



May 2024

Metropolitan Region Scheme Amendment 1410 (Standard Amendment)



**Part Lot 96 Starflower Road,
Henley Brook**

Report on Submissions
Submissions

City of Swan

**Metropolitan Region Scheme
Amendment 1410
(Standard Amendment)**

Part Lot 96 Starflower Road, Henley Brook

**Report on Submissions
Submissions**

City of Swan



May 2024

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

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Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

MRS Amendment 1410 (Standard) Report on Submissions
Submissions

File RLS/1119

Published May 2024

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

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Submissions

Report on Submissions

Metropolitan Region Scheme Amendment 1410 (Standard)

Part Lot 96 Starflower Road, Henley Brook

Report on Submissions

1 Introduction

At its September 2023 meeting, the Western Australian Planning Commission (WAPC) resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of section 35 of the *Planning and Development Act 2005* and regulation 5 of the Planning and Development (Region Planning Schemes) Regulations 2015.

2 The proposed amendment

The amendment proposal was described in the previously published *Amendment Report*, and a description of the proposal is repeated below.

The purpose of the amendment is to transfer approximately 3.78 hectares of land within Lot 96 Starflower Road, Henley Brook from the Public Purposes - Special Uses reservation to the Urban zone under the Metropolitan Region Scheme (MRS), as shown on the ***Amendment Figure - Proposal 1***.

The proposed Urban zoning will facilitate further planning and development of the subject land for residential and related land uses, along with Urban zoned land to the east.

3 Environmental Protection Authority advice

On 15 December 2023, the Environmental Protection Authority (EPA) determined that the amendment did not require assessment under Part IV of the *Environmental Protection Act 1986* and provided advice on flora and vegetation, terrestrial fauna and inland waters environmental factors relevant to the amendment. The EPA noted that the future development of the amendment area may result in the clearing of mature trees and potential habitat for priority and threatened species, and impact upon a Priority 2 public drinking water source area. In this respect, the EPA noted that the potential impacts of the future development on the environmental values of the amendment area are not likely to be significant and can be appropriately mitigated in the subsequent stages of the planning process.

A copy of the notice from the EPA is in Appendix A of the ***Amendment Report***.

4 Call for submissions

The amendment was advertised for public submissions from 23 January 2024 to 05 March 2024 and was made available for inspection on the Department of Planning, Lands and Heritage website during this time.

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

5 Submissions

Eleven submissions, including four late submissions, were received on the amendment from the City of Swan, State Government agencies and service providers. An index of all submissions is provided at *Schedule 1 - Listing of Submissions*.

Ten submissions from State Government agencies and service providers raise no objections and/or provide comments, or do not provide comments on the amendment. However, the City of Swan does not support the amendment on the basis that the remnant native vegetation within the amendment area has significant biodiversity and habitat values and that this land should be retained for public purposes.

A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions are contained within this report.

6 Main issues raised in submissions

Protection of significant environmental values

The City of Swan does not support the amendment on the basis that the remnant native vegetation within the amendment area has significant biodiversity and habitat values and provides much needed forest cover.

WAPC Response: The amendment area contains approximately 1.5 hectares of remnant native vegetation which is described as open marri woodland. This vegetation is not identified as threatened or priority flora or as potentially being part of threatened or priority ecological community but may provide habitat for threatened black cockatoo species and the priority listed Quenda. As such, it may be appropriate for consideration to be given to the retention and protection of all or part of this vegetation in the subsequent stages of the planning process. On this basis, the proposed Urban zoning is considered to be appropriate given that the local structure planning stage of the planning process provides an opportunity for part of the remnant vegetation to be retained and protected within public open space areas.

7 Responses and Determinations

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

8 Co-ordination of region and local planning scheme amendments

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

The proponent requests that the *City of Swan Local Planning Scheme No. 17* (LPS 17) be concurrently amended to transfer the amendment area to the 'Residential Development' zone. In this respect, the WAPC has resolved to concurrently amend LPS 17 to transfer the amendment area to the 'Residential Development' zone.

9 Conclusion and recommendation

This report summarises the background to Amendment 1410 and examines the various submissions made on it.

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

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

10 Ministers Decision

Amendments to the Metropolitan Region Scheme being progressed as a standard amendment in accordance with the *Planning and Development Act 2005* and regulation 5 of the *Planning and Development (Region Planning Schemes) Regulations 2023* require the WAPC to provide a report and recommendation to the Minister for Planning for approval. The Minister may approve, approve with modification, or decline to approve the proposed amendment.

The Minister, after considering the amendment, has agreed with the recommendation of the WAPC and approved the amendment.

Amendment 1410 is now finalised as advertised and shown on WAPC Amending Plan 3.2817 and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on Friday 31 May 2024.

Schedule 1

Listing of submissions

Listing of Submissions

Metropolitan Region Scheme Amendment 1410

Part Lot 96 Starflower Road, Henley Brook

Submission Number	Name
1	ATCO Gas Australia
2	Department of Primary Industries and Regional Development
3	Department of Water and Environmental Regulation
4	Water Corporation
5	Department of Energy, Mines, Industry Regulation and Safety
6	Main Roads of Western Australia
7	Department of Education
Late Submissions	Name
8	Department of Health
9	Department of Biodiversity, Conservation and Attractions
10	Department of Transport
11	City of Swan

Schedule 2

Summary of submissions and determinations

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

Submission: 1 to 10

Submitter: ATCO Gas; Department of Primary Industries and Regional Development; Department of Water and Environmental Regulation; Water Corporation; Department of Energy, Mines, Industry Regulation and Safety; Main Roads Western Australia; Department of Education; Department of Health; Department of Biodiversity, Conservation and Attractions; Department of Transport / Public Transport Authority.

Summary of Submission: NO OBJECTION / COMMENT / NO COMMENT

The above State Government agencies and service providers raise no objections to the amendment and/or provide comments on matters which are most appropriately addressed in subsequent stages of the planning process, or had no comments to provide on the amendment

Planning Comment: Comments noted

Determination: Submissions noted.

Submission: 11

Submitter: City of Swan

Summary of Submission: OBJECTION

The City of Swan does not support the amendment for the following reasons:

- (a) the land contains beautiful examples of magnificent remnant trees that provide desperately needed forest cover and important biodiversity and habitat values; and
- (b) the land should be left as public purposes for future generations.

Planning Comment: (a) Comments noted, but not supported. Refer to Part 6 Main Issues Raised in Submissions of the Report on Submissions.

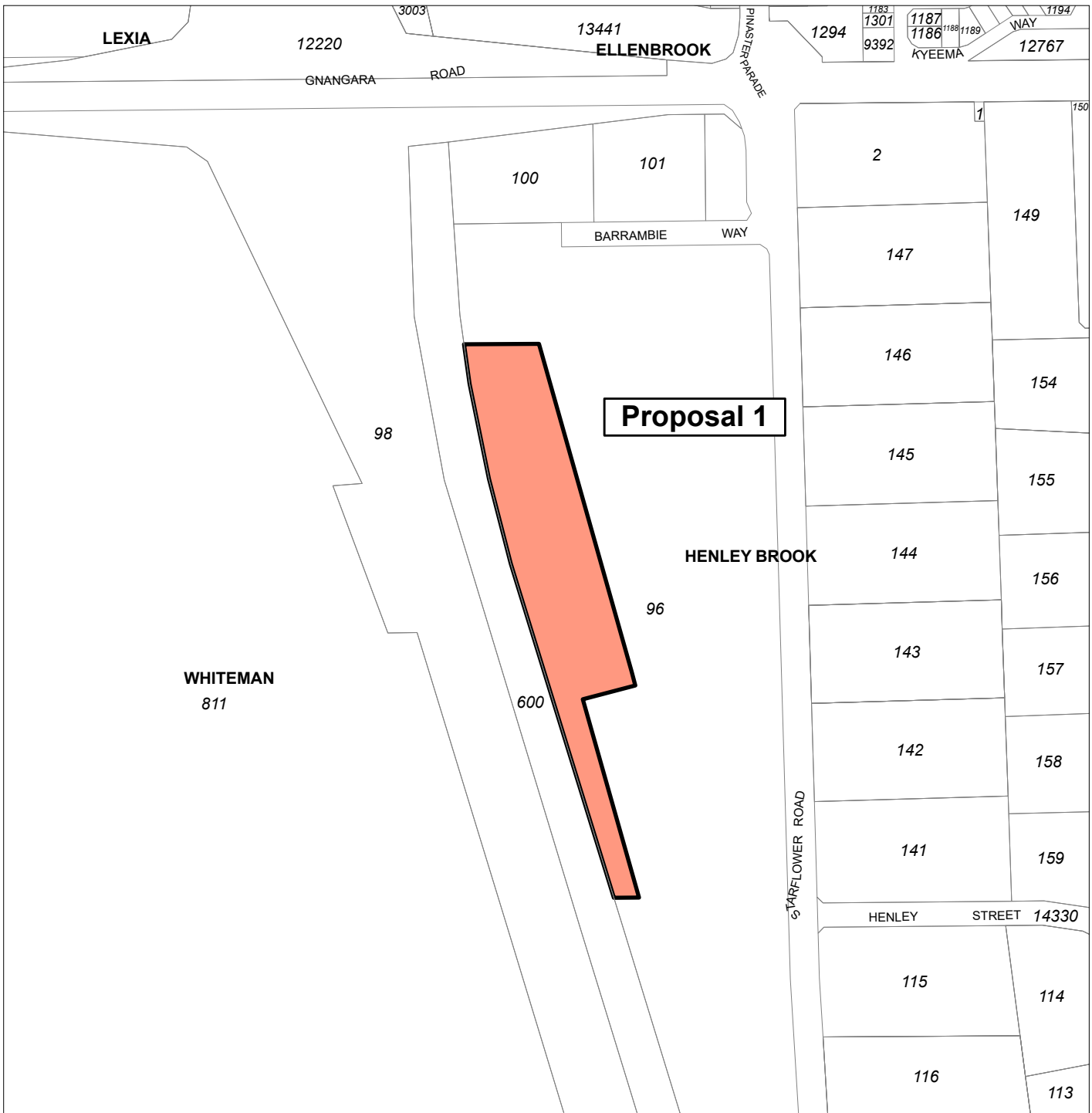
- (b) Comments noted, but not supported. The amendment area was originally transferred to the Public Purposes – Special Use reservation under the MRS in order to set aside and protect land which may be required for railway station as part of a potential future railway line in the adjacent Public Purposes – Special Uses reserved corridor. However, this land is no longer required for this purpose given that the Ellenbrook railway line is now being constructed on the other side of Drumpellier Drive, and it is not likely that the environmental values of the amendment area would be significant enough to warrant this land being retained in public ownership. For these reasons, the proposed Urban zoning is considered to be appropriate.

Determination:

Submission dismissed

Schedule 3

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



**Pt Lot 96 Starflower Road, Henley Brook
Proposed Standard MRS amendment
as advertised**

13 September 2023

Proposal 1

Proposed Amendment:

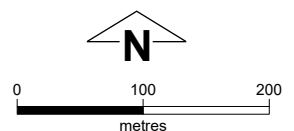


Public Purposes - Special Uses reservation to Urban zone

Reference no: 4478

File no: RLS/1090

Version number: 1



Appendix A

**List of plans
(as advertised)**

**Metropolitan Region Scheme
Amendment 1410**

Part Lot 96 Starflower Road, Henley Brook

as advertised

Amending Plan 3.2817

Detail Plans

1.5964

1.5979

Submissions

From: Crowson, Chris <Chris.Crowson@atco.com>
Sent: Tuesday, 23 January 2024 12:39 PM
To: Region Planning Schemes; Brett Pye
Subject: ATCO Response - LM24055 Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119
Attachments: LM24055.pdf; PlanWA Trigger Distance - LM24055.pdf

Categories:

OFFICIAL

Good afternoon

RE: Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119
ATCO Reference: LM24055

ATCO Gas Australia (ATCO) has **no objection** to the proposed application, based on the information and plan provided, subject to the following advice notes:

Advice notes:

- The proposed areas fall within the WAPC Draft Development Control 4.3 Trigger Distance for ATCO Infrastructure (area hatched blue in attachment). Any sensitive land use or high density community use developments within this Trigger Distance of a High Pressure Gas Pipeline requires further consultation with ATCO prior to preliminary designs being finalised. Please consider the WAPC's draft DC4.3 and also the site; PlanWA for development planning.
- Anyone proposing to carry out construction or excavation works within 15 metres of Critical Asset Infrastructure must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
- All works occurring within 15 metres of Critical Asset Infrastructure must undergo ATCO Engineering Assessment to determine if additional safety measures are required. Risk mitigation and asset protection measures may be necessary. Notification for the works must be submitted to ATCO via the [online web portal](#).
- All works occurring within 15 metres of Critical Asset Infrastructure must comply with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
- Future construction and any proposed access roads across the ATCO Critical Asset gas mains (including proposed roads and road upgrades) need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>

- Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
- If the disconnection and/or removal of an ATCO gas service is required, a request can be submitted via the online ATCO portal found [here](#).

Please accept this email as ATCO's written response.

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

Kind Regards

Chris Crowson
Land Management Coordinator
Gas Division

E. chris.crowson@atco.com

A. 81 Prinsep Road, Jandakot, Western Australia 6164



ATCO.com.au [LinkedIn](#) [Facebook](#) [Twitter](#)

ATCO acknowledges the Traditional Owners of country throughout Australia and their continuing connection to land, sea and community. We pay respect to their Elders past, present and emerging, and in the spirit of reconciliation, we commit to working together for our shared future.

From: Region Planning Schemes <regionplanningschemes@dplh.wa.gov.au>

Sent: Tuesday, 23 January 2024 10:06 AM

Subject: LM24055 Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119

Importance: High

****Caution – This email is from an external source. If you are concerned about this message, please report using Phish Alert Button in your Outlook for analysis.****

OFFICIAL

To whom it may concern

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1410 – PT LOT 96 STARFLOWER ROAD, HENLEY BROOK (CITY OF SWAN)

The Western Australian Planning Commission (WAPC) has initiated the abovementioned amendment to the Metropolitan Region Scheme (MRS) which, if approved, will change the regional zoning of the property.

The purpose of the amendment is to transfer approximately 3.78 hectares of land within Lot 96 Starflower Road, Henley Brook from the Public Purposes – Special Uses reservation to the Urban zone under the Metropolitan Region Scheme (MRS).

The proposed Urban zoning will facilitate further planning and development of the subject land for residential and related land uses, along with adjacent Urban zoned land to the east.

The WAPC invites you to comment, with the submission period being open from **Tuesday 23 January 2024** until **Tuesday 5 March 2024**.

Plans showing the proposed changes and the WAPC's amendment report which explains the proposal can be accessed from the Department of Planning, Lands and Heritage website [Metropolitan Region Scheme Amendment 1410 \(Standard\) - Pt Lot 96 Starflower Road, Henley Brook \(www.wa.gov.au\)](http://www.wa.gov.au)

Should you wish to comment on the proposed amendment, you can do so online at <https://consultation.dplh.wa.gov.au>, by **Tuesday 5 March 2024**.

The WAPC will consider all submissions before making a recommendation to the Minister for Planning, who will then make a final decision on the proposed amendment.

Should you have any questions, please contact Brett Pye at the Department of Planning, Lands and Heritage on 6551 9100 or email brett.pye@dplh.wa.gov.au

Thank you and kind regards

Lainy Collisson

Senior Planning Support Officer | Land Use Planning

Department of Planning, Lands and Heritage

Bunbury Tower, Level 6, 61 Victoria Street, Bunbury WA 6230

wa.gov.au/dplh | 9791 0576 | |



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The Department acknowledges the Aboriginal people of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders, past and present.

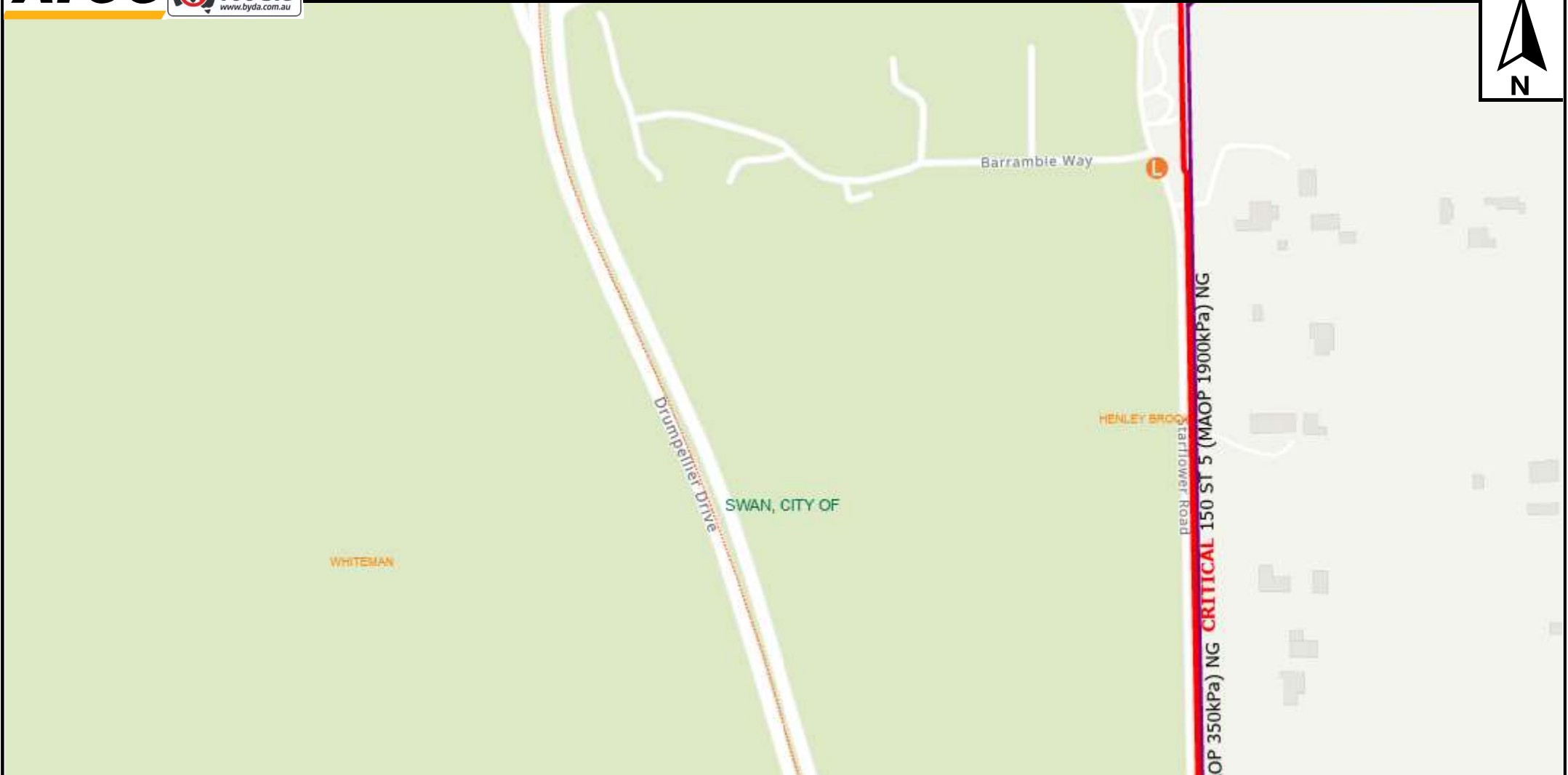
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Chris Crowson	23/01/2024 12:04:53 PM	1:5428
E:401484.9	N:6481307	GDA2020 MGA Z50

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CRITICAL GAS
ASSET IN THE
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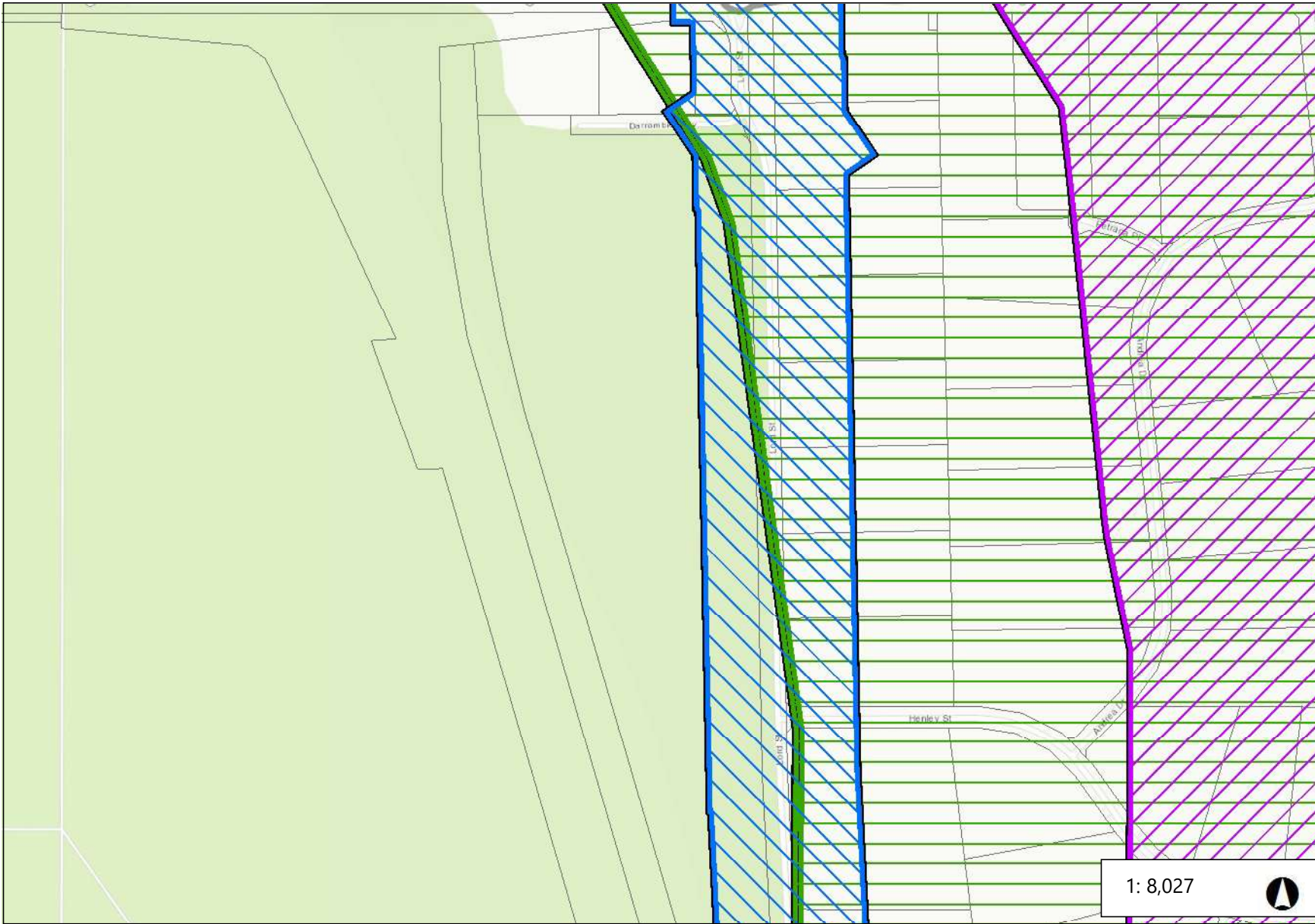
No excavation permitted without the
prior approval of ATCO
PHONE 1300 926 755



PlanWA Trigger Distance - LM24055

Legend

-  APA Trigger Distance
-  ATCO Trigger Distance
-  DBP - AGIG Trigger Distance
-  Cadastre



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Notes

0.4 0 0.20 0.4 Kilometers

Date produced: 23-Jan-2024

This map is a user generated static output from PlanWA (a public interactive mapping tool provided by the Department of Planning, Lands and Heritage and accessed via wa.gov.au) and is for reference only.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Department of
**Primary Industries and
Regional Development**

Submission 002

Your reference: RLS/119
Our reference: LUP 1797
Enquiries: Heather Percy

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Email: RegionPlanningSchemes@dplh.wa.gov.au

Date: 29 January 2024

Dear Sir/Madam

Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposal.

DPIRD has no comment to offer on the Metropolitan Region Scheme Amendment 1410 which proposes to transfer approximately 3.78 hectares of land within Lot 96 Starflower Road, Henley Brook from the Public Purposes – Special Uses reservation to the Urban zone under the Metropolitan Region Scheme.

For more information, please contact Ms Heather Percy on 9780 6262 or heather.percy@dpiird.wa.gov.au

Yours sincerely

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

From: Jim Mackintosh <jim.mackintosh@dwer.wa.gov.au>
Sent: Friday, 2 February 2024 2:10 PM
To: Region Planning Schemes
Subject: RE: Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119

OFFICIAL

Dear DPLH,

Thank you for the above referral. The Department of Water and Environmental Regulation has no objections and no further comments.

Regards

Jim Mackintosh

Department of Water and Environmental Regulation

Program Manager

Swan Avon Region

Planning Advice Section

T 08 6250 8043 |

E jim.mackintosh@dwer.wa.gov.au

Visit our website www.dwer.wa.gov.au

From: Region Planning Schemes <regionplanningschemes@dplh.wa.gov.au>

Sent: Tuesday, January 23, 2024 10:06 AM

Subject: Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119

Importance: High

You don't often get email from regionplanningschemes@dplh.wa.gov.au. [Learn why this is important](#)

OFFICIAL

To whom it may concern

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1410 – PT LOT 96 STARFLOWER ROAD, HENLEY BROOK (CITY OF SWAN)

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The proposed Urban zoning will facilitate further planning and development of the subject land for residential and related land uses, along with adjacent Urban zoned land to the east.

The WAPC invites you to comment, with the submission period being open from **Tuesday 23 January 2024** until **Tuesday 5 March 2024**.

Plans showing the proposed changes and the WAPC's amendment report which explains the proposal can be accessed from the Department of Planning, Lands and Heritage website [Metropolitan Region Scheme Amendment 1410 \(Standard\) - Pt Lot 96 Starflower Road, Henley Brook \(www.wa.gov.au\)](http://www.wa.gov.au)

Should you wish to comment on the proposed amendment, you can do so online at <https://consultation.dplh.wa.gov.au>, by **Tuesday 5 March 2024**.

The WAPC will consider all submissions before making a recommendation to the Minister for Planning, who will then make a final decision on the proposed amendment.

Should you have any questions, please contact Brett Pye at the Department of Planning, Lands and Heritage on 6551 9100 or email brett.pye@dplh.wa.gov.au

Thank you and kind regards

Lainy Collisson

Senior Planning Support Officer | Land Use Planning

Department of Planning, Lands and Heritage

Bunbury Tower, Level 6, 61 Victoria Street, Bunbury WA 6230

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Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

T (08) 9420 2099
F (08) 9420 3193



Your Ref: MRS Amendment 1410
Our Ref: 153061484 (MRS398698)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Email: land.planning@watercorporation.com.au

13 February 2024

Secretary
Western Australian planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Brett Pye

Proposed MRS Amendment 1410 – Pt Lot 96 Starflower Road, Henley Brook

I refer to your correspondence of 23 January 2024 inviting comments on the above proposed MRS amendment.

The Water Corporation has no objections to the proposed rezoning.

Local structure planning over Lot 96 will among other things need to address the interface of land uses with the Corporation's regional wastewater pump station on the northern side of Barrambie Way, and its ultimate 150m radius odour buffer. The structure plan will also provide land uses and dwelling yields to inform more detailed Water Corporation planning for water and wastewater servicing of Lot 96.

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

Brett Coombes
Senior Planner, Land Use Planning
Development Services



Department of **Energy, Mines,
Industry Regulation and Safety**
Resource and Environmental Regulation

Your ref RLS/1119
Our ref DMS0508/2024
Enquiries Steven Batty — 9222 3104
Steven.BATTY@dmirs.wa.gov.au

Brett Pye
Senior Planner | Schemes and Strategies
Department of Planning, Lands and Heritage
Sent by Email — brett.pye@dplh.wa.gov.au
140 William Street, Perth WA 6000

Dear Brett Pye

MRS AMENDMENT 1410 - PT LOT 96 STARFLOWER RD HENLEY BROOK - CITY OF SWAN - RLS/1119 - DMS0508/2024

Thank you for your letter dated 23 January 2024 inviting comment on the proposed Metropolitan Region Scheme (MRS) Amendment 1410 over part of Lot 96 Starflower Road, Henley Brook (City of Swan).

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.

DEMIRS lodges no objections to the above MRS amendment.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Batty'.

Steven Batty | Senior Geologist
Mineral and Energy Resources Directorate
28 February 2024



Enquiries: Belinda Hill on (08) 9323 4572
Our Ref: 24/1021 (D24#362175)
Your Ref: RLS/1119

1 March 2024

Brett Pye
Department of Planning Lands and Heritage
140 William Street
PERTH WA 6000

Email: regionplanningschemes@dplh.wa.gov.au

Dear Brett,

PROPOSED MRS AMENDMENT – PART LOT 96 STARFLOWER ROAD HENLEY BROOK – REQUEST FOR COMMENTS – RLS/1119

Thank you for your correspondence dated 23 January 2024 to comment on the proposed rezoning for Part Lot 96 Starflower Road, Henley Brook from Public Purposes – Special Uses to Urban.

Main Roads has no objection to the proposal.

Main Roads requests a copy of the WAPC's final recommendation to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

If you require any further information, please contact Strategic Planning Officer Belinda Hill on (08) 9323 4572 or via email at belinda.hill@mainroads.wa.gov.au.

Yours sincerely

Lindsay Broadhurst
Director Road Planning



Department of
Education

Submission 007

Your ref: RLS/1119
Our ref: D24/0143804
Enquiries: Joshua Gould

Western Australian Planning Commission
Department of Planning, Lands and Heritage

Email: regionplanningschemes@dplh.wa.gov.au

Attention: Brett Pye
Senior Planning Officer

Dear Sir / Madam,

Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - Public Purposes - Special Uses reservation to the Urban zone

Thank you for your email dated 23 January 2024 providing the Department of Education (the Department) with the opportunity to comment on the abovementioned proposal.

The proposed amendments are anticipated to have minimal impact on the student yield within the locality and can be accommodated through future school site planning.

In view of the above, the Department has no in principle objections to the proposed amendment. Notwithstanding this, if there are any future changes to the zoning, residential density coding and dwelling lot numbers which results in a significant increase to the student yield, prior consultation with the Department would be appreciated.

Should you have any questions in relation to the above, please do not hesitate to contact Joshua Gould, Senior Consultant - Land Planning on 9264 4008 or email joshua.gould@education.wa.edu.au.

Yours sincerely

A handwritten signature in blue ink that reads "Matt Turnbull".

Matt Turnbull
Manager Land and Planning

1 March 2024



Your Ref: *MRSA 1410*
Our Ref: *F-AA-90535-14-1/D-AA-24/40394*
Contact: *System Performance 9222 2000*

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

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

Attention: Brett Pye

Dear Sir or Madam

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1410 – PT LOT 96 STARFLOWER ROAD, HENLEY BROOK (CITY OF SWAN)

Thank you for your email dated 23 January 2024, requesting comment from the Department of Health (DoH) on the above proposal. The DoH provides the following comment:

1. Chemical Hazards

Historical activities conducted on part of this area may have led to contamination that without adequate mitigation may have negative impacts on the health of future residential land users.

Please ensure the Department of Water and Environmental Regulation have cleared the area prior to subdivision to ensure the land is, and remains suitable, for any proposed land-uses.

2. Medical Entomology

To protect the health and lifestyle of communities, all land use planning decisions should include consideration of mosquitoes and their management.

While it is well documented that mosquito-borne diseases occur in the Perth metropolitan area, the risk of exposure to mosquitoes and their diseases for future residents in Henley Brook is not clearly defined. It is the recommendation of the DoH that:

- The proponents work with the City of Swan to determine the extent of risk from mosquitoes and mosquito-borne disease for the location.

- If that risk is considered medium or high by the City, a Mosquito Management Plan should be established and adequately funded.
- The City of Swan ensures they have sufficient resources to continue mosquito management for any future development associated with the amendment following the handover of responsibility from future developers.

3. Wastewater management and Water Supply

In relation to the management of wastewater and as highlighted in the amended report that states *“The Water Corporation advises that the future subdivision and development of the subject land can be serviced by extensions off the surrounding water and sewerage networks and provides advice on the proposed staging of development in the area and the odour buffer requirements for its wastewater pumping station located adjacent to the northern boundary of the amended area.”* As previously responded and with the above in mind, the DoH has no objection to the amended proposal subject to all new development proposals being connected to reticulated sewerage in accordance with the Government Sewerage Policy.

Should you have any queries or require further information, please contact the System Performance Team on 9222 2000 or eh.eSubmissions@health.wa.gov.au.

Yours sincerely



Dr Michael Lindsay
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

7 March 2024

From: Jacqui Clinton <jacqui.clinton@dbca.wa.gov.au>
Sent: Thursday, 7 March 2024 1:07 PM
To: Region Planning Schemes
Cc: Brett Pye
Subject: RE: Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119

Follow Up Flag: Follow up
Flag Status: Completed

Categories:

OFFICIAL

Hi Lainy,

The Department of Biodiversity, Conservation and Attraction have assessed the above proposed scheme amendment and have no comments to make at this time.

Regards

Jacqui Clinton

Senior Planning Officer
Swan Region
Parks and Wildlife Service
Department of Biodiversity, Conservation and Attractions
Phone: (08) 9442 0312 Mobile:0439 977 455
Email: jacqui.clinton@dbca.wa.gov.au

** I currently work part-time Monday to Thursday*



Department of Biodiversity,
Conservation and Attractions



*We're working for
Western Australia.*

From: Region Planning Schemes <regionplanningschemes@dplh.wa.gov.au>
Sent: Tuesday, January 23, 2024 10:06 AM
Subject: Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119
Importance: High

[External Email] This email was sent from outside the department – be cautious, particularly with links and attachments.

OFFICIAL

To whom it may concern

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1410 – PT LOT 96 STARFLOWER ROAD, HENLEY BROOK (CITY OF SWAN)

The Western Australian Planning Commission (WAPC) has initiated the abovementioned amendment to the Metropolitan Region Scheme (MRS) which, if approved, will change the regional zoning of the property.

The purpose of the amendment is to transfer approximately 3.78 hectares of land within Lot 96 Starflower Road, Henley Brook from the Public Purposes – Special Uses reservation to the Urban zone under the Metropolitan Region Scheme (MRS).

The proposed Urban zoning will facilitate further planning and development of the subject land for residential and related land uses, along with adjacent Urban zoned land to the east.

The WAPC invites you to comment, with the submission period being open from **Tuesday 23 January 2024** until **Tuesday 5 March 2024**.

Plans showing the proposed changes and the WAPC's amendment report which explains the proposal can be accessed from the Department of Planning, Lands and Heritage website [Metropolitan Region Scheme Amendment 1410 \(Standard\) - Pt Lot 96 Starflower Road, Henley Brook \(www.wa.gov.au\)](https://www.wa.gov.au/government/consultation/metropolitan-region-scheme-amendment-1410-standard-pt-lot-96-starflower-road-henley-brook)

Should you wish to comment on the proposed amendment, you can do so online at <https://consultation.dplh.wa.gov.au>, by **Tuesday 5 March 2024**.

The WAPC will consider all submissions before making a recommendation to the Minister for Planning, who will then make a final decision on the proposed amendment.

Should you have any questions, please contact Brett Pye at the Department of Planning, Lands and Heritage on 6551 9100 or email brett.pye@dplh.wa.gov.au

Thank you and kind regards

Lainy Collisson

Senior Planning Support Officer | Land Use Planning

Department of Planning, Lands and Heritage

Bunbury Tower, Level 6, 61 Victoria Street, Bunbury WA 6230

[wa.gov.au/dplh](https://www.wa.gov.au/dplh) | 9791 0576 | |



The Department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

The Department acknowledges the Aboriginal people of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders, past and present.

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From: Golestani, Shanthi <Shanthi.Golestani@transport.wa.gov.au>
Sent: Friday, 15 March 2024 12:30 PM
To: Region Planning Schemes
Cc: Brett Pye
Subject: 20240315 DoT response re: Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119

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Your ref: RLS/1119

Our ref: DT/15/05100

Enquiries: Shanthi Golestani (9216 8774)

Attn; Brett Pye

Dear Brett,

RE: PROPOSED Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook

Thank you for your email dated 23 January 2024 inviting the Department of Transport (DoT) to provide comment on the above proposed amendment. The Urban Mobility (UM) division of DoT has reviewed the submitted documents and advises that DoT has no objection to the proposal, subject to the following:

1. Drumpellier Dr along the western side of the subject site is a primary route, and Starflower Rd towards the East is a local route in the Long Term Cycle Network (LTCN). Future planning for this area should take into consideration cycle and pedestrian connections to these LTCN routes, particularly given that the Ellenbrook train station and town centre is approximately 1.8km north of the subject site.
2. SPP 5.4 Road and Rail Noise to be taken into consideration when designing future uses on the land, per the Amendment Report.
3. DoT has consulted with the Public Transport Authority (PTA) who have no objections or comment to provide.

We understand Main Roads WA will send their response directly.

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

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

Kind regards,

Shanthy Golestani
Senior Transport Planner|Urban Mobility|Department of Transport
GPO Box C102, Perth WA 6839
Tel: (08) 92168774
Email: Shanthy.Golestani@transport.wa.gov.au|Web: www.transport.wa.gov.au

Part time - Tues/Thurs/Fri



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

From: Region Planning Schemes <regionplanningschemes@dplh.wa.gov.au>
Sent: Tuesday, January 23, 2024 10:06 AM
Subject: Proposed Metropolitan Region Scheme Amendment 1410 - Pt Lot 96 Starflower Road, Henley Brook - RLS/1119
Importance: High

CAUTION: This email originated from outside of DOT. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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To whom it may concern

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1410 – PT LOT 96 STARFLOWER ROAD, HENLEY BROOK (CITY OF SWAN)

The Western Australian Planning Commission (WAPC) has initiated the abovementioned amendment to the Metropolitan Region Scheme (MRS) which, if approved, will change the regional zoning of the property.

The purpose of the amendment is to transfer approximately 3.78 hectares of land within Lot 96 Starflower Road, Henley Brook from the Public Purposes – Special Uses reservation to the Urban zone under the Metropolitan Region Scheme (MRS).

The proposed Urban zoning will facilitate further planning and development of the subject land for residential and related land uses, along with adjacent Urban zoned land to the east.

The WAPC invites you to comment, with the submission period being open from **Tuesday 23 January 2024** until **Tuesday 5 March 2024**.

Plans showing the proposed changes and the WAPC's amendment report which explains the proposal can be accessed from the Department of Planning, Lands and Heritage website [Metropolitan Region Scheme Amendment 1410 \(Standard\) - Pt Lot 96 Starflower Road, Henley Brook \(www.wa.gov.au\)](http://www.wa.gov.au)

Should you wish to comment on the proposed amendment, you can do so online at <https://consultation.dplh.wa.gov.au>, by **Tuesday 5 March 2024**.

The WAPC will consider all submissions before making a recommendation to the Minister for Planning, who will then make a final decision on the proposed amendment.

Should you have any questions, please contact Brett Pye at the Department of Planning, Lands and Heritage on 6551 9100 or email brett.pye@dplh.wa.gov.au

Thank you and kind regards

Lainy Collisson

Senior Planning Support Officer | Land Use Planning
Department of Planning, Lands and Heritage
Bunbury Tower, Level 6, 61 Victoria Street, Bunbury WA 6230
wa.gov.au/dplh | 9791 0576 | |



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Your Ref: File RLS/1119
Enquiries: Jazlyn Hopper
Email: Jazlyn.hopper@swan.wa.gov.au
Tel: 08 9278 9693

19 March 2024

The Secretary
Western Australian Planning Commission
Locked Bag 2506

Perth WA 6001

Dear Sir/Madam,

RE: MRS AMENDMENT 1410 – PT LOT 96 STARFLOWER RD, HENLEY BROOK

Thank you for the opportunity to provide comment on the above matter.

Council, at its meeting on 13 March 2024, considered Draft MRS Amendment 1410 – Pt Lot 96 Starflower Rd, Henley Brook and resolved as follows:

- 1) Advise the WAPC that it does not support the MRS Scheme Amendment 1410 proposal to include Part of Lot 96 Starflower Rd Henley Brook in the “Urban” zone under the MRS for the following reasons:
 - a) The land contains beautiful examples of magnificent remnant trees that provide desperately needed forest cover and important biodiversity and habitat values; and
 - b) The land should be left as public purposes for future generations.

Please see attached the Council Minutes for further details on the City’s submission.

Should you have any further enquiries in relation to this matter, please contact Jazlyn Hopper at jazlyn.hopper@swan.wa.gov.au or 9278 9693.

Yours sincerely,



Hannah Thornton
Manager
Strategic Planning

14.2.2 MRS AMENDMENT 1410 - PT LOT 96 STARFLOWER RD, HENLEY BROOK

Ward	Swan Valley/Gidgegannup Ward
Disclosure of interest	Nil
Business Unit	Strategic Planning
Authorised Officer	Executive Director Planning and Development
Voting Requirements	Simple Majority

KEY ISSUES

- The Department of Planning, Lands and Heritage is seeking comment on Metropolitan Region Scheme (MRS) Amendment 1410 - Part Lot 96 Starflower Road, Henley Brook.
- The purpose of the MRS amendment is to rezone a small portion of Lot 96 that is zoned 'Public Purpose – 'Special Use' to 'Urban' to align with the zoning of the remainder of the lot.
- The portion of Lot 96 subject to this amendment was originally reserved for 'Public Purpose - Special Use' for railway purposes associated with the Ellenbrook train line.
- The railway has now been built, with this land no longer required for that purpose.
- Should this rezoning be approved, it would require an amendment to Local Planning Scheme No. 17 (LPS17) to rezone the land to 'Residential Development'.

BACKGROUND

The subject land is situated in the City of Swan, 1.8 kilometres south of the Ellenbrook activity centre and future Ellenbrook Train Station.

Currently owned by the State Government, the subject land remains undeveloped and contains scattered areas of remnant vegetation.

The proposed Amendment involves a minor adjustment to a small portion of Lot 96 (3.78 hectares). Most of Lot 96 is already zoned 'Urban' in the Metropolitan Region Scheme (MRS) and 'Residential Development' in Local Planning Scheme no. 17 (LPS17), a proposal which was supported by Council at its Meeting held on 14 February 2018.

The portion of Lot 96 subject to the current amendment proposal was originally reserved for 'Public Purpose - Special Use' for railway purposes associated with the Ellenbrook train line. The railway has now been built on the opposite side of Drumpellier Drive and so the reserve is no longer required. The site is now intended to be developed for residential purposes and is therefore proposed to be rezoned to 'Urban' under the MRS and to 'Residential Development' in LPS17.

Land to the east of Lot 96 is zoned Urban under the MRS and Residential Development in the City of Swan Local Planning Scheme No. 17 (LPS 17) and is predominantly undeveloped. Drumpellier Drive, to the west, is reserved Primary Regional Roads under the MRS. Lots 100 and 101 Barrambie Way, to the north, are reserved Public Purposes – Water Authority of WA and Public Purposes – State Energy Commission respectively under the MRS and are occupied by a wastewater pumping station and an electrical substation.

Approximately 1.02 hectares of the Public Purposes – Special Uses reserved land north of the subject land has not been included in the amendment as this land may be required for a future expansion of the wastewater pumping station site. The reservation of this land will be modified by a future amendment to the MRS, if required.

The use and development of the subject land are currently governed by the MRS due to its reservation. If the amendment is approved, it will be subject to the requirements of LPS17 in the future.

DETAILS

Strategic Context

North-East Sub-Regional Planning Framework

The North-East Sub-regional Planning Framework (the Framework) designates the subject land as 'Public Purposes', consistent with its current reservation under the MRS. The balance of Lot 96 is predominantly designated as 'Urban Expansion' with a 'Medium Term (2022-2031) staging timeframe in the Framework.

The proposed Urban zoning is not consistent with the 'Public Purpose' designation of the subject land in the Framework, but is broadly consistent with the intent of the Framework for the following reasons:

- The proposed Urban zoning is consistent with the 'Urban Expansion' designation and Urban zoning of adjacent land to the east, in the Framework and under the MRS;
- The subject land is no longer required for a public purpose; and
- The subject land does not contain any significant constraints which would preclude the further planning and development of this land for urban purposes.

State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Area

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 is consistent with policy measures and other planning and environmental considerations.

The Environmental Protection Authority (EPA) in their comment to the DPLH identifies that implementation of the amendment may lead to the removal of mature trees and habitat for priority and threatened species, as well as impacting a priority 2 Public Drinking Water Source Area. They do however qualify that such potential impacts are unlikely to be significant and may be mitigated through future planning processes where potential black cockatoo habitat trees should be retained as part of open space design. This will be addressed at the Local Structure Plan stage where environmental protection will be a key consideration.

State Planning Policy 3.0 - Urban Growth and Settlement

State Planning Policy 3.0 - Urban Growth and Settlement (SPP 3.0) seeks to facilitate sustainable patterns of urban growth and settlement across the State. Its objectives include promoting the growth and development of urban areas in response to the social and economic needs of communities and enhancing the quality of life in those communities.

The amendment is consistent with SPP 3.0 as it will contribute to the efficient use of land in an existing urban area and providing suitably serviced residential land in an area which will be well serviced by public transport.

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 transport noise on sensitive land uses within the specified trigger distance of major transport corridors.

SPP 5.4 is applicable as the site is located within the 200 metre policy trigger distance for Drumpellier Drive and the Ellenbrook railway line. Any future sensitive land uses on this land will be required to achieve compliance with SPP 5.4 through the implementation of noise amelioration measures.

Statutory Context

Water and wastewater infrastructure

The Water Corporation advises in their comments to DPLH that the future subdivision and development of the subject land can be serviced by extensions off the surrounding water and sewerage networks, and identifies that there will be odour buffer requirements for its waste water pumping station located adjacent to the northern boundary of the amendment area that will have to be addressed in the later planning stages to follow.

Local Planning Scheme No. 17 (LPS17)

The subject land is currently reserved as 'Public Purpose - Special Use' for railway purposes.

Under s.126(3) of the Planning and Development Act 2005 the City of Swan has the option of recommending to the WAPC to concurrently rezone land that is being zoned Urban under the MRS to a "Development" zone (or similar) in its LPS17.

Staff support the rezoning of the land under the City's Local Planning Scheme No.17 concurrent with any MRS amendment as it represents a small area of land between the existing urban area to the east and Drumpellier Road, owned by the same entity of the adjacent land, that will round off the urban area.

This land can be addressed in the same Local Structure Plan as the rest of the urban land to the west of Starflower Road.

SPP3.6 - Development Contributions for Infrastructure

Under SPP 3.6, development contributions can be sought for the following, where justified based on specific circumstances:

- a new item of infrastructure;
- land for infrastructure;
- an extension to, or an upgrade in the standard of, an existing item of infrastructure;
- proportional costs of the replacement of necessary infrastructure once it has reached the end of its economic life;
- other costs reasonably associated with the preparation, implementation and administration of a development contribution plan.

All the land located west of Starflower Road, of which the land subject of this proposal forms part of, is owned by the WAPC. It is therefore reasonable to conclude that the land will be developed by a single developer.

The difficulties associated with coordination of infrastructure provision normally associated with multiple landowners, will not apply to provision of local infrastructure within this future structure plan area. There may however be some infrastructure items, potentially associated with traffic impact, where this structure plan area may be required to upgrade or contribute to already identified upgrades to road infrastructure within the existing Developer Contribution Area for the Henley Brook Structure plan area to the east.

The subject of such contributions or upgrades for this area, which could be addressed by a Deed of Agreement with the developer, if necessary, will be informed by the Local Structure Plan that will follow at the next stage within the planning process.

CONSULTATION

The amendment was advertised for public submissions for a period of 42 days from 23 January 2024 to 5 March 2024 by The Department of Planning, Lands and Heritage who also referred the Amendment to

the City for comment. The City has not undertaken any further consultation on the matter and obtained extension of time to submit its comment until 25 March 2024 to facilitate presentation of a report to the March Ordinary Council Meeting.

ATTACHMENTS

1. mrs-1410-amending-plan-3.2817 [14.2.2.1 - 1 page]
2. mrs-1410-amendment-report [14.2.2.2 - 26 pages]

STRATEGIC IMPLICATIONS

Built Environment

B1 Planned and facilitated growth

B1.1 Create community places to live, relax and work

Governance

G1 Aligned leadership and direction

G1.2 Engage, communicate and consult with our community and stakeholders

G1.3 Promote and advocate on behalf of the City of Swan

STATUTORY IMPLICATIONS

Should this MRS Amendment be approved, the City's Local Planning Scheme 17 will be required to be amended to include this land under the 'Residential Development' zone.

City officers support the rezoning of the land under the City's Local Planning Scheme No.17 concurrent with the MRS amendment as provided by Section 126(3) of the Planning and Development Act 2005 for the reasons mentioned elsewhere in this report.

FINANCIAL IMPLICATIONS

An assessment of any financial contributions or upgrades to infrastructure by Lot 96 that may be required, will be undertaken as part of a future local structure plan.

RECOMMENDATION

That Council resolve to:

1. Advise the West Australian Planning Commission (WAPC) that it supports the Metropolitan Region Scheme Amendment 1410 proposal to include Part of Lot 96 Starflower Road, Henley Brook in the “Urban” zone under the Metropolitan Region Scheme (MRS);
2. Support the rezoning of the land to ‘Residential Development’ under the City's Local Planning Scheme No.17 concurrent with the MRS amendment as provided by Section 126(3) of the Planning and Development Act 2005

MOTION that Council resolve to:

1. Advise the WAPC that it does not support the MRS Scheme Amendment 1410 proposal to include Part of Lot 96 Starflower Rd Henley Brook in the “Urban” zone under the MRS

Reason for Motion

1. The land contains beautiful examples of magnificent remnant trees that provide desperately needed forest cover and important biodiversity and habitat values
2. The land should be left as public purposes for future generations

(Cr Catalano - Cr Howlett)

MOTION WAS PUT TO THE VOTE AND CARRIED (9/6)

For: Cr Aringo, Cr Catalano, Cr Dorn, Cr Henderson, Cr Howlett, Cr Johnson, Cr Knight, Cr Miles and Cr Zannino

Against: Cr Bowman, Cr Jones, Cr McCullough, Cr Predovnik, Cr Singh and Mayor Richardson