



May 2024

Metropolitan Region Scheme Amendment **1405/57** (Minor Amendment)



South Mandogalup Urban Precinct

Report on Submissions
Submissions

City of Kwinana

**Metropolitan Region Scheme
Amendment 1405/57
(Minor Amendment)**

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Submissions

Introduction to Metropolitan Region Scheme minor amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Metropolitan Region Scheme under review and initiating changes where they are seen as necessary.

The Metropolitan Region Scheme (MRS) sets out the broad pattern of land use for the whole Perth metropolitan region. The MRS is constantly under review to best reflect regional planning and development needs.

An amendment proposal to change land use reservations and zones in the MRS is regulated by the *Planning and Development Act 2005*. That legislation provides for public submissions to be made on proposed amendments.

For a non-substantial amendment, often referred to as a minor amendment (made under former section 57 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning for approval. The amendment takes legal effect with Gazettal of the Minister's approval.

In the process of making a non-substantial amendment to the MRS, information is published as a public record under the following titles:

Amendment report

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

Environmental review report

The Environmental Protection Authority must consider the environmental impact of an amendment to the MRS before it can be advertised. While formal assessment would be unlikely for a non-substantial amendment, were it required then an environmental review would be undertaken and made available for information and comment at the same time as the amendment report.

Report on submissions

The planning rationale, determination of submissions and the WAPC's recommendations for final approval of the amendment, with or without modification, is documented in this report.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

Report on Submissions

Metropolitan Region Scheme Amendment 1405/57

South Mandogalup Urban Precinct

Report on Submissions

1 Introduction

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

The principal differences between the minor and the major MRS amendment processes are that the former includes a 60 day advertising period while the period for the latter is 90 days, the former is not required to be placed before Parliament (for 12 sitting days) while the latter is and there is not requirement for submitters to be offered hearings for minor amendments.

2 The proposed amendment

Purpose

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

The purpose of the proposed amendment is to rezone approximately 27.8 ha of land in the Mandogalup locality from the Rural zone to the Urban zone in the MRS. The amendment will facilitate the residential development of the site, as shown on the ***Amendment Figure – Proposal 1***.

3 Environmental Protection Authority advice

On 10 May 2023, the EPA determined that the amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*, and provided advice on inland waters, flora and vegetation, terrestrial fauna and social surrounds. These matters will require further consideration in the subject planning stages.

4 Call for submissions

The amendment was advertised for public submissions from 7 July 2023 to 8 September 2023. The amendment was made available for public inspection during ordinary business hours at:

- i) Department of Planning, Lands & Heritage, Perth
- ii) City of Kwinana
- iii) State Reference Library, Northbridge.

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

5 Submissions

18 submissions (includes one late submission) were received on the amendment. An alphabetic index of all the persons and organisations lodging submissions is at Schedule 1.

Three submissions were of objection, 1 was of support and 14 were of general comments, non-objection or no comment.

A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions is contained in the **Submissions section** at the end of this report.

6 Main Issues Raised in Submissions

6.1 Strategic Planning Impacts

Submissions advise that the amendment is inconsistent with the following:

- Kwinana Air Quality Buffer (KAQB), Western Trade Coast (WTC) and does not provide for transitional land uses
- *State Planning Policy 4.1 – Industrial Interface* (SPP 4.1)
- There are potential safety risks
- Would be premature to progress the amendment.

***WAPC Response:** The proposed amendment is considered a logical continuation of the planning in the Mandogalup locality, with the area being progressively zoned Urban over the past few years. The subject land is consistent with the position of State Cabinet on residential development within the Mandogalup 'Area A' precinct based on EPA findings. 'Area A' is located sufficiently far away from Alcoa's Residue Disposal Area to have negligible health risks and a low likelihood of unreasonable amenity impacts for urban development. In addition, the likelihood of potential safety impacts from Alcoa's operations are outside the scope of the MRS amendment process.*

The proposed amendment is designated as "Urban Expansion" with a "Short-Term (2015-2021)" timeframe in the Perth and Peel@3.5Million/South Metropolitan Peel Sub-Regional Planning Strategy (Framework). In relation to the KAQB and WTC, the Framework is the State Government's strategic planning document which guides the planning of the locality and surrounds. Adequate strategic planning is being undertaken surrounding the subject land that will ensure the interface between development on adjacent properties would be given further detailed consideration in subsequent planning and design processes.

The subject land abuts the IP47 boundary and in November 2022, the WAPC selected a preferred scenario that will inform the draft Improvement Scheme which has been endorsed by Cabinet. The interface of the IP47 boundary with Urban zoned land (existing and proposed) is an important consideration through the drafting of the draft Improvement Scheme and structure planning processes.

The draft Improvement Scheme has been referred to the EPA and will be subsequently advertised for public consultation.

The medium to long-term strategic planning for the site has been established as part of Perth and Peel@3.5Million and the State Cabinet's decision on residential development within the Mandogalup 'Area A' precinct based on EPA findings. It is also standard practice to give due regard to nearby development at the local structure planning stage with further input from the City and other relevant State Government agencies.

The City will be able to determine the level of information required via the local structure planning process which can occur once the land has been zoned Urban in the MRS and the City of Kwinana LPS zone established. Therefore, having regard to the above the proposed amendment is consistent with intent of SPP 4.1.

6.2 Protection of the Saiva Maha Sabai of WA (Inc.) Temple

The Saiva Maha Sabai of WA Inc. Temple (SMS) requests their site be protected and refer to MRS Amendment 1114/33 - Jandakot Structure Plan, Cell 1 Mandogalup, as follows:

- Their site be reserved Civic and Recreation or Public Purposes – Special Uses in the MRS
- The provision of a setback/buffer of approximately 200 metres around their landholdings to preclude the introduction of sensitive land uses
- Notifications on titles within proximity to forewarn of potential excessive noise impacts generated by the temple.

WAPC Response: Approximately, 3,700 m² of the SMS landholdings are located within the amendment area with the balance of the site located within the draft Improvement Scheme for IP47.

The amendment proposes to zone the SMS temple site and surrounds as Urban in the MRS and concurrently zone the site 'Development' in the City of Kwinana LPS No. 2. This is consistent with the identification of this area as "Urban Expansion" with a "Short-Term (2015-2021)" timeframe in the Perth and Peel@3.5Million/South Metropolitan Peel Sub-Regional Planning Strategy.

The 'Development' zoning of the site and surrounds in the City of Kwinana LPS No. 2 will require the preparation of a local structure plan. This is the appropriate stage of the planning process to identify and protect the SMS Temple site and any other existing landuses within the amendment area.

Consideration of S.70A notifications on certificates of title for any future residential landholdings in proximity of the SMS landholdings to forewarn of land use planning matters that may impact the enjoyment of the land can also be considered at the local structure plan and subdivision stages.

These planning measures, in conjunction with the potential for the City of Kwinana to consider exemptions to the Noise Regulations for the SMS activities, are considered an appropriate and balanced planning response that provides for the ongoing use of the SMS site whilst also providing for the development of the surrounding area.

Similar measures are being considered for the SMS landholdings located within the draft Improvement Scheme area. A Residential R30 coding is proposed for the SMS landholdings, with the additional uses of Place of Worship and Community Purpose to apply, providing for the legitimate ongoing operation of the SMS temple.

The draft Concept Plan which accompanies the draft Improvement Scheme indicates a road perimeter around the majority of the SMS landholdings and provides for service commercial and local open space in so far as practicable in order to reduce the extent of sensitive land uses in proximity.

6.3 Concurrent City of Kwinana LPS Amendment

The City of Kwinana do not support the concurrent LPS amendment of the site as matters need consideration at the LPS amendment and local structure planning stage, such as:

- Biodiversity surveys
- Landscape Feature and Tree Retention Strategy
- Local Water Management Plan
- Public Open Space Schedule and Landscape Masterplan
- Road and Rail Transport Noise
- The impact on rezoning on existing landuses such as the SMS Temple.

WAPC Response: The matters raised by the City of Kwinana are noted however are not considered to warrant a separate LPS amendment being undertaken for this site. The subject land is primarily cleared of vegetation except for scattered Tuart trees in a degraded condition within the southern part of the site and a small patch of vegetation in the north-west corner. At the structure planning stage, appropriate development responses will be confirmed through detailed design and structure planning having regard to all environmental requirements.

The deemed provisions under the Planning and Development (Local Planning Schemes) Regulations 2015 provide for the matters raised by the City to be considered at the local structure planning stage, such as an environmental assessment and management strategy, local biodiversity strategy, noise impact assessment, local water management strategy etc. Therefore, it is not intended to replicate these requirements as part of a separate LPS amendment process.

The proponent has undertaken an environmental assessment report which concluded that the site does not have significant environmental constraints or attributes that will limit or preclude the rezoning of the land to Urban, subject to further environmental considerations being undertaken as the planning of the site progresses.

The proposal was reviewed by the EPA and on the 15 May 2023 determined to not to assess the amendment. The EPA provided advice that potential impacts to the preliminary environmental factors can be managed through the proposed amendment and future planning controls. Including additional consultation with relevant authorities for the inland water factor and the expectation for the retention and enhancement of potential fauna habitat during future development. It is also noted the previous 2017 s16(e) advice which concluded that as the subject land is within 'Area A' it is suitable for residential development.

The Minister for Planning has recently approved City of Kwinana LPS Amendments 159 and 161 to a "Development" zone abutting to the north of the site. No specific provisions were inserted into LPS No. 2 and therefore this site would be a continuation of this "Development" zone. Refer to Part 6.2 above for discussion on the SMS landholdings.

The matters raised above are not considered to warrant the amendment not proceeding and accordingly the submissions are dismissed.

7 Determinations

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

8 Co-ordination of region and local scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land that is being zoned Urban under the MRS, to a "Development" zone (or similar) in the corresponding LPS. The WAPC has supported to concurrent LPS amendment of the subject land to the "Development" zone in the City of Kwinana LPS No. 2.

9 Conclusion and recommendation

This report summarises the background to minor amendment 1405/57 and examines the various submissions made on it.

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

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

10 Minister and Cabinet Decision

Amendments to the MRS using the provisions of former section 57 of the *Planning and Development Act 2005* require the WAPC to provide a report and recommendation to the Minister for Planning for approval. The Minister may approve, approve with modification or decline to approve the proposed amendment.

In 2009 *MRS Amendment 1114/33 - Jandakot Structure Plan, Cell 1 Mandogalup* included a Ministerial Direction to the WAPC under part Section 17 of the *Planning and Development Act 2005*. In summary, this required that the Minister for Planning and State Cabinet approve any rezoning of land from Rural zone to the Urban zone in the Mandogalup locality.

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

MRS Amendment 1405/57 is now finalised as advertised and shown on WAPC Amending Plan 3.2806 and has effect in the MRS from the date of notice in the *Government Gazette* on 31 May 2024.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1405/57

South Mandogalup Urban Precinct

Submission Number	Name
1	ATCO Gas
3	Biodiversity, Conservations and Attractions, Department of
5	Name removed at request of submitter
14	De Haer, Margaret and Hubert
9	Education, Department of
8	Fire and Emergency Services, Department of
12	Health, Department of
16	Kwinana, City of
7	Main Roads Western Australia
6	Mines and Industry Regulation and Safety, Department of
17	Planning Solutions (on behalf of Alcoa Australia)
15	Planning Solutions (on behalf of Kwinana Industries Council)
13	Primary Industries and Regional Development, Department of
10	Savia Maha Sabai of WA
11	Transport, Department of
2	Water and Environmental Regulation, Department of
4	Water Corporation

Late Submission	Name
18	Public Transport Authority

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, 2, 3, 4, 6, 7, 8, 9, 11, 12, 18 (late)

Submitted by: ATCO Gas, Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions, Water Corporation, Department of Mines, Industry Regulation and Safety, Main Roads WA, Department of Fire & Emergency Services, Department of Education, Department of Transport, Department of Health, Public Transport Authority

Summary of Submission: COMMENT

The above State Government agencies and infrastructure providers raise no objections, no comment or provide general comments on the amendment. Whenever applicable these comments have been provided to the proponent.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 5

Submitted by: Name removed at request of submitter (interested resident)

Summary of Submission: OBJECTION

The submitter does not support the amendment as the Peel Main Drain (PMD) traverses a section of the site. The PMD, while considered an artificial habitat, supports relictual populations of the state (Vulnerable under BC Act 2016) and federally listed (Vulnerable under EPBC Act 1999) Carter's freshwater mussel (*Westralunio carteri*). This population is in an aging state and has poor recruitment, with the potential for any upstream impacts, such as impediment of water flow, increased sediment suspension from bank modifications, and/or alteration of current water regimes, to cause an extirpation of the PMD mussel population.

This section of the PMD feeds the Spectacles Wetlands, which comprises a large standing of *Melaleuca*. This habitat is known to support 80+ species of birds, including aquatic birds, reliant on seasonal water within the wetland.

The submitter is concerned that habitats, such as the PMD, are too disregarded as they are considered "low quality" habitat due to their artificial nature. These habitats need to be maintained and actively restored. A Wetland Management Plan should be implemented defining buffer zones around these areas to ensure no impacts on riparian zones and bank stability and metrics about on-going monitoring of water quality. The plan should seek improvement of habitat rather than reduction of impacts or maintenance.

Planning Comment:

The PMD is currently in a degraded condition and urbanisation will provide for the detention and treatment of drainage water prior to discharge into the PMD. This is proposed to increase water quality and benefit the downstream catchment in accordance with *Environmental (Peel Inlet – Harvey Estuary) Policy 1992* and DWER water sensitive design principles.

The amendment will facilitate upgrades to habitat, landscape and open space areas around the PMD. Upgrade specifications and maintenance obligations of the open space and core drain area will be determined with Water Corporation and the City of Kwinana, consistent with earlier upstream improvements and management agreements. The details of the PMD improvements are to be considered as part of the subsequent the Local Structure Plan (LSP) and associated subdivision applications.

On 15 May 2023, the EPA determined that the amendment should not be assessed and provided guidance in relation to urban water management, including consultation with DWER in the preparation of the LWMS supporting the LSP. It is also noted that DWER has approved a District Water Management Strategy for the amendment area.

Determination: Submission noted.

Submission: 10

Submitted by: Jaya Yayabalan JP on behalf of the Saiva Maha Sabai of WA (Inc.)

Summary of Submission: COMMENT

The submitter advises that the Hindu Murugan temple worship is widespread throughout India, Sri Lanka, Malaysia, Singapore and Nepal. For the past 50 years, Hindu Murugan temple worship is practiced by increasing migrant communities in Fiji, Mauritius, South Africa, UK, USA, Canada, European Union countries, Scandinavian countries, Australia and New Zealand.

The Saiva Maha Sabai (SMS) Temple represents a vast congregation of individuals from countries such as India, Sri Lanka, Nepal, Malaysia, Singapore, Fiji, Mauritius and South Africa. The submitter has concerns regarding the SMS Temple and how the amendment would impact on the Temple's future operations and members wellbeing.

The submitter seeks the WAPC's support to safeguard the legacy of the SMS Temple and ensuring its continued service to the community. Support to mitigate these concerns and preserve the place of worship is appreciated.

The SMS Temple request to update advice provided to WAPC on the 23 November 2022 as part of the preparation of IP47 - Mandogalup Improvement Scheme and associated Land Use Plan being developed by DPLH.

SMS seek a coordinated response for the development adjoining the SMS Temple from two separate processes through the WAPC [IP47 Mandogalup Improvement Scheme and associated Land Use Plan and MRS Amendment 1405/57 South Mandogalup Urban Precinct].

SMS will be seeking an urgent meeting to discuss their submission with senior executives who is responsible for both DPLH Strategy and Engagement division and Land Use Planning divisions.

SMS Religious Worship Premises - Background Information

- a) The SMS Temple, a registered charity organisation with ACNC under ABN 39 364 584 677, has been a vital spiritual and cultural center in Mandogalup since its establishment in 1996. Our religious activities are conducted through the Perth Murugan Temple, also a registered charity under ABN 48 874 618 455 with ACNC. The SMS Temple has played an essential role in serving the spiritual needs of our community and is recognised as a valuable cultural asset.
- b) The SMS Temple practice Hindu Murugan Temple religious worship activities throughout the year and the practices are similar to other temples in Australia and around the world.
- c) The SMS Temple building is licensed for 600 people. For additional parking during special festival days, we use City of Kwinana Park in front of our property with traffic management. While our patronage is over 4,000, on some special festival days, around 2,000 patrons [devotees] gather outside the SMS Temple building to partake in religious worship activities.
- d) SMS Temple opens 7 days a week, from 6.00AM to 1.00PM and then from 6.00PM to 10:00PM.
- e) Being a church congregation, religious devotional singing and procession around the SMS Temple building with drums and musicians [could be up to 10pm] happens throughout the year. Presently this is rural land [refer attached marked up map and SMS Temple building and facilities detailed map], and the religious worship activities may cause disturbance up to 200m from the property if the current scheme is amended.

Drums can be as loud as between 90 and 130 decibels. Different drums vary quite a bit in how loud they are. Smaller drums would be closer to 90dB, but larger ones, like the tom-toms, can be as loud as 120 decibels.

The noise levels from SMS Temple special worship activities could be much higher with Nadaswaram music and devotees singing religious songs.

- f) One of the primary reasons the site was chosen for the SMS Temple 27 years ago was the rural nature of the area, which suited Hindu Murugan Temple religious worship practices and gatherings. The Town of Kwinana's local planning policy allowed SMS Temple's operations without any limitations. The SMS Temple has developed over the years through donations and fundraising efforts. It is a cherished heritage for the community, as there are no other spiritual places within a 15km radius. Presently and since 1996, the adjoining land is a farming vacant land with cows grazing daily.

SMS Religious Worship Activities being carried out for the past 27 years

The SMS Temple has been in existence for over 27 years. Examples were provided which provide a snapshot of regular and special worship days at the SMS Temple premises to provide an understanding of MS Temple Religious Worship Activities.

These activities cannot be reduced or restricted and will continue to have an impact in the corresponding noise affected area.

IP47 - Mandogalup Improvement Scheme

- a) Part of the SMS Temple landholdings is included in located within MRS Amendment 1405/57 to change the existing rural zone to urban zone. The other part of the land is in the IP47 Mandogalup Improvement Scheme.
- b) In regards to IP47 - Mandogalup Improvement Scheme – Determination of Preferred Land Use Scenario (RLS/0747), WAPC at its meeting held on 23 November 2022 resolved that:
 - i) *Note the submissions received at Attachment 4 and 5*
 - ii) *Endorse the land use scenario at Attachment 6, and Drafting Considerations provided in this report, as the preferred scenario that will form the basis of the Improvement Scheme*
 - iii) *Advise stakeholders of the WAPC's decision, outline next steps and anticipated timing of the drafting of the Improvement Scheme, and that the preferred land use scenario will be refined as a Land Use Plan that is advertised alongside the Improvement Scheme.*

Considerations provided in the report are:

- SMS Temple - The Improvement Scheme shall accommodate the SMS Temple through a zoning which provides for continuation of its religious/community land use.
 - Recommended Land Use Scenario - Whilst there is need for a transitional and precautionary land use approach within the IP47 area, it is clear that the curved boundary of the subject area in conjunction with a series of other irregular and intersecting boundaries created by transmission easements, drainage lines, pipelines, vegetation, and roads, does not provide for an optimal urban design outcome along the easternmost boundary of the area. As it is reasonable to expect the potential for impact to reduce the further land is from industrial activities, a 'rounding' approach along some of these more obvious 'barriers' nearest the eastern edge of the IP47 boundary will provide for a more integrated design with the existing or planned residential interface to the east. A degree of pragmatism at the edge of the IP47 boundary will provide for a more liveable and coordinated design outcome for the future community in return for minimal anticipated impact on the future residential lots.
- c) A copy of the letter dated 05 April 2022 from City of Kwinana, Manager Planning and Development Paul Neilsen states that:

"The Murugan Temple and the Centre for Education and Cultural Development are land uses which have non-conforming use rights as an existing approved land use supported and issued by the City. I am sure that this will apply irrespective of the final zoning of your landholding by the WAPC as this right is a fundamental one within the planning legal framework. You should contact the WAPC on this matter to confirm this as it is the decision maker on the new scheme. As noted above, Council wrote to the WAPC in early March requesting that it provide clear advice to you and other landowners in IP47 on this very issue".

SMS 2006/2007 submission to WAPC on MRS Amendment 1114/33 Jandakot Structure Plan, Cell 1 – Mandogalup]

On 28 September 2006 (WAPC transcript of hearings from 31 January 2007 with SMS represented by then SMS Treasurer Mahadevan Jayabalan and Secretary Vicnesh Jayakumar) articulated the existence of the SMS Temple and the noise level associated with activities throughout the year. The submission and the presentation stressed the potential for future conflicts or legal actions by prospective subdivided lot landowners. The proposed amendment would have a negative impact on SMS Temple's operations. This could potentially threaten the existence of the SMS Temple in the long term. As a pre-existing place of worship, the SMS Temple holds immense cultural and religious significance for the community, and any development plans shall account for SMS Temple's continued operation without imposing new limitations.

Environmental Protection (Noise) Regulations 1997 - Exemptions for SMS as Place of Religious Worship

- a) The SMS Temple is exempt from complying with the assigned noise levels stipulated in regulations 7 and 8 of the *Environmental Protection (Noise) Regulations 1997* under Regulation 16.

Regulation 16 - Community Noise, allows noise levels to exceed the assigned noise levels at nearby residences as long as it is of a type included in Schedule 2.

Schedule 2 includes noise emitted from an assembly for the purpose of divine worship where it takes place at a premises and on land referred to in section 6.26(2)(d) of the *Local Government Act 1995*. This refers to land used or held exclusively by a religious body as a place of public worship.

- b) SMS Temple land is also exempt from rates because of its religious use. *Environmental Protection (Noise) Regulations 1997* Schedule 2 lists the "noise emitted from church services [as distinct from bellringing or calls to worship] where the worship takes place on land which is exempt from rates because of its religious use" as exempt noise.

Request for consideration in the MRS Amendment 1405/57

- a). SMS request that SMS Temple "status quo" be maintained through the relevant planning development and MRS amendment approval by careful consideration for the surrounding 200m noise impact area.
- b). Future land zoning shall be synchronised with MRS Amendment 1405/57, IP47 Mandogalup Improvement Scheme and associated Land Use Plan currently being developed by DPLH and a buffer shall be created for the surrounding 200m noise impact area.
- c). The adjoining planning and development changes including structure plans etc shall through WAPC decision making process:
- i) Protect SMS Temple's approved use for Hindu Murugan Temple religious worship as in the past 27 years;
 - ii) Not impact the right to worship at SMS Temple premises as practiced in the past 27 years.
 - iii) Acknowledge SMS temple noise impact area of 200m from the premises.

- d) To minimise any future conflicts with the adjoining subdivisions and or legal actions by the prospective subdivided property owners, regarding SMS Temple Religious Worship Noise Affected Area, request that any future subdivision and or amalgamation of land adjacent to or within 200m of the SMS Temple to be acknowledged by the WAPC. A notification on title under Section 165 of the *Planning and Development Act 2005* and by City of Kwinana under Section 70A of the *Transfer of Land Act 1893* shall be used to advise landowners of future subdivided lots the following:

"The existence of a place of public worship and the land use nearby may cause noise at certain times of the day".

- e) SMS request that SMS Temple land be zoned "Religious/ Community Facility" zone appropriate for churches and places of worship i.e either MRS Civic and Cultural or Public Purposes - Special Uses reservation in the MRS, IP47 Mandogalup Improvement Scheme and the relevant Local Government Planning Scheme.
- f) To ensure the uninterrupted operation of SMS Temple, urge an adequate buffer zone be established around SMS Temple premises. This can be achieved by considering the nature of SMS Temple facilities when planning adjoining subdivisions. Roads, parks, and community facilities, including ovals, shall be strategically located adjacent to SMS Temple premises to create a separation between subdivision developments and SMS Temple.

These facilities can reduce the impact of existing SMS Temple with the landowners of future subdivided lots. Such measures would also minimise the potential for future conflicts and or legal actions by prospective subdivided lot landowners and will increase the demand for the subdivision areas, allowing the continued Hindu Murugan Temple religious worship activities in harmony with the evolving landscape.

Due to change of zoning from Rural to Urban [over the past 27 years SMS Temple is surrounded by empty land with cows grazing to future Urban R30 Residential zone], any adjoining subdivision development shall consider community nature of our facilities and be responsible for the cost to provide the required separation and or buffer zone adjacent to SMS Temple land.

Request for a verbal deputation

- a) The SMS will be requesting a 10-minute verbal deputation at the WAPC meeting considering the MRS amendment to:
- i) Provide a snapshot of regular and special worship days at the SMS Temple premises to provide an understanding of SMS Temple Religious Worship Activities via two short 1min video clips.
 - ii) Explain why these Religious Worship Activities cannot be reduced or restricted and will continue to have an impact in the corresponding Noise Affected Area.
 - iii) Discuss how the scheme would potentially have an impact on temple's future operations and members wellbeing.
 - iv) Seek support, particularly Section 6 of the submission, to safeguard the legacy of the SMS Temple and ensuring its continued service to the community by mitigate the concerns.

The submitter requested to be advised when the amendment was to be considered by the WAPC so they can make necessary arrangements. They are also liaising with City of Kwinana, IP47 Mandogalup Improvement Scheme Project team and Member for Kwinana Hon Roger Cook MLA, who is a regular visitor to the temple for the past 15 years, to seek their support for this submission.

This submission was supported by a number of photos and videos.

Planning Comment: Refer to Part 6.2 - Protection of the Saiva Maha Sabai of WA (Inc.) Temple of the Report on Submissions.

The SMS were provided an opportunity for a deputation to the WAPC.

Determination: Submission noted.

Submission: 13

Submitted by: Department of Primary Industries and Regional Development

Summary of Submission: COMMENT

The southern portion of Lot 669 consists of the soils-landscape unit Spearwood S2a phase. Its land capability is category A1 (dominantly high capability) for perennial horticulture and vineyards and category B1 for annual horticulture.

The majority of the proposed area consists of the soils-landscape unit Vasse V9 phase. This phase consists of former swamps which have been artificially drained, with uniform loamy or peaty sands. The current land use is irrigated seasonal vegetables and herbs. These soils are known to be acidic, with a moderate risk of flood risk, poor to moderate drainage ability and a moderate to high risk of waterlogging. Mandogalup East, located to the north, is partially comprised of this soil-landscape unit. The Department does not consider this area of the land to be high quality agricultural land.

The land is traversed by a section of the PMD. The Department notes in the Mandogalup - Land Use Planning and Context Report a key consideration is the realignment of the drain. The Department would not support a realignment if this were to adversely impact agriculture in the local area. It is expected that the drainage system will be retained to manage surface water flows from major events, maintaining peak water levels and flow rates.

The Department recommends that the transition from Rural to Urban zone should have regard to *State Planning Policy 2.5 - Rural Planning* and the Department of Health's separation of agricultural and residential land uses to minimise the potential health risks associated with locating sensitive residential uses next to the remaining horticultural properties on Lot 666 and 667 and to prevent future land use conflict or operational restrictions being placed on horticultural uses.

Planning Comment: Comments noted. The WAPC notes that treatment of the PMD will be addressed through the subsequent LSP and associated LWMS and that a DWMS has been approved by the DWER. In addition, consideration of appropriate landuse transition within the subject land and abutting IP47 area will be given further consideration as part of the subsequent LSP and Improvement Scheme processes.

Determination: Submission noted.

Submission: 14

Submitted by: Margaret & Hubert De Haer (interested residents)

Summary of Submission: SUPPORT

The submitters support more urban development in Mandogalup as everything is within 20 minutes.

The submitters are close to employment in Kwinana, Rockingham, Cockburn and the Perth CBD. Within easy reach of the City Centre, Cockburn Central, Fiona Stanley and Murdoch Hospitals. Easy access to Kwinana Freeway and the Mandurah to Joondalup train line with stations at Aubin Grove and Kwinana.

Mandogalup is already developing as a residential suburb. The eastern part of Mandogalup is being developed by Qube and Satterley. There is strong demand for housing in the area as shown by the rapidly developing Apsley Estate and the nearby suburbs of Hammond Park, Aubin Grove and Honeywood. Land prices are affordable, particularly for young families and retirees.

More residential development will support a wider range of services and facilities in Mandogalup including shops, schools, health, medical and community facilities as well as parks and public open spaces. It may be an opportunity to develop public housing which is lacking and a train station at Mandogalup.

Planning Comment: Support noted

Determination: Submission noted.

Submission: 15

Submitted by: Ross Underwood (Planning Solutions) on behalf of the Kwinana Industries Council

Summary of Submission: OBJECTION

The amendment should not proceed as it is not consistent with SPP 4.1 as:

- it does not provide for the expansion and growth of the Western Trade Coast (WTC) strategic industrial area (SIA);
- it does not reflect the endorsed Kwinana air quality buffer (KAQB);
- the intended development not in keeping with the more desirable land use of low-scale light industry as an interface to mitigate impacts to adjacent urban areas; and
- no district structure planning has been undertaken in support of this amendment, and therefore it would be premature to proceed with the amendment at this point in time.

Not consistent with Kwinana Air Quality Buffer (KAQB)

The KAQB was established around the WTC in 2010 following studies and investigations dating back to the 1970s. On 21 September 2010 the WAPC resolved to:

1. *Endorse the revised KAQB line of 1km north, north east and east from the boundary of the Alcoa residue disposal area land holdings.*
2. *Endorse an additional 0.5km extension of the 1km buffer as a non-residential 'transition zone' to be referenced in planning documents and memorials on lot tiles.*

The WAPC affirmed the above decision on 24 May 2011. To this date, there has been no resolution of WAPC to amend, revoke or rescind its 2010 decision or the KAQB. The KAQB is an impact area under SPP 4.1. Clause 6.1.3.2 of SPP 4.1 provides that:

Local planning schemes and amendments should:

- b) *provide for impact areas and compatible zones and/ or reserves for SIAs, strategic industries, strategic infrastructure and major hazard facilities.*

This amendment is not consistent with SPP 4.1 in that it facilitates urban development on land in a WAPC endorsed impact area of a SIA, contrary clause 6.1.3.2.

Lack of transitional land uses

The intended residential land uses are not consistent with SPP 4.1 which contemplates light industry zoning and other compatible zones and reserves as a compatible land use transition at the interface of general and strategic industrial areas.

The subject land directly adjoins the IP47 area which the *South Metropolitan Peel Sub-Regional Planning Framework* has designated as "Industrial Investigation". In November 2022, the WAPC endorsed a land use scenario for IP47 confirming the majority of the IP47 area should be developed with industrial land uses.

The City of Kwinana's *Local Planning Policy 12 Mandogalup Future Development* provides for a transition area supporting composite residential / light industrial uses to provide a suitable interface between industrial and residential areas.

Does not take into account growth of the Western Trade Coast

The WTC's prominence will only increase with the planning for Westport as the region's bulk and container shipping port. Construction of the port will increase demand for land in the WTC for port ancillary uses and for new and emerging industries that rely on convenient access to the port and for those industries supporting the port and emerging industries. The DPLH's consultant identified as much in its *Westport Analysis Briefing Note* (November 2021) for the Mandogalup IP47 area.

Pracsys identifies a potential gap of 612ha of industrial land in a high-growth scenario. It may be the case that the amendment area, which is well-located with regard to the proposed Anketell Road / Thomas Road freight corridor, is needed to accommodate the demand for industrial land.

The business case for Westport has not been finalised and we would expect the availability of land to meet land use demands near the port over its expected lifespan to be a critical factor.

Pracsys warns against releasing land for residential too soon: “if the land is planned for commercial or residential uses it is likely to develop in a shorter timeframe and it would likely be difficult and potentially impossible to change the planning to accommodate future demand for industrial land”.

SPP 4.1 provides the following guidance for SIAs:

SIAs are areas of significant economic and strategic importance for the State or region. SIAs should incorporate impact areas that require suitable and appropriate integration with surrounding compatible zones, reserves and land uses to ensure the site can:

- a) *expand and grow over time*
- b) *prevent or minimise the encroachment of incompatible land uses*
- c) *ensure off-site impacts and/or safety risks are managed within a defined area.*

By facilitating residential land uses over this land, this amendment departs from orderly and proper planning which entails the planning of expansion and growth of the WTC and which permits encroachment of incompatible land uses into the IP47 industrial investigation area.

The amendment is premature

The amendment proposes the piecemeal zoning of a portion of land without there being clarity and certainty with medium to long term land uses and planning outcomes in the Mandogalup locality. While the WAPC has considered land use options for IP47, there has been no statutory decision to enshrine the preferred land uses which are subject to the development of an improvement scheme to be prepared, advertised for public comment and determined by the Minister for Planning. There is no suitable planning for the precinct i.e. a district structure plan or similar. The *Jandakot Structure Plan* is outdated and not suitable as a basis for planning for urban development in this locality as:

- it does not reflect the industrial land uses proposed in the IP47 area, and therefore assumptions on population to support road networks, activity centres, schools, and open space cannot be relied upon;
- it does not reflect the KAQB’s 1km – 1.5km transition zone as adopted by the WAPC in September 2010;
- it proposes a neighbourhood connector road intersecting with Anketell Road midway between Mandogalup Road and Kwinana Freeway, and mixed use land uses abutting Anketell Road – an inviable location for the road and mixed use land uses given the proposal to upgrade Anketell Road as a major freight corridor;
- traffic studies for the *Jandakot Structure Plan* did not contemplate the upgrading of Anketell Road as a major freight corridor linking Westport to Kwinana Freeway and Tonkin Highway, and the impact that introducing residential and the associated light car traffic movements on the safety and efficiency of freight vehicle movements on Anketell Road;
- it proposes a primary school partially within the KAQB – a location not suitable;
- it proposes an activity centre in a location where a significant portion of its notional walkable catchment is within the IP47 area, and for this reason an activity centre in this location may be nonviable; and
- it includes a possible train station at Anketell Road which will not be proceeding in this location, and therefore cannot be used to justify land uses and densities proposed in its vicinity by the *Jandakot Structure Plan*.

Under orderly and proper planning processes a district structure plan would be required to support urban expansion. For example, a district structure plan was prepared in support of proposals for Wanju to zone land urban at Waterloo. To proceed would be to progress urban expansion in a piecemeal and uncoordinated fashion, potentially leading to issues of integration of land uses and infrastructure in the area. In the absence of a district structure plan, the proposal is premature and should not be supported.

Planning Comment: Refer to “Part 6.1 – Strategic Planning Impacts” of the Report on Submissions.

Determination: Submission dismissed.

Submission: 16

Submitted by: City of Kwinana

Summary of Submission: COMMENT

The progressive planning of IP47 by the WAPC where the land uses are now largely determined, concept planning being finalised and the scheme being prepared provides the City with greater confidence about the planning of the Mandogalup urban cell. The rezoning of the site forms a logical progression to the MRS further north in the Mandogalup cell (outside the IP47 landholding).

The City requests that the amendment not be the subject of a concurrent amendment under section 126(3) of the *Planning and Development Act 2005*. The City requests there be a separate amendment to zone the site ‘Development’ to enable the City to consider local planning issues prior to the lodgement of a structure plan. The City wishes to emphasise the need for following information as part of the City’s assessment of the local scheme amendment and structure plan in Mandogalup South:

- a) Biodiversity surveys: Vegetation, flora and fauna surveys are to be conducted in accordance with EPA and DWER requirements.
- b) Landscape Feature and Tree Retention Strategy: A Landscape Feature and Tree Retention Strategy should be prepared in accordance with the City’s *Local Planning Policy No. 1* and include the following.
 - i. a map prepared by a suitable qualified professional showing the location, species, size and structural health of significant trees on site;
 - ii. a map showing which significant trees are proposed to be retained and which significant trees are to be removed;
 - iii. a description of methods to avoid impact on trees that are to be retained;
 - iv. a description of ongoing management and maintenance;
 - v. a map and description of all landscape features on site; and
 - vi. a map of the landscape features that are proposed to be retained, modified or removed.

It is recommended that the Landscape Feature and Tree Retention Strategy be developed in consultation with the City and include consideration of retaining significant trees.

- c) Local Water Management Plan: in accordance with *Liveable Neighbourhoods* and the requirements of the DWER, to ensure that the quality and quantity of stormwater leaving and entering the amendment area is maintained at acceptable levels.
- d) Public Open Space Schedule and Landscape Master Plan: in accordance with *Draft Liveable Neighbourhoods*
- e) Road and Rail Transport Noise: Description of the potential impact of noise from trains on the Perth-Mandurah rail line, and management of impacts consistent with *State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning* Include a noise exposure forecast and a noise level contour map in the local structure plan to indicate areas where mitigation measures in accordance with an approved noise management plan for noise sensitive land uses or quiet house package maybe required.
- f) The impact of rezoning on existing land uses such as the Saiva Maha Sabai (SMS) Temple:

Hindu Murugan temple worship has taken place for many years. This property is intersected by the boundary of this MRS amendment and IP47. The City is keen to ensure the ongoing operation of the temple is addressed as part of the planning of both this amendment and IP47.

Planning Comment: Refer to Parts 6.1 - Protection of the Saiva Maha Sabai of WA (Inc.) and 6.3 - Concurrent City of Kwinana LPS amendment of the Report on Submissions.

Determination: Submission noted.

Submission: 17

Submitted by: Ross Underwood (Planning Solutions) on behalf of Alcoa of Australia

Summary of Submission: OBJECTION

Introduction

The submitter considers the proposed amendment should not proceed as it is not consistent with SPP 4.1 due to:

- there being unresolved potential impacts of risk which warrant application of the precautionary principle;
- does not reflect the endorsed KAQB;
- the intended development not in keeping with the more desirable land use of low-scale light industry as an interface to mitigate impacts to adjacent urban areas; and
- does not provide for the expansion and growth of the WTC strategic industrial area.

The proposed amendment seeks to rezone approximately 27.8 ha from the Rural zone to the Urban zone which will facilitate residential development on the subject land. Alcoa commenced operations at the Kwinana Refinery in July 1963 and has progressively operated the residue storage areas in their current location since 1972. Alcoa's State Agreement, the *Alumina Refinery Agreement Act 1961*, allows Alcoa to operate the residue storage areas until at least 2045, with a subsequent period of renewal for 21 years, conditional on WA Government approval.

The amendment area is between 1 km and 1.5 km to the east of Alcoa's Kwinana Alumina Refinery bauxite residue storage areas. Between the subject land and Alcoa's residue storage area is land subject to IP47 which has been identified for industrial investigation. In November 2022, the WAPC endorsed a land use scenario for IP47 confirming the majority of the area for industrial land uses.

Safety Risks

SPP 4.1 seeks to prevent conflict and encroachment between industrial and sensitive land uses. It provides a useful introduction to the principles of planning for a suitable interface to industrial areas. Planning for safety risks is also addressed in *DC 4.2 - Planning for Hazards and Safety* which states any development introducing a substantial number of people into an area where the individual risks are significant should be avoided.

Alcoa draws the WAPC's attention to potential critical consequence of a tailings dam failure, which the global resources industry has mobilised to address in the past three years. In the past decade, the global resources industry has experienced tragic consequences of catastrophic wet tailings dam failures which have inundated surrounding areas and local communities, such as:

- the red mud wall collapse at the Ajka alumina refinery, Hungary, in October 2010, which led to 10 deaths;
- the Fundão dam collapse (Samarco) in Mariana, Brazil, in November 2015, which led to 19 deaths; and
- the tailings dam failure at the Córrego do Feijão mining facility (Vale) in Brumadinho, Brazil, in January 2019, which led to 270 deaths. the tailings dam collapse in Jagersfontein, South Africa, in September 2022, which led to one death and another two people missing.

Following the tailings dam failures, resource companies are publishing more information about their tailings' facilities including the consequence classification of these facilities based on the consequence of failure. In all cases, as population increases the potential loss of life should an event occur increases and the consequence is higher.

Governments are actively seeking to limit residential, commercial, and industrial development downstream to tailings facilities to mitigate any consequences. Companies are moving to alternative technologies such as residue filtration, introduced by Alcoa at the Kwinana residue storage area in 2016. Alcoa urges consideration be given to the consequence of tailings dam failure when determining the proposed amendment.

Alcoa is a member of the International Council on Mining and Metals and have agreed to meet the requirements of the GISTM. Alcoa has designed all residue areas to relevant standards when they were built and has led industry with implementation of mandated tailings management design standards for over 25 years.

Alcoa continuously improves design, controls, procedures, and operating measures at the Kwinana residue storage areas to prevent potential catastrophic failure. To complement and support these measures, a precautionary approach should be applied to achieve the objective of separating the residue storage areas from inconsistent land uses and urban encroachment, which increase the population at risk.

SPP 4.1 requires planning authorities to take a precautionary approach to proposals involving off-site impacts or risks where: *“inadequate information is known or available about the impacts, and where these impacts are difficult to avoid, mitigate or manage, or where the cost to do so is not commensurate with the risk. This will be particularly important if there are potential significant adverse health and amenity impacts on existing or proposed sensitive land uses within impact areas, where consequences and mitigation measures need to be weighed more carefully.”*

Where the risk is undefined but higher density development in a low-lying area be at risk should a low-likelihood catastrophic failure ever occur. It would be premature to proceed with the amendment at the current time. The amendment should not proceed until it has been demonstrated the risk has been comprehensively investigated and addressed.

Does Not Reflect Kwinana Air Quality Buffer

The KAQB was established to prevent encroachment of incompatible land uses to the WTC. On 21 September 2010 the WAPC resolved to:

- *Endorse the revised KAQB line of 1km north, northeast and east from the boundary of the Alcoa residue disposal area land holdings.*
- *Endorse an additional 0.5km extension of the 1km buffer as a non-residential ‘transition zone’ to be referenced in planning documents and memorials on lot tiles.*

The WAPC affirmed the above decision on 24 May 2011. Clause 6.1.3.2 of SPP 4.1 requires:

Amendments should:

- b) *provide for impact areas and compatible zones and/ or reserves for SIAs, strategic industries, strategic infrastructure and major hazard facilities.*

There has not been any formal recission of the KAQB by the WAPC. Nor have the land area requirements for Westport been resolved. It is inconsistent to proceed with the proposed amendment, to facilitate incompatible land uses in an endorsed impact area / buffer.

Lack of Transitional Land Uses

SPP 4.1 contemplates light industry zoning and other compatible zones and reserves as a compatible land use transition at the interface of general and strategic industrial areas. The subject land is within reasonable proximity of Alcoa’s bauxite residue storage areas, and directly adjoins the IP47 area which the *South Metropolitan Peel Sub-regional Planning Framework* has designated for “*Industrial Investigation*”.

The City of Kwinana's *Local Planning Policy 12 - Mandogalup Future Development* provides for a transition area supporting composite residential / light industrial uses to provide a suitable interface between industrial and residential areas. No certainty is provided that transitional land uses are proposed abutting the boundary of IP47.

Fails To Provide For Growth Of The Western Trade Coast

The WTC includes the Kwinana Industrial Area, Latitude 32, Rockingham Industrial Zone, and Australian Marine Complex and is the State's primary SIA. Construction of the port will increase demand for land in the WTC for transport and logistics and for new and emerging industries that rely on convenient access to the port. The business case for Westport has not been finalised and we would expect the availability of land to meet land use demands near the port over its expected lifespan to be a critical factor.

Planning for protection and growth of the WTC is provided for in SPP 4.1. SIAs should incorporate impact areas that require suitable and appropriate integration with surrounding compatible zones, reserves and land uses to ensure the site can:

- expand and grow over time
- prevent or minimise the encroachment of incompatible land uses
- ensure off-site impacts and/or safety risks are managed within a defined area.

Alcoa's bauxite residue storage areas in the WTC adjoin land for future industry (or industry investigation) on all sides. However, it should not be assumed this land can be developed. Further studies are required to confirm the suitability of the land around Alcoa's bauxite residue storage areas for development considering safety risk.

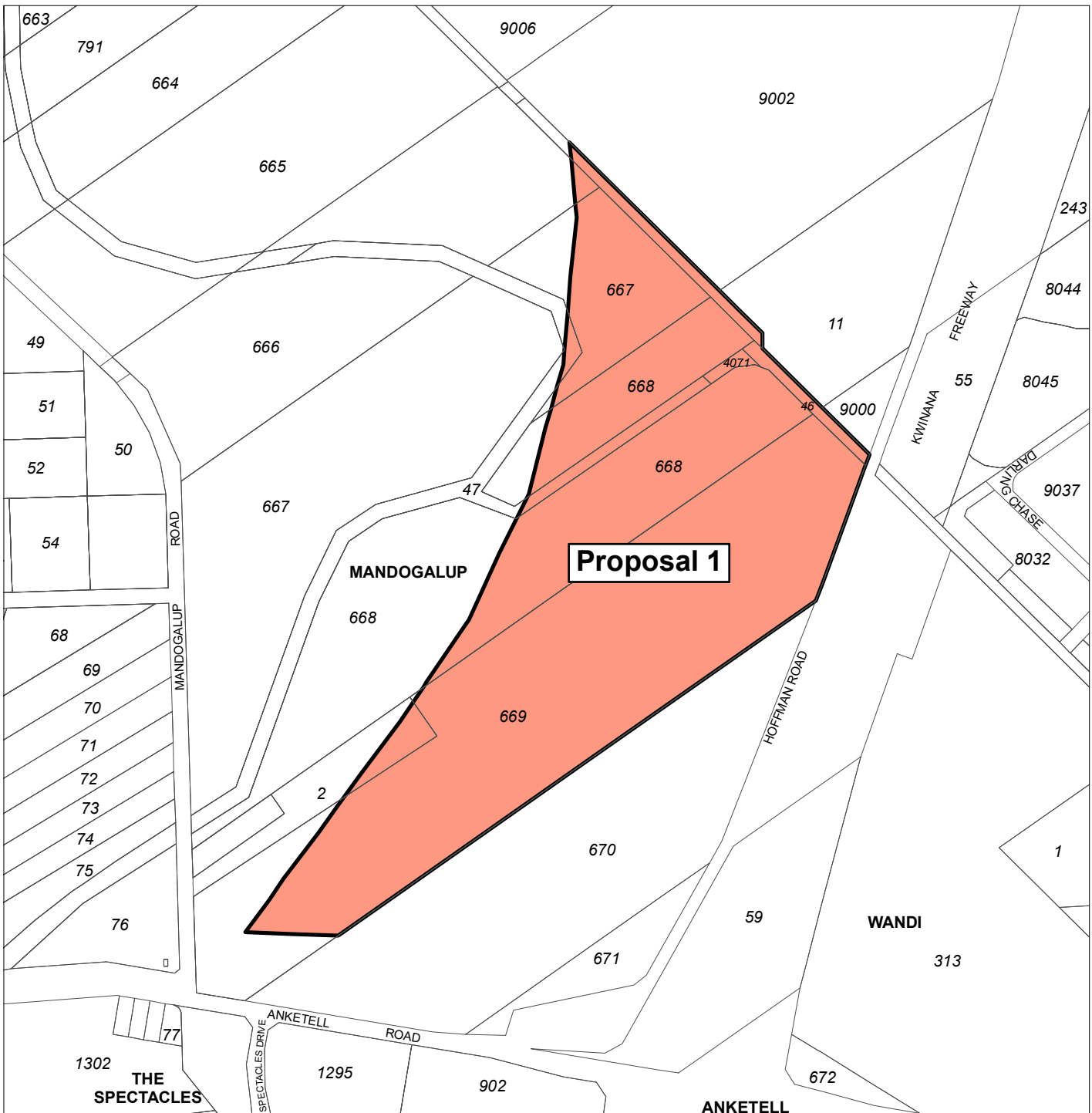
It would be premature to proceed with the proposed amendment given the land area requirements for future industry associated with Westport and the WTC have not been resolved. If the land is developed with residential, the opportunities to expand the WTC in this area will be lost. SPP 4.1 requires zoning land to allow the WTC to expand and grow over time. The proposed amendment is not consistent with SPP 4.1.

Planning Comment: Refer to "Part 6.1 – Strategic Planning Impacts" of the Report on Submissions.

Determination: Submission dismissed.

Schedule 3

**The amendment figure - proposal 1
as advertised**



**South Mandogalup Urban Precinct
Proposed minor amendment
as advertised**

29 March 2023

Proposal 1

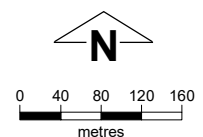
Proposed Amendment:

 Urban zone

Oracle reference no: 3059
File number: 833/02/26/0025
Version number: 3



Date: 7/02/2023
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1



Appendix 1

List of detail plans as advertised

**Metropolitan Region Scheme
Amendment 1405/57**

South Mandogalup Urban Precinct

as advertised

Amending Plan 3.2806

Submissions

From: Hatcher, Kim <Kim.Hatcher@atco.com>
Sent: Wednesday, 12 July 2023 10:04 AM
To: Region Planning Schemes
Subject: RE: LM23525 Referral - Advertising of Proposed MRS Amendment 1405/57 - South Mandogalup Urban Precinct

Categories:

You don't often get email from kim.hatcher@atco.com. [Learn why this is important](#)

Good Morning,

Re: Advertising of Proposed MRS Amendment 1405/57 - South Mandogalup Urban Precinct
ATCO Reference: LM23525

ATCO Gas Australia (ATCO) has **no objection** to the proposed application, based on the information and plan provided.

Advice notes:

- Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
- Proposed construction and excavation works need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>

Please accept this email as ATCO's written response.

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

Kind Regards

Kim Hatcher

Land Liaison/Engineering Coordinator

ATCO, Gas Division, Australia

A. 81 Prinsep Road, Jandakot, Western Australia, 6164

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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: Friday, 7 July 2023 3:04 PM
To: Engineering Services <eservices@atco.com>
Subject: LM23525 Referral - Advertising of Proposed MRS Amendment 1405/57 - South Mandogalup Urban Precinct

****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.****

Advertising of Proposed Metropolitan Region Scheme Amendment 1405/57 - South Mandogalup Urban Precinct

Please see attached notification letter for the above amendment which is currently on advertising. For your information below is the link to the online display:-

[MRS Minor amendment 1405/57 – South Mandogalup Urban Precinct \(www.wa.gov.au\)](http://www.wa.gov.au)

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 | |



FOR OUR ELDERS
NATIONAL NAIDOC WEEK 2-9 JULY 2023



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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Your ref: 833-2-26-25
Our ref: PA57354, RF3779-04
Enquiries: Mark Hingston, Ph 9550 4209

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Anthony Muscara

Dear Anthony

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – 1405/57
SOUTH MANDOGALUP URBAN PRECINCT**

Thank you for providing the Proposed Metropolitan Region Scheme Amendment – 1405/57 South Mandogalup Urban Precinct received on 7 July 2023 for the Department of Water and Environmental Regulation (Department) to consider. The Department has reviewed the information provided and provides the following advice.

District Water Management Strategy

Consistent with *Better Urban Water Management* (WAPC, 2008) and policy measures outlined in *State Planning Policy 2.9: Water Resources*, the proposed scheme amendment is required to be supported by a District Water Management Strategy (DWMS) to demonstrate that the subject area can support the proposed change in zoning with regard to water resources.

DWER has previously reviewed the *Mandogalup District Water Management Strategy* (JDA, 2011) and the DWMS was found suitable for the intended land use. A local water management strategy will be required at the future structure plan stage. Thus the Department has no objections to the proposed amendment, with regard to water related issues.

Groundwater

In addition, there is an existing groundwater licence held by the QUBE Mandogalup Development Pty Ltd for 724,935kL for multiple properties in the vicinity which is sufficient for the proposed change in land use to urban. The licence includes an allocation for irrigating public open space and dust suppression for earthworks and construction purposes.

Should you require any further information on the comments please contact Mark Hingston at the Department's Mandurah office on 9550 4228.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brett Dunn', enclosed within a large, horizontal oval shape.

Brett Dunn
Program Manager – Planning Advice
Peel Region

20 / 07 / 2023

Your ref: 833-2-66-26-25 Pt1&2 (RLS1085)
Our ref: PRS 50814
Enquiries: Lyndon Mutter
Phone: 9442 0342
Email: lyndon.mutter@dbca.wa.gov.au

Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

Proposed Metropolitan Region Scheme Amendment 1405/57 South Mandogalup Urban Precinct

In reference to your correspondence dated 7 July 2023, the Parks and Wildlife Service at the Department of Biodiversity, Conservation and Attractions (DBCA) provides the following comments.

DBCA notes that the Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) and advised that,

- the EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act, and that,
- the amendment area contains a small patch of vegetation in the north-western corner and scattered vegetation in the southern part of the amendment area. The vegetation could be potential habitat for threatened and conservation significant black cockatoo species. The EPA expects that remnant vegetation is retained (where possible) and the environmental function and linkages to surrounding areas are enhanced during later stages of planning and development.

It is also noted that a 'degraded' area of Federally listed Tuart Woodland Threatened Ecological Community (TEC) is located within the southern portion of the site and that the proponent has confirmed that the proposal will be referred to the Federal Department of Climate Change, Energy, the Environment and Water under the *Environment Protection and Biodiversity Conservation Act 1999*.

DBCA has no comments on the proposed Scheme amendment and will provide comment during the subsequent Structure Planning stage. Thank you for the opportunity to provide comment. Should you have any queries regarding the above comments, please contact Lyndon Mutter on 9442 0342.

Yours sincerely



Benson Todd
REGIONAL MANAGER

25 July 2023

Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

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



Your Ref: 833-2-26-25 Pt 1 & 2 (RLS/1085)
Our Ref: 138519800 - MRS369102
Enquiries: Kevin Purcher
Direct Tel: 9420 2385
Email: land.planning@watercorporation.com.au

03 August 2023

Secretary
Western Australian Planning Commission
LOCKED BAG 2506
PERTH WA 6001

Attention of: Anthony Muscara

**Re: Proposed Metropolitan Region Scheme Amendment 1405/57 -
South Mandogalup – Urban Precinct**

Thank you for your letter dated 7 July 2023. We offer the following comments regarding this proposal.

It should be noted that the Servicing Report attached to the proposal is not entirely correct and should be updated. The proponents are encouraged to note the following when updating the report.

Water

Reticulated water is not immediately available to serve the subject area. Current planning indicates that DN400 and DN 500 distribution mains are required to service the subject area. A distribution main will need to traverse the subject land. When a structure plan is undertaken, a route 20 metres wide for the distribution mains will be required in the form of road reserves.

Decisions on the funding of the water mains to service this area will essentially be based on a logical and orderly expansion and growth of the development front. Any development of this land that is required to proceed ahead of the logical front and therefore require the extension of the water distribution system may require the developer to enter a funding arrangement for the construction of the water distribution mains.

These proposed distribution water mains are currently not scheduled for construction on our 5-year Capital Investment Program.

Wastewater

Current planning indicates that the subject area falls within two wastewater catchments. There are no permanent pump stations for the catchments the subject area falls within. The northern portion of the subject area should gravitate to the proposed Thomson Lake WWPS 'J' a Type 180 wastewater pump station (WWPS) as shown in the servicing report. The most southern portion of the subject area falls within the catchment of the Thomson Lake WWPS 'L' a Type 10 WWPS which is proposed to be located to the southwest of the subject area.

Consideration must be made to the location of the proposed pump stations that have not been determined yet. A pump station will require appropriate land (eg parks) to be provided for the works and the odour buffer that will surround the works. The proposed WWPS 'L' Type 10 will require a buffer 10 metres in radius surrounding the pump station. The proposed WWPS 'J' Type 180 will require a large buffer 30 metres in radius surrounding the pump station. Routes 20 metres wide for the

pressure mains will also be required. The routes should be in the form of road reserves.

These proposed WWPS's are currently not scheduled for construction on Water Corporation's 5-year Capital Investment Program.

Drainage

The subject area falls within the Peel Drainage Catchment in the Mundijong Drainage District, a rural drainage system. The Peel Main Drain traverses the northern portion of subject site.

The Jandakot DWMP (DOW 2009 now DWER) shows that the Peel MD will remain on its existing alignment through the middle of Mandogalup Swamp and be converted into a landscaped basin with the adjacent area rezoned to Urban. Future governance and maintenance of this Peel MD will need to be determined when this area is no longer rural and becomes urbanised. The Water Corporation recommends that the Town of Kwinana will take responsibility for this section of drain when the area is urbanised and/or engages in a maintenance agreement between the Town of Kwinana and the Water Corporation, and the Water Corporation will then only need an easement over the drain, similar to other areas being developed upstream (to the northeast). The future developer should initiate discussions taking place with the City of Kwinana at an early stage regarding the governance and maintenance so that any future subdivision process is not held up.

Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water Corporation maintains its existing rural drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event, where contours and internal drainage make this physically possible.

Developments within this catchment are required to contain the flows from a one in one-hundred-year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. The developer of this land should be advised to liaise with Water Corporation at the preliminary planning stage to determine detailed planning requirements as this area could be prone to future flooding. To determine the flood level the developer should contact the Department of Water and Environmental Regulations regarding the Drainage and Water Management Plan.

General Comments

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 12 months, please contact us to confirm that this information is still valid.

Please provide the above comments to the landowner, developer and/or their representative.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.



Kevin Purcher
Senior Planner
Development Services

Submitted to Metropolitan Region Scheme amendment 1405/57 – South Mandogalup Urban Precinct
Submitted on 2023-07-10 09:49:04

About you

1 What is your first name?

First name:

Name and Contact Details removed at the request of the submitter

2 What is your surname?

surname:

3 What is your email address?

Email:

4 Are you responding on behalf of an organisation?

No

Organisation:

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

Yes

Submissions

6 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Oppose

7 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded below your submission text.

Submission:

I have concern over the rezoning of this land as the Peel Main Drain traverses a section of the site. The Peel Main Drain, while considered an artificial habitat, supports relictual populations of the state (Vulnerable under BC Act 2016) and federally listed (Vulnerable under EPBC Act 1999) Carter's freshwater mussel (*Westralunio carteri*). This population is in an aging state and has poor recruitment, with the potential for any upstream impacts, such as impediment of water flow, increased sediment suspension from bank modifications, and/or alteration of current water regimes, to cause an extirpation of the Peel Main Drain mussel population.

This section of the Peel Main Drain also feeds the Spectacles Wetlands, which comprises a large standing of Melaleuca. This habitat is known to support > 80 species of birds, including aquatic birds, reliant on seasonal water within the wetland.

I fear habitats, such as the Peel Main Drain, are too often disregarded as they are considered to be "low quality" habitat due to their artificial nature.

These habitats need to be not only maintained, but actively restored. A Wetland Management Plan should be implemented defining buffer zones around these areas to ensure no impacts on riparian zones and bank stability, as well as metrics about on-going monitoring of water quality. The plan should seek improvement of habitat rather than reduction of impacts or maintenance.

Upload supporting documents:

No file uploaded

Upload supporting documents:

No file uploaded

Upload supporting documents:

No file uploaded



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**
Resource and Environmental Regulation

SUBMISSION
6

Your ref 833-2-26-25 Pt 1-2 RLS/1085
Our ref A0148/202301
Enquiries Steven Batty — 9222 3104
Steven.BATTY@dmirs.wa.gov.au

Anthony Muscara
Principal Planner
Department of Planning, Lands and Heritage
Sent by Email — Anthony.muscara@dplh.wa.gov.au
Bunbury Tower, Level 6, 61 Victoria Street, Bunbury WA 6230

Dear Anthony Muscara

MRS - AMENDMENT 1405/57 - SOUTH MANDOGALUP URBAN PRECINCT

Thank you for your letter dated 7 July 2023 inviting comment on the proposed Metropolitan Region Scheme (MRS) Amendment 1405/57 South Mandogalup Urban Precinct.

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

DMIRS lodges no objections to the above MRS amendment.

Yours sincerely

Steven Batty | Senior Geologist
Mineral and Energy Resources Directorate
29 August 2023



Enquiries: Belinda Hill on (08) 9323 4572
Our Ref: 20/5898 (D23#750317)
Your Ref: (RLS/1085)

30 August 2023

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

Email: mrs@dplh.wa.gov.au

Attention: Anthony Muscara

METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1405/57– SOUTH MANDOGALUP - REQUEST FOR COMMENTS

Thank you for your correspondence dated 7 July 2023 inviting Main Roads for comments on the above proposal for rezoning from 'Rural' to 'Urban'.

Main Roads has no objections to the proposed amendment however the following should be noted:

- The Westport investigations are ongoing and the future planning for Anketell Road is still subject to review and change.
- Anketell Road will carry a high volume of 36.5m road trains and Over Sized Over Mass Vehicles. Anketell Road is currently constructed to a single carriageway (two lanes) formation. Ultimately, Anketell Road will be constructed to a dual carriageway (four lanes) formation. Current planning for this strategic freight corridor is currently underway and additional land requirements may be necessary in this area.
- All future development to comply with SPP 5.4 Road and Rail Noise.

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



Our Ref: D30122
Your Ref: RLS/0925

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

Dear Mr Muscara

RE: PRELIMINARY COMMENTS – PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1405/57 – SOUTH MANDOGALUP URBAN PRECINCT

I refer to your email dated 7 July 2023 regarding the submission of the above proposed MRS Amendment.

This advice relates only to *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

Assessment

- It is noted that the MRS Amendment has not yet been formally submitted and the request is for preliminary comments. The WAPC should ensure that the area proposed within the MRS Amendment area is assessed within an updated Bushfire Management Plan (BMP) as portions of the area are bushfire prone.
- Given the MRS Amendment seeks to change the current zoning of 'Rural' to 'Urban', the MRS Amendment provides an opportune mechanism for the coordination of bushfire risk to ensure that it does not result in the introduction or intensification of development or land use in an area that has or will, on completion, have an extreme BHL and/or BAL-40 or BAL-FZ.
- SPP 3.7 seeks to reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- A BMP has been submitted as part of the referral, which was previously reviewed under WAPC Ref RLS/0925/1. It is noted that this BMP does not reflect the current area proposed to be part of the MRS amendment, or the current requirements of version 1.4 of the Guidelines. As such, an updated BMP (or an addendum to the existing BMP providing an assessment of the current development area, and assessment against the updated Bushfire Protection Criteria) should be submitted to allow for an assessment against SPP 3.7.
- The updated BMP should be prepared as early as possible in the planning process and progressively refined or reviewed as the level of detail increases. The level of detail provided within a BMP should be commensurate with the applicable planning stage and scale of the proposal or application.

Recommendation – advice only

Given the proposed MRS Amendment has the potential to increase the threat of bushfire to people, property and infrastructure, the decision maker should ensure the bushfire risk is understood before making a determination.

Consequently, the decision maker should require that an updated BMP (or an updated attachment to the existing BMP) is prepared to address the policy requirements of SPP3.7 and the current Guidelines to inform decision making.

Should you require further information, please contact me on telephone number 9395 8919.

Yours sincerely



Michael Ball
SENIOR LAND USE PLANNING OFFICER

31 August 2023

CC Anthony.Muscara@dplh.wa.gov.au

Your ref: 1405/57
Our ref: D23/1464569
Enquiries: Sharnie Stuart

Department of Planning, Lands and Heritage

Email: Anthony.muscara@dplh.wa.gov.au

Attention: Anthony Muscara
Principal Planning Officer

Dear Sir / Madam

Proposed Metropolitan Region Scheme Amendment – South Mandogalup Urban Precinct

Thank you for your email dated 7 July 2023 providing the Department of Education with the opportunity to provide comment on the abovementioned proposal.

The Department understands the MRS Amendment proposes to rezone approximately 27.8 hectares of land in South Mandogalup from Rural to Urban. Perth and Peel @ 3.5 Million, *South Metropolitan Peel Sub-regional Framework* identifies the subject site as Urban Expansion within the short term.

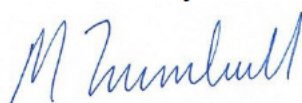
The Amendment area is south of the future Mandogalup Primary School (planning name). Based on the anticipated dwelling yield within the area, an additional public primary school site will likely be required in accordance with the dwelling threshold ratio as prescribed in the Western Australian Planning Commission's Operational Policy 2.4 – Planning for School Sites (OP 2.4).

Preliminary consultation has been undertaken by the proponent with the Department and the proponent has indicated they are in the process of refining the dwelling yield. The Department reinforced should a public primary school be required, it is critical to consider the elements of OP 2.4 including the future school site being unencumbered by physical and/or environmental constraints including any easements or operational buffers. In addition, careful consideration needs to be given to ensure that schools sites are located amongst or adjacent to compatible land uses to support education, health and wellbeing outcomes of students.

In view of the above, the Department has no in principle objections to the proposal and welcomes further discussions with the proponent prior to the formal submission of a local structure plan should the MRS Amendment be approved.

Should you have any questions in relation to the above, please do not hesitate to contact Sharnie Stuart, Senior Consultant – Land Planning on (08) 9264 4046 or by email at sharnie.stuart@education.wa.edu.au.

Yours sincerely



Matt Turnbull
Manager Land and Property

1 September 2023

From: M Jayabalan JP <jayasms@iinet.net.au>
Sent: Monday, 4 September 2023 12:13 PM
To: Region Planning Schemes; Region Planning Schemes
Cc: Balamurugan President; secretary@perthmurugan.org.au
Subject: RE: Saiva Maha Sabai of WA [SMS] Submission to WAPC – MRS Amendment 1405/57 South Mandogalup Urban Precinct
Attachments: 1405-57-submission-form-57 SMS SUBMISSION 04092023 FINAL.pdf; ATTACHMENT 1.1 - Saiva Maha Sabai Temple Religious Worship Activities Noise Affected Area.pdf; ATTACHMENT 1.2 - Saiva Maha Sabai Temple building and Facilities current and future.pdf; ATTACHMENT 3.1 - Letter from City of Kwinana Manager Planning and Development Paul Neilsen dated 05 April 2022.pdf; ATTACHMENT 4.1 - SMS 2006 submission to WAPC and 2007 WAPC transcript of hearings with SMS.pdf; PHOTO 1 - Chariot [21ft high] Festival [29 April 2023].jpg; PHOTO 2 - Water-cutting Festival [30 April 2023].jpg; PHOTO 3 - Thaipooosam Special Function 2022 [18 January 2022].jpg

Follow Up Flag: Follow up
Flag Status:

Ms Sam Fagan **E:** mrs@dplh.wa.gov.au

Secretary RegionPlanningSchemes@dplh.wa.gov.au

Western Australian Planning Commission

Locked Bag 2506 PERTH WA 6001

Dear Sam

RE: Saiva Maha Sabai of WA [SMS] Submission to WAPC – MRS Amendment 1405/57 South Mandogalup Urban Precinct

Thank you for your letter dated 29 August 2023 inviting SMS to comment on the proposed MRS Amendment 1405/57 South Mandogalup Urban Precinct.

Please find attached a copy of the SMS comments for your consideration.

We look forward to hearing from you in the near future.

Many thanks

Best Regards

Jaya

Mahadevan (Jaya) Jayabalan **JP M:** 0478 624 965

President

Saiva Maha Sabai of WA (Inc.)

Response ID ANON-THTV-3723-N

Submitted to Metropolitan Region Scheme amendment 1405/57 – South Mandogalup Urban Precinct
Submitted on 2023-09-04 13:20:36

About you

1 What is your first name?

First name:
Mahadevan

2 What is your surname?

surname:
Jayabalan JP

3 What is your email address?

Email:
jayasms@inet.net.au

4 Are you responding on behalf of an organisation?

Yes

Organisation:
Saiva Maha Sabai of WA Inc

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

No

Submissions

6 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Support

7 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded below your submission text.

Submission:

We seek your support, particularly for Section 6 of the submission, to safeguard the legacy of the SMS Temple and ensuring its continued service to the community. Your support to mitigate these concerns and preserve our place of worship would be greatly appreciated.
Refer attached submission and attachments - SMS concerns regarding the proposed amendment shall be addressed through the WAPC decision making process.

Upload supporting documents:
1405-57-submission-form-57 SMS SUBMISSION 04092023 FINAL.pdf was uploaded

Upload supporting documents:
ATTACHMENT 1.1 ATTACHMENT 1.2 ATTACHMENT 3.1 ATTACHMENT 4.1.pdf was uploaded

Upload supporting documents:
PHOTO 1 PHOTO 2 PHOTO 3.pdf was uploaded

Section 57 Amendment (Minor)

Form 57

Submission

Metropolitan Region Scheme Amendment 1405/57

South Mandogalup Urban Precinct

OFFICE USE ONLY

SUBMISSION NUMBER

RLS/1085

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Title (*Mr, Mrs, Miss, Ms*) **Mr**..... First Name **Mahadevan**.....

Surname **Jayabalan JP**..... (PLEASE PRINT CLEARLY)
President, Saiva Maha Sabai of WA (Inc.)

Address **12 Mandogalup Road, Mandogalup WA**..... Postcode **6167**.....
PO Box 3825, Success WA 6964

Contact phone number **0478 624 965**..... Email address **jayasms@iinet.net.au**.....
President@perthmurugan.org.au

Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes No

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

Saiva Maha Sabai of WA (Inc.) [SMS] of 12 Mandogalup Road, Mandogalup comments to West Australian Planning Commission [WAPC] on the Metropolitan Region Scheme [MRS] Amendment 1405/57 South Mandogalup Urban Precinct

Impact to SMS Community and key issues

Hindu Murugan temple worship is widespread throughout India, Sri Lanka, Malaysia, Singapore, and Nepal. Now for the past 50 years, Hindu Murugan temple worship is practiced by the ever-increasing migrant communities in Fiji, Mauritius, South Africa, UK, USA, Canada, European Union Countries, Scandinavian countries, Australia, and New Zealand.

SMS Temple represents a vast congregation of individuals from countries such as India, Sri Lanka, Nepal, Malaysia, Singapore, Fiji, Mauritius, and South Africa. The submission highlights our strong concerns regarding the proposed rezoning around the SMS Temple and how the amendment would impact on SMS Temple's future operations and members wellbeing.

We seek your support, particularly for Section 6 of the submission, to safeguard the legacy of the SMS Temple and ensuring its continued service to the community. Your support to mitigate these concerns and preserve our place of worship would be greatly appreciated.

We seek this submission as an input to support the SMS temple request, particularly Section 6 of the submission, and to update the advice provided to WAPC on the 23 November 2022 decision, as part of the preparation of IP47 Mandogalup Improvement Scheme and associated Land Use Plan currently being developed by DPLH.

SMS seek a coordinated response for the development adjoining SMS Temple premises from the two separate processes underway through WAPC by both DPLH Strategy and Engagement division [IP47

Mandogalup Improvement Scheme and associated Land Use Plan] and DPLH Land Use Planning division [MRS Amendment 1405/57 South Mandogalup Urban Precinct].

SMS will be seeking an URGENT meeting to discuss our submission further with senior executive who is responsible for both DPLH Strategy and Engagement division and DPLH Land Use Planning division.

1. SMS Religious Worship Premises - Background Information

- a) The Saiva Maha Sabai (SMS) Temple, a registered charity organisation with ACNC under ABN 39 364 584 677, has been a vital spiritual and cultural center in Mandogalup since its establishment in 1996. Our religious activities are conducted through the Perth Murugan Temple, also a registered charity under ABN 48 874 618 455 with ACNC. The SMS Temple has played an essential role in serving the spiritual needs of our community and is recognised as a valuable cultural asset.
- b) The SMS Temple practice Hindu Murugan Temple religious worship activities throughout the year and the practices are similar to other temples in Australia and around the world.
- c) The SMS Temple building is licensed for six hundred [600] people. For additional parking during special festival days, we use City of Kwinana Park in front of our property with traffic management. While our patronage is over four thousand [4,000], on some special festival days, around two thousand [2,000] patrons [devotees] gather outside the SMS Temple building to partake in religious worship activities.
- d) SMS Temple opens 7 days a week, from 6.00AM to 13.00PM and then from 6.00 PM to 10:00PM.
- e) Being a church congregation, religious devotional singing and procession around the SMS Temple building with drums and musicians [**could be up to 10pm**] happens throughout the year. Presently this is rural land [refer attached marked up map and SMS Temple building and facilities detailed map], and the religious worship activities may cause disturbance up to 200m from the property if the current scheme is amended.
 - i) **ATTACHMENT 1.1** - Saiva Maha Sabai Temple Religious Worship Activities Noise Affected Area.
 - ii) **ATTACHMENT 1.2** - Saiva Maha Sabai Temple building and Facilities current and future.
 - iii) **ATTACHMENT 1.3 - DRUM NOISE LEVELS** – General information from weblink: ["How Loud Are Drums? Everything You Need to Know \(2023\) \(drumminginsider.com\)"](https://www.drumminginsider.com/2023/02/how-loud-are-drums-everything-you-need-to-know/).
"Drums can be as loud as between 90 and 130 decibels. Different drums vary quite a bit in how loud they are. Smaller drums would be closer to 90dB, but larger ones, like the tom-toms, can be as loud as 120 decibels".

The noise levels from SMS Temple special worship activities could be much higher with Nadaswaram music and devotees singing religious songs.
- f) One of the primary reasons our community chose 12, Mandogalup Road, Mandogalup for SMS Temple 27 years ago was the rural nature of the area, which suited Hindu Murugan Temple religious worship practices and gatherings. At that time, the Town of Kwinana's local planning policy allowed SMS Temple's operations to meet all conditions without any limitations. Over the years, we have developed the SMS Temple through donations and fundraising efforts. It has become a cherished heritage for our community, particularly as there are no other spiritual places within a 15km radius. Presently and since 1996, adjoining land is a farming vacant land with cows grazing daily.

2. SMS Religious Worship Activities being carried out for the past 27 years

Please note that the SMS Temple is in existence for over 27 years. The attached few examples provide a snapshot of regular and special worship days at the SMS Temple premises to provide an understanding of

SMS Temple Religious Worship Activities. These activities cannot be reduced or restricted and will continue to have an impact in the corresponding Noise Affected Area.

- a) **PHOTO 1** - Chariot [21ft high] Festival [29 April 2023] – Chariot with deities go around the SMS Temple for special religious worship days with devotional singing using loudspeakers and drumming.
- b) **PHOTO 2** - Water-cutting Festival [30 April 2023] – Five deities go around the temple with devotional singing, drums and musicians.
- c) **PHOTO 3** - Thaipooosam Chariot Festival [18 January 2022] – showing devotees going around the SMS Temple building with chariot procession.
- d) **ATTACHMENT 2.1 - VIDEO CLIPS:** - Religious worship at special worship days with devotional singing, drums, nadaswaram [musical instrument] and musicians, and procession of deities around the SMS Temple building. Refer weblink -
<https://drive.google.com/drive/folders/1aOFCF4vBpNY7Jzkv-cPIKtZYoY2W7GWI>
 - o **VIDEO 1** - Thaipooosam Chariot Festival [6:45 mins] - 18 January 2022
 - o **VIDEO 2** - Water-cutting Festival [1:08 mins] - 30 April 2023
 - o **VIDEO 3** - Chariot [21ft high] Festival [2:39 mins] - 29 April 2023
 - o **VIDEO 4** - Chariot Festival [2:40 mins] - 23 April 2022
 - o **VIDEO 5** - Soorasamharam [0:31mins] - 30 October 2022
 - o **VIDEO 6** - Soorasamharam [0:58mins] - 30 October 2022
 - o **VIDEO 7** - Chariot Festival [1:22mins] - 29 April 2023
 - o **VIDEO 8** - Navarathiri Festival Day 4 of 10 [4:03mins] - 29 September 2022
 - o **VIDEO 9** - Annual Festival Night Procession [5:17mins] - 24 April 2023
 - o **VIDEO 10** - Annual Festival Night Procession [2:22mins] - 25 April 2023
 - o **VIDEO 11** - Special Function [2:31 mins] – 29 August 2021
 - o **VIDEO 12** - Maha Kumbabhishekam 2020 [53:13 mins] – 07 February 2020
<https://youtu.be/RCMgJZD7To?si=GYVwfCDhr06DTrwD>

3. IP47 Mandogalup Improvement Scheme zone

- a) Part of SMS Temple land [12, Mandogalup Road, Mandogalup] is included in the MRS Amendment 1405/57 to change the existing rural zone to urban zone. Other part of the land is in the IP47 Mandogalup Improvement Scheme zone.
- b) With regards to **IP47 Mandogalup Improvement Scheme – Determination of Preferred Land Use Scenario (RLS/0747)**, WAPC at its meeting held on 23 November 2022 has resolved that:
 - i) *Note the submissions received at Attachment 4 and 5;*
 - ii) *Endorse the land use scenario at Attachment 6, and Drafting Considerations provided in this report, as the preferred scenario that will form the basis of the Improvement Scheme; and*
 - iii) *Advise stakeholders of the WAPC's decision, outline next steps and anticipated timing of the drafting of the Improvement Scheme, and that the preferred land use scenario will be refined as a Land Use Plan that is advertised alongside the Improvement Scheme.*

Considerations provided in the report are:

- o **SAIVA MAHA SABAI TEMPLE** - *The Improvement Scheme shall accommodate the Saiva Maha Sabai Temple through a zoning which provides for continuation of its religious/community land use.*
- o **RECOMMENDED LAND USE SCENARIO** - *Whilst there is need for a transitional and precautionary land use approach within the IP47 area, it is clear that the curved boundary of*

the subject area in conjunction with a series of other irregular and intersecting boundaries created by transmission easements, drainage lines, pipelines, vegetation, and roads, does not provide for an optimal urban design outcome along the easternmost boundary of the area. As it is reasonable to expect the potential for impact to reduce the further land is from industrial activities, a 'rounding' approach along some of these more obvious 'barriers' nearest the eastern edge of the IP47 boundary will provide for a more integrated design with the existing or planned residential interface to the east. A degree of pragmatism at the edge of the IP47 boundary will provide for a more liveable and coordinated design outcome for the future community in return for minimal anticipated impact on the future residential lots.

- c) A copy of the letter dated 05 April 2022 from City of Kwinana Manager Planning and Development Paul Neilsen [ATTACHMENT 3.1] states that:

"The Murugan Temple and the Centre for Education and Cultural Development are land uses which have non-conforming use rights as an existing approved land use supported and issued by the City. I am sure that this will apply irrespective of the final zoning of your landholding by the WAPC as this right is a fundamental one within the planning legal framework. You should contact the WAPC on this matter to confirm this as it is the decision maker on the new scheme. As noted above, Council wrote to the WAPC in early March requesting that it provide clear advice to you and other landowners in IP47 on this very issue".

4. SMS 2006/2007 submission to WAPC

Attached submission to WAPC [ATTACHMENT 4.1] [for *superseded MRS Amendment 1114/33 Jandakot Structure Plan, Cell 1 – Mandogalup*] on 28 September 2006 and WAPC transcript of hearings dated 31 January 2007 with SMS [represented by then SMS Treasurer Mahadevan Jayabalan and Secretary Vicnesh Jayakumar] clearly articulated the existence of the SMS Temple and the noise level associated with SMS Temple's activities throughout the year. The submission and the presentation further stressed the potential for future conflicts and or legal actions by prospective subdivided lot landowners if any changes to the scheme with past examples.

The proposed amendment to rezone SMS Temple premises and the surrounding area would have a profoundly negative impact on SMS Temple's operations. This could potentially threaten the very existence of SMS Temple in the long term. As a pre-existing place of worship, the SMS Temple holds immense cultural and religious significance for the community, and any development plans shall account for SMS Temple's continued operation without imposing new limitations.

5. Environmental Protection (Noise) Regulations 1997 Exemptions for SMS as Place of Religious Worship

- a) The SMS Temple is exempt from complying with the assigned noise levels stipulated in regulations 7 and 8 of the Environmental Protection (Noise) Regulations 1997 under Regulation 16.

Regulation 16 - Community Noise, allows noise levels to exceed the assigned noise levels at nearby residences as long as it is of a type included in Schedule 2.

Schedule 2 includes noise emitted from an assembly for the purpose of divine worship where it takes place at a premises and on land referred to in section 6.26(2)(d) of the Local Government Act 1995. This refers to land used or held exclusively by a religious body as a place of public worship.

- b) SMS Temple land [12, Mandogalup Road, Mandogalup] is also exempt from rates because of its religious use. **Environmental Protection (Noise) Regulations 1997 Schedule 2** lists the "Noise emitted from church services [as distinct from bellringing or calls to worship] where the worship takes place on land which is exempt from rates because of its religious use" as exempt noise.

6. Request for consideration in the MRS Amendment 1405/57

- a) SMS request that SMS Temple "status quo" shall be maintained through the relevant planning development and MRS amendment approval by careful consideration for the surrounding 200m noise impact area.
- b) Future land zoning shall be synchronised with MRS Amendment 1405/57, IP47 Mandogalup Improvement Scheme and associated Land Use Plan currently being developed by DPLH for MRS Amendment in the near future and the relevant Local Government Planning Scheme for the SMS Temple land 12 Mandogalup Road, Mandogalup WA 6167 and a buffer shall be created for the surrounding 200m noise impact area.
- c) The adjoining planning and development changes including land restructure plan, concept land use design shall, **through WAPC decision making process**,
 - i) Protect SMS Temple's approved use for Hindu Murugan Temple religious worship as in the past 27 years;
 - ii) Not impact the Right to worship at SMS Temple premises at 12 Mandogalup Road, Mandogalup WA 6167 as practiced in the past 27 years.
 - iii) acknowledge SMS temple noise impact area of 200m from the premises.
- d) To minimise any future conflicts with the adjoining subdivisions and or legal actions by the prospective subdivided property owners, regarding SMS Temple Religious Worship Noise Affected Area, we request that any future subdivision and or amalgamation of land adjacent to or within 200m of the SMS Temple at 12, Mandogalup Road, Mandogalup to be acknowledged by the WAPC. A **notification on title** under Section 165 of the Planning and Development Act 2005 and by City of Kwinana under Section 70A of the Transfer of Land Act 1893 shall be used to advise landowners of future subdivided lots the following:

"The existence of a place of public worship and the land use nearby may cause noise at certain times of the day"
- e) SMS request that SMS Temple land 12 Mandogalup Road, Mandogalup WA 6167 be zoned "Religious/ Community Facility zone appropriate for churches and places of worship i.e., either **MRS Zone Civic and Cultural** or **MRS Zone Public Purposes - Special Uses** in the **MRS Amendment 1405/57, MRS Amendment for IP47 Mandogalup Improvement Scheme** and the relevant **Local Government Planning Scheme**.
- f) To ensure the uninterrupted operation of SMS Temple, we urge that an adequate buffer zone be established around SMS Temple premises. This can be achieved by considering the nature of SMS Temple facilities when planning adjoining subdivisions. Roads, parks, and community facilities, including ovals, shall be strategically located adjacent to SMS Temple premises to create a separation between subdivision developments and SMS Temple.

These facilities can reduce the impact of existing SMS Temple with the landowners of future subdivided lots. Such measures would also minimise the potential for future conflicts and or legal actions by prospective subdivided lot landowners if any changes to the scheme, and will increase the demand for the subdivision areas, allowing us to continue Hindu Murugan Temple religious worship activities in harmony with the evolving landscape.

Due to change of zoning from Rural to Urban [presently for the past 27 years SMS Temple surrounded by empty land with cows grazing to future Urban R30 Residential zone], any adjoining subdivision development shall consider community nature of our facilities and be responsible for the cost to provide the required separation and or buffer zone adjacent to SMS Temple land 12 Mandogalup Road, Mandogalup WA 6167.

7. Request for a verbal deputation

- a) We will be making a 10-minute verbal deputation at the WAPC meeting considering the MRS amendment to:
- i) Provide a snapshot of regular and special worship days at the SMS Temple premises to provide an understanding of SMS Temple Religious Worship Activities via two short 1min video clips.
 - ii) Explain why these Religious Worship Activities cannot be reduced or restricted and will continue to have an impact in the corresponding Noise Affected Area.
 - iii) Discuss how the scheme would potentially have an impact on temple's future operations and members wellbeing.
 - iv) Seek support, particularly Section 6 of the submission, to safeguard the legacy of the SMS Temple and ensuring its continued service to the community by mitigate the concerns.

Please kindly advise the relevant WAPC meeting date so that we can make necessary arrangements.

We are liaising with City of Kwinana, IP47 Mandogalup Improvement Scheme Project team at DPLH, and Member for Kwinana Hon Roger Cook MLA, who is a regular visitor to the temple for the past 15 years, to seek their support for this submission.

cc: City of Kwinana Manager Planning and Development Paul Neilson
Department of Planning, Lands and Heritage Planning Director Lisa Powell
Member for Kwinana Hon Roger Cook MLA

ATTACHMENTS:

1. **ATTACHMENT 1.1** - Saiva Maha Sabai Temple Religious Worship Activities Noise Affected Area
2. **ATTACHMENT 1.2** - Saiva Maha Sabai Temple building and Facilities current and future
3. **ATTACHMENT 1.3** - Drum Noise Levels – **NOT ATTACHED** – refer weblink
["How Loud Are Drums? Everything You Need to Know \(2023\) \(drumminginsider.com\)](https://www.drumminginsider.com/2023/04/how-loud-are-drums-everything-you-need-to-know/)
4. **ATTACHMENT 2.1** - Video Clips of Religious Worship - **NOT ATTACHED** – refer weblink
<https://drive.google.com/drive/folders/1aOFcF4vBpNY7Jzkv-cPIKtTZoY2W7GWI>
[https://youtu.be/ RCMgJZD7To?si=GYVwfCDhr06DTrwD](https://youtu.be/RCMgJZD7To?si=GYVwfCDhr06DTrwD)
5. **ATTACHMENT 3.1** - Letter from City of Kwinana Manager Planning and Development Paul Neilsen dated 05 April 2022
6. **ATTACHMENT 4.1** - SMS 2006 submission to WAPC and 2007 WAPC transcript of hearings with SMS
7. **PHOTO 1** - Chariot [21ft high] Festival [**29 April 2023**]
8. **PHOTO 2** - Water-cutting Festival [**30 April 2023**]
9. **PHOTO 3** - Thaipooam Chariot Festival [**18 January 2022**]

turn over to complete your submission

(Submission continued. Please attach additional pages if required)

You should be aware that:

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

To be signed by person(s) making the submission

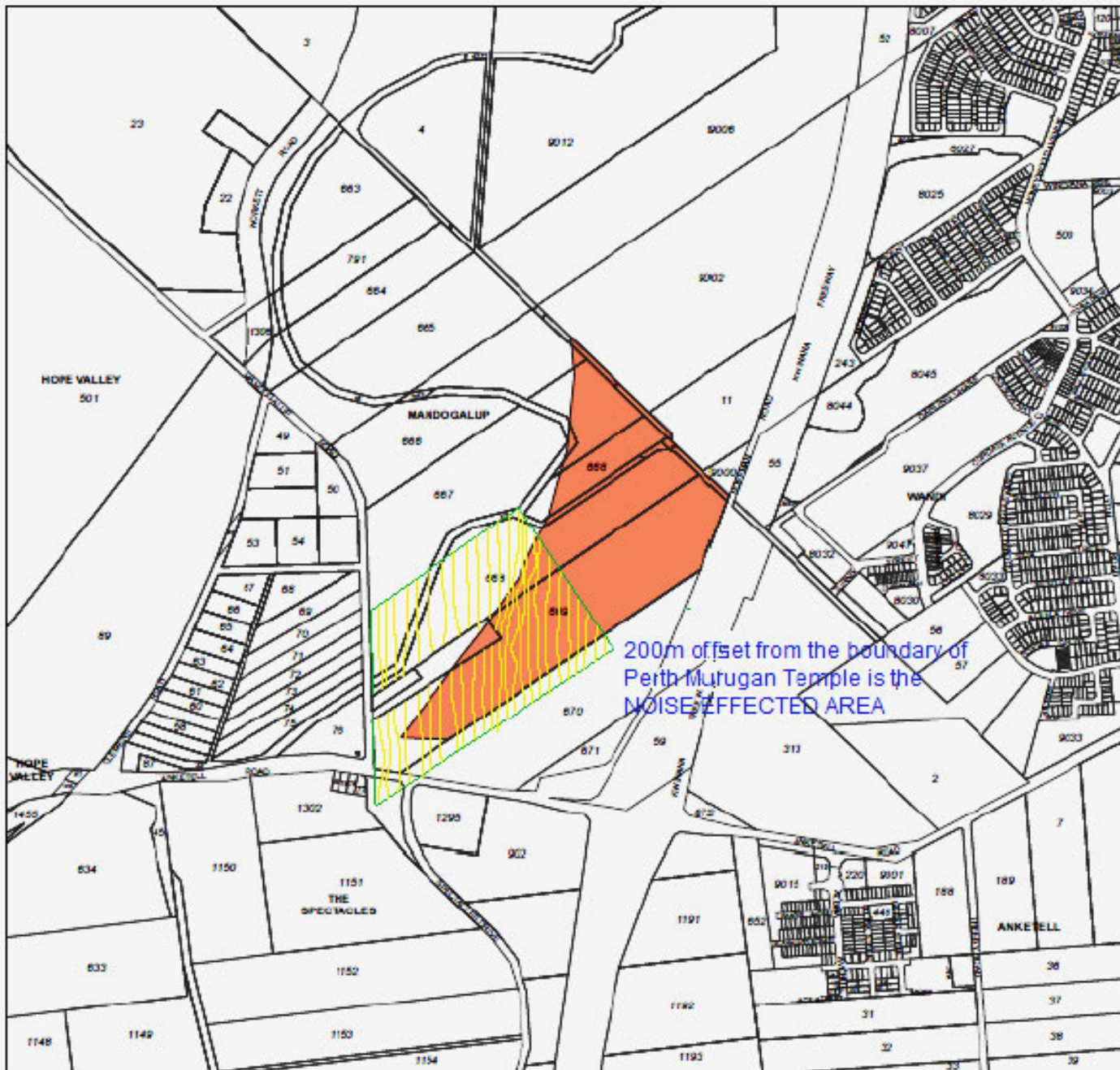
Signature



Date

04 September 2023

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 8 SEPTEMBER 2023. Late submissions will NOT be considered.



Signed for and on behalf of the
Western Australian Planning Commission

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


Witness

Date

Approved - Minister for Planning

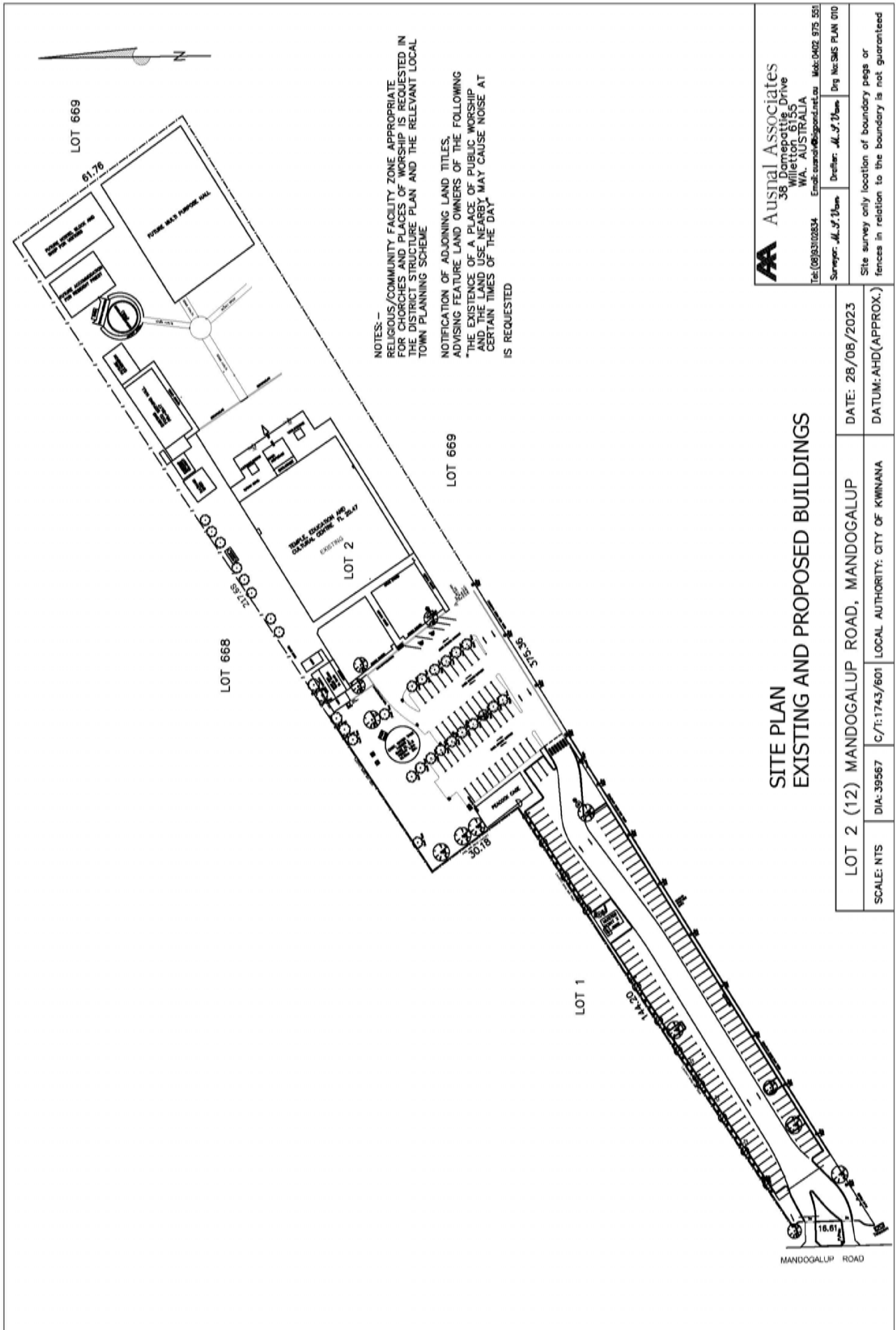
Date

Legend

 Excluded from Rural zone and Included in Urban zone

Metropolitan Region Scheme
Amendment No. 1405/57







05 April 2022

Our Ref: D22/15583

Mr M S Vanyasinkam
President
Saiva Maha Sabai of WA (Inc)
PO Box 3825
Success WA 6964

Dear Sir

Response to request for City of Kwinana support for Saiva Maha Sabai of WA (Inc) as part of the planning for Improvement Plan 47.

I refer to your letter to the City dated 18 February 2022 and apologise for the delay in responding.

In your letter you seek the City's support for continuing to recognise the use of land at 12 Mandogalup Road, Mandogalup as a place of worship in defining the zoning of the Mandogalup area. More specifically, you request the City's support to firmly define your current and future land use as "*sensitive*" instead of "*industrial*" as currently zoned in the City of Kwinana's policy for future land uses.

As you are aware, with the introduction of Improvement Plan 47 (IP47) by the State Government, the City is no longer the planning authority for this locality. The land use planning and zoning of this area is now under the authority and control of the Western Australian Planning Commission (WAPC). As such, the City's current policy for this area and any previous planning has been superseded by the decision making of the WAPC.

The City is however able to present its views as part of the WAPC's scenario planning and is able to advocate on behalf of landowners in the area. In this respect, and in regard to the continued use of your land as a place of public worship, Council has recently written to the WAPC requesting that existing landowners be given certainty around matters of non-conforming use rights as a part of the final land use planning for the area and new IP47 planning scheme.

The Murugan Temple and the Centre for Education and Cultural Development are land uses which have non-conforming use rights as an existing approved land use supported and issued by the City. I am sure that this will apply irrespective of the final zoning of your landholding by the WAPC as this right is a fundamental one within the planning legal framework. You should contact the WAPC on this matter to confirm this as it is the decision maker on the new scheme. As noted above, Council wrote to the WAPC in early March requesting that it provide clear advice to you and other landowners in IP47 on this very issue.

City of Kwinana Administration

Corner Gilmore Avenue and Sulphur Road, Kwinana WA 6167

PO Box 21, Kwinana WA 6966 | Telephone 08 9439 0200

NRS 133 677 (hearing/speech impaired) | TIS National 131 450 (Translating and Interpreting Service)

Email customer@kwinana.wa.gov.au | Website kwinana.wa.gov.au



On the second matter, you request the City's support to firmly define your current and future land use as "sensitive" instead of "industrial".

In this regard, I reiterate that the City is no longer the planning authority responsible for the IP47 locality. As such, Council's current *Local Planning Policy 12 Mandogalup Future Development* (which proposes industrial and transitional land uses across most of your property) has no statutory relevance over IP47.

At its Council Meeting held on 9 February 2022, Council did consider the advertised land use scenarios put forward by the WAPC and did express its view to the Commission that Scenario 9 (Draft Industrial/Commercial Land Use Scenario), in combination with the flexibility for potential longer-term delivery of the Regional Playing Fields was its preference. The City also recognised the need for a pragmatic approach to the interface between IP47 and potential residential or sensitive land uses further to the east such that a good planning outcome is achieved. As you would be aware, your property sits right on the boundary of IP47 and land to the east so it will form part of this interface.

Ultimately, the WAPC will determine the preferred land uses but I am pleased you have made a submission and expressed your views. I would also encourage you to stay involved in the planning process as it moves into a final plan and scheme stage and beyond (local structure planning and subdivision). It is at these latter stages that land use/transport details immediately surrounding your property will be considered and approved.

Please do not hesitate to contact me if you have any queries or concerns. I can be contacted on 9439 0234 or via email at paul.neilson@kwinana.wa.gov.au.

Yours faithfully

A handwritten signature in blue ink that reads "Paul Neilson". The signature is written in a cursive, flowing style.

Paul Neilson
Manager Planning and Development

LOAN COPY

1424

Western Australian Planning Commission

Metropolitan Region Scheme
Amendment 1114/33

Jandakot Structure Plan, Cell 1 - Mandogalup

Town of Kwinana

Report on Submissions
Submissions
Transcript of Hearings

September 2009

Perth
Western Australia



WESTERN AUSTRALIA
Lies on the Table of the
Legislative Assembly
24 SEP 2009
The Mayor of Perth
City of Perth



8. Therefore, it is requested that the WAPC have no regard to the study in regard to this amendment unless it is released. The WAPC also needs to independently confirm and agree to the study's methodology and findings, which it is understood the WAPC is not prepared to do.
9. Cardno BSD will continue to be involved in the Jandakot Structure Plan drainage committee and assist as necessary to finalise the required drainage studies and the Jandakot Water Resource Management Strategy. The structure plan will be reviewed on its release to confirm it reflects the work undertaken by the drainage committee and reflects the publicly accepted position in terms of the Alcoa buffer issue.
10. The progress of the water resource management strategy should be reviewed prior to finalisation of the cell 1 amendment to determine if drainage is still an unresolved issue or whether lifting the urban deferment is solely related to the mud lake buffers. This will narrow the issues to be resolved prior to lifting urban deferment.

The submission was elaborated on before the hearings committee for this amendment.

Planning comment:

Alcoa buffer issues are discussed in section 6 (i) of the main body of this report. Support otherwise noted.

Determination:

Submission noted.

Submission: 19

Submitted by: Saiva Maha Sabai of WA (Inc)

Summary of submission: Comment

1. Any residential development adjoining this organisation should be separated by a buffer of roads, parks and community facilities to minimise potential conflict with residents in relation to possible noise emanating from the site.
2. It is requested that the organisation's land be zoned religious/community facility appropriate for churches and places of worship in the district structure plan and local town planning scheme.
3. Nearby future lots should have a notification or memorial on the title advising future landowners that noise may emanate from the site on certain days.

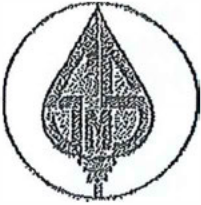
The submission was elaborated on before the hearings committee for this amendment.

Planning comment:

This matter will need to be addressed in detailed structure planning by the Town of Kwinana. There is no opportunity for resolution of the matter in relation to an MRS amendment.

Determination:

Submission noted.



SAIVA MAHA SABAI of WA (Inc)

Postal Address: PO BOX 5351 CANNING VALE SOUTH WA 6155
12 MANDOGALUP ROAD MANDOGALUP WA 6167

A CENTRE FOR WORSHIP, EDUCATION AND CULTURAL DEVELOPMENT

ABN: 39 364 584 677

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Assistant Secretary
Mr M. S. Vanyasinlam
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Assistant Treasurer
Mr R. Kuganathan
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Committee Members
Mr Arun Kandia JP
Mr V. S. Vadivale
Mr M. Muralitharan
Mr S. Narendran

Moshe Gilvitz
Secretary

West Australia Planning Commission

Albert Facey House, 469 Wellington Street (ent Forrest Place)

DEPARTMENT FOR PLANNING
AND INFRASTRUCTURE

29 SEP 2006

109-2-26-58.2

SUMMISSIONS ON THE METROPOLITAN REGION SCHEME PROPOSED AMENDMENT NO. 1114/33 – JANDAKOT STRUCTURE PLAN, CEL 1 - MANDAGALOU FROM LAND OWNER, 12 MANDAGALOU ROAD, MANDAGALOU

I refer to your letter dated 23 June 2006 inviting comments on the proposed amendment to the MRS scheme.

Our Association, incorporated in 1996, is a non profit, community based, organisation that serves the Tamil Hindu (Saivites) community. Its main objective is to promote activities that will enrich the social, cultural, educational, religious and heritage of Tamil Hindus living in Western Australia.

Town of Kwinana public occupancy licence for the building, on the 4 acre land we own, for accommodating 600 persons was obtained in October 2003. We are in the process of bringing sculptures from India to complete the sculpture works.

The building incorporates a Murugan temple and the Centre for Education and Cultural Development – A Performance Arts Centre for the promotion of Tamil music and dancing. It will reflect the Dravidian style of architecture which was evolved in South India and prevalent among Tamils primarily in Tamil Nadu, India, Sri Lanka, Malaysia and Singapore.

The 12.65m tall main entry structure with Dravidian architectural feature facing Kwinana Freeway will provide an excellent entry statement to Mandagalup from the Freeway and the Railway line.

On completion, the main building will include a library, conference room and a stage. The front garden area will incorporate a meditation hall, with a fountain feature from the top of a tall Shivan & Parvathy concrete Sculpture, Maha Vishnu sculpture and a pond with suitable sculpture works to symbolise "Saravanappoikai".

The facilities will be open to all individuals, from whatever racial or cultural origin, who wishes to acquire knowledge of Saivism and practice its doctrines.

At present poojas are conducted twice a day and religious devotional singing activities during the pooja may cause noise. This noise level could increase substantially during the special functions due to gathering of increased number of devotees. Further during special function days increased number of vehicles will be using the adjoining streets.

We have the following comments on the on the proposed amendment to the MRS scheme.

1. That any adjoining residential intensification development, due to change of zoning from Rural to Urban, shall take into account community nature of our facilities and provide a separation of residential development by way of locating roads, parks and community facilities including schools and ovals adjacent to our property. This would minimise potential conflicts with adjoining residents and will increase the demand for the adjoining residential areas.
2. We request that our land be zoned "Religious / Community Facility zone appropriate for churches and places of worship in the District Structure Plan and the relevant Local Town Planning Scheme.
3. Being a church congregation, religious devotional singing and procession around the building on special function days may cause noise. As such we request that in any future subdivision and or amalgamation of land adjacent to or within close proximity of the place of public worship, education and cultural development centre at 12, Mandogalup Road, Mandogalup to be considered and approved by the WAPC that a notification and or memorial on title be considered, advising future landowners of the following:

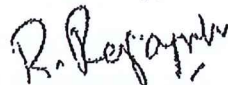
"The existence of a place of public worship and the land use nearby may cause noise at certain times of the day".

I would appreciate your due consideration of our comments.

On a relevant note we have provided comments to Town of Kwinana on the "Draft" District Structure Plan (Eastern Residential Intensification Concept) on 24 Feb 2006 and 16 March 2006 after meeting with Town of Kwinana Manager Planning & Building Services Doug Smith on 21 February 2006.

Thanking you

Yours Sincerely,



Dr R Rajagopalan
Hon. President

28 Sept 2006

cc: Paul Nielson, Manager Planning & Building Services, Town of Kwinana

.....

MR MAHADEVAN JAYABALAN & MR VIC MANNAR
representing Salva Maha Sabal of WA

CHAIRPERSON: Good morning. How are you?

MR JAYABALAN: Fine, thanks. I'm Jayabalan.

CHAIRPERSON: Now, you are Mr?

MR JAYABALAN: Jayabalan.

CHAIRPERSON: Elizabeth Taylor. How do you do? Dr Bruce Hamilton.

DR HAMILTON: Hi, Mr Jayabalan.

CHAIRPERSON: And Councillor Richard Graham.

MR GRAHAM: Hello. How do you do?

MR JAYABALAN: Pleased to meet you.

CHAIRPERSON: And?

MR MANNAR: Vic Mannar.

CHAIRPERSON: Hello Vic. Nice to meet you.

DR HAMILTON: Hi Vic.

MR GRAHAM: Hello Vic. Richard.

CHAIRPERSON: Okay. Have a seat gentlemen. Now, thank you for coming in and we have a copy of your submission and very glad that you could actually come and talk to us about that. We are the hearings panel on behalf of the Commission and we are here to listen to what you have to say. We have 15 minutes allowed for this and we are recording this - this is (indistinct) the legislation - we're recording the process. You have asked for a public hearing, so that means that we have a lady sitting here that's going to listen. Perhaps if you can add something that you would like to say to your submission that we have already in writing.

MR JAYABALAN: Yes.

CHAIRPERSON: And if we have time for questions in the 15 minutes, we can ask you some questions as well. So thank you for coming in and who is going to speak?

MR JAYABALAN: I'm going to speak.

CHAIRPERSON: Are you going to speak?

MR JAYABALAN: Yes.

CHAIRPERSON: Thank you. Okay.

MR JAYABALAN: Thanks Madam chair.

CHAIRPERSON: Bruce and Richard and, of course, this is Andrew Trevor - I didn't introduce you - he is our DPI person.

MR JAYABALAN: So briefly, the covering letter covers the background of our community facility and the place of worship and we also make specific points. I'm a senior project manager with Main Roads and I'm presently on secondment to the railway project with the Public Transport Authority. I would like to quote two examples in my personal experience and then reinforce the points we made and then we'll have a question to ask.

CHAIRPERSON: Yes, thank you.

MR JAYABALAN: The first one is my experience at Main Roads when I was a project manager there. There's a subdivision development at Bennett Springs, Reid Highway and Anketell Road. I was involved in that project. The Bennett Springs subdivision was approved by the WAPC and it went through other planning, Main Roads planning section. At that time, what was not appreciated was the increase in the level for that subdivision, which had a significant effect for the future overpass, which is about to be built, with many efforts, right now. As such, we had a prolonged negotiation and at a high cost, both financially as well as staff time and resources, in negotiation with that developer. Because he had the WAPC approval, he was in the driving seat and we had to negotiate and it took us a long time and energy and resources in coming to a resolution and also there's a future cost, high cost, for the - because of the level different, there will be more noises going to go, which was not taken care of at the development approval process by Main Roads. So that's one experience.

The second experience is with the Public Transport Authority, Secret Harbour development near (Indistinct) Avenue and location is Secret Harbour. The Public Transport Authority purchased the land for the railway line and development through there. Because of the existing wetlands on the eastern side, railway line is going on the existing carriageway, on the eastbound carriageway, so - sorry, existing southbound carriageway is going to be the railway line and the existing northbound carriageway is the new southbound carriageway and we are building on the western side of the road a carriageway for travelling north, so that's the whole purpose of buying the land with the developer. That was five or six years ago.

What happened in the meantime, by the time we were building the road, that developer has sold the adjoining land to the public and houses have been built. Public were not at all aware of the road coming next to the brick wall developer provided and there was a significant protest from the public and again (Indistinct) rail public relations staff and our staff has to spend a lot of time in dealing with the issues and through the developer as well as the public. This is the two examples I have personal experience in. As I understand it, there's already a

structure plan, draft structure plan, by the developer between Anketell Road and the road before Russell Gibbs and he's planning to subdivide the whole area, with all the community facilities (indistinct) and selling it off. In fact - yes, that's right. In fact, the area - let me explain. Our building is here - that's on the A4 plan - here and surround very close to our property. The general plan they have is high-intense (indistinct) development to comply with the new transit-oriented development policy.

So basically what we are trying to do in our submission is to, because we are a community association run by volunteers and a treasurer with a secretary, we all have our own - I have a big franchise-owned business. We all are busy ourselves. Once this development approval goes through - sorry. Once the planning approval goes through, and I believe the developer is also planning to put in development approval and planning to start the subdivision development in July; that's his target at this stage. Once this goes through, our association won't have any resources in protecting ourselves the way (indistinct) resources, either physically or financially, to protect our community facility with the developer.

So that's the reason behind in asking for the measures we ask as part of the residential development to consider. The first one is community facilities and maximise the separation between the public housing or land development, that's the first thing we have.

CHAIRPERSON: Okay.

MR JAYABALAN: That's the first point.

DR HAMILTON: That actually overlaps.

MR JAYABALAN: That's the first point. The second one, we asked our facility to be recognised as a religious community zone, place of worship, or whatever it is - I'm not sure what the exact terming is - that area is recognised.

The third one is in case there is going to be some adjoining residential development, that landowners be notified of some sort of - entitled to some sort of process, formal process, so that they're automatically notified. Then they can't come back and complain to us this facility exists. That's the whole crux of our submission.

I also have a question I just wanted to discuss with you. We also have church bells and all ringing at certain times and some special function days, more frequently the bells will be ringing. We can go through the environment protection regulations. Regulation 16, activity 3 of schedule, gives us some form of exemption, provided we have this public place of worship zoning, which we are planning to go through once we have these measures.

CHAIRPERSON: Okay. I can help you out on that in a moment, yes.

MR JAYABALAN: So this is (indistinct) we want to protect our facility. We have a few hundred strong congregation. Every week Friday evenings - Tuesday evenings and Friday evenings is the biggest (indistinct) around 50 to 100 on Tuesdays and 100 to 150 on Fridays and on special function days, there will be 15 to 20 or 10 to 15, around 15, throughout the

year - it varies, the days varies - around 200 to 250 people and one function every year, around 300 to 400 people. That's going to be tomorrow for this year. Our facilities, already we have council approval for public use, licence for 600 people ---

CHAIRPERSON: Right.

MR JAYABALAN: --- inside the building. So basically that's ---

CHAIRPERSON: That's it.

MR JAYABALAN: That's our ---

CHAIRPERSON: Anything to add, Vic?

MR MANNAR: No.

CHAIRPERSON: Okay. First of all, can I say you have done the right thing, you've been in touch with the Town of Kwinana, I believe. Your land, at the present time, is zoned rural.

MR JAYABALAN: Yes.

CHAIRPERSON: Now, in town planning schemes, there is an opportunity to rezone your land to religious and every town planning scheme has their own title for that, and I believe that you would have to be in touch with the Town of Kwinana to have that changed. This is the big picture, the amendment scheme for the Metropolitan Region Scheme. This is the very beginning of the process, which it takes quite a while to go through, probably up to about two years, so it's good that you're getting on the ground, able to talk to the Town of Kwinana and see if you can have your land rezoned to whatever it is that they have applicable in their scheme for religious facilities, so that's the only advice that I can give you there. Just let me ask the panel if there's any questions. Richard?

MR GRAHAM: No, I'm fine, thanks

CHAIRPERSON: Bruce?

DR HAMILTON: No, I'm fine as well.

MR JAYABALAN: One comment in that regard. We know for a fact that the developer has already - it's the same developer I dealt at Bennett Springs.

CHAIRPERSON: Right, okay.

MR JAYABALAN: They already have a draft district structure plan, which has gone through, and we have provided some comments and he is waiting in anticipation of this one and he will start at the earliest possible opportunity legally.

CHAIRPERSON: Probably, Andrew, about two years?

MR TREVOR: Did you mention earlier something about May or July subdivision?

MR JAYABALAN: July date, yes.

MR TREVOR: That's not possible.

CHAIRPERSON: It's not possible.

MR TREVOR: Because this urban deferred zoning will probably sit for about two years or so and, as you probably know, you cannot subdivide under urban deferred zoning. The land needs to go from urban deferred to urban and the council needs to put its own local zone in the local scheme, which will include taking into account your wishes for your religious institution zone. So I don't know where that subdivider is thinking ---

MR JAYABALAN: We already have a draft district structure plan.

MR TREVOR: From the Town of Kwinana.

MR JAYABALAN: Town of Kwinana, and we provided some comment.

MR TREVOR: That's fine. That's going through the process, but that in itself does not allow subdivision to occur so early.

MR JAYABALAN: That's the advice we had, one of the officers given us when we met them late last year.

CHAIRPERSON: Urban deferred means that there are issues that have to be sorted out before it actually goes to urban and those issues usually take quite a long while to progress, so while we're sitting here talking about this, you've got at least two years to do what you need to do with the Town of Kwinana to make sure that you're satisfied that your land is zoned appropriately.

MR JAYABALAN: The first point and third point, that will come under the planning approval process or the council point as well, the facilities to be ---

CHAIRPERSON: For rezoning?

MR JAYABALAN: Yes.

CHAIRPERSON: But you can approach the Town of Kwinana ---

MR JAYABALAN: All these three points comes under Town of Kwinana's (indistinct) nothing to do with ---

CHAIRPERSON: Yes. You can approach them and make note of what your requirements would be and start the process for that any time, really, as long as they're aware that you've

got issues with your land, it's rural at the moment and it would have to go through another process through the Town of Kwinana to have the - I'm not sure what they've got in their town planning scheme because this is the Metropolitan Region Scheme, but they will have something in their own town planning scheme that will classify religious zoning for your property, so it's a good idea to contact them again and see if you can go through that process.

MR JAYABALAN: I will refer to this hearing and write to them again, asking for these three points to be considered.

CHAIRPERSON: Yes, make an appointment and sit down and have a talk to them.

MR JAYABALAN: Yes.

CHAIRPERSON: That would be the best advice I could give you at this point.

MR TREVOR: The broader issues that have to be considered for this amendment are quite complex and there's no way it's going to happen really quickly.

CHAIRPERSON: No.

MR TREVOR: So the Chairperson's comment about two years, it's probably at least two years, so you have plenty of time.

CHAIRPERSON: Plenty of time, but at least start your process now, so that they're aware of what you want to do.

MR JAYABALAN: Yes. Thank you very much.

CHAIRPERSON: Thank you very much for coming in and your time. Nice to meet you. Vic thank you.

DR HAMILTON: All the best.

MR MANNAR: It's nice to have met you.

DR HAMILTON: See you.

Photo 1 - Chariot 21ft high Festival 29 April 2023



Photo 2 - Water Cutting Festival 30 April 2023



Photo 3 - Thaiposam Special Function - 18 January 2022



From: Golestani, Shanthi <Shanthi.Golestani@transport.wa.gov.au>
Sent: Wednesday, 6 September 2023 3:33 PM
To: Region Planning Schemes
Cc: Anthony Muscara
Subject: 20230906 DoT comments- Proposed MRS Amendment 1405/57 South Mandogalup urban precinct

OFFICIAL

Your ref: RLS/1085

Our ref: DT/15/05120

Enquiries: Shanthi Golestani (9216 8774)

Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

Attn: Anthony Muscara

Dear Ms Fagan,

RE: PROPOSED SOUTH MANDOGALUP URBAN PRECINCT

Thank you for your letter dated 7 July 2023 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, given the nature of the proposed amendments, DoT has no comment to provide.

DoT understand the application has been referred to the Public Transport Authority and Main Roads WA, who will provide independent responses.

As noted in the amendment report, the Anketell Road corridor at the southern boundary of the subject site is under investigation by Westport, and therefore their comments should be sought.

DoT would welcome the opportunity to comment at structure planning stage, with particular regard to access and infrastructure for non-car modes of transport between the proposed future urban area and the surrounding transport network.

Kind regards,

Shanthi Golestani

Transport Designer / Planner | Urban Mobility | Department of Transport
GPO Box C102, Perth WA 6839

Email: Shanthi.Golestani@transport.wa.gov.au | Web: www.transport.wa.gov.au



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

DISCLAIMER This email and any attachments are confidential and may contain legally privileged and/or copyright material. You should not read, copy, use or disclose any of the information contained in this email without authorization. If you have received it in error please contact us at once by return email and then delete both emails. There is no warranty that this email is error or virus free.'. If the disclaimer can't be applied, attach the message to a new disclaimer message.



Your Ref: 833-2-26-25 Pt 1 & 2 (RLS/1085)
Our Ref: F-AA-90535-1 / D-AA-23/333025
Contact: Chris Hill / Yashvee Manrakhan-Field 9222 2000

Ms Sam Fagan
Secretary, Western Australian Planning Commission
Department of Water and Environmental Regulation
Locked Bag 2506
Perth WA 6001

Attention: Mr Anthony Muscara

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

Dear Ms Fagan

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1405/57 SOUTH MANDOGALUP URBAN PRECINCT

Thank you for your letter dated 7 July 2023, requesting comment from the Department of Health (DoH) on the above proposal.

The DoH provides the following comment:

1. Water Supply and Wastewater Disposal

Drinking water

- Drinking water provided on site must meet the health-related requirements and risk management framework set out in version 3.7 of the “*Australian Drinking Water Quality Guidelines*”.
- Any non-drinking water (i.e., water that is not intended or suitable for drinking) provided on site must be managed to ensure that any such non-drinking water cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration, suitable backflow prevention arrangements.

Wastewater Disposal

- All new development proposals must be connected to reticulated sewerage in accordance with the DoH’s legislation.

2. Medical Entomology

The City of Kwinana is a member of the South Metro Mosquito Contiguous Local Authorities Group (CLAG), which undertakes an extensive program of health-driven mosquito monitoring and management in conjunction with the Department of Health. Despite considerable efforts to manage mosquitoes and mosquito-borne disease in the area, there continues to be a significant number of cases of Ross River virus and Barmah Forest virus disease and adverse impacts on lifestyle during the spring and summer months of most years.

The land earmarked for development through this amendment is within 3km of mosquito breeding sites in The Spectacles. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions. There may also be seasonal freshwater mosquito breeding habitat close to the subject land. Additionally, there is the potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if they are poorly designed in any future development.

The above disease risks, as well as the lifestyle impacts of nuisance mosquitoes, will inevitably result in demands for the application of chemicals to control larval and/or adult mosquitoes. Environmental agencies may not automatically approve the use of such measures in and around environmentally significant wetlands. Therefore, it will be important that in-principal approval for effective mosquito control measures in and around these wetlands is obtained from the relevant environmental agencies before planning decisions are finalised.

Therefore, the DoH recommends:

- The proponent works with the City of Kwinana to ensure effective mosquito management is further developed and adequately funded for the locality.
- The City ensures it has sufficient resources to continue mosquito management for the future of the development following the handover of responsibility from any developer.
- New residents be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes through an appropriately worded notification on any newly created property titles.
- The proponent will be required to develop an integrated mosquito management plan to manage mosquitoes to reduce the risk of exposure for residents. Information on mosquito management plans can be found at [Mosquito management \(health.wa.gov.au\)](http://health.wa.gov.au) and should comprise, but not necessarily be limited to, the following:
 - appropriate location, design and maintenance of project infrastructure to prevent mosquito breeding (e.g., wastewater, stormwater infrastructure).
 - Source reduction (removal or modification of mosquito breeding habitat).
 - Monitoring of larval and adult mosquitoes in and around the proposed infrastructure to inform the location and timing of control measures.
 - Control (chemical, physical, biological and/or cultural) of larval and adult mosquitoes in man-made and natural breeding sites in close proximity to residential quarters and the workplace.

- Ensuring mosquito management strategies comply with all Federal and State legislative requirements.
- Provision of advice and seasonal warnings to protect residents including dissemination of information on:
 - insect screening of accommodation and enclosed workspaces.
 - Personal repellents.
 - Appropriate clothing to enable employees to reduce their exposure to biting insects.

3. Public Health Impacts

The incorporation of healthy design elements into urban development should be considered. The following DoH document: '[Evidence supporting the creation of environments that encourage healthy active living](#)' may assist with planning elements.

Should you have any queries or require further information please contact Chris Hill or Yashvee Manrakhan-Field on 9222 2000 or eh.eSubmissions@health.wa.gov.au.

Yours sincerely



Dr Michael Lindsay
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

7 September 2023

From: Greg Doncon <Greg.Doncon@dpird.wa.gov.au>
Sent: Friday, 8 September 2023 4:01 PM
To: Region Planning Schemes
Subject: DPIRD comments to Proposed Metropolitan Region Scheme Amendment 1405/57, South Mandogalup Urban Precinct
Attachments: DPIRD LUP 1648_WAPC_Prop MRS Amendment 1405-57_South Mandogalup Urban Precinct (A).pdf
Follow Up Flag: Follow up
Flag Status:

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

Hi Sam

Attached is the authorised submission from the Department of Primary Industries and Regional Development to the request for comment to the *Proposed Metropolitan Region Scheme Amendment 1405/57, South Mandogalup Urban Precinct*.

If you have any queries, please let me know and I will endeavour to address them.

Regards

Greg Doncon | Research Officer
Land & Water Assessment
Fisheries & Agriculture Resource Management
Department of Primary Industries and Regional Development
PO Box 432 Merredin WA 6415
t (08) 9081 3117 | m 0427 983 055 | w dpird.wa.gov.au



**Protect
Grow
Innovate**



DPIRD acknowledges the Traditional Custodians of Country, the Aboriginal people of the many lands that we work on and their language groups throughout Western Australia and recognise their continuing connection to the land and waters.

We respect their continuing culture and the contribution they make to the life of our regions and we pay our respects to their Elders past, present and emerging.

Artwork: "Kangaroos going to the Waterhole" by Willarra Barker.

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Department of
**Primary Industries and
Regional Development**

Your reference: 833-2-26-25 Pt 1 & 2
(RLS/1085)
Our reference: LUP 1648
Enquiries: Greg Doncon

Ms Sam Fagan
Secretary
Western Australian Planning Commission
140 William Street Perth WA 6000

Email: RegionPlanningSchemes@dplh.wa.gov.au

Date: 28 August 2023

Dear Sam

Proposed Metropolitan Region Scheme Amendment 1405/57, South Mandogalup Urban Precinct

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

DPIRD does not object to the Metropolitan Region Scheme Amendment 1405/57 which proposes to rezone land in the Mandogalup locality from the Rural zone to the Urban zone. The amendment will allow for future residential development.

DPIRD offers the following comments:

The southern portion of Lot 669 within the proposed rezoned area consists of the soils-landscape unit Spearwood S2a phase. This phase is defined as the lower slopes (1-5%) of dune ridge with moderately deep to deep siliceous yellow-brown sands or pale sands with yellow-brown subsoils and minor limestone outcrop. Its land capability is category A1 (dominantly high capability) for perennial horticulture and vineyards and category B1 for annual horticulture. Due to their current use for intensive horticulture, high land capability and lower risk of eutrophication, DPIRD considers the land mapped as S2a phase to be high quality agricultural land.

The majority of the proposed rezoned area consists of the soils-landscape unit Vasse V9 phase. This phase consists of former swamps which have been artificially drained, with uniform loamy or peaty sands. The current land use is irrigated seasonal vegetables and herbs. These soils are known to be acidic, with a moderate risk of flood risk, poor to

444 Albany Highway Albany WA 63301
Telephone 08 9892 8444 landuse.planning@dpird.wa.gov.au
dpird.wa.gov.au
ABN: 18 951 343 745

moderate drainage ability and a moderate to high risk of waterlogging. Mandogalup East¹, located to the north, is partially comprised of this soil-landscape unit.

The maps of the Mandogalup East Local Structural Plan show the wetland (Attachment 1) and acid sulphate soils (Attachment 2) extend into this area. The phosphorus export risk is high to extreme. These soils are C2 (dominantly low capability) for annual horticulture, perennial horticulture and vineyards. Due its location close to the Peel Drain, this area poses a high risk of eutrophication to the Peel-Harvey catchment and future urban development should follow urban sensitive water design principles to reduce the risk. For these reasons, DPIRD does not consider this area of the land to be high quality agricultural land. Soil-landscape reports for both phases are in Attachments 3 and 4.

The land is traversed by a section of the Peel Main Drain. DPIRD notes in the Mandogalup - Land Use Planning and Context Report² (2021. p49) a key consideration is the realignment of the drain. DPIRD would not support a realignment if this were to adversely impact agriculture in the local area. DPIRD expects the drainage system will be retained to manage surface water flows from major events, maintaining peak water levels and flow rates.

DPIRD recommends that the transition from Rural to Urban zone should pay due regard to section 5.12.5 *Planning approach for managing land use transition* in the WAPC *State Planning Policy 2.5 - Rural Planning*³ and the Department of Health's *Separation of agricultural and residential land uses*⁴ to minimise the potential health risks associated with locating sensitive residential uses next to the remaining horticultural properties on Lot 666 and 667 and to prevent future land use conflict or operational restrictions being placed on horticultural uses.

For more information, please contact Greg Doncon on 90813117 or greg.doncon@dpiird.wa.gov.au

Yours sincerely



Tim Overheu

**Acting Director Agriculture Resource Management Assessment
Sustainability and Biosecurity**

Attachment 1: Wetlands

Attachment 2: Acid Sulphate Soils

Attachment 3: Summary by Soil Landscape descriptions - Spearwood S2a phase

Attachment 4: Summary by Soil Landscape descriptions - Vasse V9 phase

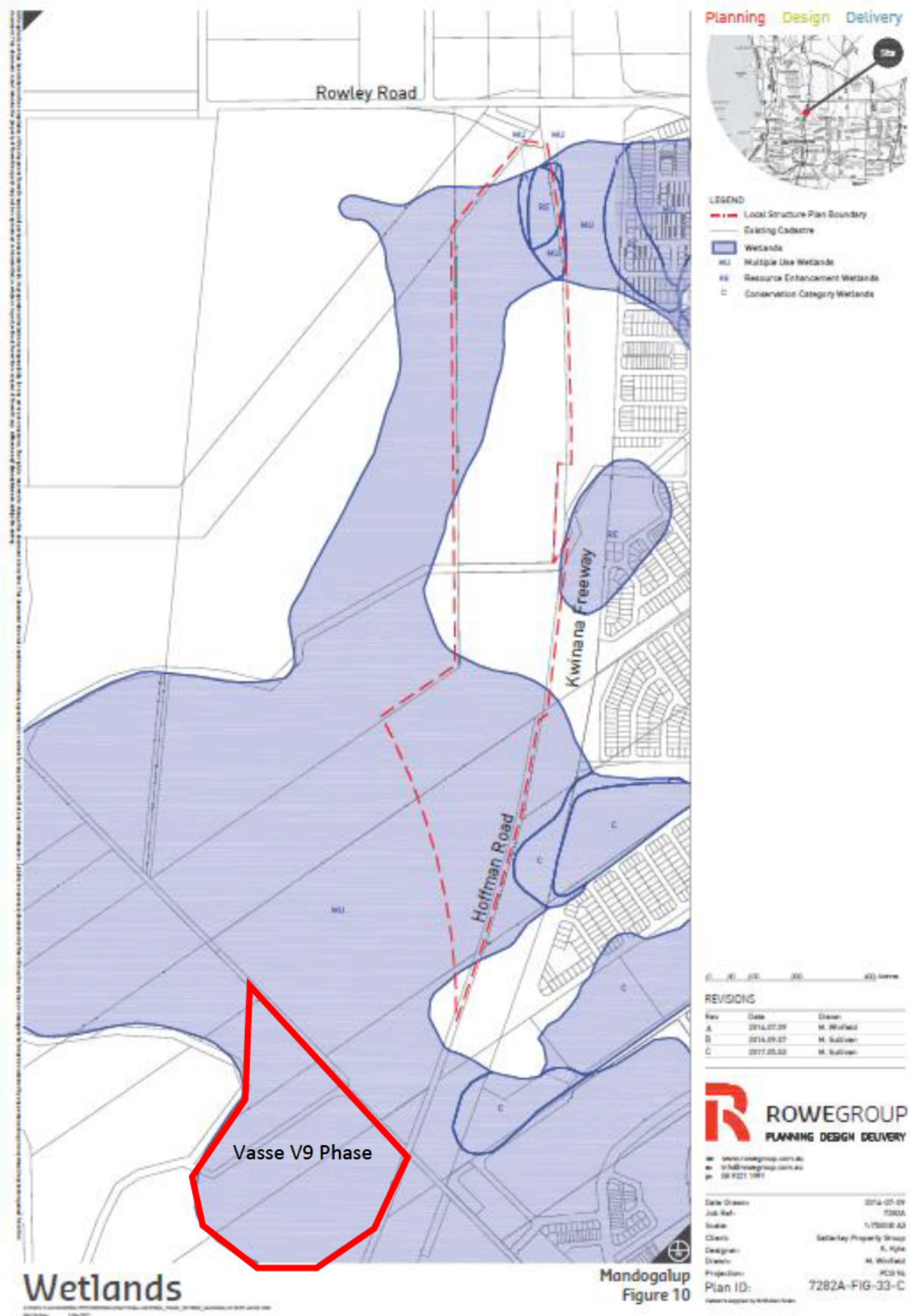
¹ [https://www.kwinana.wa.gov.au/council/documents,-publications-and-forms/publications-and-forms-\(all\)/plans-and-strategies/2020/lsp-mandogalup-east](https://www.kwinana.wa.gov.au/council/documents,-publications-and-forms/publications-and-forms-(all)/plans-and-strategies/2020/lsp-mandogalup-east)

² https://consultation.dplh.wa.gov.au/land-use-planning/mandogalup-improvement-scheme-project/user_uploads/20211122---mandogalup-project---land-use-planning-and-context-report-1.pdf

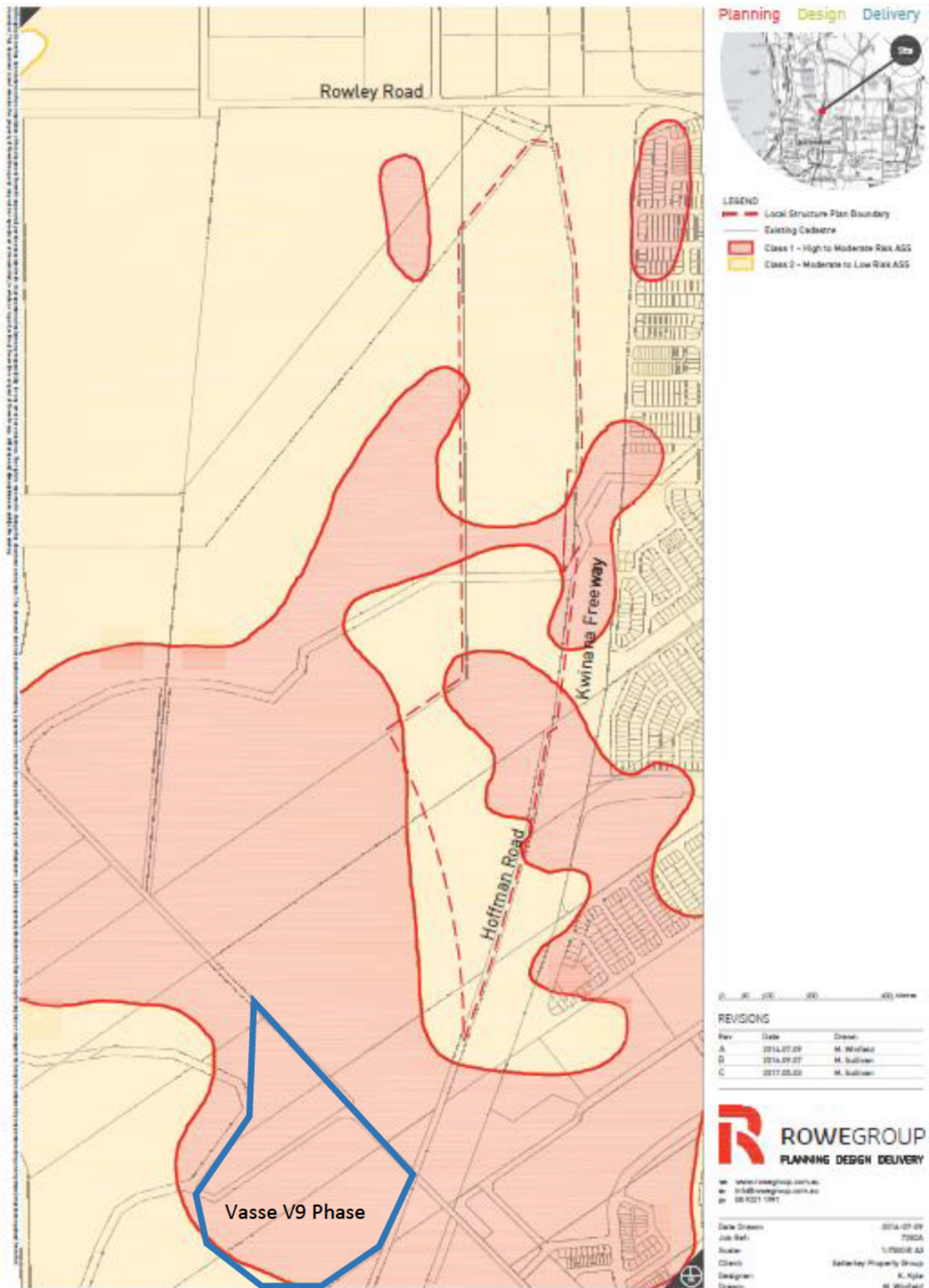
³ <https://www.wa.gov.au/government/publications/state-planning-policy-25-rural-planning>

⁴ <https://www.health.wa.gov.au/~media/Files/Corporate/general-documents/Environmental-health/Health-risk-assesment/Guide-for-Agricultural-and-Residential-Buffer.pdf>

Attachment 1: Wetlands from Mandogalup East Local Structure Plan showing the wetlands extends into the proposed rezone area.



Attachment 2: Acid Sulphate Soils from Mandogalup East Local Structure Plan showing the Acid Sulphate Soils extends into the proposed rezone area.



Acid Sulphate Soils

Mandogalup
Figure 11

Attachment 3: Summary by Soil Landscape descriptions - Spearwood S2a phase

SOUTH WEST AGRICULTURE REGION REPORT Printed: 7/20/2022

Map Unit Symbol: 211Sp__S2a **Name:** Spearwood S2a phase

Type: soil-landscape **Rank:** phase **Status:** current

Brief description: Lower slopes (1-5%) of dune ridge with moderately deep to deep siliceous yellow-brown sands or pale sands with yellow-brown subsoils and minor limestone outcrop

Soil: Moderately deep to deep siliceous yellow-brown sands or pale sands with yellow-brown subsoils

Landform: Lower slopes (1-5%) of dune ridge with minor limestone outcrop

Geology: Tamala Limestone

Location: Swan Coastal Plain between Perth and Capel



Map unit photo located in Spearwood S2a phase.

Landform pattern: **Landform element:**

Relief/modal slope class(s):

Morphological type(s): mid-slope & lower slope

Occurs in Projects

Code	Name	Mapped (ha)	Scale	Reference	Finish	Reliability
WCC	Harvey-Capel land resources survey	104,949	1:50000	Map Ref. Barnesby, B.A. and Proulx-Nixon, M.E. (1994). Land Resources from Harvey to Capel on the Swan Coastal Plain Western Australia	1993	High data quality, detailed and precise mapping
CPS	Coastal plain south surveys (amalgamated JAN, PHN, MB, PHS, ROK)	283,975	1:50000	Amalgamation of Mandurah-Murray (Wells 1989), Jandakot (Wells et al 1986), Rockingham (Oma et al 1985), Peel-Harvey North (van Gool 1990 - map and capability table only) and Peel-Harvey South (van Gool and Kipling 1992 - map only)	1992	High data quality, detailed and precise mapping

Zone Land Units

WA Soil Groups by Qualifier and Landscape Position in Zone (percent of Map Unit)

WASG Name	Qualifier	Landscape pos	%	MY Soil Name	Simple Landscape
Yellow deep sand	good sand, very deep	slopes 1-3%	20	Coloured sands	Gentle slopes
Yellow deep sand	good sand, very deep	slopes 5-10%	15	Coloured sands	Gentle slopes
Yellow deep sand	good sand, very deep	slopes 3-5%	10	Coloured sands	Gentle slopes
Yellow deep sand	good sand, deep rock substrate	slopes 1-3%	10	Coloured sands	Gentle slopes
Pale deep sand	poor sand, very deep	slopes 5-10%	5	Pale sands	Gentle slopes
Yellow deep sand	fair sand, very deep	slopes 1-3%	5	Coloured sands	Gentle slopes
Yellow deep sand	fair sand, very deep	slopes 5-10%	5	Coloured sands	Gentle slopes
Pale deep sand	good sand, deep rock substrate	slopes 3-5%	5	Pale sands	Gentle slopes
Pale deep sand	good sand, very deep	slopes 3-5%	5	Pale sands	Gentle slopes
Yellow deep sand	good sand, deep rock substrate	slopes 5-10%	5	Coloured sands	Gentle slopes
Yellow deep sand	good sand, very deep	slopes 10-15%	5	Coloured sands	Moderate slopes
Yellow/brown shallow sand	good sand, deep rock substrate	slopes 1-3%	4	Shallow sand	Gentle slopes
Yellow deep sand	fair sand, very deep	slopes 3-5%	3	Coloured sands	Gentle slopes
Yellow deep sand	fair sand, very deep	slopes 15-30%	2	Coloured sands	Steep slopes
Bare rock	differentiation not required	slopes 3-5%	1	Bare rock	Gentle slopes

Summary MySoil by Simple Landscape (percent of Map Unit)

Simple Landscape	%	Pale sands	Coloured sands	Shallow sand	Bare rock
Gentle slopes	93	15	73	4	1
Moderate slopes	5		5		
Steep slopes	2		2		

Land Management Units (percent of Map Unit)

LMU	%
Bare rock	1
Coloured sands on Gentle slopes	73
Coloured sands on Moderate slopes	5
Pale sands on Gentle slopes	15
Shallow sand	4
Steep slopes	2

Soil Series: none allocated.

Land Qualities summary - % Map Unit

.	Land Quality	Most limiting	.	.	Least limiting
1	pH				
1	acidification risk	presently acid: 5%	high: 0%	moderate: 5%	low: 90%
1	0-10 acidity	very strongly acid: 0%	strongly acid: 0%		
1	0-10 alkalinity	strongly alkaline: 0%	alkaline: 0%		
1	50-80 acidity	very strongly acid: 0%	strongly acid: 0%		
1	50-80 alkalinity	strongly alkaline: 0%	alkaline: 4%		
2	SALINITY				
2	surface salinity	extreme: 0%	high: 0%	moderate: 0%	slight to nil: 100%
2	salinity risk	presently saline: 0%	high: 0%	moderate: 0%	nil or partial: 100%
3	SOME PLANT LIMITS				
3	sub surface compact	high: 0%	moderate: 99%	low: 1%	
3	rooting depth	very shallow: 0%	shallow: 0%	moderately shallow: 4%	very deep to mod: 96%
3	water repel	high: 15%	moderate: 19%	low: 0%	nil: 66%
3	water storage	extremely low: 0%	very low: 14%	low: 85%	high to moderate: 1%
4	EROSION				
4	water erosion	extreme: 0%	very high: 2%	high: 5%	nil to moderate: 93%
4	wind erosion	extreme: 0%	very high: 0%	high: 99%	nil to moderate: 1%
4	flood risk (water flow)	high: 0%	moderate: 0%	low: 0%	very low: 100%
4	instability	high: 0%	moderate: 0%	low: 0%	nil to very low: 100%
5	WATER & DRAINAGE				
5	waterlogging	very high: 0%	high: 0%	moderate: 0%	nil to low: 100%
5	site drainage	very poor: 0%	poor: 0%	moderate: 0%	high: 100%
5	phosphorus export	extreme: 0%	very high: 2%	high: 10%	low to moderate: 88%
6	OTHER QUALITIES				
6	excavation ease	very low: 3%	low: 0%	moderate: 9%	high: 88%
6	microbial purification	very low: 10%	low: 14%	moderate: 75%	high: 1%

Land capability assessment (Class %, code and description)

Land Use	Class 1+2 %	Class 3 %	Class 4+5 %	Code	Capability Rating desc
Annual horticulture	0	92	8	B1	>70% of the area is Class 1, 2 or 3
Dry Cropping	0	92	8	B1	>70% of the area is Class 1, 2 or 3
Grazing	0	99	1	B1	>70% of the area is Class 1, 2 or 3
Perennial horticulture	88	4	8	A1	>70% of the area is Class 1 or 2
Vineyards	92	0	8	A1	>70% of the area is Class 1 or 2

Attachment 4: Summary by Soil Landscape descriptions - Vasse V9 phase

SOUTH WEST AGRICULTURE REGION REPORT Printed: 7/20/2022

Map Unit Symbol: 211Va__V9 Name: Vasse V9 phase

Type: soil-landscape Rank: phase Status: current

Brief description: Areas of former swamps which have been artificially drained, with uniform loamy or peaty sands.

Soil: Uniform loamy or peaty sands

Landform: Areas of former swamps which have been artificially drained

Geology: Lagoonal and estuarine deposits

Location: Western Swan Coastal Plain from Perth to Bunbury

Landform pattern: **Landform element:**

Relief/modal slope class(s):

Morphological type(s): closed depression **Slope:**

Occurs in Projects

Code	Name	Mapped (ha)	Scale	Reference	Finish	Reliability
CPS	Coastal plain south surveys (amalgamated JAN, PHN, MB, PHS, ROK)	283,975	1:50000	Amalgamation of Mandurah-Murray (Wells 1989), Jandakot (Wells et al 1986), Rockingham (Oma et al 1985), Peel-Harvey North (van Gool 1990 - map and capability table only) and Peel-Harvey South (van Gool and Kipling 1992 - map only)	1992	High data quality, detailed and precise mapping
WCC	Harvey-Capel land resources survey	104,949	1:50000	Map Ref. Barnesby, B.A. and Proulx-Nixon, M.E. (1994). Land Resources from Harvey to Capel on the swan Coastal Plain Western Australia	1993	High data quality, detailed and precise mapping

Zone Land Units

WA Soil Groups by Qualifier and Landscape Position in Zone (percent of Map Unit)

WASG Name	Qualifier	Landscape pos	%	MY Soil Name	Simple Landscape
Semi-wet soil	deep sand	poorly drained floodplain	60	Semi-wet soils	Poorly drained floodplain
Pale deep sand	poor sand, effective duplex	poorly drained floodplain	40	Pale sands	Poorly drained floodplain

Summary MySoil by Simple Landscape (percent of Map Unit)

Simple Landscape	%	Semi-wet soils	Pale sands
Poorly drained floodplain	100	60	40

Land Management Units (percent of Map Unit)

LMU	%
Pale sands on Poorly drained floodplain	40
Semi-wet soils on Poorly drained floodplain	60

Soil Series: none allocated.

Land Qualities summary - % Map Unit

.	Land Quality	Most limiting	.	.	Least limiting
1	pH				
1	acidification risk	presently acid: 100%	high: 0%	moderate: 0%	low: 0%
1	0-10 acidity	very strongly acid: 0%	strongly acid: 0%		
1	0-10 alkalinity	strongly alkaline: 0%	alkaline: 0%		
1	50-80 acidity	very strongly acid: 0%	strongly acid: 0%		
1	50-80 alkalinity	strongly alkaline: 0%	alkaline: 0%		
2	SALINITY				
2	surface salinity	extreme: 0%	high: 0%	moderate: 0%	slight to nil: 100%
2	salinity risk	presently saline: 0%	high: 0%	moderate: 0%	nil or partial: 100%
3	SOME PLANT LIMITS				
3	sub surface compact	high: 0%	moderate: 100%	low: 0%	
3	rooting depth	very shallow: 0%	shallow: 0%	moderately shallow: 0%	very deep to mod: 100%
3	water repel	high: 40%	moderate: 0%	low: 0%	nil: 60%
3	water storage	extremely low: 0%	very low: 40%	low: 0%	high to moderate: 60%
4	EROSION				
4	water erosion	extreme: 0%	very high: 0%	high: 0%	nil to moderate: 100%
4	wind erosion	extreme: 0%	very high: 0%	high: 40%	nil to moderate: 60%
4	flood risk (water flow)	high: 0%	moderate: 100%	low: 0%	very low: 0%
4	instability	high: 0%	moderate: 0%	low: 0%	nil to very low: 100%
5	WATER & DRAINAGE				
5	waterlogging	very high: 0%	high: 60%	moderate: 40%	nil to low: 0%
5	site drainage	very poor: 0%	poor: 60%	moderate: 40%	high: 0%
5	phosphorus export	extreme: 40%	very high: 60%	high: 0%	low to moderate: 0%
6	OTHER QUALITIES				
6	excavation ease	very low: 0%	low: 0%	moderate: 60%	high: 40%
6	microbial purification	very low: 100%	low: 0%	moderate: 0%	high: 0%

Land capability assessment (Class %, code and description)

Land Use	Class 1+2 %	Class 3 %	Class 4+5 %	Code	Capability Rating desc
Annual horticulture	0	0	100	C2	>70% of the area is Class 4 or 5
Dry Cropping	0	0	100	C2	>70% of the area is Class 4 or 5
Grazing	0	60	40	B2	50-70% of the area is Class 1, 2 or 3
Perennial horticulture	0	0	100	C2	>70% of the area is Class 4 or 5
Vineyards	0	0	100	C2	>70% of the area is Class 4 or 5

Information modelled from broad scale mapping generalised for whole of map unit as at: 20-07-2022.

Assists, but does not replace on site assessment recommended for an area on an individual property.

Department of Primary Industry and Regional Development (Feedback Welcome: soil.maps@dpird.wa.gov.au)

Submitted to Metropolitan Region Scheme amendment 1405/57 – South Mandogalup Urban Precinct
Submitted on 2023-09-04 22:04:38

About you

1 What is your first name?

First name:

Margaret & Hubert

2 What is your surname?

surname:

de Haer

3 What is your email address?

Email:

margaret359@hotmail.com

4 Are you responding on behalf of an organisation?

No

Organisation:

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

No

Submissions

6 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Support

7 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded below your submission text.

Submission:

We strongly support more urban development in Mandogalup.

Mandogalup is ideal as a residential suburb, everything we need is within 20minutes.

We are close to employment in Kwinana, Rockingham, Cockburn and the Perth CBD. Within easy reach of the City Centre, Cockburn Central, Fiona Stanley and Murdoch Hospitals. Easy access to Kwinana Freeway and the Mandurah to Joondalup train line with stations at Aubin Grove and Kwinana.

Mandogalup is already developing as a residential suburb. The eastern part of Mandogalup is already being developed by Qube and Satterley. There is strong demand for housing in the area as shown by the rapidly developing Apsley Estate and the nearby suburbs of Hammond Park, Aubin Grove and Honeywood. Land prices are affordable, particularly for young families and retirees.

More residential development will support a wider range of services and facilities in Mandogalup including shops, schools, health, medical and community facilities as well as parks and public open spaces.

It may be an opportunity to develop pubic housing which is lacking and instate a train station at Mandogalup.

Upload supporting documents:

No file uploaded

Upload supporting documents:

No file uploaded

Upload supporting documents:

No file uploaded

Submitted to Metropolitan Region Scheme amendment 1405/57 – South Mandogalup Urban Precinct
Submitted on 2023-09-06 08:23:18

About you

1 What is your first name?

First name:

Ross

2 What is your surname?

surname:

Underwood

3 What is your email address?

Email:

ross@planningsolutions.com.au

4 Are you responding on behalf of an organisation?

Yes

Organisation:

Planning Solutions, acting on behalf of Kwinana Industries Council

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

No

Submissions

6 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Oppose

7 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded below your submission text.

Submission:

Please refer to the attached submission letter.

Upload supporting documents:

230906 2721 Submission on South Mandogalup MRS Amendment.pdf was uploaded

Upload supporting documents:

No file uploaded

Upload supporting documents:

No file uploaded

PS ref: 2721

6 September 2023

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

Attention: David Caddy – Chairman

Dear Sir,

SUBMISSION ON PROPOSED (MINOR) MRS AMENDMENT 1405/57 – SOUTH MANDOGALUP URBAN PRECINCT

Thank you for the opportunity to review and provide comment on the proposed Metropolitan Region Scheme Amendment 1405/57 as it relates to the South Mandogalup Urban Precinct.

Planning Solutions has prepared this submission on behalf of the Kwinana Industries Council (KIC). In summary, we consider the Amendment should not proceed as it is not consistent with *State Planning Policy 4.1 Industrial Interface (SPP4.1)* as:

- it does not provide for the expansion and growth of the Western Trade Coast (WTC) strategic industrial area (SIA);
- it does not reflect the endorsed Kwinana air quality buffer (KAQB);
- the intended development not in keeping with the more desirable land use of low-scale light industry as an interface to mitigate impacts to adjacent urban areas; and
- no district structure planning has been undertaken in support of this Amendment, and therefore it would be premature to proceed with the Amendment at this point in time.

Refer below our detailed comments.

INTRODUCTION TO KWINANA INDUSTRIES COUNCIL

The KIC was established in 1991 with its primary goals being:

- To promote a positive image of Kwinana industries.
- To work towards the long-term viability of Kwinana industry.
- To coordinate a range of intra-industry activities including water quality, air quality, monitoring and emergency management.
- To highlight the contribution Kwinana industry makes to community.
- To liaise effectively with local communities, Government and Government agencies.

The current KIC membership is 16 full members, including all the major industries found within the WTC, and 36 associate members covering some substantial companies as well as from the support and service sectors. KIC members employ approximately 4,800 workers directly and another 26,000 indirectly, and are a major source of revenue for the State and Australian economies with direct sales of \$8.51 billion and annual output of approximately \$20 billion per annum. The KIC is well recognised as being almost unique in Australia for what it represents, how it operates and for what it has achieved. It pursues its goals through a range of formal committees set up to provide input on a range of issues of common interest to the KIC member companies. Committee members are delegates with appropriate experience and authority drawn from the member companies. The output from the various committee activities is then used as the basis for communication to the KIC's stakeholders such that Kwinana industry is seen as speaking with one voice.

The KIC strongly considers there must be sufficient areas of land protected for future industrial growth of the WTC – which comprises the Kwinana Industrial Area, Rockingham Industrial Zone, and Australian Marine Complex. This is especially important considering the following factors influencing current and ongoing growth and development of the WTC:

- The new port in Kwinana. The State government's Westport project is well advanced; planning is underway and a business case is being developed and will be presented to Government mid 2024.
- The presence of a new and determined plan to build a new port will stimulate interest for primary and secondary industry attraction.
- Land availability in the core of the Kwinana Industrial Area is essentially fully committed to existing and incoming heavy industry. Land availability in the Rockingham Industry Zone is rapidly being consumed by incoming industry, some of which is speculative, with only a small number of heavy industrial sites left unallocated or optioned. An expansion to the KIA core is required to accommodate future heavy industry requirements, and there is only one place that has buffer zones of sufficient extent for this to occur, and that is in the Wattleup/Hope Valley area.
- The concept of Lithium Valley in the WTC has taken hold internationally. Numerous industries participating in the energy metals value chain are driving a new wave of industrial interest and development. The world is looking to Western Australia and specifically to the WTC to host this new industry.

THE PROPOSAL

This Amendment proposes to rezone approximately 27.8 ha of land in the Mandogalup locality from Rural to Urban to facilitate the residential subdivision of the land, following a local scheme amendment, structure planning and subdivision approval.

The Amendment land is located between 1km and 1.5km east of Alcoa's bauxite residue storage areas.

SUBMISSION

We submit the proposal is premature and should not proceed for the following reasons.

Not consistent with the endorsed Kwinana Air Quality Buffer

The KAQB was established around the WTC in 2010 following studies and investigations dating back to the 1970s. On 21 September 2010 the Western Australian Planning Commission (WAPC) resolved to:

1. *Endorse the revised KAQB line of 1km north, north east and east from the boundary of the Alcoa residue disposal area land holdings.*
2. *Endorse an additional 0.5km extension of the 1km buffer as a non-residential 'transition zone' to be referenced in planning documents and memorials on lot tiles.*

The WAPC affirmed the above decision on 24 May 2011.

To this date, there has been no resolution of WAPC to amend, revoke, or rescind its 2010 decision or the KAQB. The KAQB is an 'impact area' under SPP4.1. Clause 6.1.3.2 of SPP4.1 provides that:

Local planning schemes and amendments should:

- b) provide for impact areas and compatible zones and/ or reserves for SIAs, strategic industries, strategic infrastructure and major hazard facilities.*

This Amendment is not consistent with SPP4.1 in that it facilitates urban development on land in a WAPC-endorsed impact area of a SIA, contrary clause 6.1.3.2.

Lack of transitional land uses

The intended residential land uses being facilitated by this Amendment (and associated structure planning) is not consistent with SPP4.1 which contemplates light industry zoning and other compatible zones and reserves as a compatible land use transition at the interface of general and strategic industrial areas.

In this case, the subject land directly adjoins the Improvement Plan 47 (IP47) area which the State Government's South Metro and Peel Sub-Regional Planning Framework has designated for industrial investigation. In November 2022 the WAPC endorsed a land use scenario for IP47 confirming the majority of the IP47 area should be developed with industrial land uses.

The City of Kwinana's *Local Planning Policy 12 Mandogalup Future Development (LPP12)* provides for a transition area supporting composite residential / light industrial uses to provide a suitable interface between industrial and residential areas.

Does not take into account growth of the Western Trade Coast

The WTC's prominence will only increase with the planning for Westport as the region's bulk and container shipping port. Construction of the port will increase demand for land in the WTC for port ancillary uses and for new and emerging industries that rely on convenient access to the port and for those industries supporting the port and emerging industries. The Department of Planning Lands and Heritage's own economic consultant Pracsys identified as much in its *Westport Analysis Briefing Note* (November 2021) for the Mandogalup IP47 area:

The WA Government accepted the recommendations [for Westport] and is now working to determine the preferred timing for transition of activities from Fremantle to Kwinana. This transition will have significant impact on the activity mix in Kwinana industrial areas and hinterland. A new hierarchy of land uses will emerge based on the location of infrastructure and proximity to the core port operations. In parts of the Western Trade Coast closest to the port, lower order uses (i.e. population driven) will likely make way for an even greater concentration of higher order uses (i.e. port related uses and strategic uses that are export orientated). The process will accelerate in tandem with the transition of activity from Fremantle to Kwinana.

The impact of this transition on the subject area will likely be profound. Lower order uses (i.e. small factory units, bulky retail, etc.) will need a place to relocate. The infrastructure in the area will need to suit the business models and modes of operation (i.e.: business-to-business, business-to-consumer, bulky retail), with different access arrangements, road network design, parking, and provision of services (power, water, sewer, etc).

Pracsys identifies a potential gap of 612ha of industrial land in a high-growth scenario. It may come to pass that the Amendment area, which is well-located with regard to the proposed Anketell Road / Thomas Road freight corridor, is needed to accommodate the demand for industrial land.

The business case for Westport has not yet been finalised; we would expect the availability of land to meet land use demands near the port over its expected lifespan to be a critical factor. Pracsys warns against releasing land for residential too soon: “if the land is planned for commercial or residential uses it is likely to develop in a shorter timeframe and it would likely be difficult and potentially impossible to change the planning to accommodate future demand for industrial land”.

SPP4.1 provides the following guidance for SIAs:

SIAs are areas of significant economic and strategic importance for the State or region. SIAs should incorporate impact areas that require suitable and appropriate integration with surrounding compatible zones, reserves and land uses to ensure the site can:

- a) *expand and grow over time*
- b) *prevent or minimise the encroachment of incompatible land uses*
- c) *ensure off-site impacts and/or safety risks are managed within a defined area. [emphasis added]*

By facilitating residential land uses over this land, this Amendment departs from orderly and proper planning which entails the planning of expansion and growth of the WTC - the State’s premier strategic industrial area, and which permits encroachment of incompatible land uses into the IP47 industrial investigation area.

The Amendment is premature

This Amendment is premature. It proposes the piecemeal rezoning of a portion of land without there being clarity and certainty with medium to long term land uses and planning outcomes in the Mandogalup locality. Crucially, while the WAPC has considered land use options for IP47, there has been no statutory decision to enshrine the preferred land uses which are subject to the development of an improvement scheme to be prepared, advertised for public comment, and determined by the Minister for Planning.

Nor is there suitable planning for the precinct by way of a district structure plan or similar. The Jandakot Structure Plan (2007) is outdated and not suitable as a basis for planning for urban development in this locality as:

- it does not reflect the industrial land uses proposed in the IP47 area, and therefore assumptions on population to support road networks, activity centres, schools, and open space cannot be relied upon;
- it does not reflect the KAQB’s 1km – 1.5km transition zone as adopted by the WAPC in September 2010;
- it proposes what appears to be a neighbourhood connector road intersecting with Anketell Road midway between Mandogalup Road and Kwinana Freeway, and mixed use land uses abutting Anketell Road – an inviable location for the road and mixed use land uses given the proposal to upgrade Anketell Road as a major freight corridor;
- traffic studies for the Jandakot Structure Plan did not contemplate the upgrading of Anketell Road as a major freight corridor linking Westport to Kwinana Freeway and Tonkin Highway, and the impact that introducing residential and the associated light car traffic movements on the safety and efficiency of freight vehicle movements on Anketell Road;
- it proposes a primary school partially within the KAQB – a location not suitable (a similar proposal for a primary school in the KAQB was rejected in the Mandogalup West Local Structure Plan);
- it proposes an activity centre in a location where a significant portion of its notional walkable catchment is within the IP47 area, and for this reason an activity centre in this location may be nonviable; and
- it includes a possible train station at Anketell Road which we understand will not be proceeding in this location, and therefore cannot be used to justify land uses and densities proposed in its vicinity by the Jandakot Structure Plan.

Under orderly and proper planning processes a district structure plan would be required to support urban expansion. For example, a district structure plan was prepared in support of proposals for Wanju to zone land urban at Waterloo. To proceed otherwise would be to progress urban expansion in a piecemeal and uncoordinated fashion, potentially leading to issues of integration of land uses and infrastructure in the area.

In the absence of an up-to-date district structure plan, the proposal is premature and should not be supported.


CONCLUSION

For the reasons listed above, we submit the MRS Amendment should not proceed.

We respectfully request we are informed of any WAPC meetings at which this matter is considered and are invited to attend the meeting.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

Yours faithfully,



ROSS UNDERWOOD
SENIOR ASSOCIATE

Submitted to Metropolitan Region Scheme amendment 1405/57 – South Mandogalup Urban Precinct
Submitted on 2023-09-08 13:49:56

About you

1 What is your first name?

First name:
Paul

2 What is your surname?

surname:
Neilson

3 What is your email address?

Email:
pau.neilson@kwinana.wa.gov.au

4 Are you responding on behalf of an organisation?

Yes

Organisation:
City of Kwinana

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

No

Submissions

6 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Support

7 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded below your submission text.

Submission:

See uploaded letter

Upload supporting documents:
Mandogalup South MRS Amendment WAPC - submission of the City of Kwinana.pdf was uploaded

Upload supporting documents:
No file uploaded

Upload supporting documents:
No file uploaded

08 September 2023

Sam Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Our Ref: PLAN11-2
Officer: Gary Williams
Phone: 9439 0430
email: gary.williams@kwinana.wa.gov.au

Attention: Anthony Muscara

Dear Ms Fagan

METROPOLITAN REGION SCHEME AMENDMENT 1405/57 – SOUTH MANDOGALUP URBAN PRECINCT

Thank you for your letter dated 4 August 2023 seeking comment from the City of Kwinana to rezone land in Mandogalup South from 'Rural' to 'Urban' under the Metropolitan Region Scheme (MRS Amendment 1405/57).

The City does not object to the rezoning of the subject land under the Metropolitan Region Scheme (MRS) Amendment for this locality.

The progressive planning of the Improvement Precinct 47 (IP47) by the Western Australian Planning Commission (WAPC) where the land uses are now largely determined, concept planning being finalised, and the scheme being prepared, provides the City with much greater confidence about the planning for the whole Mandogalup urban Cell.

The rezoning of the subject site forms a logical progression to the MRS rezonings further north in the Mandogalup Cell (outside the IP47 landholding).

The City requests, however, that the land the subject of Amendment 1405/57 not be the subject of a corresponding amendment to Local Planning Scheme No. 2 (LPS2) under section 126(3) of the *Planning and Development Act 2005*. The City requests that there be a separate amendment to LPS2 to rezone the site from 'Rural' to 'Development' to enable the City to consider local planning issues raised by the amendment (including those listed below) prior to the lodgement of a structure plan.

Further to the information required by the State Government and the City as part of local scheme amendment and local structure planning processes, the City wishes to emphasise the need for following information as part of the City's assessment of the local scheme amendment and structure plan in Mandogalup South:

- a) *Biodiversity surveys*

Administration

Cnr Gilmore Ave & Sulphur Rd, Kwinana WA 6167 | PO Box 21, Kwinana WA 6966 | **Hours** Mon-Fri 8am-5pm (Cashier hours 8am-4pm)
Telephone 08 9439 0200 | **Facsimile** 08 9439 0222 | **TTY** 08 9419 7513 | admin@kwinana.wa.gov.au | www.kwinana.wa.gov.au

Vegetation, flora and fauna surveys are to be conducted in accordance with Environmental Protection Authority and Department of Water and Environmental Regulation requirements.

b) *Landscape Feature and Tree Retention Strategy*

A Landscape Feature and Tree Retention Strategy should be prepared in accordance with the City's Local Planning Policy No. 1 and include the following.

- i. a map prepared by a suitable qualified professional showing the location, species, size and structural health of significant trees on site;
- ii. a map showing which significant trees are proposed to be retained and which significant trees are to be removed;
- iii. a description of methods to avoid impact on trees that are to be retained;
- iv. a description of ongoing management and maintenance;
- v. a map and description of all landscape features on site; and
- vi. a map of the landscape features that are proposed to be retained, modified or removed.

It is recommended that the Landscape Feature and Tree Retention Strategy be developed in consultation with the City and include consideration of retaining significant trees.

c) *Local Water Management Plan* in accordance with Liveable Neighbourhoods and the requirements of the Department of Water and Environmental Regulations, to ensure that the quality and quantity of stormwater leaving and entering the amendment area is maintained at acceptable levels.

d) *Public Open Space Schedule and Landscape Master Plan*
In accordance with Draft Liveable Neighbourhoods (2015)

e) *Road and Rail Transport Noise*

Description of the potential impact of noise from trains on the Perth-Mandurah rail line, and management of impacts consistent with State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (WAPC, 2009). Include a noise exposure forecast and a noise level contour map (SPP5.4 section 3.5) in the local structure plan to indicate areas where mitigation measures in accordance with an approved noise management plan for noise sensitive land uses; or quiet house package maybe required.

f) *The impact of rezoning on existing land uses such as the Saiva Maha Sabai (SMS) Temple.*

Hindu Murugan temple worship has taken place at 12 Mandogalup Road for many years. This property is intersected by the boundary of this MRS amendment (1405/57) and the boundary of Improvement Plan 47 (IP47). The City is keen to ensure the ongoing operation of the temple is addressed as part of the planning of both this amendment and the planning for IP47.

Should you have any enquiries regarding this correspondence please contact Gary Williams (Senior Strategic Planning Officer) on 9439 0430 or gary.williams@kwinana.wa.gov.au.

Yours faithfully

Paul Neilson

Paul Neilson
Manager
Planning and Development

Submitted to Metropolitan Region Scheme amendment 1405/57 – South Mandogalup Urban Precinct
Submitted on 2023-09-08 14:58:25

About you

1 What is your first name?

First name:
Ross

2 What is your surname?

surname:
Underwood

3 What is your email address?

Email:
ross@planningsolutions.com.au

4 Are you responding on behalf of an organisation?

Yes

Organisation:
Planning Solutions, on behalf of Alcoa of Australia

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

No

Submissions

6 Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?

Oppose

7 Please type your submission (reasons for support/opposition) into the the box below. Any supporting documents may be uploaded below your submission text.

Submission:

Please refer attached letter.

Upload supporting documents:
230906 2721 Submission on South Mandogalup MRS Amendment.pdf was uploaded

Upload supporting documents:
No file uploaded

Upload supporting documents:
No file uploaded

PS ref: 7482

8 September 2023

Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Attention: David Caddy - Chairman

Dear Sir,

SUBMISSION ON PROPOSED (MINOR) MRS AMENDMENT 1405/57 – SOUTH MANDOGALUP URBAN PRECINCT

Thank you for the opportunity to review and provide comment on the proposed Metropolitan Region Scheme Amendment 1405/57 as it relates to the South Mandogalup Urban Precinct.

Planning Solutions has prepared this submission objecting to proposed amendment on behalf of Alcoa of Australia (**Alcoa**). In summary, we consider the proposed amendment should not proceed as it is not consistent with *State Planning Policy 4.1 Industrial Interface (SPP4.1)* due to:

- there being unresolved potential impacts of risk which warrant application of the precautionary principle;
- does not reflect the endorsed Kwinana air quality buffer (**KAQB**);
- the intended development not in keeping with the more desirable land use of low-scale light industry as an interface to mitigate impacts to adjacent urban areas; and
- does not provide for the expansion and growth of the Western Trade Coast (**WTC**) strategic industrial area.

An introduction to the matter and detailed submission follows.

INTRODUCTION

The proposed amendment seeks to rezone approximately 27.8ha from the Rural zone to the Urban zone which will facilitate residential development on the subject land.

Alcoa commenced operations at the Kwinana Refinery in July 1963 and has progressively opened and operated the residue storage areas in their current location since 1972. Alcoa's State Agreement, the *Alumina Refinery Agreement Act 1961 (WA)*, allows Alcoa to operate the residue storage areas until at least 2045, with a subsequent period of renewal for 21 years, conditional on WA Government approval.

The land subject to the amendment is situated between 1km and 1.5km to the east of Alcoa's Kwinana Alumina Refinery bauxite residue storage areas. Between the subject land and Alcoa's residue storage area is land subject to Improvement Plan 47 (**IP47**) which has been identified for industrial investigation – in November 2022 the WAPC endorsed a land use scenario for IP47 confirming the majority of the area for industrial land uses. Refer **Figure 1** showing the location of the respective areas.

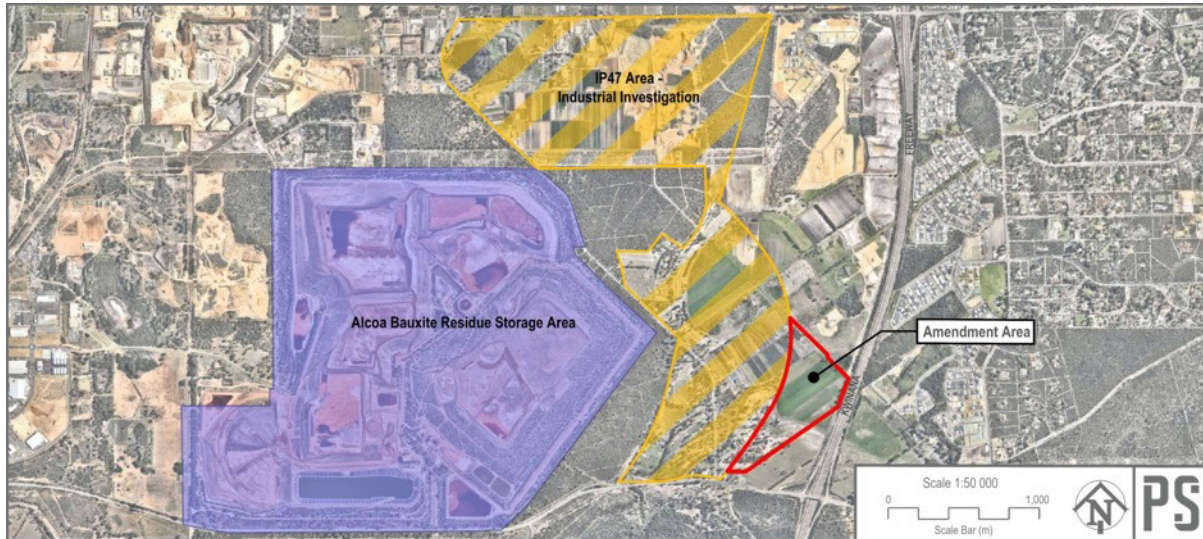


Figure 1: Aerial photograph showing proximity of the proposed amendment area to Alcoa's RSAs and the industrial investigation area

SAFETY RISKS

SPP4.1 was published in the Government Gazette on 29 July 2022; its purpose is to seek to prevent conflict and encroachment between industrial and sensitive land uses. Section 3 of SPP4.1 provides a useful introduction to the principles of planning for a suitable interface to industrial areas:

Industrial areas and land uses are critical to local, regional, State and national economies and are significant employment generators. Industrial areas may also include critical state and regional strategic infrastructure (for example, wastewater treatment plants and waste transfer/ landfill sites). These areas and the resulting activities can generate dust, noise and odour in addition to other off- site impacts and/or safety risks. This may be as a result of a single industrial activity or the cumulative effect of off-site impacts and/or safety risks from a number of activities and has the potential to affect the surrounding environment and people's health and amenity.

Different types of off-site impacts and/or safety risks may affect health and amenity in different ways. There should be consideration of and encouragement for continuous improvement that reduces emissions and safety risks in line with the development of technological advances.

To address adverse off-site impacts and/or safety risks, consideration must also be given to planning the interface between land uses in order to provide a compatible transition. Industries with greater impacts should have more extensive protections and stronger interface measures to minimise the impact area.

Planning for safety risks is also addressed in the WAPC's *Policy DC 4.2 Planning for Hazards and Safety (DC4.2)* which states any development introducing a substantial number of people into an area where the individual risks are significant should be avoided.

Alcoa wishes to draw the WAPC's attention to the potential critical consequence of a tailings dam failure, which the global resources industry has mobilised to address in the past three years. In the past decade, the global resources industry has experienced the tragic consequences of catastrophic wet tailings dam failures, which have inundated surrounding areas and local communities, such as:

- the red mud wall collapse at the Ajka alumina refinery, Hungary, in October 2010, which led to 10 deaths;
- the Fundão dam collapse (Samarco) in Mariana, Brazil, in November 2015, which led to 19 deaths; and
- the tailings dam failure at the Córrego do Feijão mining facility (Vale) in Brumadinho, Brazil, in January 2019, which led to 270 deaths.

- the tailings dam collapse in Jagersfontein, South Africa, in September 2022, which led to one death and another two people missing.

Following the tailings dam failures, resource companies are publishing more information about their tailings' facilities including the consequence classification of these facilities based on the consequence of failure. In all cases, as the population increases the potential loss of life should an event occur increases and the consequence is higher.

Governments around the world are actively seeking to limit residential, commercial, and industrial development downstream to tailings facilities to mitigate any consequences. Companies are moving to alternative technologies such as residue filtration, introduced by Alcoa at the Kwinana residue storage area in 2016. As such, Alcoa strongly urges consideration to be given to the consequence of tailings dam failure when determining the proposed amendment.

Consistent with the Global Industry Standard on Tailings Management (GISTM August 2020), Alcoa is a member of the International Council on Mining and Metals (ICMM) and have agreed to meet the requirements of the GISTM. Alcoa has designed all the residue areas to the relevant standards when they were built and has led industry with implementation of mandated tailings management design standards for over 25 years. Alcoa continuously improves design, controls, procedures, and operating measures at the Kwinana residue storage areas to prevent potential catastrophic failure. To complement and support these measures, a precautionary approach should be applied to achieve the objective of separating the residue storage areas from inconsistent land uses and urban encroachment, which increase the population at risk.

SPP4.1 requires planning authorities to take a precautionary approach to proposals involving off-site impacts or risks where;

inadequate information is known or available about the impacts, and where these impacts are difficult to avoid, mitigate or manage, or where the cost to do so is not commensurate with the risk. This will be particularly important if there are potential significant adverse health and amenity impacts on existing or proposed sensitive land uses within impact areas, where consequences and mitigation measures need to be weighed more carefully.

This is the case for the proposed amendment, where the risk is undefined but higher density development in a low-lying area (the subject land comprising drained wetlands) would be at real risk should a low-likelihood catastrophic failure ever occur. Simply put, it would be premature to proceed with the proposed amendment at the current time. The Amendment should not proceed until it has been demonstrated the risk has been comprehensively investigated and addressed.

DOES NOT REFLECT THE KWINANA AIR QUALITY BUFFER

The Kwinana Air Quality Buffer (KAQB) was established to prevent encroachment of incompatible land uses to the WTC. On 21 September 2010 the Western Australian Planning Commission (WAPC) resolved to:

1. *Endorse the revised KAQB line of 1km north, north east and east from the boundary of the Alcoa residue disposal area land holdings.*
2. *Endorse an additional 0.5km extension of the 1km buffer as a non-residential 'transition zone' to be referenced in planning documents and memorials on lot titles.*

The WAPC affirmed the above decision on 24 May 2011.

Clause 6.1.3.2 of SPP4.1 requires:

Amendments should:

- b) *provide for impact areas and compatible zones and/ or reserves for SIAs, strategic industries, strategic infrastructure and major hazard facilities.*

There has not been any formal rescission of the KAQB by the WAPC. Nor have the land area requirements for Westport been resolved - these investigations would necessarily consider the 'industrial investigation area' situated between the proposed amendment area and Alcoa's bauxite residue storage areas.

It is inconsistent with clause 6.1.3.2 of SPP4.1 to proceed with the proposed amendment, to facilitate incompatible land uses in an endorsed impact area / buffer.

LACK OF TRANSITIONAL LAND USES

SPP4.1 contemplates light industry zoning and other compatible zones and reserves as a compatible land use transition at the interface of general and strategic industrial areas.

In this case, the subject land is located within reasonable proximity of Alcoa's bauxite residue storage areas, and directly adjoins the IP47 area which the WAPC's South Metropolitan Peel Sub-regional Planning Framework has designated for industrial investigation. Refer **Figure 1** for a plan showing the proximity of the proposed amendment area to Alcoa's residue storage areas and the 'industrial investigation' area.

The City of Kwinana's Local Planning Policy 12 Mandogalup Future Development (**LPP12**) provides for a transition area supporting composite residential / light industrial uses to provide a suitable interface between industrial and residential areas. The Amendment Report outlines that the intent is to facilitate residential development. No certainty is provided that transitional land uses are envisioned up to and abutting the boundary of the IP47 area.

FAILS TO PROVIDE FOR GROWTH OF THE WESTERN TRADE COAST

Collectively known as the WTC, the Kwinana Industrial Area, Latitude 32, Rockingham Industrial Zone, and Australian Marine Complex is the State's primary strategic industrial area (**SIA**), strategically located in the Perth metropolitan area.

The WTC's prominence will only increase with the planning for Westport as the region's bulk and container shipping port. Construction of the port will, in our view, increase demand for land in the WTC for transport and logistics and for new and emerging industries that rely on convenient access to the port. The business case for Westport has not yet been finalised; we would expect the availability of land to meet land use demands near the port over its expected lifespan to be a critical factor.

Planning for protection and growth of the WTC is expressly provided for in SPP4.1:

SIA's are areas of significant economic and strategic importance for the State or region. SIA's should incorporate impact areas that require suitable and appropriate integration with surrounding compatible zones, reserves and land uses to ensure the site can:

- a) *expand and grow over time*
- b) *prevent or minimise the encroachment of incompatible land uses*
- c) *ensure off-site impacts and/or safety risks are managed within a defined area.*

Alcoa's bauxite residue storage areas in the WTC adjoin land for future industry (or industry investigation) on all sides. However, it should not be assumed all this land can be developed. As indicated above, further studies are required to confirm the suitability of the land around Alcoa's bauxite residue storage areas for development considering safety risk.

It would be premature to proceed with the proposed amendment given the land area requirements for future industry associated with Westport and the WTC have not been resolved. If the land is developed with residential, the opportunities to expand the WTC in this area will be lost. SPP4.1 requires zoning land to allow the WTC to expand and grow over time. The proposed amendment (as the intention is to facilitate residential development) is therefore not demonstrated to be consistent with SPP4.1.

CONCLUSION

For the reasons listed above, we submit the proposed amendment should not proceed.

We respectfully request we are informed of any meetings at which this matter is considered and are invited to attend the meeting.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

Yours faithfully,



ROSS UNDERWOOD
SENIOR ASSOCIATE

230908 7482 Submission on South Mandogalup MRS Amendment.docx



13 September 2023

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

Email: Anthony.Muscara@dplh.wa.gov.au; regionplanningschemes@dplh.wa.gov.au

Dear Anthony,

**PROPOSED MRS MINOR AMENDMENT 1405/57 - SOUTH MANDOGALUP URBAN
PRECINCT**

Thank you for providing the Public Transport Authority (PTA) with the opportunity to review and provide comments on the above MRS Amendment proposal.

PTA does not object to the proposed MRS Amendment to exclude the subject land from "Rural" zone and include in "Urban" zone.

The Amendment report refers to the City of Kwinana's *Local Planning Policy 12 - Mandogalup Future Development* (LPP 12), which provides Council's vision for the area. LPP 12 identifies the subject land as partly "*Residential Area*", "*Station Precinct Area*" and "*Transition Area*". PTA reserved land for a long-term station location in the vicinity of Anketell Road, however, it will not be implemented as the Kwinana and Aubin Grove Stations provide regional public transport functions for South Mandogalup.

The landowners should be made aware of transport noise impacts from road and rail operations in the vicinity of the subject land, which cannot be fully mitigated. Please refer to WAPC State Planning Policy SPP 5.4 for the requirement of placing notifications on new titles created over this urban zoned land.

Part of the rezoned area falls within the 100 metres wide PTA Protection Zone in proximity of the operating Perth to Mandurah Railway Corridor. Future development applications and construction works will need to comply with the PTA's "*8810-450-003 – Procedure – Working In and around the PTA Rail Corridor*" to the satisfaction of the PTA and must comply with all the relevant PTA requirements.

Should the Department of Planning and Urban Development have any queries in respect to the above comments, in the first instance please feel free to contact Imre Szito, Project Manager on 9326 3700 or WAPCreferrals@pta.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized initial 'K' followed by a horizontal line that ends in a small dot.

Kerry Job
RAIL PLANNING MANAGER
INFRASTRUCTURE PLANNING AND LAND SERVICES