

WESTERN AUSTRALIAN PLANNING COMMISSION

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**METROPOLITAN REGION SCHEME**  
**Amendment No. 1008/33**

**SOUTH FREMANTLE / HAMILTON HILL**

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Cities of Cockburn and Fremantle

**AMENDMENT REPORT**

February 2000

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WESTERN AUSTRALIA

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**WESTERN AUSTRALIAN PLANNING COMMISSION**

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WESTERN AUSTRALIA



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Copies of this document are available in  
alternative formats on application to the  
Disabilities Services Coordinator.

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## **ABBREVIATIONS**

<b>MRS</b>	Metropolitan Region Scheme
<b>WAPC</b>	Western Australian Planning Commission
<b>EPA</b>	Environmental Protection Authority
<b>DEP</b>	Department of Environmental Protection
<b>ha</b>	hectare (a measurement of area)



## **INTRODUCTION to the Metropolitan Region Scheme**

### **PLANNING PERTH**

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 1996 Perth was home to 1.2 million people. Each year its population is growing by between 20,000 and 30,000 people. By the State's Bicentenary in 2029, Perth's population is expected to be 2 million, making up 71 percent of the population of Western Australia.

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

This change is provided for in the Metropolitan Region Scheme, the main plan for land use in the Perth metropolitan area, which stretches from south of Rockingham to north of Yanchep and east of Mundaring.

The Western Australian Planning Commission (WAPC) is in charge of keeping the Metropolitan Region Scheme up to date.

### **WHAT IS THE METROPOLITAN REGION SCHEME?**

The Metropolitan Region Scheme (MRS) is a large town planning scheme that divides all land in Perth into zones and reservations. It sets aside land for future use and requires local government town planning schemes to provide detailed plans for their part of the region.

The MRS uses a set of maps and a scheme text. Words in the scheme text outline 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 Metropolitan Region. To plan for change, the MRS is amended frequently.

### **WHAT IS AN AMENDMENT?**

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

When the zone and reservation boundaries were first drawn, large areas of land were vacant and zoned Rural. As Perth has grown, many of these areas have been rezoned. From Rural, they can be rezoned Urban, reserved for Parks and Recreation, or one of many other categories.

When a rezoning or a new reservation is considered, an amendment to the MRS is advertised for comment, allowing for input from individuals, interest groups and the community.

### **HOW IS THE METROPOLITAN REGION SCHEME AMENDED?**

Any amendment to the MRS is started by the Western Australian Planning Commission when it sees a need for change. The amendment process is regulated by the Metropolitan Region Town Planning Scheme Act, and most amendments are made under the provisions of section 33 of that act. These are sometimes referred to as 'major' amendments.

All amendment proposals are first referred to the Environmental Protection Authority (EPA) for it to consider the environmental impact. Where the EPA orders an assessment, this is carried out before the amendment is advertised. The environmental report is available at the same time as the planning amendment is advertised for public inspection.

During the public comment period, landowners whose property is directly affected by a proposed change are contacted by letter. Other people are informed by advertisements in local and Statewide newspapers.

Three months are allowed for public submissions on an amendment. People can write their submission and, if they wish, appear before



a special committee to speak on their submission and express their views.

At the end of the public comment period, the Western Australian Planning Commission considers all submissions and decides whether to alter the amendment or proceed with the original proposal. It makes a recommendation about the amendment which goes to the Minister for Planning. The Minister presents it to the Governor for approval.

When the Governor approves the amendment, it is presented to both Houses of State Parliament where it must remain for 12 sitting days.

During this time, the amendment is again on public display and the Western Australian Planning Commission publishes a *Report on Submissions* for public information.

In Parliament, a Member may put a Motion to Disallow the amendment. If this motion succeeds, the Metropolitan Region Scheme will not be amended. If the motion fails, the amendment becomes legally effective.

Local governments must follow suit when the Metropolitan Region Scheme is amended. Local town planning schemes need to match the broad zonings and reservations of the MRS and provide more detailed planning for each area. Within three months of an MRS amendment, an affected local government must initiate an amendment to its town planning scheme.

## **ZONES AND RESERVATIONS**

Zones and reservations in the Metropolitan Region Scheme are broad categories. They do not have specific uses defined or limited. 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 Western Australian Planning Commission 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 in which manufacture, processing, warehousing and related activities are undertaken.

**Rural:** Land in 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 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 such as parks, roads and schools. It may be reserved to protect a resource or to provide areas for infrastructure. The following descriptions are a guide.

**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 park'n'ride stations, maintenance depots and marshalling yards.

**Port Installations:** Regional maritime shipping facilities.

**State Forests:** Areas of woodland located on Crown Land managed under the *Conservation and Land Management Act, 1984*.



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

**Civic and Cultural:** Significant civic precincts and buildings.

**Waterways:** Permanent inland and coastal waters including many rivers and reservoirs.

**Public Purposes:** Land for public facilities such as hospitals, schools, universities, car parks, and prisons, utilities for electricity and water, 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 Western Australian Planning Commission 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 Western Australian Planning Commission 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 Metropolitan Region Scheme are advertised so

that all affected landowners 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 Important 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 Western Australian Planning Commission has reservations over many areas of land which are privately owned.

To protect landowners, there are procedures for acquisition or compensation by the Western Australian Planning Commission. 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 Ministry for Planning.

## HOW CAN MY VIEWS BE HEARD?

You can lodge a written submission on the proposed amendment during the advertising period. A submission form is available at the back of this report and from the places of display for this amendment.

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 Metropolitan Region Scheme, information is published under the following titles:

### **Amendment Report**

This document is available from the start of the public advertising 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 Environmental Protection Authority considers the environmental impact of an amendment to the MRS before it is advertised. Should it require assessment an Environmental Review is undertaken, and that information is made available at the same time as the *Amendment Report*.

### **Volume 1 - Report on Submissions**

This publication documents the planning rationale, determination of submissions and the recommendations for final approval of the amendment made by the Western Australian Planning Commission.

### **Volume 2 - Submissions**

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

### **Volume 3 - Transcript of Public Hearings**

A person who has made a written submission may also choose to appear before a Hearings Committee to express their views. All hearings are recorded and transcribed.

The submitter may choose whether this hearing is conducted in 'private' or in 'public'. Where the person has chosen a private hearing, their presentation remains confidential.

The transcripts of public hearings are published in this volume.

**AMENDMENT NO. 1008/33 TO THE METROPOLITAN REGION SCHEME**  
**SOUTH FREMANTLE / HAMILTON HILL**

**BACKGROUND**

The land which is subject to this proposed amendment to the Metropolitan Region Scheme is generally bounded by Rollinson Road to the south, the South Beach Parks and Recreation Reservation to the west, Ocean Road and Island Street to the north and the Fremantle Village and Chalet Centre to the east.

The land to the north of the closed portion of Island Street is in the suburb of South Fremantle in the City of Fremantle. The land to the south of Island Street and the closed portion of that road is in the suburb of Hamilton Hill in the City of Cockburn.

Land to the north and west of the amendment site is zoned Urban, and to the south of Rollinson Road is zoned Industrial in the Metropolitan Region Scheme.

The land included in the proposed amendment comprises:

- i) Pt. Lot 1815 Ocean Drive (2.1ha) - this lot contains a disused foundry building, now being used for storage purposes, and is proposed to be transferred from the Industrial Zone to the Urban Zone;
- ii) the areas of Industrial Zone peripheral to the west and south boundaries of Pt Lot 1815 - these areas are proposed to be transferred to the Parks and Recreation Reservation;
- iii) Lot 100 Rollinson Road (11.5ha) - this lot contains Wesfarmers woolsheds (now redundant) and is proposed to be transferred from the Industrial Zone to the Urban Zone;
- iv) a 3.6ha area of Railway Reservation - this area is leased for industrial purposes, is surplus to Westrail requirements and is proposed to be transferred to the Urban Zone;
- v) Lots 113 to 121 O'Connor Close - most of these lots are vacant and are proposed to be transferred from the Industrial Zone to the Urban Zone; and
- vi) Lot 21, Rollinson Road - this lot contains a cold storage facility and is proposed to be transferred from the Industrial Zone to the Urban Zone.

The amendment site is generally flat and there is little vegetation as the sites have been levelled and largely cleared in the past to allow for industrial development on them.

The subject lots have access from South Terrace, Ocean Road and Alice Avenue from the north and Rollinson Road and Connor Close from the south. These roads also provide access from the



site to the beach foreshore reserve, south of South Beach. There is another road reserve from Cockburn Road to the site (Island Street), however, there is no road constructed in it.

## **PURPOSE**

The amendment proposes to rezone the subject land from the Industrial Zone and Railways Reservation to the Urban Zone and Parks and Recreation reservation as shown on Figure 1.

The Urban zone allows for a variety of land uses (such as those in South Fremantle, which is zoned Urban). The detailed uses that will be permitted will be the subject of amendments to the District Zoning Schemes of the Cities of Cockburn and Fremantle. These local scheme amendments also have public submission periods.

## **DISCUSSION**

As the major industrial land uses within the amendment area have now ceased and the major land owners are considering non-industrial development for the land, it appropriate to consider whether the Industrial zoning is still the most suitable zoning for the land in a broader planning context.

It is considered that an Urban zoning, allowing for residential and other compatible uses, is preferable to the current Industrial zoning and Railways Reservation in view of the planning circumstances of the site. In particular, the proximity of the subject land to:

- the Fremantle Strategic Regional Centre and the suburb of South Fremantle, both of which contain a wide variety of commercial, service, educational, recreational and community infrastructure;
- the major recreational asset of the South Beach foreshore Parks and Recreation Reservation;
- major employment areas (Fremantle central area, Fremantle Hospital and the Hamilton Hill, Henderson, Fremantle and O'Connor industrial areas; and
- major educational facilities (Murdoch University, Fremantle TAFE, South Metropolitan College of TAFE).

The above circumstances make the subject land ideal for Urban land uses including a residential community and would contribute to better utilisation of public and private urban infrastructure, greater variety of housing types for the Fremantle community and benefits for the local economy. Urban infill developments on former industrial land in other parts of Perth have shown that such initiatives can produce high quality urban environments.

Although Industrial zoned land will be lost in the amendment, there are extensive industrial areas south of Rollinson Road, much of which remains undeveloped. There is also an extensive area of Industrial zoned land at the Henderson Industrial Estate.

The proposed Urban zoning is compatible with surrounding development, much of which is zoned Urban already. Although the Urban zone allows for residential development, other non residential uses are also appropriate such as commercial, light or service industry, education and local parks and recreation areas. The specific land uses that will be permitted will be controlled by the Local Government District Zoning Scheme relevant to the area (that is, the Cities of Cockburn and Fremantle).

The flexibility in land uses allowed under the Urban zone would allow for non-residential uses (such as light or service industry or commercial) to be established along Rollinson Road, should detailed planning for the area indicate that it is preferable to separate new residential development on the subject land from the Industrial zone south of Rollinson Road.

Detailed structure planning for the area will determine the internal road pattern and its connection to surrounding existing roads in South Fremantle and Hamilton Hill and the internal layout of landuses and residential densities. It is the WAPC's expectation that structure planning will occur for the entire amendment area to produce a single comprehensive plan for an integrated community development, within the context of the broader South Fremantle/Hamilton Hill area. Subdivision and development within the area will be subject to separate approvals by the Western Australian Planning Commission and/or the Cities of Cockburn and Fremantle.

## **ENVIRONMENTAL PROTECTION AUTHORITY ADVICE**

The proposed South Fremantle / Hamilton Hill amendment was initiated by the Commission in December 1998, and was referred to the Environmental Protection Authority (EPA) in accordance with Section 33E of the *Metropolitan Region Town Planning Scheme Act* for advice as to whether environmental assessment of the amendment was required.

The EPA advised that formal assessment under section 48A of the *Environmental Protection Act* was required and Draft Environmental Review Instructions were issued in March 1999. As enabled by the Act, an appeal was lodged regarding the draft Instructions. The appeal was determined, and modified Final Environmental Review Instructions were issued by the EPA in July 1999. The relevant environmental issues are noise (related to the railway reserve) and soil and groundwater contamination (related to former industrial land uses on the site).

An Environmental Review Report has been prepared, and the Environmental protection Authority advised in December 1999 that the Environmental Review document was considered to be in accordance with the EPA's instructions and was approved for release and advertising. Copies of advice notices from the EPA and DEP are included at Appendix A.



Accordingly, an *Environmental Review Report*, available as a separate document, is being advertised concurrently with this document so that environmental matters related to the Amendment can be commented on. As environmental issues are discussed in the Environmental Review document, those matters are not repeated in this document as well.

Submissions can be made on both the Amendment and the Environmental Review. Submissions on the amendment which include reference to environmental matters will be referred to the Environmental Protection Authority. The WAPC will also forward its own responses to these submissions to the EPA. The EPA will report to the Minister for the Environment on the proposed amendment and a report on it will be published. The Minister for the Environment in consultation with the Minister for Planning will then set environmental conditions for the amendment, which will be incorporated into the MRS and be specifically applicable to South Fremantle / Hamilton Hill.

## **THE AMENDMENT PROCESS**

The procedures for amending the MRS are set out in the *Metropolitan Region Town Planning Scheme Act (1959)*.

Section 33 of that Act sets out the major amendment process which, in essence, involves formulation of the amendment by the WAPC, referral to the Environmental Protection authority for consideration of the need for an environmental assessment, completion of the assessment to EPA standards, Ministerial approval to public submissions being sought on the amendment, advertisement (including the environmental review), consideration of submissions including the opportunity for formal hearings, approval by the Governor with any modifications in response to submissions and incorporating any environmental conditions, and tabling before each House of Parliament.

An explanation of this process can also be found in the introduction to this report.

## **SUBMISSIONS ON THE AMENDMENT**

The amendment will be advertised for public submissions for three months from the date of gazettal, being 22 February 2000.

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

- the Perth office of the Ministry for Planning;
- the municipal offices of the Cities of Perth, Fremantle and Cockburn and the Town of East Fremantle; and
- the State Reference Library, Alexander Library Building, Northbridge.

In addition to the places of display just mentioned, the *Environmental Review Report* along with the Commission's *Amendment Report* can be examined at the public libraries of Fremantle, Coolbellup and Spearwood, and the Library Information Centre of the Department of Environmental Protection, 8<sup>th</sup> floor, Westralia Square, 141 St Georges Terrace, Perth.

Written submissions or comments on the Amendment and the Environmental Review should be sent to:

The Secretary  
Western Australian Planning Commission  
Albert Facey House  
469 Wellington Street  
PERTH WA 6000

Submission forms (Form 6A) for this amendment [No. 1008/33: South Fremantle/Hamilton Hill] are available from the places of display. For your convenience a submission form is also attached in the back of this report.

Any person making a written submission also has the opportunity to personally present the basis of their submission to a sub-committee of the Western Australian Planning Commission or the Perth Region Planning Committee. Details required for attending the 'hearings' are on side two of the submission form.

After considering all the submissions, the Perth Region Planning Committee (on behalf of the Western Australian Planning Commission) may make modifications to the amendment.

People who have made submission will be kept advised on the progress of the amendment and along with all the affected landowners will be notified of the final outcome.



**SOUTH FREMANTLE / HAMILTON HILL**

**FIGURE 1**





**APPENDIX A**

NOTICES FROM THE  
ENVIRONMENTAL PROTECTION AUTHORITY  
AND THE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



## Department of Environmental Protection

**Head Office:**  
Westralia Square  
141 St Georges Terrace  
Perth, Western Australia 6000  
Tel (08) 9222 7000 Fax (08) 9322 1598  
<http://www.environ.wa.gov.au>

**Postal Address:**  
PO Box K822  
Perth, Western Australia 6842

Western Australian Planning Commission  
469 Wellington St  
PERTH WA 6000

*Your Ref* 833-2-1-61  
*Our Ref* RS001/11  
*Enquiries* Stacey Harley

ATTENTION: MR FRED HAINSWORTH

### **METROPOLITAN REGION SCHEME AMENDMENT 1008/33 SOUTH FREMANTLE HAMILTON HILL (1256)**

The Environmental Protection Authority has formally received your Environmental Review and the Department of Environmental Protection has provided comments and advice on this document and an earlier draft of the Environmental Review.

You are advised that the revised Environmental Review provided to the Authority on 19 November 1999 is considered to be prepared in accordance with the EPA's Instructions and is approved for release. You should now seek approval from the Minister for Planning to advertise the scheme amendment in accordance with the relevant planning legislation.

The public review period for this Environmental Review is coordinated with the public submission period for the scheme amendment.

The advertised cost of the document should be \$5.00 (including postage) as stated in the Instructions, however free copies of the Environmental Review should be provided to individuals and organisations nominated in the Instructions "Attachment 4: Availability of Environmental Review". It would be appropriate to include a covering letter with each Environmental Review document from the Ministry for Planning which explains how to make a submission, where to send it and the closing date of the submission period.

Please ensure that sufficient copies of the document are available at the start of the advertising period for the scheme amendment. The Authority will require twenty (20) copies of the Environmental Review for its own use and distribution. Please ensure that these copies are available prior to the commencement of the advertising period for the scheme amendment.

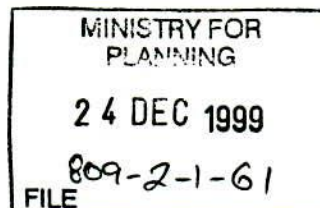
This advice does not in any way imply that your proposal has been assessed and determined to be environmentally acceptable, nor that all issues have been exhaustively covered. It is anticipated that submissions arising from the review period will assist in providing a more complete analysis of the environmental significance of this proposal.

In addition, the DEP will continue to negotiate the Scheme Amendment provisions with the Ministry for Planning to ensure that they provide adequate and appropriate conditions on noise and contamination.

Should you have any questions regarding this matter, please contact Stacey Harley on (08) 9222 7078 in the first instance.

W H Tacey  
A/DIRECTOR  
EVALUATION DIVISION

21 December 1999







## Environmental Protection Authority

---

Chairman  
Western Australian Planning Commission  
469 Wellington St  
PERTH WA 6000

Your Ref  
Our Ref RS 1/11  
Enquiries Julie Tilleke

Attention: Andrew Trevor

**SCHEME/AMD TITLE:** Metropolitan Region Scheme Amendment 1008/33  
**SCHEME/AMD LOCATION:** South Fremantle/Hamilton Hill  
**LOCALITY:** City of Fremantle/City of Cockburn  
**RESPONSIBLE AUTHORITY:** Western Australian Planning Commission

Instructions for the above scheme/amendment were issued to you on 26/03/99. As you are aware, an appeal was received regarding the content of the instructions and the Minister has now determined the appeal. The appeal that was upheld in part effects the scope and content of the instructions and consequently, please find attached the revised instructions which have been prepared in accordance with the decisions made by the Minister for the Environment. The revised instructions now also include a list of the environmental objectives relating to each of the relevant environmental factors previously identified.

The Environmental Review should focus on the relevant environmental factors and explain how the scheme/amendment meets the EPA objectives, as one of the key elements of the environmental impact assessment process is determining whether the scheme/amendment meets EPA objectives. In the event that EPA objectives cannot be met, alternative objectives should be proposed and the Environmental Review should discuss why the new objective is more appropriate.

It is expected that you will prepare your environmental review in accordance with the attached, final instructions.

Yours faithfully

  
B K Bowen  
CHAIRMAN



- 2 JUL 1999



## Environmental Protection Authority

Chairman  
Western Australian Planning Commission  
469 Wellington Street  
PERTH WA 6000

Your Ref 809-2-1-61P1  
Our Ref 1/11VOL1  
Enquiries J Tilleke

Attention: Andrew Trevor

**SCHEME/AMD TITLE:** MRS amendment 1008/33  
**SCHEME/AMD LOCATION:** South Femantle/Hamilton Hill  
**LOCALITY:** City of Cockburn/City of Fremantle

Please find attached the instructions specifying the scope and content of the environmental review document for the above amendment. These instructions are not yet final as they are subject to appeal to the Minister for the Environment under Section 100 of the EP Act.

If you wish to appeal it should be lodged in writing, accompanied by the \$10.00 appeal fee, to:

Appeals Convenor  
C/- Minister for the Environment  
12th floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Appeals on these instructions must be received by the Appeals Convenor by 5:00 pm on **April 9, 1999.**

If there are no appeals, you will be informed by the Department of Environmental Protection (DEP). The attached instructions would then become the final instructions.

In the event of there being appeals, there can be two outcomes:

- The Minister may dismiss the appeals and would notify you accordingly. In this case the attached instructions would become the final instructions.
- The Minister may uphold the appeals and would notify you accordingly. In this case the attached instructions would be modified and issued to you as the final instructions.

During the preparation of the environmental review document you are encouraged to consult with Julie Tilleke of the DEP (tel. 9222 7078). The document must be prepared in accordance with the final instructions.

The EPA will decide within 30 days of receiving the completed environmental review document whether it is in accordance with the instructions. If it is in accordance, the document can be released for public review.

MINISTRY FOR  
PLANNING

29 MAR 1999

809-2-1-61

FILE



1  
If the document is not in accordance with the final instructions, the EPA will set out the changes needed prior to its release for public review. If you disagree with the changes required by the EPA, you may request the Minister for Planning to consult with the Minister for the Environment as to whether or not the environmental review document is in accordance with the final instructions.

*B K Bowen*

B K Bowen  
CHAIRMAN

26 MAR 1999



Department of Environmental Protection

**Head Office:**  
Westralia Square  
141 St Georges Terrace  
Perth, Western Australia 6000  
Tel (08) 9222 7000 Fax (08) 9322 1598  
<http://www.environ.wa.gov.au>

**Postal Address:**  
PO Box K822  
Perth, Western Australia 6842

Secretary  
Western Australian Planning Commission  
469 Wellington Street  
PERTH WA 6000

*Your Ref* 809-2-1-61 P1  
*Our Ref* 135661  
*Enquiries* Adrian Vlok

Attention: Mr A Trevor

**SCHEME/AMD TITLE:** Metropolitan Region Scheme Amend  
No. 1008/33

**SCHEME/AMD LOCATION:** South Fremantle/Hamilton Hill

**RESPONSIBLE AUTHORITY:** Western Australian Planning  
Commission

**LEVEL OF ASSESSMENT:** Level 3 - Assessed, Environmental  
Review Required (Assessment  
No.1256

Thank you for your letter of Wednesday, 6 January 1999 regarding the above scheme amendment.

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

For the purposes of this assessment the EPA will shortly issue you, as the Responsible Authority, with instructions for the preparation of an environmental review of the scheme. The EPA's instructions will also be forwarded to decision-making authorities and involved agencies and advertised in The West Australian newspaper as being publicly available.

There is a 14 day appeal period from the date of issue of these instructions during which, upon payment of a \$10 fee, anyone may lodge a written appeal with the Minister for the Environment regarding their contents. Please note, however, that there is no appeal against the EPA's decision to assess the scheme.

The environmental review must be prepared in accordance with the instructions and in consultation with the Department of Environmental Protection which manages the assessment on the EPA's behalf. The environmental review is a public document which is to be available for public comment during the public review of the scheme.

The EPA assesses the scheme and reports to the Minister for the Environment on the environmental factors relevant to the scheme. A copy of the EPA's report is sent to yourselves, decision-making authorities and involved agencies and is advertised in The West Australian newspaper as being publicly available.

Final approval for a scheme subject to assessment cannot be granted until the assessment is completed, the Minister for the Environment has issued



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environmental approval and the Minister for Planning is satisfied that the scheme conforms with the conditions of that approval.

To expedite the assessment process could you please provide the name of the appropriate contact person within your organisation for this scheme.

If during the assessment of your scheme you require further information on the assessment or wish to present information to the EPA in committee please contact the DEP's assessment officer in the first instance. The assessment officer is ADRIAN VLOK whose direct telephone number is 9222 7050.



K J Taylor  
DIRECTOR  
EVALUATION DIVISION

cc: Governor of WA

22 JAN 1999

## **APPENDIX B**

### **YOUR PROPERTY AND THE METROPOLITAN REGION SCHEME**



## **YOUR PROPERTY AND THE METROPOLITAN REGION SCHEME**

### **Landowners rights to compensation in relation to reserved land**

#### **Your land is reserved in the Metropolitan Region Scheme (MRS)**

Land which is affected by a reservation in the Metropolitan Region Scheme 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 to the applicant. 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 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 at the Ministry. The Ministry 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 Ministry For Planning, Properties & Parks Branch.**



**APPENDIX C**

**SUBMISSION FORM  
(FORM 6A)**

## FORM 6A

**METROPOLITAN REGION SCHEME AMENDMENT No. 1008 / 33**

## OFFICE USE ONLY

OFFICE USE ONLY		
SUBMISSION NUMBER	PROPOSAL NUMBER	REFER EPA

[illegible]

**TURN OVER TO COMPLETE YOUR SUBMISSION**



## HEARING OF SUBMISSIONS

The Metropolitan Region Town Planning Scheme Act also provides the opportunity for people who have made written submissions to discuss matters by commenting in person to a Hearings Committee.

These 'hearings' are arranged so that the Western Australian Planning Commission can listen to a person should they wish to explain or expand upon their written submission. In the case of a group, a spokesperson to represent the group must be appointed.

A hearing is intended for listening to points of view and planning rationale, and is not a forum of general public debate.

All hearings are recorded and transcribed. The transcripts of 'private' hearings remain confidential. Transcripts of 'public' hearings and all written submissions are published.

The Commission's determinations are also published in a 'Report on Submissions'.

**You do not have to attend a hearing.** The comments presented by you in this written submission will be taken into account in the determination of the proposed amendment.

### Please complete the following:

- ☐ **NO** I do not wish to speak at the hearings. (Please go to the end of the form and sign).
- or
- ☐ **YES** I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing).
- I will be represented by:
- ☐ **MYSELF.** My telephone number (business hours): .....
- or
- ☐ **MY AGENT or SPOKESPERSON** (an agent may be from a local group)
- Agents name: .....
- Group name: .....
- Agents telephone number (business hours): .....
- Mailing address: .....
- I would prefer my hearing to be conducted in:
- ☐ **PUBLIC** (with a public hearing other persons, including the media, may attend).
- or
- ☐ **PRIVATE** (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee will attend. Material presented at a private hearing will remain confidential.)

### TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signed .....

Date .....

**NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 26 MAY, 2000. Late submissions will NOT be considered.**

Contacts: Telephone 9264 7777, Fax 9264 7566. Internet <http://www.wa.gov.au/planning>

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