Area</b>	YES		
<b>SUMMARY</b>			
<p>The Western Australian Planning Commission (WAPC) has received a Metropolitan Region Scheme (MRS) request to rezone approximately 129.04 hectares of Rural land to the Urban zone in Baldivis.</p> <p>This amendment forms part of the draft <i>North-East Baldivis District Structure Plan</i> (draft DSP) area, and an MRS amendment for the remainder of the draft DSP area (631.59ha) is also recommended for initiation to an Urban Deferred zone. Together, these amendments cover an area of approximately 760.63 hectares.</p> <p>The purpose of these amendments is to facilitate future residential development and areas for public open space consistent with the draft DSP. Following the finalisation of the MRS amendments and district structure plan, subsequent planning stages will involve lifting of Urban Deferment, a local planning scheme amendment, local structure planning and subdivision/development approval.</p> <p>The proposed amendment areas were originally identified as a “<i>Planning Investigation Area</i>” in the 2018 iteration of the <i>South Metropolitan Peel Sub-Regional Planning Framework</i>, but investigations have since been finalised which has identified the site as “<i>Urban Expansion</i>”.</p> <p>In October 2023, the WAPC granted consent to advertise the draft DSP which provides a planning framework to guide future planning processes towards developing the land for urban purposes. The draft DSP proposes to guide future land uses, coordination of major infrastructure, activity centres, educational facilities, open space distribution and the protection of environmental assets. The proposed amendment is consistent with the vision and intent of the draft DSP.</p> <p>The City of Rockingham, Department of Water and Environmental Regulation (DWER), Water Corporation and Main Roads WA raised concerns with the amendment as it was premature to progress given the draft DSP and District Water Management Strategy (DWMS) have not been</p>			

finalised and road planning has not been substantially or adequately progressed. Therefore, having regard to the matters raised the following approach is recommended:

- The MRS request to Urban (Precinct 1) be modified to an Urban Deferred zone for the purposes of initiation. At finalisation stage, and following EPA referral and advertising of the amendment, it can be determined whether all lifting of Urban Deferment requirements have been addressed to enable this site to be transferred to the Urban zone.
- The broader North East Baldivis amendment area (Precincts 2-4) is also recommended to be zoned Urban Deferred and subject to requirements to be addressed prior to the transfer of this site to the Urban zone. This approach is consistent with the intended staging and timing as set out in the draft DSP.

The above recommended approach ensures that the two MRS amendments are progressed in a strategic and sequential manner and are consistent with the planning framework for the area. It also ensures that concerns from stakeholders are appropriately addressed and if issues such as drainage management, road planning and finalisation of the draft DSP have occurred, then the relevant MRS amendment can be considered for an Urban zone.

## **DETAILS OF PROPOSAL**

The two amendments are located approximately 34km south of the Perth CBD, 4.5km north-east of the Baldivis District Centre and 3km south-east of the Wellard Train Station. The subject land is bound by the Kwinana Freeway to the west, Mundijong Road to the south, Millar Road/freight rail to the north and rural land to the east (**Attachment 1 – Existing and Proposed MRS Plans, Attachment 2 – Aerial Plan**).

The amendment land has been historically used for rural purposes consistent with its current zoning under the local and region planning schemes. Existing uses over the land include landscaping supplies, a ski park, a fish/marron farm, livestock feedlot and rural landholdings including associated dwellings. A powerline easement also runs north-south through the subject site.

The majority of the land has been historically cleared of vegetation with some remaining vegetation along boundaries and scattered throughout the site. Vegetation is generally of 'degraded' to 'degraded to good' condition, with one pocket to the south-west area that is in good condition. The draft DSP proposes to retain three hectares of vegetation in 'good' condition, the Melaleuca shrubland in the south-west corner of Lot 465 and the shrubland within the unmade Pug Road road reserve.

In terms of fauna and habitat, four conservation species were recorded – the Glossy Ibis, White-bellied Sea-eagle, Forest Red-tailed Cockatoo and the Quenda. The Baudin's Black Cockatoo and Carnaby's Black Cockatoo are likely to use the site.

Land use and development within the proposed amendment area is generally controlled by the City of Rockingham Local Planning Scheme No. 2 (LPS 2). The subject land is currently zoned "Rural" under LPS 2.

### **Multiple Use (Drainage/Flood Storage) Areas**

One of the key considerations in planning for this area is the large extent of multiple use storage areas (drainage/flood storage) noting that approximately 45% of the total area is multiple use corridors and wetlands. These corridors will serve a primary drainage function in the event of a rainfall event with a 1% annual exceedance probability (1 in 100-year flood event).

Irrespective of how these corridors are ultimately used and managed the amendment zoning of Urban Deferred is appropriate for the precinct. Technical advisory group meetings are progressing with respect to the draft DSP to determine tenure, management and future use of these areas. Options for the future use of this land include drainage, green spaces for passive/active recreation and commercial opportunities such as carbon farming/offset scheme.

### **Lifting of Urban Deferment Requirements**

Two separate MRS amendments for the draft DSP area are proposed to be zoned Urban Deferred with the following requirements to be addressed prior to the lifting of Urban Deferment:

#### **Proposed MRS Amendment – North-East Baldivis District Structure Plan, Precinct 1**

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

#### **Proposed MRS Amendment – North-East Baldivis District Structure Plan, Precincts 2 - 4**

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

## **BACKGROUND**

### **Strategic Planning Context**

#### ***Perth and Peel @ 3.5 Million / South Metropolitan Peel Sub-Regional Planning Framework***

The *Perth and Peel @ 3.5 Million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for the Perth and Peel regions.

The *South Metropolitan Peel Sub-Regional Planning Framework* forms part of the *Perth and Peel @ 3.5 Million* strategic suite of planning documents. Future areas for urban and industrial development have been determined to avoid and protect areas which have significant environmental value.

***DPLH Comment:*** *The proposed amendment was originally identified as a “Planning Investigation Area” in the South Metropolitan Peel Sub-Regional Planning Framework, but investigations have since been finalised which has identified the site as “Urban Expansion” (Attachment 3 – South Metropolitan Peel Sub-regional Planning Framework).*

## **Draft North-East District Structure Plan (draft DSP)**

On 24 October 2023, the WAPC granted consent to advertise the draft DSP for a period of 60 days. Advertising of the draft DSP has subsequently occurred. The draft DSP, which provides a vision for urban development on the North-East Baldivis Urban Expansion area, covering some 760 hectares of land, to ultimately accommodate up to 18,000 people (**Attachment 4 – draft North-East Baldivis District Structure Plan and Surrounding Landuses Plan**).

The draft DSP represents the next stage of strategic planning investigations for the North-East Baldivis Urban Expansion area, as identified in the *South Metropolitan Peel Sub-Regional Planning Framework*. The draft DSP proposes to guide future land uses, coordination of major infrastructure, activity centres, educational facilities, open space distribution and the protection of environmental assets.

The amendments are located within the draft DSP which has been advertised for comment and is currently under assessment by the Department. The MRS amendments and draft DSP will facilitate opportunities for 6000 new dwellings and up to 1260 jobs, areas for open space, multiple use corridors/drainage, conservation reserves, schools, centres (local and neighbourhood) and required roads.

The proposed amendments to zone the land Urban Deferred is consistent with the draft DSP. All land uses proposed by the draft DSP are capable of being delivered under an Urban zoning. Consistent with the Implementation Section of the draft DSP, a staged approach to rezoning is proposed in order to unlock the unconstrained areas of the site in the shorter term.

## **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8)**

SPP 2.8 aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it consistent with policy measures and other planning and environmental considerations.

*DPLH Comment: The majority of the land within the amendment area has been historically cleared of vegetation with some remaining vegetation along boundaries and scattered throughout the amendment land. Vegetation is generally of 'degraded' to 'degraded to good' condition, with one pocket to the south-west of the amendment area that is in good condition which is proposed to be retained through the DSP.*

## **Draft State Planning Policy 2.9 – Planning for Water (Draft SPP 2.9)**

Draft SPP 2.9 seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process.

*DPLH Comment: A draft DWMS has been prepared to support the amendment and draft DSP and will need approval prior to the lifting of Urban Deferment. One of the key challenges in planning for this area is the large extent of multiple use storage areas (drainage/flood storage) noting that approximately 45% of the total area is multiple use corridors and wetlands. These corridors will serve a primary drainage function in the event of a rainfall event with a 1% annual exceedance probability (1 in 100-year flood event).*

*Irrespective of how these corridors are ultimately used and managed the amendment zoning of Urban Deferred is appropriate for the precinct. Technical advisory group meetings are progressing with respect to the draft DSP to determine tenure, management and future use of these areas.*

*Options for the future use of this land include drainage, green spaces for passive/active recreation and commercial opportunities such as carbon farming/offset scheme and private recreation.*

### **State Planning Policy 3.7 - Planning for Bushfire Risk Management (SPP 3.7)**

SPP 3.7 forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

*DPLH Comment: The Department of Fire and Emergency Services advises that the Bushfire Management Plan (BMP) has adequately demonstrated that compliance with the bushfire protection criteria can be achieved.*

### **State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4)**

SPP 5.4 aims to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/or development within the specified trigger distance of strategic freight and major traffic routes and other significant freight and traffic routes.

*DPLH Comment: As the Kwinana Freeway and Mundijong Road are in close proximity to the subject land there is the potential for noise attenuation to be required. The exact nature of these measures will be determined in the subsequent structure planning stage with MRWA and the local government.*

### **Referral Agency Comments**

#### **City of Rockingham**

The City of Rockingham's advice primarily relates to the amendment being premature and pre-emptive, raises technical issues both from the City and other agencies and there is concern given the DSP is unapproved, as follows:

- The City considers the proposed rezoning of the land to Urban to be premature and pre-emptive, given the current unapproved status of the DSP, and the many significant technical concerns the City (and other agencies) have raised in respect to the DSP. The City also included a copy of their comprehensive comments on the draft DSP.

The purpose of a DSP is to fundamentally determine whether the land can be sustainably developed and progressing an MRS amendment in the absence of an adopted DSP would be contrary to the principles of orderly and proper planning. It is the City's view that any consideration of the proposed MRS amendment by the WAPC should cease until such time as the issues relating to the DSP are suitably resolved and the DSP approved.

- The City considers further engagement with it, and other agencies, through the Technical Advisory Group process must occur prior to any further consideration of a MRS amendment (or DSP), in order to understand, work through and resolve concerns raised.
- The City notes that as part of the proposed MRS amendment, the applicant proposes the concurrent rezoning of the subject land to a 'Development' zone under LPS 2, pursuant to section 126(3) of the *Planning and Development Act 2005*. The City advises that concurrent amendment cannot occur due to the need to introduce provisions in the Scheme. This is contrary to the provisions of s126(3) and WAPC Fact Sheet: S126. An amendment to LPS 2 would need to proceed in parallel, or subsequent to, the MRS amendment process.

The DPLH has since met with City regarding the potential Urban Deferred approach and additional comments were provided as follows:

- Demonstrating that appropriate arrangements can be made relating to the coordination and sharing of costs relating to shared infrastructure and development (noting the City has not agreed to managing Development Contribution Plan arrangements over the land relating to drainage, road upgrades or other infrastructure).
- Preparation of a multiple use corridor (MUC) strategy being prepared to the satisfaction of the City of Rockingham.
- Demonstration of an equitable outcome relating to the proportion of developable land and MUC over Lot 1 Mundijong Road owned by the City of Rockingham (and any other land parcels within the DSP area).
- Commitment to provision of a principal shared path, funded by the proponent, connecting the DSP area to the Wellard Train Station, given the expected long-term absence of a public bus service. Including a connection across the railway line to communities within the City of Kwinana.
- Preparation of a revised BMP that addresses the proposed Carbon Farming Proposal.
- Preparation of a Mosquito Management Plan to mitigate public health and amenity risk.

*DPLH comment: The points raised by the City are noted and as per the recommended approach a range of technical matters will require resolution, and approval of the draft DSP is required, prior to the Precinct 1 land being considered for potential Urban zoning.*

*The remainder of the DSP area is proposed to be included in an Urban Deferred zone as this will enable the coordinated consideration of outstanding matters (including matters raised by the City above) across the entire DSP area. Until this time, and for the purposes of EPA referral and public advertising, the land is proposed for an Urban Deferred zoning.*

#### **Department of Water and Environmental Regulation (DWER)**

Concerns were raised by the DWER with respect to governance of the floodplain storage areas and with the amendment being progressed ahead of the DSP.

*DPLH comment: On the basis of the concerns raised by stakeholders including DWER, the proposed approach is to initiate both MRS amendments to an Urban Deferred zone only and subject to resolution of issues prior to either amendment being considered for transfer to the Urban zone.*

#### **Department of Biodiversity, Conservation and Attractions (DBCA)**

The DBCA advises as follows:

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

The current wetland mapping shown on the Geomorphic Wetlands (Swan Coastal Plain) dataset is dated and will not be accurate given changes have occurred on the subject land. Some areas mapped as Resource Enhancement Category Wetland (REW) may no longer meet the criteria for that category, boundaries will have changed, and other wetland areas may have had improvements in native vegetation cover.

A draft Wetlands of the Swan Coastal Plain, 2020 dataset prepared by DBCA and the DWER indicates changed boundaries for some existing mapped REW's and potentially a higher wetland management category for several areas currently mapped as Multiple Use wetlands.

Wetland evaluations should be in accordance with 'A Methodology for the Evaluation of Wetlands of the Swan Coastal Plain'. The subsequent local structure plan should consider requirements for buffers and ongoing wetland management for wetlands retained within open space reserves, consistent with the EPA Guidance Statement No 33 and to the satisfaction of the future managers.

*Vegetation and Flora:* The proponents environmental assessment report outlined that no threatened flora species listed under the EPBC Act, BC Act or priority flora species were recorded within the surveyed area. It was stated that due to the lack of native vegetation and the highly degraded state of the remaining vegetation, it is unlikely that any of the Threatened or Priority flora occur in the site based on the habitat requirements of each species.

The broadscale vegetation mapping survey was undertaken in May and December but as the report identifies, flora and vegetation surveys are normally undertaken in spring. The report states that due to the lack of native vegetation and the highly degraded state of the remaining vegetation, it is unlikely that any threatened or priority flora species will occur in the survey area.

The survey identified 4.4 ha of vegetation in good condition, 2.32 ha in degraded to good condition, with the remainder of the site mapped as degraded and completely degraded. There were a number of areas within the site that were unable to be surveyed. The report states that an independent Flora, Vegetation and Fauna Survey was also conducted on Lot 201 Mundijong Road but this was not provided.

The Broadscale Vegetation survey was unable to access some areas and these areas should be subject to Vegetation and Flora surveys to confirm if any threatened flora species or ecological communities are present. It is recognised most of the site is in degraded or completely degraded condition, there are a number of areas containing vegetation in Good or Degraded to Good condition.

It is also recommended that a targeted spring survey of areas containing good or degraded to good vegetation be undertaken prior to local structure planning. The survey should comply with the requirements of the EPA's *Technical Guidance – Flora and Vegetation surveys for Environmental Assessment*.

*Black Cockatoos:* The environmental assessment identified a total of 32.63 ha of threatened Black Cockatoo foraging habitat and 13 potential breeding trees, however no hollows were considered large enough to be potential breeding hollows.

The environmental assessment outlines that a portion of the site was referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and the Department's was that the clearing of vegetation for that portion of the site is not a controlled action.

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

*DPLH Comment:* *The DBCA's comments have been provided to the proponent and they are aware of further wetland evaluation work and environmental surveys are required in the subsequent more detailed planning stages. In addition, they have been advised regarding retention of Black Cockatoo habitat and the possible need to refer to the Commonwealth under the EPBC Act.*

## Department of Health

The Department of Health provided feedback on required separation distances between residential land uses and fish farm/feedlot uses. In addition, they advised that a mosquito management plan is required prior to development.

*DPLH comment: It is noted that either termination of such uses or appropriate buffers are needed. Should buffer areas be utilised, this land would remain zoned Urban Deferred until the use ceases. A mosquito management plan will also need consideration as part of subsequent more detailed planning stages.*

## Main Roads WA

MRWA advises that if the WAPC progresses the amendment it is recommended that this excludes the land immediately north of the existing Mundijong Road Other Regional Roads reservation. Similar approaches have been used in the past and an area of 150m-200m in width is recommended.

*DPLH comment: DPLH officers have met with MRWA who have advised that they are supportive of the approach to initiate the amendments to an Urban Deferred zone as road planning can progress whilst the amendment is being referred to EPA and is being advertised. Any land that is identified for road winding can then be reserved appropriately as part of a MRS amendment. This matter has also been included as a requirement to be addressed prior to the lifting of Urban Deferment.*

## Water Corporation

The Water Corporation has raised concerns regarding water and wastewater headworks infrastructure planning to support urban development within this area and that no comprehensive planning has been done for the broader overall area.

*DPLH comment: The proponent is currently working with Water Corporation as part of the draft DSP to ensure that the site can be suitably provided with sewer and water services. The proponent has also indicated that a servicing solution is being investigated which includes provision of a new pump station. This matter is appropriate for detailed consideration through the draft DSP in consultation with the Water Corporation and is also a requirement to be addressed prior to the lifting of Urban Deferment.*

## Department of Fire and Emergency Services / Department of Transport / Department of Mines, Industry Regulation and Safety / Department of Primary Industries and Regional Development / Westport / Public Transport Authority / Department of Education

The above Departments and/or organisations raise no objections, offer no comment or provide advice applicable in the subsequent more detailed stages of the planning and development process. Wherever applicable this advice has been provided to the proponent.

## KEY ISSUES

<b>Consistency with WAPC Policies &amp; Planning Framework</b>	<i>Perth and Peel@3.5Million / South Metropolitan Peel Sub-regional Planning Framework</i>	Fully consistent
	<i>Draft North-East Baldivis District Structure Plan</i>	Fully consistent
	<i>State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region</i>	Fully consistent

	Draft <i>State Planning Policy 2.9 - Planning for Water</i>	Fully consistent
	<i>State Planning Policy 3.7 - Planning in Bushfire Prone Areas</i>	Fully consistent
	<i>State Planning Policy 5.4 - Road and Rail Noise</i>	Fully Consistent
<b>Budget</b>	In-house (officer hours and incidentals)	
<b>Consultation</b>	If the WAPC initiates the two standard MRS amendments they will be advertised for 42 days in accordance with Regulation 5 of the <i>Planning and Development (Region Planning Schemes) Regulations 2023</i> .	

## PLANNING ASSESSMENT

### Substantiality

The *Planning and Development (Region Planning Schemes) Regulations 2023* allows for amendments to the MRS to be processed as either complex, standard or basic depending on the alteration to the MRS. These two MRS amendments are recommended to be processed as standard amendments for the following reasons:

- The proposed amendments align with the *Perth and Peel @3.5 Million / South Metropolitan Peel Sub-Regional Planning Framework* which identifies these sites as “Urban Expansion”;
- The proposed amendments are consistent with the draft *North East Baldivis Districts Structure Plan* which identifies these sites for urbanisation; and
- Key State Government agencies raise no objections or raise matters which can be routinely addressed as part of the lifting of Urban Deferment process or in the subsequent more detailed stages of the planning and development process.

### Co-ordination of Local and Region 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 ‘Development’ zone (or equivalent) in a LPS. As no land is being zoned Urban section 126(3) is not relevant.

### Conclusion

It is recommended that the WAPC initiate two separate standard MRS amendments as they are generally consistent with the *South Metropolitan Peel Sub-regional Planning Framework* and draft DSP which is currently being considered by the Department (**Attachment 5 – Draft MRS Amendment – North East Baldivis District Structure Plan, Precinct 1 & Attachment 6 - Draft MRS Amendment – North East Baldivis District Structure Plan, Precincts 2 - 4**).

As the amendments progress to EPA referral and public consultation outstanding matters as discussed in this report can be finalised, and a final decision made by WAPC in relation to the Precinct 1 MRS amendment as to whether an Urban zoning could be considered. Initiation of the broader amendment for Precincts 2 - 4 will ensure that the land is also appropriately zoned under the MRS to reflect the coordinated vision and future development as set out in the draft DSP.

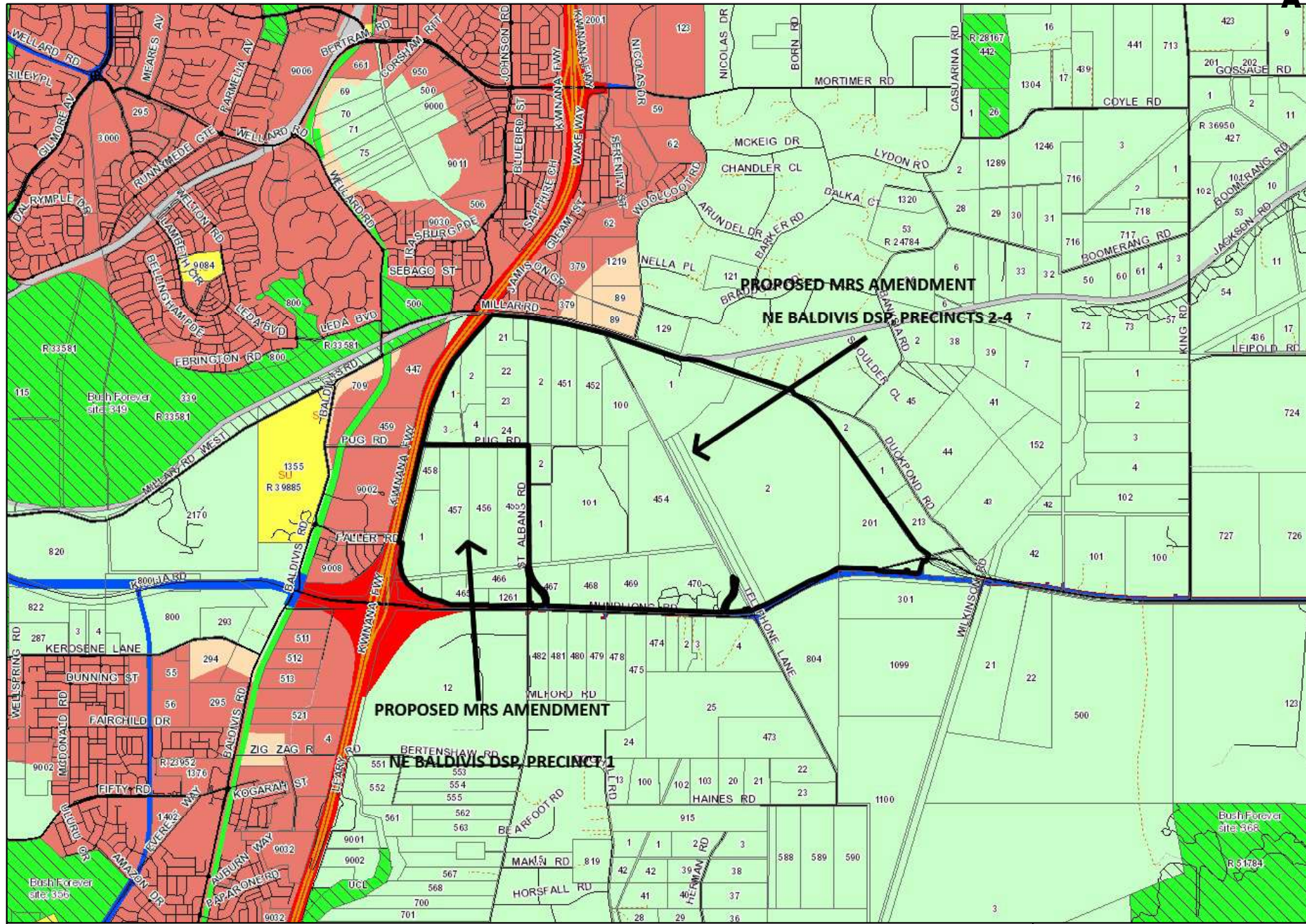
## RECOMMENDATION

***That the Western Australian Planning Commission, under section 35 of the Planning and Development Act 2005 and Regulation 5 of the Planning and Development (Region Planning Schemes) Regulations 2023, resolves to:***

- 1) ***Prepare two separate amendments to the Metropolitan Region Scheme as detailed in Attachment 5 - MRS Amendment - North East Baldivis District Structure Plan, Precinct 1 and Attachment 6 - MRS Amendment - North East Baldivis District Structure Plan, Precincts 2 - 4; and***
- 2) ***Form the opinion that the two amendments constitute standard amendments to the MRS as they are generally consistent with the State and Strategic Planning Framework but may have some impact or community interest.***

#### **ATTACHMENTS**

- A1 - Existing and Proposed MRS Plans
- A2 - Aerial Plan
- A3 - *South Metropolitan Peel Sub-regional Planning Framework* (Plan extract)
- A4 - Draft *North-East Baldivis District Structure Plan* (Plan Extract) and Surrounding Landuses Plan
- A5 - Draft MRS Amendment - North East Baldivis District Structure Plan, Precinct 1
- A6 - Draft MRS Amendment - North East Baldivis District Structure Plan, Precincts 2 - 4



**Legend**

- Cadastre (View 2)
- Roads**
  - Freeway
  - Main
  - Minor
  - Laneway
  - Track
  - Not Applicable
- Region Scheme Boundary**
- Region Scheme Bush Forever Areas**
- Region Scheme Environmental Conditions**
- Region Scheme Zones and Reserves**
  - Other regional roads
  - Parks and recreation
  - Parks and recreation - restricted public access
  - Primary regional roads
  - Public purposes - Water Authority of WA
  - Public purposes - high school
  - Public purposes - special uses
  - Railways
  - Rural
  - Urban
  - Urban deferred

**Notes:**

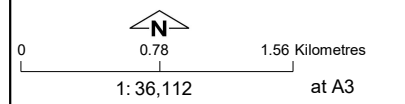
- \* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.
- \* This map is not intended to be used for measurement purposes.

# Inquiry Map

DPLH BUSINESS USE ONLY

Internal Spatial Viewer

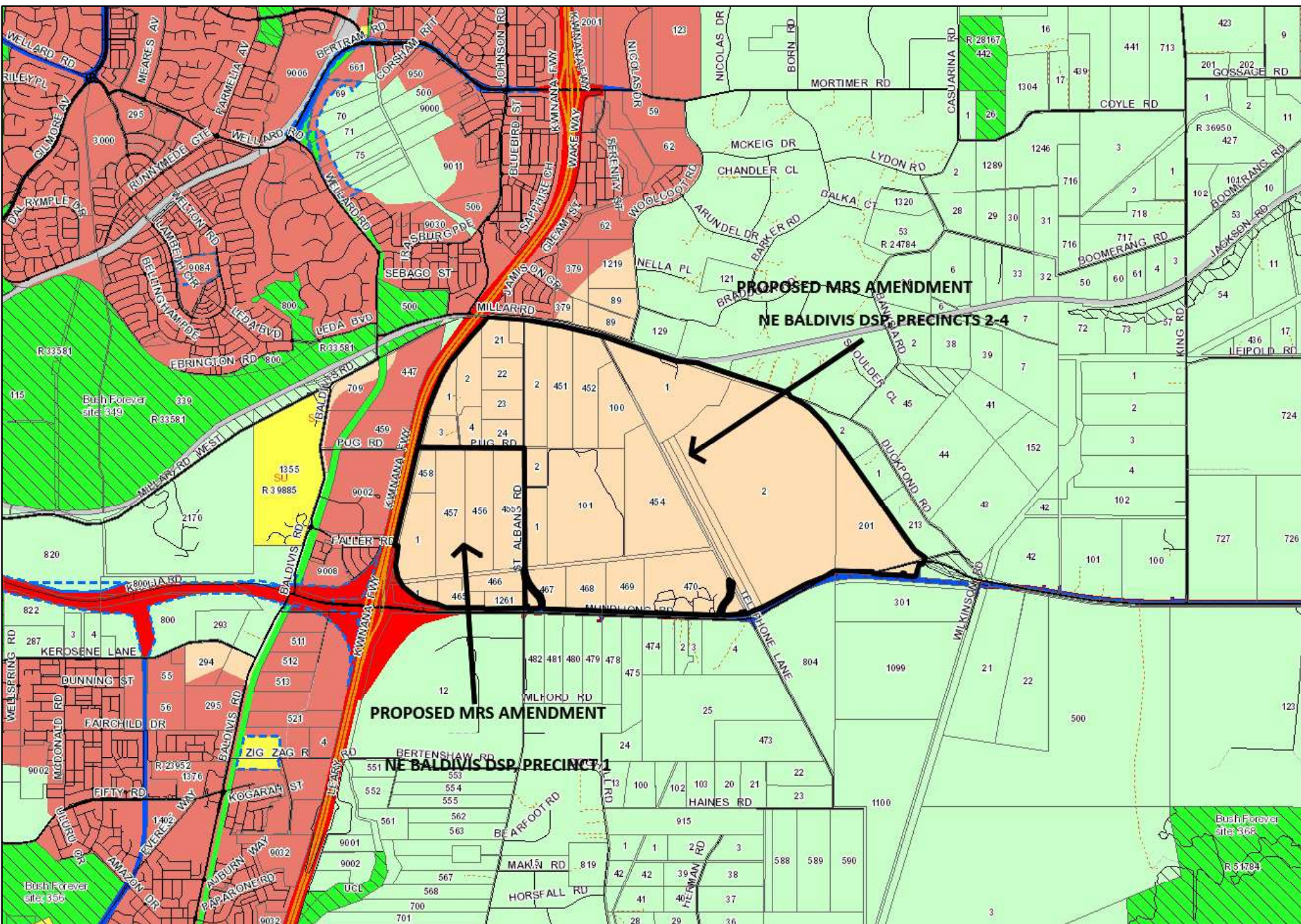
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Projection: WGS 1984 Web Mercator Auxiliary Sphere  
 Graticules (if visible): GDA 1994 Latitude/Longitude

Map was produced using DPLH's InQuery.

- Legend**
- Cadastral (View 2)
  - Roads**
    - Freeway
    - Main
    - Minor
    - Laneway
    - Track
    - Not Applicable
  - Draft RS Amendment Indicator
  - Draft RS Zones and Reserves Amendment**
    - Parks and recreation
    - Primary regional roads
    - Other regional roads
    - Public purposes - high school
    - Rural
    - Urban
    - Urban deferred
  - Region Scheme Boundary
  - Region Scheme Bush Forever Areas
  - Region Scheme Environmental Conditions
  - Region Scheme Zones and Reserves**
    - Other regional roads
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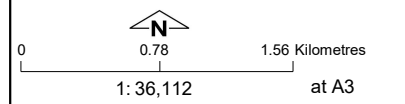
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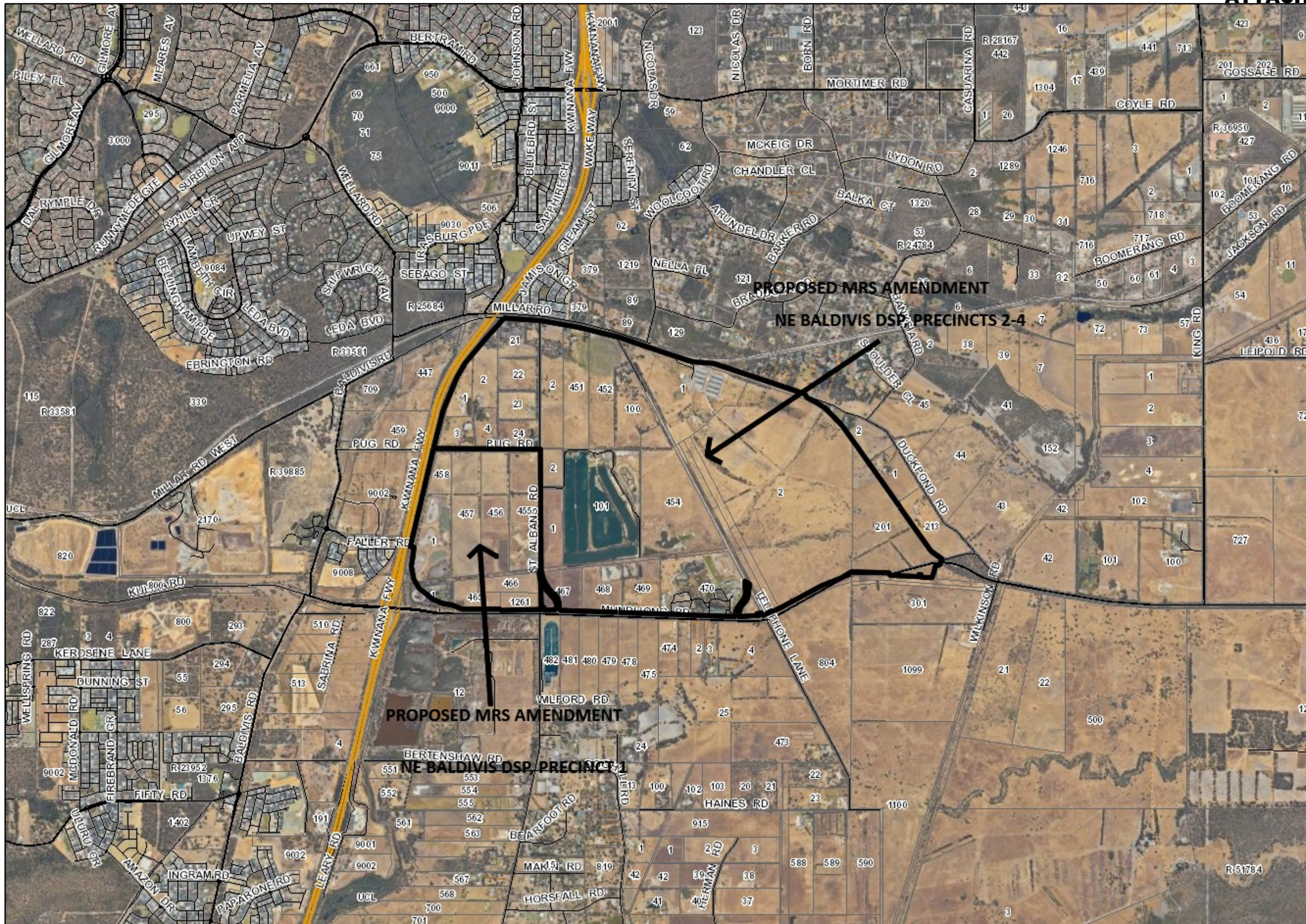
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- Legend**
- Cadastre (View 2)
  - Roads**
    - Freeway
    - Main
    - Minor
    - Laneway
    - Track
    - Not Applicable



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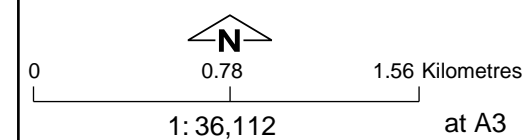
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# InQuery Map

**DPLH BUSINESS USE ONLY**

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**Legend**

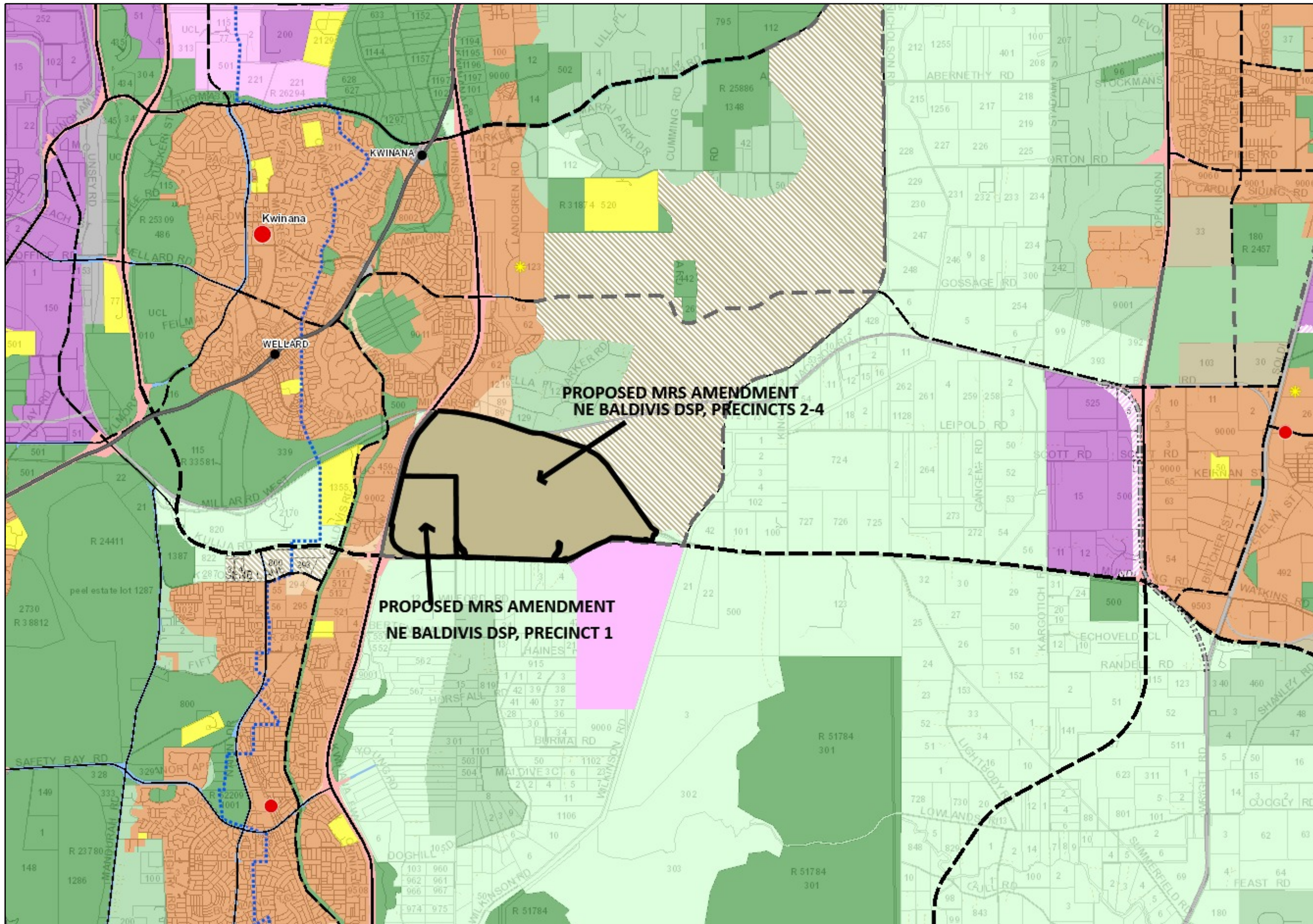
- Existing road (Outcomes)
- Proposed road (Outcomes)
- Framework Land Uses (Outcomes)**
- Urban Expansion
- Urban Investigation
- Industrial Expansion
- Rural Residential
- Key Public Facilities (Plan 1)**
- Proposed Public Purpose
- Rail Stations (Plan 1)**
- Existing
- Activity Centres (Plan 1)**
- Secondary Centre
- District Centre
- Freight Rail**
- Proposed/Investigation (Plan 1)
- Rail - Public Transport (Plan 1)**
- Passenger Rail - Existing
- Existing Regional Roads (Plan 1)**
- Primary Distributor
- Integrator Arterial
- Proposed Regional Roads (Plan 1)**
- Proposed Primary Distributor
- Proposed Integrator Arterial
- Existing Region Scheme Road Reserves (Plan 1)**
- Integrator Arterial - Existing
- Primary Distributor - Existing
- Peel-Harvey Coastal Plain Catchment Policy (SPP 2.1) (Plan 1)**
- Framework Land Uses (Plan 1)**
- Railway
- Urban
- Urban Deferred
- Urban Expansion
- Urban Investigation
- Industrial
- Industrial Expansion
- Industrial Investigation

**Notes:**

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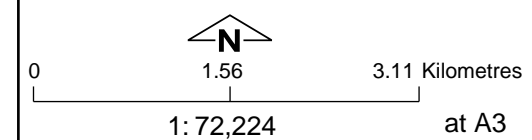


**InQuery Map**

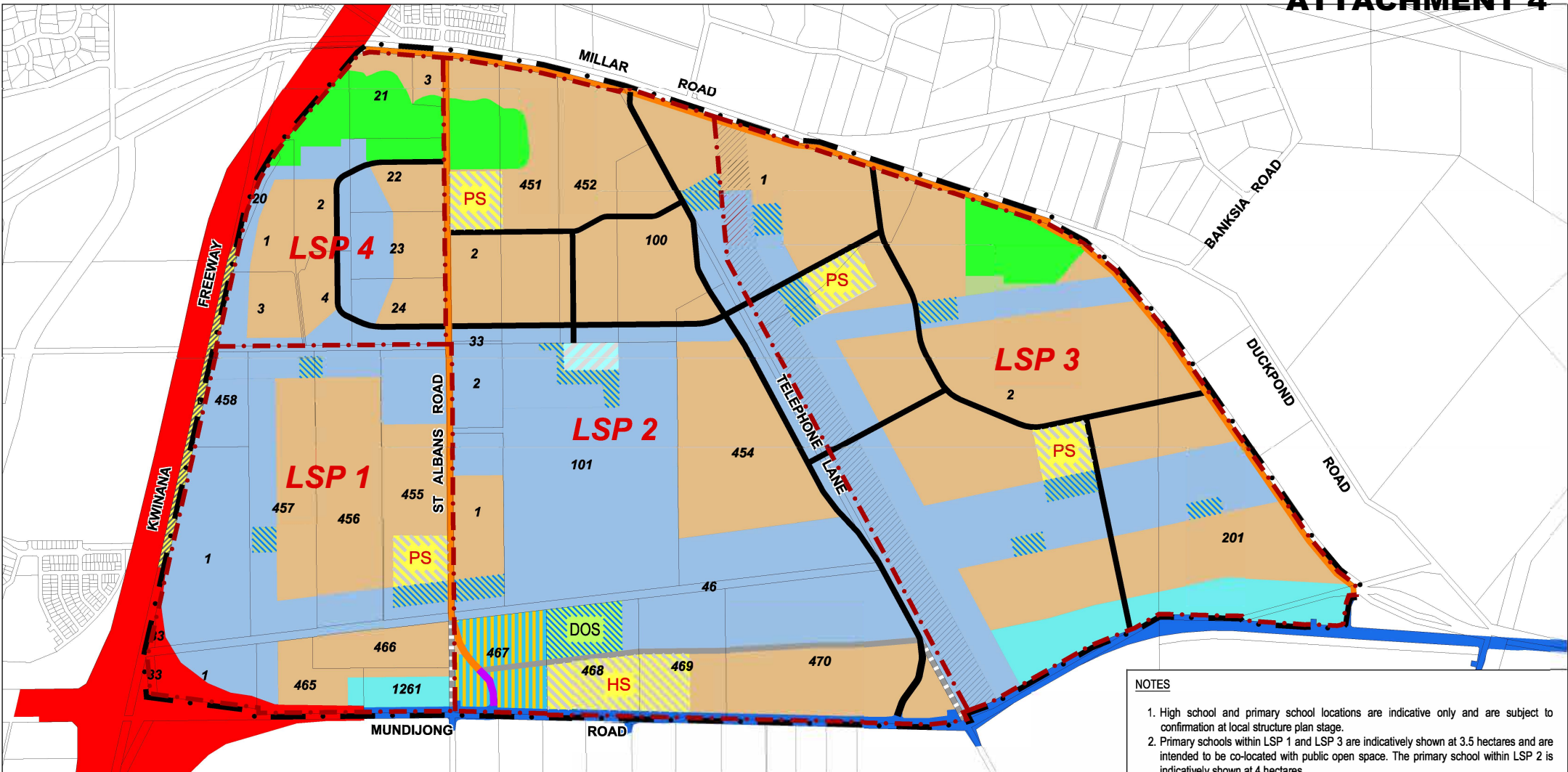
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Projection: WGS 1984 Web Mercator Auxiliary Sphere  
Graticules (if visible): GDA 1994 Latitude/Longitude



LEGEND

District Structure Plan Boundary	Local Centre	Local Reserve (Conservation)	Primary Regional Road Reserve
Indicative Local Structure Plan Boundary	Multiple Use (Flood Storage)	Local Reserve (Public Open Space)	Other Regional Road Reserve
Residential	PS Indicative Primary School	Local Reserve (Public Open Space - within Multiple Use)	Integrator Arterial A Road
Employment	HS Indicative High School	Public Purpose: Drain	Integrator Arterial B Road
Neighbourhood Centre	DOS District Open Space (within Multiple Use)	Powerline Easement	Neighbourhood Connector Road
			Local Road
			Interim Road

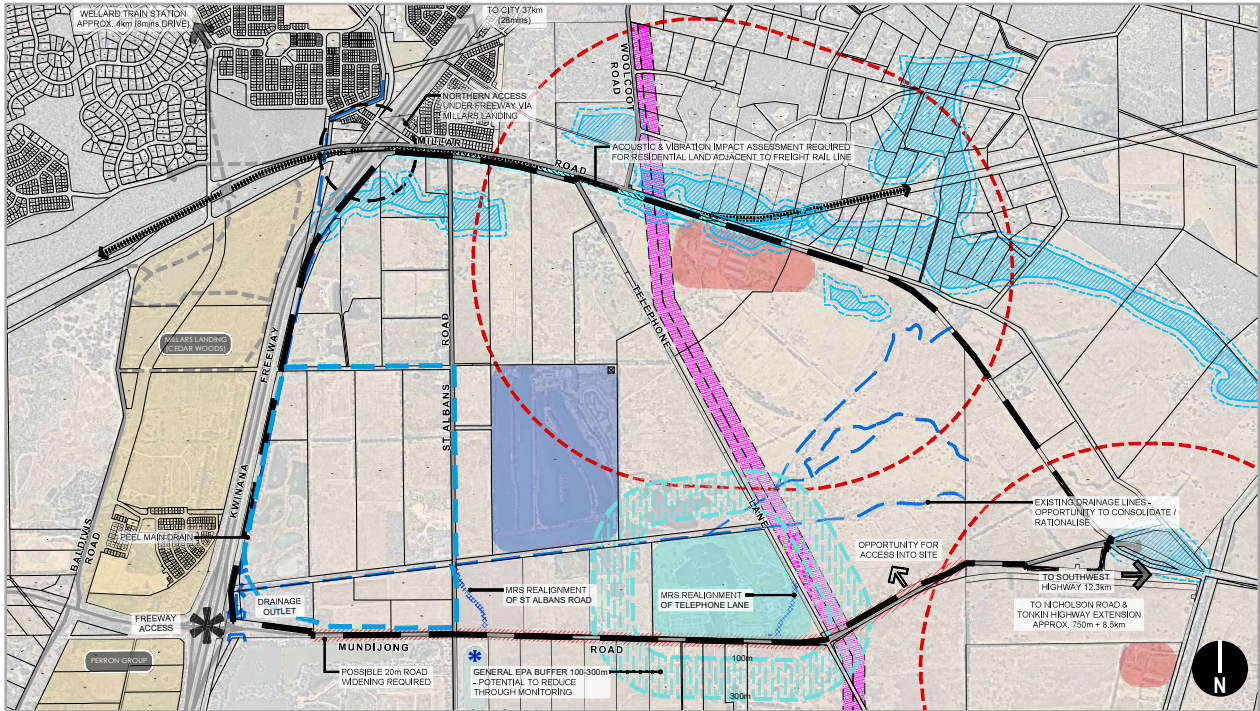
NOTES

1. High school and primary school locations are indicative only and are subject to confirmation at local structure plan stage.
2. Primary schools within LSP 1 and LSP 3 are indicatively shown at 3.5 hectares and are intended to be co-located with public open space. The primary school within LSP 2 is indicatively shown at 4 hectares.
3. Local Reserve (Conservation) areas encompass environmental features of District Structure Plan-level significance. The refinement and reservation of these areas, as well as other localised areas of open space, as restricted open space, unrestricted open space or other will be determined following environmental reporting at the local structure plan stage.
4. An area of District Open Space (DOS) is identified and will accommodate future active district recreation needs of the community. Opportunities to co-locate the DOS with the High School may be considered at the local structure plan stage.
5. Road hierarchies are subject to review and refinement at local structure plan stage based on the outcomes of subsequent traffic modelling incorporated into revisions to the DSP Traffic Impact Statement or subsequent Traffic Impact Assessments prepared in support of local structure plans.
6. Primary Regional Road and Other Regional Road reserves are shown as per the Metropolitan Region Scheme.



### 5.2.3 Surrounding Land Uses

There are no existing land uses that would preclude the Amendment area being developed for urban purposes. There are some off-site land uses identified by the draft DSP which need to be considered as part of rezoning proposals over subsequent stages. These are discussed in further detail under the headings below and are illustrated at Figure 6 – ‘Opportunity and Constrains Map’.



**Figure 6 - Opportunity and Constrains Map**  
Source: Nearmap

#### LEGEND

- |  |  |  |                                 |
|--|--|--|---------------------------------|
|  | DISTRICT STRUCTURE PLAN BOUNDARY                 |  | EXISTING FREIGHT RAIL LINE      |
|  | MRS AMENDMENT AREA                               |  | EXISTING DRAINAGE LINE          |
|  | WATER SKI PARK (NOISE)                           |  | WETLANDS                        |
|  | EXISTING LIVESTOCK HOLDINGS                      |  | WETLAND BUFFER                  |
|  | 1000m EXISTING LIVESTOCK HOLDING FACILITY BUFFER |  | POWERLINE EASEMENT              |
|  | EXISTING FISH AND MARRON FARM                    |  | EXISTING ROAD                   |
|  | EXISTING CABLE SKI PARK                          |  | PROPOSED FUTURE ROAD AS PER LSP |
|  | FREEWAY ACCESS                                   |  | EXISTING MOBILE PHONE TOWER     |

**DRAFT**  
**AMENDMENT REPORT**

---

**METROPOLITAN REGION SCHEME**  
**AMENDMENT NO. 14xx**  
**(Standard Amendment)**

**NORTH-EAST BALDIVIS DISTRICT STRUCTURE PLAN,**  
**PRECINCT 1**

**City of Rockingham**

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3.	Discussion	.	.	.	.
4.	Aboriginal Cultural Heritage	.	.	.	.
5.	Coordination of Region and Local Scheme Amendments	.	.	.	.
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7.	Environmental Protection Authority Advice	.	.	.	.
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9.	Submissions on the Amendment	.	.	.	.
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### Amendment Figure 1

Appendix A	Environmental Protection Authority Advice
Appendix B	List of Detailed Plans Supporting the Amendment
Appendix C	Preparing a submission
Appendix D	Submission Form for this Amendment

**AMENDMENT NO. 14xx TO THE METROPOLITAN REGION SCHEME  
(Standard Amendment)**

**NORTH-EAST BALDIVIS DISTRICT STRUCTURE PLAN,  
PRECINCT 1**

City of Rockingham

**1. PLANNING OBJECTIVE**

The purpose of the amendment is to rezone approximately 129.04ha in Baldivis from the Rural zone to the Urban Deferred zone in the Metropolitan Region Scheme (MRS).

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

**Requirements to lift the Urban Deferment**

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

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

**2. BACKGROUND**

The amendment is located approximately 34km south of the Perth CBD, 4.5km north-east of the Baldivis District Centre and 3km south-east of the Wellard Train Station. The subject land is bound by the Kwinana Freeway to the west, Mundijong Road to the south, Millar Road/freight rail to the north and rural land to the east.

The amendment land has been historically used for rural purposes consistent with its current zoning under the local and region planning schemes. Existing uses over the land include landscaping supplies, a ski park, a fish/marron farm, livestock feedlot and rural landholdings including associated dwellings.

The majority of the land has been historically cleared of vegetation with some remaining vegetation along boundaries and scattered throughout the site.

Vegetation is generally of ‘degraded’ to ‘degraded to good’ condition, with one pocket to the south-west area that is in good condition. The draft DSP proposes to retain 3 hectares of vegetation in ‘good’ condition, the Melaleuca shrubland in the south-west corner of Lot 465 and the shrubland within the unmade Pug Road reserve.

In terms of fauna and habitat, four conservation species were recorded – the Glossy Ibis, White-bellied Sea-eagle, Forest Red-tailed Cockatoo and the Quenda. The Baudin’s Black Cockatoo and Carnaby’s Black Cockatoo are likely to use the site. The Amendment area does not contain any Black Cockatoo foraging habitat or potential breeding trees.

Land use and development within the proposed amendment area is generally controlled by the City of Rockingham Local Planning Scheme No. 2 (LPS 2). The subject land is currently zoned “Rural” under LPS 2.

#### Multiple Use (Drainage/Flood Storage) Areas

One of the key considerations in planning for this area is the large extent of multiple use storage areas (drainage/flood storage) noting that approximately 45% of the total area is multiple use corridors and wetlands. These corridors will serve a primary drainage function in the event of a rainfall event with a 1% annual exceedance probability (better known as a 1 in 100-year flood event).

Irrespective of how these corridors are ultimately used and managed the amendment zoning of Urban Deferred is appropriate for the precinct. Technical advisory group meetings are progressing with respect to the draft DSP to determine tenure, management and future use of these areas. Options for the future use of this land include drainage, green spaces for passive/active recreation and commercial opportunities such as carbon farming/offset scheme.

### 3. DISCUSSION

#### STRATEGIC CONTEXT

##### **Perth and Peel @ 3.5 Million / South Metropolitan Peel Sub-Regional Planning Framework**

The *Perth and Peel @ 3.5 Million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for the Perth and Peel regions.

The *South Metropolitan Peel Sub-Regional Planning Framework* forms part of the *Perth and Peel @ 3.5 Million* strategic suite of planning documents. Future areas for urban and industrial development have been determined to avoid and protect areas which have significant environmental value.

The proposed amendment was originally identified as a “*Planning Investigation Area*” but investigations have since been finalised which has identified the site as “*Urban Expansion*” in the *South Metropolitan Peel Sub-Regional Planning Framework*.

### **Draft North-East District Structure Plan**

On 24 October 2023, the WAPC granted consent to advertise the draft DSP which provides a vision for urban development in the City of Rockingham, covering some 760 hectares of land, to ultimately accommodate up to 18,000 people.

The draft DSP represents the next stage of strategic planning investigations for the North-East Baldivis Urban Expansion area, as identified in the *South Metropolitan Peel Sub-Regional Planning Framework*. The draft DSP proposes to guide future land uses, coordination of major infrastructure, activity centres, educational facilities, open space distribution and the protection of environmental assets.

The amendment is located within the draft DSP which has been advertised for comment and is currently under assessment by the Department. The MRS amendment and draft DSP will facilitate opportunities for 6,000 new dwellings and up to 1260 jobs, areas for open space, conservation reserves, schools, centres (local and neighbourhood) and required roads.

Consistent with the draft DSP the proposed amendment proposes an Urban Deferred zoning over Local Structure Plan Areas 2 – 4. All land uses proposed by the draft DSP are capable of being delivered under an Urban zoning as proposed. Consistent with the Implementation Section of the draft DSP, a staged approach to rezoning is proposed in order to unlock the unconstrained areas of the site in the shorter term.

The draft NE Baldivis DSP is available at: [Draft North-East Baldivis District Structure Plan - WA DPLH - Citizen Space](#)

### **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8)**

SPP 2.8 aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it consistent with policy measures and other planning and environmental considerations.

The majority of the land within the amendment area has been historically cleared of vegetation with some remaining vegetation along boundaries and scattered throughout the amendment land. Vegetation is generally of ‘degraded’ to ‘degraded to good’ condition, with one pocket to the south-west of the amendment area that is in good condition which is proposed to be retained through the DSP.

## **Draft State Planning Policy 2.9 – Planning for Water**

*Draft State Planning Policy 2.9 – Planning for Water* seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process.

A draft DWMS has been prepared to support the amendment and draft DSP and will need approval prior to the lifting of Urban Deferment. One of the key challenges in planning for this area is the large extent of multiple use storage areas (drainage/flood storage) noting that approximately 45% of the total area is multiple use corridors and wetlands. These corridors will serve a primary drainage function in the event of a rainfall event with a 1% annual exceedance probability (better known as a 1 in 100-year flood event).

Irrespective of how these corridors are ultimately used and managed the amendment zoning of Urban Deferred is appropriate for the precinct. Technical advisory group meetings are progressing with respect to the draft DSP to determine tenure, management and future use of these areas. Options for the future use of this land include drainage, green spaces for passive/active recreation and commercial opportunities such as carbon farming/offset scheme.

## **State Planning Policy 3.7 - Planning for Bushfire Risk Management**

*State Planning Policy 3.7 - Planning for Bushfire Risk Management* forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

The Department of Fire and Emergency Services advises that the Bushfire Management Plan has adequately how compliance with the bushfire protection criteria can be achieved.

## **State Planning Policy 5.4 - Road and Rail Noise**

*State Planning Policy 5.4 - Road and Rail Noise* aims to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/or development within the specified trigger distance of strategic freight and major traffic routes and other significant freight and traffic routes.

As the Kwinana Freeway and Mundijong Road are in close proximity to the subject land, there is the potential for noise attenuation to be required. The exact nature of these measures will be determined at the development approval stage with MRWA and the local government.

## **Operational Policy 2.4 - School Sites**

*Operational Policy 2.4 - School Sites* (OP 2.4) sets out general locational criteria, configuration requirements and design standards for the provision of school sites and provides clarity on the methodology and application of developer contributions for public primary schools. OP 2.4 requires one primary school (4 hectares) to be provided for every 1,500 dwellings and one secondary school (8 hectares) for every four-five primary schools. The draft DSP has considered the need for education facilities and provides for four primary schools and one high school site.

## **STATUTORY CONTEXT**

### **Environment**

The DWER advises that further environmental information may be required if the amendment is referred to the EPA, particularly given the governance arrangements of the floodplain storage areas which is being considered as part of the draft DSP.

### **Infrastructure**

#### **Water and Wastewater**

The Water Corporation has advised of the need to further investigate water and wastewater headworks infrastructure to support urban development within this area. This will need further comprehensive planning to be undertaken for the broader area. The WAPC notes that Corporation's requirements and have been included as matters to be addressed prior to the lifting of Urban Deferment.

#### **Transportation**

MRWA advises that if the WAPC progresses the MRS Amendment it is recommended that this excludes the land immediately north of the existing Mundijong Road Other Regional Roads reservation. Similar approaches have been used in the past and an area of 150m-200m in width is recommended. The WAPC notes MRWA's requirements which have been included as matters to be addressed prior to the lifting of Urban Deferment.

## **4. ABORIGINAL CULTURAL HERITAGE**

The process of rezoning or reservation of land in a region scheme is broad by nature and does not physically interfere with the land. Consideration of Aboriginal Cultural Heritage is addressed more specifically at later stages of the planning process, typically when preparing a local structure plan or at the subdivision and development approval stages. All Aboriginal Cultural Heritage is protected whether or not it has been previously recorded or reported.

Nevertheless, in recognising the importance of having reliable Aboriginal cultural heritage information, 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 amendment proposals likely to be of interest to Aboriginal persons are pre-referred to SWALSC for comment. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage. The amendment was pre-referred to SWALSC and no response was received. However, the amendment will be formally referred to SWALSC during the public advertising period.

## **5. COORDINATION OF LOCAL AND REGION 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 'Development' zone (or equivalent) in a LPS. As no land is being zoned Urban section 126(3) is not relevant.

## **6. SUBSTANTIALITY**

The *Planning and Development (Region Planning Schemes) Regulations 2023* allows for amendments to the MRS to be processed as either complex, standard or basic amendment depending on the alteration to the MRS. This amendment is recommended to be processed as a standard amendment for the following reasons:

- The proposal aligns with the *Perth and Peel@3.5 Million / South Metropolitan Peel Sub-Regional Planning Framework* which identifies the majority of the site as "Urban Expansion";
- The proposed amendment is consistent with the draft *North East Baldivis District Structure Plan* which identifies the site for urbanisation; and
- Key State Government agencies raise no objections to the amendment or raise matters which are routinely addressed in the subsequent more detailed stages of the planning and development process.

## **7. ENVIRONMENTAL PROTECTION AUTHORITY ADVICE**

*{to be inserted after advice received from the EPA}*

## **8. THE AMENDMENT PROCESS**

The procedures for amending the MRS are set out in the *Planning and Development Act 2005* (the PD Act) and the *Planning and Development (Region Planning Schemes) Regulations 2023* (the PD Regulations). The amendment

proposed in this report is being made under the provisions of sections 35 and 43 of the PD Act and regulation 5 of the PD Regulations.

In essence, the procedure for a standard region scheme amendment involves:

- formulation and initiation of the amendment by the WAPC;
- referral to the EPA for environmental assessment;
- completion of an Environmental Review to EPA instructions (if required);
- public submissions being sought on the proposed amendment (including environmental review if required);
- consideration of submissions;
- approval, with or without any modifications in response to submissions, or refusal to approve, by the Minister; and
- 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 be found in the front of this report.

## 9. SUBMISSIONS ON THE AMENDMENT

The amendment will be advertised for public submissions for a period of 42 days from the date of gazettal, being Friday, XX XXXX 2024.

You can lodge a submission during the advertising period:

- online at <https://consultation.dplh.wa.gov.au>.
- in writing to Western Australian Planning Commission, Level 2, 140 William Street, Perth 6000.

**and must be received by Friday XX XXXXXXXX 2024.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form for this amendment No. 14XX is attached to this report (Appendix D). Additional copies of the form are available from the Department of Planning, Lands and Heritage website <https://www.dplh.wa.gov.au/mrs-amendments>.

You should be aware that calling for submissions is a public process and all submissions lodged will together become a public document. The document will be published and made available when the Minister for Planning has made a determination on the amendment. Advice of disclosure and access requirements is shown on side two of the submission form.

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

## **10. MODIFICATIONS TO THE AMENDMENT**

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

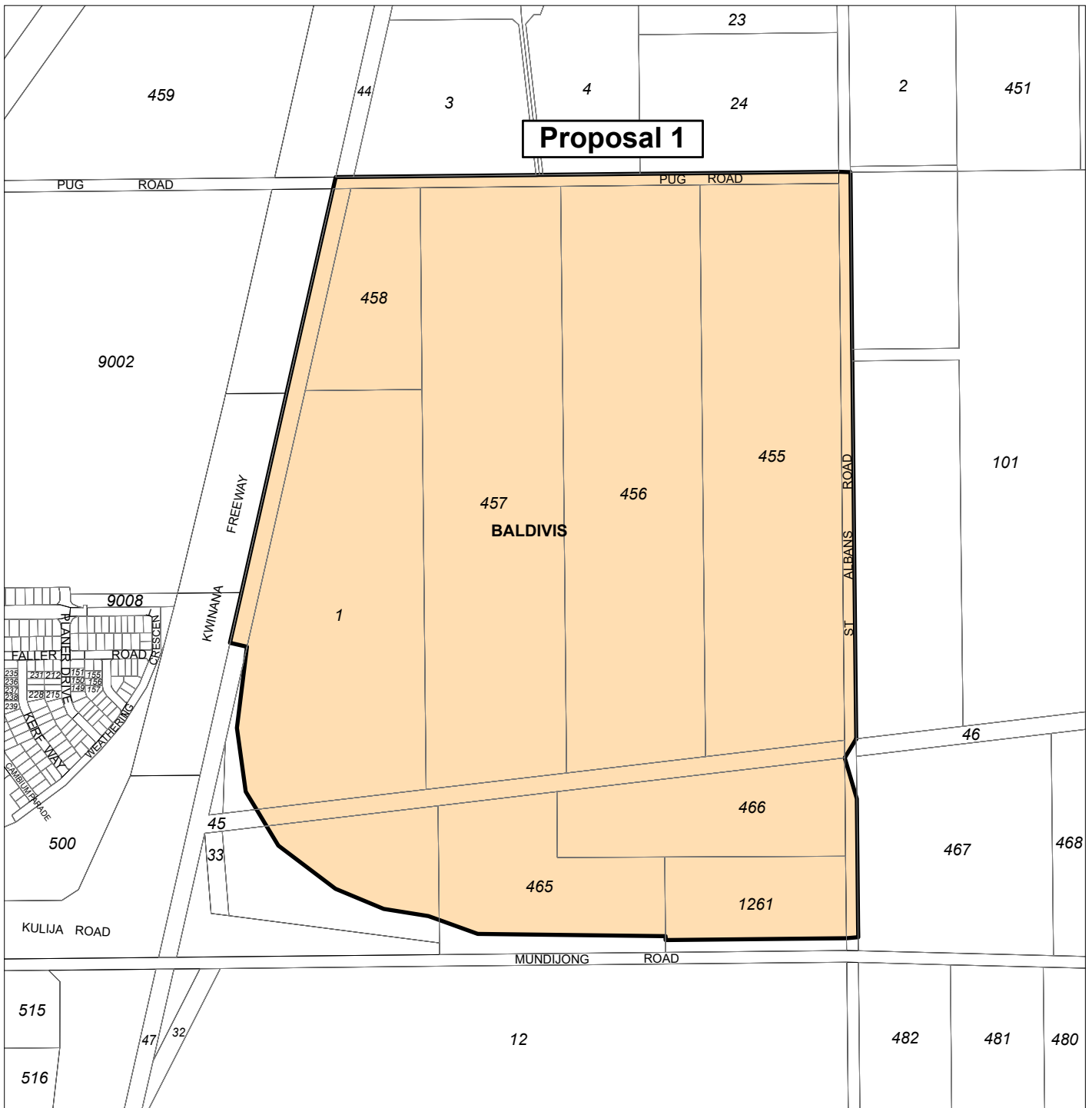
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The recommendations of the WAPC, including any modifications, along with the determination of the Minister, are published in the *Report on Submissions*. Anyone who has made a submission, will be notified of the outcome when the amendment is gazetted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

**NORTH-EAST BALDIVIS DISTRICT STRUCTURE PLAN,  
PRECINCT 1**

**AMENDMENT NO. 14XX  
(STANDARD AMENDMENT)**

**FIGURE 1**




**North-East Baldvis - Precinct 1  
Proposed standard MRS amendment  
as advertised**

29 May 2024

Proposal 1

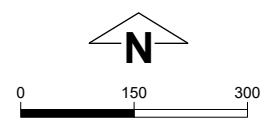
Proposed Amendment:

 Rural zone to Urban Deferred zone

Reference no: 4766

File no: RLS/1125

Version number: 2






**Pt of North-East Baldvis Project  
Proposed standard MRS amendment  
as advertised**

1 May 2024

Proposal 1

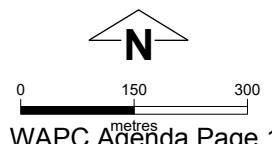
Proposed Amendment:

 Rural zone to Urban Deferred zone

Reference no: 4766

File no: RLS/1125

Version number: 2



**DRAFT  
AMENDMENT REPORT**

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**METROPOLITAN REGION SCHEME  
AMENDMENT NO. 14xx  
(Standard Amendment)**

**NORTH-EAST BALDIVIS DISTRICT STRUCTURE PLAN,  
PRECINCTS 2 - 4**

**City of Rockingham**

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### Amendment Figure 1

Appendix A	Environmental Protection Authority Advice
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**AMENDMENT NO. 14xx TO THE METROPOLITAN REGION SCHEME  
(Standard Amendment)**

**NORTH-EAST BALDIVIS DISTRICT STRUCTURE PLAN,  
PRECINCTS 2 - 4**

City of Rockingham

**1. PLANNING OBJECTIVE**

The purpose of the amendment is to rezone approximately 631.59ha in Baldivis from the Rural zone to the Urban Deferred zone in the Metropolitan Region Scheme (MRS).

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

**Requirements to lift the Urban Deferment**

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

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

**2. BACKGROUND**

The amendment is located approximately 34km south of the Perth CBD, 4.5km north-east of the Baldivis District Centre and 3km south-east of the Wellard Train Station. The subject land is bound by the Kwinana Freeway to the west, Mundijong Road to the south, Millar Road/freight rail to the north and rural land to the east.

The amendment land has been historically used for rural purposes consistent with its current zoning under the local and region planning schemes. Existing uses over the land include landscaping supplies, a ski park, a fish/marron farm, livestock feedlot and rural landholdings including associated dwellings.

The majority of the land has been historically cleared of vegetation with some remaining vegetation along boundaries and scattered throughout the site. Vegetation is generally of ‘degraded’ to ‘degraded to good’ condition, with one pocket to the south-west area that is in good condition. The draft DSP proposes to retain 3 hectares of vegetation in ‘good’ condition, the Melaleuca shrubland in the south-west corner of Lot 465 and the shrubland within the unmade Pug Road reserve.

In terms of fauna and habitat, four conservation species were recorded – the Glossy Ibis, White-bellied Sea-eagle, Forest Red-tailed Cockatoo and the Quenda. The Baudin’s Black Cockatoo and Carnaby’s Black Cockatoo are likely to use the site. The Amendment area does not contain any Black Cockatoo foraging habitat or potential breeding trees.

Land use and development within the proposed amendment area is generally controlled by the City of Rockingham Local Planning Scheme No. 2 (LPS 2). The subject land is currently zoned “Rural” under LPS 2.

#### Multiple Use (Drainage/Flood Storage) Areas

One of the key considerations in planning for this area is the large extent of multiple use storage areas (drainage/flood storage) noting that approximately 45% of the total area is multiple use corridors and wetlands. These corridors will serve a primary drainage function in the event of a rainfall event with a 1% annual exceedance probability (better known as a 1 in 100-year flood event).

Irrespective of how these corridors are ultimately used and managed the amendment zoning of Urban Deferred is appropriate for the precinct. Technical advisory group meetings are progressing with respect to the draft DSP to determine tenure, management and future use of these areas. Options for the future use of this land include drainage, green spaces for passive/active recreation and commercial opportunities such as carbon farming/offset scheme.

### 3. DISCUSSION

#### STRATEGIC CONTEXT

##### **Perth and Peel @ 3.5 Million / South Metropolitan Peel Sub-Regional Planning Framework**

The *Perth and Peel @ 3.5 Million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for the Perth and Peel regions.

The *South Metropolitan Peel Sub-Regional Planning Framework* forms part of the *Perth and Peel @ 3.5 Million* strategic suite of planning documents. Future

areas for urban and industrial development have been determined to avoid and protect areas which have significant environmental value.

The proposed amendment was originally identified as a “*Planning Investigation Area*” but investigations have since been finalised which has identified the site as “*Urban Expansion*” in the *South Metropolitan Peel Sub-Regional Planning Framework*.

### **Draft North-East District Structure Plan**

On 24 October 2023, the WAPC granted consent to advertise the draft DSP which provides a vision for urban development in the City of Rockingham, covering some 760 hectares of land, to ultimately accommodate up to 18,000 people.

The draft DSP represents the next stage of strategic planning investigations for the North-East Baldivis Urban Expansion area, as identified in the *South Metropolitan Peel Sub-Regional Planning Framework*. The draft DSP proposes to guide future land uses, coordination of major infrastructure, activity centres, educational facilities, open space distribution and the protection of environmental assets.

The amendment is located within the draft DSP which has been advertised for comment and is currently under assessment by the Department. The MRS amendment and draft DSP will facilitate opportunities for 6,000 new dwellings and up to 1260 jobs, areas for open space, conservation reserves, schools, centres (local and neighbourhood) and required roads.

Consistent with the draft DSP the proposed amendment proposes an Urban Deferred zoning over Local Structure Plan Areas 2 – 4. All land uses proposed by the draft DSP are capable of being delivered under an Urban zoning as proposed. Consistent with the Implementation Section of the draft DSP, a staged approach to rezoning is proposed in order to unlock the unconstrained areas of the site in the shorter term.

The draft NE Baldivis DSP is available at: [Draft North-East Baldivis District Structure Plan - WA DPLH - Citizen Space](#)

### **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8)**

SPP 2.8 aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it is consistent with policy measures and other planning and environmental considerations.

The majority of the land within the amendment area has been historically cleared of vegetation with some remaining vegetation along boundaries and scattered throughout the amendment land. Vegetation is generally of ‘degraded’ to

‘degraded to good’ condition, with one pocket to the south-west of the amendment area that is in good condition which is proposed to be retained through the DSP.

### **Draft State Planning Policy 2.9 – Planning for Water**

*Draft State Planning Policy 2.9 – Planning for Water* seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process.

A draft DWMS has been prepared to support the amendment and draft DSP and will need approval prior to the lifting of Urban Deferment. One of the key challenges in planning for this area is the large extent of multiple use storage areas (drainage/flood storage) noting that approximately 45% of the total area is multiple use corridors and wetlands. These corridors will serve a primary drainage function in the event of a rainfall event with a 1% annual exceedance probability (better known as a 1 in 100-year flood event).

Irrespective of how these corridors are ultimately used and managed the amendment zoning of Urban Deferred is appropriate for the precinct. Technical advisory group meetings are progressing with respect to the draft DSP to determine tenure, management and future use of these areas. Options for the future use of this land include drainage, green spaces for passive/active recreation and commercial opportunities such as carbon farming/offset scheme.

### **State Planning Policy 3.7 - Planning for Bushfire Risk Management**

*State Planning Policy 3.7 - Planning for Bushfire Risk Management* forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

The Department of Fire and Emergency Services advises that the Bushfire Management Plan has adequately how compliance with the bushfire protection criteria can be achieved.

### **State Planning Policy 5.4 - Road and Rail Noise**

*State Planning Policy 5.4 - Road and Rail Noise* aims to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/or development within the specified trigger distance of strategic freight and major traffic routes and other significant freight and traffic routes.

As the Kwinana Freeway and Mundijong Road are in close proximity to the subject land, there is the potential for noise attenuation to be required. The exact nature of these measures will be determined at the development approval stage with MRWA and the local government.

## **Operational Policy 2.4 - School Sites**

*Operational Policy 2.4 - School Sites* (OP 2.4) sets out general locational criteria, configuration requirements and design standards for the provision of school sites and provides clarity on the methodology and application of developer contributions for public primary schools. OP 2.4 requires one primary school (4 hectares) to be provided for every 1,500 dwellings and one secondary school (8 hectares) for every four-five primary schools. The draft DSP has considered the need for education facilities and provides for four primary schools and one high school site.

## **STATUTORY CONTEXT**

### **Environment**

The DWER advises that further environmental information may be required if the amendment is referred to the EPA, particularly given the governance arrangements of the floodplain storage areas which is being considered as part of the draft DSP.

### **Infrastructure**

#### **Water and Wastewater**

The Water Corporation has advised of the need to further investigate water and wastewater headworks infrastructure to support urban development within this area. This will need further comprehensive planning to be undertaken for the broader area. The WAPC notes that Corporation's requirements and have been included as matters to be addressed prior to the lifting of Urban Deferment.

#### **Transportation**

MRWA advises that if the WAPC progresses the MRS Amendment it is recommended that this excludes the land immediately north of the existing Mundijong Road Other Regional Roads reservation. Similar approaches have been used in the past and an area of 150m-200m in width is recommended. The WAPC notes MRWA's requirements which have been included as matters to be addressed prior to the lifting of Urban Deferment.

## **4. ABORIGINAL CULTURAL HERITAGE**

The process of rezoning or reservation of land in a region scheme is broad by nature and does not physically interfere with the land. Consideration of Aboriginal Cultural Heritage is addressed more specifically at later stages of the planning process, typically when preparing a local structure plan or at the subdivision and development approval stages. All Aboriginal Cultural Heritage is protected whether or not it has been previously recorded or reported.

Nevertheless, in recognising the importance of having reliable Aboriginal cultural heritage information, 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 amendment proposals likely to be of interest to Aboriginal persons are pre-referred to SWALSC for comment. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage. The amendment was pre-referred to SWALSC and no response was received. However, the amendment will be formally referred to SWALSC during the public advertising period.

## **5. COORDINATION OF LOCAL AND REGION 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 'Development' zone (or equivalent) in a LPS. As no land is being zoned Urban section 126(3) is not relevant.

## **6. SUBSTANTIALITY**

The *Planning and Development (Region Planning Schemes) Regulations 2023* allows for amendments to the MRS to be processed as either complex, standard or basic amendment depending on the alteration to the MRS. This amendment is recommended to be processed as a standard amendment for the following reasons:

- The proposal aligns with the *Perth and Peel@3.5 Million / South Metropolitan Peel Sub-Regional Planning Framework* which identifies the majority of the site as "Urban Expansion";
- The proposed amendment is consistent with the draft *North East Baldivis District Structure Plan* which identifies the site for urbanisation; and
- Key State Government agencies raise no objections to the amendment or raise matters which are routinely addressed in the subsequent more detailed stages of the planning and development process.

## **7. ENVIRONMENTAL PROTECTION AUTHORITY ADVICE**

*{to be inserted after advice received from the EPA}*

## **8. THE AMENDMENT PROCESS**

The procedures for amending the MRS are set out in the *Planning and Development Act 2005* (the PD Act) and the *Planning and Development (Region Planning Schemes) Regulations 2023* (the PD Regulations). The amendment

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

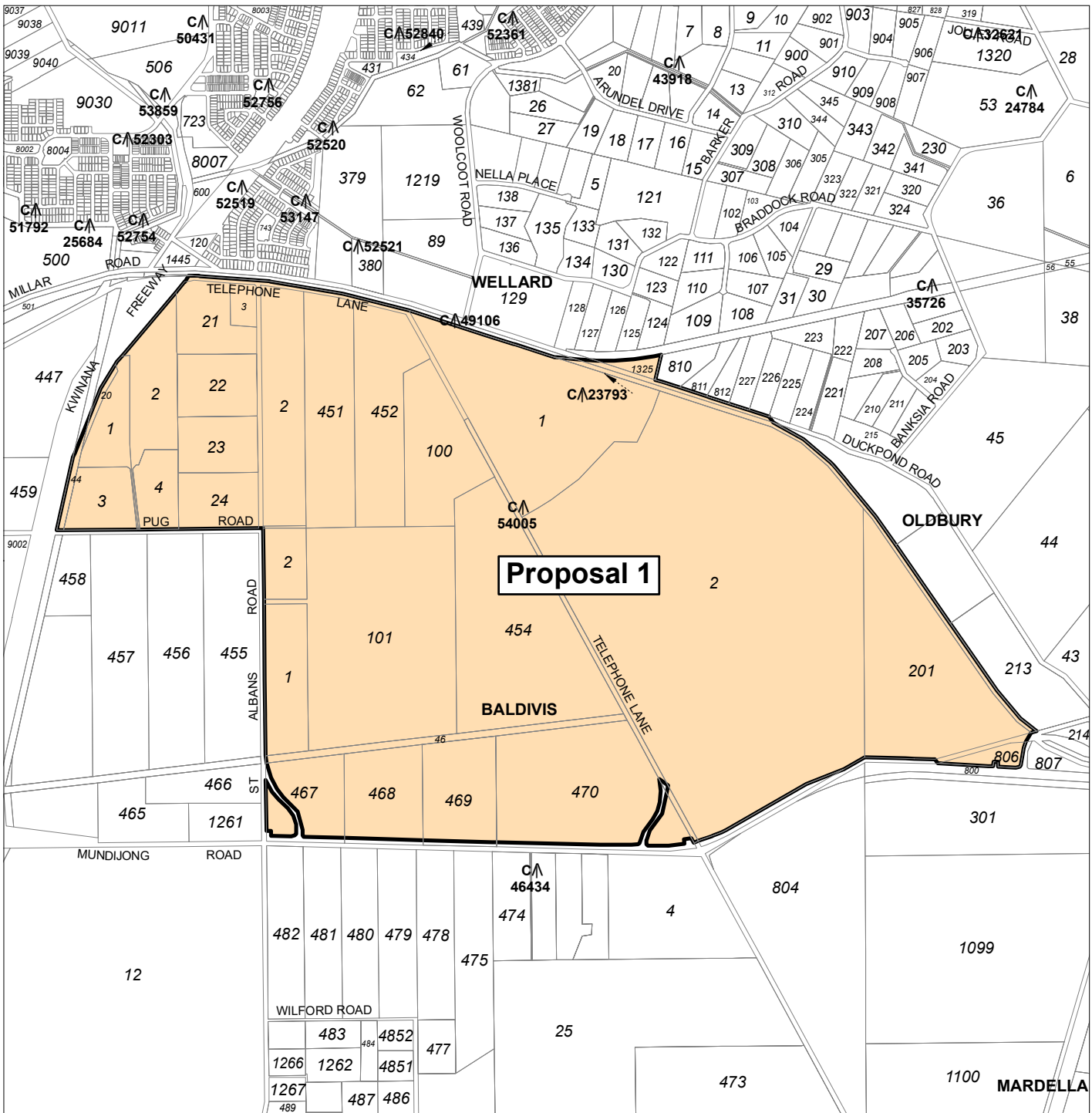
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**NORTH-EAST BALDIVIS DISTRICT STRUCTURE PLAN,  
PRECINCTS 2 - 4**

**AMENDMENT NO. 14XX  
(STANDARD AMENDMENT)**


**FIGURE 1**



**North-East Baldvis - Precincts 2 - 4  
Proposed standard MRS amendment  
as advertised**

29 May 2024

Proposal 1

Proposed Amendment:  
 Rural zone to Urban Deferred zone

Reference no: 4830  
 File no: RLS/1035  
 Version number: 1





<b>REPORT TO</b>	Western Australian Planning Commission		
<b>Meeting date</b>	29 May 2024	<b>File number</b>	RLS/1041
<b>Subject</b>	Lifting of Urban Deferment – Pt Lot 6 Matison Street, Southern River		
<b>Purpose</b>	Requires WAPC decision		
<b>Title of Approving Officer</b>	Planning Director – Schemes and Strategies		
<b>Agenda Part for Reports (All parts are confidential unless otherwise stated)</b>			
WAPC - Statutory Items for Decision			
<b>SITE-SPECIFIC DETAILS</b>			
<b>Region/s</b>	Perth		
<b>Local government/s</b>	City of Gosnells		
<b>Landowner/Consultant</b>	<u>Landowner:</u> Torquay Land Development Pty Ltd <u>Consultant:</u> Dynamic Planning and Developments		
<b>Location map</b>	<b>Attachment 1</b> – Location Map and MRS Context		
<b>Bushfire Prone Area</b>	YES		
<b>SUMMARY</b>			
<p>The lifting of urban deferment (LUD) request seeks to transfer approximately 1.53 ha of land in Southern River from the Urban Deferred zone to the Urban zone under the Metropolitan Region Scheme (MRS).</p> <p>The proposed Urban zoning will facilitate the planning and development of land within the amendment area for residential and related land uses, and rationalise the extent of the Urban zone in this locality. The land uses for the amendment area will be determined in the local structure planning stage of the planning process.</p> <p>The City of Gosnells and relevant State government agencies have been consulted and have not raised any matters which would prevent the lifting of the Urban Deferred zoning over the amendment area.</p> <p>It is recommended that the WAPC resolves to approve the LUD request to transfer the land within the amendment area to the Urban zone under the MRS, and to concurrently amend the <i>City of Gosnells Local Planning Scheme No. 6</i> (LPS 6) to rezone this land to the 'Residential Development' zone.</p>			
<b>DETAILS OF PROPOSAL</b>			
<p>The LUD request seeks to transfer approximately 1.53 ha of land within parts of Lots 6, 2117 and 5006 Matison Street and part of the road reserve for Matison Street in Southern River from the Urban Deferred zone to the Urban zone under the MRS (<b>Attachment 1</b> – Location Map and MRS Context, <b>Attachment 2</b> – Aerial Plan).</p> <p>The part of the amendment area located within Lot 6 is predominantly cleared has historically been used for rural and rural living purposes. Other parts of the amendment area are occupied by the Forrestdale Main Drain and the Matison Street road reserve.</p>			

### **Subdivision concept plan**

A subdivision concept plan has been prepared for the amendment area (**Attachment 3** – Subdivision concept plan) which indicates that part of the land within the amendment area is intended to be developed for residential and public open space purposes.

### **BACKGROUND**

The amendment area is located in the City of Gosnells and is located approximately 18km south-east of the Perth Central Business District and approximately 6km north-west of the Armadale strategic metropolitan centre.

The amendment area is predominantly cleared and contains scattered areas of remnant vegetation, and is occupied by dwelling, the Forrestdale Main Drain and the Matison Street road reserve.

Land within the amendment area is currently zoned 'General Rural', reserved 'Water Courses', or designated as 'No Zone' in LPS 6. The use and development of land within the amendment area is currently controlled by LPS 6, and will continue to be so should it be transferred to the Urban zone.

Land to the north and east is generally zoned Urban under the MRS and 'Residential Development' in LPS 6, is predominantly cleared, and is being developed for residential purposes. Land to the south-west is zoned 'General Rural' in LPS 6, and contains remnant vegetation and a resource enhancement wetland (REW).

In May 1994, *MRS Amendment 927/33: South-East Corridor (Canning Vale-Southern River)* transferred the amendment area and surrounding land from the Rural zone to the Urban zone under the MRS. This land was transferred to the Urban Deferred zone due to the need to address a number of development constraints in this locality relating to site contamination, drainage, land use compatibility and fragmented land ownership. The matters relevant to the amendment area have been appropriately resolved.

In November 2017, *MRS Amendment 1285/27: Southern River Precinct 3D* transferred the balance of Lot 6 Matison Street from the Rural zone to the Urban zone under the MRS, and concurrently amended LPS 6 to transfer this land to the 'Residential Development' zone.

### **Strategic Planning Context**

#### **Perth and Peel@3.5 Million / South Metropolitan Peel Sub-regional Planning Framework (the Framework)**

The *Perth and Peel@3.5 Million* suite of strategic planning documents have been prepared to guide the strategic planning for the Perth and Peel regions, and make the case for a more considered, connected and consolidated urban form.

The Framework which forms part of this suite of documents, designates land within the amendment area as 'Urban Deferred' and as having a 'Short-medium term (2015 – 2031)' staging timeframe. The proposed Urban zoning is consistent with the Framework.

#### **State Planning Policy 2.0: Environment and Natural Resources Policy (SPP 2.0)**

SPP 2.0 seeks to protect, conserve and enhance the natural environment and to ensure that the protection of significant environmental values is integrated into the land use planning system and is appropriately considered in planning decision-making.

***DPLH Comment:** Parts of the amendment area are located adjacent to a resource enhancement wetland (REW) located with Lot 5 Matison Street to the south-west and, as such, a significant part of the amendment area is likely to be located within a buffer area to this REW. DBCA and DWER have raised concerns about the potential impacts of any future development on the hydrological and environmental values of the REW.*

*These concerns are noted, but it is also noted that this matter is most appropriately addressed in the subsequent local structure planning and subdivision stages of the planning process, where decision-makers will be required to have due regard for the recommendations of SPP 2.0, draft State Planning Policy 2.9 – Planning for Water, Liveable Neighbourhoods and any other relevant recommendations of the State Planning Framework and other State Government policies.*

*These policies generally require environmentally significant wetlands, such as REWs, and the associated buffer areas to be identified and determined in the preparation of local water management strategies and local structure plans, and for these areas to be ceded as public open space. As this matter can be appropriately resolved in the subsequent local structure planning stage of the planning process, it is considered to be appropriate to transfer the amendment area to the Urban zone.*

### **Draft State Planning Policy 2.9 – Planning for Water (draft SPP 2.9)**

Draft SPP 2.9 seeks to ensure that planning and development considers water resource management and includes appropriate water resource management measures to achieve optimal water resource outcomes at the various stages of the planning process.

***DPLH Comment:** The Department of Water and Environmental Regulation (DWER) initially advised that it did not support the LUD proposal given the site is significantly constrained by water resources and the lack of information on how these constraints would be managed. However, DWER now advises it does not object to this proposal subject to the Local Water Management Strategy (the LWMS) for the amendment area being appropriately updated at the subsequent local structure planning stage of the process. On this basis, the LUD proposal is consistent with draft SPP 2.9.*

### **State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7)**

SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. It applies to all higher order strategic planning documents, strategic planning proposals, subdivision and development applications in designated bushfire prone areas.

***DPLH Comment:** The Department of Fire and Emergency Services (DFES) advised that the bushfire management plan (BMP) prepared in support of the LUD request does not adequately address the recommendations of SPP 3.7 or the Guidelines for Planning in Bushfire Prone Areas (the Guidelines) and will need to be updated prior to it being able to support this request.*

*These comments are noted, but not supported as the BMP contains sufficient information to demonstrate that compliance with the recommendations of SPP 3.7 and the Guidelines can be achieved in subsequent planning stages and, as such, it is considered appropriate to require the BMP to be updated at the local structure planning stage of the planning process. On this basis, the LUD request is consistent with SPP 3.7.*

### **Statutory Planning Context**

#### **Southern River Precinct 3 Structure Plan (the Structure Plan)**

The Structure Plan was adopted by the City of Gosnells in 2009 and designates land within the amendment area as 'Wetland' and 'Widening Required for Forrestdale Main Drain' (**Attachment 4** – Southern River Precinct 3 Structure Plan Map). However, it also states that land use and development requirements are to be determined through further environmental review and detailed planning.

*DPLH Comment: The further work outlined above has been undertaken through the preparation of the Southern River Sub-Precinct 3D Local Structure Plan (the Sub-Precinct 3D LSP) and, as such, the LUD proposal is consistent with the Structure Plan.*

#### Southern River Sub-Precinct 3D Local Structure Plan

The Sub-Precinct 3D LSP was endorsed by the WAPC in November 2019 and identifies residential and public open space land uses over the balance of Lot 6 Matison Street (**Attachment 5** – Southern River Sub-Precinct 3D LSP Map).

*DPLH Comment: It is anticipated that the Sub-Precinct 3D LSP will be modified to include parts of the amendment area should the LUD request be approved, and that appropriate land uses for this land will be determined in the local structure planning stage of the planning process.*

#### **KEY ISSUES**

<b>Consistency with WAPC Policies &amp; Planning Framework</b>	<i>South Metropolitan Peel Sub-regional Planning Framework</i>	Fully consistent
	<i>State Planning Policy 2.0 - Environment and Natural Resources Policy</i>	Fully consistent
	<i>Draft State Planning Policy 2.9 – Planning for Water</i>	Fully consistent
	<i>State Planning Policy 3.7 – Planning for Bushfire Prone Areas</i>	Fully consistent
	<i>Lifting of Urban Deferment Guidelines</i>	Fully consistent
<b>Budget</b>	In-house (officer hours and incidentals)	N/A
<b>Consultation</b>	There are no public advertising requirements for a lifting of urban deferment request, however the proposal has been referred to the City of Gosnells and relevant State Government agencies for comment.	

#### **PLANNING ASSESSMENT**

##### **Referral Agency Comments**

##### **City of Gosnells (the City)**

The City advises that it supports the LUD request and its LPS 6 being concurrently amended to transfer the amendment area to the 'Residential Development' zone.

*DPLH Comment: Comments noted.*

##### **Department of Biodiversity, Conservation and Attractions (DBCA)**

DBCA provides comments on the following matters:

- (a) Wetlands: DBCA provided advice on the wetlands located within Lot 5 Matison Street, and also advised that the environmental assessment report prepared for this site does not contain

sufficient information to inform the assessment of the LUD proposal or any future modification to the Sub-Precinct 3D LSP. In this respect, it advises that the wetland values within Lot 5 requirement confirmation and that any future development of the amendment area should be designed to avoid hydrological and environmental impacts to these wetlands.

- (b) Stormwater management: The abovementioned LWMS does not cover the amendment area, and it is recommended that it be updated to include the amendment area should it be transferred to the Urban zone.
- (c) Bushfire planning: Bushfire hazard reduction cannot occur within wetlands or their buffers.
- (d) Wastewater management: A reticulated sewerage service will need to be provided to any future development, pursuant to the recommendations of draft SPP 2.9 and the *Government Sewerage Policy*.

#### DPLH Comment

- (a) Wetlands: Comments noted. Refer to the DPLH comments on SPP 2.0 and draft SPP 2.9 in this report.
- (b) Stormwater management: Comments noted. Refer to the DPLH comments on draft SPP 2.9.
- (c) Bushfire planning: Comments noted. Refer to the DPLH comments on SPP 3.7.
- (d) Wastewater management: Comments noted. The Water Corporation advises that a reticulated sewerage service is available in this area.

#### **Department of Water and Environmental Regulation (DWER)**

DWER advises that the LUD proposal needs to be supported by a site-specific study which determines the appropriate extent of a buffer area to the REW located within Lot 5 Matison Street, and that this study should also consider the potential hydrological impacts of development on the REW. DWER also provides advice in regard to contaminated sites and mosquito-borne disease matters.

DPLH Comment: Comments noted, but the matters raised by DWER are most appropriately addressed at the subsequent local structure planning stage of the planning process, as discussed in the DPLH comments on SPP 2.0 and draft SPP 2.9.

#### **Department of Health / DFES / Department of Transport / Main Roads Western Australia / Department of Energy, Mines, Industry Regulation and Safety / Water Corporation**

The above State Government agencies and service provider raise no objections to and/or provide comments on the proposal which do not prevent land within the amendment area from being transferred to the Urban zone under the MRS.

The Public Transport Authority, Department of Jobs, Tourism, Science and Innovation, Department of Primary Industries and Regional Development, and ATCO Gas did not provide comment, but this is not considered to be a significant issue given the relatively small area of land involved.

#### **Lifting of Urban Deferment Guidelines (the LUD Guidelines)**

The LUD Guidelines set out the criteria for the transferring of land from the Urban Deferred zone to the Urban zone under the MRS. The WAPC requires proposals to demonstrate that:

- i. **The land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services.**

*DPLH Comment: The amendment area is capable of being provided with connections to services, such as reticulated water and sewerage services.*

- ii. **Planning is sufficiently advanced to depict an acceptable overall design to guide future development.**

*DPLH Comment: A subdivision concept plan has been prepared in support of the LUD request, but there are concerns that development scenario proposed in this concept plan may not provide for the appropriate protection of the environmental values of the REW on Lot 5 Matison Street. However, this issue is not considered to be significant enough to prevent the amendment area from being transferred to the Urban zone as it can be appropriately addressed in the local structure planning stage of the planning process, as discussed in the DPLH comments on SPP 2.0 and draft SPP 2.9.*

- iii. **The proposed urban development represents a logical progression of development.**

*DPLH Comment: The proposal is consistent with the staging timeframe in the Framework, and is located adjacent to land which is currently being developed for residential purposes. As such, the proposal is consistent with the local progression of development in this locality.*

- iv. **Regional requirements (such as regional roads, open space and public purposes) have been satisfied or provisions made for them.**

*DPLH Comment: Land within the amendment area is not required for any regional purposes.*

- v. **Any constraints to urban development, including in relation to environmental, hazard and risk issues, can be satisfactorily addressed.**

*DPLH Comment: There are no outstanding constraints to future urban development which cannot be appropriately resolved in the subsequent stages of the planning process.*

**Concurrent amendment of local planning scheme**

Under section 126(3) of the *Planning and Development Act 2005*, land that is being transferred to the Urban zone in the MRS can be concurrently rezoned to a 'Development' zone or similar in the corresponding local planning scheme. In this regard, it is recommended that LPS 6 be concurrently amended to transfer the parts of the amendment area located within Lot 6 Matison Street to the 'Residential Development' zone.

**Conclusion**

It is recommended that the LUD request be approved as it is consistent with the *South Metropolitan Peel Sub-regional Framework* and the State Planning Framework.

**RECOMMENDATION**

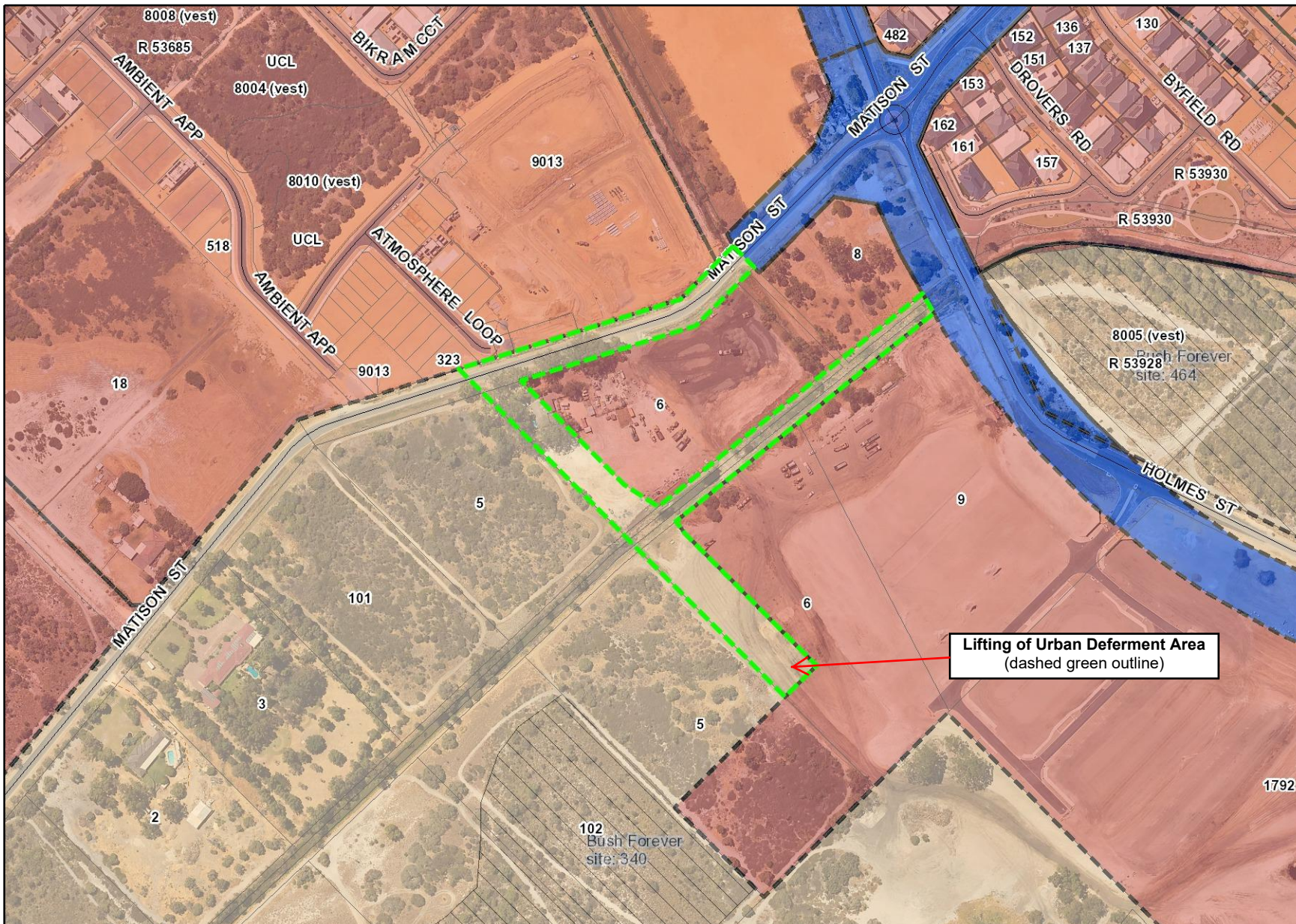
***That the Western Australian Planning Commission, under Clause 27 of the Metropolitan Region Scheme, and pursuant to section 126(3) of the Planning and Development Act 2005, resolves to:***

- 1. ***transfer parts of Lots 6, 2117 and 5006 Matison Street and part of the Matison Street road reserve in Southern River, as shown on Amending Plan 4.1670 (Attachment 6), from the Urban Deferred zone to the Urban zone under the Metropolitan Region Scheme; and***

**2. concurrently amend the City of Gosnells Local Planning Scheme No. 6 to transfer those parts of the amendment area located within Lot 6 Matison Street, Southern River to the Residential Development zone.**

**ATTACHMENTS**

- A1 – Location Map and MRS Context
- A2 – Aerial Plan
- A3 – Subdivision Concept Plan
- A4 - *Southern River Precinct 3 Structure Plan Map*
- A5 - *Southern River Sub-Precinct 3D Local Structure Plan Map*
- A6 – Amending Plan 4.1670



### Legend

- Cadastre (View 1)
- Roads**
  - Minor
  - Not Applicable
- Pre 22nd April 2014 Gazetted RS Amendments
- Gazetted RS Special Areas Amendment
- Gazetted RS Zones and Reserves Amendment
- Region Scheme Boundary
- Region Scheme Bush Forever Areas
- Region Scheme Zones and Reserves**
  - Other regional roads
  - Urban
  - Urban deferred

**Lifting of Urban Deferment Area**  
(dashed green outline)

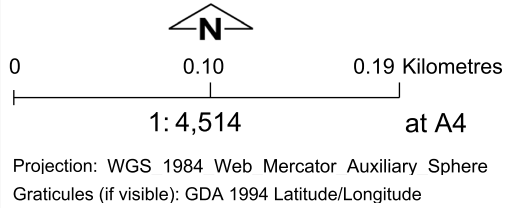
**Notes:**

- \* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.
- \* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

## A1 - Location Map and MRS Context - LUD - Pt Lot 6 Matison Street, Southern River

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Date produced: **01-May-2024**  
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### Legend

- Cadastre (View 1)
- Roads**
- Minor
- Not Applicable



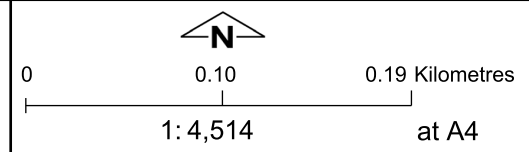
**Lifting of Urban Deferment Area**  
(dashed green outline)

## A2 - Aerial Plan - LUD - Pt Lot 6 Matison Street, Southern River

**DPLH BUSINESS USE ONLY**

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Internal Spatial Viewer

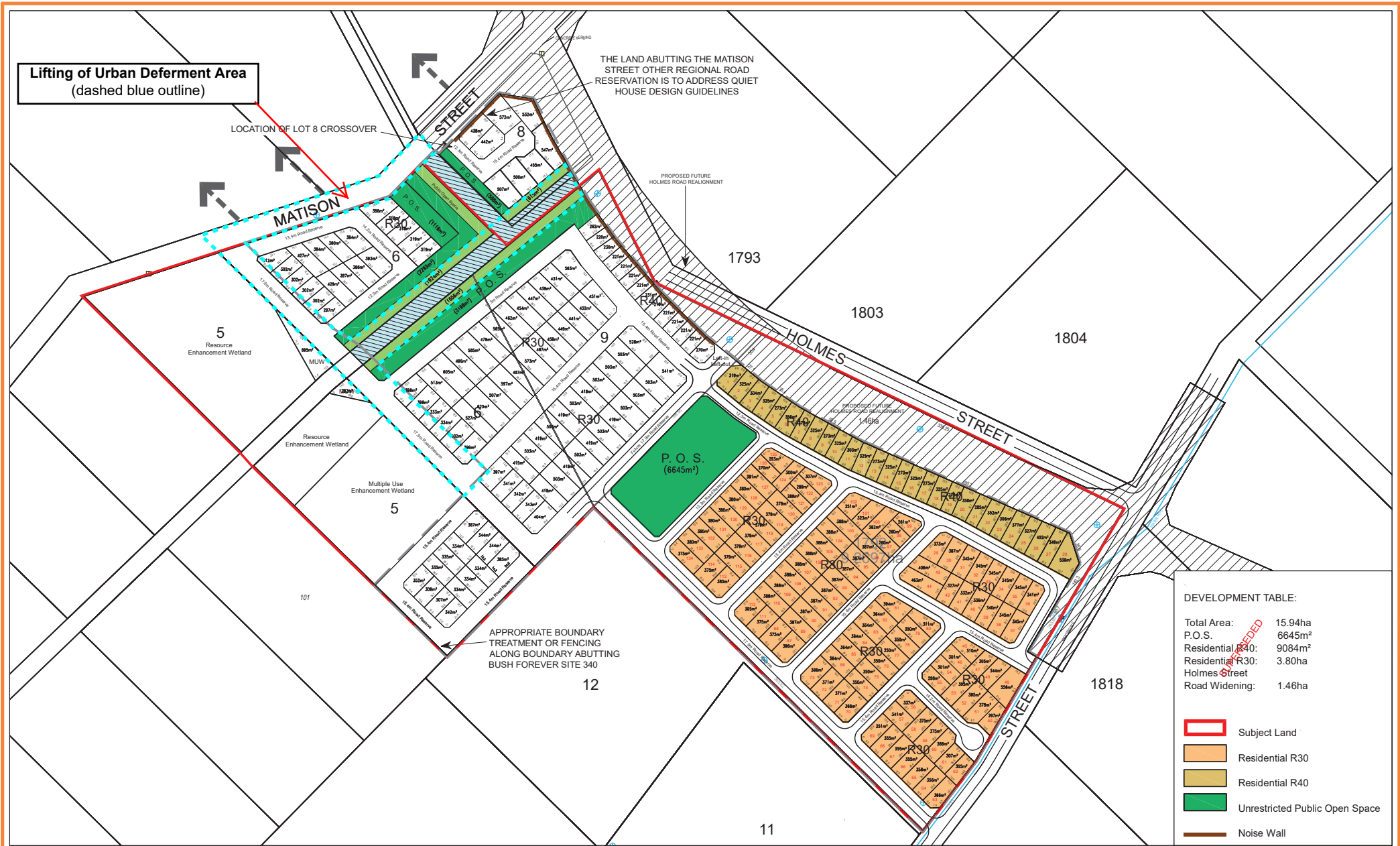


Projection: WGS 1984 Web Mercator Auxiliary Sphere  
Graticules (if visible): GDA 1994 Latitude/Longitude

### Notes:

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  - \* This map is not intended for measurement purposes.
- Map was produced using DPLH's InQuery.

Date produced: **01-May-2024**



**DEVELOPMENT TABLE:**

Total Area:	15.94ha
P.O.S.:	6645m²
Residential R40:	9084m²
Residential R30:	3.80ha
Holmes Street Road Widening:	1.46ha

	Subject Land
	Residential R30
	Residential R40
	Unrestricted Public Open Space
	Noise Wall

**SUBDIVISION CONCEPT**  
 LOTS 5 & 6 MATISON STREET &  
 LOTS 9 & 1792 HOLMES STREET  
 SOUTHERN RIVER

COPYRIGHT RESERVED BASE PLAN COURTESY OF LANDGATE



SCALE: 1:3000 @ A3  
 DATE: 28th APRIL 2022  
 FILE: 1363\_28.04.2022.dwg  
 DRAW: - SB  
 CHECKED: -



**DYNAMIC PLANNING AND DEVELOPMENTS**

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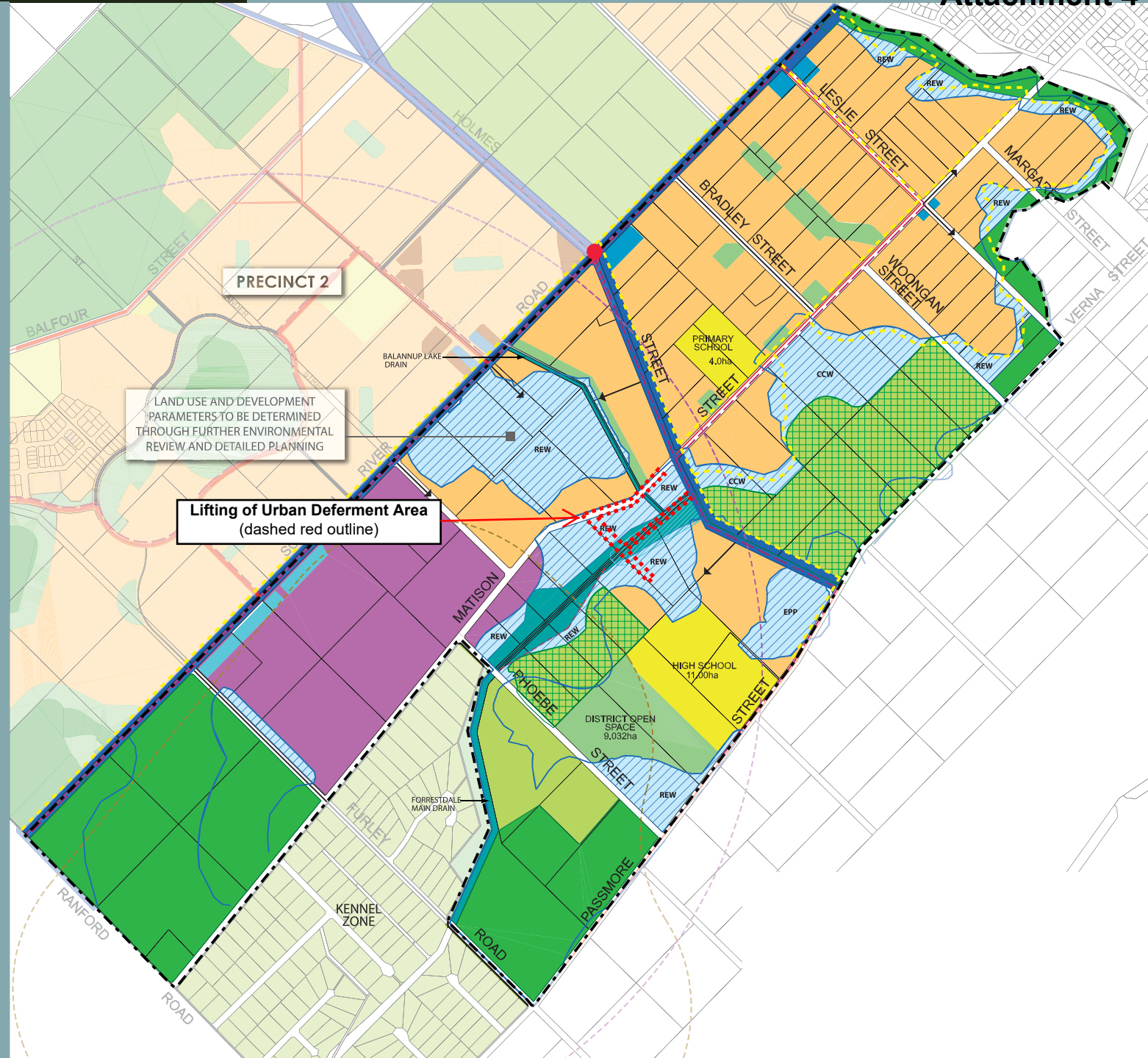


**LEGEND**

- Residential
- Local Centre
- Mixed Business
- Light Industry
- Community Purpose (as marked)
- General Rural
- Bush Forever Protection Area
- Open Space (Local Open Space and District Open Space)
- Parks and Recreation Reservation
- Widening Required For Forrestdale Main Drain
- Forrestdale Main Drain / Balannup Lake Drain
- 500m Kennel Buffer (Subject to further acoustic study)
- 1500m Liquid Waste Site Buffer
- Other Regional Road
- Neighbourhood Connector
- Local Connector
- Traffic Signals
- Wetland (including Buffers) denoted as follows:  
EPP - Environmental Protection Policy Wetland    CCW - Conservation Category Wetland  
REW - Resource Enhancement Wetland
- Proposed Bus Route
- Overland Flow Path
- 1:100 Event Extent (50m - 100m)
- Shared Paths
- Precinct 3 Boundary

**NOTES**

- Further Local Open Space to be provided in accordance with Council and Drainage requirements.
- Extent of wetlands required for conservation to be determined through further environmental review and detailed planning.
- Medium residential densities to be provided in accordance with City of Gosnells Local Housing Strategy criteria.
- A Place of Worship is constructed on Lot 16 Southern River Road. Additional development of the site will be subject to resolution of wetland and other environmentally sensitive area protection requirements.
- Planning of the Light Industrial Area will be subject to resolution of wetland and other environmentally sensitive area protection requirements.
- A review of the existing road network will need to be considered as part of further detailed planning. This review will need to consider those roads to be retained, local intersection treatments and road upgrades required.
- The primary function of the Forrestdale Main Drain is to convey the 1:100 year flood path. The intention is for the drain to be widened and operate as a living stream. The widening of the drain will also assist in wetland protection. The interface between development and the Forrestdale Main Drain will need to be carefully considered as part of future detailed planning.

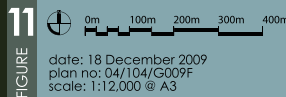


LAND USE AND DEVELOPMENT PARAMETERS TO BE DETERMINED THROUGH FURTHER ENVIRONMENTAL REVIEW AND DETAILED PLANNING

Lifting of Urban Deferment Area (dashed red outline)

**SOUTHERN RIVER PRECINCT 3 STRUCTURE PLAN**

Adopted by Council: 4 June 2009 (OCM 12 May 2009)  
Noted by WAPC: 15 September 2009





Lot 1792 Holmes Street, Southern River

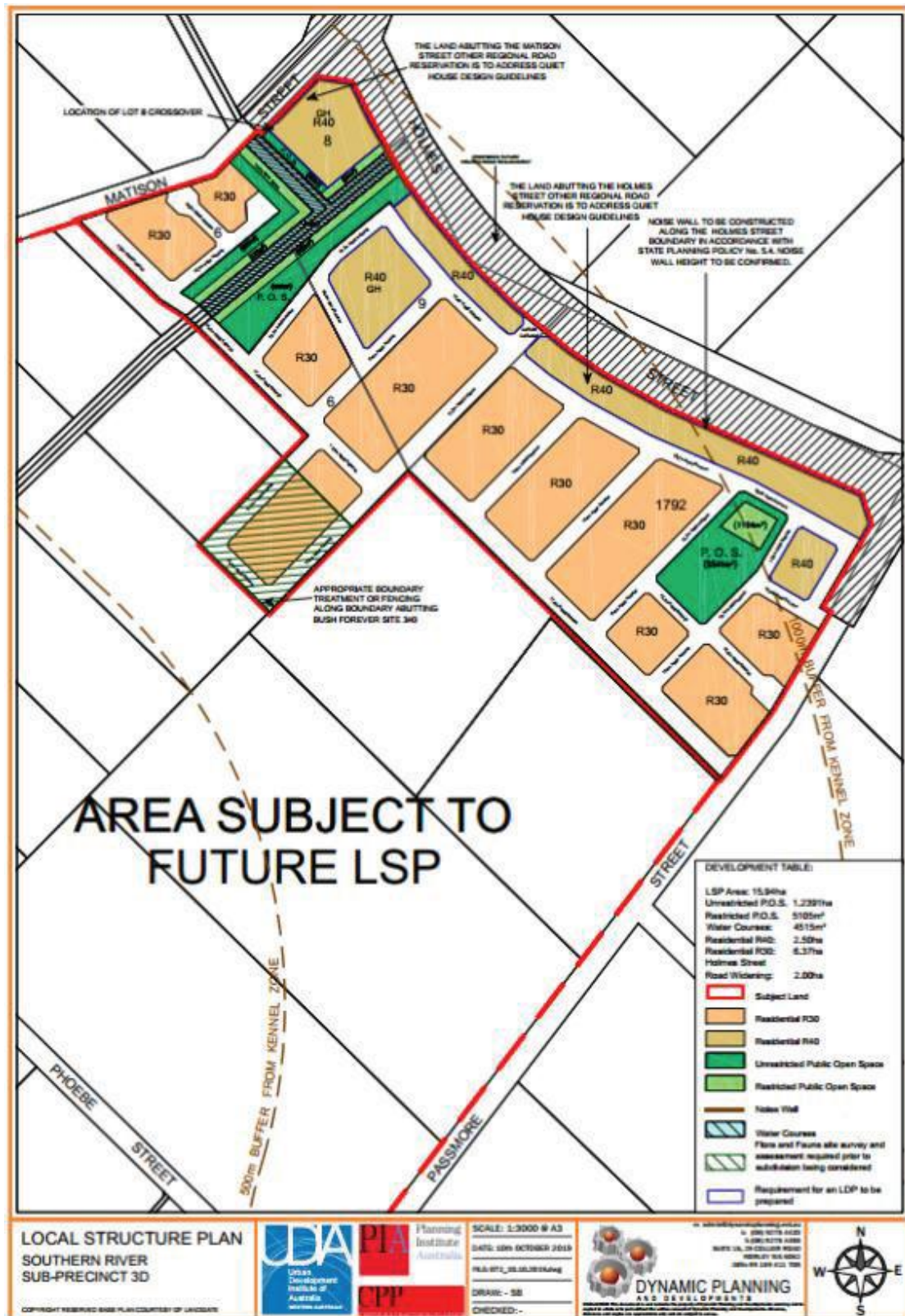
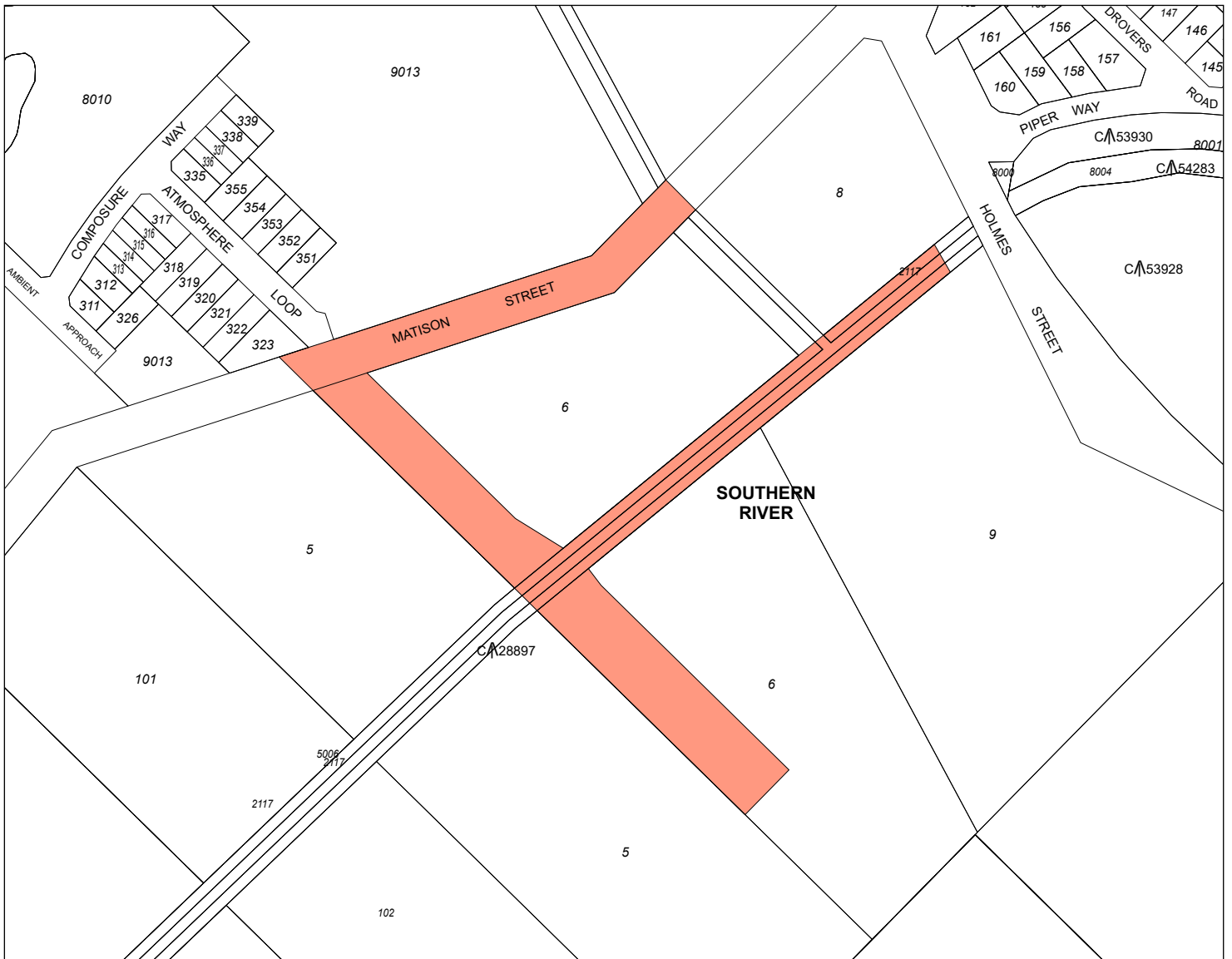


Figure 5 – Southern River Sub-Precinct 3D Local Structure Plan




Signed for and on behalf of the  
Western Australian Planning Commission

Metropolitan Region Scheme  
Clause 27 - Transfer of land  
from urban deferred zone to urban zone  
Amendment No. xxxx/27

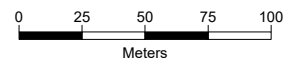
An officer duly authorised by the Commission  
pursuant to section 24 of the  
**Planning and Development Act 2005**  
for that purpose in the presence of :

**Legend**

 Excluded from urban deferred zone  
and included in urban zone

Witness

Date



Program Manager: B. Pye  
Geospatial Officer: K. Rampellini  
Examined: T. Servaas  
Revised:

File number: RLS/1041  
Plan reference:  
MRS 1:25000 sheet 24  
detail plans: 1.6545  
Oracle reference no: 4074

Version No. 1  
Date: 29 May 2024

Plan Number **4.1670**  
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