



October 2024

# Metropolitan Region Scheme Amendment **1388/57** (Minor Amendment)



## Wattle Grove (South) Precinct

Amendment Report

City of Kalamunda

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**Metropolitan Region Scheme  
Amendment 1388/57  
(Minor Amendment)**

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The Western Australian Planning Commission acknowledges Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters, and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

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Internet:        [www.wa.gov.au/dplh](http://www.wa.gov.au/dplh)  
Email:         [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)  
Phone:         (08) 6551 8002  
Fax:            (08) 6552 4417  
National Relay  
Service:        13 36 77

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# The Metropolitan Region Scheme

## What it is and how it is amended - minor

### Planning Perth's future

Perth is currently home to more than 2 million people and this is anticipated to grow to 3.5 million by 2050.

To meet this growth, land must be identified for future housing, employment opportunities, transport, conservation and recreation.

The Metropolitan Region Scheme (MRS) provides for this by defining what land can be used for. It is also the means by which landowners can be compensated for land acquired for public purposes.

### The role of the WAPC?

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. The WAPC comprises a Chair and 16 members, representing industry, government and the community.

The WAPC is a statutory authority and operates in accordance with the *Planning and Development Act 2005*. It is supported by the Department of Planning, Lands and Heritage, which provides professional and technical expertise, administrative services and corporate resources.

### What is the Metropolitan Region Scheme?

The MRS is a large town planning scheme which defines how land can be used in the Perth metropolitan area, dividing it into broad zones and reservations. The metropolitan area stretches from south of Rockingham to north of Yanchep and east of Mundaring.

The MRS uses a set of maps and a scheme text to set the planning rules and identify the various zones and reservations.

This plan has been in operation since 1963 and provides the legal basis for planning in the Perth metropolitan area.

The MRS is amended frequently as the region grows and changes.

### What is an amendment?

An amendment to the MRS changes the zoning or reservation of land to allow for a different land use.

When a rezoning or a new reservation is considered, it is classified as either a major or a minor amendment and is advertised to seek comment from landowners, the broader community and all levels of government. Under the Act, the process for proposed major and minor amendments is different.

This process allows for extensive community consultation and discussion in Parliament, prior to a final decision being made.

### How is the Metropolitan Region Scheme amended?

The WAPC is responsible for maintaining the MRS, including reviewing and initiating changes where necessary.

The amendment process is regulated by the *Planning and Development Act 2005*. The Act requires an amendment to be consistent with both the *Swan River Trust Act 1988* and the *Heritage of Western Australia Act 1990* and does not allow for an amendment to occur within the defined area of which a redevelopment scheme applies.

The amendment proposed in this report is being made under the provisions of section 57 (often referred to as a minor amendment).

The minor amendment process includes (also see the diagram on page viii):

- Request submitted and considered by the WAPC.
- WAPC determines to either progress or reject application, classifying it as either a major or minor amendment.

- If progressed, the application is referred to the Environmental Protection Authority (EPA) to set the level of environmental assessment. If the EPA requires an environmental review, this is carried out before the amendment is advertised.
- Proposed amendment is advertised for public comment. Advertisements are placed in local and statewide newspapers and the information is made available on [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments). Landowners directly affected by a proposed amendment are contacted in writing. Where there is an environmental review, this is also made available for comment.
- WAPC receives public submissions over a period of 60 days.
- WAPC reviews the proposed amendment in light of both the submissions and planning advice provided by the Department of Planning, Lands and Heritage.
- WAPC provides recommendation to the Minister for Planning whether to accept, reject or modify the proposed amendment.
- Minister considers proposed amendment.
- If approved, with or without modification, the amendment becomes legally effective in the MRS with the publishing of a notice in the Government Gazette. If declined, the amendment is discarded.
- Within three months of an MRS amendment being finalised, all affected local governments must initiate an amendment to its local planning scheme to match the new zonings.

## Zones and reservations

Zones and reservations in the MRS are broad categories to define how land can be used and developed. The following descriptions are a guide only.

## Zones

Urban: areas in which a range of activities are undertaken including residential, commercial, recreational and light industry.

Urban deferred: land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.

The WAPC must be satisfied that these issues have been addressed before rezoning to urban.

Central city area: strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

Industrial and special industrial: land on which manufacturing, processing, warehousing and related activities are undertaken.

Rural: land on which a range of agricultural, extractive and conservation uses is undertaken.

Private recreation: areas of significance to the region's recreation resource, which are (or are proposed to be) managed by the private sector.

Rural - water protection: rural land over public groundwater areas where land use is controlled to avoid contamination.

## Reservations

Land reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure.

Parks and recreation: land of regional significance for ecological, recreation or landscape purposes.

Railways: provides for public transit routes, freight rail lines and associated facilities such as marshalling yards, maintenance depots and park n' ride stations.

Port installations: regional maritime shipping facilities.

State forests: areas of woodland located on Crown land and managed under the *Conservation and Land Management Act 1984*.

Water catchments: water sources protected for high quality public water supply. These areas have strict controls on land use to avoid pollution of the water resource.

Civic and cultural: significant civic precincts and buildings.

Waterways: permanent inland and coastal waters including many rivers and reservoirs.

Public purposes: land for public facilities such as hospitals, high schools, universities, prisons, utilities for electricity, water and treatment of wastewater, commonwealth government and other special uses.

Primary regional roads: important regionally significant roads as part of the planned road network that are currently, or proposed to be declared, under the *Main Roads Act 1930*.

Other regional roads: roads of regional significance in the planned road network for which the planning responsibilities are shared by the WAPC and local governments.

### **What if my land is rezoned?**

Landowners may find that an amendment seeks to rezone their property, for example from rural to urban or urban deferred.

If the zoning is changed, landowners do not have to change their lifestyle or the way they use the land. However, depending on the new zone, there may be opportunities to change the land use, such as seek approval to subdivide or apply to develop it in some way that suits the new zoning.

The WAPC realises that many people choose their properties because they like them as they are and may not want to change from, for example, a rural-residential lifestyle to an urban area. Others are keen to change the land use.

For these reasons, amendments to the MRS are advertised so that all affected landowners and the broader community have time to examine the proposal and provide their comment.

### **What if my land is reserved?**

Land is reserved because it will eventually be needed for a public purpose such as parks and recreation or other regional roads.

If your land is proposed to be reserved in an advertised amendment, you can continue to use and enjoy your property. Generally, reserved land can remain in private ownership until it is needed for the purpose for which it is reserved.

To protect landowners, there are procedures for acquisition or compensation by the WAPC. These are outlined in *Your Property and the planning system – region schemes*, a leaflet reproduced at the back of this report and online at <https://www.dplh.wa.gov.au/your-property-and-region-schemes>.

### **How can my views be heard?**

You can lodge a submission during the advertised period:

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

### **Publications**

Amendments made to the MRS using the provisions of section 57 will in most cases have information published under the following titles:

#### Amendment report

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

### Environmental review report

The EPA considers the environmental impact of an amendment to the MRS before it is advertised. Should the EPA require formal assessment, an environmental review is undertaken, and that information is made available for comment at the same time as the *Amendment Report*.

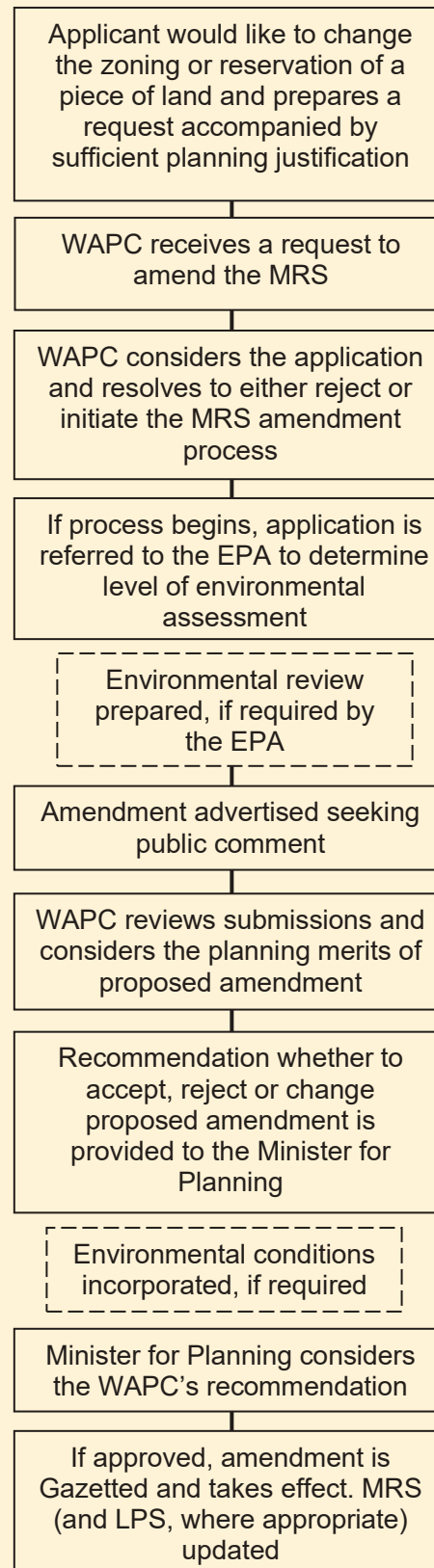
### Report on submissions

This publication documents the planning rationale, determination of submissions received, and the recommendations for final approval of the amendment made by the WAPC.

### Submissions

All written submissions received on the proposed amendment are reproduced as a public record.

A simple diagram of the amendment process.





## Abbreviations

<b>ACH</b>	Aboriginal Cultural Heritage
<b>BMP</b>	Bushfire Management Plan
<b>CBD</b>	Central Business District
<b>DC</b>	Development Control
<b>DPLH</b>	Department of Planning, Lands and Heritage
<b>DRF</b>	Declared Rare and Priority Flora
<b>DWER</b>	Department of Water and Environmental Regulation
<b>DWMS</b>	District Water Management Strategy
<b>EPA</b>	Environmental Protection Authority
<b>LPS</b>	Local Planning Scheme
<b>MKSEA</b>	Maddington Kenwick Strategic Employment Area
<b>MRS</b>	Metropolitan Region Scheme
<b>MRWA</b>	Main Roads Western Australia
<b>RAV</b>	Restricted Access Vehicles
<b>SPP</b>	State Planning Policy
<b>SWALSC</b>	South West Aboriginal Land and Sea Council
<b>TEC</b>	Threatened Ecological Community
<b>TIA</b>	Transport Impact Assessment
<b>WAPC</b>	Western Australian Planning Commission
<b>WWPS</b>	Wastewater Pumping Station

## **Amendment Report**

# Metropolitan Region Scheme Amendment 1388/57

## Wattle Grove (South) Precinct

### Amendment Report

#### 1 Purpose

The purpose of the amendment is to rezone approximately 126 ha in the Wattle Grove locality from the Rural zone to the Urban zone in the Metropolitan Region Scheme (MRS), as shown on the ***Amending Figure – Proposal 1***.

The proposed Urban zoning will allow for the residential development of the site following a local scheme amendment, detailed structure planning and subdivision approval.

#### 2 Background

The proposed amendment is located in the City of Kalamunda and is approximately 15 km southeast of the Perth CBD and 14 km south of the Midland Strategic Metropolitan Centre. The subject land is generally located to the south of Crystal Brook Road / Welshpool Road East in Wattle Grove, and is bounded by Boundary Road and Tonkin Highway to the west, Victoria Road and Rural zoned land to the east. The site borders the City of Gosnells to the east. Most of the lots within the subject land are rural residential lifestyle properties, vacant land or composite businesses with limited horticultural activities including a turf farm.

The Beckenham train station is approximately 4.5 km to the west and the Harfield Park Recreation Centre is approximately 700 m to the north. The site has access to major arterial routes such as Tonkin and Roe Highways. The Dampier to Bunbury Natural Gas Pipeline is located along Tonkin Highway. The site is not subject to any Perth Airport ANEF contours. The Maddington Kenwick Strategic Employment Area (MKSEA) is a developing general industrial/business area to the west.

Vegetation within the subject land is highly fragmented consisting of limited areas of remnant native vegetation separated by significantly altered areas of cleared and parkland cleared land. Vegetation ranges from “Completely Degraded” to “Excellent” which contains State and Commonwealth listed Threatened Ecological Communities (TEC) and Declared Rare and Priority Flora (DRF) which is to be retained in conservation public open space areas. Two mapped Resource Enhancement Wetlands (UFI 15257, UFI 8037) are located adjacent to Tonkin Highway in the west.

There may be foraging habitat for Carnaby’s, Red-Tailed and Baudin’s Cockatoos. The Rainbow Bee-eater and Southern Brown Bandicoot have also historically been recorded within the higher quality remnant vegetation.

Land use and development within the proposed amendment area is generally controlled by the City of Kalamunda Local Planning Scheme No. 3 (LPS 3). The subject land is currently zoned “Special Rural”, “Rural Composite” and “No zone” under LPS 3.

### 3 Scope and content of the amendment

The amendment proposes to rezone various properties as depicted on Amendment Figure – Proposal 1. The total area of the land to be rezoned from Rural to Urban is approximately 126 ha.

### 4 Discussion

#### **STRATEGIC CONTEXT**

##### **Perth and Peel@3.5million / North-East Sub-Regional Planning Framework**

The *Perth and Peel@3.5million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for the Perth and Peel regions. It links the four frameworks for each subregion and encourages the consideration of new urban growth opportunities.

The *North-East Sub-Regional Planning Framework* forms part of the *Perth and Peel@3.5million* strategic suite of planning documents. Future areas for urban and industrial development in order to avoid and protect areas which have significant environmental value. Minor refinement of expansion or investigation area boundaries may be required to accommodate more detailed planning.

The majority of the proposed amendment is identified as “*Urban Expansion*” with a “*Medium-Long Term (2022+)*” urban staging timeframe. Approximately 10.56 ha is identified as “*Rural*” in the Framework, however the WAPC considers the addition of this area consolidates the Urban zoning of this location and contributes to the implementation of the Frameworks’ recommendations.

##### **City of Kalamunda Local Planning Strategy**

The City of Kalamunda *Local Planning Strategy* provides a vision and strategic planning direction for the municipality over the next 20 years. The subject site is identified in the Strategy as an “*Investigation Area*”:

*“Growth by 25,000 people accommodated as in scenarios 1 and 2 plus Residential Bushland development R5 (R2.5) of Special Rural land to the east of Hawtin Road/Lewis Road (R5) and Wattle Grove south of Welshpool Road to a range of densities (R2.5, R5, R20 and R30 in centre) and including a Neighbourhood Centre in Wattle Grove. At current development rates the final part of this scenario (Special Rural land to Urban) would be required by 2025.”*

##### **City of Kalamunda Local Housing Strategy**

The City of Kalamunda *Local Housing Strategy* outlines the housing needs of current and future residents. The Strategy has reviewed State Government policies and strategies to ensure density and dwelling targets are met by the City. The objectives of the Strategy are to ensure new development and infill development is implemented in a manner which complements the amenity of the local region, while providing diverse housing for the community.

The Strategy states that the Forrestfield, Wattle Grove, Maida Vale and High Wycombe areas are anticipated to experience the largest increase in the number of new dwellings, as a result of new developments and urban renewal.

The Strategy identifies the subject site as an “*Investigation Area*”. The Strategy provides estimated projected dwelling yields for the broader Wattle Grove South area, which includes areas north and south of Crystal Brook Road. The Strategy contemplates four population growth scenarios, ranging between a residential dwelling yield of 560 - 4,200 dwellings based on housing density scenarios.

### **City of Kalamunda Crystal Brook Concept Plan**

The City of Kalamunda *Crystal Brook Concept Plan* provides a strategic blueprint for future planning and growth of the Wattle Grove South area towards the year 2050. It establishes the overarching design principles and planning strategies necessary to meet the progressive aspirations of landowners.

The *Crystal Brook Concept Plan* primarily identifies the site as “*Urban Landscape*”, “*Rural Landscape*”, “*High Retention Value Vegetation*”, “*Moderate Retention Value Vegetation*” and “*Cockatoo Habitat Trees*” which is an area where environmental and servicing constraints may be present but on assessment does not, at this high level of analysis, impede development, subject to meeting the strategic objectives of the concept plan and ensuring sensitive interface treatments between land use typologies.

These areas are generally suited to lots in the order of 2,000 m<sup>2</sup> due to current servicing constraints. Smaller lot sizes could be explored subject to the availability of services and captures an array of uses (including but not limited to):

- Residential (Starting from R2).
- Commercial (Any commercial land to be commensurate to the density of the population, to be defined at future detailed planning, subject to community consultation and subject to retail needs and sustainability assessment).
- Does not include industrial.

### **STATUTORY PLANNING CONTEXT**

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

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

Vegetation within the subject land is highly fragmented consisting of limited areas of remnant native vegetation separated by significantly altered areas of cleared and parkland cleared land. Vegetation ranges from “Completely Degraded” to “Excellent” which contains State and Commonwealth listed TEC and DRF which is to be retained in conservation public open space areas.

There may be foraging habitat for Carnaby’s, Red-Tailed and Baudin’s Cockatoos. The Rainbow Bee-eater and Southern Brown Bandicoot have also historically been recorded within the higher quality remnant vegetation.

Therefore, the Environmental Protection Authority (EPA) has determined that an environmental review is required to be undertaken the for the site. Refer to the “Environment” section below for further discussion on the matter.

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

Draft *State Planning Policy 2.9 - Planning for Water* seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process. A draft District Water Management Strategy (DWMS) has been prepared for the site and will need to be approved by the Department of Water and Environmental Regulation (DWER) prior to a final determination being made on 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 fire protection outcomes on planning proposals in bushfire-prone areas.

The Department of Fire and Emergency Services advises that the Bushfire Management Plan (BMP) has adequately identified issues arising from the bushfire hazard level assessment and considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages. Minor modifications to the BMP can be undertaken in subsequent stages of the planning process.

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

*State Planning Policy 4.1 - Industrial Interface* (SPP 4.1) provides guidance for considering proposals to rezone land for sensitive uses in the vicinity of, various industry types. The objectives of draft SPP 4.1 are to protect existing and proposed industry, and infrastructure facilities from encroachment by incompatible land use that would adversely affect efficient operations, avoid land use conflict between existing and proposed industry/infrastructure facilities and sensitive land uses and promote compatible land uses in areas impacted by existing and proposed industry and infrastructure facilities.

The Environmental Protection Authority's *Environmental Protection Guidance Statement No. 3 - Separation Distances Between Industrial and Sensitive Land Uses* provides advice on which land uses require separation, and recommends suggested separation distances in the absence of site-specific modelling. Potential noise and odour emission sources located within and outside of the proposed amendment area include:

**MKSEA** - The proposed amendment area is located to the east of the MKSEA and is separated by Tonkin Highway road reserve and the adjoining Dampier to Bunbury Natural Gas Pipeline easement corridor, providing a separation distance in excess of 120 m. The MKSEA is to be developed for "General Industry", with an emphasis on warehouse and logistics operations given its strategic location relative to key transport routes, and not as a heavy industrial area. Future land uses within the industrial area will not result in industries associated with emissions.

**Poultry Farms** - Historically, two poultry farms were located in the vicinity of the amendment area. The poultry farm at Lot 251 Victoria Road closed over a decade ago. A second poultry farm located south-west of the site is to be decommissioned ceasing operations prior to residential development occurring.

**Turf Farm** - A turf farm is located at Lots 53, 213, 214 and 303 Brentwood Road. The owner of the turf farm has provided written confirmation of its intention to cease operations upon the finalisation of the amendment in order to redevelop the land for urban purposes.

*Dog Kennels* - There are four dog kennels in the vicinity of the amendment site, two within the City of Kalamunda and two within the City of Gosnells. The kennels are located between 60 m and 120 m of existing dwellings (sensitive receptors). Planning approval for the kennel operations ensures noise emission compliance is achieved at existing receptors/dwellings. The amendment site is generally located beyond the 60 m of existing dwellings. Since each of these kennels is required to achieve noise emission compliance at existing receptors/residences the proposal does not encroach within existing kennel buffers.

#### **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.

As Tonkin Highway and Welshpool Road East are in close proximity any perceived potential impacts of noise emissions from these roads are to be addressed through a number of design and management tools in the future more detailed planning stages in accordance with SPP 5.4, and may include the following:

- Road traffic noise walls to minimise road traffic noise from Tonkin Highway.
- The strategic design, orientation and configuration of lots.
- Quiet House Packages being incorporated as part of road traffic noise mitigation. These packages generally consist of upgraded glazing.
- Notifications on Title where noise levels exceed assigned noise levels advising of potential noise impacts.

### **STATUTORY PLANNING CONTEXT**

#### **Environment**

The proposed amendment was referred to the EPA for advice on whether environmental assessment would be required. The EPA determined that the amendment should be assessed under Part IV Division 3 (48A) of the *Environmental Protection Act, 1986* (EP Act). Accordingly, a formal Environmental Review is required for the purpose of assessing the proposed amendment.

The instructions provided by the EPA for the scope and content of the Environmental Review No. 2335 identify five key environmental factors, with the following objectives:

- Flora and Vegetation – “To protect flora and vegetation so that biological diversity and ecological integrity are maintained”;
- Terrestrial Fauna – “To protect terrestrial fauna so that biological diversity and ecological integrity are maintained”;
- Inland Waters – “To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected”;
- Social Surroundings – “To protect social surroundings from significant harm”; and
- Greenhouse Gas – “To reduce net greenhouse gas emissions in order to minimise the risk of environmental harm associated with climate change”.

The EPA Panel has advised that Environmental Review No. 2335 for the proposed amendment can be made available for public comment. Environmental Review No. 2335 is available for comment at: [www.epa.wa.gov.au](http://www.epa.wa.gov.au).

The Environmental Review process for the proposed amendment is to be undertaken concurrently with this amendment. Any submissions received on the amendment that relate to an environmental issue will be referred to the EPA. The WAPC will also provide the EPA its response to environmental issues raised in these submissions.

Under the requirements of the EP Act, the EPA will report to the Minister for Environment on environmental factors relating to the amendment and recommend any conditions that may be necessary. The Minister for Environment will then consult with the Minister for Planning and, if appropriate, give agreement on any conditions imposed and which will become binding on the amendment. This will occur prior to the amendment being considered for a final determination.

### **Urban Water Management**

The DWER and Department of Biodiversity, Conservation and Attractions raise no objections to the draft DWMS which will require approval prior to a final determination being made on the amendment.

The WAPC also requested that the DWMS consider the broader Wattle Grove urban expansion area, particularly in relation to the downstream impacts on the Greater Brixton Street Wetlands and broader hydrological catchment.

### **Water and Wastewater Infrastructure**

The Water Corporation advises as follows:

Water: The subject land is situated within the Water Corporation's Foothills Water Supply zone. A review of the Foothills water planning is to establish the preferred method of supplying water to the subject land. As an interim measure, the developers will need to extend water reticulation mains of adequate size off the existing distribution main that runs along Bickley Brook Road to supply their initial subdivision stages. The preparation of a local structure plan for the Urban Expansion area will provide land use, dwelling and population yield information to allow further infrastructure planning to be undertaken for this area.

Wastewater: The subject land is remote from the Water Corporation's existing sewerage network. Therefore, provision of sewerage services requires the installation of approximately 4 km of large gravity sewers. In line with the 'Medium-Long Term' development timeframe in the *North-East Sub Regional Planning Framework*, funding for these works is currently outside the Corporation's 5-year Capital Investment Program.

The proponent's consulting engineer, in liaison with the Water Corporation, has examined other options for sewer outlets to the west. The Water Corporation has given in principle support for wastewater from this area to be conveyed via gravity sewers running west along Brentwood Road to discharge to the existing Wanaping Road Wastewater Pumping Station (WWPS). This outlet solution will require construction of approximately 3 km of large sewers along Brentwood Road, Bickley Road and Wanaping Road to the Wanaping Road WWPS in Kenwick. These works will need to be funded by the proponents.

### **Transportation**

Main Roads Western Australia (MRWA) advises as follows:



Perth and Peel@3.5million: The proposed amendment forms part of a larger area identified for urban expansion in the *Perth and Peel@3.5million* document. While this urban expansion area may be reduced in size but it is acknowledged that no strategic transport assessment has been undertaken for the complete expansion area.

Therefore, a strategic transport assessment needs to be undertaken to determine the future transport needs for all transport modes. Such a study would give direction to the Transport Impact Assessment (TIA) for the locality.

MRWA has undertaken considerable modelling for the Tonkin Highway Corridor - Roe Highway to Kelvin Road Project and liaised with Local Government on the future land uses in the surrounding areas including the urban expansion area and could assist with this assessment.

Regional Roads: Tonkin Highway - adjacent to the western part of the amendment area is identified as a Category 1 and no vehicle access will be permitted between the highway and the site. MRWA is currently developing the Tonkin Highway Corridor project which will involve the widening of Tonkin Highway to 6-lanes, from Roe Highway to Kelvin Road, and the grade separation of intersections at Hale Road, Welshpool Road East and Kelvin Road.

Welshpool Road East - adjacent to the northern part of side of the amendment area is identified as a Category 2 road and is to be transferred to State management in the medium-term. Direct vehicle access to Welshpool Road East from adjacent properties should be discouraged in accordance with *Development Control Policy 5.1 - Regional Roads (Vehicular access)* and Main Roads' Driveways policy. If direct vehicle access is unavoidable then consideration should be given by the City of Kalamunda to prepare a Vehicle Access Strategy for Welshpool Road East in consultation with MRWA.

*Perth and Peel@3.5million* identifies Welshpool Road East (Tonkin Highway to Canning Road) and Canning Road (Welshpool Road East to Brockton Highway) as primary freight roads. Those roads form an important link for Restricted Access Vehicles (RAV). Any intersection treatments on Welshpool Road East must be designed to accommodate the pavement and geometric requirements of RAV.

Transport Impact Assessment: The proponents TIA should include the remaining urban expansion area as identified in *Perth and Peel@3.5million*. It is recommended that forecast traffic volumes are requested from MRWA. It is requested that SIDRA Intersection (Version 9) information is provided to MRWA for review. All traffic modelling should comply with MRWA Operational Modelling Guidelines.

Transport Noise: The proponent acknowledges the need to comply with SPP 5.4 given the proximity to Tonkin Highway. The report indicates that a Transportation Noise Assessment will be prepared to support the local structure plan stage. Traffic noise from Welshpool Road East also needs to be considered as Welshpool Road East is identified as a primary freight road.

Bushfire Management Plan: The proponents BMP states that staging design is important to ensure that two access routes are provided in order to comply with SPP 3.7. Any emergency access to Tonkin Highway or Welshpool Road East will not be supported given the potential conflict with the safe and efficient operation of these roads.

The WAPC has requested that the proponent review the TIA having regard to the ultimate urban expansion area at this location in accordance with *Perth and Peel@3.5million*.

## 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 subject site is partly affected by two registered Aboriginal Heritage sites (ID 4343 – Brentwood Road Swamp, ID 4342 – Brentwood Road Quarry) located along the southern boundary near the Tonkin Highway reserve. Therefore, the amendment will be formally referred to SWALSC during the public submission period.

## 6 Coordination of local and region scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the City of Kalamunda has the option of recommending to the WAPC to concurrently rezone land that is being zoned Urban under the MRS to a "Development" zone (or similar) in its LPS. The WAPC will consider the concurrent amendment of the subject land prior to the amendment being considered for final determination.

## 7 Substantiality

As this MRS amendment was initiated in 2021, former Policy *DC 1.9 Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. The criteria relate to a variety of matters, not all of which relate to every amendment. This amendment is recommended to be processed as a 'minor' amendment for the following reasons:

- The size and scale of the proposed amendment is not considered regionally significant. It does not reflect a regional change to the planning strategy or philosophy for the metropolitan region.
- The proposal generally aligns with the *Perth and Peel@3.5million / North-East Sub-Regional Planning Framework* which identifies the majority of the site as "Urban Expansion" with a "Medium-Long Term (2022+)" staging timeframe.
- The proposal has been identified for urban investigation purposes in the City of Kalamunda's *Local Planning Strategy, Local Housing Strategy* and *Crystal Brook Concept Plan*.
- The City of Kalamunda and relevant State Government agencies have not raised matters which would prevent the initiation and advertising of the amendment or which can't be resolved in subsequent more detailed planning stages.

## **8 Sustainability appraisal**

The proposed amendment will allow further detailed planning to facilitate the development of the Wattle Grove locality, and is generally consistent with the goals and objectives of the WAPC's *North-East Sub-Regional Planning Framework* which addresses the sustainability of proposed urban development in general.

## **9 Environmental Protection Authority advice**

The proposed amendment was referred to the EPA for a decision on whether environmental assessment would be required.

The EPA determined that the proposed scheme amendment be assessed under Part IV Division 3 of the EP Act. A copy of the notice from the EPA is included at Appendix A. Refer to the "Environment" section above for further discussion on the matter.

## **10 The amendment process**

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of former section 57 of that Act.

In essence, the procedure for an amendment not constituting a substantial alteration to the MRS (often referred to as a minor amendment) involves:

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

An explanation of this process entitled *The Metropolitan Region Scheme, what it is and how it is amended*, can also be found in the front of this report.

## **11 Submissions on the amendment**

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

The amendment is being advertised for public submissions for a period of 60 days from Tuesday 8 October 2024 to Monday 9 December 2024.

Copies of the amendment are available for public inspection at the:

- i) Western Australian Planning Commission, 140 William Street Perth
- ii) City of Kalamunda
- iii) City of Gosnells
- iv) State Reference Library, Northbridge
- v) Department of Water and Environmental Regulation, Prime House, Joondalup

Online submissions are encouraged via <https://haveyoursay.dph.wa.gov.au/>

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

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

or posted to:

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

and **must be received by 9 December 2024.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 57) is contained in this report (appendix E). Additional copies of the form are available from the display locations and 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 D of this report regarding preparing a submission.

## 12 Modifications to the amendment

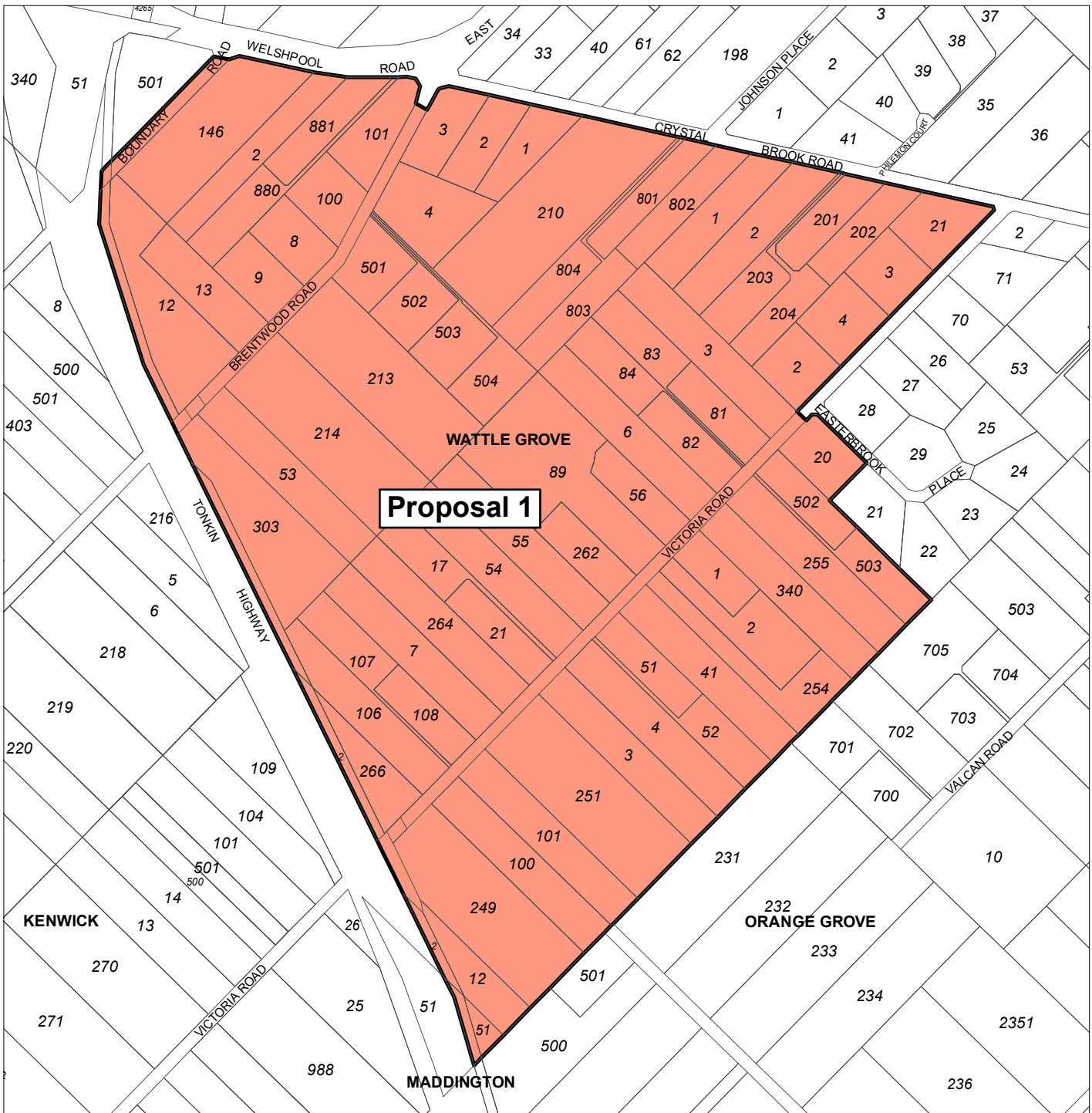
After considering any submissions received from government agencies and the public, the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

## 13 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.

**MRS Amendment 1388/57  
Wattle Grove (South) Precinct**

**Amending Figure  
Proposal 1**



**Wattle Grove (South) Precinct  
Proposed minor amendment  
as advertised**

27 October 2021

Proposal 1

Proposed Amendment:

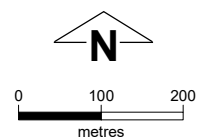
 Urban zone

Oracle reference no: 3467

Version number: 3



Date: 4/11/2021  
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1



## **Appendix A**

### **Notice of environmental assessment**

Mr Anthony Muscara  
Principal Planning Officer  
Western Australian Planning Commission  
Locked Bag 2506  
**PERTH WA 6001**

Our Ref: CMS18099  
Enquiries: Teresa Bryant  
Email: [Teresa.Bryant@dwer.wa.gov.au](mailto:Teresa.Bryant@dwer.wa.gov.au)

Dear Anthony

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

**SCHEME:** Metropolitan Region Scheme Amendment 1388/57  
**LOCATION:** Approximately 80 private lots located to the southeast of the intersection of Tonkin Highway and Welshpool Road East/Crystal Brook Road  
**RESPONSIBLE AUTHORITY:** Western Australian Planning Commission  
**DECISION:** Assess: Environmental Review

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

The EPA has determined that the scheme should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act).

The EPA will send to you, as the Responsible Authority, written instructions concerning the scope and content of the environmental review required to enable the EPA to carry out its assessment of the scheme. You will receive these instructions within 60 days of the date the EPA received sufficient information to comply with section 48A of the EP Act.

In the event that you do not wish to proceed with this scheme, please advise the EPA in writing of your intention not to proceed as soon as possible.

Further, to assist the EPA to expedite the assessment of the scheme please provide the name and the contact details of the person at Western Australian Planning Commission responsible for this scheme.

Please note that there is no right of appeal against the EPA's decision to assess the scheme.



The Assessment Officer for this proposed scheme is Teresa Bryant who can be contacted on 6364 7259. If you have any questions please do not hesitate to contact the Assessment Officer.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Meredith', is written over a light grey rectangular background.

**Dr Shaun Meredith**  
**Delegate of the Environmental Protection Authority**  
Executive Director  
EPA Services

18 April 2022

Encl. Chair's Determination



GOVERNMENT OF  
WESTERN AUSTRALIA

S48A Referrals

## Environmental Protection Authority

**Title:** Metropolitan Region Scheme Amendment 1388/57 – Wattle Grove South

**Location:** Approximately 80 private lots located to the southeast of the intersection of Tonkin Highway and Welshpool Road East/Crystal Brook Road

**Description:** To rezone approximately 123.5 hectares of land in Wattle Grove from the Rural zone to the Urban zone

**Ref ID:** CMS18099

**Date Received:** 11/11/2021      **Date Sufficient Information Received:** 29/03/2022

**Responsible Authority:** Western Australian Planning Commission

**Contact:** Anthony Muscara

**Preliminary Environmental Factors:** Flora and Vegetation, Terrestrial Fauna, Inland Waters, Social Surroundings

**Potential Significant Effects:** Future development of the amendment area may result in impacts to native vegetation, threatened ecological communities, habitat for threatened flora and fauna species, water-dependent ecosystems, inland water quality and quantity (surface and groundwater), Aboriginal heritage sites and amenity.

**Determination:** Assess – Environmental Review required

The amendment area contains environment values which require investigation and may require specific protection. Future development that may be permitted by the amendment may also impact nearby environmental values, including the nationally significant Greater Brixton Street Wetlands. As a result, the proposed scheme amendment merits formal assessment. In deciding to formally assess the scheme amendment, the EPA has determined that an Environmental Review is required.

This Determination is not appealable.

Chair's Initials:

Date: 14 April 2022

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

*Our Ref:* CMS18099; DWERTV10381  
*Enquiries:* Renee Blandin 6364 6786  
*Email:* renee.blandin@dwer.wa.gov.au

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Attention: Anthony Muscara

Dear Ms Fagan

**METROPOLITAN REGION SCHEME AMENDMENT 1388/57 WATTLE GROVE SOUTH**

Please find attached the Instructions for the Environmental Review of the above proposed scheme amendment. These Instructions specify the scope and content of Environmental Review and provide for the preparation of the Environmental Review Document (ERD).

During the preparation of the ERD you are encouraged to consult with the Department of Water and Environmental Regulation.

Please do not hesitate to contact Renee Blandin on 6364 6786 or via email with any queries.

Yours sincerely



Matthew Tonts  
**CHAIR**

15 August 2022

Encl. Instructions for Environmental Review Assessment No. 2335

## INSTRUCTIONS FOR ENVIRONMENTAL REVIEW

<b>Proposed scheme amendment:</b>	<b>Metropolitan Region Scheme Amendment 1388/57 – Wattle Grove South</b>
<b>Responsible Authority:</b>	<b>Western Australian Planning Commission</b>
<b>Assessment number:</b>	<b>2335</b>
<b>Location:</b>	<b>Wattle Grove – land bound by Tonkin Highway (west), Welshpool Road East (north), Crystal Brook Road, Victoria Road and Easterbrook Road (east) and the rear boundaries of lots fronting Victoria Road (south)</b>
<b>Public review period:</b>	<b>Environmental Review Document – timing and procedure in accordance with the <i>Planning and Development Act 2005</i></b>

### 1. Introduction

Environmental Review (ER) Instructions are provided to the Responsible Authority (RA) to define the scope and content of the ER required by section 48C(1)(a) of the *Environmental Protection Act 1986* (EP Act). These instructions have been prepared by the Environmental Protection Authority (EPA) in consultation with interested agencies.

These instructions are available on the EPA website ([www.epa.wa.gov.au](http://www.epa.wa.gov.au)).

#### ***Context***

The EPA has determined that the above amendment to the Metropolitan Region Scheme (MRS) is to be assessed under Part IV of the EP Act because the implementation of the scheme through future development within the proposed urban zoning has the potential to have a significant effect on environmental factors including Inland Waters, Flora and Vegetation, Terrestrial Fauna and Social Surroundings.

#### ***Environmental Value***

The amendment is being assessed because the proposed scheme amendment has the potential to have a significant effect on the environmental values within and nearby of the amendment area, including but not limited to:

##### Flora and vegetation

- Vegetation complexes that are poorly represented on the Swan Coastal Plain (SCP)
- Threatened ecological communities (TECs) listed under WA Minister Environmentally Sensitive Areas list in policy and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and WA listed priority ecological communities (PECs)

- Habitat for threatened flora listed under the BC and EPBC Acts and WA listed priority flora.

#### Terrestrial Fauna

- Habitat for threatened fauna listed under the BC and EPBC Acts and WA listed priority fauna.

#### Inland Waters

- Waterways and wetlands of conservation significance, including Yule Brook (Canning River system), the nationally important Greater Brixton Street Wetlands (GBSW), Conservation Category Wetland (CCW) and Resource Enhancement Wetlands (REW) and associated buffers.

#### Social Surroundings

- Aboriginal heritage sites
- Visual amenity associated with the natural and semi-rural character of the area
- Social value of the Greater Brixton Street Wetlands.

The preliminary key environmental factors related to these environmental values which are required to be addressed in the ER are identified in Section 3.

#### ***Procedure***

The EPA requires the RA to undertake the ER according to these instructions.

#### ***Next step in the assessment process***

The next step in the assessment process is the release of the ER. When the EPA is satisfied that the ER document has been prepared in accordance with the instructions, the RA can proceed to advertise the ER and proposed scheme amendment and release the ER and scheme report for a public review period as prescribed by the *Planning and Development Act 2005* (PD Act).

To facilitate adequate public input, the ER document should be made available as widely as possible and at a reasonable cost. The advertising period and process for the scheme amendment and the ER are to be done in accordance with the PD Act.

Appendix 1 of this document describes in detail the process for assessment of planning schemes.

#### ***Scope and Content***

The scope and content of the ER is outlined in sections 2 to 5 of these instructions. The EPA requires the form of the document to be prepared according to the [Environmental Review Document template](#).

#### ***Timing***

Table 1 sets out the timeline for the assessment of the MRS amendment.

**Table 1: Assessment timeline**

<b>Key assessment milestones</b>
EPA issues instructions to RA <i>(60 days after referral)</i>
RA prepares ER and submits to EPA
EPA authorises advertising of ER and scheme amendment for public review <i>(30 days from RA submission of ERD)</i>
RA advertises scheme amendment and ER for public review in accordance with sections 84 and 87(1) of the <i>Planning and Development Act 2005</i>
Close of public review period
RA provides to the EPA copies of submissions regarding environmental issues <i>(7 days from close of public review period)</i>
RA provides Response to Submissions to EPA <i>(42 days from close of public review period)</i>
EPA reports to the Minister for Environment on environmental factors and recommended scheme conditions <i>(60 days after end of public review period or 30 days after receiving RA's Response to Submissions, whichever is longer, but no more than 72 days from the end of the public review period)</i>

**Assessment by the Commonwealth**

The EPA notes that the MRS amendment, if approved, could allow future proposals (subdivision, development and provision of infrastructure) that may be considered controlled actions under the EPBC Act, depending on whether Matters of National Environmental Significance (MNES) are adequately protected by the finalised scheme amendment. In general, planning scheme amendments are not considered 'actions' under the EPBC Act (refer section 523) and are not subject to assessment by the Commonwealth. The RA should consider Commonwealth advice and guidance documents in relation to the relevant MNES.

**2. The scheme amendment**

The subject of these instructions is MRS Amendment 1388/57, which proposes to transfer approximately 123.5 hectares (ha) of land in Wattle Grove from the 'Rural' zone to the 'Urban' zone. The amendment area is located to the southeast of the intersection of Tonkin Highway and Welshpool Road East / Crystal Brook Road and affects about 80 lots approximately 1-5 ha in size. The location of the proposed MRS amendment and proposed zoning is shown in Figures 1 and 2, and a summary of the MRS amendment is set out in Table 2.

**Table 2: Summary of the scheme amendment**

<b>Scheme amendment title</b>	MRS Amendment 1388/57 - Wattle Grove South
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<b>RA name</b>	Western Australian Planning Commission (WAPC)
<b>Location</b>	Land generally bound by Tonkin Highway (west), Welshpool Road East (north), Crystal Brook Road, Victoria Road and Easterbrook Road (east) and the rear boundaries of lots fronting Victoria Road (south) in Wattle Grove
<b>Short description</b>	The amendment seeks to transfer approximately 123.5 ha of land in Wattle Grove from the 'Rural' zone to the 'Urban' zone under the MRS, to allow for future subdivision, development and use of land for residential and associated purposes.



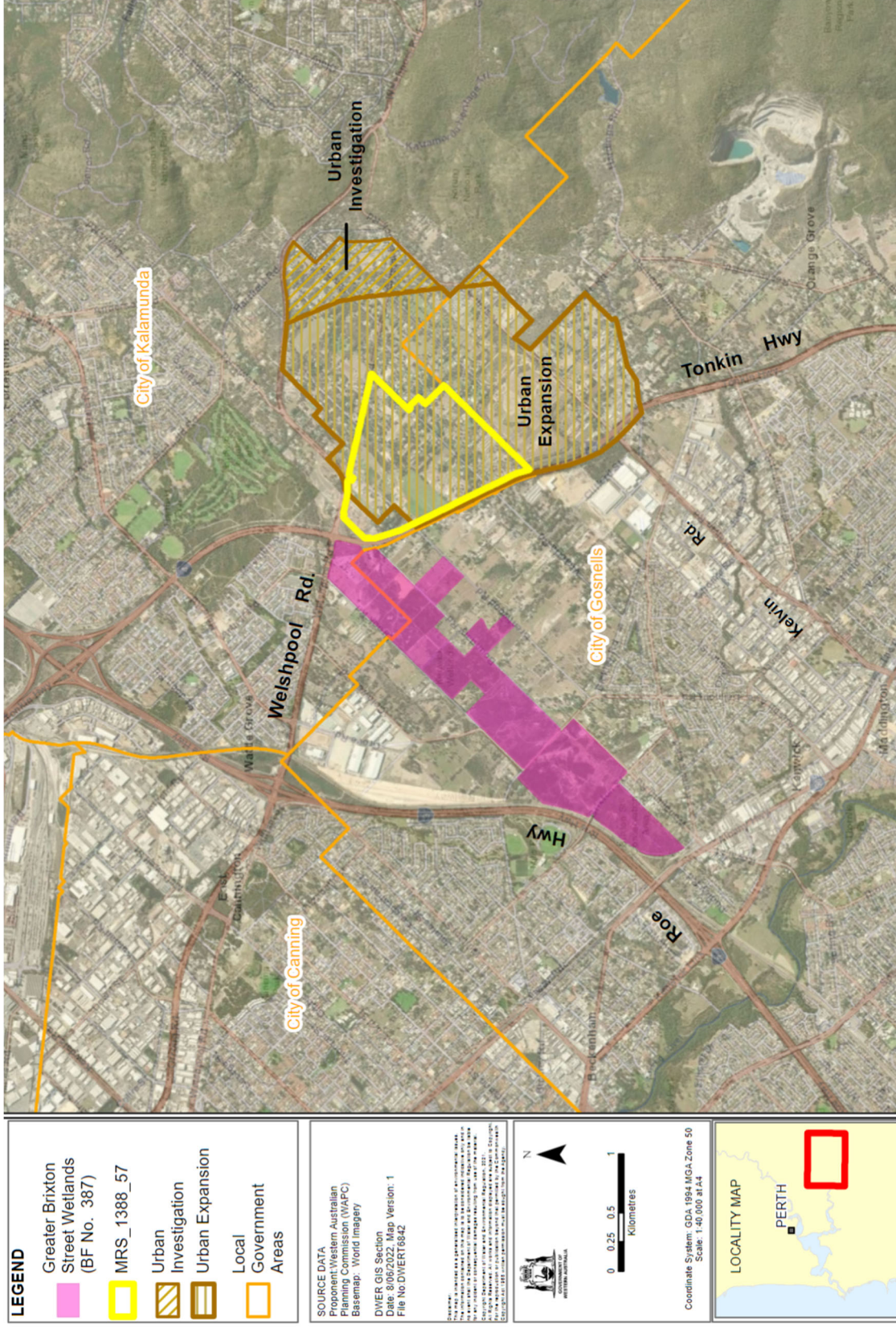


Figure 1: Location of MRS Amendment 1388/57 and broader Wattle Grove urban expansion and urban investigation area, and the nearby Greater Brixton Street Wetlands



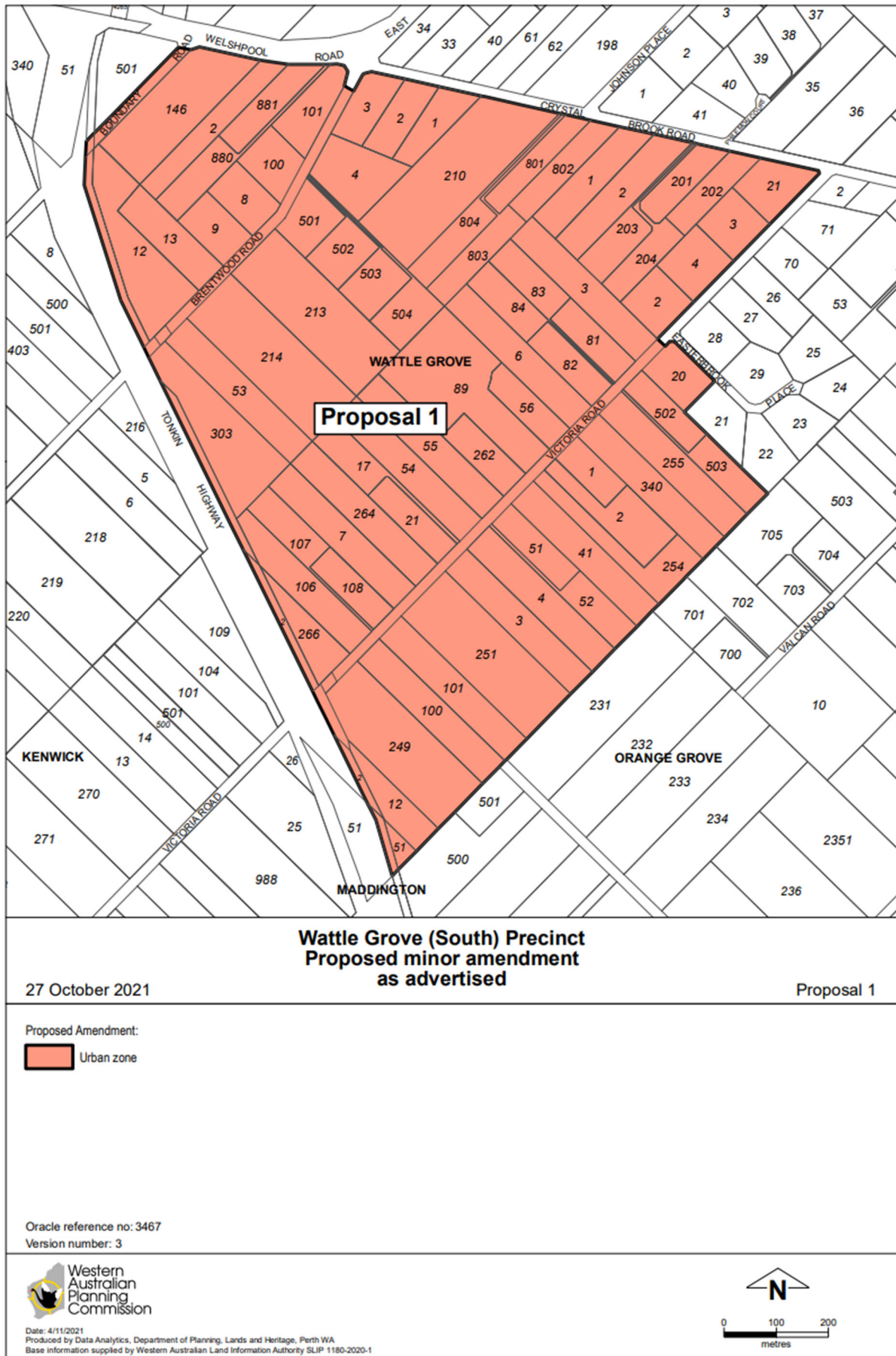


Figure 2: Proposed zoning for MRS 1388/57 land (Source: WAPC)

### 3. Preliminary key environmental factors and required work

The preliminary key environmental factors for the environmental review are:

1. Inland Waters;
2. Flora and Vegetation;
3. Terrestrial Fauna;
4. Social Surroundings, and
5. Greenhouse Gas.

Table 3 outlines the work required for each preliminary key environmental factor and contains the following elements for each factor:

- **EPA factor** and **EPA objective** for that factor.
- **Relevant activities** – the development activities that may have a significant impact on that factor.
- **Potential impacts and risks** to that factor.
- **Required work** for that factor.
- **Relevant policy and guidance** – EPA (and other) guidance and policy relevant to the assessment.

**Table 3 Preliminary key environmental factors and required work**

Inland Waters	
<b>EPA objective</b>	To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.
<b>Relevant activities</b>	<ul style="list-style-type: none"> <li>• Clearing of vegetation and alteration of natural drainage regimes for future development and associated infrastructure.</li> </ul>
<b>Potential impacts and risks</b>	<ul style="list-style-type: none"> <li>• Impacts to current surface and ground water cycles (alteration of hydrological regimes) resulting in impacts to significant wetlands and waterways within and nearby to the amendment area, including the Yule Brook and Greater Brixton Street Wetlands (GBSW).</li> <li>• Impacts to water quantity and quality of significant wetlands and waterways within and nearby to the amendment area.</li> <li>• Impact to the hydrology and biodiversity of the GBSW.</li> <li>• Loss of foreshore functions and groundwater and/or surface water dependent vegetation and impacts to other water dependent ecosystems.</li> </ul>
<b>Required Work</b>	<ol style="list-style-type: none"> <li>1. Identify and assess the values and significance of hydrological and geological characteristics within the amendment area and surrounding area including for the broader Wattle Grove Urban Expansion and</li> </ol>

	<p>Urban Investigation area, particularly in relation to the GBSW, and describe these values in a local and regional context.</p> <ol style="list-style-type: none"><li>2. Identify and map wetlands and watercourses within and adjacent to the amendment area including urban expansion and urban investigation areas and through work from the instructions below identify any areas proposed to be impacted.</li><li>3. Map groundwater contours for the regional and perched groundwater tables over the amendment area using site specific monitoring data and monitoring data from other nearby bores including the Department of Water and Environmental Regulation (DWER) and Department of Biodiversity Conservation and Attractions (DBCA) sites to establish the groundwater flow direction. Assess results in comparison to previous regional mapping completed within the local area (amendment area, urban expansion and investigation areas). Liaise with DWER to obtain any monitoring data further to the publicly available data base. Additional long-term and extensive groundwater flow direction investigations (such as additional monitoring bores and an extended period of data collection) may be required to support groundwater flow mapping that is not consistent with the DWER mapping. Ensure that all superficial bores used in creating the regional groundwater contours are not perched, and represent the groundwater in superficial aquifer.</li><li>4. Map the surface water catchment for the amendment, urban expansion and urban investigation areas, and map the contribution of pre development surface water flows to the surrounding wetlands and water courses.</li><li>5. Describe the total water cycle for the amendment area in the context of it being within the Yule Brook Catchment and with consideration of the surrounding urban expansion and urban investigation area. Discuss the hydrology and hydrogeology, particularly as it relates to wetland and ecological diversity within and nearby to the amendment area. Include information and discussion on the water budget for the area, the existing drainage management practices and any known impacts on the wetlands and waterways in, and nearby to the amendment area.</li><li>6. Using a pre and post development water balance model, characterise the existing hydrology of the site and existing sub surface flow contribution to the GBSW; and assess the potential impacts (direct and indirect) of the proposed change in land use associated with the amendment, and urban expansion and investigation areas, on water quantity and quality of surface and ground waters and subsurface flow contribution in relation to nearby significant wetlands and waterways The following should be considered in the development of any model:<ul style="list-style-type: none"><li>• The model should be developed in consultation with DWER and DBCA and consider inputs of the PRAMS groundwater flow model inputs.</li></ul></li></ol>
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	<ul style="list-style-type: none"><li>• Provide details of the existing geological and hydrogeological conditions used in conceptualising any modelling undertaken.</li><li>• The groundwater water balance and groundwater resources in the Superficial aquifer should consider PRAMS input parameters using the flow-net analysis with the Darcy equation. Groundwater throughflow from the site toward the GBSW should be calculated with consideration of the Darcy equation.</li><li>• Demonstrate the water balance is based on an understanding of both the groundwater minimum and maximum for the amendment area and the GBSW. The assessment of soil/sediment gravimetric and volumetric water contents, where perched aquifers are suspected, is also required to adequately inform the water balance.</li><li>• Minimum data and information required to support an appropriate water balance is listed below with accompanying published data.<ul style="list-style-type: none"><li>– Minimum groundwater levels (collected April-May) – as shown in the published data logger data presented in WA wetlands conference poster (Bourke et. al. 2018).</li><li>– Groundwater levels (minimum and maximum) presented in metres below ground level – required to assess wetland flora and fauna and terrestrial vegetation groundwater dependency and threats (e.g. waterlogging, acidification and salinisation). Lambers (2019).</li><li>– Volumetric water content, water retention and hydraulic conductivity – see Davis and Cahill (2018) for horizontal hydraulic conductivity calculations using surface nuclear magnetic resonance (SNMR).</li><li>– Water quality within GBSW is known to be spatially varying (Davis and Cahill 2018, and Lambers 2019). A spatial, temporal and lithological interpretation of water quality data is therefore required against water balance modelling outcomes to assess threats to wetland flora and fauna and terrestrial vegetation.</li></ul></li></ul> <p>7. Calculate the additional recharge from the proposed change in land use associated with the amendment, and the resultant impact to the groundwater flow velocity and direction toward the GBSW. This should also include identification of the additional recharge from the urban expansion and investigation areas.</p> <p>8. Demonstrate that predevelopment surface water and groundwater flows to the Yule Brook and GBSW are maintained post development as a result of the proposed change in land use associated with this amendment, and urban expansion and investigation areas.</p>
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	<p>9. Estimate post development nutrient input and export rates resulting from the proposed change in land use, including through the use of DWER's Urban Nutrient Decision Outcomes (UNDO) model.</p> <p>10. Predict the extent, severity and duration of potential impacts further to items 5 to 9, including changes to local and regional groundwater flows and levels, drawdown, local water quality and impacts to other groundwater users as a result of the proposed change in land use associated with the Amendment, and urban expansion and investigation areas, and provide measures to mitigate these impacts.</p> <p>11. Determine the boundaries of wetlands and/or buffer requirements to wetlands within and adjacent to the amendment area proposed to be retained. Boundary and buffer studies should consider the characteristics of hydrology, hydric soils and wetland vegetation, and the water balance of the wetland/wetland dependent vegetation.</p> <p>12. In the context of the below, items 6, 8 and 11 should model existing conditions of, and potential changes to, groundwater and surface water chemistry, particularly in relation to salinity and soil sodicity, that will result from the proposed change in land use associated with this amendment, and urban expansion and investigation areas.</p> <p style="padding-left: 40px;">Research in the southern area of the GBSW has shown the area is characterised by aquifers with locally elevated salinities and a water table that fluctuates from at or above the surface, to below ground level and there may be a risk from the provision of more groundwater or surface water to the GBSW, as this may persist into summer months and concentrate solutes in the root zone as it evaporates.</p> <p>13. Describe how the principles of water sensitive urban design will be incorporated and implemented in the amendment area, consistent with the <i>Better Urban Water Management</i> framework (WAPC, 2008) and the Stormwater Management Manual for Western Australia (DWER 2004-2007) and other relevant guidelines.</p> <p>14. Detail and discuss how future drainage practices within the site, is to be managed, considering the broader catchment. This management should ensure the hydrological balance and water quality of significant wetlands and watercourses within and nearby to the amendment area (such as the GBSW and Yule Brook) will be maintained.</p> <p>15. Describe how drainage management practices could be adapted in the future to mitigate impacts of climate change on significant wetlands and waterways, within and adjacent to the amendment areas.</p> <p>16. Using the mitigation hierarchy, detail and discuss how development activities will avoid and manage mobilisation of potentially poor-quality groundwater resulting from past agricultural land uses.</p>
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	<p>17. Describe the planning or other mechanisms that will ensure drainage management will protect significant wetlands and watercourses within and adjacent to the amendment area.</p> <p>18. Describe the ongoing management requirements for the amendment area to ensure the hydrology of significant wetlands and watercourses within and nearby to the amendment area is maintained.</p> <p>19. Prepare a district water management strategy in accordance with the Guidelines for district water management strategies (DoW, 2013).</p> <p>20. Prepare a monitoring program including management objectives, baseline conditions, public reporting and measures to be implemented in the event of non-compliance to management objectives.</p> <p>21. Based on the outcomes of the above and taking into consideration the principles of avoidance and minimisation, identify an environmentally acceptable area for development.</p> <p>22. Provide a summary of residual impacts of future development and associated infrastructure within and adjacent to the amendment areas.</p> <p>23. Describe any proposed avoidance, mitigation and management measures that demonstrate the EPA's objectives can be met.</p> <p>24. Describe the planning mechanisms that are to be applied to ensure impacts are managed to meet the EPA's objectives.</p>
<p><b>Relevant policy and guidance</b></p>	<p><b><i>EPA Policy and Guidance</i></b></p> <p><i>Statement of Environmental Principles, Factors, Objectives and Aims of EIA</i>, EPA, 2021.</p> <p><i>Environmental Factor Guideline – Inland Waters</i>, EPA, June 2018.</p> <p><b>Other policy and guidance</b></p> <p><i>Better Urban Water Management</i>, Western Australian Planning Commission, October 2008.</p> <p>Bourke L, Brown K, Paczkowska G. Characterising the condition and function of the Greater Brixton Street Wetlands, Kenwick, Western Australia, to inform conservation management. Poster presented at the 14th Annual WA Wetland Management Conference 2018, 2nd February, Bibra Lake, WA.</p> <p>Davis, Aaron; Cahill, Kevin. Surface nuclear magnetic resonance soundings in the Greater Brixton Street Wetlands. Perth, WA: CSIRO; 2018.</p> <p>Davis, Aaron; Cahill, Kevin. Ground-based time-domain electromagnetic soundings in Greater Brixton Street Wetlands. Perth, WA: CSIRO; 2018.</p> <p>Department of Biodiversity, Conservation and Attractions, A methodology for the evaluation of wetlands on the Swan Coastal Plain, Western Australia, 2017.</p>

	<p><i>Guideline for the determination of wetland buffer requirement, Draft, Department of Planning and Infrastructure, 2005.</i></p> <p><i>Stormwater Management Manual for Western Australia (DWER 2004-2007).</i></p> <p><i>Guidelines for district water management strategies DoW, 2013.</i></p> <p><i>Identification and investigation of acid sulphate soils and acidic landscapes, Department of Environment Regulation, June 2015.</i></p> <p>Lambers . Introduction and overview. In: Lambers H ed. A jewel in the crown of a global biodiversity hotspot. Perth: Kwongan Foundation and the Western Australian Naturalists' Club In, 2019</p> <p><i>Operational policy 4.3: Identifying and establishing waterways foreshore areas, Department of Water, September 2012.</i></p> <p><i>Treatment and management of soil and water in acid sulphate soil landscapes, Department of Environment Regulation, June 2015</i></p> <p><i>Environment Protection and Biodiversity Conservation Act 1999 and approved conservation advices on relevant MNES.</i></p>
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Flora and Vegetation	
<b>EPA objective</b>	To protect flora and vegetation so that biological diversity and ecological integrity are maintained.
<b>Relevant activities</b>	Clearing of vegetation, addition of fill, and alteration of natural drainage regimes for future development and associated infrastructure.
<b>Potential impacts and risks</b>	<p>Direct and indirect loss of significant flora and vegetation, including threatened and priority ecological communities, threatened and priority flora, and vegetation complexes poorly represented in existing conservation reserves (Guildford Complex and Forrestfield and Southern River Complex).</p> <p>Potential impacts include:</p> <ul style="list-style-type: none"> <li>• Direct loss through clearing,</li> <li>• Loss of fauna habitat (vegetation loss) short and long term,</li> <li>• Impacts to wetland and riparian vegetation and ground water dependant ecosystems within and nearby to the amendment area (including GBSW) through changes to hydrology,</li> <li>• Spread or intensification of weeds and <i>Phytophthora</i> dieback,</li> <li>• Fragmentation.</li> </ul>
<b>Required work</b>	25. Identify and characterise the flora and vegetation present and likely to be present within the amendment area, in accordance with EPA Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment, December 2016. For existing flora and vegetation

	<p>surveys completed for the amendment area, demonstrate (provide justification) how surveys are relevant, representative and demonstrate consistency with current EPA policy and guidance set out below.</p> <p>Include a summary of survey findings for the amendment area and an analysis of the significance of flora and vegetation in local and regional context in accordance with relevant EPA guidelines.</p> <p>Note: Ensure species database searches and taxonomic identifications are current. IBSA data packages should be provided in accordance with EPA guidance.</p> <p>26. For lots within the amendment which are accessible, TEC identification and analysis to be undertaken in accordance with the most current version of Methods for survey and identification of Western Australian threatened ecological communities. Draft for consultation, currently Version 3: 14 April 2022.</p> <ol style="list-style-type: none"><li>a. Individual quadrat data should be analysed to determine the FCT present using single site insertions against the Gibson et al. (1994) and Keighery et al. (2012 - Bush Forever) datasets, to minimise disruption.</li><li>b. A combination of methods including cluster, nearest neighbours and similarity indices are also advised. Critical analysis of the logic of the outcomes of analysis is then required.</li><li>c. The typical broad habitat features such as soil and landform, and hydrological status of quadrats established for Gibson et al. (1994) should also be explicitly discussed and compared in reporting.</li></ol> <p>27. Provide maps depicting the survey effort (for existing and any future surveys) in relation to the amendment area, recorded locations of significant flora, ecological communities, and vegetation in relation to the amendment area in accordance with the relevant guidelines set out below. Clearly show any areas unable to be surveyed and indicate likelihood of occurrence of TECs and threatened and priority flora within these areas. Ensure species database searches and taxonomic identifications are up to date. Provide vegetation condition mapping.</p> <p>28. Identify and assess the potential direct, indirect and cumulative impacts of future development on the identified environmental values. Include a quantitative assessment of levels of impact on significant flora, listed ecological communities and all vegetation units. Describe and assess the extent of any cumulative impacts within local and regional contexts as appropriate. Provide a map(s) depicting areas of flora and vegetation detailing communities (including Floristic Community Type), units, and quality, to be retained and protected. Determine the ecological water requirements of; and identify buffers to significant vegetation.</p> <p>29. Provide a quantitative assessment of impact:</p>
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	<p>For significant flora, this includes:</p> <ul style="list-style-type: none"> <li>• number of individuals and populations in a local and regional context;</li> <li>• numbers and proportions of individuals and populations directly or potentially indirectly impacted, and</li> <li>• numbers/proportions/populations currently protected within the conservation estate (where known).</li> </ul> <p>For all vegetation units (noting threatened and priority ecological communities and significant vegetation) this includes:</p> <ul style="list-style-type: none"> <li>• area (in hectares) and proportions directly or potentially indirectly impacted, and</li> <li>• proportions/hectares of the vegetation unit currently protected within conservation estate (where known).</li> </ul> <p>30. Describe the planning or other mechanisms that will ensure vegetation identified for retention will be protected.</p> <p>31. Describe the ongoing management requirements to ensure retained areas of vegetation within the amendment area are managed appropriately and identify which planning or other mechanisms are required to ensure this management is implemented.</p> <p>32. Describe the ongoing management requirements for the amendment area, and broader urban expansion and investigation area, which would ensure the hydrological requirements of vegetation within the amendment and nearby (including GBSW) is maintained, and what planning or other mechanisms are required to ensure this management.</p> <p>33. Describe any proposed avoidance, mitigation and management measures that demonstrate the EPA’s objectives can be met.</p> <p>34. Identify, describe, and quantify the potential residual impacts (direct, indirect, and cumulative) that may occur after considering and applying the mitigation hierarchy.</p> <p>35. Based on the components of the amendment, determine and quantify any significant residual impacts by applying the Residual Impact Significance Model (page 11) and WA Offset Template (Appendix 1) in the <i>WA Environmental Offsets Guidelines (2014)</i>. Where significant residual impacts remain, propose an appropriate offsets strategy. Spatial data defining the area of significant residual impacts for each environmental value should be provided (e.g. vegetation type, vegetation condition, specific fauna species habitat.).</p> <p>36. Describe the planning mechanisms that are to be applied to ensure impacts are managed to meet the EPA’s objectives.</p>
<p><b>Relevant policy and guidance</b></p>	<p><b><i>EPA Policy and Guidance</i></b>  <i>Statement of Environmental Principles, Factors, Objectives and Aims of EIA, EPA, 2021</i></p>

	<p><i>Environmental Factor Guideline – Flora and vegetation</i>, EPA, December 2016</p> <p><i>Technical Guidance: Flora and vegetation surveys for environmental impact assessment</i>, EPA, June 2020.</p> <p><i>Instructions and Form: IBSA Data Packages</i>, EPA, November 2021</p> <p><b>Other policy and guidance</b></p> <p><i>State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region</i></p> <p><i>Environment Protection and Biodiversity Conservation Act 1999 and approved conservation advices on any relevant MNES</i></p> <p>DoEE Survey guidelines for Australia's threatened species: various Guidelines for surveying for species listed as threatened under the EPBC Act</p>
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<b>Terrestrial Fauna</b>	
<b>EPA objective</b>	To protect terrestrial fauna so that biological diversity and ecological integrity are maintained.
<b>Relevant activities</b>	<ul style="list-style-type: none"> <li>• Clearing of fauna habitat and addition of fill for future development and associated infrastructure.</li> <li>• Movement of machinery and vehicles.</li> <li>• Increased presence of artificial light, noise and human activity.</li> </ul>
<b>Potential impacts and risks</b>	<ul style="list-style-type: none"> <li>• Loss of significant fauna habitat including black cockatoo habitat - breeding, roosting and foraging.</li> <li>• Direct or indirect impacts or loss of other significant fauna and fauna habitat found to be present during survey.</li> <li>• Fragmentation of fauna habitat and loss of ecological connectivity.</li> <li>• Degradation of fauna habitat and habitat modification from introduction and increased spread of weeds and/or disease, altered surface water flows, altered groundwater and edge effects.</li> <li>• Fauna mortality as a result of construction activities.</li> <li>• Disturbance to waterbirds (including migratory species) from impacts to wetlands.</li> <li>• Altered fauna behavior due to noise, lighting and human presence.</li> <li>• Change in feral animal abundance and/or movement.</li> </ul>
<b>Details of required work</b>	37. In accordance with the requirements of EPA guidance conduct a desktop study to identify and characterise the fauna and fauna habitats for the amendment area to inform local and regional context. Based on the results of the desktop study undertake the appropriate level survey and habitat assessment.

	<p>This should include survey/assessment within the amendment area and consideration of cumulative impacts. For identified significant (Threatened and Priority) fauna, this must include information on:</p> <ol style="list-style-type: none"><li>a. the abundance, distribution, ecology, and habitat preferences, together with baseline information and mapping of local and regional occurrences.</li><li>b. population size and importance of the population from a local and regional perspective; and</li><li>c. information on conservation value of each habitat type (e.g. breeding, migration, feeding, roosting etc.) from a local and regional perspective, including the percentage representation of each habitat site in relation to its local and regional extent.</li></ol> <p>Note: Surveys should include both Terrestrial Vertebrate Fauna and Short-range Endemic (and/or other significant) Invertebrate Fauna. Survey design should ensure that adequate local and regional contextual data are collected and should consider cumulative impacts. If multiple surveys have been undertaken to support the assessment, a consolidated report should be provided including the integrated results of the surveys. Where surveys were undertaken at the referral stage, survey results and a demonstration of how the guidance has been followed are to be included in the ER. Ensure species database searches and taxonomic identifications are current. IBSA data packages should be provided in accordance with EPA guidance. Ensure species database searches and taxonomic identifications are up to date.</p> <p>38. Provide a map of the survey effort applied in relation the fauna habitat, the study area and amendment area illustrating the known recorded locations of conservation significant species, other significant fauna and fauna habitat in relation to the amendment area. Clearly show any areas/lots unable to be surveyed. Mapping should also identify the direct and indirect impact areas.</p> <p>39. Identify and describe the characteristics of the fauna and fauna habitat that may be impacted directly and indirectly by the amendment, development and provision of associated infrastructure and describe the significance of these values in a local and regional context. Describe significant habitats, including but not limited to: refugia, breeding areas, key foraging habitat, movement corridors and linkages. Habitats that are important to significant species, and the reasons for their importance, should be identified. Discussions of habitats should quantify the absolute and relative areas of the habitats in question, and that these discussions should be supported by tables and figures that illustrate the extents of habitats.</p> <p>40. Identify significant fauna and describe in detail their known ecology, likelihood of occurrence, habitats, and known threats. Map the</p>
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	<p>locations of significant fauna records in relation to the fauna habitats, the study area, the scheme amendment area, and potential direct, indirect, and cumulative impact areas.</p> <p>41. Provide a map depicting areas of fauna habitat to be retained and protected from future subdivision, development and provision of associated infrastructure.</p> <p>42. Detail, map and quantify areas of fauna habitat not proposed to be retained.</p> <p>43. Describe and assess the extent of direct and indirect impacts as a result of the proposed change in land use associated with the amendment to terrestrial fauna taking into consideration cumulative impacts and the significance of fauna and fauna habitat. This should include an assessment of the risk posed to any significant species as a result of future development and associated infrastructure. For significant species, this should be done on a species-by-species basis. Significant species discussed should include short-range endemic and other significant invertebrates.</p> <p>Note: The likelihood of SRE fauna occurring within a given development area should be considered early in the environmental scoping stage. Preliminary SRE fauna risk assessments can then be used to set the context for a given assessment and as a reasoned basis to identify the extent of any surveys required.</p> <p>44. Apply the mitigation hierarchy and describe any proposed avoidance, mitigation and management measures that demonstrate the EPA's objectives can be met.</p> <p>45. Identify, describe and quantify the potential residual impacts (direct, indirect and cumulative) to fauna assemblages, habitats and significant species, that may occur following implementation of the amendment after considering and applying avoidance and minimisation measures, in a local and regional context.</p> <p>46. Based on the components of the amendment, determine and quantify any significant residual impacts by applying the Residual Impact Significance Model (page 11) and WA Offset Template (Appendix 1) in the <i>WA Environmental Offsets Guidelines (2014)</i>. Where significant residual impacts remain, propose an appropriate offsets strategy.</p> <p>47. Describe the planning mechanisms that are to be applied to ensure impacts are managed to meet the EPA's objectives.</p>
<p><b>Relevant policy and guidance</b></p>	<p><b><i>EPA Policy and Guidance</i></b></p> <p><i>Statement of Environmental Principles, Factors, Objectives and Aims of EIA, EPA, 2021</i></p> <p><i>Environmental Factor Guideline – Terrestrial Fauna, EPA, December 2016</i></p>

	<p><i>Technical Guidance: Sampling methods for terrestrial vertebrate fauna</i>, EPA, December 2016</p> <p><i>Technical Guidance: Terrestrial fauna surveys</i>, EPA, December 2016</p> <p><i>Technical Guidance: Sampling of short range endemic invertebrate fauna</i>, EPA, December 2016</p> <p><i>Instructions and Form: IBSA Data Packages</i>, EPA, November 2021</p> <p><b>Other policy and guidance</b></p> <p><i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <p>Relevant recovery plans, conservation advices and/or threat abatement plans for conservation significant species that are known to occur, or are likely to occur in the vicinity of the amendment area.</p> <p>DoEE Survey guidelines for Australia's threatened species: various Guidelines for surveying for species listed as threatened under the EPBC Act</p>
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<b>Social Surroundings</b>	
<b>EPA objective</b>	To protect social surroundings from significant harm.
<b>Relevant activities</b>	<ul style="list-style-type: none"> <li>• Clearing of vegetation and site works and provision of associated infrastructure.</li> <li>• Physical presence of future development and associated infrastructure.</li> </ul>
<b>Potential impacts and risks</b>	<ul style="list-style-type: none"> <li>• Disturbance to Aboriginal heritage places and/or cultural association within the area.</li> <li>• Changes to environment which may impact on Aboriginal heritage places.</li> <li>• Impacts to the natural, social and historical heritage values of the GBSW.</li> <li>• Impacts to the visual amenity associated with the natural and semi-rural character of the area.</li> </ul>
<b>Required work</b>	<p>48. Characterise the heritage and cultural values within the amendment area to identify sites of significance and their relevance within a wider regional context.</p> <p>49. Conduct appropriate consultation with Traditional Owners to identify areas of significance and any concerns in regard to environmental impacts as they affect heritage and cultural matters.</p> <p>50. Provide a description and figure(s) of the heritage and cultural values and proposed direct and indirect impacts within and adjacent to the amendment area (including the GBSW).</p>

	<p>51. Assess the direct and indirect impacts on known heritage sites, values and/or cultural associations, associated with the changes in land use which may impact on cultural and heritage significance (including the GBSW).</p> <p>52. Predict the residual impacts on heritage sites, values and/or cultural associations, for direct, indirect and cumulative impacts after consideration of the mitigation hierarchy.</p> <p>53. Outline the mitigation and management measures to ensure impacts to heritage site, values and /or cultural association (direct and indirect) are minimised, and not greater than predicted.</p> <p>54. Identify and discuss the potential visual amenity impact from the change in land use on residents within and adjacent to the amendment area, and broader area.</p> <p>55. Describe the planning mechanisms that are to be applied to ensure impacts are managed to meet the EPA's objectives.</p>
<b>Relevant policy and guidance</b>	<p><i>Statement of Environmental Principles, Factors, Objectives and Aims of EIA</i>, EPA, 2021</p> <p><i>Environmental Factor Guideline – Social Surroundings</i>, EPA, December 2016</p> <p><u>Other policy and guidance</u></p> <p>Department of Aboriginal Affairs and Department of Premier and Cabinet, <i>Due Diligence Guidelines</i>, Version 3.0. Perth, Western Australia, 2013.</p> <p>Western Australian Planning Commission, 2007, <i>Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design</i>.</p>

<b>Greenhouse Gas</b>	
<b>EPA objective</b>	To reduce net greenhouse gas emissions in order to minimise the risk of environmental harm associated with climate change.
<b>Relevant activities</b>	<ul style="list-style-type: none"> <li>• Clearing of vegetation for future development.</li> </ul>
<b>Potential impacts and risks</b>	<ul style="list-style-type: none"> <li>• Greenhouse gas emissions through clearing and decomposition of vegetation.</li> </ul>
<b>Required work</b>	56. Estimate the expected Scope 1 (direct) and Scope 2 (indirect) net greenhouse gas emissions (i.e. quantity of carbon dioxide equivalent (CO <sub>2</sub> -e)) on an annual basis and over the life of the scheme amendment inclusive of changes to land use (clearing of vegetation). Breakdown estimated emissions by source (e.g. changes to land use, clearing of vegetation). Detail the methods used to estimate the net greenhouse gas emissions.

	<p>57. Describe the considered and proposed mitigations that demonstrate all reasonable and practicable measures have been applied at each step of the mitigation hierarchy to avoid, reduce and/or offset greenhouse gas emissions over the life of the scheme amendment.</p> <p>58. Where scope 1 emissions are estimated to exceed 100,000 tonnes per equivalent per annum, develop a Greenhouse Gas Management Plan in accordance with the EPA's <i>Environmental Factor Guideline: Greenhouse Gas Emissions</i> and demonstrate how the EPA's objective for this factor can be met.</p>
<b>Relevant policy and guidance</b>	<p><i>Statement of Environmental Principles, Factors, Objectives and Aims of EIA</i>, EPA, 2021.</p> <p><i>Environmental Factor Guideline – Greenhouse Gas Emissions</i>, EPA, April 2020.</p>

These preliminary key environmental factors must be addressed within the ER for the public to consider the impacts of the implementation of the scheme amendment, and proposed management, and make comment to the EPA. All technical reports, modelling and referenced documents (not currently in the public domain) used in the preparation of the ER document should be included as appendices to the document. Documents used in the preparation of the ER must not contain disclaimers that preclude their public availability.

The EPA anticipates addressing these factors in its assessment report to the Minister for the Environment.

#### 4. Other environmental factors or matters

It is important that the responsible authority be aware that other factors or matters may be identified during the course of the ER that were not apparent at the time that these instructions were prepared. If this situation arises, the responsible authority must consult with the EPA to determine whether these factors and/or matters are to be addressed in the ER, and if so, to what extent.

#### 5. Relevant Ministers and interested agencies

At this stage, the EPA has identified the Minister and agencies listed in Table 4 as being either the Responsible Minister or a Minister or agency concerned with the outcome of the scheme amendment. Additional Ministers and agencies may be identified during the course of the assessment.

**Table 4** Relevant Ministers and interested agencies

Minister/agency	Interest
Minister for Planning	Responsible Minister - <i>Environmental Protection Act 1986</i> section 48F - Minister's agreement on the conditions.

	<i>Planning and Development Act 2005 - Approval of Amendment</i>
Minister for Environment	<i>Environmental Protection Act 1986. Biodiversity and Conservation Act 2016.</i>
Minister for Water	<i>Rights in Water and Irrigation Act 1914.</i>
Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972/ Aboriginal Cultural Heritage Act 2021</i>
City of Kalamunda	<i>Planning and Development Act 2005.</i>
Department of Biodiversity, Conservation and Attractions	Presence of significant fauna and flora.
Department of Water and Environmental Regulation	Part V of the <i>Environmental Protection Act 1986</i>
Water Corporation	Yule Brook Main Drain
Department of Planning Lands and Heritage	<i>Planning and Development Act 2005.</i>



## **Appendix B**

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

**Metropolitan Region Scheme  
Amendment 1388/57**

**Wattle Grove (South) Precinct**

**as advertised**

**Amending Plan 3.2786**

Detailed Plans: 1.6388, 1.6389, 1.6406, 1.6407

## **Appendix C**

### **Your property and the planning system - region schemes**

# Your property and the planning system – region schemes

## Rights to compensation in relation to reserved land

The Western Australian Planning Commission (WAPC) has statewide responsibility for planning how land in metropolitan and regional areas can be used and developed. It does this by reserving and zoning land for immediate and future development through region schemes and/or planning control areas.

### Region schemes

The WAPC administers three region schemes which classify land into zones and reservations:

- Metropolitan Region Scheme
- Peel Region Scheme
- Greater Bunbury Region Scheme.

**Zones** are large areas identified for purposes such as industry (industrial zone) and residential (urban zone).

**Reservations** are required for public purposes such as schools, railways, major roads, and parks and recreation.

### How do you amend a region scheme?

Schemes can be amended as regions grow and change. This process begins with the local government, landowner, State Government or WAPC making a request to amend a scheme. The WAPC considers the request and can either refuse or approve the initiation of an amendment.

The amendment process is lengthy and in general, takes between 12 to 24 months to complete and includes extensive consultation with landowners and the broader community. In some cases amendments are subject to assessment by the Environmental Protection Authority. Amendments can be classified as Major or Minor, in accordance with *Development Control Policy 1.9 – Amendment to Region Schemes*.

### Planning Control Area

In some instances, the WAPC will use a planning control area (PCA) to protect land required for a particular purpose from development until it may be reserved in one of the region schemes. A PCA acts in a similar manner as a region scheme but can be applied as a temporary measure to enable an amendment to be progressed. This also provides affected landowners with rights to claim compensation while a decision is made to reserve land or not. A PCA is valid for up to five years.

This means the WAPC is the decision-making authority for any development applications on land within a PCA. A person must not commence and carry out development within the PCA area without the prior approval of the WAPC. There are penalties for failure to comply with this requirement.

The same compensation and alternative purchase rules apply as with a region scheme. However, if compensation is paid and the PCA or reservation is reduced or removed in the future, the compensation is repayable in whole or part upon the subsequent sale or subdivision of the property.

### What if your land is proposed to be reserved?

The WAPC approaches landowners on land proposed to be reserved and invites them to comment through the amendment process.

The Government will ultimately acquire reserved land, but as the reservations are strategic and long-term requirements, the land can generally remain in private ownership until it is needed for the public purpose. Several options are available to the owners of reserved land:

- **Retain ownership of your property** and continue quiet enjoyment until it is needed for the public purpose. You may complete any development or subdivision approved prior to the reservation taking effect. Under non-conforming use rights, you may continue to use the property for the purpose for which it was legally being used immediately before the reservation came into effect.
- **Sell the property on the open market** to another person(s). The WAPC recognises that the reservation may make this difficult. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property if an owner is unable to achieve a private sale on the open market. This does affect your right to otherwise claim statutory compensation (outlined in the compensation section below).
- **Offer the property for sale** to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property. The WAPC purchases a property at its current market value, ignoring the impact of the reservation and proposed public purpose. The WAPC obtains two independent valuations to provide it with advice on the value of the property.

## Am I entitled to claim compensation?

If your land is reserved in a region scheme or subject to a PCA and **you are the owner of the land when it was first reserved or the PCA was declared**, you may be able to make a claim for compensation for injurious affection if:

1. **Private Sale** – you sell the property on the open market at a reduced price (due to the effect of the reservation or PCA);  
or
2. **Refused development** – the WAPC has either refused a development application over the property or approved it subject to conditions that are unacceptable to you.

## What is injurious affection?

Injurious affection occurs when the value of a piece of land is affected by the application of a reservation or restriction for a public purpose.

## How do I claim compensation?

### 1. Private sale

If you wish to sell your property on the open market at a reduced price (affected value), you will need to complete a *Notice of Intention to Sell* form, which is available online at [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au). The Department of Planning, Lands and Heritage will establish the extent of the reservation and forward the notice to the Board of Valuers.

The Board of Valuers will determine the value of the property as if there was no reservation or PCA (unaffected value). You may wish to attend the board's meeting to present any matters you believe are relevant to the value of your property.

Following the board's decision:

- The board will advise you of the unaffected value of the property.
- You pay the board's valuation fee to the department and you will be advised of the affected value of the property (as determined by the WAPC) – the minimum price for which you can sell the property and receive the full amount of compensation (the difference between the affected and unaffected values). The valuation fee is refundable upon the sale of the property and the payment of compensation.
- You then arrange the sale of the property (either privately or through an agent) – the sale price must not be less than the affected value.

**You (and your agent) must inform prospective purchasers that you are selling the property at a reduced price and that you will be claiming compensation for injurious affection from the WAPC. You must also include a special condition in the offer and acceptance.**

- After you sell the property, you can make a claim for compensation for injurious affection through the WAPC **within six months** of the property being sold (registered at Landgate).
- After the WAPC pays compensation, the WAPC will lodge a notification on the Certificate of Title to identify that it has paid compensation, which is only payable once.
- If the property does not sell within one year of the board's valuation, you may ask the board to revalue the property. The sale process is then repeated.
- Alternatively, you may wish to ask the WAPC to purchase the property, as you have been unable to sell it privately. The WAPC will purchase the property at its then fair market value (unaffected value).

### 2. Refused development

If the WAPC refused your development application or approved it subject to unacceptable conditions, you may make a claim for compensation for injurious affection **within six months** of the WAPC's decision.

The WAPC will either pay compensation or may elect to purchase the property instead of paying compensation. If the WAPC elects to purchase the property, it obtains valuations for the fair market value (unaffected value) as at the date of the election to purchase.

## What is compulsory acquisition?

If land is required for a reservation and has not been previously acquired or compensation has been claimed, the Government may compulsorily acquire the property. The WAPC will obtain independent valuations and make an offer of compensation, in accordance with the *Land Administration Act 1997*.

## How can I view a region scheme?

- online at [www.dplh.wa.gov.au/your-property-and-region-schemes](http://www.dplh.wa.gov.au/your-property-and-region-schemes)
- office of the WAPC and the Department of Planning, Lands and Heritage Level 2, 140 William Street, Perth
- any local government office.

The WAPC operates in accordance with the *Planning and Development Act 2005* and receives administrative support from the Department of Planning, Lands and Heritage.

*This information is correct as at January 2019.*

**Appendix D**  
**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://haveyoursay.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (Appendix E).

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 E**

**Submission form for this amendment  
(form 57)**



**Section 57 Amendment (Minor)**

Form 57

**Submission**

**Metropolitan Region Scheme Amendment 1388/57  
Wattle Grove (South) Precinct**

Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
PERTH WA 6001

**FILE**  
RLS/0998

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

Surname ..... (PLEASE PRINT CLEARLY)

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

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

*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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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 9 DECEMBER 2024.  
Late submissions will NOT be considered.**