

September 2020

Metropolitan Region Scheme Amendment 1376/57 (Minor Amendment)



Metropolitan Redevelopment Authority Normalisation Wungong

Amendment Report

City of Armadale

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Amendment 1376/57
(Minor Amendment)**

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

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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.
- Consent by the Minister for Planning to call for submissions.
- 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. 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.
- 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*.

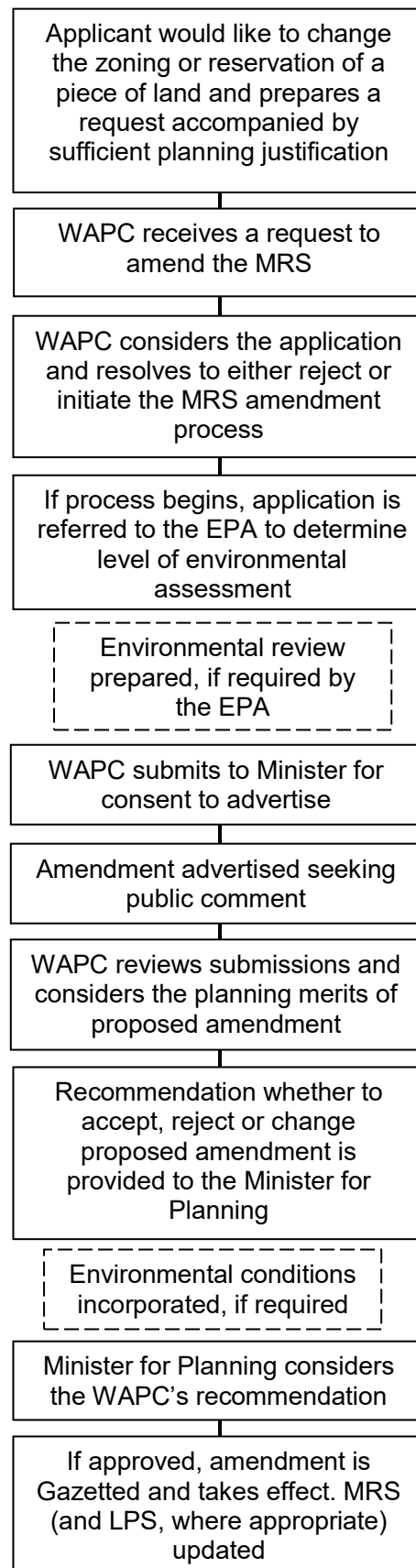
Report on submissions

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

AHA	Aboriginal Heritage Act
CCW	Conservation Category Wetland
DPLH	Department of Planning Lands and Heritage
EPA	Environmental Protection Authority
LPS	Local Planning Scheme
MRA	Metropolitan Redevelopment Authority
MRA Act	Metropolitan Redevelopment Authority Act
MRS	Metropolitan Region Scheme
SWALSC	South West Aboriginal Land and Sea Council
WAPC	Western Australian Planning Commission
WUW	Wungong Urban Water

Amendment Report

Metropolitan Region Scheme Amendment 1376/57

Metropolitan Redevelopment Authority Normalisation Wungong

1 Purpose

The purpose of this amendment is to re-establish the various zones, reservations and Bush Forever areas in the south-east district of the Metropolitan Region Scheme (MRS) to zone and reserve portions of the land currently under the planning control of DevelopmentWA, acting through the Metropolitan Redevelopment Authority (the Authority), pursuant to the *Metropolitan Redevelopment Authority Act 2011* (MRA Act).

Proposals within the amendment will facilitate the future 'normalisation' of the land, when planning control is transferred from DevelopmentWA to the Western Australian Planning Commission (WAPC) and the City of Armadale, and is principally an administrative process. The proposed zones, reservations and Bush Forever areas are generally consistent with the existing land uses and statutory planning framework for the land, and do not warrant consideration as individual amendments.

The amendment contains 14 separate proposals located within the City of Armadale.

2 Background

DevelopmentWA has undertaken a review of its project portfolio in order to identify project areas or precincts where its objectives and functions have been substantially completed. The Authority is preparing to return statutory planning and other functions for these areas to the WAPC, the local government or other relevant authority, through a process referred to as 'normalisation'.

The Armadale Redevelopment Area was initially created under legacy legislation (*Armadale Redevelopment Act 2001*) that repealed the MRS when the redevelopment area was created. The introduction of the abovementioned Act enabled the introduction of a redevelopment scheme and other statutory planning documents/framework to facilitate redevelopment of the redevelopment area. As a result, when DevelopmentWA normalises an area and seeks to establish the normal statutory planning framework (region and local planning schemes) as there is no MRS zoning to be revived/reinstated.

The MRA Act provides the process for removing land from redevelopment areas through amendment of the *Metropolitan Redevelopment Authority Regulations 2011* (MRA Regulations). However, the MRA Act does not provide a specific process for reinstatement or amendment of the MRS at the time of normalisation. As a result, an MRS amendment under the *Planning and Development Act 2005* is required to be undertaken.

The amendment has been prepared in accordance with section 35 of the *Planning and Development Act 2005*, to re-establish the appropriate zones, reserves and Bush Forever areas across the identified area of the Armadale Redevelopment Area, consistent with approved development and/or the existing statutory planning framework, inclusive of the Wungong Urban Water (WUW) Master Plan and approved Structure Plans.

In the broader Armadale Redevelopment Area, normalisation is to be completed in stages over a number of years, as DevelopmentWA substantially completes its redevelopment

function. In accordance with section 36 of the *Planning and Development Act 2005* and section 58 of the MRA Act, the intent is that the amendments are completed and progressively take effect as redevelopment area projects are normalised through the amendment of the MRA Regulations and the Local Planning Scheme (LPS).

Transfer of the Redevelopment Scheme

The purpose of normalisation is to transfer planning authority from DevelopmentWA to the WAPC and relevant local government. The process of normalisation involves:

- i) amendment of the MRA Regulations to remove all, or portion of, land within a redevelopment area, enabled by regulations made pursuant to s31(1)(b) of the MRA Act;
- ii) amendment of the relevant local government LPS to transfer the applicable provisions of the redevelopment area planning framework; and
- iii) transfer of approvals made under the MRA Act, including planning approvals, structure plans and local development plans to the relevant Local Government authority for a transitional period, using transitional regulations made pursuant to section 35 of the MRA Act.

Section 58 of the MRA Act enables a LPS to be prepared and amended under the processes prescribed by the *Planning and Development Act 2005*, during the operation of a redevelopment scheme. The new or amended LPS would not have effect until post normalisation of WUW. This process will be co-ordinated by DevelopmentWA in consultation with the City of Armadale, Department of Planning Lands and Heritage (DPLH), environmental agencies and landowners following initiation of the MRS amendment and consideration by the Environmental Protection Authority (EPA).

3 Scope and content of the amendment

The amendment proposes the following modifications to the MRS.

Proposal 1 - Precinct 10 (Armadale Road)

- i) **Reserve the following Lots as Parks and Recreation:**
 - Lot 51 Waterworks Road, Haynes;
 - Lot 32 (D099280), Lot 33 (D099280), Lot 102 (P000694), Lot 103 (P000694), Lot 22 (D096657); and
 - Pt Lot 5061 Twelfth Road, Haynes.
- ii) **Include Pt Lot 5061 in Bush Forever Site 345;**
- iii) **Reserve Lots 510 and 5060 Waterworks Road, Haynes as Public Purposes - Water Authority of WA;**
- iv) **Reserve portions of Armadale, Waterworks and Forrest Roads and Tonkin Highway as Primary Regional Roads; and**
- v) **Zone Pt Lot 5061 as Urban.**

The Parks and Recreation reserve is consistent with the defined boundaries for the regional recreation grounds, Conservation Category Wetland (CCW) and associated 50 m buffer and Bush Forever Site 345, as detailed under the WUW Master Plan.

To reserve Lots 510 and 5060 Waterworks Road, Haynes as Public Purposes - Water Authority of WA which is consistent with the use of the land.

The Primary Regional Roads reserve is consistent with Armadale, Waterworks and Forrest Roads and portion of Tonkin Highway boundaries.

The land is to be rezoned to reflect the existing and future residential land uses consistent with the Urban zone under the MRS.

Proposal 2 - Precinct 11 (River)

- i) **Reserve the following Lots as Parks and Recreation:**
 - Lot 9013 (P414978), Lot 3813 (D082342), Pt Lot 514 (P036184), Pt Lot 221 (D094122), Pt Lot 66 (D093126), Pt Lot 701 (D092624), Pt Lot 800 (D097569), Pt Lot 700 (D092082), Pt Lot 803 (P031920);
 - Pt Lot 1, 2, 17, 21, 25, 200, 201, 221 Twelfth Road, Haynes;
 - Pt Lot 10 Wollaston Avenue, Haynes; and
 - Pt Lot 7 & 802 Forrest Road, Haynes.
- ii) **Reserve portion of Forrest Road as Other Regional Roads and portion of Armadale Road as Primary Regional Roads; and**
- iii) **Zone the remaining land as Urban.**

The Parks and Recreation reserve is consistent with the defined boundaries for the Wungong River and associated foreshore buffer and CCW and associated 50 m buffer as detailed under the WUW Master Plan.

The Other Regional Roads reserve is consistent with the boundaries for the Forrest Road alignment and portion of Armadale Road is consistent with the boundary for the Primary Regional Roads reserve.

The land is to be rezoned to reflect the current and future residential land uses consistent with the Urban zone under the MRS.

Proposal 3 - Precinct 12 (Armadale Road)

- i) **Reserve Lot 1278 Kingshurst Chase, Haynes as Public Purposes - Water Authority of WA; and**
- ii) **Zone remaining land as Urban.**

The Public Purposes - Water Authority of WA reserve is consistent with the cadastral boundaries associated with the existing Water Corporation easements.

The land is to be rezoned to reflect the existing and future residential, commercial and civic land uses which are consistent with the Urban zone under the MRS.

Proposal 4 - Precinct 13 (Eighth Road)

- i) **Reserve the following Lots as Public Purposes - Water Authority of WA:**
 - Lot 54 (P015103), Lot 9036 (P405784) & Lot 9034 (P405784).
- ii) **Reserve the following Lots as Public Purposes - High School:**
 - Pt Lot 99 Eleventh Road, Haynes & Lot 20 Eleventh Road, Haynes; and
 - Pt Lot 21 & 22 Forrest Road, Haynes.
- iii) **Reserve portion of Forest Road as Other Regional Roads reserve; and**
- iv) **Zone the remaining land as Urban.**

The Public Purposes - Water Authority of WA reserve is consistent with the cadastral boundaries associated with the existing Water Corporation easements.

The Public Purposes - High School reserve is consistent with the defined boundaries for the future high school site, as detailed under the approved Precinct 13 Eighth Road Structure Plan.

The Other Regional Roads reserve is consistent with the boundaries for the Forrest Road alignment.

The land is to be rezoned to reflect the existing and future residential, commercial and civic land uses consistent with the Urban zone under the MRS.

Proposal 5 - Precinct 14 (Forrest Road)

- i) Reserve Lot 1001 (P402360) & Lot 30 (D072647) as Public Purposes - Water Authority of WA;**
- ii) Reserve portion of Forrest Road as Other Regional Roads reserve; and**
- iii) Reserve the remaining land as Urban.**

The Public Purposes - Water Authority of WA reserve is consistent with the cadastral boundaries associated with the existing Water Corporation easements.

The Other Regional Roads reserve is consistent with the boundaries for the Forrest Road alignment.

The land is to be rezoned to reflect the existing and future residential, commercial and civic land uses consistent with the Urban zone under the MRS.

Proposal 6 - Precinct 15 (Town Centre)

- i) Reserve the following Lots as Parks and Recreation:**
 - Pt Lot 76 (P149538), Pt Lot 9023 (P416541), Pt Lot 8 (D039559), Pt Lot 9022 (P416541)**
- ii) Reserve portion of Forrest Road as Other Regional Roads reserve; and**
- iii) Zone remaining land as Urban.**

The Parks and Recreation reserve is consistent with the defined boundaries for the CCW as detailed under the approved Precinct 15 Town Centre Structure Plan.

The Other Regional Roads reserve is consistent with the boundaries for the Forrest Road alignment.

The land is to be rezoned to reflect the existing and future residential, commercial and civic land uses consistent with the Urban zone under the MRS.

Proposal 7 - Precinct 16 (Ninth Road)

- i) Reserve the following Lots as Parks and Recreation:**
 - Pt Lot 4401 (P022886), Pt Lot 802 (P039979); and**
 - Pt Lot 19 Rowley Road, Wungong.**
- ii) Include Pt Lot 19 Rowley Road, Wungong in Bush Forever Site 266;**

- iii) **Reserve portion of Wungong and Rowley Roads as Other Regional Roads reserve; and**
- iv) **Zone the remaining land as Urban.**

The Parks and Recreation reserve is consistent with the defined boundaries for the Wungong River and associated foreshore buffer and Bush Forever Site 266 as detailed under the conditionally approved Precinct 16 Ninth Road Structure Plan.

The Other Regional Roads reserve is consistent with the boundaries for the Wungong and Rowley Roads alignment.

The land is to be rezoned to reflect the existing and future residential, commercial and civic land uses consistent with the Urban zone under the MRS.

Proposal 8 - Precinct 17 (Eleventh Road)

- i) **Reserve the following Lots as Parks and Recreation:**
 - **Pt Lot 1 (D060145), Pt Lot 116 (P220913), Pt Lot 108 (P182861), Lot 3315 (D060145) and Lot 3973 (D078121);**
 - **Pt Lot 50 Rowley Road, Wungong;**
 - **Pt Lot 51 Phar Lap Drive, Wungong;**
 - **Pt Lot 192 Wungong South Road, Wungong;**
 - **Pt Lots 14, 505 & 801 Eleventh Road, Wungong;**
 - **Pt Lot 506 Gull Street, Wungong;**
 - **Pt Lot 20 Mill Street, Wungong;**
 - **Pt Lots 14, 15 & 18 Keenan Street, Wungong;**
 - **Pt Lots 25 & 47 Lambert Land, Wungong;**
 - **Pt Lots 91, 304 & 305 Wungong Road, Wungong; and**
 - **Pt Lot 2, 11 and 110 Wilson Street, Wungong.**
- ii) **Include Lot 116 (P220912) in Bush Forever Site 264;**
- iii) **Include the following Lots in Bush Forever Site 266:**
 - **Pt Lot 1 (D060145), Pt Lot 3315 (D060145) & Pt Lot 3973 (D078121);**
 - **Pt Lots 19 & 50 Rowley Road, Wungong;**
 - **Pt Lot 51 Phar Lap Drive, Wungong;**
 - **Pt Lots 505 & 801 Eleventh Road, Wungong; and**
 - **Pt Lot 192 Wungong South Road, Wungong.**
- iv) **Reserve portion of Wungong and Eleventh Roads as Other Regional Roads reserve; and**
- v) **Zone the remaining land as Urban.**

The Parks and Recreation reserve is consistent with the defined boundaries for Wungong River and associated foreshore buffer, CCW's and associated 50 m buffers and Bush Forever Sites 264 and 266 as detailed under the WUW Master Plan.

The Other Regional Roads reserve is consistent with the boundaries for the Wungong Road alignment and future Eleventh Road bridge crossing.

The land is to be rezoned to reflect the existing and future residential, commercial and civic land uses consistent with the Urban zone under the MRS.

Proposal 9 - Precinct 18 (Brookwood A)

- i) **Reserve portion of Rowley Road as Other Regional Roads reserve; and**
- ii) **Reserve all land as Urban.**

The Other Regional Roads reserve is consistent with the boundaries for the Rowley Road alignment.

The land is to be rezoned to reflect the existing and future residential land uses consistent with the Urban zone under the MRS.

Proposal 10 - Precinct 19 (Brookwood B)

- i) Reserve portion of Rowley and Hilbert Roads as Other Regional Roads reserve; and**
- ii) Reserve all land as Urban.**

The Other Regional Roads reserve is consistent with the boundaries for the Rowley and Hilbert Road alignments.

The land is to be rezoned to reflect the existing and future residential land uses consistent with the Urban zoning under the MRS consistent with the approved Precinct 19 Structure Plan.

Proposal 11 - Precinct 20 (Tonkin South)

- i) Zone Pt Lot 9004 (P411238) as Urban and Urban Deferred; and**
- ii) Reserve Lot 458 (P411238) as Public Purposes - Water Authority of WA.**

The land is to be rezoned to reflect the existing and future residential, commercial and civic land uses consistent with the Urban zone under the MRS. The Urban Deferred zone is consistent with the existing landfill facility buffer restricting development until the facility is downgraded or ceases operation.

The Public Purposes - Water Authority of WA reserve is consistent with the cadastral boundaries associated with the existing Water Corporation pump station.

Proposal 12 - Precinct 21 (Rowley Road)

- i) Reserve the following Lots as Parks and Recreation:**
 - Lot 2 (D002645), Lot 76 (P149538), Lot 563 (P406274), Lot 4294 (D033793), Pt Lot 31 (D033793) & Pt Lot 9001 (P410673);
 - Lot 1 Forrest Road, Hilbert; and
 - Pt Lots 30 & 50 Hilbert Road, Hilbert.
- ii) Reserve Lot 247 (P409812) as Public Purposes - Water Authority of WA;**
- iii) Reserve the following Lots as Public Purposes – High School:**
 - Pt of Lots 107, 108, 109 & 9001 Lentara View, Hilbert.
- iv) Reserve portions of Rowley Road as Primary Regional Roads and Other Regional Roads; and**
- v) Zone the remaining land as Urban.**

The Parks and Recreation reserve is consistent with the defined boundaries for Wungong River and associated foreshore buffer as detailed under the Precinct 21 Rowley Road Structure Plan and WUW Master Plan.

The Public Purposes - Water Authority of WA reserve is consistent with the cadastral boundaries associated with the existing Water Corporation pump station.

The Public Purposes - High School reserve is consistent with the defined boundaries for the high school site, as detailed under the previously approved Precinct 21 Structure Plan.

The Other Regional Roads and Primary Regional Roads reserves are consistent with the boundaries for the Rowley Road alignment.

The land is to be rezoned to reflect the existing and future residential, commercial and civic land uses consistent with the Urban zone under the MRS.

Proposal 13 - Precinct 22 (Tonkin North)

- i) Reserve portion of the Tonkin Highway alignment as Primary Regional Roads; and**
- ii) Zone remaining land as Urban.**

The Primary Regional Roads reserve is consistent with the boundaries for the Tonkin Highway alignment.

The remaining land is to be rezoned to reflect the existing and future residential, commercial and civic land uses consistent with the Urban zone under the MRS.

Proposal 14 - Precinct 23 (Wungong North)

- i) Reserve portion of the Armadale and Twelfth Road alignments as Primary Regional Roads; and**
- ii) To zone all land as Urban.**

The Primary Regional Roads reserve is consistent with the boundaries for the Armadale and Twelfth Road alignments.

All remaining land within the WUW Project Area is to be rezoned to reflect the future commercial land use consistent with the Urban zone under the MRS.

4 Aboriginal heritage

The *Aboriginal Heritage Act 1972* (AHA) provides for the protection and preservation of Aboriginal heritage and culture throughout Western Australia, including places and objects that are of significance to Aboriginal people. Aboriginal sites and materials are protected whether or not they have been previously recorded or reported.

In the Armadale Redevelopment Area, DevelopmentWA has already completed strategic and statutory planning processes and addressed the AHA requirements in these processes, including through master planning, preparation of the redevelopment scheme and heritage inventory, structure planning, subdivision applications and development applications.

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the AHA. Proposed changes to land use at the amendment stage are broad by nature and do not physically interfere with the land. Consideration of any protection that may be required is addressed more specifically at later stages of the planning process, typically being a LPS amendment and when preparing a local structure plan.

Proponents of proposals are advised to familiarise themselves with the State's *Cultural Heritage Due Diligence Guidelines* (the Guidelines). These have been developed to assist proponents identify any risks to Aboriginal heritage and to mitigate risk where heritage sites

may be present. The Guidelines are available electronically at: <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/aboriginal-heritage-surveys>.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC and the DPLH 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 MRS amendment proposals likely to be of interest to Aboriginal persons are now referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's south west region and as such is also well placed to provide advice on Aboriginal heritage.

This amendment was not referred to SWALSC prior to initiation as it was not expected to impact on Aboriginal heritage values. However, the amendment has been referred to SWALSC during the public advertising period.

5 Coordination of region and local scheme amendments

Under section 126(3) of the *Planning and Development Act 2005*, a local government has the option of requesting the WAPC to concurrently zone land being zoned Urban under the MRS to a "Development" zone or similar.

As detailed above, section 58 of MRA Act allows a LPS to be prepared or amended in accordance with the *Planning and Development Act 2005* in preparation of the redevelopment scheme ceasing to apply when the subject land is removed from a redevelopment area by amendment of MRA Regulations. The amended LPS comes into operation when the redevelopment scheme ceases to apply. This process will be coordinated by DevelopmentWA in consultation with the City of Armadale, DPLH, environmental agencies and land owners following initiation of the MRS Amendment and consideration by the EPA.

6 Substantiality

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either major or minor amendments depending on whether they are considered to constitute a substantial alteration to the MRS. *Development Control Policy 1.9 - Amendment to Region Schemes* sets out the criteria for deciding whether the major or minor process should be followed. In this regard, the amendment is proposed to be processed as a "minor" amendment as follows:

- in accordance with part 5 of the MRA Act, the permissible development, land uses and reserves within the WUW Project Area has already been subject to comprehensive statutory processes administered by DevelopmentWA. These statutory processes have included consideration by the EPA, other State and local government authorities, landowners, the general public, the WAPC and the Minister for Planning;
- the suitability of the subject land for development and the use of land within the Armadale Redevelopment Area has already been defined by Scheme 2 and numerous statutory planning instruments adopted under the provisions of Scheme 2 as relevant. In addition, the WUW Project area has experienced partial redevelopment, in

accordance with the permissible land uses under Scheme 2 and approved structure plans; and

- the extent and nature of the amendment is consistent with the existing planning framework established by DevelopmentWA, is considered to be administrative in nature and has been the subject of a public consultation process.

7 Sustainability appraisal

Due to the administrative nature of the proposals in this amendment, there are no significant sustainability impacts. However, DevelopmentWA administers a Green Building Development Policy in each of its redevelopment areas, which has required all new buildings and precincts to have sustainable design and construction.

8 Environmental Protection Authority advice

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

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

9 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 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; and
- 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.

10 Submissions on the amendment

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

The amendment will be advertised for public submissions for a period of 60 days from Tuesday 22 September 2020 to Friday 27 November 2020.

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

- i) Western Australian Planning Commission, 140 William Street, Perth;
- ii) DevelopmentWA, Level 2, 40 The Esplanade, Perth;
- iii) City of Armadale; and
- iv) State Reference Library, Northbridge.

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

Written submissions commenting on the amendment should be sent to:-

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

or by email to:-

mrs@dplh.wa.gov.au

and must be received by 5 pm 27 November 2020.

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 www.dplh.wa.gov.au/mrs-amendments.

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.

11 Modifications to the amendment

After considering any comments received from the public and government agencies, 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.

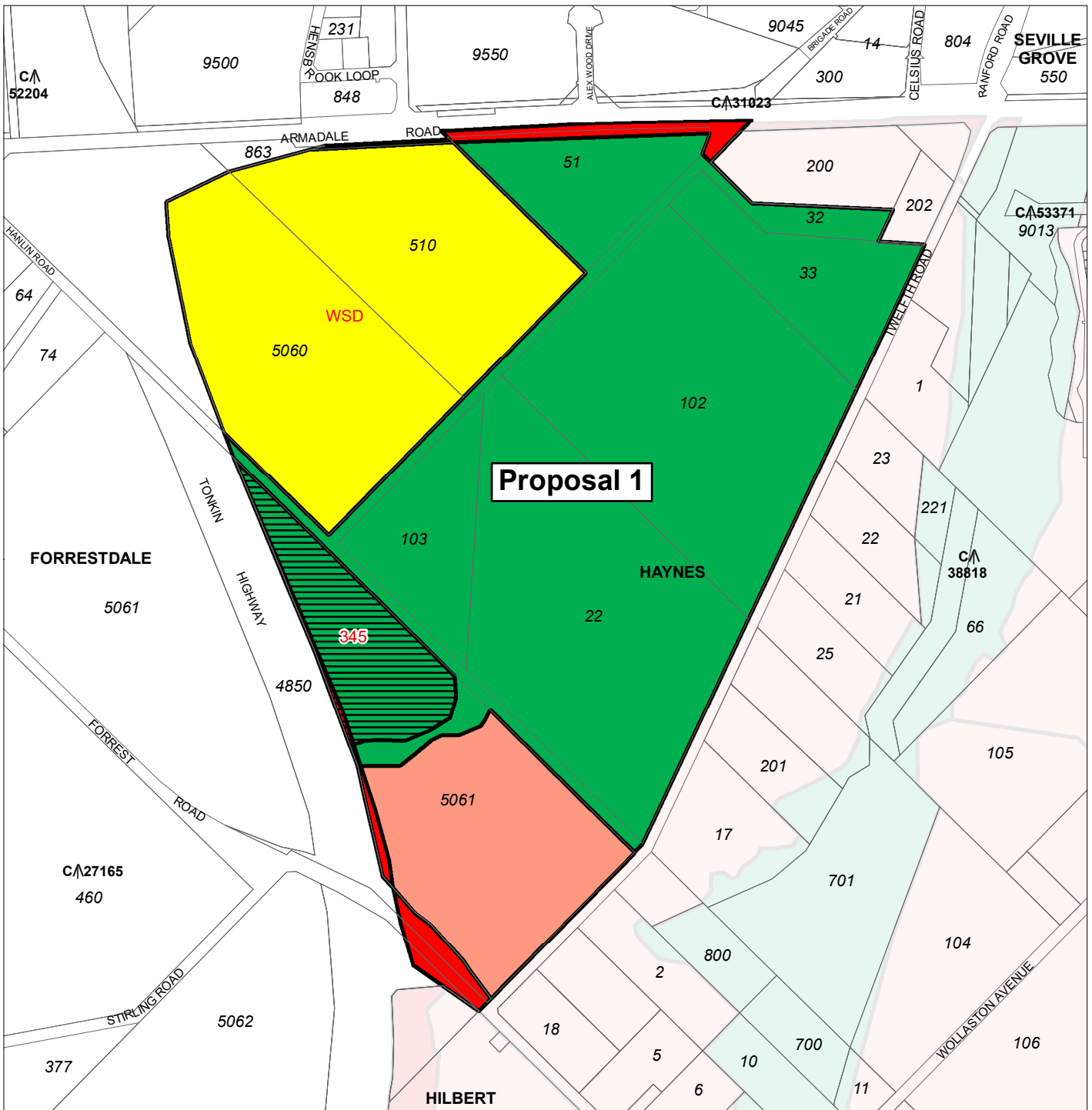
12 Final outcome

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 1376/57

**Metropolitan Redevelopment Authority Normalisation
Wungong**

**Amending Figures
Proposals 1 - 14**







METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised


22 July 2020

Proposal 1

Proposed Amendment:

-  Parks and recreation reservation
-  Primary regional roads reservation
-  WSD Public purposes reservation - Water Authority of WA
-  Urban zone

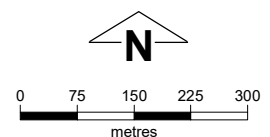
Notice of Delegation

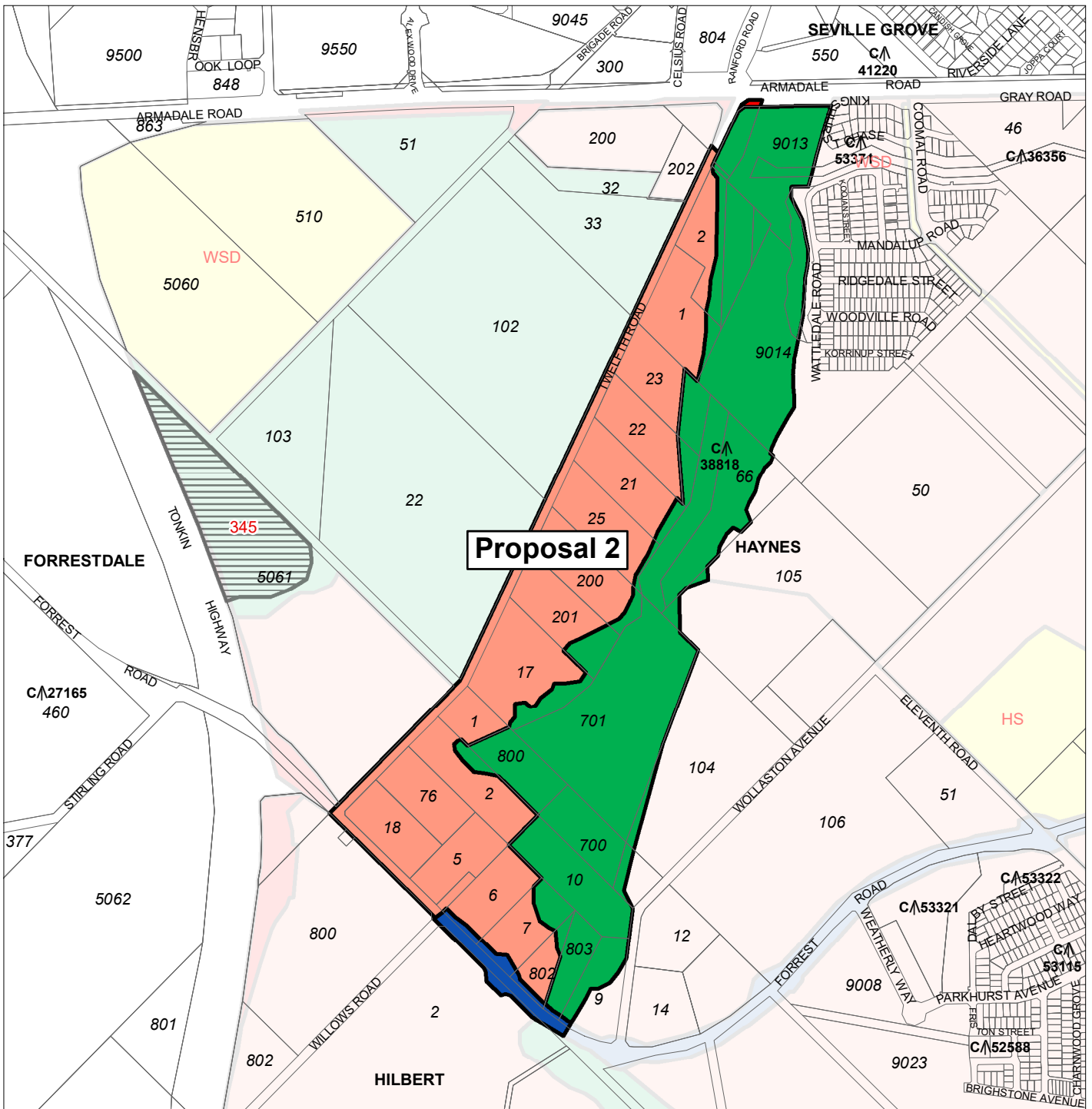
-  (Site No) Bush Forever area addition

Oracle reference no: 3041

File number: 833/02/22/0082

Version number: 7





METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

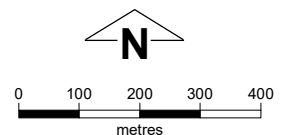
22 July 2020

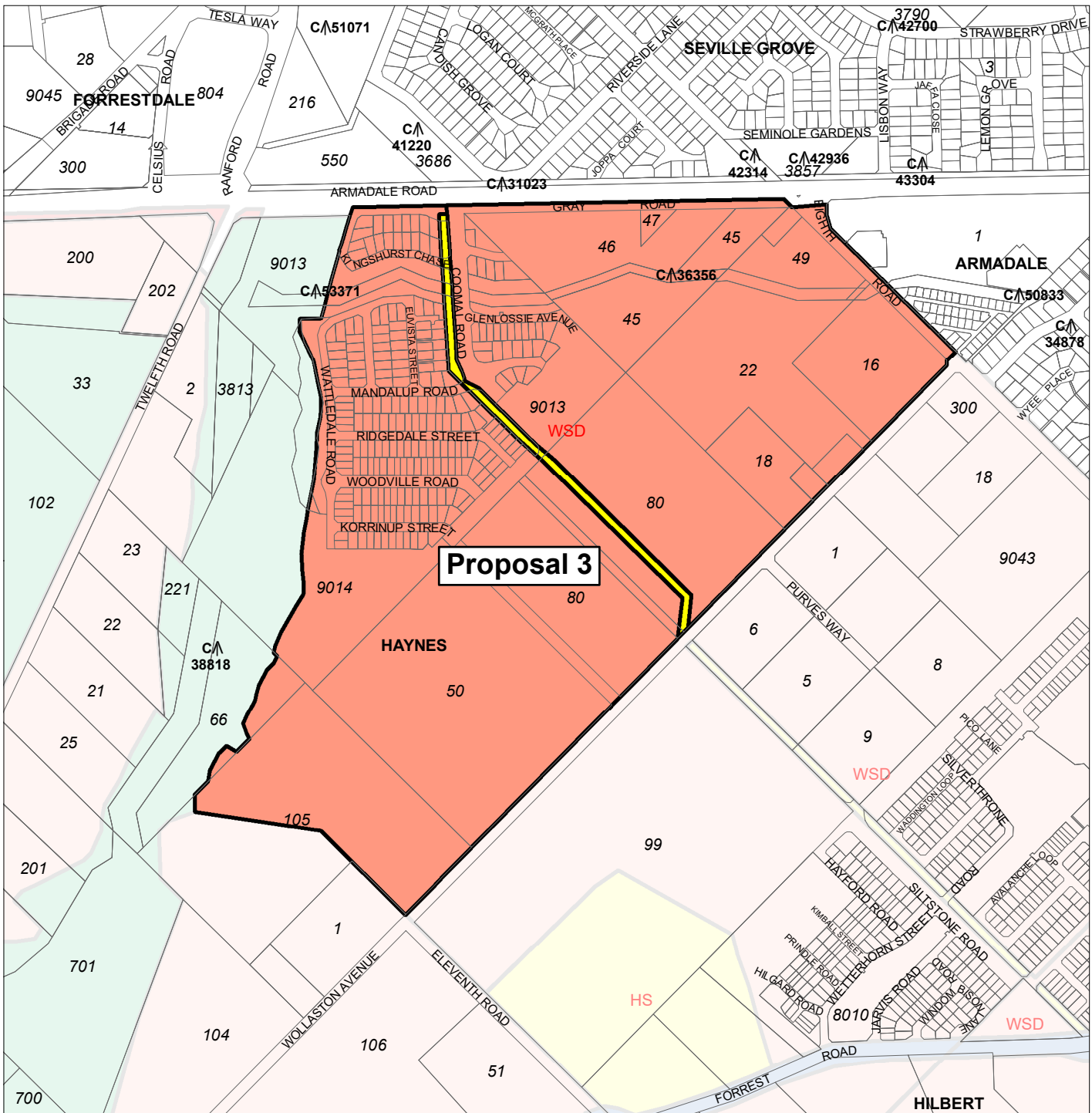
Proposal 2

Proposed Amendment:

- Other regional roads reservation
- Parks and recreation reservation
- Primary regional roads reservation
- Urban zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7







METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

22 July 2020

Proposal 3

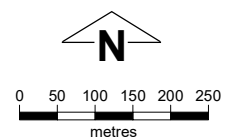
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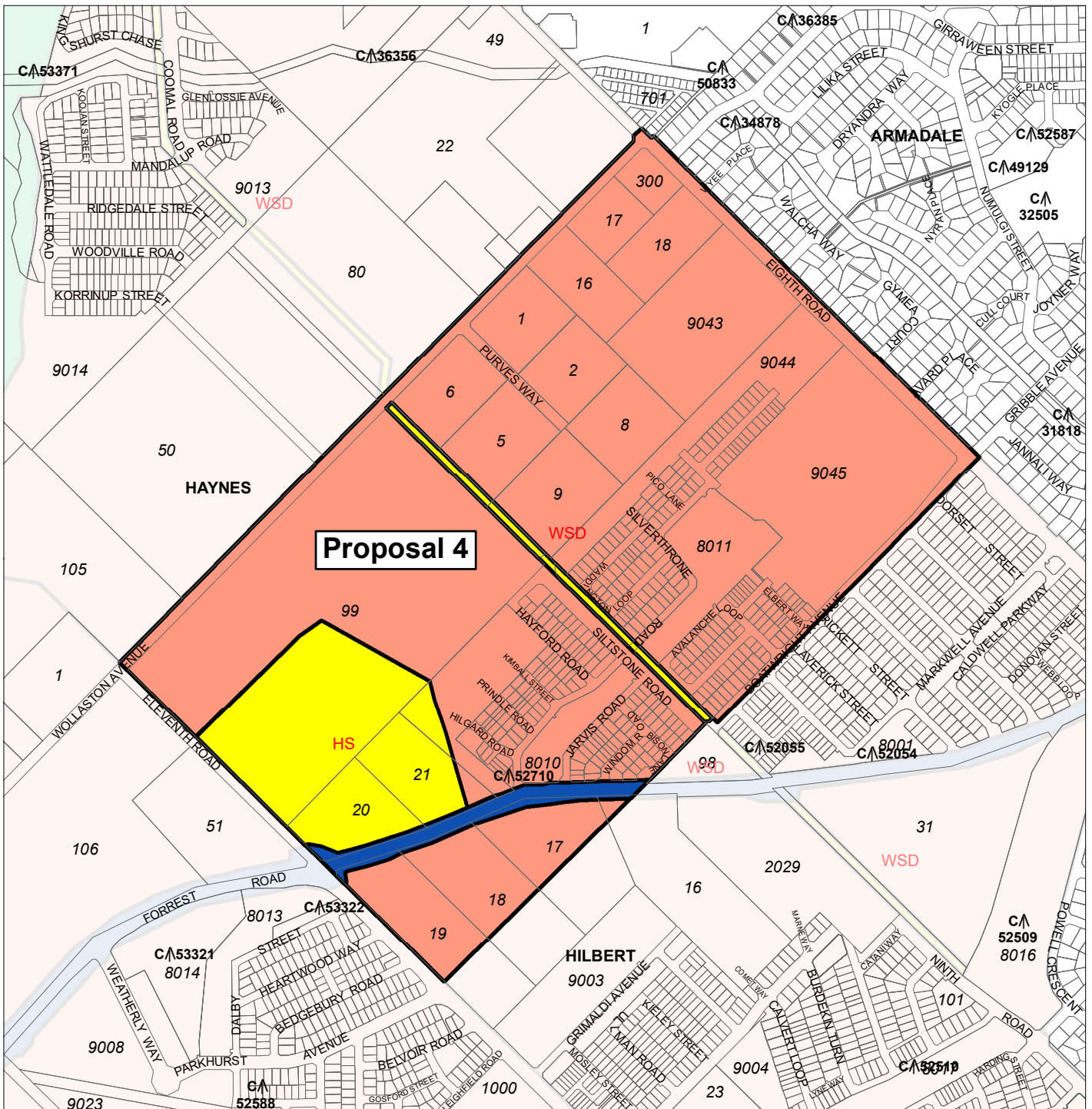
-  **WSD** Public purposes reservation - Water Authority of WA
-  Urban zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Date: 8/07/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1









METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

22 July 2020

Proposal 4

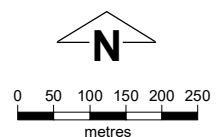
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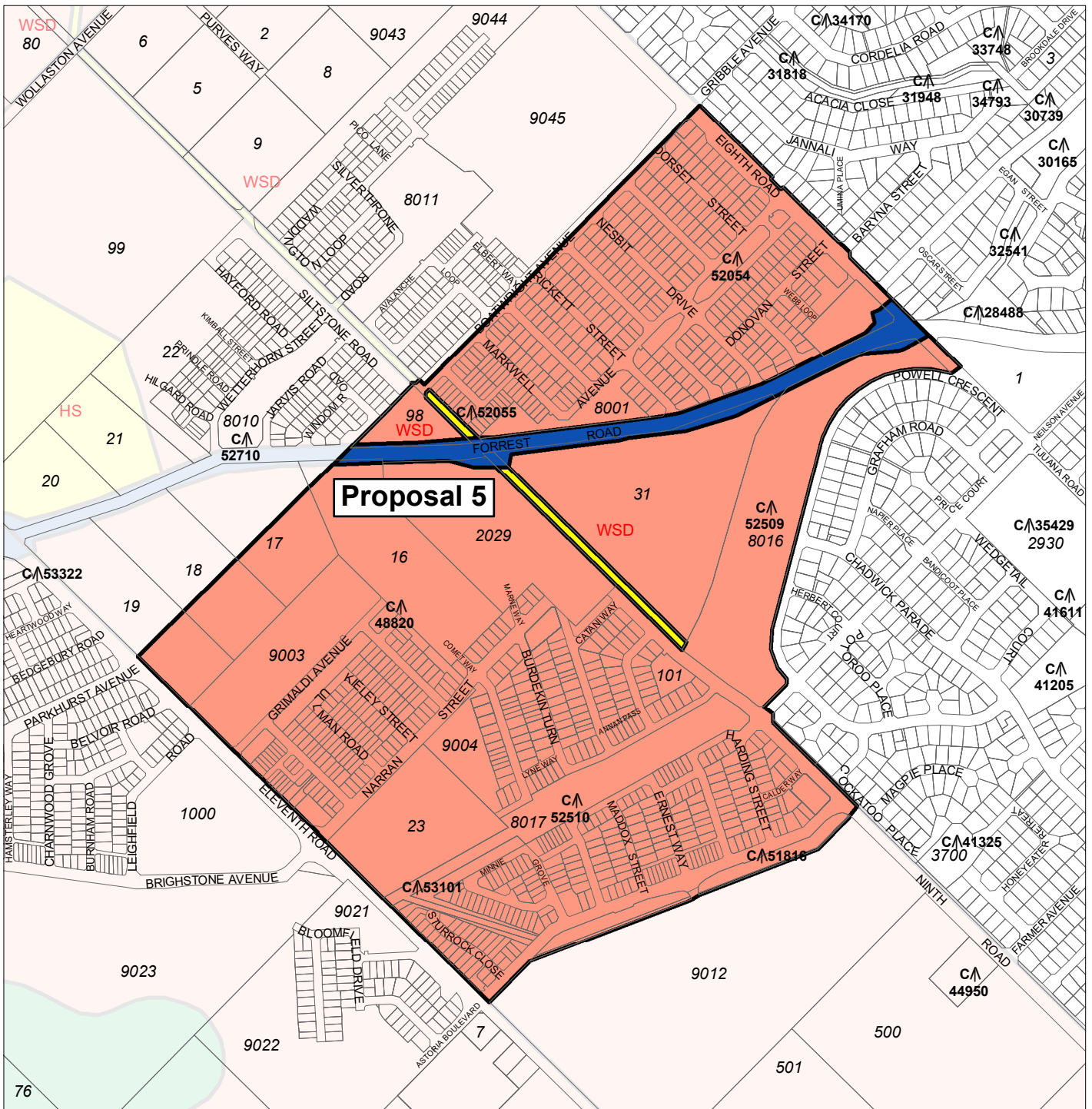
-  Other regional roads reservation
-  **HS** Public purposes reservation - high school
-  **WSD** Public purposes reservation - Water Authority of WA
-  Urban zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Date: 8/07/2020
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 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1





METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

22 July 2020

Proposal 5

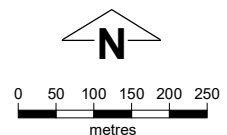
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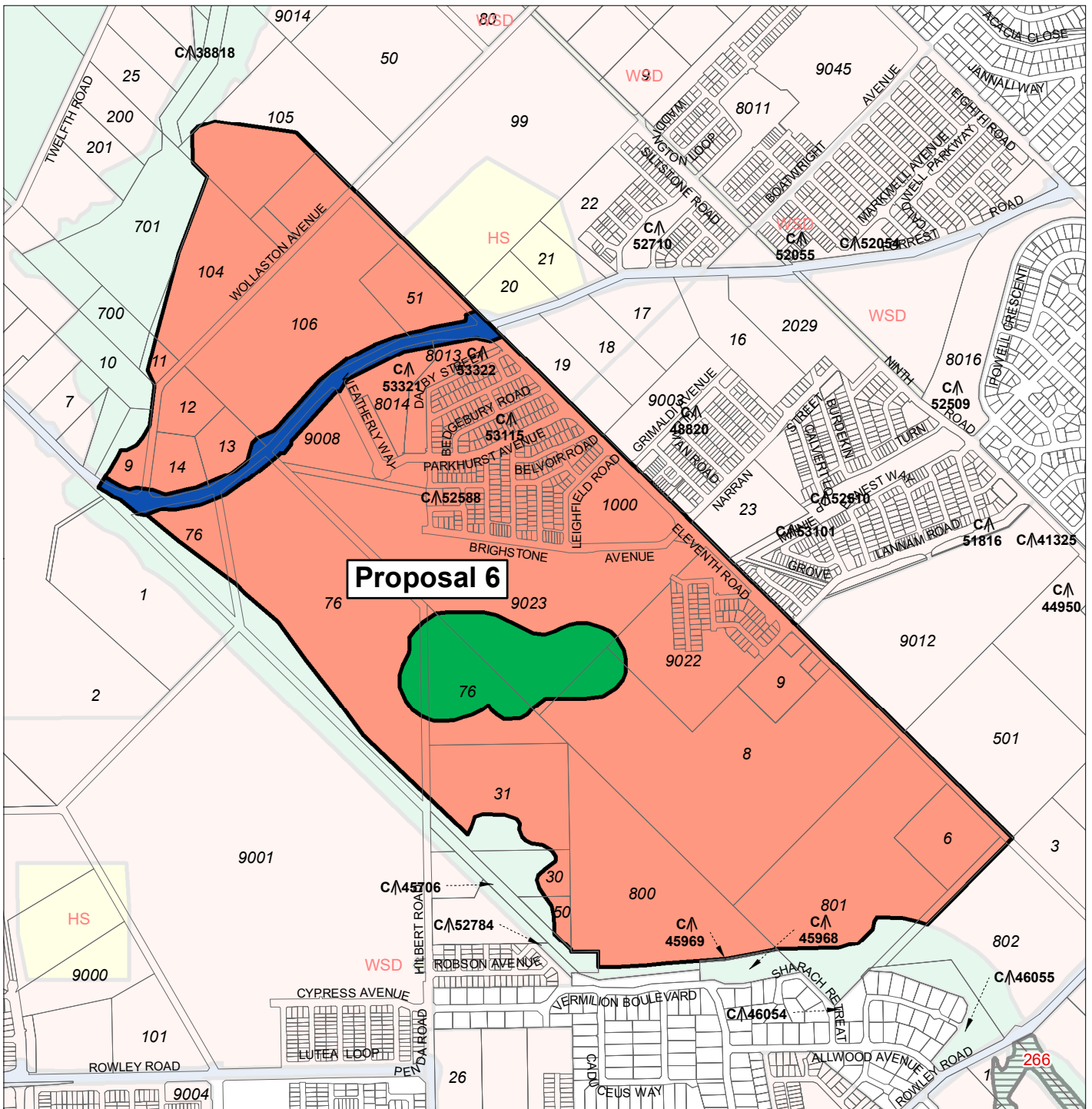
- Other regional roads reservation
- WSD** Public purposes reservation - Water Authority of WA
- Urban zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Date: 8/07/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1








METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

22 July 2020

Proposal 6

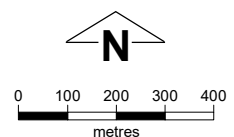
Proposed Amendment:

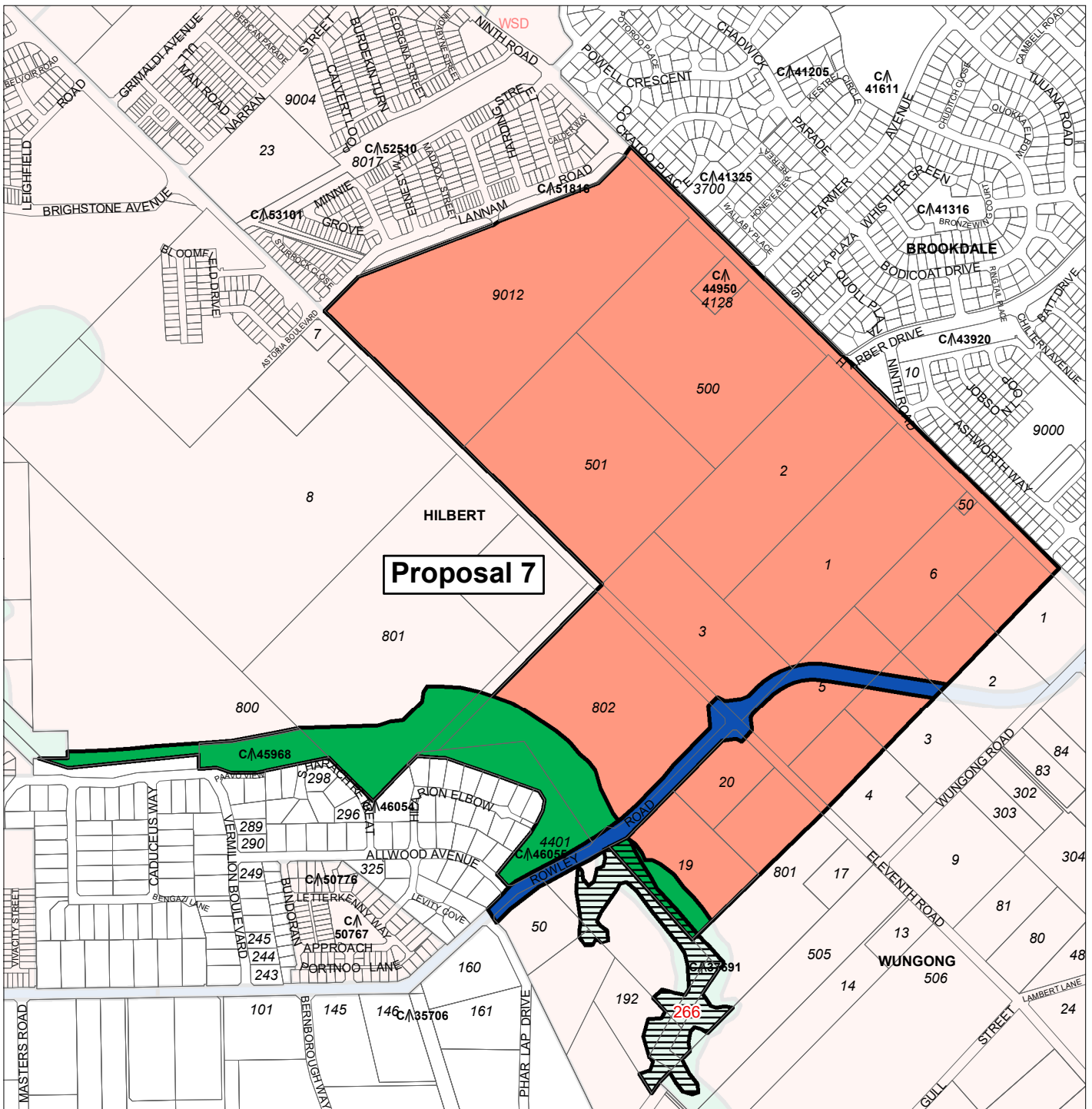
-  Other regional roads reservation
-  Parks and recreation reservation
-  Urban zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Date: 8/07/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1








METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised


22 July 2020

Proposal 7

Proposed Amendment:

-  Other regional roads reservation
-  Parks and recreation reservation
-  Urban zone

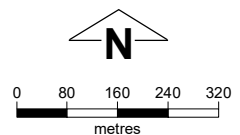
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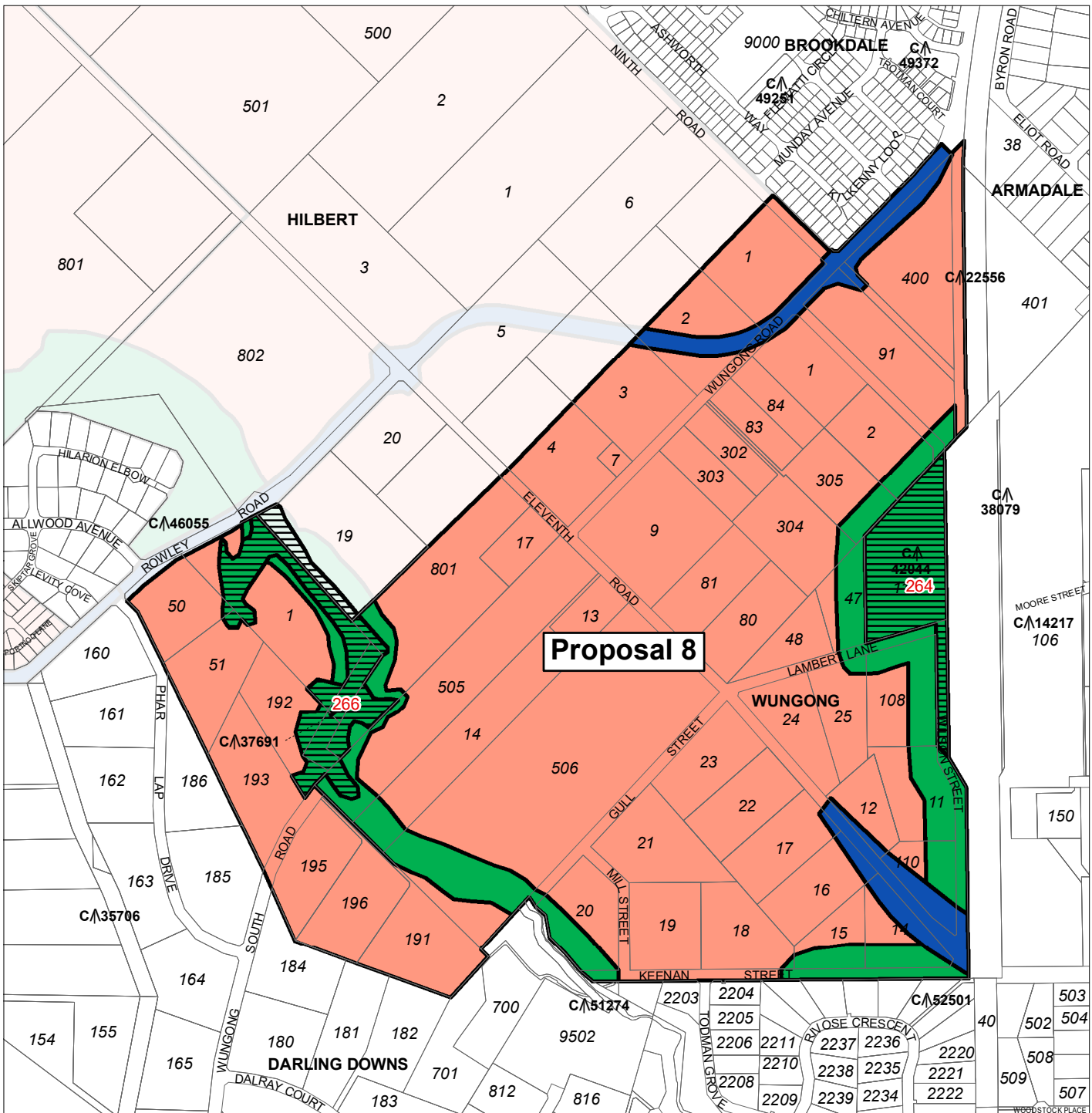
-  (Site No) Bush Forever area addition

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Date: 8/07/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1








METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised


22 July 2020

Proposal 8

Proposed Amendment:

-  Other regional roads reservation
-  Parks and recreation reservation
-  Urban zone

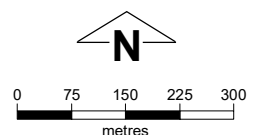
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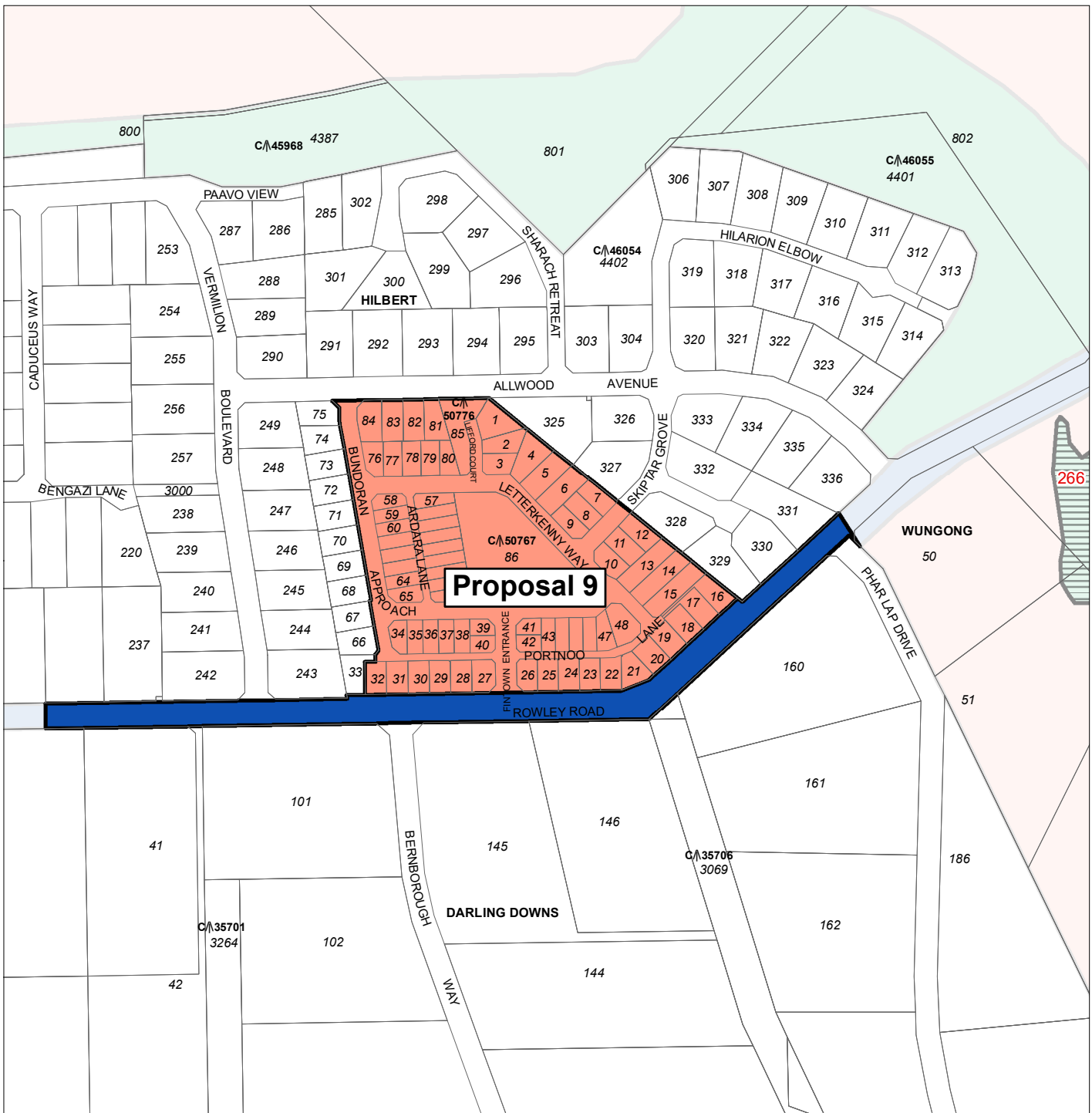
-  (Site No) Bush Forever area addition

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Date: 8/07/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1







METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

22 July 2020

Proposal 9

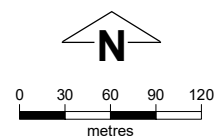
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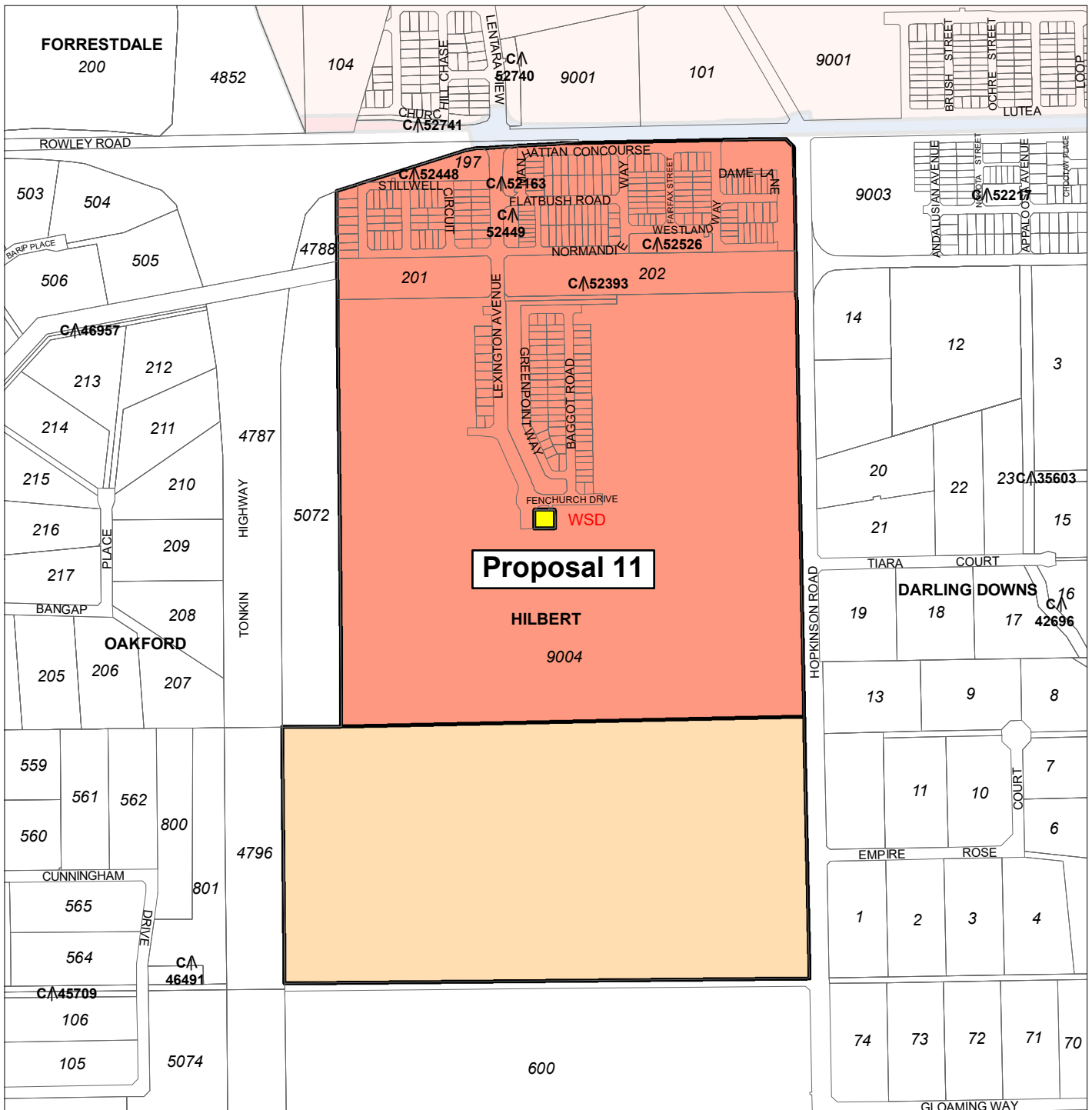
-  Other regional roads reservation
-  Urban zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Date: 8/07/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1








METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

22 July 2020

Proposal 11

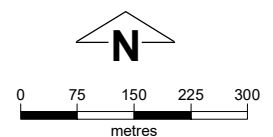
Proposed Amendment:

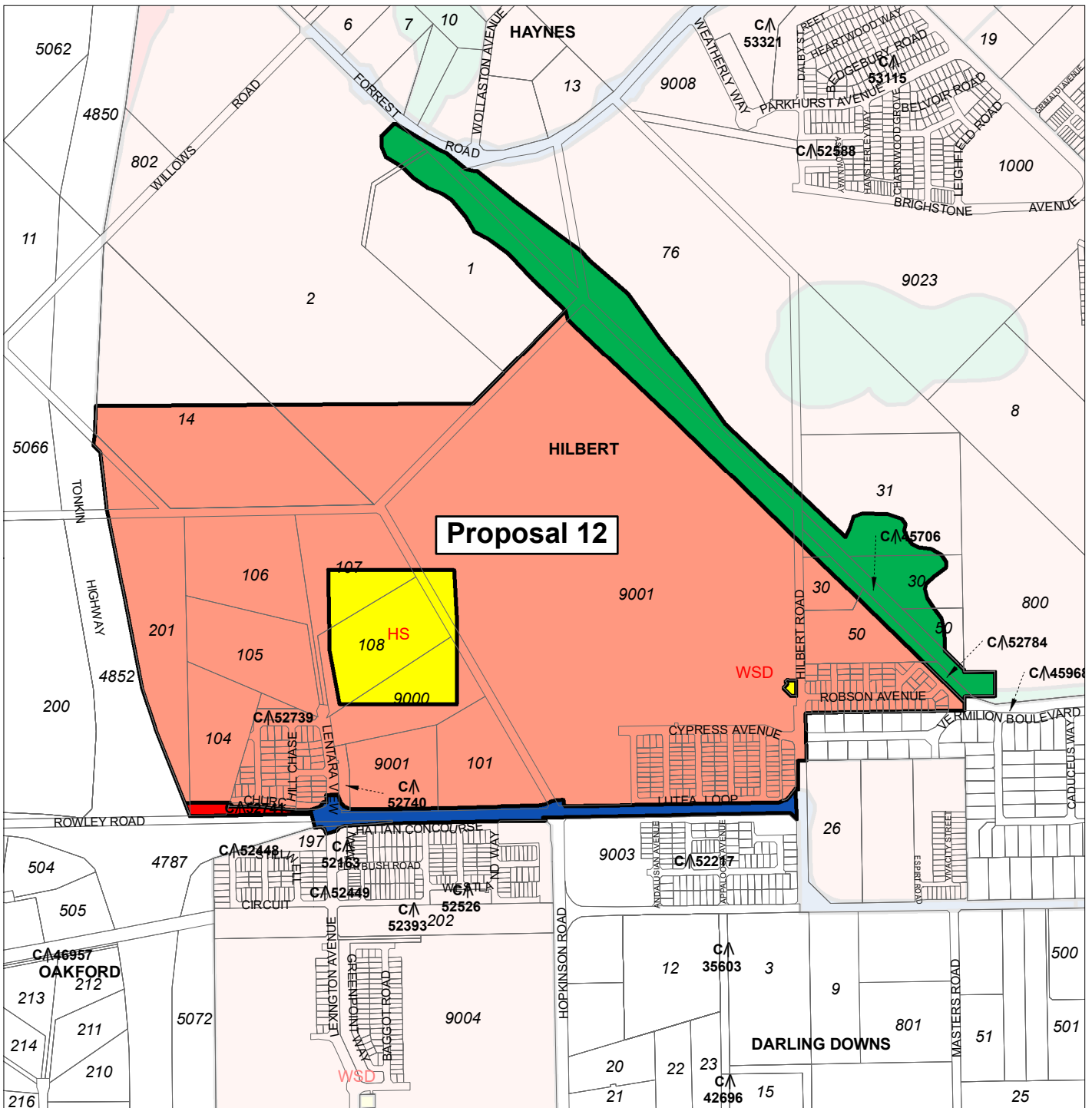
-  **WSD** Public purposes reservation - Water Authority of WA
-  Urban zone
-  Urban deferred zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Date: 8/07/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1











METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

22 July 2020

Proposal 12

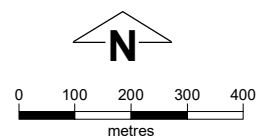
Proposed Amendment:

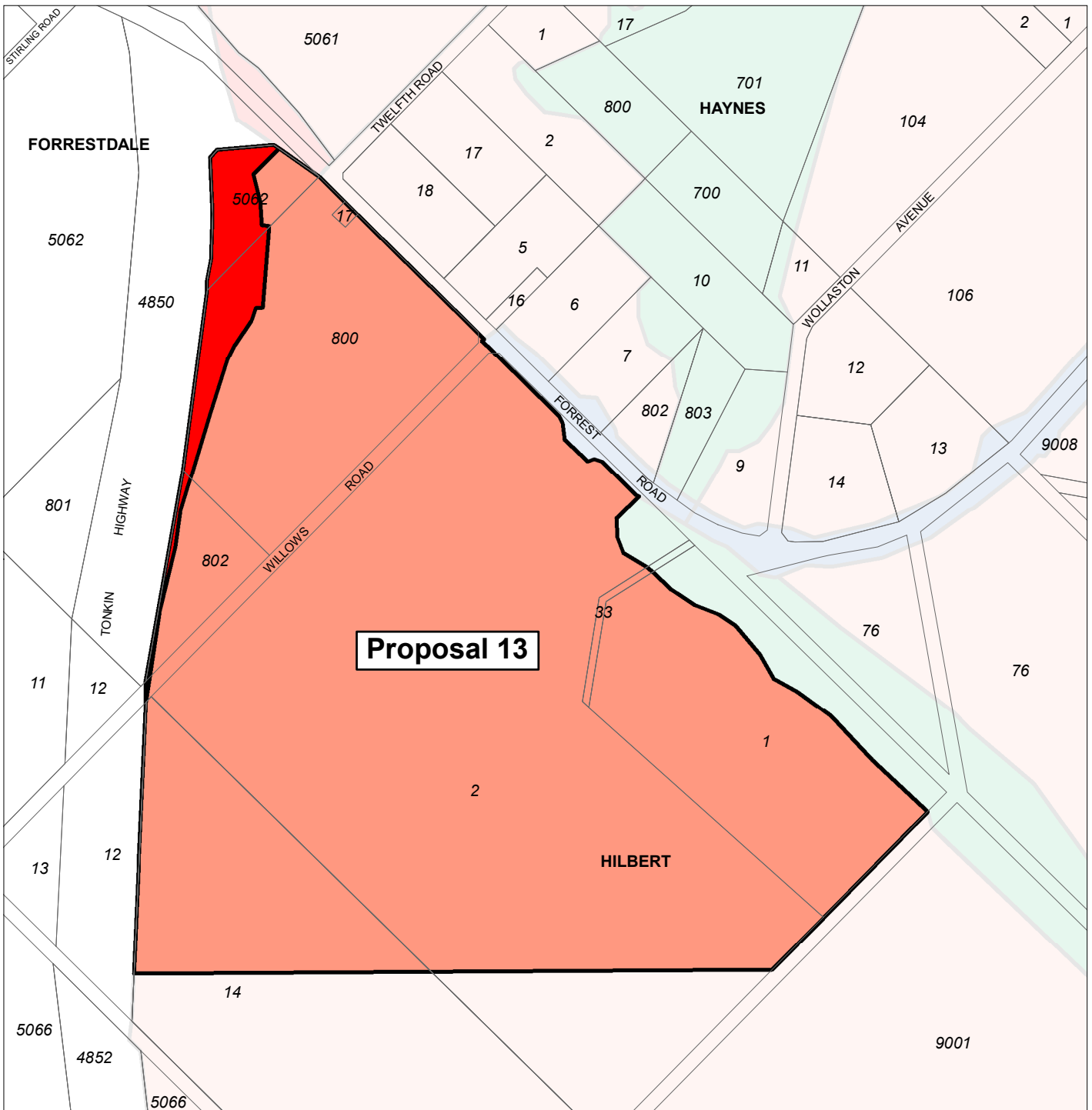
-  Other regional roads reservation
-  Parks and recreation reservation
-  Primary regional roads reservation
-  HS Public purposes reservation - high school
-  WSD Public purposes reservation - Water Authority of WA
-  Urban zone

Oracle reference no: 3041

File number: 833/02/22/0082

Version number: 7







METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

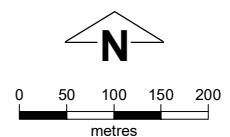
22 July 2020

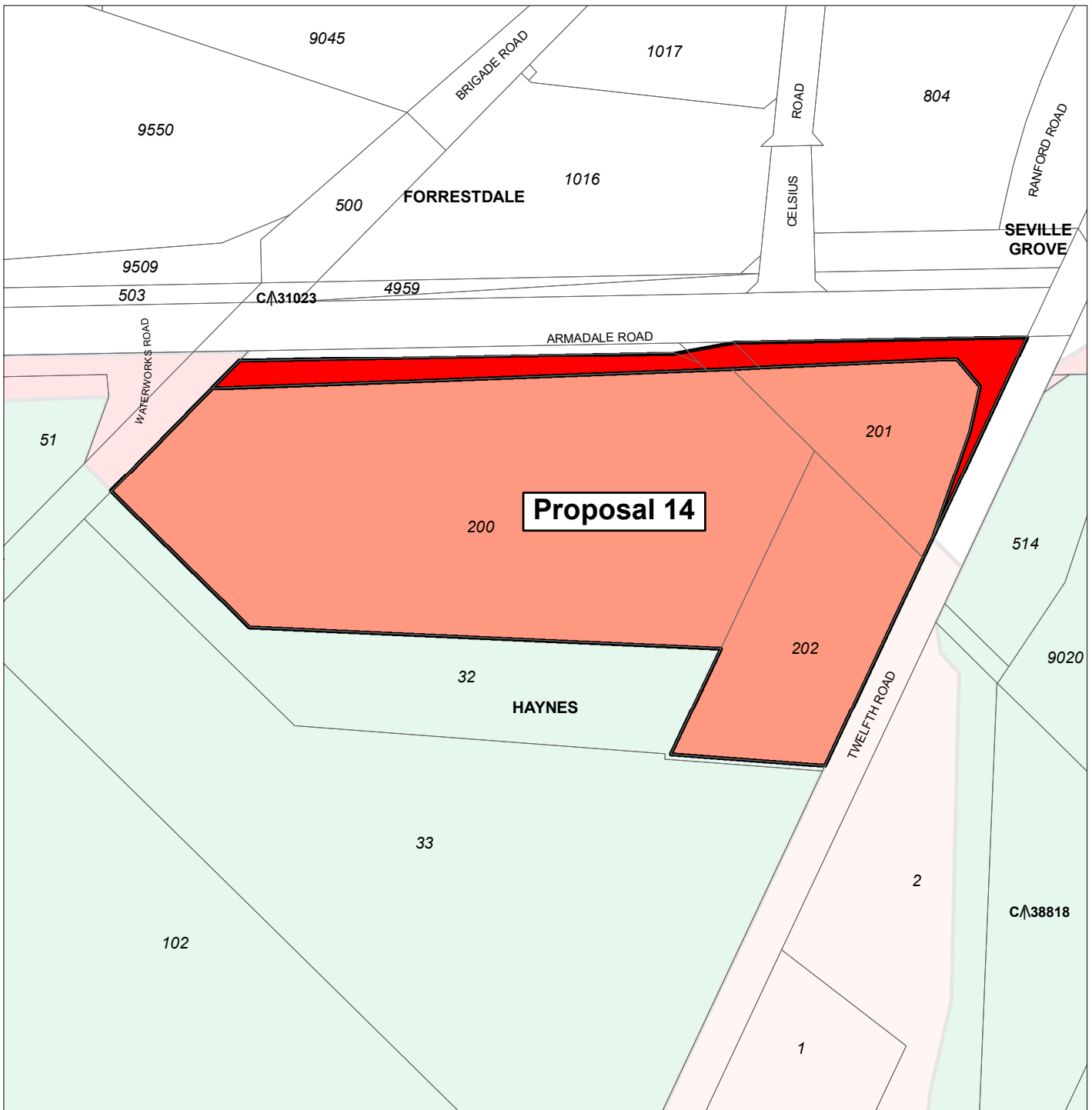
Proposal 13

Proposed Amendment:

-  Primary regional roads reservation
-  Urban zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7







METROPOLITAN REDEVELOPMENT AUTHORITY NORMALISATION, WUNGONG
Proposed minor amendment
as advertised

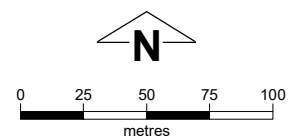
22 July 2020

Proposal 14

Proposed Amendment:

-  Primary regional roads reservation
-  Urban zone

Oracle reference no: 3041
 File number: 833/02/22/0082
 Version number: 7



Appendix A

Notice of environmental assessment

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

Our Ref: CMS 17695
Enquiries: Steve Pavey, 6364 6499
Email: Steve.Pavey@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME	Metropolitan Region Scheme Amendment 1376/57 – Wungong Normalisation
LOCATION	The Wungong Urban Water Master Plan area
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

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

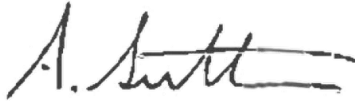
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations. I have also attached a copy of the Chairman's determination of the scheme.

Please note the following:

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

A copy of the Chairman's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Sutton', with a horizontal line drawn through the middle of the signature.

Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

24 August 2020

Encl. Chairman's Determination
Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

**Metropolitan Region Scheme Amendment 1376/57 -
Wungong Normalisation**

Location: The Wungong Urban Water Master Plan area

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 24 August 2020

Summary

The Western Australian Planning Commission (WAPC) proposes to reintroduce the Metropolitan Region Scheme (MRS) over part of the land currently zoned and reserved under the Armadale Redevelopment Scheme No. 2, consistent with the Wungong Urban Water Master Plan (WUWMP).

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA has based its decision on the documentation provided by the WAPC. Having considered this matter the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings

2. Advice and Recommendations regarding Environmental Factors

The EPA considers this MRS amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. However, there are a number of environmental issues which require consideration through a future amendment to the City of Armadale Local Planning Scheme (LPS) which transfers the Armadale Redevelopment Scheme 2 maps and text into the LPS (referred to as 'normalisation'). For this reason, a concurrent rezoning of both the region and local schemes should not be undertaken. The following advice is provided in this context:

The Wungong Urban Water Master Plan area contains important environmental values including Aboriginal heritage sites, Conservation Category and Resource Enhancement Wetlands, Bush Forever sites, poorly represented vegetation complexes, Threatened Ecological Communities, black cockatoo habitat and other threatened fauna habitat.

The Wungong Urban Water Redevelopment Scheme 2006 was formally assessed by the EPA and became subject to conditions as detailed in Ministerial Statement 762 (MS 762). This includes conditions which are incorporated in the Armadale Redevelopment Scheme 2 scheme text regarding the preparation and implementation of various environmental management strategies and plans in accordance with MS 762 Attachment 1. The EPA

recommends these conditions are inserted into the City of Armadale LPS when the Armadale Redevelopment Scheme 2 is 'normalised'. Additional development controls which demonstrate management of potential impacts to the above environmental factors may also need to be considered as part of a future LPS amendment.

Conclusion

The EPA concludes the MRS scheme amendment meets the EPA's environmental objectives through existing planning controls at the region scheme level of planning. The EPA recommends its advice regarding future LPS amendments is implemented to avoid and mitigate potential impacts to the environmental values within the Wungong Urban Water Master Plan area.



GOVERNMENT OF
WESTERN AUSTRALIA

S48A Referrals

Environmental Protection Authority

Title: Metropolitan Region Scheme Amendment 1376/57 – Wungong Normalisation

Location: The Wungong Urban Water Master Plan area

Description: The Western Australian Planning Commission (WAPC) proposes to reintroduce the Metropolitan Region Scheme (MRS) over part of the land currently zoned and reserved under the Armadale Redevelopment Scheme No. 2, consistent with the Wungong Urban Water Master Plan (WUWMP).

Ref ID: CMS17695

Date Received: 27/7/2020 **Date Sufficient Information Received:** 27/7/2020

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 may result in clearing of threatened flora and vegetation which also provides habitat for protected species, including black cockatoo species. Wetlands and Aboriginal heritage sites may also be impacted.

Management: The proposed amendment is consistent with existing approved statutory planning, inclusive of the WUWMP, for the area. The reservation of areas to Parks and Recreation will manage potential impacts to environmental values. EPA advice is provided regarding future local planning scheme requirements.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)**

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

This Determination is not appealable.

Chairman's Initials:

Date: 19 August 2020

Appendix B

List of detail plans supporting the amendment

MRA Normalisation Areas - Wungong

Proposed Minor Amendment

Amendment 1376/57

as advertised

Amendment Plan

3.2774

Detail Plans

1.6603 – 1.6605, 1.6622 – 1.6624, 1.6638, 1.6639, 1.6659 – 1.6661,
1.6675 – 1.6677

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. 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
- 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

Please remember to complete the submission form (form 57 – appendix E). Include your name and full postal address. It is preferred that any attachments be loose rather than bound.

The closing date for submissions and where they should be lodged is shown on form 57 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 will become a public document.

Appendix E

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

