March 2012
Metropolitan Region Scheme Amendment 1210/41

Rationalisation of Stirling Highway Reservation

Amendment Report

City of Fremantle, City of Nedlands, Town of Claremont, Town of Cottesloe, Town of Mosman Park and the Shire of Peppermint Grove
Metropolitan Region Scheme
Amendment 1210/41

Rationalisation of Stirling Highway Reservation

Amendment Report

City of Fremantle, City of Nedlands,
Town of Claremont, Town of Cottesloe,
Town of Mosman Park and the
Shire of Peppermint Grove

March 2012
Contents

The Metropolitan Region Scheme ................................................................. v
Abbreviations ................................................................................................. ix

1 Purpose ........................................................................................................ 1
2 Background .................................................................................................. 1
3 Scope and content of amendment .............................................................. 4
4 Discussion .................................................................................................... 6
5 Aboriginal heritage ...................................................................................... 7
6 Coordination of region and local scheme amendments ............................. 8
7 Substantiality ............................................................................................... 8
8 Sustainability appraisal .............................................................................. 8
9 Environmental Protection Authority advice ............................................. 9
10 The amendment process .......................................................................... 10
11 Submissions on the amendment .............................................................. 10
12 Hearings ................................................................................................... 11
13 Modifications to the amendment ............................................................. 12
14 Final outcome ........................................................................................... 12

Figure 1 ......................................................................................................... 15

Appendix A Concept Design Plans and Reports supporting the amendment
Appendix B List of detail plans supporting the amendment
Appendix C Your property and the Metropolitan Region Scheme
Appendix D Notice of environmental assessment
Appendix E Preparing a submission and for a hearing presentation
Appendix F Submission form for this amendment (form 41)
The Metropolitan Region Scheme
What it is and how it is amended

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 and discussion in Parliament 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 41 (often referred to as a major amendment).

The process of a major 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.
• Consent by the Minister for Planning to call for submissions.

• 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 three months.

• 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 reviewing the proposed amendment in light of submissions. The amendment may be modified before proceeding.

• Readvertising for further public submissions may be required by the Minister for Planning if the amendment is substantially modified as a result of submissions.

• Minister presenting the amendment with WAPC recommendations to the Governor for approval.

• Placing of the amendment, as approved by the Governor, before each House of State Parliament, where it must remain for 12 sitting days. During this time, the amendment is again on public display with the WAPC’s report on submissions.

• In Parliament, a member may introduce a motion to disallow the amendment. If this motion succeeds, the MRS will not be amended. Otherwise, the amendment becomes legally effective in the MRS.

The following diagram shows the main steps.

```
WAPC resolves to amend the MRS and refer to the EPA

EPA determines level of environmental assessment

Environmental review prepared if required

WAPC submits to Minister for consent to advertise

Amendment advertised seeking public comment

WAPC considers submissions and makes recommendation

Environmental conditions incorporated if required

Approved by Governor

Considered by Parliament

Amendment takes effect in the MRS
```

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.

People writing submissions may choose also to attend a hearing. This follows the submission period, where you can express your views to a hearings panel.

**Publications**

In the course of each substantial amendment to the MRS, information is 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.

- **Transcript of hearings**
  The hearings procedures are recorded and transcribed. All transcripts are published as a public record.
## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHA</td>
<td>Aboriginal Heritage Act</td>
</tr>
<tr>
<td>DIA</td>
<td>Department of Indigenous Affairs</td>
</tr>
<tr>
<td>DoP</td>
<td>Department of Planning</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Protection Authority</td>
</tr>
<tr>
<td>LGA</td>
<td>Local Government Areas</td>
</tr>
<tr>
<td>MRS</td>
<td>Metropolitan Region Scheme</td>
</tr>
<tr>
<td>PRR</td>
<td>Primary Regional Roads</td>
</tr>
<tr>
<td>SHACS</td>
<td>Stirling Highway Activity Corridor Study</td>
</tr>
<tr>
<td>SHRPR</td>
<td>Stirling Highway Reservation Planning Review</td>
</tr>
<tr>
<td>SWALSC</td>
<td>South West Aboriginal Land and Sea Council</td>
</tr>
<tr>
<td>WAPC</td>
<td>Western Australian Planning Commission</td>
</tr>
</tbody>
</table>
Metropolitan Region Scheme Amendment 1210/41

Rationalisation of Stirling Highway Reservation

City of Fremantle, City of Nedlands, Town of Claremont, Town of Cottesloe, Town of Mosman Park and the Shire of Peppermint Grove

1 Purpose

The purpose of the amendment is to rationalise the Primary Regional Roads (PRR) reservation in the Metropolitan Region Scheme (MRS) which presently exists over Stirling Highway. The proposed amendment area is bordered to the south by Queen Victoria Street, North Fremantle and in the north east by Broadway, Nedlands, as shown on Figure 1.

Concept Design Reports and Plans supporting the amendment are listed in Appendix A. The Concept Design Reports detail the rationale for the ultimate long term design proposed for Stirling Highway. A list of land requirement and changes plans detailing the amendment is provided in Appendix B. These plans may be viewed online (www.planning.wa.gov.au) and are available for public inspection at locations listed in Section 11.

Amending the reservation over Stirling Highway will provide clarity and certainty for future road planning and orderly land use planning along the urban corridor. The modified reservation will inform road planning initiatives and budgets necessary to give priority to improving the existing physical road environment of Stirling Highway.

Stirling Highway traverses seven Local Government Areas (LGAs) and so requires consistent regional road planning and design guidance across municipal boundaries. This is necessary for long term safety and amenity of all road users.

2 Background

A regional reservation is put in place to protect identified land for a regional purpose - in this case a primary regional road. Its purpose is to secure the long term regional functionality of the highway. Development inconsistent with the reservation purpose should technically be prohibited resulting in no private development or improvements to private land within the reservation. This has not occurred in practice on Stirling Highway with considerable private development located within the reserve on private land. Assessment of subdivision and development applications on reserve affected properties must give due regard to the road reservation. This often complicates proposals.

Stirling Highway has been reserved in the MRS since 1963. Under the current MRS it has the status of a Primary Regional Roads reservation. The originally gazetted regional road reservation was approximately 80 metres wide, more than twice the width necessary for such a regional road.

In Nedlands and Claremont, as well as parts of Peppermint Grove and Cottesloe, this original road reservation remains in place with considerable consequences for highway properties. In these areas, single detached dwellings, multiple unit developments, mixed use development and various commercial developments have been approved within the existing MRS Primary Regional Roads reservation.
The Primary Regional Roads reservation, south of Jarrad Street, Cottesloe, was significantly reduced in 1996 to reflect the existing physical extent of the highway. This has resulted in a narrow reservation that does not allow for improved infrastructure or safety measures for pedestrians, cyclists and public transport.

Planning for Stirling Highway Road Reservation

Interim Provisions

From the mid 1990's until recently the WAPC supported the practice of imposing a 5 metre interim setback from Stirling Highway cadastral (title) boundaries for any proposed development or subdivision north of Jarrad Street, Cottesloe, thus permitting development within the MRS reserve. The interim setback arrangements north of Jarrad Street have facilitated development with little practical road design consideration and resulted in incremental development within the MRS reserve.

To ensure a level of consistency along the highway the WAPC supported the practice of imposing the interim 5 metre setback between Jarrad Street and Queen Victoria Street, North Fremantle in September 2009.

Interim setbacks are no longer used for assessment. Subdivision and development are presently assessed against the proposed MRS Amendment, due to its advanced detail.

Reviewing the Stirling Highway reserve

The Stirling Highway Reservation Planning Review (SHRPR), commenced in 1999, proposed a decrease of the Stirling Highway reservation between Jarrad Street, Cottesloe and Winthrop Avenue, Subiaco. Main Roads Western Australia (Main Roads) completed the Stirling Highway Primary Regional Roads reservation review in 2002.

The study concluded that future traffic volumes on Stirling Highway were likely to increase marginally over future decades depending on future development densities and the move towards more sustainable transport. It recognised that collision rates would continue to result in decreased safety, increased traffic delays and reduced public transport efficiency. Four traffic lanes (two each way), a central median, intersection improvements, improved pedestrian/cyclist facilities and public transport priority measures were identified as necessary for the ultimate road design.

Stakeholder consultation in 2002 (including LGAs) indicated general support for reducing the highway reservation.

The Sustainable Transport Committee (of the WAPC) resolved in March 2005 that Stirling Highway road planning incorporate marked or dedicated on-road cycle lanes between Jarrad Street, Cottesloe and Winthrop Avenue, Subiaco. Advice from Bikewest confirmed that such cycling infrastructure should be consistent for the entire length of the highway for safety reasons. Provision for on-road cycle lanes of 1.5 metres width in the road design was recommended. This was further supported by former Western Suburbs District Planning Committee (of the WAPC).

In 2006 the Infrastructure Coordinating Committee (of the WAPC) required that any review of MRS road reservations in inner urban areas include planning for 5.1 metre verges to accommodate better pedestrian amenity and adequate off-road space for the provision of underground services and landscaping. A reduction to 4.1 metres was only to be contemplated in constrained isolated locations.
Additional information on infrastructure provision necessary to accommodate future projected service requirements is anticipated from service providers as part of the public consultation process and will inform WAPC deliberation.

The above decade long process has enabled preparation of Concept Design Plans (listed in Appendix A) which demonstrate a realistic long term road design for Stirling Highway. The design provides the base justification for rationalising the existing reservation through the proposed MRS amendment. The amendment seeks to modify the existing reservation to match the road design.

**Stirling Highway Activity Corridor Study**

In 2006 the WAPC initiated the Stirling Highway Activity Corridor Study (SHACS). The study has furthered the above regional road planning by gaining WAPC and Transport portfolio endorsement of the proposed road design and reserve for the purposes of public consultation. This MRS amendment is part of SHACS Phase 1 focusing on regional transport.

SHACS has enabled the creation of a project working group made up of State and local government stakeholder planners and engineers to consider, not just regional road design and local access, but also adjacent land use into the future. The project working group is made up of officer representation from the City of Fremantle, City of Nedlands, City of Subiaco, Town of Claremont, Town of Cottesloe, Town of Mosman Park and the Shire of Peppermint Grove, as well as State agency representatives of Bikewest, Main Roads, Public Transport Authority, Department of Transport, Department of Planning and Urban Design Centre. Draft plans were considered from a technical perspective and an opportunity for feedback based on LGA experience was provided.

Although the project working group has no formal status, it has provided a forum for regional and local government specialist stakeholders to share issues and understand competing interests in terms of the highway’s function.

**Road Design Requirements for Stirling Highway**

The above processes have culminated in Concept Design Plans (also called carriageway plans). The Concept Design Plans attempt* to satisfy the following criteria:

- verges of 5.1 metres width on both sides of Stirling Highway, reduced to 4.5 metres in constrained areas and to an absolute minimum of 4.1 metres in severely constrained isolated locations;
- 1.5 metre wide on road cycle lane in each direction;
- bus priority treatment at traffic signalised intersections, generally an additional lane (designated bus lane) serving as a left turn pocket and prioritised controls to favour Transperth buses;
- 3.5 metre wide traffic lanes (two lanes in each direction);
- 2 metre to 5.5 metre width central median (to cater for central street trees, right turn lane pockets and pedestrian refuges);
- consolidated right turn lanes to reduce the potential for traffic conflict along Stirling Highway (informed by relevant LGA and Main Roads officers);
- adaptive design to minimise impacts on State Heritage property.

* Criteria may not be met due to existing development or constraints.
Constraints at Claremont

The main locality where the above criteria could not be met was Claremont. Due to issues including constrained space and State heritage listed properties, a compromise on indicative road design has been unavoidable adjacent to the Claremont secondary centre (Stirling Road/Queenslea Drive to Leura Drive, Claremont). Unfortunately, this is a significant pinch point on Stirling Highway which already experiences peak traffic congestion and delays. Supported by Main Roads, the criteria was able to be modified in this locality by proposing a reduction to the existing speed limit from 60 kilometres per hour to 50 kilometres per hour as part of the long term road design. Based on traffic engineering principles a lower speed limit at Claremont will permit a reduced road design width and reserve that consistently accommodates the range of road infrastructure planned for the rest of the highway.

Planning for the community

The resulting plan demonstrates consideration of pedestrians, cyclists and public transport, and supersedes earlier planning which mainly catered for private vehicle movements. As such, this presents an opportunity to improve the ineffectual road reservation based on a sound plan that promotes public transport and alternatives to private car use.

The cumbersome and inconsistent existing Primary Regional Roads reservation over Stirling Highway complicates assessment of development applications and subdivisions, as it does not provide reliable guidance for planning assessment. If progressed, this amendment will improve the existing situation by providing, for the first time, an agreed consistent highway design (reflected in an appropriate reserve) which will assist government and landowners plan and apply for future development and subdivision.

An agreed highway design confirmed through the amended Primary Regional Roads reservation will enable consistency in decision making across six Stirling Highway LGAs. Resolving the ineffectual MRS reservation will better inform long term land use and urban design planning, including appropriate setbacks. Any future plans proposing changes to the existing urban design and land use provisions for Stirling Highway properties will be the subject of a separate public consultation.

The road design and rationale for the MRS amendment is to improve the existing ineffectual Primary Regional Roads reservation. The Concept Design Plans (carriageway plans) demonstrate how the reservation could be developed in line with current requirements.

In the future, as transport planning and technology develops, the detailed design may be modified or improved. The carriageway plans are a guide, not a definitive plan. Future road planning by the relevant State authority may vary the present design based on best practice (subject to consultation) however it presently provides justification for rationalising the Primary Regional Roads reservation as it is more sophisticated and potentially an improvement to the existing situation.

3 Scope and content of the amendment

The proposed amendment is easier to understand if considered in two distinct sections:

- North of Jarrad Street, Cottesloe to Broadway, Nedlands
- South of Jarrad Street, Cottesloe to Queen Victoria Street, North Fremantle
**Jarrad Street, Cottesloe to Broadway, Nedlands:**

*Reducing and rationalising the existing Primary Regional Roads reservation*

North of Jarrad Street, Cottesloe, the existing reservation was gazetted and has been in place since 1963. Approximately 80 metres wide, the reserve is proposed to be rationalised and reduced for all Stirling Highway properties in Claremont, Nedlands and north of Jarrad Street in Cottesloe and Peppermint Grove. The amendment proposes to completely remove the reserve from over 200 properties (including strata units).

Generally land no longer required for the Primary Regional Roads reservation will become Urban zone under the MRS (apart from the Peace Memorial Rose Gardens, Nedlands which will become MRS Parks and Recreation reserve, and part of the University of Western Australia campus which will be reserved Public Purposes - University).

The total proposed reduction to the existing Primary Regional Roads reservation in this locality is over 25 hectares. Most of this land is proposed to be rezoned as Urban, significantly reducing the existing extent of the reservation over private property.

This approximates to an average reduction in width of the existing Primary Regional Roads reservation of more than 40 metres (in total for both sides of the highway) for the almost 6 kilometre section of highway between Jarrad Street, Cottesloe and Broadway, Nedlands.

**South of Jarrad Street, Cottesloe to Queen Victoria Street, North Fremantle:**

*Increasing the existing Primary Regional Roads reservation*

The Stirling Highway reservation south of Jarrad Street, Cottesloe was significantly reduced in 1996, and generally reflects the existing physical extent of the highway.

The existing reservation has no capacity to accommodate physical improvements associated with pedestrian, cyclist and public transport infrastructure or safe turning lanes necessary for an effective and functional regional road network. This is significant in North Fremantle where MRS land use zones have been changed from Industrial to Urban in the vicinity of McCabe Street. This may eventually result in additional dwellings and traffic movements.

Based on current transport planning and design parameters, the existing Stirling Highway Primary Regional Roads reservation, south of Jarrad Street, Cottesloe, is ineffectual. The MRS amendment proposes an increase to the Primary Regional Roads reservation, to enable future road planning and construction to serve both local and regional road users, south of Jarrad Street in Cottesloe, Mosman Park, North Fremantle and Peppermint Grove.

The proposed overall increase to the Primary Regional Roads reservation is 3.46 hectares, mainly south of Jarrad Street, Cottesloe. Some of this space is proposed to come from MRS Parks and Recreation and Railways reservations therefore a total of 2.35 hectares of existing Urban zoned land is proposed to be reserved as Primary Regional Roads reservation.

At the intersection of Queen Victoria Street, North Fremantle, 189 m² of Urban zoned land is proposed to be reserved as MRS ‘Other Regional Roads’ reservation as part of this amendment. This is because the City of Fremantle is responsible for Queen Victoria Street.

Information on how reservations affect private property is provided in Appendix C.
This amendment proposes to rationalise and reduce the extent of the existing Primary Regional Roads reservation over Stirling Highway in terms of total land area

In summary this amendment proposes to rezone or reserve approximately 29.9 hectares of land. Of this, approximately 26.4 hectares is proposed to be removed from the existing Primary Regional Roads reservation and be MRS zoned or reserved consistently with adjacent land. To ensure adequate space is allocated for a consistent and safer highway design into the future, an increase of the Stirling Highway road reservation of approximately 3.5 hectares, mainly between Jarrad Street, Cottesloe and Queen Victoria Street, North Fremantle is proposed.

The overall change proposed to the existing ineffective Stirling Highway Primary Regional Roads reservation through this amendment is a reduction of approximately 22.9 hectares.

To provide a comparison in terms of area and space, the proposed reduction to the highway reserve area is equal to the average amount of land required for 458 single dwelling lots in an R20 coded Urban area (average lot size 500 m²). The amendment will not provide for new lots in itself as any proposed reserve reductions will predominately be absorbed into existing privately owned land near Stirling Highway.

Rear Laneways

Rear laneways are discussed in the Concept Design Reports (listed in Appendix A) as a way of providing safe alternative vehicular access to Stirling Highway properties. Laneways (notional and existing) are encouraged as the preferred primary vehicular access for Stirling Highway properties, along with side streets. This MRS amendment cannot and will not reserve land for laneways. Notional laneways are identified in the actual Concept Design Reports for information purposes and to inform subdivision and redevelopment proposals.

4 Discussion

Directions 2031 and beyond

Directions 2031 and beyond provides guidance on accommodating Perth’s growing population partly within existing areas that are well serviced. Under the ‘Accessible’ theme, a strategy to plan and develop urban corridors (also known as activity corridors) to accommodate medium-rise higher density housing is identified.

Initiatives for an accessible city include the review of road reservation requirements for major road network links, such as Stirling Highway. The ‘connected city’ model supports urban corridors to accommodate increased housing needs and encourage reduced vehicle use.

Certainty of the MRS Primary Regional Roads reservation over Stirling Highway is fundamental to implementing Directions 2031 and beyond as it is necessary to inform land use planning within the corridor.

Draft Central Metropolitan Perth Sub-Regional Strategy

The draft Central Metropolitan Perth Sub-Regional Strategy identifies Stirling Highway as a key growth area, with a potential dwelling yield of up to 1500 additional dwellings.

The WAPC is undertaking the Stirling Highway Activity Corridor Study (SHACS). SHACS has facilitated the preparation of this MRS amendment. SHACS has not identified specific dwelling yields. SHACS Phase 2 is intended to focus on land use and urban design
opportunities for Stirling Highway. A significant aim of SHACS is to facilitate the provision of smaller dwellings to address the increasing trend toward single or two person households evident in recent years. The provision of additional housing types may assist in freeing up existing dwelling stock by providing alternatives to residents seeking to downsize out of larger homes and remain in the area, as well as young adults and first home buyers seeking to live independently or purchase property in the western suburbs.

This amendment does not deal with residential density or built form, only the Stirling Highway road reserve.

Redefining the Primary Regional Roads reservation will assist in identifying land use opportunities. This and other growth areas may provide an alternative to urban sprawl or green field development and the reduced level of services and facilities expected for new development on the perimeter of Perth.

State Planning Policy 4.2 Activity Centres for Perth And Peel

The State Planning Policy on activity centres promotes urban corridor planning and provides a context for the MRS Amendment.

The policy states that unduly elongated centre form is not supported and ribbon commercial development should be discouraged to avoid adverse impacts on the safe and efficient flow of traffic on major through-traffic routes. The concept of activity (urban) corridors was introduced in Network City and is being further explored through the SHACS and the Scarborough Beach Road activity corridor study.

Development Control Policy 1.6 Planning to Support Transit Use and Transit Oriented Development (DC 1.6)

The State Government supports Directions 2031 and beyond and the earlier Network City as the principal transport and land use policy framework for Perth. A key part of this policy is the development of activity centres or Transit Oriented Development adjacent to and around rail stations linked by activity corridors where appropriate. Bus services along Stirling Highway are high frequency, mainly due to the regional 98 and 99 circle services suggesting sustainable urban infill should be considered in the corridor.

DC 1.6 promotes the provision of higher densities and a mix of uses in and around high frequency public transport nodes. It also identifies the need to encourage non-car modes of transport around major public transport nodes.

Development Control Policy 1.7 General Road Planning (DC 1.7)

This operational policy of the WAPC deals with general road planning issues not dealt with in Development Control Policy 2.6 Residential Road Planning and includes reference to Development Control Policy 1.4 Functional Road Classification for Planning. DC 1.7 provides policy measures for ceding land reserved under the MRS.

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.

The amendment will be referred to the South West Aboriginal Land and Sea Council (SWALSC) to allow identification of potential Aboriginal heritage impacts.

6 Coordination of local and region scheme amendments

Under section 126(3) of the Planning and Development Act 2005 the affected local governments have the option of requesting the WAPC to concurrently rezone land, that is being zoned Urban under the MRS, to an ‘Urban Development’ zone (or similar) in their Local Planning Schemes.

In this regard, the effected local governments have an opportunity to advise during the submission period if they request the WAPC to concurrently amendment their Local Planning Schemes to an ‘Urban Development’ zone (or similar).

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 Policy DC 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 and reserve a substantial area of land along Stirling Highway, which is considered a substantial/regional change in the MRS and in the western suburbs.

8 Sustainability appraisal

The proposed amendment is consistent with a number of the key themes contained in Directions 2031 and beyond as follows:

Environment

The amendment proposes a definitive boundary for the Primary Regional Roads reservation over Stirling Highway to ensure future road planning and construction prioritises public amenity, pedestrians, cyclists and public transport users over private car journeys.

Efficient transport movement may reduce pollution associated with stop/start traffic movements and congestion and potentially reduce private vehicle traffic by making public transport a more attractive option. Road design which encourages walking, cycling and the use of public transport may also promote sustainable behaviour in terms of the journeys people make. Where supported by Main Roads, future opportunities for landscaping and street tree planting may be explored to enhance the ultimate road design and improve amenity with street trees and landscaping contributing to a more pleasant environment.
**Social**

The perceived social benefits of rationalising the existing Primary Regional Roads reservation over Stirling Highway include facilitating the potential for improvements to amenity, landscaping and streetscape, as well as better access to public transport. Safer pedestrian movements and cycling infrastructure may encourage healthier lifestyles.

Additionally, certainty for landowners and subsequent land use planning and urban design may lead to opportunities for redevelopment and improvements, which may bring new residents and businesses to Stirling Highway and promote Stirling Highway as a community asset rather than a barrier. Such redevelopment may encourage ‘containment’ where residents live close to work, so have reduced travel needs and an improved quality of life.

**Economic**

Providing certainty and clarity for landowners and service providers along Stirling Highway will simplify, as well as guide, assessment of redevelopment proposals. The consensus afforded by this amendment (and related road design) will provide a useful backdrop for landowners who, up until now, have had to submit proposals for approval without any knowledge of the ultimate plan for the highway. In particular, the lack of certainty in relation to the eventual location of Stirling Highway property frontages makes it difficult for landowners to contemplate additions or redevelopment as there is no definitive agreement on street front boundaries or setbacks. Finalisation of this amendment may enable the preparation of land use and urban design provisions to complement the amended road reservation. This may encourage redevelopment and economic growth along the urban corridor as land becomes available.

Additionally new development may be encouraged through certainty of the reservation, so may attract new or relocated residents and provide opportunity for new or expanded businesses.

Besides the anticipated certainty of an agreed highway plan potentially stimulating redevelopment, the net reduction of the reservation will, in many cases, remove red tape associated with redevelopment, subdivision, land compensation and acquisition of privately owned land. This, in effect, may reduce the potential for time consuming and costly disputes involving landowners, LGAs and the State Administrative Tribunal.

At the same time the rationalised reservation will reduce State liability as the area of reserved land is anticipated to be reduced by over 26 hectares. Being located in the western suburbs, with its higher than average land values, the rationalised reservation, if finalised, will technically avert spending many millions of dollars from the public purse on land negotiations for land not realistically needed for future Stirling Highway road improvements.

**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*. A copy of the notice from the EPA is included at Appendix D.
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.

The procedure for a substantial alteration to the MRS (usually 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 2005, 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, is included at 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 four months from Tuesday 20 March 2012 to Friday 27 July 2012.

The amendment and supporting information will be available for public inspection at:

i) Western Australian Planning Commission (Level 2, 140 William Street, Perth)

ii) Main Roads (Don Aitken Centre, Waterloo Crescent, East Perth)

iii) City of Perth
iv) City of Subiaco
v) City of Fremantle
vi) City of Nedlands
vii) Town of Claremont
viii) Town of Cottesloe
ix) Town of Mosman Park
x) Shire of Peppermint Grove
xi) State Library of Western Australia (JS Battye Library), 3rd Floor Stack.

Written submissions on the amendment must be sent to:

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

and be received by 5 pm Friday 27 July 2012.

All submissions received by the WAPC will be acknowledged. 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.

Before making your submission, you are encouraged to read information on preparing a submission provided in Appendix E. This includes whether you wish to present your submission to a hearing (refer to Section 12 Hearings).

Advice of disclosure and availability of submissions is provided on the back of the submission form. The submission form (Form 41) is located in Appendix F.

Additional copies of submission forms (Form 41) are available from display locations and the PlanningWA website: www.planning.wa.gov.au.

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 the back 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.

Please refer to the information regarding hearings in Appendix E of this report.
13 Modifications to the amendment

After considering written submissions and hearings 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 advised on the progress of the amendment, and along with all affected landowners, will be notified of the final outcome.
MRS Amendment 1210/41
Rationalisation of Stirling Highway Reservation

Figure 1
Stirling Highway Amendment - proposed major amendment

22 February 2011

Legend

Reserved Lands
- parks and recreation
- restricted public access
- railways
- port installations
- state forests
- water catchments
- picnic and cultural areas
- waterways

Roads:
- primary regional roads
- other regional roads

1210/41 - Stirling Highway Amendment

Metropolitan Region Scheme Legend

Zones
- urban
- urban deferred
- central city area
- industrial
- special industrial
- rural
- private recreation
- rural - water protection

Public purposes - to be used as follows:
- hospital
- high school
- technical school
- car park
- industrial estate
- Commonwealth government
- Water Catchments
- special uses
- Water Authority of WA
- area

Produced by Mapping & GeoSpatial Data Branch, Department of Planning, Perth WA

On behalf of the Western Australian Planning Commission.

Base information supplied by Western Australian Land Information Authority. LI 430-0000-4
Appendix A

Concept Design Plans and Reports
supporting the amendment
Reports and plans listed in this section provide the rationale for the MRS Amendment.

They are available for public inspection at the locations listed in Section 11 of the Amendment Report or may be viewed online (www.planning.wa.gov.au).

### 1. Concept Design Report - Phases 2 & 3 (November 2010)
Stirling Highway: Queen Victoria Street, North Fremantle to Loch Street, Claremont

### 2. Concept Design Report (March 2009)
Stirling Highway: Loch Street to Hampden Road, Nedlands

The Stirling Highway Concept Design Plans (or carriageway plans) from both reports are listed below, from south to north with the suburb locality in bold print.

<table>
<thead>
<tr>
<th>Stirling Highway Concept Design Plans (carriageway designs)</th>
<th>Plan Reference</th>
</tr>
</thead>
</table>
| **North Fremantle (south)**  
Queen Victoria Street to north of Coventry Parade                                                                         | 1.7221         |
| **North Fremantle (north) & Mosman Park (south)**  
South of McCabe Street to north of Wellington Street                                                                       | 1.7222         |
| **Mosman Park (central)**  
South of Victoria Street to north of Willis Street                                                                          | 1.7223         |
| **Mosman Park (north), Peppermint Grove & Cottesloe (south)**  
South of Johnston Street to north of Forrest Street                                                                         | 1.7224         |
| **Peppermint Grove (north), Cottesloe (central) & Claremont (west)**  
South of Vera Street to east of Congdon Street                                                                             | 1.7225         |
| **Cottesloe (north) & Claremont (central)**  
West of Richardson Avenue to east of Bay View Terrace                                                                         | 1.7226         |
| **Claremont (east)**  
West of Leura Avenue to Loch Street                                                                                       | 1.7227         |
| **Nedlands (west)**  
Loch Street to Dalkeith Road                                                                                                | 1.7238         |
| **Nedlands (east)**  
West of Boronia Road to Broadway/Hampden Road                                                                               | 1.7237         |

*PLEASE REFER TO IMPORTANT NOTES ABOUT THESE REPORTS AND PLANS OVER THE PAGE*
Note 1:
The reports in this appendix provide details of how the Stirling Highway Concept Design was prepared and include factors taken into consideration.

The two reports deal with separate sections of Stirling Highway.

Note 2:
The Reports and Plans in this appendix cannot legally or technically be tied to the MRS, however they justify and provide the context for an appropriate Primary Regional Roads reservation. They demonstrate technical compliance with regional road design requirements.

Note 3:
The reports in this appendix are consistent apart from the placement of cycle lanes adjacent to bus queue jump lanes. The space necessary for either treatment is equivalent.

Note 4:
Proposed laneways or right of ways and widenings to existing rear laneways detailed in the concept design reports and shown on plans cannot and will not be reserved through the proposed MRS amendment.

The notional rear laneways demonstrate an alternative to direct vehicular access to and from Stirling Highway properties.

This is relevant where redevelopment of a Stirling Highway property is contemplated.

Notional laneways are shown on plans because direct vehicular access to Stirling Highway from adjacent properties is discouraged for new development.

Site access is an important consideration for any development proposal on Stirling Highway and is dependent on site specific factors.
Appendix B

List of detail plans supporting the amendment
# Stirling Highway Amendment

**Proposed Major Amendment**

**Amendment 1210/41**

**List of Plans as Advertised**

## 2.0801

<table>
<thead>
<tr>
<th>Land Requirement Plan No.</th>
<th>Location Description (listed from south to north east)</th>
<th>Changes Plan No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Queen Victoria Street, North Fremantle</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tydeman Road – Queen Victoria Street to Port Beach Road</td>
<td>1.7152</td>
</tr>
<tr>
<td></td>
<td><em>(Plans relevant for top end of Queen Victoria Street only)</em></td>
<td></td>
</tr>
<tr>
<td>1.3378/6</td>
<td><strong>North Fremantle (south)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stirling Highway – Alfred Road to Riverside Road</td>
<td>1.7151</td>
</tr>
<tr>
<td></td>
<td><em>(Plans relevant for Queen Victoria Street intersection and north)</em></td>
<td></td>
</tr>
<tr>
<td>1.3340/3</td>
<td><strong>North Fremantle (north), Mosman Park (south)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stirling Highway – Bend of Reserve 9403 to Alfred Road</td>
<td>1.7150</td>
</tr>
<tr>
<td>1.7143</td>
<td><strong>Mosman Park (central)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stirling Highway – Stuart Street to Bend of Reserve 94031</td>
<td>1.7149</td>
</tr>
<tr>
<td>1.7142</td>
<td><strong>Mosman Park (north), Peppermint Grove, Cottesloe (south)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stirling Highway – McNeil Street to Stuart Street</td>
<td>1.7148</td>
</tr>
<tr>
<td>1.7141</td>
<td><strong>McNeil St, Peppermint Grove, Cottesloe (north), Claremont (west)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stirling Highway – Lot 58 to McNeil Street</td>
<td>1.7147</td>
</tr>
<tr>
<td>1.7140</td>
<td><strong>Nedlands (west) including Loch Street, Claremont</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stirling Highway – Stanley Street to Bay Road</td>
<td>1.7145</td>
</tr>
<tr>
<td>1.7138</td>
<td><strong>Claremont (town centre and east)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stirling Highway – Bay Road to Lot 58</td>
<td>1.7146</td>
</tr>
<tr>
<td>1.7139</td>
<td><strong>Nedlands (east)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stirling Highway – Lot 5 to Stanley Street</td>
<td>1.7144</td>
</tr>
<tr>
<td>1.7137</td>
<td><em>(Plans relevant for west of Broadway/Hampden Road only)</em></td>
<td></td>
</tr>
</tbody>
</table>
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

Notice of environmental assessment
Chairman  
Western Australian Planning Commission  
469 Wellington Street  
PERTH WA 6000  

Attn: Mr John O’Hurley

DEPARTMENT OF PLANNING

13 APR 2011

FILE RLS/0173

ENVIRONMENTAL PROTECTION ACT 1986

DECISION UNDER SECTION 48A(1)(a)

SCHEME AMENDMENT TITLE: Metropolitan Region Scheme Amendment 1210/41 Rationalisation of Stirling Highway Reservation

LOCALITY: Cities of Fremantle, Nedlands, Subiaco; Towns of Claremont, Cottesloe, Mosman Park & Shire of Pepper

RESPONSIBLE AUTHORITY: Western Australian Planning Commission

DECISION: Scheme Amendment Not Assessed (no appeals)

Thank you for your letter of 11 March 2011 referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) and that it is not necessary to provide any advice or recommendations.

Please note the following:

- 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 to not assess the scheme amendment.
• This letter will be made available to the public on request.

Yours faithfully

[Signature]

Darren Foster
A/Director
Assessment and Compliance Services

11 April 2011
Appendix E

Preparing a submission and for a hearing presentation
Preparing a submission
and for a hearing presentation

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 41 – appendix E). Include your name and full postal address on side one and information related to the hearings on side two. 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 41 and in the submissions on the amendment section of the amendment report. To be eligible to make a presentation to the hearing committee, your written submission must be received by the closing date.

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. Presentations made to the hearings committee are an extension of the submission process and the transcript of all hearings also becomes a public document.
Do you want a hearing?

The Planning and Development Act 2005 provides the opportunity for people who have made a written submission 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 your submission will be considered in determining the recommendation for the proposed amendment.

Hearings are arranged so that the WAPC can listen to a person, should they wish to explain or expand on their written submission. A hearing is for listening to points of view and planning rationale, it is not a forum of general public debate. In the case of a group, a spokesperson must be appointed to represent the group. The time allocated for a hearing is usually 15 minutes, which includes time for questions the committee may have of the presenter.

The hearings committee is appointed by the WAPC and is usually comprised of two WAPC committee members and one other person with planning knowledge and expertise related to issues raised in submissions.

You may choose to have your presentation conducted in public or private. A public hearing allows other persons, including the media, to attend. In a private hearing only those persons nominated by you and by the hearings committee may attend.

All hearings, public and private, are recorded and transcribed. The transcripts, along with the written submissions, are published as public records. The WAPC recommendations are also published in a report on submissions.
Appendix F

Submission form for this amendment
(form 41)
Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission
Metropolitan Region Scheme Amendment 1210/41
Rationalisation of Stirling Highway Reservation

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

OFFICE USE ONLY

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

Tips for completing a submission:
• Use headings or numbers to separate different topics and issues
• Include property addresses and specific location descriptions where relevant
• Attach additional numbered pages if you require more space to complete your submission

Submission
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................
............................................................................................ ..................................

turn over to complete your submission
**Hearing of submissions**

Anyone who has made a written submission on the amendment may personally present the basis of their submission to a sub-committee of the WAPC if the below 'Yes' box is ticked. **This is not compulsory.** Your written submission will be considered in determining the recommendation for the proposed amendment whether you nominate to speak at the hearings or not.

Further information on submissions and hearings is included in Appendix E of the amendment report.

**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 27 JULY 2012. Late submissions will NOT be considered.*

Contacts: Telephone - (08) 6551 900; Fax - (08) 6551 9001; Email - mrs@planning.wa.gov.au; Website - http://www.planning.wa.gov.au