September 2011

Metropolitan Region Scheme Amendment
1215/41

Cardup Industrial Precinct

Amendment Report

Shire of Serpentine-Jarrahdale
Metropolitan Region Scheme Amendment 1215/41

Cardup Industrial Precinct

Amendment Report

Shire of Serpentine-Jarrahdale

September 2011
Planning Perth’s future

Perth has a reputation as one of the world’s cleanest and greenest cities. This is largely due to good planning. It is a city anticipated to grow. As it grows, change must be well planned and well managed.

In 2001 Perth was home to nearly 1.4 million people. Each year its population is growing by about 20 000 people. By 2031, Perth’s population is projected to reach 2.2 million, making up 73 per cent of the population of Western Australia.

Provision must be made for future housing, employment opportunities and transport needs to meet this growth. It is also necessary to set aside land for conservation and recreation.

The Metropolitan Region Scheme (MRS) provides for this change, and the means by which affected landowners can be compensated for land acquired for regional public purposes.

What is the Metropolitan Region Scheme?

The MRS is a large town planning scheme for land use in the Perth metropolitan area. This area stretches from south of Rockingham to north of Yanchep and east of Mundaring.

The MRS defines the future use of land, dividing it into broad zones and reservations. It requires local government local planning schemes to provide detailed plans for their part of the region. These schemes must be consistent with the MRS.

The MRS uses a set of maps and a scheme text. The scheme text provides planning rules for zones and reservations, which are shown on the maps in different colours and patterns.

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

To plan for changing needs, the MRS is amended frequently.

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, an amendment to the MRS is advertised to seek comment from the wider community and all levels of government.

The process allows for extensive community consultation to review the proposal before a final decision is made.

How is the Metropolitan Region Scheme amended?

The Western Australian Planning Commission (WAPC) is responsible for keeping the MRS under review and initiating changes where they are seen to be 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 a redevelopment authority.

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

The process of a minor amendment to the MRS includes the following steps:

- Formulation of the amendment by the WAPC.
- Referral of the proposed amendment to the Environmental Protection Authority (EPA) to set the level of environmental assessment. Where the EPA requires an environmental review, this is carried out before the amendment is advertised.
- Advertising the amendment for public inspection and inviting submissions. Advertisements are placed in local and statewide newspapers, and information is made available on the PlanningWA website. Landowners whose property is directly affected by a proposed change are contacted in writing. Where there is an environmental review, this is also made available for comment.

- WAPC receiving public submissions over a period of 60 days.

- WAPC considering written submissions. People who have made submissions may, if they wish, also make an oral presentation to a special committee appointed to consider and report on these submissions. WAPC recommends whether to modify the amendment or proceed with the original proposal.

- WAPC presenting a report and recommendation to the Minister for Planning.

- Minister approving amendment, with or without modification, which becomes legally effective in the MRS with the publishing of a notice advising of the Minister’s approval. Minister may also decline to approve. The approved amendment is placed on public display.

The following diagram shows the main steps.

1. WAPC resolves to amend the MRS and refer to EPA
2. EPA determines level of environmental assessment
3. Environmental review prepared if required
4. WAPC sends copy of amendment to Minister
5. Amendment advertised seeking public comment
6. WAPC considers submissions and makes recommendation
7. Environmental conditions incorporated if required
8. WAPC refers report to Minister
9. Minister approves
10. Amendment takes effect in the MRS on publication of notice

When the MRS is amended, local planning schemes must also be amended to match the broad zonings and reservations of the MRS. Affected local governments provide more detailed planning for each area.

Within three months of a MRS amendment being finalised, an affected local government must initiate an amendment to its local planning scheme.
Zones and reservations

Zones and reservations in the MRS are broad categories. They are not precisely defined or limited, but the following descriptions are a guide.

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 are 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 is 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.


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: these are the most important of the roads of regional significance in the planned road network, and are currently, or proposed to be declared under the Main Roads Act 1930.

Other regional roads: these are 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 use of the land or lifestyle. They can stay as they are or they may set about changing their land use. For instance, some may seek approval to subdivide their land 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 anyone else have time to examine the proposals and lodge a submission.

What if my land is reserved?

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

If your land is marked for a reservation 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. The WAPC has reservations over many areas of land, which are privately owned.

To protect landowners, there are procedures for acquisition or compensation by the WAPC. These are outlined in Your Property and the Metropolitan Region Scheme, a leaflet reproduced at the back of this report and available separately from the Department of Planning.

How can my views be heard?

You can lodge a written submission on the proposed amendment during the advertised period. A submission form is available at the back of this report, from the display locations for this amendment and from the PlanningWA website.

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

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AHA</td>
<td>Aboriginal Heritage Act</td>
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<tr>
<td>ASS</td>
<td>Acid Sulfate Spoils</td>
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<tr>
<td>CSBP</td>
<td>Acid Sulfate Spoils</td>
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<td>DoW</td>
<td>Department of Water</td>
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<td>LPS</td>
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<td>DWMS</td>
<td>District Water Management Strategy</td>
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<td>EPA</td>
<td>Environmental Protection Authority</td>
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<td>DRF</td>
<td>Declared Rare and Priority Flora</td>
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<td>TPS</td>
<td>Town Planning Scheme</td>
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<td>MRWA</td>
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<td>MRS</td>
<td>Metropolitan Region Scheme</td>
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<td>WAPC</td>
<td>Western Australian Planning Commission</td>
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<td>UWMS</td>
<td>South West Aboriginal Land and Sea Council</td>
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Location of the proposed amendment to the MRS for 1215/41 - Cardup Industrial Precinct

Proposed:

1. amendment 1215/41
Metropolitan Region Scheme Amendment
Cardup Industrial Precinct

1 Purpose

The purpose of the amendment is to transfer approximately 169 ha of Rural zoned land to the Industrial zone in the Metropolitan Region Scheme (MRS), generally bounded by the South Western Highway, rail reservation, Norman Road and Cardup Siding Road, as shown on figure 1.

The proposed Industrial zoning will allow for primarily general / service industrial development of the land following a local scheme amendment, detailed structure planning and subdivision approval.

2 Background

The subject land is located within the Shire of Serpentine-Jarrahdale and is south of the Byford townsite, north of Mundijong-Whitby townsites and is approximately 42 km south-east of the Perth CBD. The land has convenient access to the regional road network via the South Western Highway.

The majority of the subject land is comprised of open paddocks and remnant bushland used predominately for rural-residential purposes. An existing timber processing facility is located on the southern portion of the subject land. Cardup Brook is located to the north of the subject land and portion of the site is within a Multiple Use Wetland.

No Bush Forever sites are located within the amendment area. It is noted that portion of Bush Forever site 350 is to the west and Bush Forever site 361 is to the south. Portion of Bush Forever site 354 also abuts to the south of the site and is reserved as Parks and Recreation in the MRS.

Land use and development within the amendment area is generally controlled by the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS No. 2). The subject land is zoned “Rural” and “Special Use - Manufacture/Distribution of Timber” under TPS No. 2.

Local Planning Policy No. 44 - Cardup Business Park Planning Framework

The Shire of Serpentine-Jarrahdale has adopted a Policy that establishes the planning framework and sequencing for future development of the Cardup industrial precinct. The objective of the Policy is to guide orderly and proper planning by outlining the matters to be addressed at each stage in the planning process, including amendments to the MRS and TPS No. 2, the preparation of a Local Structure Plan and Detailed Area Plan and applications for subdivision / development approval. The proposed amendment accords with the intent of the Policy as it seeks to rezone the subject land to Industrial in the MRS.
3 Scope and content of the amendment

The amendment preposes to rezone the following (seven) properties:

Cardup Siding Road  Lot 41
South Western Highway Lots 1, 6 & 7
Robertson Road  Lots 10 & 60
Norman Road  Lot 21

The total area subject of this amendment is approximately 169 ha.

4 Discussion

Strategic Context

Directions 2031 - Spatial Framework for Perth and Peel / Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy

Directions 2031 recognises the benefits of a more consolidated city while working from historic patterns of urban growth. Importantly, the policy sets achievable goals that will promote housing affordability over the longer term. Directions 2031 addresses urban growth needs and also takes into consideration the need to protect our natural ecosystems. The framework provides for different lifestyle choices, vibrant nodes for economic and social activity and a more sustainable urban transport network. The framework will also encourage a long-term approach to the provision of infrastructure in an economically sustainable way. The amendment accords with intent of Directions 2031 as it facilitates the general/service industrial development of the Cardup industrial precinct having regard to environmental, social and economic considerations.

The draft Outer Metropolitan Perth and Peel Sub-Regional Strategy was released for public advertising in 2010 and provides a framework for delivering the objectives of Directions 2031. It identifies a strategic plan of actions, stakeholder responsibilities and time frames for delivery. The sub-regional strategy links State and local government strategic planning to guide the preparation and review of structure plans and local planning strategies. The amendment accords with the draft Sub-Regional Strategy as the subject land has been identified as a possible future industrial site and will contribute to greater employment self-sufficiency in the South-East metropolitan corridor.

Draft Industrial Land Strategy

The draft Industrial Land Strategy is the State Government’s response to the future of industrial land use planning for the Perth and Peel regions and factors in the influence and impact of large scale resource projects, such as Gorgon and Pluto in the State’s North-West, on the demand levels for industrial land. It builds on Directions 2031 and focuses on a well founded strategy for industrial sites and in particular those that were identified as being under investigation. The strategy focuses on light and general industry uses.

The draft Industrial Land Strategy will provide the essential strategic planning framework for industrial land use planning and development over the next 20 years. It focuses on the identification of land identified as being suitable for industrial activity for the long term.
The Cardup industrial precinct has been identified as a possible future industrial site (land bank). The rezoning of the subject land to Industrial is in accordance with the intent of the draft Strategy.

**Statutory Context**

**Environment**

The Environmental Protection Authority (EPA) has advised that the main environmental issues relevant to the change in the zoning of the site from Rural to Industrial are:

*Remnant Vegetation and Fauna*

The EPA acknowledges that the amendment area has been significantly cleared through past land use; the subject land remains in a "Degraded" to "Completely Degraded" condition; and a Spring Flora and Vegetation Survey and Wetland Assessment discovered no Declared Rare Flora (DRF) or Priority species.

However, vegetation associated with Bush Forever site 361 in the south-west corner of the subject land (excluded from the amendment area) is in "Good" to "Degraded" condition and is described as the Threatened Ecological Community (TEC) "Floristic Community Type 3b Corymbia calophylla and Eucalyptus marginata mixed woodland" which is a State listed TEC and is described as "vulnerable".

The EPA notes that Bush Forever site 350 exists within railway and road reserves and abuts to the west and Bush Forever site 361 abuts to the south of the land. Portion of Bush Forever site 354 also abuts to the south of the land and is located in adjacent landholdings.

The EPA supports the proponent's intention to rehabilitate portion of Bush Forever site 361 (to be determined at the detailed local structure planning stage). These protective measures should include but not limited to:

- Fencing;
- Hard surfaces between the Bush Forever site and development such as roads and dual-use paths; and
- Management of declared weeds.

The EPA supports the proponent's intention to undertake a Level 1 survey during the local planning process to determine the presence of significant fauna which may be utilising the subject site. If identified on the property these species are to be protected pursuant to the provision of the *Wildlife Conservation Act 1950*.

If DRF is found on the subject land, it will need to be protected and may require the subdivision being redesigned in order to protect the DRF to the satisfaction of the Department of Environment and Conservation (DEC).

**Wetlands**

Cardup Brook and an associated Resource Enhancement Wetland (REW) are located to the north of the site and a Conservation Category Wetland (CCW) is located to the west of the site. The REW and CCW are not located within the amendment area. However, portion of the subject land is located within a Multiple Use Wetland.
The EPA supports the proponent’s intention to determine appropriate buffers at the detailed local planning stage. It is also recommended that the proponent liaise with the DEC as well as the Shire of Serpentine-Jarrahdale at this stage to determine whether a Wetland and Foreshore Management Plan will also be required.

Wetland buffers should be determined in accordance with the Water and Rivers Position Statement: Wetlands (WRC 2001) and the EPA’s Guidance Statement No. 33: Environmental Guidance for Planning and Development (EPA 2008). In addition, the information contained within the draft Guideline for the Determination of Wetland Buffer Requirements (by Essential Environmental Services, 2005), should also be considered.

The EPA expects that appropriate buffers for wetlands are determined based on the values of the wetlands and proposed land uses, and protected and/or appropriately managed as part of any future rezoning, subdivision or development, whichever comes first.

Management of Water Quality and Quantity

Cardup Brook and associated REW areas are located to the north of the subject land and a Multiple Use Wetland is located within the site. It is crucial that changes in land use will not lead to unacceptable impacts on groundwater resources, wetlands and Cardup Brook.

The EPA supports the proponent’s intention to retain a 60 m wide foreshore reserve of Cardup Brook (30 m on either side) to protect and enhance the values of the waterway.

It is recommended that the treatment and disposal of stormwater on the subject site be in accordance with Planning Bulletin 92: Urban Water Management (WAPC 2008), Department of Water (DoW) Stormwater Management Manual for Western Australia (2004-2007), the development of a District Water Management Strategy and an Urban Water Management Plan at the appropriate planning stages.

Contamination

The EPA’s objective is to ensure that remediation of site contamination achieves an acceptable standard that protects the environment, is compatible with the intended land use and is consistent with appropriate criteria.

It is understood that the risk for contamination for the subject site is low and that a Preliminary Site Investigation identified potentially contaminating land uses which have been "historically limited primarily to Lot 10 and 60 of the subject site" (Cardno 2009).

The EPA supports the intention of the proponent to undertake further detailed investigations (such as soil and groundwater) as part of the future local structure planning and subdivision in regard to the areas identified as having a potential contamination risk.

The EPA expects that any further investigations and necessary management plans/remediation will be undertaken in accordance with the DEC’s Contaminated Sites Management Series and to the satisfaction of the DEC’s Land and Water Quality Branch prior to any development or ground disturbing activities.

Acid Sulfate Soils

EPA acknowledges that the majority of the subject land is classified as having "no known risk of Acid Sulfate Soils (ASS) occurring within 3 metres of the natural soil surface" and an area on the central portion of the south eastern boundary are classified as having "moderate to low risk of ASS occurring within 3 metres of natural soil surface (or deeper)". The EPA
supports the proponent’s intention to conduct further investigations at the detailed Local Structure Planning stage.

The EPA expects that the extent and severity of the risk of acid sulfate soils will be determined in accordance with WAPC Planning Bulletin No. 64 "Acid Sulfate Soils". The required detailed site investigation and management plan must be in accordance with the DEC’s "Acid Sulfate Soils Guidelines Series 2003" and to the satisfaction of the DEC’s Land and Water Quality Management Branch.

**Impacts on Sensitive Land use**

The EPA notes that the proposed rezoning will result in existing residences having non-conforming use rights. The proposed amendment will allow a number of land uses which are incompatible with residential dwellings. Proposed industrial land uses will need to be separated from existing dwellings with an adequate buffer as described in the EPA’s Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Landuses.

The EPA recommends that generic separation distances are maintained unless adequate site-specific studies have been carried out that demonstrate that a lesser distance will not cause unacceptable impacts. Council should ensure that this Guidance Statement is adequately considered during the implementation of the zoning. A copy of this Guidance Statement can be found on the EPA website: www.epa.wa.gov.au.

**Aboriginal and European Heritage**

It has been noted that a desktop investigation found one registered Aboriginal Heritage site (Site Identification: 16108), being Cardup Brook located north of the subject land.

The EPA supports the proponent’s intention to undertake an ethnographic and archaeological survey as part of the future local planning and expects that future development of the subject land should comply with the requirements of Aboriginal Heritage Act 1972 at the local structure plan and local scheme amendment stages.

**Urban Water Management**

The DoW requested that a District Water Management Strategy (DWMS) be undertaken for the site. In this regard, a DWMS has been submitted to the DoW for assessment and will be required to be approved prior to the finalisation of the amendment.

**Summary - Environment and Urban Water Management**

The environmental issues referred to above are matters which are routinely addressed by the proponent as part of the detailed local structure planning / local scheme amendment process. Some of the matters may also be subject to subdivision and / or development conditions to ensure implementation of state and local government agency requirements.

In relation to Urban Water Management, it is noted that in the subsequent planning stages a Local Water Management Strategy will be required to be undertaken at the local structure planning stage and an Urban Water Management Strategy will be required to be undertaken at the subdivision approval stage.
Infrastructure

Water Corporation

The Water Corporation raises no objections to the amendment. The Corporation advises that the northern portion of the subject land falls within the Byford water supply scheme and reticulated water is available to this portion of land. The middle portion falls outside any planned water supply scheme. Reticulated water supply is not immediately available and will require water supply planning to be undertaken. It is most likely that additional headworks infrastructure will need to be constructed. The southern portion of the land is located within the Mundijong water supply scheme. Reticulated water will not be available until a substantial amount of headwork’s infrastructure is constructed.

The subject land falls within the Byford sewer district. Currently flows are directed to the Woodman Point Wastewater Treatment Plant. Ultimately flows from the Byford sewer district will discharge into the proposed East Rockingham Wastewater Treatment Plant. Any proposed new development would require headworks infrastructure as part of the subdivision or other developments in the area. A temporary pump station may be an option to serve the area and provision for an odour buffer will be required. A route for headwork’s mains are also required which could be up to 20 m wide and could be in the form of a road reserve.

The subject land falls within the Mundijong drainage district which is a rural drainage system. Developments within this catchment are required to contain flows from a one in one hundred year storm event on-site. Any discharge in Water Corporation drains must be compensated to pre-development levels. It is recommended that the developer liaise with the Water Corporation to determine detailed planning requirements accordingly.

Main Roads WA

Main Roads WA (MRWA) supports in principle the proposed amendment but has requested additional advice on the transport implications. MRWA provides the following comments on the proposed amendment:

- A detailed traffic impact assessment must be undertaken for the proposed development to provide details of traffic volumes and heavy vehicle movements onto the South Western Highway and relevant road network;

- All costs associated with the works recommended by the traffic impact assessment and approved by MRWA shall be the responsibility of the developer;

- A vehicle access strategy for the South-Western Highway shall be developed in consultation with the Shire of Serpentine-Jarrahdale, MRWA, the Department of Planning and the Department of Transport;

- A service corridor must be provided within the boundary of the development to accommodate all major utility services; and

- Portion of Lot 1 (outside the amendment area) is affected by land reserved as Primary Regional Roads in the MRS. No development other than landscaping shall be permitted within the subject land.
The proponent has been advised of the above requirements which are routinely addressed as part of the detailed local structure planning process and/or the local scheme amendment stage. Some of the matters may also be subject to subdivision and/or development approval conditions.

5  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. It is administered by the Department of Indigenous Affairs (DIA). Aboriginal sites and materials are protected whether or not they have been previously recorded or reported.

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 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 local planning scheme amendment and when preparing a local structure plan.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC / DoP has 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 have Aboriginal interest 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 is well placed to provide advice on Aboriginal heritage.

In this regard, this amendment has not been pre-referred to the SWALSC as it was not considered to impact on Aboriginal heritage values. However, it will be referred to SWALSC during the advertising period.

6  Coordination of local and region scheme amendments

Under section 126(3) of the Planning and Development Act 2005 the Shire of Serpentine-Jarrahdale has the option of requesting the WAPC to concurrently rezone land being zoned Urban under the MRS to a Development zone or similar in the Local Planning Scheme. As no land is being zoned Urban in the MRS, section 126(3) of the Planning and Development Act 2005 is not applicable.

7  Substantiality

The Planning and Development Act 2005 allows for amendments to the MRS to be processed as either ‘minor’ or ‘major’ amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. WAPC 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 ‘major’ amendment given it seeks to rezone land from Rural to Industrial which will facilitate development of a new industrial precinct that is considered a substantial / regional change in the MRS and in the general Cardup locality.
8 Sustainability

The Cardup industrial precinct will facilitate future development and employment opportunities to benefit the wider South-Eastern corridor of the metropolitan area, particularly the viability of the Byford and Mundijong-Whitby townsites. The amendment will also protect and enhance the natural environment, is accessible to a range of people and transport modes and is delivered in a transparent and efficient manner.

9 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.

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 section 41 of that Act.

In essence, the procedure for a substantial alteration to the Scheme (often referred to as a major 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 on the proposed amendment (including environmental review if required);
- consideration of submissions (including hearings where requested);
- referral of WAPC recommendations, with or without any modifications in response to submissions, to the Minister for Planning;
- approval by the Governor;
- consideration by both Houses of Parliament, who can disallow the amendment;
- amendment takes legal effect when no longer subject to disallowance after 12 sitting days;
- where the WAPC has agreed to the parallel amendment of a local planning scheme under section 126(3) of the Planning and Development Act, the local planning scheme amendment becomes effective upon gazettal of the MRS amendment.
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 three months from Tuesday 4 October 2011 to Friday 20 January 2012.

Copies of the amendment will be available for public inspection at:

i) Western Australian Planning Commission, 140 William Street, Perth

ii) City of Perth

iii) City of Fremantle

iv) City of Armadale

v) Shire of Serpentine-Jarrahdale

vi) J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre

Written submissions on the amendment should be sent to:

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

and must be received by 5 pm Friday 20 January 2012.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 41) is contained in this report appendix E. Additional copies of the form are available from the display locations and the PlanningWA website [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

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 amendment is presented to both Houses of Parliament. 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 Hearings

Any person making a written submission has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. Details required for attending the hearings are on side two of the submission form.
Presentations made to the hearings committee are an extension of the submission process and the transcript of all hearings will become a public document. The transcript is published and made available when the amendment is presented to both Houses of Parliament.

Before completing your submission form, please refer to the information regarding hearings in appendix D of this report.

13 Modifications to the amendment

After considering any comments received from the public and government agencies, the WAPC may make modifications to the amendment.

The recommendations of the WAPC, including any modifications, are published in a report on submissions. Anyone who has made a submission will receive a copy of this document when the amendment is tabled in Parliament. The report will also be available on the PlanningWA website www.planning.wa.gov.au.

14 Final outcome

After considering the submissions, the WAPC may make modifications to the amendment. The WAPC will then submit the amendment plans, together with a Report on Submissions and a copy of all written submissions, to the Minister for Planning for presentation to the Governor.

If the Governor approves, a copy of the plans of the amendment together with the Report on Submissions will be laid before each House of Parliament for twelve sitting days. Either House may, by resolution, disallow an amendment within that time. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the MRS.

People who have made submissions will be kept advised on the progress of the amendment, and along with all affected landowners, will be notified of the final outcome.
MRS Amendment 1215/41
Cardup Industrial Precinct

Figure 1
Cardup Industrial Precinct - proposed major amendment as advertised

23 August 2011

Legend

Proposed: industrial zone

Existing:
urban zone
urban deferred zone
rural zone
railways reservation
parks and recreation reservation

primary regional roads reservation
Bush Forever area

Figure 1
Appendix A

Notice of environmental assessment
Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: Metropolitan Region Scheme Amendment 1215/41 - Cardup Industrial Precinct  
LOCALITY: Shire of Serpentine-Jarrahdale  
RESPONSIBLE AUTHORITY: Western Australian Planning Commission  
DECISION: Scheme Amendment Not Assessed – Advice Given (no appeals)

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

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

1. Environmental Issues
   - Remnant vegetation and fauna
   - Wetlands
   - Management of water quality and quantity
   - Contamination
   - Acid Sulphate Soils
   - Impacts on Sensitive Landuse
   - Aboriginal and European heritage

2. Advice and recommendations regarding Environmental Issues

Remnant vegetation and fauna

The Environmental Protection Authority (EPA) acknowledges that the amendment area has been significantly cleared through past land uses, and that the subject land remains in a “Degraded” to “Completely Degraded” condition and that a
Spring Flora and Vegetation Survey and Wetland Assessment discovered no declared Rare Flora or Priority Flora species.

The EPA acknowledges that the following Bush Forever (BF) sites are located within and adjacent to the subject site:
- BF 350, within the railway reserve and adjoining road reserves directly west of the subject land (portion included in the amendment site);
- BF 361, abutting but not included in the amendment site to the south west; and
- BF 354, immediately to the south of Norman Road (not included in the amendment site).

It is understood that Bush Forever (BF) site 361 in the south-west corner of the subject site which is in "Good" to "Degraded" condition and described as the Threatened Ecological Community (TEC) "Floristic Community Type 3b Corymbia calophylla and Eucalyptus marginata mixed woodland" is a state listed TEC described as "vulnerable".

The EPA supports the Responsible Authority's intention to fully retain BF 350 within the subject land and expects that management and protective measures for all the BF sites will be determined at the detailed local structure planning stage. These protective measures should include but not be limited to:
- Fencing;
- Hard surfaces between the BF site and development such as roads or dual-use paths; and
- Management of declared weeds.

The EPA recommends that the Responsible Authority undertakes a level 1 Fauna survey during the local planning process to determine the presence of significant fauna which may be utilising the subject site. If identified on site, these species are to be protected pursuant to the provisions of the Wildlife Conservation Act 1950 (WC Act). In addition to the provisions of the WC Act, the subdivision may need to be redesigned in order to protect any identified fauna, to the satisfaction of the Department of Environment and Conservation (DEC).

Wetlands

Cardup Brook and an associated Resource Enhancement Wetland (REW) area are located to the north of the site and Conservation Category Wetland (CCW) is located to the west of the site. The REW and CCW are not located within the amendment area.

The EPA recommends that the Responsible Authority determine appropriate buffers at the detailed local planning stage. It is also recommended that the developer liaise with DEC as well as the Shire of Serpentine-Jarrahdale at this stage to determine whether a Wetland and Foreshore Management Plan will also be required.

Wetland buffers should be determined in accordance with Water and Rivers Position Statement: Wetlands (WRC 2001) and the Environmental Protection Authority's Draft Guidance Statement No. 33 Environmental Guidance for Planning and Development (EPA 2008). In addition, the information contained within the draft Guideline for the Determination of Wetland Buffer Requirements
Accordingly, the EPA recommends that the Responsible Authority conducts further investigations at the detailed Local Structure Planning stage.

The EPA expects that the extent and severity of the risk will be determined in accordance with the Western Australian Planning Commission's *Acid Sulfate Soils Planning Guidelines* (January 2009) and that required investigations and management plans will be prepared and implemented in accordance with the *Identification and Investigation of Acid Sulfate Soils and Acidic Guidelines* (DEC, 2009) and to the satisfaction of the DEC's Contaminated Sites Branch prior to any development or ground disturbing activities commencing.

**Impacts on Sensitive Landuse**

The EPA notes that the proposed rezoning will result in existing residences having non-conforming use rights. The proposed amendment will allow a number of land uses which are incompatible with residential dwellings. Proposed incompatible industrial land uses will need to be separated from the existing dwellings with an adequate buffer as described in the EPA's Guidance Statement No 3 *Separation Distances between Industrial and Sensitive Land Uses*.

The EPA recommends that generic separation distances are maintained unless adequate site-specific studies have been carried out that demonstrate that a lesser distance will not cause unacceptable impacts. Council should ensure that this Guidance is adequately considered during the implementation of the proposed zoning. A copy of the Guidance Statement can be found on the EPA website (www.epa.wa.gov.au).

**Aboriginal and European heritage**

It has been noted that a desktop investigation found one registered Aboriginal Heritage site contained in the subject land (Site Identification 16108), being Cardup Brook located to the north of the subject site.

The EPA recommends that the Responsible Authority undertake an ethnographic and archaeological survey as part of the future local planning and expects that future development of the subject land should comply with the requirements of the *Aboriginal Heritage Act 1972*.

**3. General Advice**

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, 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 on the level of assessment of scheme amendments.
A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully

Anthony Sutton
Director
Assessment and Compliance Division

27 June 2011
Appendix B

List of detail plans supporting the amendment
Cardup Industrial Precinct

Proposed Major Amendment

Amendment 1215/41

as advertised

3.2396/1

Detail Plan

3.2399/1  -  Cardup Industrial
Appendix C

Your property and the Metropolitan Region Scheme
Your Property and the Metropolitan Region Scheme
Landowners rights to compensation in relation to reserved land

If land is reserved in the Metropolitan Region Scheme

Land which is affected by a reservation in the Metropolitan Region Scheme (MRS) will ultimately be acquired by the government, but generally can remain in private ownership until it is actually needed for the public purpose.

There are several options available to the owners of reserved land:

- Retain ownership and continue with the quiet enjoyment of the property until it is needed for the public purpose. You may complete any development or subdivision of the property that was approved prior to the reservation coming into effect.

- Sell the property on the open market to another person(s). The Western Australian Planning Commission (WAPC) recognises that due to the reservation this may be difficult and, subject to acquisition priorities and the availability of funds, would be willing to consider the purchase of a reserved property if an owner is unable to achieve a private sale on the open market.

- Offer the property for sale to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider the early acquisition of a reserved property. In such cases the property is purchased at the current market value had the property not been affected by the reservation, with the value being determined by independent valuations of the property.

- Make a claim for compensation for injurious affection following the WAPC’s refusal of a development application or approval of a development application subject to conditions that are unacceptable. In such cases the WAPC may elect to purchase the property instead of paying compensation with the purchase price being determined in the same way as a negotiated purchase.

Am I entitled to compensation?

If your land is reserved in the MRS, you may be able to make a claim for compensation for injurious affection if:

- you are the owner of the property when it is first reserved in the MRS and you wish to sell the property on the open market at a reduced price;

or

- the WAPC has either refused a development application over the property or has approved a development application over the property subject to conditions that are unacceptable to the applicant.

How do I claim compensation?

1. If you have chosen to sell the property on the open market at a reduced price, complete a notice of intention to sell form which is available from the Department of Planning. The department will establish the extent of the reservation and forward the notice to the Board of Valuers.

The Board of Valuers will determine the sworn unaffected and affected values of the property. You may wish to meet with the board to raise any matters you believe are relevant to the value of the property.

Following the determination by the board:

- You will be notified of the unaffected value of the property.

- You pay a valuation fee to the WAPC, after which you will be notified of the affected value of the property - this will represent the minimum sale price.

- You then arrange the sale of the property (either privately or through an agent). Note the sale price must not be less than the affected value determined by the board.
- When the property is sold, you may make a claim for compensation for injurious affection for the difference between the sale price and the unaffected value as determined by the board.

- If the property does not sell within one year of the board’s valuation, you may ask the board for a revaluation of the property. The sale process is then repeated.

- Once compensation has been paid, a caveat will be lodged on the certificate of title to identify that compensation has been paid. Please note that compensation is only payable once.

Alternatively, you may ask the WAPC to purchase the property, as you have been unable to sell the property privately.

2 If the WAPC has refused your development application or approved it subject to unacceptable conditions and the property is reserved in the MRS, you may make a claim for compensation for injurious affection within six months of the WAPC’s decision on the application.

In such a case the WAPC will either pay compensation or may elect to purchase the property in lieu of paying compensation.

If the WAPC elects to purchase the property, valuations are obtained for the market value of the property as at the date of the election to purchase had the property not been reserved in the MRS. Please note that the date of valuation is fixed at the date of election to purchase.

**What is compulsory acquisition?**

A situation may arise where a property is needed as a priority for a public purpose and the owner is unwilling to sell the property to the WAPC.

In such a case, the property may be compulsorily acquired (or resumed) for that public purpose.

Where a property has been resumed by the WAPC, you have the right to make a claim for compensation in respect of the land resumed.

The WAPC will have the resumed land valued and following the checking of the compensation claim will make you an offer of compensation for the resumed land.

**Should you have any queries concerning the matters raised in this brochure, please do not hesitate to contact the Department of Planning, WAPC Property Management Services.**
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)
Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission
Metropolitan Region Scheme Amendment 1215/41
Cardup Industrial Precinct

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

Name .................................................................................................................. (PLEASE PRINT CLEARLY)
Address ......................................................................................................... Postcode
Contact phone number ...................................... Email address

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

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turn over to complete your submission
Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. You do not have to attend a hearing. The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

☐ No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ Myself – My telephone number (business hours): ........................................

or

☐ A spokesperson

Name of spokesperson: ..............................................................

Contact telephone number (business hours): ..................................

Postal address: ..........................................................................

I would prefer my hearing to be conducted in:

☐ Public (members from the general public may attend your presentation)

OR

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

• The WAPC is subject to the Freedom of Information Act 1992 and as such, submissions made to the WAPC may be subject to applications for access under the act.

• In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.

• All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature ................................................................. Date .........................

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 20 JANUARY 2012. Late submissions will NOT be considered.