



June 2024

# **Metropolitan Region Scheme Amendment 1430 (Basic Amendment)**



## **Mitchell Freeway Osborne Park Rationalisation**

Amendment Report

City of Stirling

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**Metropolitan Region Scheme  
Amendment 1430  
(Basic Amendment)**

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

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MRS Amendment 1430 (Basic)      Amendment Report  
File RLS/1139

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

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## Abbreviations

<b>ACH</b>	Aboriginal Cultural Heritage
<b>AHA</b>	<i>Aboriginal Heritage Act 1972</i>
<b>DPLH</b>	Department of Planning, Lands and Heritage
<b>DWER</b>	Department of Water and Environmental Regulation
<b>EPA</b>	Environmental Protection Authority
<b>LPS</b>	Local Planning Scheme
<b>MRS</b>	Metropolitan Region Scheme
<b>SPP</b>	State Planning Policy
<b>SWALSC</b>	South West Aboriginal Land and Sea Council
<b>WAPC</b>	Western Australian Planning Commission

## **Amendment Report**

# Metropolitan Region Scheme Amendment 1430 (Basic) Mitchell Freeway Osborne Park Rationalisation

## Amendment Report

### 1 Planning objective

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

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

### 2 Background

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

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

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

### 3 Scope and content of the amendment

The amendment proposes the following modifications to the Metropolitan Region Scheme:

#### **Proposal 1**

To transfer approximately 5,604 square metres of land comprising of part Lot 102 Linwood Court, Lots 308, 309 and 310 Sangiorgio Court, Pedestrian Access Way Lots 55 and 113, and part Lot 13976 Frobisher Street from the Primary Region Roads reservation to the Industrial zone, as shown on **Amendment Figure - Proposal 1**.

#### **Proposal 2**

To transfer approximately 5,218 square metres of land comprising of part Lot 13976 (Reserve 46377) and Lot 6 Frobisher Street, Lot 311 Sangiorgio Court, Lots 36, 801 and 807 (Reserve 28240) Neil Street, Lots 805 and 802 Scarborough Beach Road, Lot 104 Frobisher Street and Lot 13633 Scarborough Beach Road from the Primary Region Roads reservation to the Urban zone, as shown on **Amendment Figure - Proposal 2**.

### **Proposal 3**

To transfer approximately 1,050 square metres of land comprising of part Lots 205, 206 and 11797 (Reserve 42366) David Close and Lots 202 and 203 Cape Street from the Primary Regional Roads reservation to the Urban zone, as shown on ***Amendment Figure - Proposal 3***.

## **4 Discussion**

### **Strategic Context**

#### **Perth and Peel@3.5million / Central Sub-regional Planning Framework**

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

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

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

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

### **Statutory Context**

#### **Environment**

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

#### **Water and Wastewater Infrastructure**

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

## **5 Aboriginal cultural heritage**

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



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

The amendment will be formally referred to SWALSC during the public submission period.

## **6 Coordination of local and region scheme amendments**

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

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

## **7 Substantiality**

The Planning and Development (Region Planning Schemes) Regulations 2023 allows for amendments to a region scheme to be processed as either 'complex', 'standard' or 'basic' amendments, depending on the substantiality of the alteration to the region scheme.

In this regard, the WAPC has resolved to treat this amendment as a basic region scheme amendment as the proposal is considered to be minor in its scale and only seeks to rationalise the extent of the Primary Regional Roads reservation under the MRS consistent with the land requirements for the Mitchell Freeway.

## **8 Environmental Protection Authority advice**

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

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. A copy of the notice from the EPA is included at Appendix A.

## 9 The amendment process

The procedures for amending a region scheme are prescribed by the *Planning and Development Act 2005* and the Planning and Development (Region Planning Schemes) Regulations 2023. In essence, the procedure for a standard amendment involves:

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment
- completion of an Environmental Review (if required) in accordance with EPA instructions
- public submissions being sought on the proposed amendment (including Environmental Review if required)
- consideration of submissions
- approval, with or without any modifications in response to submissions, or refusal to approve, by the Minister
- the amendment takes legal effect with Gazettal of the Minister's approval.

An explanation of the [region scheme amendment process](#) can be found on the Department of Planning, Lands and Heritage's website, along with further information for [your property and planning region schemes](#)

## 10 Submissions on the amendment

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

The amendment is being advertised for public submissions for a period of 14 days from 26 June 2024 to 10 July 2024.

The amendment report and plans showing the proposed changes are available for public inspection [online](#).

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

However, written submissions commenting on the amendment can be sent to:

[RegionPlanningSchemes@dplh.wa.gov.au](mailto:RegionPlanningSchemes@dplh.wa.gov.au)

or posted to:

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

**and must be received by 10 July 2024.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form is contained in this report (Appendix D). Additional copies of the form are available from the Department of Planning, Lands and Heritage [website](#).

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

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

## **11 Modifications to the amendment**

After considering any comments received the WAPC may recommend that the Minister for Planning modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

## **12 Final outcome**

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

**Metropolitan Region Scheme  
Amendment 1430**

**Mitchell Freeway Osborne Park  
Rationalisation**

**Amendment Figures  
Proposals 1 - 3**



**Proposal 1**

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

29 May 2024

Proposal 1

Proposed Amendment:

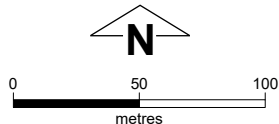


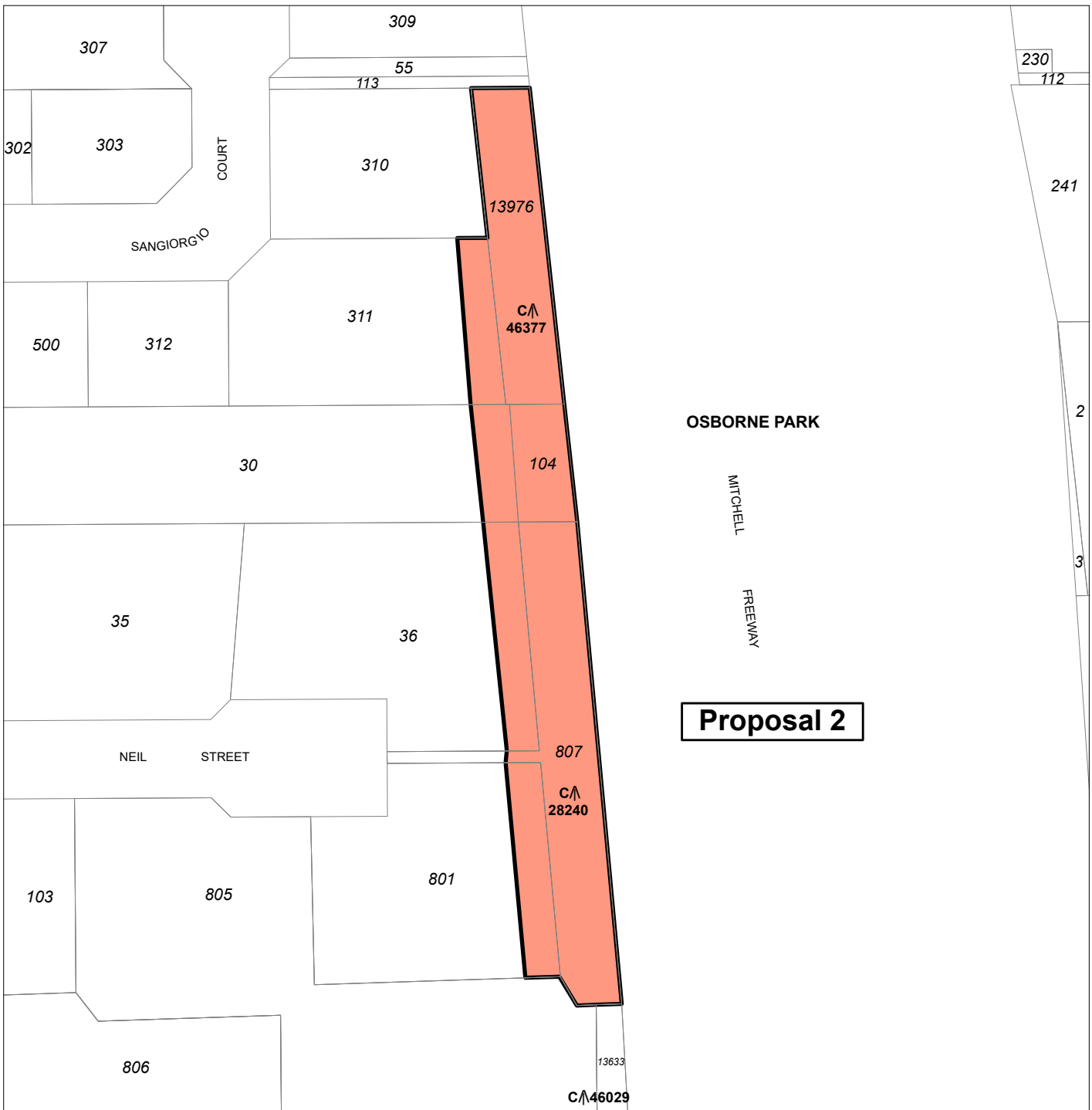
Primary Regional Roads reservation to Industrial zone

Reference no: 4851  
File no: RLS/1139  
Version number: 1



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





OSBORNE PARK

MITCHELL  
FREEWAY

**Proposal 2**

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

29 May 2024

Proposal 2

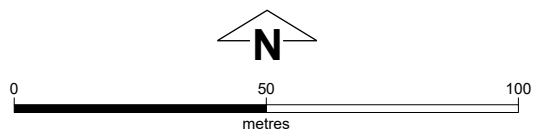
Proposed Amendment:

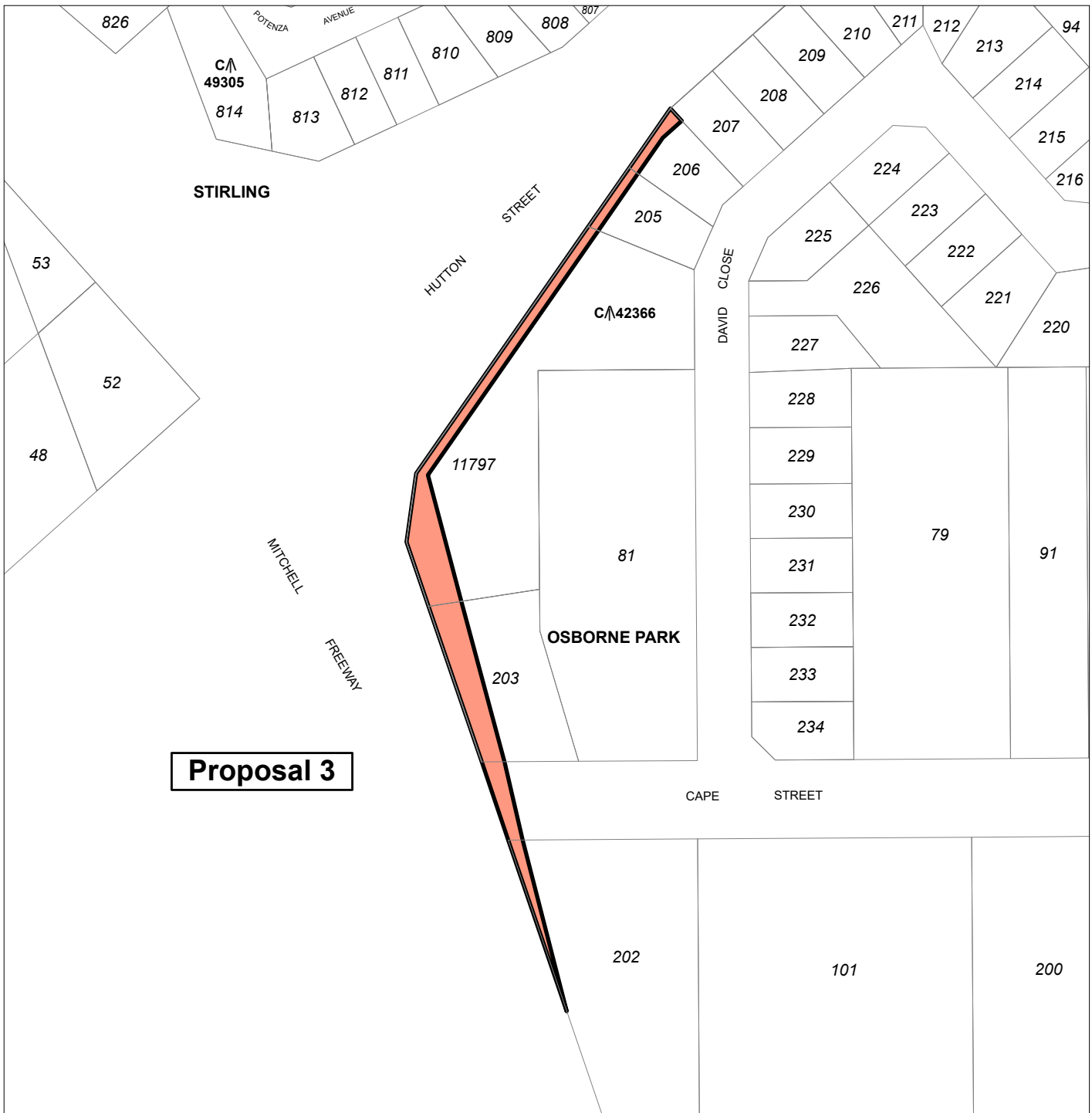
 Primary Regional Roads reservation to Urban zone

Reference no: 4851  
File no: RLS/1139  
Version number: 1



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





**Proposal 3**

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

29 May 2024

Proposal 3

Proposed Amendment:



Primary Regional Roads reservation to Urban zone

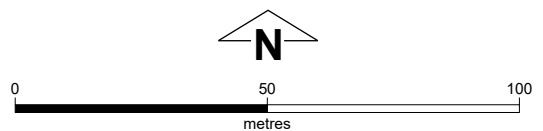
Reference no: 4851

File no: RLS/1139

Version number: 1



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



## **Appendix A**

### **Notice of environmental assessment**





## Environmental Protection Authority

Ms Sam Boucher  
 Secretary  
 Western Australian Planning Commission  
 140 William Street  
 PERTH WA 6000

Our Ref: APP-0025383; REC-0000749  
 Enquiries: Angela Coletti  
 Email: [angela.coletti@dwer.wa.gov.au](mailto:angela.coletti@dwer.wa.gov.au)

Dear Ms Boucher

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

<b>SCHEME</b>	<b>Metropolitan Region Scheme Amendment 1430 : Mitchell Freeway, Osborne Park Rationalisation</b>
<b>LOCATION</b>	<b>Three Lots Mitchell Freeway between Hutton Street and Scarborough Beach Road in Osborne Park. City of Stirling.</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Western Australian Planning Commission</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. No Advice Given (Not Appealable)</b>

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

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act).

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the EPA's Determination is attached and will be made available to the public via the EPA website.

Yours sincerely

**Lee McIntosh**  
**Deputy Chair of the Environmental Protection Authority**

14 June 2024

Encl. EPA Determination

GOVERNMENT OF  
WESTERN AUSTRALIA

## Environmental Protection Authority

s.48A Referrals

**Title:** Metropolitan Region Scheme (MRS) Amendment 1430: Mitchell Freeway, Osborne Park Rationalisation

**Location:** Three lots along Mitchell Freeway between Hutton Street and Scarborough Beach Road in Osborne Park, in the City of Stirling.

**Description:** The purpose of the amendment is to rationalise the extent of the 'Primary Regional Roads' reservation for parts of the Mitchell Freeway, by transferring land from the 'Primary Regional Roads' reservation to the 'Industrial' and 'Urban' zones.

**Ref ID:** APP- 0025383

**Date Received:** 31/05/2024      **Date Sufficient Information Received:** 31/05/2024

**Responsible Authority:** Western Australian Planning Commission, 140 William Street, PERTH WA, 6000

**Contact:** Lainy Collisson

**Preliminary Environmental Factors:** None

**Potential Significant Effects:** None

**Protection:** Not required

**Determination:** **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. No Advice Given. (Not Appealable).**

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Deputy Chair's Initials: *MMA*

14 June 2024

## **Appendix B**

### **List of plans supporting the amendment**

**Metropolitan Region Scheme  
Amendment 1430**

**Mitchell Freeway Osborne Park  
Rationalisation**

**as advertised**

**Amending Plan 3.2838**

**Detail Plans**

1.6214, 1.6231

## **Appendix C**

### **Preparing a submission**

## Preparing a Submission

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

### What is a submission?

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

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

### What should I say?

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

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

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

### Before lodging your submission

The WAPC prefers to receive submissions online at <https://consultation.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (Submission Form - Appendix D).

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

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

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

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

## **Appendix D**

**Submission form for this amendment**





