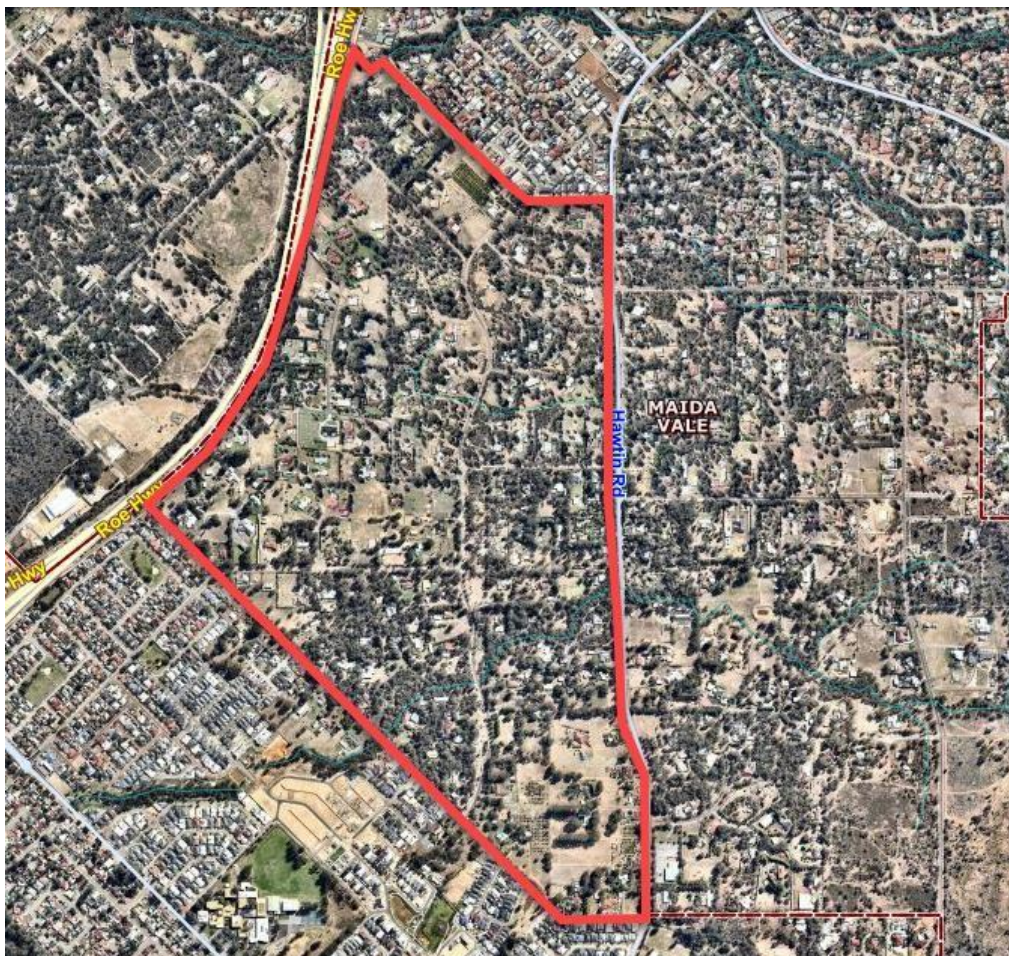


## Maida Vale South

### Frequently Asked Questions

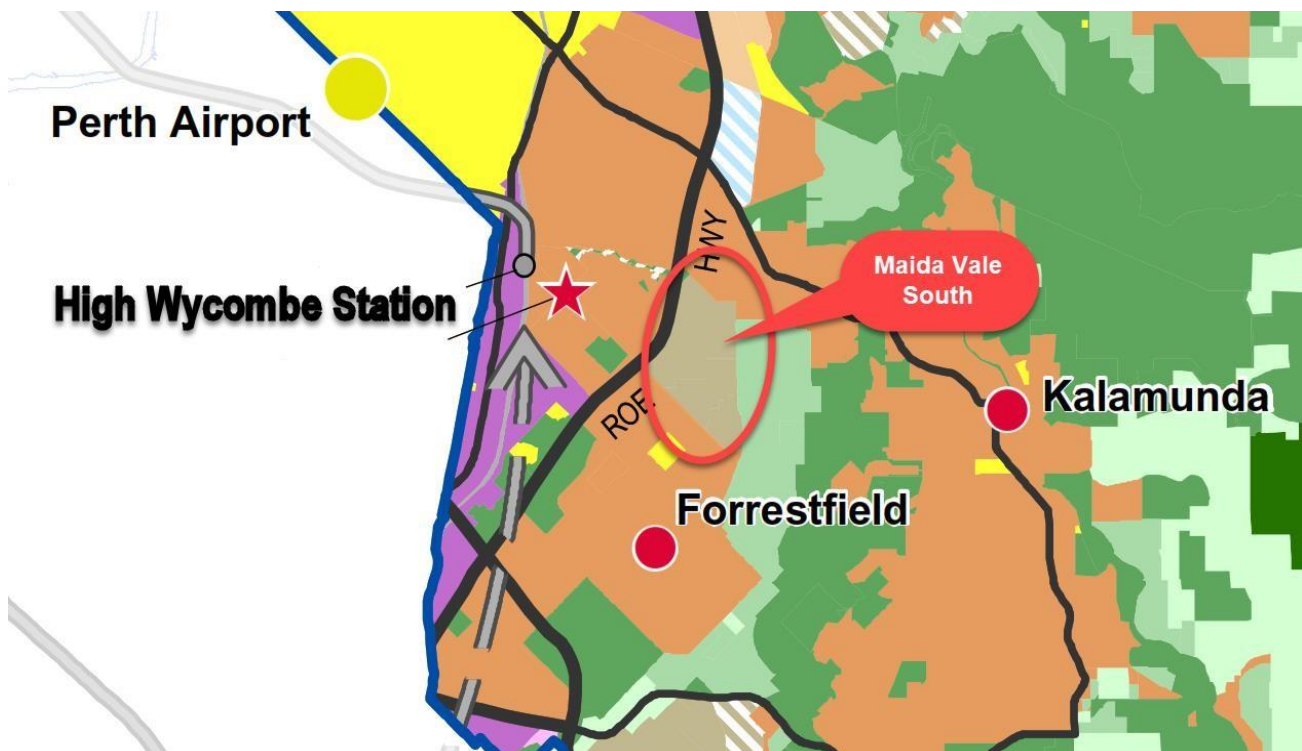
1. Q: Where is Maida Vale South?

A: The area referred to as 'Maida Vale South' is an approximately 175ha area of land bounded by Roe Highway, Sultana Road East, Hawtin Road, and the existing urban area of Maida Vale adjacent to Poison Gully Creek and Maida Vale Road. The subject land has been identified in the State Government's NorthEast Subregional Planning Framework as a potential 'urban expansion'.



## 2. Q: What is the North East Subregional Planning Framework?

A: The North East Subregional Planning Framework is a strategic document of the State Government, which is designed to ensure there is enough land available for future housing and employment opportunities to accommodate for population growth in the Perth metropolitan region. The document also highlights and foreshadows where future urban development is to occur. The Maida Vale South area is identified as 'Urban Expansion'. Further detailed planning is required for Urban Expansion/Investigation areas prior to consideration for any rezoning under the Metropolitan Region Scheme and before development can occur including, but not limited to, investigations regarding protection of significant environmental attributes, basic raw materials, water resources, bushfire risk, servicing, community and social infrastructure, movement networks and employment. These areas may contain significant environmental attributes and further planning for these sites will need to prioritise avoidance and/or protection of the environmental values. Minor refinement of expansion or investigation area boundaries may be required to accommodate more detailed future planning.



## 3. Q: What is the City's Local Planning Strategy 2010?

A: The City of Kalamunda's Local Planning Strategy sets out a long-term plan for the Local Government by applying State and Regional Planning Policies, providing rationale for zones. The City's Local Planning Strategy currently foreshadows Maida Vale South as an 'Urban Investigation Area', which is consistent with the 'Urban Expansion' identification in the North East Subregional Planning Framework.

#### 4. Q: What planning processes need to occur to consider the future land uses in Maida Vale South?

A: The Planning Framework in Western Australia requires the following key processes to occur before subdivision and development can be considered in Maida Vale South:

- a. Metropolitan Region Scheme (MRS) Amendment
- b. Local Planning Scheme No. 3 (Scheme) Amendment
- c. Approval of a Structure Plan

These processes are further discussed below.

#### 5. Q: What is the Metropolitan Region Scheme?

A: The Metropolitan Region Scheme (MRS) is a statutory planning document that guides zoning and land use planning in the Perth metropolitan region. The MRS defines the future use of land, dividing it into broad zones and reservations. Zoning under the MRS is a precursor to zoning under local government local planning schemes, which facilitate detailed plans for the development of land. Local planning schemes must be consistent with the MRS.

#### 6. Q: What is involved in an MRS Amendment?

A: The Western Australian Planning Commission (WAPC) is responsible for keeping the Region Planning

Schemes under review and initiating changes where they are seen to be necessary. An amendment to the Region Planning Scheme changes the zoning or reservation of land to allow for a different land use. The amendment process is regulated by the Planning and Development Act 2005.

An amendment is advertised inviting submissions before a final decision on a proposal is made. A submission is a chance for people to express their opinion and provide information. The number of submissions received for or against a proposal will not determine the result, rather it is the reasoned argument of why a particular change of land use should or should not be done.

Submissions assist the WAPC in reviewing MRS amendment proposals before proceeding. Submissions enable the consideration of issues that affect different stakeholders and the community, and where appropriate the consideration of modifications,

Further information can be found via: <https://www.wa.gov.au/organisation/department-of-planning-landsand-heritage/amending-the-region-planning-schemes>

#### 7. Q: What is the City's Local Planning Scheme?

A: The City's Local Planning Scheme No. 3 (Scheme) sets out the way land is to be used and developed and includes provisions to manage infrastructure and development within the City's area of planning authority. The Scheme sets out the requirements for planning approval and reserves land for public purpose. The Scheme also facilitates the preparation of more detailed plans that guide the development of urban areas.

## **8. Q: What is involved in a Local Planning Scheme Amendment?**

A: A Local Planning Scheme Amendment is a change to the zoning and/or permissibility of uses within the City's Local Planning Scheme No. 3. Under Part 5 the Planning & Development (Local Planning Schemes) Regulations 2015, an amendment to the Scheme is classified as either a basic, standard or complex amendment. Depending on its classification advertising may be required. A basic amendment does not require advertising, but standard and complex amendments do. It is anticipated that amendments within the Maida Vale South area will be classified as standard or complex.

A process flowchart can be found via: [https://www.wa.gov.au/system/files/2021-07/PD\\_LPS\\_Flow\\_charts\\_simplified\\_LPS.pdf](https://www.wa.gov.au/system/files/2021-07/PD_LPS_Flow_charts_simplified_LPS.pdf)

## **9. Q: What is a Structure Plan?**

A: A structure plan deals with residential density, subdivision, and the coordination of infrastructure at a neighbourhood scale. They are prepared to provide for the vision and outline the planning framework for future subdivision and development for a specific area. They outline future intentions for specific land uses and density codings, public open space requirements, road network requirements and various other infrastructure needs.

## **10. Q: What should I do if a developer/planning consultant approaches me to buy my land, to sign an option agreement or to ask to be part of a structure plan?**

A: There is no obligation for a landowner to either sell their land to a developer or to support a particular outcome within a Structure Plan initiated by a private party. A Structure Plan must be undertaken over a defined area in order to properly plan the planning framework for that area, though some landowners may still opt to do nothing. Another option is for the landowner to seek their own independent planning advice from a suitably qualified consultant. Often a developer or planning consultant preparing a Structure Plan will seek feedback from landowners to help inform the Structure Plan while it is being prepared. It is not the role of local government to advise landowners whether they should sell their land and/or enter a commercial arrangement regarding their land. Local government does ensure, in accordance with the Planning Framework, that any Structure Plan submitted for approval will be publicly advertised for all landowners and the wider community to comment on before it is determined. (See Q12).

## **11. Q: Can a planning consultant or developer prepare and lodge a Structure Plan that affects my land without my permission?**

A: Yes. This can happen if they own land within the broader Structure Plan area or are acting on behalf of an owner of land in the Structure Plan area. The Structure Plan assessment process includes public advertising and allows landowners to provide information to support or object to the proposal. The City is required to consider submissions and make a recommendation to the WACP for a final decision.

**12. Q: Has a structure plan been submitted to the City of Kalamunda?**

A: No, a Structure Plan has not been received by the City for the Maida Vale South area.

**13. Q: Will I have the opportunity to provide comments or have input on the Structure Plan?**

A: Yes. Structure Plans are required to be advertised for public comment. It is at this stage that landowners will have an opportunity to provide comment on the proposed plans.

**14. Q: When will Structure Plans be advertised?**

A: Structure Plans are advertised once sufficient information has been provided to the satisfaction of the local government. In instances where the local government has prepared the Structure Plan, the Structure Plan is advertised once the Council have adopted it for the purposes of public advertising.

The City of Kalamunda will advertise when this occurs. The City will ensure landowners are aware and have opportunity to comment.

**15. Q: Do I have to sell my land or develop once the Structure Plan is in place?**

A: No. Landowners have no obligation to enter into discussions with developers, or to develop their land in the future.

**16. Q: Do I need to provide the developer access to my property for environmental assessments?**

A: It is your decision as a property owner to grant access or not to your property for environmental or other assessments. In the event environmental assessment is not completed as part of the Structure Plan investigations by the developer or consultants undertaking this work, separate environmental assessment could likely be required by you at a later date before the lot is eventually developed.

**17. Q: What is involved in a black cockatoo habitat assessment?**

A: A qualified ecologist / zoologist will traverse the property to inspect and assess any vegetation that may be of foraging, breeding or roosting habitat value for black cockatoos, including individual trees.

Trees that provide potential breeding habitat will be measured to determine their trunk diameter and the presence of any potential breeding hollows will be noted. There are three threatened species of black cockatoo that are found in Western Australia (all three occur within the City of Kalamunda):

- Carnaby's cockatoo *Calyptorhynchus latirostris* is one of two species of white-tailed black cockatoo found in south-west WA.
- Baudin's cockatoo *Calyptorhynchus baudinii* is the other white-tailed black cockatoo found in south-west WA

- Forest red-tailed black cockatoo *Calyptorhynchus banksii naso* is one of three subspecies of redtailed black cockatoo and it is found in south-west WA.

Black cockatoos are “Matters of National Environmental Significance” (MNES) and are listed as Threatened fauna under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

Approval is needed under the EPBC Act for “significant impacts” to MNES and thus the survey is needed to inform future development design (prioritising retention of important habitat) and approval obligations in the event that black cockatoo habitat is impacted.

Black cockatoos are also listed as Threatened at a State level under the Biodiversity Conservation Act 2016, and are given consideration in the assessment of proposals under Part IV (significant proposals/ scheme amendments) and Part V (clearing permits) of the Environmental Protection Act 1986.

Taking or disturbing of Threatened fauna requires Authorisation from the Minister for Environment under section 40 of the Biodiversity Conservation Act 2016.

More information can be found via the link below:

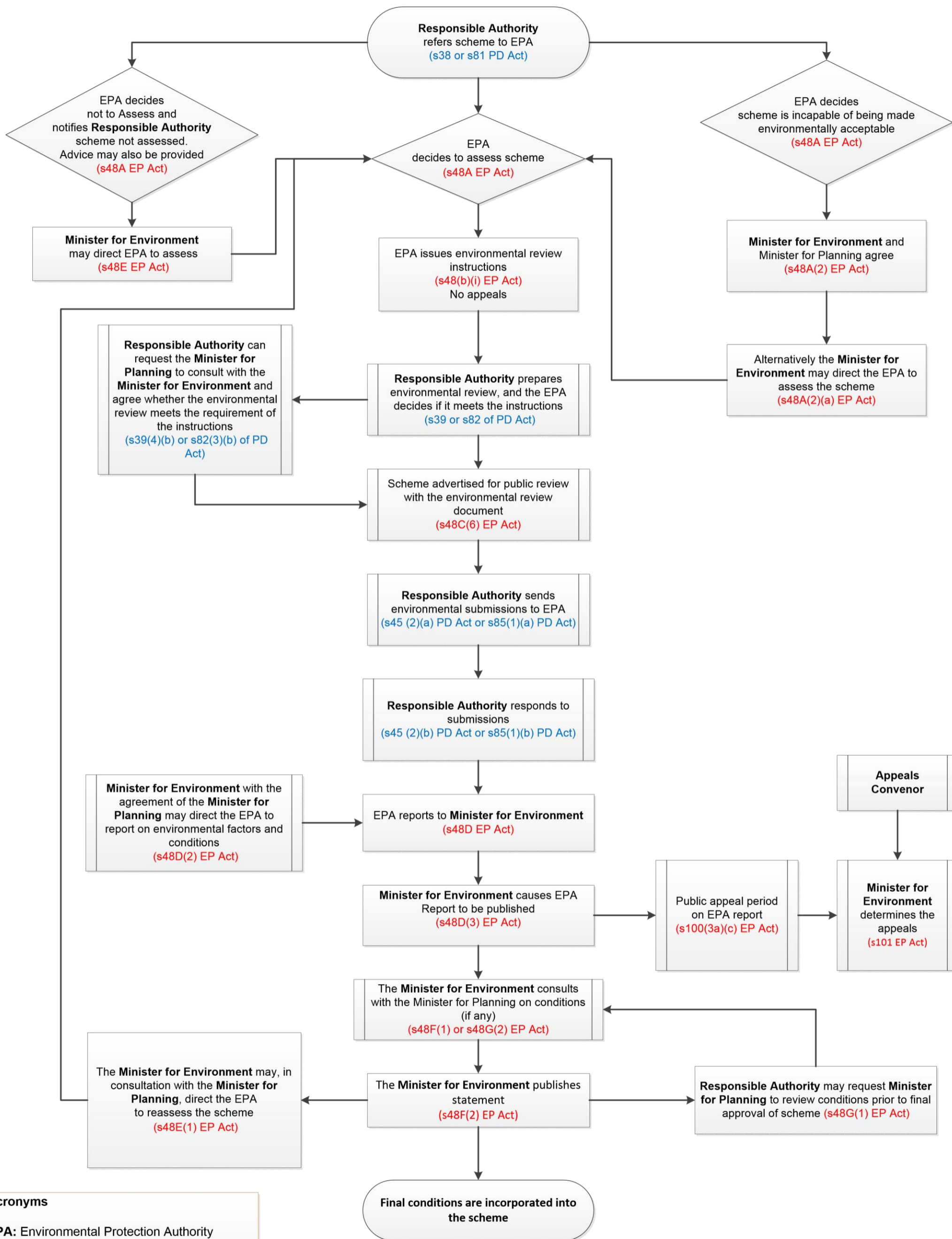
<https://www.awe.gov.au/sites/default/files/documents/referralguidelines-wa-black-cockatoo.pdf>

#### **18. Q: What does the EPA formal assessment entail?**

A: The Environmental Protection Authority (EPA) can choose to set different levels of assessment when a proposal is referred to it. The level set by them will relate to the extent of environmental considerations the EPA is considering on the proposal. For Maida Vale South the EPA is assessing the proposed MRS Amendment (See Q6). Notwithstanding the process outlined below, both the MRS Amendment and the EPA assessment will be advertised for comment simultaneously.

A flow chart of the process is outlined below.

**Environmental Protection Act 1986**  
**Part IV Division 4 - Environmental Impact Assessment of Schemes**



**Acronyms**  
 EPA: Environmental Protection Authority  
 EP Act: Environmental Protection Act 1986  
 PD Act : Planning and Development Act 2005

**19. Q: What is the current status of the EPA Assessment and Next Steps?**

A: The EPA have issued instructions to the proponent outlining information required to be provided through the environmental assessment. The proponent is currently in the process of preparing that information.

See below timeframe on the Assessment process. Further information on the instructions of the environmental review can be viewed: <https://www.epa.wa.gov.au/metropolitan-region-schemeamendment-134457-maida-vale-urban-precinct>

Key assessment milestones
EPA issues instructions to the responsible authority (60 days after referral)
Responsible authority submits Environmental Review to EPA
EPA authorises advertising of Environmental Review and scheme for public review (30 days from RA submission of ERD)
Responsible authority advertises scheme and Environmental Review for public review in accordance with the Planning and Development Act 2005
Close of public review period
Responsible authority provides copies of submissions related to environmental issues to the EPA (7 days from close of public review period)
Responsible authority provides Response to Submissions to EPA (42 days from close of public review period)
EPA reports to the Environment Minister on environmental factors and recommended scheme conditions (60 days after end of public review period or 30 days after receiving RA's Response to Submissions, whichever is longer)

**20. Q: How will any identified flora and fauna be protected through the planning process?**

A: Depending on the significance of the flora and fauna identified in Maida Vale South, the proponent will be required to consider the designation of land of significant environmental value to be protected and reserved, either as local open space under the Local Planning Scheme or as Parks and Recreation under the MRS.

**21. Who can I contact if I have further questions?**

Please contact the City of Kalamunda Planning Services during office hours on 9257 9999 or email [enquiries@kalamunda.wa.gov.au](mailto:enquiries@kalamunda.wa.gov.au)