



July 2024

# **Metropolitan Region Scheme Amendment 1425 (Standard Amendment)**



## **Helena Valley Urban Precinct**

Amendment Report

Shire of Mundaring  
City of Swan

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**Metropolitan Region Scheme  
Amendment 1425  
(Standard Amendment)**

**Helena Valley Urban Precinct**

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**Amendment Report**

**Shire of Mundaring  
City of Swan**



July 2024

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

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MRS Amendment 1425 (Standard) Amendment Report  
File RLS/1033

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

# Contents

Abbreviations .....	i
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## Amendment Report

1	Planning objective .....	1
2	Background.....	1
3	Discussion.....	2
4	Aboriginal cultural heritage .....	4
5	Coordination of local and region scheme amendments .....	5
6	Substantiality.....	5
7	Environmental Protection Authority advice .....	5
8	The amendment process.....	5
9	Submissions on the amendment .....	6
10	Modifications to the amendment.....	7
11	Final outcome.....	7
	Amendment Figure - Proposal 1.....	9

Appendix A Notice of environmental assessment

Appendix B List of detail plans supporting the amendment

Appendix C Preparing a submission

Appendix D Submission form for this amendment

## 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>DWMS</b>	District Water Management Strategy
<b>EPA</b>	Environmental Protection Authority
<b>LPS</b>	Local Planning Scheme
<b>MRS</b>	Metropolitan Region Scheme
<b>PRR</b>	Primary Regional Roads
<b>SWALSC</b>	South West Aboriginal Land and Sea Council
<b>WAPC</b>	Western Australian Planning Commission

## **Amendment Report**

# Metropolitan Region Scheme Amendment 1425 (Standard)

## Helena Valley Urban Precinct

### Amendment Report

#### 1 Planning objective

The purpose of the amendment is to transfer approximately:

- (a) 11.56 hectares of land within Lots 250 & 254 Helena Valley Road and parts of Lots 1, 5 & 253 Helena Valley Road, and part of the road reserve for Helena Valley Road in Helena Valley from the Rural zone to the Urban zone;
- (b) 3.04 hectares of land within parts of Lots 5, 250, 253 & 254 Helena Valley Road in Helena Valley from the Rural zone to the Urban Deferred zone;
- (c) 5,970 square metres of land within part of Lot 500/Reserve 27688 Midland Road in Bushmead from the Rural zone to the Parks and Recreation reservation; and
- (d) 1,220 square metres of land within the road reserves for Midland Road in Helena Valley from the Rural zone to the Primary Regional Roads (PRR) reservation,

in the Metropolitan Region Scheme (MRS), as shown on the ***Amendment Figure - Proposal 1***.

The proposed Urban zoning will facilitate the planning and development of parts of the amendment area for residential and commercial purposes. The proposed Urban Deferred zoning will provide for the extent of land required for regional road purposes to be determined prior to this land being transferred to the Urban zone. The proposed PRR and Parks and Recreation reservations will more accurately identify the land requirements for Roe Highway and reflect the environmental values of the remnant native vegetation within Lot 500 Midland Road, Bushmead.

#### Lifting of Urban Deferment Requirements

The amendment area is being partly zoned Urban Deferred as the following matter requires resolution prior to the transfer of this land to the Urban zone:

- The final extent of the regional road requirements for the potential future realignment of the Bushmead Road/Helena Valley Road bridge over the Roe Highway being appropriately determined, or it being demonstrated that this matter can be appropriately addressed in subsequent stages of the planning process.

#### 2 Background

The proposed amendment area is located within the Shire of Mundaring and the City of Swan and is located approximately 15 kilometres north-east of the Perth Central Business District, two kilometres south-east of the Midland strategic activity centre.

Land within the amendment area is currently zoned Rural under the MRS is predominantly privately owned, whilst some smaller areas are owned by the State Government. The Helena River and associated foreshore areas are located to the north and are reserved Parks and Recreation under the MRS. Land to the east is zoned Urban under the MRS and is progressively being developed for residential purposes. Land to the south contains remnant native vegetation located within Bush Forever Area 215, and reserved Parks and Recreation under the MRS. Roe Highway abuts the eastern boundary of the amendment area is reserved Primary Regional Roads, whilst the Hazelmere Industrial Area is located further to the east and is zoned Industrial under the MRS.

Land within the amendment area is predominantly cleared as a result of historical agricultural activities, but there are areas of remnant native vegetation in various parts of the amendment area. Part of Kadina Brook is located in the north-east corner of the amendment area.

The use and development of land within the amendment area is subject to the requirements of the MRS, the *Shire of Mundaring Local Planning Scheme No. 4* (LPS 4) and the *City of Swan Local Planning Scheme No. 17* and will be subject to the requirements of the MRS and LPS 4 should the amendment be approved.

### 3 Discussion

#### Strategic Context

##### **Perth and Peel@3.5million and North-East 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 *North-East Sub-regional Planning Framework* (the Framework), which forms part of this suite of documents, designates the amendment area as 'Urban', and 'Urban expansion' with a 'Short-Medium Term (2015-2031)' staging timeframe. The zonings and reservations proposed by the amendment are consistent with the Framework.

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

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

Most of the land within the amendment area is predominantly cleared due to the historical use of the site for agricultural purposes. However, some parts of the amendment area contain areas of remnant native vegetation which are likely to be part of the 'Banksia Dominated Woodlands of the Swan Coastal Plain' threatened ecological community. Land within Lot 500 Midland Road, Bushmead is to be transferred to the Parks and Recreation reservation under the MRS to reflect the environmental values of the remnant vegetation on this site. Meanwhile, the retention and protection of remnant vegetation on land which is to be transferred to the Urban zone can be appropriately provided for in the subsequent stages of the planning process, pursuant to the recommendations of SPP 2.8.



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

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

The Department of Water and Environmental Regulation advises that the district water management strategy (DWMS) prepared for the amendment area requires modification to adequately address the relevant water management considerations. However, it advises that it will be acceptable to initiate the amendment subject to the DWMS being finalised prior to the amendment being finalised. The WAPC has resolved to initiate the amendment on the basis that the DWMS is finalised prior to the finalisation of the amendment.

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

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

The amendment is consistent with SPP 3.7 as the bushfire management plan prepared in support of it adequately demonstrates how compliance with the recommendations of the *Guidelines for Planning in Bushfire Prone Areas* can be achieved in subsequent stages of the planning process.

## **State Planning Policy 4.1 - Industrial Interface**

*State Planning Policy 4.1 - Industrial Interface* (SPP 4.1) seeks to ensure that planning decisions appropriately consider the locational constraint of land uses, the significant investment represented, and the current and future benefits and costs to communities when assessing proposals where land use conflicts may exist between industrial and sensitive land uses.

SPP 4.1 is applicable to the amendment area given that parts of the amendment area are located within 1,000 to 1,500 metres of a number of industrial facilities located in the Hazelmere Industrial Area which may potentially have off-site impacts which could adversely impact upon the amenity of future sensitive land uses within the amendment area. These facilities include a rendering facility, an asphalt plant, and a concrete batching plant.

However, it is not likely that these industrial facilities would adversely impact on the amenity of future sensitive land uses given that the combined effect of separation distances, regulatory requirements (i.e. *Environmental Protection (Noise) Regulations 1997* and *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*), the conditions of prescribed premises licences issued under the *Environmental Protection Act 1986*, and the provision transitional land uses (i.e. commercial land uses) within the amendment area. On this basis, the amendment is consistent with SPP 4.1.

## **State Planning Policy 5.1 - Land Use Planning in the Vicinity of Perth Airport**

*State Planning Policy 5.1 - Land Use Planning in the Vicinity of Perth Airport* (SPP 5.1) seeks to protect Perth Airport from unreasonable encroachment by noise-sensitive land uses, and to minimise the impact of airport operations on existing and future communities. The policy provides guidance for zoning, land uses and densities depending on the areas of noise exposure as measured by the Australian Noise Exposure Forecast (ANEF) contour system.

The amendment area is partly located within the 20-25 and 25-30 ANEF noise contours, and the proponent has advised that it is proposed that commercial land uses, or other similar land uses, are proposed for land located within the 25-30 ANEF contour area, and that residential land uses, and other sensitive land uses are not proposed for this area. This type of development outcome would be consistent with the recommendations of SPP 5.1. As such, the amendment is consistent with SPP 5.1.

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

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

SPP 5.4 is applicable to the amendment as the amendment area is located within the policy trigger distance of Roe Highway. A transport noise assessment undertaken for the amendment area indicates that this area is likely to be subject to transport noise levels which exceed the noise target in SPP 5.4. However, it is likely that compliance with the recommendations of SPP 5.4 can be achieved in subsequent planning stages through the use of compatible land use zones and the implementation of noise mitigation measures.

### **Statutory Planning Context**

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

The Water Corporation advises that the amendment area is covered by its conceptual planning for water and wastewater services, and that any future development within the amendment area can be connected to reticulated water and sewerage services.

#### **Regional Roads**

Main Roads Western Australia advises that some of the land within the amendment area may be required for a potential future realignment of the Bushmead Road/Helena Valley Road bridge over the Roe Highway and upgrades to other parts of the regional and local road networks within the amendment area and the surrounding locality. These potential requirements can be appropriately provided for through a combination of transferring part of the amendment area to the Urban Deferred zone, as outlined elsewhere in this report, and in the preparation and approval of any future local structure plan for the amendment area.

## **4 Aboriginal cultural heritage**

The process of rezoning or reservation of land in a region scheme is broad by nature and does not physically interfere with the land. Consideration of Aboriginal Cultural Heritage (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 recognition of 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.

## **5 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 which is consistent with the objective of the Urban zone.

In this respect, the WAPC has the option of concurrently amending the Shire of Mundaring Local Planning Scheme No. 4, to transfer the amendment area to a zone which is consistent with the objectives of the Urban zone under the Metropolitan Region Scheme. In accordance with standard practice a determination on the concurrent amendment of the respective local planning scheme will be made after the close of the public submission period.

## **6 Substantiality**

The Planning and Development (Region Planning Schemes) Regulations 2023 (the Regulations) 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 scheme. In this regard, the WAPC has resolved to treat this amendment as a standard region scheme amendment for the following reasons:

- The amendment is not complex and does not represent a significant change to the strategic planning for the Metropolitan region.
- The amendment is consistent with the North-East Sub-regional Planning Framework.
- The amendment is not likely to result in significant impacts to the environmental values of the amendment area and the surrounding locality.
- Key State Government agencies have not raised any matters which would prevent the initiation and advertising of the amendment.

## **7 Environmental Protection Authority advice**

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

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

## **8 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 and initiation 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](#).

## 9 Submissions on the amendment

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

The amendment will be advertised for public submissions for a period of 42 days from 8 July 2024 to 19 August 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 19 August 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.

## **10 Modifications to the amendment**

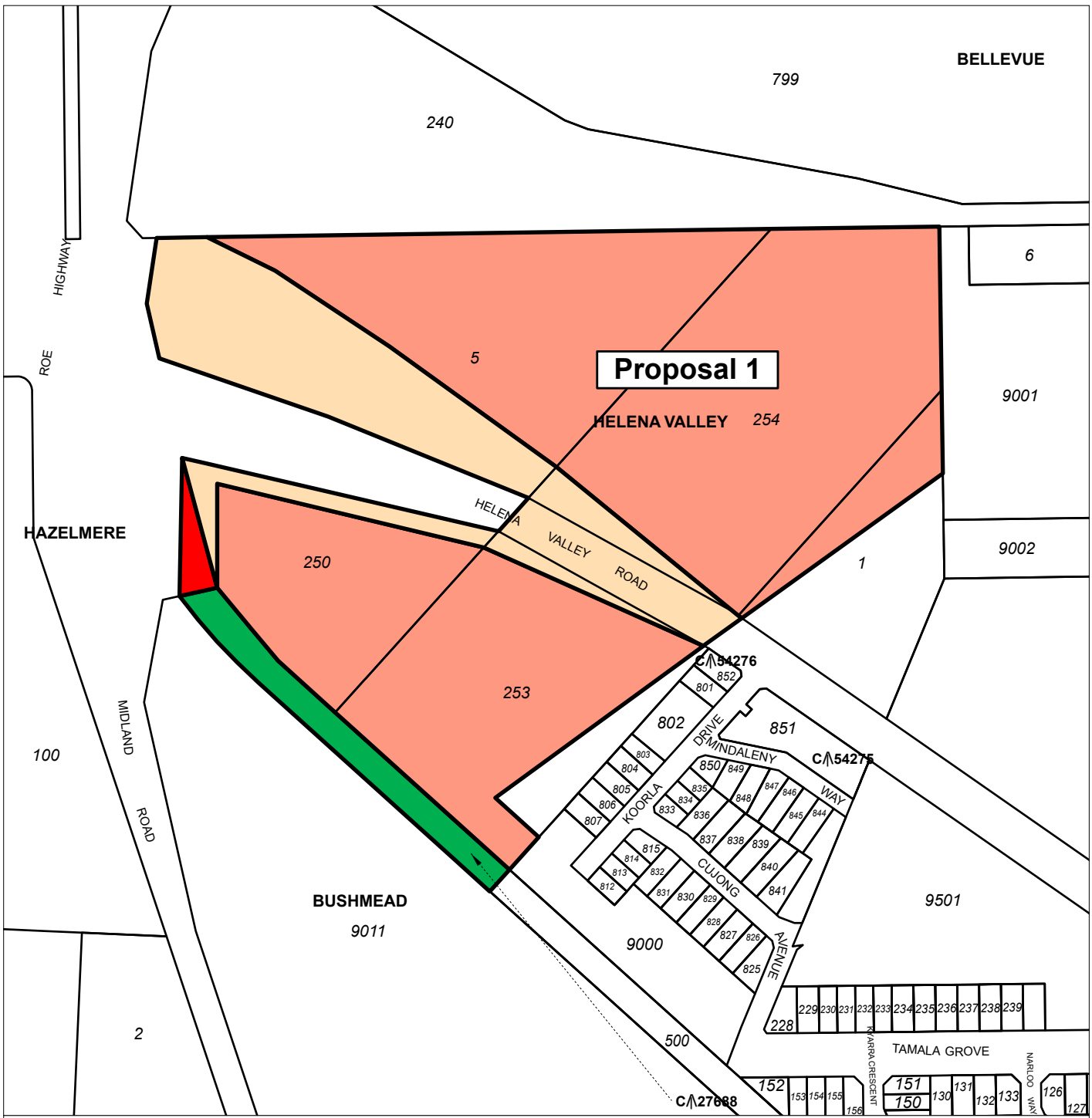
After considering any comments received the WAPC may recommend that the Minister for Planning modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

## **11 Final outcome**

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

**Metropolitan Region Scheme  
Amendment 1425  
Helena Valley Urban Precinct**

**Amendment Figure - Proposal 1**



**Helena Valley Urban Precinct  
Proposed Standard MRS amendment  
as advertised**

1 May 2024

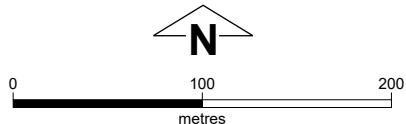
Proposal 1

- Proposed Amendment:
- Rural zone to Urban zone
  - Rural zone to Urban Deferred zone
  - Rural zone to Primary Regional Roads reservation
  - Rural zone to Parks and Recreation reservation

Reference no: 3894  
File no: RLS/1033  
Version number: 3



Date: 18/04/2024  
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

Sam Fagan  
 Secretary  
 Western Australian Planning Commission (WAPC)  
 Locked Bag 2506  
**PERTH WA 6000**

Our Ref: APP-0025344, REC-0000730  
 Enquiries: Izzat Hafiz, 6364 7762  
 Email: [izzat.hafiz@dwer.wa.gov.au](mailto:izzat.hafiz@dwer.wa.gov.au)

Dear Ms Fagan

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

<b>SCHEME</b>	<b>Metropolitan Region Scheme Amendment 1425 – Helena Valley Urban Precinct</b>
<b>LOCATION</b>	<b>Lot 1, 5, 250, 253, 254 and part of Lot 500, Helena Valley Road and Midland Road</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. 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) but nevertheless provides advice and recommendations.

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 and advice and recommendations 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**

29 May 2024

Encl. EPA Determination  
 Scheme advice and recommendations

GOVERNMENT OF  
WESTERN AUSTRALIA

## Environmental Protection Authority

s.48A Referrals

**Title:** Metropolitan Region Scheme Amendment 1425 – Helena Valley Urban Precinct

**Location:** Lot 1, 5, 250, 253, 254 and part of Lot 500, Helena Valley Road and Midland Road

**Description:** The amendment proposes to rezone various lots along Helena Valley Road and Midland Road from the 'Rural' zone to the 'Urban' and 'Urban Deferred' zone, 'Parks and Recreation' zone, and 'Primary Regional Roads' reservation. The scheme map is to be amended accordingly.

**Ref ID:** APP-0025344

**Date Received:** 15/05/2024      **Date Sufficient Information Received:** 15/05/2024

**Responsible Authority:** Western Australian Planning Commission

**Contact:** Zoe Chalwell-James

**Preliminary Environmental Factors:** Flora and vegetation, Terrestrial fauna, Inland waters, Social surroundings

**Potential Significant Effects:** Implementation of the amendment may result in the clearing of remnant vegetation, that may provide habitat for threatened fauna, changes to the local hydrological regime and intersect registered Aboriginal Heritage sites.

**Protection:** Potential impacts associated with implementation of the scheme amendment are unlikely to be significant and may be mitigated through existing and proposed scheme mechanisms. Future planning is also proposed to retain potential black cockatoo habitat trees and remnant vegetation. EPA advice is also provided recommending actions to protect environmental values and manage and mitigate potential environmental impacts.

**Determination:** **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. 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: *MJA*

Date: 29 May 2024

## **Appendix B**

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

**Metropolitan Region Scheme  
Amendment 1425  
Helena Valley Urban Precinct**

**as advertised**

**Amending Plan 3.2837**

## **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**

**Amendment (Standard)**  
Submission Form

**Submission**

**Metropolitan Region Scheme Amendment 1425**

**Helena Valley Urban Precinct**

Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
PERTH WA 6001

**FILE**  
RLS/1033

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

Surname ..... (PLEASE PRINT CLEARLY)

Address ..... Postcode .....

Contact Number ..... Email Address .....

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*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)

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**turn over to complete your submission**



(Please attach additional pages if required)

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You should be aware that:

- The Western Australian Planning Commission (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 .....

**Note: Submissions MUST be received by the advertised closing date on 19 August 2024.  
Late submissions will NOT be considered.**

Telephone: (08) 6551 8002

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

Website: [www.wa.gov.au/dph/regionplanningschemes](http://www.wa.gov.au/dph/regionplanningschemes)