South Western Highway - Waroona Deviation and Associated Railway Realignment Report on Submissions

Shire of Waroona
Peel Region Scheme
Amendment 030/41

South Western Highway - Waroona Deviation and Associated Railway Realignment

Report on Submissions

Shire of Waroona

February 2014
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An introduction to Peel Region Scheme major amendments

The Peel Region Scheme sets out the broad pattern for the use and development of land in the Peel region. The Peel Region Scheme is constantly under review to best reflect regional planning needs.

The Western Australian Planning Commission (WAPC) is responsible for keeping the Peel Region Scheme under review and initiating changes where necessary.

A proposal to amend the Peel Region Scheme is regulated by the Planning and Development Act 2005. This legislation provides for public submissions to be made in respect of proposed amendments and allows people the opportunity to present their submission to a hearings committee established by the WAPC.

For a substantial amendment, often referred to as a major amendment (made under section 41 of the Planning and Development Act 2005), the WAPC considers all of the submissions it receives and the matters raised during the hearings process. The WAPC then publishes its recommendations in a Report on Submissions and Hearings. This report is presented to the Minister for Planning and to the Governor for approval. Both houses of Parliament must then scrutinise the amendment before it can take legal effect.

At each stage of the process for a substantial amendment to the Peel Region Scheme, information is published under the following titles:

**Amendment Report**
This document is available from the start of the public advertising period for the proposed amendment. It sets out the purpose and scope of the proposal, explains why the amendment is being considered, and informs people on how they can comment through the submission process.

**Environmental Review Report**
The Environmental Protection Authority must consider the environmental impact of an amendment to the PRS before it can be advertised. If an amendment requires environmental assessment under Section 48A of the Environmental Protection Act (1986) an Environmental Review would be undertaken and made available for information and comment at the same time as the amendment report.

**Report on Submissions**
The Report on Submissions and Hearings documents the submissions received when an amendment is advertised, the WAPC’s determination of these submissions and the WAPC's recommendation to the Minister for Planning.

It includes a reproduction of each written submission received by the WAPC in respect of the proposed amendment.

A person who has made a written submission may also choose to appear before a hearings committee to express their views. The hearings proceedings are recorded and transcribed, and the transcript of each hearing is reproduced in this report.
Amendment No. 030/41 to the Peel Region Scheme

South Western Highway - Waroona Deviation
and Associated Railway Realignment

1. Introduction

At its meeting of 22 May 2012, the Western Australian Planning Commission (WAPC) resolved to prepare Amendment 030/41 to the Peel Region Scheme, pursuant to section 41 of the Planning and Development Act 2005.

This report sets out the background to the amendment and discusses the submissions received in response to advertising of the amendment and matters raised during hearings.

2. Background

In 1996, Main Roads WA, in consultation with the Shire of Waroona, commissioned consultants to investigate options for deviating South Western Highway around the Waroona townsite. The initial stage of the study identified four potential alignments (Appendix A) for a deviation, as follows:

(1) Option one was based on a 1970s proposal to deviate South Western Highway around the Waroona townsite.

The alignment was located adjacent to the existing railway reserve on the western edge of the Waroona townsite.

Connections between the deviation and the existing road network would have been constructed at Palmerston, Logue and McLarty Streets, with a new connection to the existing highway approximately opposite Wass Street. As the deviation and railway would have been located in close proximity to each other, it would not have been possible to connect Coronation Road to the deviation. To avoid severing Coronation Road, a bridge over the railway and the deviation would have been required.

This option minimises the length of the deviation, is close to the town centre and does not cross the railway. However, this option also has a significant impact on existing properties and is quite close to properties on Fouracre Street (fourteen houses would be located within 50 metres of the deviation).

(2) Option two was developed with the aim of avoiding problems associated with option one.

This option involved constructing the deviation on the site of the existing railway and relocating the railway approximately 30 metres to the west.

A route abutting the western side of the railway was considered but this would have required building two bridges over the railway to connect to South Western Highway. The narrow angle between the deviation and the railway makes this impractical.

Building the road on the current railway alignment would keep the deviation close to the Waroona townsite and provide good connections with the existing road network. A longer section of new road would need to be constructed, however, the overall travel distance would be comparable with option one. This route has less impact on properties within the townsite, but does affect properties west of the railway line.
At the northern end of option two it would be possible to connect the deviation to South Western Highway:

- just north of Paterson Road; or
- running parallel to the railway line further to the north joining South Western Highway near Peel Street.

The first of these options minimises the impact of the deviation on Lots 11, 13, 14, 41, 42, 43 and 1239 South Western Highway, but would bisect Lot 40 South Western Highway and isolate existing, developed, industrial land from the Waroona townsit. These possibilities are depicted as options 2A and 2B in Appendix A.

(3) Option three passes through an area of rural small-holdings located immediately west of the railway and between George Street and Paterson Road. From Paterson Road to James Road this alignment follows property boundaries as much as possible, to try and minimise property severance. The southern section of this alignment passes through another area of rural small-holdings.

There are alternative alignments for the northern part of option three, however, all of the alternatives involve disrupting a number of rural small-holdings.

Option three would allow for the development of a high standard road with speeds up to 110 kilometres per hour. A wide median, no individual property access and widely spaced intersections with side roads would improve traffic safety.

This option would require the construction of two bridges over the railway.

(4) Option four is constrained at its northern end by a conservation reserve. This notwithstanding, four different alignments (identified as options 4A, 4B, 4C and 4D in Appendix A) were identified for the northern part of option four:

(a) Alignment A connects to South Western Highway in the vicinity of Hall Road, crosses through the conservation reserve and farmland and connects with the northern end of the road reserve for Fawcett Road.

(b) Alignment B connects to South Western Highway in the vicinity of Hall Road and curves to the east before curving westwards across the existing railway to connect to the road reserve for Fawcett Road in the vicinity of the Coronation Drain. This alignment traverses privately owned, cleared farmland along its entire length.

(c) Alignment C connects to South Western Highway approximately 1.3 kilometres north of Hall Road. This alignment curves east from South Western Highway through privately owned land before curving westwards through the conservation reserve and over the railway, before connecting to the road reserve for Fawcett Road in the vicinity of Berry Road.

(d) Alignment D connects to South Western Highway approximately 1.5 kilometres south of Hall Road. The alignment curves westwards through farmland and a rural small-holdings area. Alignment D connects with the road reserve for Fawcett Road approximately 400 metres north of Coronation Road.

At the southern end of option four, the road would be located to the east of Fawcett Road, connecting to South Western Highway north of Alcoa’s entrance road.

This option could accommodate a high standard road with speeds of up to 110 kilometres per hour. This alignment would replace Fawcett Road and, therefore,
all those properties which rely on Fawcett Road for vehicle access would need to be given direct access to the deviation. This would reduce safety by increasing the number of places where traffic conflict may occur.

A number of homes would be located close to the deviation and at least two homes would need to be demolished.

All of the options for the proposed deviation were located west of the Waroona townsite, as strategic planning proposed expanding the townsite to the east.

A preliminary multi-criteria analysis of the four alignments was then prepared, which considered:
- transport efficiency and economic benefits;
- social quality and public safety;
- environmental integrity; and
- engineering viability.

The preliminary multi-criteria analysis ranked the options, with option three the best performing option, followed by alignments 2B, 4B and 2A.

In late 1996, the four alignments and the results of the preliminary multi-criteria analysis were the subject of public consultation. This consultation included direct mailing to affected stakeholders, press releases, advertising in local newspapers, a three week public display and discussions with the Shire of Waroona.

The submissions received in response to the advertising strongly opposed options three and four. Approximately 80 per cent of respondents objected to these alignments due to the potential loss of business within the townsite and the impact on property. However, approximately 60 per cent of the submissions supported alignment two as it is located close to the townsite and has less impact on private property.

In October 1997, Main Roads WA released *Roads 2020*, which recommended that provision be made for the future potential upgrade of South Western Highway to a dual carriageway standard and that bypasses be provided around townsites.

In December 1997, the *State Planning Strategy* recommended that transport initiatives included in *Roads 2020* be implemented. In particular, the *State Planning Strategy* recommended the WAPC and Main Roads WA investigate bypasses for freight and heavy haulage traffic around Mandurah, Pinjarra and Waroona.

In November 1998, a community workshop was held in Waroona to receive comment in respect of the alignment options. This workshop led to the multi-criteria analysis being modified to consider the effect of the deviation on businesses in the townsite, give more weight to social issues and place less importance on economic and engineering considerations. The modified analysis identified option 2A as the best performing option, followed by options 4A, 2B and 4B.

The consultant recommended that option 2A be identified as the preferred alignment of the proposed deviation as:
- the alignment was close to the Waroona townsite, which made it convenient for motorists to stop in the town;
- it was adjacent to an existing railway which was already a constraint affecting any future growth of the townsite;
• it minimised impacts on environmentally sensitive areas; and
• it minimised impacts on rural residential properties located west of the railway line.

In late August / early September 2001, the Shire of Waroona undertook a community poll (conducted by the Western Australian Electoral Commission) to determine the views of the community. The community was asked to consider two questions:

1. “Do you support the development of an alternative alignment for South Western Highway at Waroona? Yes / No.”

2. “If an alternative alignment for South Western Highway at Waroona is to be developed, which of the two options would you prefer? Option 2 or option 4.”

The Shire of Waroona did not consult the community in relation to options one or three, as it had already rejected those options because of concerns about their social impacts.

The poll was advertised through advertisements in the local newspapers, radio advertising, newsletter drops and a three-week public display. An information package was also sent out to the community with the ballot slip. That information package indicated that construction of the Peel Deviation (now known as the Kwinana Freeway extension and the Forrest Highway) may delay the need to upgrade South Western Highway.

Approximately 60 per cent of the community took part in the poll, with:

• 64.37 per cent of respondents supporting the development of an alternative alignment for South Western Highway; and
• 55.58 per cent of respondents voting for option two, while 44.33 per cent of respondents voted for option four.

In September 2001, the Shire of Waroona considered the results of the poll and:

• supported the development of an alternative alignment for South Western Highway at Waroona;
• encouraged the State Government to bring forward funding for the proposed deviation;
• identified option two as the route of an alternative alignment of South Western Highway at Waroona; and
• encouraged the State Government to proceed with more detailed design work and land protection planning with as little delay as possible.

In February 2003, the Shire of Waroona considered a request from Main Roads WA to amend the local planning scheme, to reserve land required for the proposed deviation and railway realignment. In response, the Council asked the WAPC to amend the Peel Region Scheme to reserve land required for the proposed deviation and railway realignment once:

• the Peel Region Scheme had been gazetted (the Peel Region Scheme was still provisional in February 2003, it did not have legal effect until March 2003); and
• an alignment definition report had been prepared.

In May 2003, the WAPC considered all four of the proposed alignment options and endorsed route two as the preferred alignment and supported Main Roads WA
undertaking further planning to define a reservation for the proposed deviation and railway realignment.

In July 2004, consultants for Main Roads WA completed an alignment definition report for the proposed deviation. That report included the following preliminary plans:
- a proposed carriageway design;
- the proposed track formation for a partial realignment of the railway; and
- land requirement plans.

The alignment definition report also identified various environmental and heritage constraints affecting the route of the proposed deviation and railway realignment.

The alignment definition report was referred to stakeholders for comment. No objections were received, however, it was recommended that there be no encumbrance of the rail route or operational impediments (with specific reference to heritage sites along the route) and that the proposed Drake Street level crossing be deleted. Based on this advice, the proposal was modified to include the realignment of McNeill Road and remove the proposed Drake Street level crossing.

In December 2004, it was considered that planning for the deviation was sufficiently advanced to warrant protecting land required for the deviation and railway realignment from development for other purposes. However, it was not considered appropriate to amend the Peel Region Scheme at that time, due to the potential impact of the proposed deviation on a site (three railway workers' cottages and a portion of the adjacent railway) listed on the State Register of Heritage Places.

In this respect, representatives of the Heritage Council of Western Australia had advised that the impact of the deviation on the heritage site needed to be addressed before the land was reserved in the region scheme. On this basis, the WAPC resolved to declare a planning control area over the land needed for the proposed deviation and the associated railway realignment.

The WAPC formalised the declaration of Planning Control Area No. 1 in February 2006, after Parliament assented to the Planning and Development Act 2005.

In June 2006, Main Roads WA held a workshop with various state government agencies and stakeholders. The aim of the workshop was to achieve consensus on the alignment of the proposed deviation and railway realignment and to agree on strategies for addressing environmental and heritage constraints. Based on this consultation the design of the deviation and railway relocation was modified to increase the separation distance between the proposed deviation and the railway, to facilitate the protection of:
- a resource enhancement category wetland;
- significant vegetation;
- an Aboriginal heritage site;
- three railway workers' cottages listed, as a single entry, on both the State Register of Heritage Places and the Council's Municipal Heritage Inventory; and
- a cottage listed on the Council's Municipal Heritage Inventory.

Although modifying the railway realignment did reduce the impact of the proposed deviation and the associated railway realignment on the three railway workers' cottages, it still required the removal of a section of railway which formed part of the heritage...
listing. To address this, in August 2007, Main Roads WA sought to have the area listed on the State Register of Heritage Places reduced, to exclude the existing railway.

In August 2007, Main Roads WA wrote to landowners directly affected by the revised proposal and surrounding landowners, seeking comment. Nine landowners provided comments to Main Roads, with six of the responses objecting to the proposed deviation.

In October 2007, Main Roads WA requested that the Peel Region Scheme be amended to reserve land required for the proposed deviation and railway realignment. The amendment request was based on the original alignment of the proposed deviation and the modified railway realignment. This amendment request was not progressed as the issue of the three railway workers’ cottages remained unresolved.

In March 2009, the WAPC endorsed the *Shire of Waroona Local Planning Strategy*. The final *Shire of Waroona Local Planning Strategy* depicts the alignment of the proposed South Western Highway: Waroona Deviation as a Future/Potential Significant Road.

In February 2011, Planning Control Area No. 1 expired. As the issue of the railway workers’ cottages had not been resolved, it was considered that a new planning control area should be declared while the heritage issues were addressed and an amendment to the Peel Region Scheme prepared. As part of the process for preparing a new planning control area, the Department of Planning sought comment from directly affected landowners and stakeholders. In response, 13 landowners/stakeholders provided comment. These submissions were considered by the WAPC in September 2011, and a new planning control area was declared in October 2011.

Also in October 2011, the Heritage Council of Western Australia advised that, in response to the request from Main Roads WA in 2007, it had resolved to:

“provide in-principle support for the reduction of the curtilage of Waroona Railway Cottages to an area that will be determined once the Waroona Deviation has been constructed and the Claisebrook-Bunbury Terminal Line 2 has been re-routed and on condition that the eventual curtilage is removed from the rail corridor.” (original emphasis)

On this basis, in May 2012, the WAPC resolved to prepare an amendment to the Peel Region Scheme (Appendix B).

The proposed amendment has been advertised and hearings have been held. This report sets out and examines the issues raised in the submissions and hearings.

3. **The proposed amendment**

The proposed amendment would transfer land required for:

(a) the South Western Highway - Waroona Deviation to the Primary Regional Roads reservation (52.01 hectares);

(b) realigning part of the Perth to Bunbury Railway to the Railways reservation (9.55 hectares); and

(c) protecting a wetland, significant vegetation and Aboriginal and European heritage sites to the Regional Open Space reservation (13.16 hectares).

The proposed amendment would also transfer 2.81 hectares of land which is no longer required for railway purposes from the Railways reservation to the Urban zone in the Peel Region Scheme.
4. **Purpose**

The purpose of the amendment is to protect land which may be required for the proposed, future, South Western Highway: Waroona Deviation and the associated railway realignment from development which would compromise the future construction of a deviation. In protecting the land from development for other purposes, the amendment would preserve the longer-term option to construct a deviation.

It is not uncommon for land to be reserved in local and/or regional planning schemes to protect the long-term option to construct major roads. Examples of roads constructed after land has been reserved and protected in this manner include:

- **The Roe Highway.** The Roe Highway was first proposed in 1955 and the land was reserved when the Metropolitan Region Scheme was promulgated in 1963. Construction began in 1981, however, parts of the Roe Highway are still unconstructed.

- **The Bunbury Outer Ring Road.** Planning for the Bunbury Outer Ring Road began in the 1970s. Construction of the first stage of the road (between Picton-Boyanup Road and South Western Highway) began in February 2012 and remains ongoing.

- **The Kwinana Freeway.** In 1976, a twelve kilometre-long corridor of land (between the northern boundary of the Peel Region Scheme and Pinjarra Road) was reserved in the *Shire of Murray (West Murray) Town Planning Scheme*. This section of the Kwinana Freeway opened in September 2009.

5. **Environmental Protection Authority advice**

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

In this respect, the Environmental Protection Authority advises that the proposed amendment does not require environmental assessment under the *Environmental Protection Act 1986* and has not provided any advice or recommendations. A copy of the notice from the Environmental Protection Authority is included at Appendix C.

6. **Heritage Council of Western Australia advice**

Section 11 of the *Heritage of Western Australia Act 1990* prevents a Minister of the Crown from initiating or taking any action which may adversely affect a site listed on the State Register of Heritage Places.

The proposed amendment was referred to the Heritage Council of Western Australia (for preliminary comment) prior to the amendment being adopted for advertising purposes by the WAPC.

The Heritage Council of Western Australia raised no objections to the amendment and provided no additional comment during the public advertising period. The advice received from the Heritage Council of Western Australia is included at Appendix D.

7. **Call for submissions**

The amendment was first advertised in the *Government Gazette* on 21 September 2012 and remained open for public submissions until 18 January 2013 (a 120 day period). Additional notices calling for public submissions were published on 26 October and 30 November 2012.
The amendment was also available for public inspection at the following locations:

- the Perth office of the Western Australian Planning Commission;
- the Department of Planning's Peel region office;
- the City of Mandurah's municipal offices;
- the Shire of Murray's municipal offices;
- the Shire of Waroona's municipal offices; and
- the J S Battye Library.

Notices advising of the amendment and the opportunity to provide comment were also published on three separate occasions in the *West Australian*, the *Sunday Times* and the *Mandurah Coastal Times*.

The owners of land subject to, or in the vicinity of land subject to the amendment were provided with a copy of the amendment report and advised of the opportunity to lodge a submission in respect of the amendment.

### 8. Submissions

When advertising of the amendment closed, a total of 13 submissions had been received. Two further submissions were received after the close of submissions. A list of the parties who lodged a submission is attached at Appendix E.

Four of the submissions supported or raised no objections to the proposed amendment. Three submissions objected to the proposed amendment. Four submissions raised concerns in regards to the proposed amendment. Two of the submissions provided general comment on the proposed submission, whilst the remaining submission provided no comment.

A detailed summary of each submission, together with comments and determinations can be found in Appendix F, and a copy of each submission has been included in Appendix G.

### 9. Issues raised in submissions

Four state government agencies (Western Power, Main Roads WA, Department of Water and Department of Transport) supported or raised no objections to the proposed amendment. With the exception of Main Roads WA, all of these agencies also provided general advice in respect of the proposed amendment.

The issues most commonly raised in the submissions include:

- the need (or otherwise) for South Western Highway to deviate around the Waroona townsite, considering the decreased volume of traffic using South Western Highway since the opening of the Kwinana Freeway extension and the Forrest Highway;
- the impact of the proposed deviation on businesses within the Waroona town centre;
- the impact of the proposed deviation and the associated railway realignment on existing residences, with particular reference to safety, noise, access and property values;
• the impact of the proposed deviation and railway realignment on natural waterways;
• protection of the Drake Road dampland and existing remnant vegetation;
• the impact of the proposed deviation and railway realignment on endangered and/or threatened fauna;
• the standard of environmental assessment carried out by the Office of the Environmental Protection Authority; and
• assessment of the proposed deviation and railway realignment under the Environmental Protection and Biodiversity Conservation Act 1999.

These issues were also raised during hearings held at the specific request of those people who lodged a submission.

10. Hearings

10.1 The hearings committee

Section 46 of the Planning and Development Act 2005 provides that each person who makes a submission is to be offered the opportunity of being heard by a committee formed by the WAPC for that purpose. In March 2013, the WAPC appointed a committee to hold hearings for the proposed amendment, comprised of:

• Mr Paul Fitzpatrick Member of the Peel Region Planning Committee;
• Ms Lynette O'Reilly Member of the Peel Region Planning Committee; and
• Cr Christine Thompson Councillor of the Shire of Murray and Member of the Peel Region Planning Committee.

All persons who made submissions were invited to present their submissions to the hearings committee.

Three hearings were requested and these occurred on Tuesday 2 April 2013.

A full transcript of the hearings is included in Appendix H.

10.2 Recommendation of the hearings committee

The hearings committee has considered each of the submissions received and the matters raised in each hearing.

Based on matters raised in the submissions and during the hearings, the hearings committee formed the view that, in the long-term, it would preferable if South Western Highway could continue to carry light vehicle traffic (that is, class one and two vehicles) through the Waroona townsite, while heavy vehicles (class three and above) could be diverted around the townsite. For this reason the hearings committee recommends that Main Roads WA investigate designing a deviation which:

(a) would divert heavy vehicles (as opposed to light vehicles) around the townsite; and
(b) could be constructed within the Primary Regional Roads reservation in the Peel Region Scheme.
In this respect, allowing the volume of light vehicle (but not heavy vehicle) traffic through the townsite to gradually increase over time would enable South Western Highway to continue serving a main-street function by:

(a) creating a safer environment for pedestrians, thereby encouraging pedestrian activity within the town centre;
(b) maintaining the volume of passing trade, which will help to ensure the longer-term viability of businesses within the Waroona town centre, particularly those businesses abutting South Western Highway; and
(c) increasing (gradually, over time) the volume of passing trade occurring within the town centre, which would facilitate the development of a greater range and mix of businesses within the townsite.

The hearings committee formed the view that the amendment would not compromise South Western Highway's function as a main street and should proceed, as advertised, for the following reasons:

(a) the design of any future deviation has not been finalised - it is possible for any proposed, future, deviation to be designed for the specific purpose of diverting heavy vehicle traffic around the townsite;
(b) any proposed, future, deviation of South Western Highway is a long-term proposal (30 or more years); and
(c) the construction of a deviation would not be triggered by traffic volumes alone, but would be triggered by a combination of factors that include broader community support.

Several of the submissions received also raised environmental issues, which were then discussed during the hearings. The hearings committee has considered the environmental issues raised and determined that the proposed amendment can proceed as:

(a) the environmental impact of any potential, future, deviation is more appropriately (and more readily) assessed once a detailed design has been prepared and prior to any construction occurring - at that time, the proponent will need to comply with the relevant environmental policy, regulatory and legislative requirements applicable to the proposal; and
(b) it is likely that further, more detailed environmental investigations will need to be carried out during the preparation of a detailed design.

The environmental issues which have been raised are discussed in greater detail in the following section.

11. Determinations

11.1 The need for a deviation

Typically, when the volume of traffic on a regional road, such as South Western Highway, reaches 8000 to 10,000 vehicles per day, it becomes necessary to upgrade the road to a dual carriageway standard.

The existing Primary Regional Roads reservation in the Peel Region Scheme is, generally, wide enough to accommodate the upgrading of South Western Highway to a dual carriageway standard. Within the Waroona townsite, however, the reservation is not wide enough to accommodate a dual carriageway highway and cannot be widened.
to accommodate a dual carriageway without having a significant detrimental impact on existing properties and development in the townsite.

Accordingly, if, in the future, South Western Highway needs to be upgraded to a dual carriageway standard, it will be necessary to construct a deviation around the townsite. This amendment reserves the land likely to be required for such a deviation, thereby protecting the option to construct a deviation in the future.

Information provided to the community in 2001 (when the community poll was held) acknowledged that construction of the Peel Deviation (now the Kwinana Freeway extension and the Forrest Highway) may delay the need to construct a deviation and/or upgrade South Western Highway to a dual carriageway standard.

Data collected by Main Roads WA confirms that since the opening of the Kwinana Freeway extension and the Forrest Highway (in September 2009), the number of vehicles travelling on South Western Highway has declined. In this respect:

- the number of vehicles using South Western Highway in Waroona declined by approximately 30 per cent, falling from around 4500 to around 3200; and
- the proportion of heavy vehicles (class 3 and above) using the highway declined from about 20 per cent to about 13 per cent, which is still quite a high proportion of heavy vehicles - on similar highways around Western Australia heavy vehicles would normally represent approximately five per cent of the vehicle traffic.

Although the volume of traffic using South Western Highway did drop when the Kwinana Freeway extension and the Forrest Highway opened, it is expected that the volume of traffic will grow at a rate of two to three per cent per year. At this rate of growth, it may be 30 to 40 years before South Western Highway needs to be upgraded and a deviation constructed.

At this stage there is no definite date as to when a deviation may be constructed and the 30 to 40 year time-frame will be influenced by factors such as:

- levels of traffic congestion on the Forrest Highway/Kwinana Freeway;
- the rate of development throughout the south-west of Western Australia;
- the type and volume of traffic using the highway;
- the effect of that traffic on the function of the town centre;
- the views of the community; and
- Government spending priorities.

11.2 Impact on businesses in the Waroona town centre

There are two different ways in which the proposed amendment and the future construction of a deviation could impact on businesses within the Waroona town centre:

- by reducing the volume of passing traffic and the corresponding reduction in trade; and
- by causing a loss of land which is currently used by the business for day to day operations.
**The loss of passing traffic**

Several submissions raised the loss of passing trade as a reason for objecting to the proposed amendment. In doing so, the submitters have cited the difficulty in establishing a business that is capable of surviving in the Waroona town centre in the longer-term.

The WAPC appreciates the difficulties associated with running a business in the Waroona town centre, which would be compounded by a loss of passing trade. However, it needs to be recognised that the proposed, future, deviation of the highway is a long-term proposal that - based on traffic volumes alone - is unlikely to be constructed within the next 30 to 40 years. Despite this, the volume of traffic alone is not considered to be sufficient reason to construct a deviation. Construction of a deviation will also depend on other criteria such as safety and amenity problems caused by the volume and type of traffic, requests from the community for the deviation to be constructed and Government spending priorities.

Removing heavy vehicle traffic from the Waroona town centre would reduce vehicle noise and create a safer environment for pedestrians and light vehicle (class 1 and 2) traffic. This may encourage growth and development within the town centre.

It should be noted that the alignment of the proposed deviation is located as close to the town centre as is practical (while still allowing for the possible upgrade of the deviation to a dual carriageway standard) and the preliminary designs include direct connections between the proposed deviation and the Waroona town centre. This is intended to ensure that although traffic is diverted around the townsite, it is still easy to access the town centre from the deviation.

In addition to the above, any future deviation of South Western Highway could be constructed specifically for heavy vehicle traffic, with the existing alignment of South Western Highway continuing to support light vehicle (that is, class 1 and 2) traffic. If constructed in this manner, it would be possible for normal light vehicle traffic through the Waroona townsite to be maintained while removing heavy vehicle traffic. The proposed reservations in the Peel Region Scheme would accommodate a deviation of the highway designed to operate in this manner.

**The loss of land**

Two submissions identified the loss of land as an issue which will have a significant detrimental effect on the day to day operation of a business.

As previously discussed, it needs to be recognised that the potential, future, construction of a deviation is a long-term project which may not occur for 30 to 40 years. Until the land is required for the purpose for which it is reserved (whether the land is reserved for Primary Regional Roads, Railways or Regional Open Space) the landowner can continue to use the land for any activity approved by the Council prior to reservation of the land.

This means that affected businesses can continue to use the land for the next 30 to 40 years, which will give the affected businesses an appropriate opportunity to make arrangements that will accommodate the eventual loss of the land.

It should be noted that the continued use of any reserved land is subject to the non-conforming use not being changed and any existing buildings on the reserved land not being altered or extended without planning approval being obtained from the WAPC, pursuant to the requirements of the Peel Region Scheme.
11.3 Impact of the proposed deviation on existing residences

Some of the submissions raised concerns about the impact of the proposed deviation on existing residences, with reference to child safety (in relation to the realignment of McNeill Road), noise, access (to the existing highway) and property values.

Safety

With regard to child safety and the realignment of McNeill Road, the road reserve (for McNeill Road) will not be located within (approximately) six metres of any dwelling located outside the road, railway and/or open space corridors. It should be noted, however, that this does not mean the paved road surface will be located six to eight metres from the dwelling. In this respect:

- road reserves typically contain space on either side of the constructed pavement that contains service infrastructure, which means that the constructed pavement is more likely to be located at least 15 to 17 metres from the existing dwelling; and
- the separation between dwellings and the realignment of McNeill Road is consistent with state planning policy. In this respect, State Planning Policy 3.1: Residential Design Codes of Western Australia stipulates that in areas of low density residential development houses only need to be separated from the road reserve by 6 to 7.5 metres.

In addition, the realigned McNeill Road will function as a local road and will not carry the greater volume of traffic likely to be associated with the proposed, future, deviation of South Western Highway.

The alignment of the proposed, future, deviation and the associated railway realignment would be fenced to restrict pedestrian access, which should minimise the risk of children being injured.

Furthermore, removing heavy vehicle traffic from the Waroona town centre is likely to result in improved safety outcomes for users of the town centre.

Noise

The potential impact of noise on residences will need to be investigated and mitigated in accordance with the policy and legislative requirements applicable at the time of the deviation being constructed. It is not possible to determine what requirements for noise mitigation may be in place in 30 to 40 years. Furthermore, the need for noise mitigation measures will be affected by changing vehicle technologies and improvements in road design and construction - for example, electric cars are quieter than petrol driven cars and the smoother the road surface treatment the less noise is produced.

Future environmental approvals relating to the detailed design and construction of the proposed deviation and the associated railway realignment may impose specific conditions relating to noise. For example, Main Roads WA monitors noise levels generated by traffic using the Forrest Highway to identify areas where noise levels are high enough to warrant the construction of additional noise mitigation measures.

It should be noted that although noise caused by traffic using any future deviation may affect some residences, the reduction in noise associated with the current alignment of South Western Highway would benefit a greater number of residences.
Access

The construction of a deviation may lead to the modification of access arrangements for some properties, however, the WAPC would not support any design of the proposed deviation which leaves existing properties without access to a constructed public road. In this respect, WAPC policy does not support the creation of freehold lots without direct access to a constructed public road which is connected to the wider road network of the locality. To allow local roads to be severed without re-establishing connections would be inconsistent with this policy position.

Property values

Two submissions also raised concerns about the potential impact of the proposed deviation on property values. With regard to the payment of compensation and the acquisition of land affected by a reservation in a regional planning scheme, the WAPC is bound by the provisions of the Planning and Development Act 2005 which relate to compensation for injurious affection and the acquisition of reserved land. Further information regarding the payment of compensation and the acquisition of land is provided in Appendix K.

11.4 Impact of the proposed deviation on natural waterways

Two submissions raised concerns about the construction of the proposed deviation and associated railway realignment on natural waterways located in the amendment area.

With regard to natural waterways, the final design and construction of the proposed deviation and the associated railway realignment will need to comply with the environmental policies, regulations and legislation in effect at the time of construction. As environmental policies, regulations and legislation may change during the next 30 to 40 years, it cannot be determined what standards or requirements will need to be met.

11.5 Protection of the Drake Road dampland and remnant vegetation

The Drake Road Dampland and the majority of remnant native vegetation identified as a potentially regionally significant natural area (by Environmental Protection Bulletin No. 12: Swan Bioplan - Peel Regionally Significant Natural Areas) will be transferred to the Regional Open Space reservation in the Peel Region Scheme, which will provide for the protection of these areas.

In this respect, clause 10 of the Peel Region Scheme states that the purpose of the Regional Open Space reservation is “to protect the natural environment, provide recreational and cultural opportunities, safeguard important landscapes and sites of cultural or historical significance and provide for public access”.

Some small areas of remnant vegetation will be transferred to the Primary Regional Roads and Railways reservations in the Peel Region Scheme. If any of this remnant vegetation needs to be cleared to accommodate construction of the deviation and railway realignment, the proponent will need to obtain any relevant environmental approvals and/or permits that may be required, at the time of any potential clearing taking place.

11.6 Impacts on endangered and/or threatened fauna

The Environmental Protection Authority did consider the potential impacts of the proposed deviation and railway realignment on endangered and/or threatened fauna when setting the level of assessment for the amendment.
The absence of a detailed design for the proposed deviation and railway realignment makes it difficult to determine exactly how the proposal will impact on fauna with any degree of certainty, particularly in the long-term. For this reason, the impact of the proposed deviation and the associated railway realignment on fauna communities is more appropriately (and more readily) assessed once a detailed design has been prepared and prior to any construction occurring. At that time, the proponent will need to comply with the relevant environmental policy, regulatory and legislative requirements applicable to the proposal.

11.7 Assessment by the Environmental Protection Authority

The referral of the proposed amendment to the Environmental Protection Authority, included an environmental impacts assessment and environmental management plan and a preliminary traffic noise assessment prepared in support of the 2007 amendment request submitted by Main Roads WA. These documents were taken into consideration by the Environmental Protection Authority when it set the level of environmental assessment for the proposed amendment.

The Environmental Protection Authority has set an appropriate level of assessment (in relation to the proposed region scheme amendment) which takes into consideration:

- the lack of a final, detailed design;
- the need for additional, detailed, environmental investigations to be carried out during subsequent stages of the planning/construction process; and
- the likelihood that due to the long-term nature of the proposal, further detailed environmental investigations will be undertaken prior to any construction commencing.

The above notwithstanding, construction of the deviation and the associated railway realignment may require further assessment by the Environmental Protection Authority. In this respect, it is not unusual for road projects to be subject to further assessment prior to construction - for example:

- the reservation of land for the Bunbury Outer Ring Road was assessed by the Environmental Protection Authority prior to promulgation of the Greater Bunbury Region Scheme in November 2007; and
- the detailed design of the ring road was assessed by the Environmental Protection Authority in February 2013.

11.8 Assessment under the Environmental Protection and Biodiversity Conservation Act 1999

One submission raised concerns about the amendment not being assessed by the Commonwealth Department of Sustainability, Environment, Water, Population and Communities pursuant to the Environmental Protection and Biodiversity Conservation Act 1999.

It is not necessary to refer the amendment to the to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities as amending the Peel Region Scheme does not, itself, physically interfere with the land. On this basis, the amendment is not an action that will have or is likely to have a significant impact on a matter of national environmental significance pursuant to the requirements of the Environmental Protection and Biodiversity Conservation Act 1999.
The above notwithstanding, the WAPC recognises that in the longer-term the amendment may lead to construction of the proposed deviation and the realignment of a section of the existing railway, which may constitute a controlled action. This will need to be determined once a detailed design has been prepared and prior to the commencement of construction.

If, at that time, construction of the deviation and the associated railway realignment is deemed to be a controlled action, the proposal will need to be referred for assessment under the Environmental Protection and Biodiversity Conservation Act 1999 (or any other equivalent legislation that may be in effect at the time).

Reservation of the land in the Peel Region Scheme will not abrogate the proponent's responsibilities under the environmental policies, regulations and legislation applicable at the time of construction.

12. Modifications to the amendment

After considering the submissions received in respect of the amendment and those matters raised during hearings, the WAPC recommended the amendment be approved and finalised without modification.

13. Coordination of regional and local planning scheme amendments

13.1 Overview

Section 126 of the Planning and Development Act 2005 allows for the automatic amendment of local planning schemes when an amendment to a region scheme becomes legally effective. This means that land can be rezoned in a local planning scheme in a manner that is consistent with the purpose of the reservation or zoning of the land in the region scheme, without the need for a separate local scheme amendment.

13.2 Reserved land

Section 126(1) of the Planning and Development Act 2005 allows for local planning schemes to be amended to reflect regional reservations, upon publication of an amendment notification in the Government Gazette.

The WAPC proposed to amend the Shire of Waroona Town Planning Scheme No. 7 to reflect the transfer of land to the Primary Regional Roads, Railways and Regional Open Space reservations, pursuant to section 126(1) of the Planning and Development Act 2005.

None of the submissions received objected to the concurrent amendment of the Shire of Waroona Town Planning Scheme No. 7.

13.3 Zoned land

Section 126(3) of the Planning and Development Act 2005 allows for a local planning scheme to be amended concurrently with an amendment to a region planning scheme, where the land is transferred to the Urban zone in the region scheme. The purpose of this is to avoid the duplication of scheme amendment processes.
Normally, land is transferred to a development zone when a local planning scheme is amended in this manner. However, the *Planning and Development Act 2005* is silent on what type of amendment is made to the zoning of the local planning scheme.

The region scheme amendment proposed to transfer approximately 2.8 hectares of land from the Railways reservation to the Urban zone. This land is currently vested with the Shire of Waroona for community purposes. After considering the purposes for which the land is vested with the Shire of Waroona and the purposes of the zones in the local planning scheme, the WAPC considered it appropriate to transfer the land to the 'Urban 2 - Community and Civic' zone in the *Shire of Waroona Town Planning Scheme No. 7*.

Although the *Shire of Waroona Town Planning Scheme No. 7* does not require a local structure plan be prepared to guide the development of land within this zone, the WAPC considers this the most appropriate zoning for the land, having regard to the purpose for which the land is vested with the Shire of Waroona.

None of the submissions received objected to the concurrent amendment of the *Shire of Waroona Town Planning Scheme No. 7*.

14. **Conclusion and recommendation**

This report summarises the background and reasoning for Amendment 030/41 to the Peel Region Scheme, and examines the submissions received. The Western Australian Planning Commission thanks those who made submissions.

*After considering the submissions received, the Western Australian Planning Commission is satisfied the amendment should be finalised, and has recommended the Minister of Planning present the amendment to His Excellency the Governor for his consideration and approval and subsequently commend the amendment to both Houses of Parliament.*
Appendix A

Alignment Options
(Previously Considered)
Proposed Amendment 030/41 to the Peel Region Scheme
as advertised

Proposed:
- Primary Regional Roads reservation
- Railways reservation
- Regional Open Space reservation
- Urban zone

Existing:
- Rural zone
- Urban zone
- Industrial zone
- Primary Regional Roads reservation

Legend

- Railways reservation
- Public Purposes reservation
- Regional Open Space reservation
- State Forests reservation
Appendix C

Notice of Environmental Assessment
Dear Sir/Madam

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

SCHEME AMENDMENT TITLE: Peel Region Scheme Amendment 030/41 - South Western Highway: Waroona Deviation & Associated Railway Realignment

RESPONSIBLE AUTHORITY: Western Australian Planning Commission

DECISION: Scheme Amendment Not Assessed (no appeals)

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

After consideration of the information provided by you, the 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

Anthony Sutton
Director
Assessment and Compliance Division

13 August 2012
Appendix D

Advice from the Heritage Council of Western Australia
2 November 2011

Chief Executive Officer
Department for Planning and Infrastructure
Unit 2B/11-13 Pinjarra Road
MANDURAH WA 6210
Attention: Aiden O'Brien

Dear Aiden

PROPOSED PEEL REGION SCHEME AMENDMENT
SOUTH WESTERN HIGHWAY (WAROONA DEVIATION) AND ASSOCIATED RAILWAY REALIGNMENT

Thank you for your correspondence received on 29 September 2011 regarding the abovementioned Peel Region Scheme Amendment.

The proposal has been assessed for its potential impact on the Waroona Railway Cottages (Place Number 15927) which is within the scheme boundary. The following advice is pursuant to s79 of the Planning and Development Act 2005.

1. The proposed amendment appears to be consistent with the Heritage Council's resolution at their meeting of 12 August 2011, and as such we have no objection.

Should you have any queries regarding this advice please contact Lauren Taylor at lauren.taylor@hc.wa.gov.au or on 9220 4152.

Yours sincerely

Callum Crofton
MANAGER LOCAL GOVERNMENT SERVICES

cc: Eddie Marcus, Regional Heritage Adviser - Peel & Southern Wheatbelt
11 October 2011

Cameron Bulstrode  
Director – Peel Region  
Department of Planning  
Unit B, 11-13 Pinjarra Road  
MANDURAH WA 6210

Dear Mr Bulstrode

Proposed Regional Scheme Amendment South Western Highway (Warona Deviation) and Associated Railway Realignment

P15927 Waroona Railway Cottages

Thank you for your letter of 29 September asking for the Heritage Council’s determination on your request to reduce the registered curtilage of Waroona Railway Cottages to facilitate the above Scheme Amendment. I apologise for the delay in providing you with the Council’s decision.

The Heritage Council considered your request at their meeting on 12 August 2011. The Council also considered comments on the proposed amendment from other key stakeholders who would be required to formally comment under the requirements of s.54 of the Heritage of Western Australia Act 1990 if the amendment was to progress.

The Heritage Council resolved to:

provide in-principle support for the reduction of the curtilage of Waroona Railway Cottages to an area that will be determined once the Waroona Deviation has been constructed and the Claisebrook-Bunbury Terminal Line 2 has been re-routed, and on condition that the eventual curtilage is removed from the rail corridor.

Please do not hesitate to contact me if you would like to discuss any aspect of this decision.

Yours sincerely

Penny O'Connor  
Manager Assessment & Registration
Appendix E

List of Submitters
## Peel Region Scheme Amendment 030/41

**List of Submissions**  
(In Order of Receipt)

<table>
<thead>
<tr>
<th>Number</th>
<th>Name</th>
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<tbody>
<tr>
<td>1</td>
<td>Town of Port Headland</td>
</tr>
<tr>
<td>2</td>
<td>Western Power</td>
</tr>
<tr>
<td>3</td>
<td>Main Roads Western Australia</td>
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<td>4</td>
<td>Department of Water</td>
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<td>5</td>
<td>John Ferraro</td>
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<td>6</td>
<td>Shire of Waroona</td>
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<td>7</td>
<td>Aldo Caratti</td>
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<td>8</td>
<td>Peter and Lynette Ward</td>
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<td>9</td>
<td>Glen and Rosanne Wilson</td>
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<td>10</td>
<td>Lana Jones</td>
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<tr>
<td>11</td>
<td>Charles Hull Contracting Co. Pty. Ltd.</td>
</tr>
<tr>
<td>12</td>
<td>Peel Preservation Group Inc.</td>
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<tr>
<td>13</td>
<td>Department of Transport</td>
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### Late Submissions

<table>
<thead>
<tr>
<th>Number</th>
<th>Name</th>
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<tbody>
<tr>
<td>14</td>
<td>Heather Brown</td>
</tr>
<tr>
<td>15</td>
<td>De Rosa's Highway Motors</td>
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</tbody>
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Appendix F

Summary of Submissions and Determinations
Summary of Submissions and Determinations

Peel Region Scheme Amendment 030/41

South Western Highway – Waroona Deviation and Associated Railway Realignment

<table>
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<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>Submitted by:</td>
<td>Town of Port Headland</td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>Local Government</td>
</tr>
<tr>
<td>Affected Land:</td>
<td>General</td>
</tr>
</tbody>
</table>

Summary of Submission:

1. No comment.

Planning Comment:

1. Noted.

Determination:

1. Noted.

<table>
<thead>
<tr>
<th>Submission</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submitted by:</td>
<td>Western Power</td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>Government Agency</td>
</tr>
<tr>
<td>Affected Land:</td>
<td>General</td>
</tr>
</tbody>
</table>

Summary of Submission:

1. No objections.

2. Provides standard advice in respect of working in proximity to power lines.

Planning Comment:


Determination:

Submission: 3
Submitted by: Main Roads Western Australia
Nature of Interest: Government Agency
Affected Land: General

Summary of Submission:

1. No objections.

Planning Comment:

1. Noted.

Determination:

1. Noted.

Submission: 4
Submitted by: Department of Water
Nature of Interest: Government Agency
Affected Land: General

Summary of Submission:

1. Provides standard advice in respect of the:
   a. design and construction of drainage infrastructure and waterway crossings;
   b. impact of construction on surrounding watercourses;
   c. extraction of groundwater;
   d. potential presence of acid sulphate soils; and
   e. Peel-Harvey Coastal Plain Catchment.

Planning Comment:

1. This advice relates to matter to be managed during the detailed design and/or construction stages of the proposed, future, deviation and railway realignment.

Determination:

1. Noted.
Submission: 5
Submitted by: John Ferraro
Nature of Interest: Interested Person
Affected Land: General

Summary of Submission:

1. Objects to the proposed realignment of South Western Highway due to the impact of the proposed, future, deviation of South Western Highway on business in the Waroona town centre.

Planning Comment:

1. The alignment of the proposed, future, deviation and railway realignment was the subject of a community ballot in 2001, and was endorsed by the Waroona Shire Council in February 2003 and June 2011.

With regard to the impact of the proposed, future, deviation on the volume of passing traffic:

(a) the design of any future deviation has not been finalised - it is possible for any proposed, future, deviation to be designed for the specific purpose of diverting heavy vehicle (that is, class three and above) traffic around the townsite, while maintaining light vehicle traffic through the townsite;

(b) any proposed, future, deviation of South Western Highway is a long-term proposal (30 or more years); and

(c) the construction of a deviation would not be triggered by traffic volumes alone, but would be triggered by a combination of factors that include broader community support.

It should also be noted that current planning for the proposed, future, deviation provides a direct connection from the proposed deviation to the Waroona town centre, to ensure that it is easy for passing traffic to leave the deviation and visit the Waroona town centre.

For more detailed discussion about the impact of the proposed, future, deviation and railway realignment on businesses within the Waroona town centre, please refer to sections 10.2 and 11.2 of the Report on Submissions.

Determination:

1. Dismissed.

Submission: 6
Submitted by: Shire of Waroona
Nature of Interest: Local Government
Affected Land: General
Summary of Submission:

1. Reiterates the Council's support of the proposed amendment as per the Council's resolution of 28 June 2011.

2. The Council also wishes to reiterate its advice to the Western Australian Planning Commission that it is imperative affected landowners be adequately compensated in relation to land affected by the proposed amendment.

Planning Comment:

1. Noted.

2. The Western Australian Planning Commission is bound by the provisions of the Planning and Development Act 2005 which relate to compensation for injurious affection and the acquisition of reserved land.

For further information regarding the payment of compensation and the acquisition of land, please refer to Appendix K.

Determination:


Submission:

7

Submitted by: Aldo Caratti

Nature of Interest: Landowner

Affected Land: Lot 36 McNeill Road, Waroona

Summary of Submission:

1. Objects to the proposed alignment of McNeill Road, as detailed in the proposed amendment maps, as it will be too close to the house on Lot 36 McNeill Road. The risk of children being injured because of the house and the road being too close together and the noise associated with the proposed deviation would be too difficult to live with.

2. Recommends the Western Australian Planning Commission include the cost of the house when reclaiming the affected part of Lot 36 McNeill Road.

Planning Comment:

1. When the proposed, future, deviation is constructed, it will be separated from the house on Lot 36 McNeill Road by a new local road (the realigned McNeill Road) and the realigned railway and its route would be fenced to restrict pedestrian access. This should reduce the risk of children being injured.

The potential impact of noise on residences will need to be investigated and mitigated in accordance with the policy and legislative requirements applicable at the time of the deviation being constructed. It is not possible to determine what requirements for noise mitigation may be in place more than 30 years from now. Further, the need for noise mitigation measures will be affected by changing vehicle technologies and improvements in road design.
and construction - for example, electric cars are quieter than petrol driven cars and smoother road surfaces produce less noise.

Future environmental approvals relating to the detailed design and construction of the proposed deviation and the associated railway realignment may impose specific conditions relating to noise. For example, Main Roads WA monitors noise levels generated by traffic using the Forrest Highway to identify areas where noise levels are high enough to warrant the construction of additional noise mitigation measures.

It should be noted that although noise caused by traffic using any future deviation may affect some residences, the reduction in noise associated with the current alignment of South Western Highway would benefit a greater number of residences.

2. The Western Australian Planning Commission is bound by the provisions of the *Planning and Development Act 2005* which relate to compensation for injurious affection and the acquisition of reserved land.

For further information regarding the payment of compensation and the acquisition of land, please refer to Appendix K.

**Determination:**

1. Dismissed.

2. Noted.

**Submission:** 8

Submitted by: Peter and Lynette Ward

Nature of Interest: Landowners

**Affected Land:**

**Summary of Submission:**

1. Own properties abutting South Western Highway, between Wealand Road and Peel Road East and are concerned about maintaining access to the properties from South Western Highway.

2. Consideration of future subdivision of a property on Peel Road East, which they own.

3. Will the South Western Highway be maintained in its present form between Mayfield Street and Peel Street East.

**Planning Comment:**

1. Properties with existing access to South Western Highway would retain that access following the construction of the proposed deviation, however, it is unlikely that additional access would not be allowed.

In the event that access to South Western Highway cannot be maintained, access to both properties is available from Wealand Road or Peel Road East.
2. The subdivision of land not affected by the proposed amendment is outside the scope of the proposed amendment.

3. It is likely that the existing alignment of South Western Highway would be retained following construction of the proposed deviation.

**Determination:**

1. Noted.

2-3. Dismissed.

---

**Submission:** 9

**Submitted by:** Glen and Rosanne Wilson

**Nature of Interest:** Landowners

**Affected Land:** Lot 4 (No. 8524) South Western Highway, Waroona

**Summary of Submission:**

1. Are concerned about the proposed amendment which affects land close to their property (Lot 4 South Western Highway), and how it may adversely affect their home life and town.

2. Questions the need for the proposed amendment as the amount of heavy vehicle traffic using South Western Highway has significantly reduced since the introduction of the Forrest Highway.

3. Asks what consideration has been given to providing a noise barrier for their property.

4. Asks how the proposed deviation would affect the creek running through their property.

**Planning Comment:**

1. South Western Highway is currently 85 to 95 metres from buildings on Lot 4. The proposed deviation would be at least 185 to 190 metres from buildings on Lot 4. As most of the traffic would be further away from the existing buildings, it is likely the proposed deviation would have a positive impact on the amenity of Lot 4.

2. The volume of traffic using South Western Highway did decline after the opening of the Forrest Highway, however, continued development of the Peel and South-West regions will lead to an increasing volume of traffic using South Western Highway.

Considering the likely future increases in traffic volumes and the nature of traffic using the highway, it is considered that in the long-term (30 or more years) the highway will need to deviate around the Waroona townsite.

3. The potential impact of noise on residences will need to be investigated and mitigated in accordance with the policy and legislative requirements.
applicable at the time of the deviation being constructed. It is not possible to
determine what requirements for noise mitigation may be in place more than
30 years from now. Further, the need for noise mitigation measures will be
affected by changing vehicle technologies and improvements in road design
and construction - for example, electric cars are quieter than petrol driven
cars and smoother road surfaces produce less noise.

Future environmental approvals relating to the detailed design and
construction of the proposed deviation and the associated railway
realignment may impose specific conditions relating to noise. For example,
Main Roads WA monitors noise levels generated by traffic using the Forrest
Highway to identify areas where noise levels are high enough to warrant the
construction of additional noise mitigation measures.

It should be noted that although noise caused by traffic using any future
deviation may affect some residences, the reduction in noise associated with
the current alignment of South Western Highway would benefit a greater
number of residences.

4. With regard to natural waterways, the final design and construction of the
proposed, future, deviation and railway realignment will need to comply with
the environmental policies, regulations and legislation in effect at the time of
construction. As environmental policies, regulations and legislation may
change during the next 30 to 40 years, it cannot be determined what
standards or requirements will need to be met.

*This submission was supported by a hearing.*

**Determination:**

1. Noted.

2. Dismissed.

3-4. Noted.

---

**Submission:**

10

**Submitted by:** Lana Jones

**Nature of Interest:** Landowner

**Affected Land:** Lot 353 (No. 90) Fouracre Street, Waroona

**Summary of Submission:**

1. Raises concerns about:

   (i) the impact of the proposed deviation and associated railway
       realignment on endangered and threatened fauna including Carnaby's
       Black Cockatoos, Southern Brown Bandicoots (Quendas) and the
       Noisy Scrub Bird; and

   (ii) the environmental impacts of the amendment not being appropriately
        assessed or referred to the Commonwealth Department of
        Sustainability, Environment, Water, Population and Communities for
assessment as required by the *Environmental Protection and Biodiversity Conservation Act* 1999.

2. More than a decade has passed since the community was consulted about the route of the proposed deviation and, therefore, data collected during the consultation process is no longer an accurate representation of local community views. In addition, the composition of the Waroona Shire Council has altered substantially since the Council endorsed the route of the proposed deviation.

3. The Waroona community has not been appropriately advised of the amendment and of the opportunity to make public submissions.

4. There is insufficient public awareness of the impact of the proposed deviation and the associated railway realignment on critically endangered and threatened fauna species and, in particular, there is insufficient community awareness of these impacts within the present greater Waroona community.

5. There are twelve old-growth Moreton Bay Fig trees next to the current railway reserve at the Coronation Road End of Fouracre Street which would need to be cleared to accommodate the proposed deviation. These trees provide a well-used and thickly shaded recreation and picnic area for locals and tourists during the hot summer months.

6. Several small soaks of water exist within the railway reserve abutting Fouracre Street and these support the ecologically bio-diverse flora and fauna found in that area. If the proposed deviation and the associated railway realignment occurs in its current form, these water sources would undoubtedly be filled in and, therefore, lost.

7. Questions the need to divert South Western Highway around the townsite, as the opening of the Forrest Highway in September 2009 has led to a substantial reduction in the flow of traffic through the Waroona townsite.

**Planning Comment:**

1. Please refer to sections 11.6, 11.7 and 11.8 for more detailed discussion of the environmental assessment process.

2. Although more than 10 years has passed since the community ballot held in 2001, work to better define the boundaries of the reservations has continued during that time. In addition:

   (iii) in 2003, the Council and the WAPC endorsed the route of the proposed deviation and associated railway realignment;

   (iv) in 2006, a planning control area was declared over the route of the proposed deviation and the associated railway realignment;

   (v) in 2009, the final version of the local planning strategy was released - this showed the route of the proposed deviation as a Future/Potential Significant Road;

   (vi) in February 2011, the planning control area declared in 2006 expired;

   (vii) in June 2011, the Council considered and endorsed the route of the proposed deviation; and

   (viii) in October 2011, a new planning control area was declared over the route of the proposed, future, deviation and railway realignment.
While the route of the deviation was originally selected on the basis of the community ballot held in 2001, the amendment is also based on the more detailed work carried out since that time.

As noted above, the Waroona Shire Council considered the proposed, future, deviation and railway realignment at its meeting in June 2011 and resolved to support the route of the proposed, future, deviation. In doing so, the Council also requested the WAPC, without delay, reserve the route of the proposed, future, deviation and railway realignment in the Peel Region Scheme.

3. The amendment has been publicly advertised pursuant to the requirements of the Planning and Development Act 2005. In this respect:
   (a) more than 110 landowners were sent copies of the Amendment Report and invited to make submissions in respect of the proposed amendment;
   (b) on three separate occasions, advertisements were placed in the Government Gazette, the West Australian, the Sunday Times and the Mandurah Mail; and
   (c) notice of the proposed amendment and a call for public submissions was also published on the Planning WA website.

It should also be noted that the Planning and Development Act 2005 requires a substantial amendment to a region scheme be advertised for a period of 90 days, but the proposed amendment was advertised for a period of 120 days.

The WAPC has also accepted late submissions.

4. The potential impacts of the construction of the proposed, future, deviation and railway line realignment on endangered and threatened fauna are appropriately considered and assessed by the Environmental Protection Authority or the Department of Environment and Conservation pursuant to the Environmental Protection Act 1986 and/or the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. The project would be referred to one of these agencies for assessment prior to any construction or clearing of land commencing.

5. The Moreton Bay Fig trees are located between the railway and Fouracre Street on Reserve 49080. Although this reserve is currently within the Railways reservation in the Peel Region Scheme, it is managed by the Waroona Shire Council for ‘community purposes’.

Reserve 49080 is not required for regional road purposes and, should not be affected by the proposed, future, deviation and railway realignment.

To better reflect the current management and use of Reserve 49080, the Shire of Waroona Town Planning Scheme No. 7 will be amended to include this reserve in the 'Urban 2 - Community and Civic' zone.

Please refer to section 13.3 of the Report on Submissions for more detailed discussion about the amendment of the local planning scheme.

6. With regard to the small soaks of water located in the existing railway reserve, the final design and construction of the proposed deviation and the associated railway realignment will need to comply with the environmental policies, regulations and legislation in effect at the time of construction. As environmental policies, regulations and legislation may change during the...
next 30 to 40 years, it cannot be determined what standards or requirements will need to be met.

7. It should be noted that the potential deviation of South Western Highway is a longer-term (30 years or more) project.

In this regard, although the opening of the Forrest Highway has led to a short-term reduction in the volume of traffic travelling through the Waroona townsite, this is likely to be a temporary situation. It is expected that over time traffic volumes will gradually increase until the highway needs to be deviated around the Waroona townsite.

Although the deviation may not be needed for many years, it is important that the land required for the deviation and the associated railway realignment be reserved and protected from development for other purposes.

*This submission was supported by a hearing.*

**Determination:**

1-7. Dismissed.

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**Submission: 11**

**Submitted by:** Charles Hull Contracting Pty Ltd Co Pty Ltd

**Nature of Interest:** Landowner

**Affected Land:**

**Summary of Submission:**

1. Alternative routes are available and should be investigated as a considerable amount of time has passed since this alignment was chosen. As a result, this alignment may no longer be the most appropriate in terms of project costs, affected services, traffic movement, sustainability and the safety of local residents.

2. The proposed deviation would remove the land located behind workshops on Lots 11, 41, 42 and 43 South Western Highway, and impede operations by:
   (a) reducing storage space;
   (b) reducing access to heavy equipment stored at the rear of the workshop; and
   (c) reducing the space available for manouevring oversize loads.

3. The realignment should be modified to begin at the intersection between McDowell Street and South Western Highway, as this would reduce the impact on Charles Hull Contracting's main workshop complex.

4. Charles Hull Contracting also owns properties located at:
   (a) Coronation Road / McNeill Road; and
   (b) McLarty Street.
These properties will be affected by:
(a) a reduction in size;
(b) increased vehicle noise; and
(c) reduced property values.

5. The Coronation Road / McNeill Road property will also lose access to Drakes Brook, which will lead to a loss of water rights.

Planning Comment:

1. Although more than 10 years has passed since the community ballot held in 2001, work to better define the boundaries of the reservations has continued during that time. In addition:
   (i) in 2003, the Council and the WAPC endorsed the route of the proposed, future, deviation and railway realignment;
   (ii) in 2006, a planning control area was declared over the route of the proposed, future, deviation and railway realignment;
   (iii) in 2009, the final version of the local planning strategy was released - this showed the route of the proposed deviation as a Future/Potential Significant Road;
   (iv) in February 2011, the planning control area declared in 2006 expired;
   (v) in June 2011, the Council considered and endorsed the route of the proposed, future, deviation; and
   (vi) in October 2011, a new planning control area was declared over the route of the proposed, future, deviation and railway realignment.

While the route of the deviation was originally selected on the basis of the community ballot held in 2001, the amendment is also based on the more detailed work carried out since that time.

As noted above, the Waroona Shire Council considered the proposed deviation and the associated railway realignment at its meeting in June 2011 and resolved to support the route of the proposed, future, deviation. In doing so, the Council also requested the WAPC, without delay, reserve the route of the proposed deviation and the associated railway realignment in the Peel Region Scheme.

2. Upon finalisation of the amendment the land referred to in this submission will be transferred to the Primary Regional Roads reservation, but it is likely to be more than 30 years before this land will be required for the proposed, future, deviation.

Until the land is required for the purpose for which it is reserved (whether the land is reserved for Primary Regional Roads, Railways or Regional Open Space) the landowner can continue to use the land for any activity approved by the Council prior to reservation of the land.

This means that affected businesses can continue to use the land for the next 30 to 40 years, which will give the affected businesses an appropriate opportunity to make arrangements that will accommodate the eventual loss of the land.

It should be noted that the continued use of any reserved land is subject to
the non-conforming use not being changed and any existing buildings on the reserved land not being altered or extended without planning approval being obtained from the WAPC, pursuant to the requirements of the Peel Region Scheme.

3. The alignment of the proposed deviation has been subject to extensive public consultation and design work since 2001, as discussed in point 1 above. For this reason, it is not consider appropriate to modify the alignment of the proposed deviation.

Please refer to section 2 of the Report on Submissions for more detailed discussion of the public consultation which has occurred.

4. **Compensation for the acquisition of reserved land**

The WAPC is bound by the provisions of the *Planning and Development Act 2005* which relate to compensation for injurious affection and the acquisition of reserved land.

For further information regarding the payment of compensation and the acquisition of land, please refer to Appendix K.

**Impact of increased vehicle noise on properties**

The potential impact of noise on residences will need to be investigated and mitigated in accordance with the policy and legislative requirements applicable at the time of the deviation being constructed. It is not possible to determine what requirements for noise mitigation may be in place more than 30 years from now. Further, the need for noise mitigation measures will be affected by changing vehicle technologies and improvements in road design and construction - for example, electric cars are quieter than petrol driven cars and smoother road surfaces produce less noise.

Future environmental approvals relating to the detailed design and construction of the proposed deviation and the associated railway realignment may impose specific conditions relating to noise. For example, Main Roads WA monitors noise levels generated by traffic using the Forrest Highway to identify areas where noise levels are high enough to warrant the construction of additional noise mitigation measures.

It should be noted that although noise caused by traffic using any future deviation may affect some residences, the reduction in noise associated with the current alignment of South Western Highway would benefit a greater number of residences.

5. In this instance, the right to take water from Drake's Brook is derived from ownership of the land through which Drake's Brook passes. Currently, the landowner has the right to take enough water to irrigate two hectares of land. If the owner of the land that Drake's Brook passes through changes, then the current owner loses the right to take water from the brook.

If this occurs, then the owner can apply for a license to take water from Drake's Brook.

**Determination:**

1. Dismissed.
2. Noted.
3. Dismissed.
5. Dismissed.

Submission: 12
Submitted by: Peel Preservation Group Inc.
Nature of Interest: Community Organisation
Affected Land: General

Summary of Submission:

1. The proposed amendment will provide a safer route for traffic travelling through the Shire of Waroona on South Western Highway.

2. The Drake Road Dampland and the remnant vegetation located between Coronation Road and McLarty Street will need to be protected. Should either of these be damaged appropriate offsets will need to be provided.

Planning Comment:

1. Noted.

2. When the amendment is finalised, the majority of the Drake Road Dampland and the remnant vegetation identified as a potential regionally significant natural area (by Environmental Protection Bulletin No. 12: Swan Bioplan - Peel Regionally Significant Natural Areas) will be transferred to the Regional Open Space reservation under the Peel Region Scheme. This reservation will provide for the protection of these areas.

The remaining remnant vegetation between Coronation Road and McLarty Street will be transferred to the Primary Regional Roads and Railways reservations under the Peel Region Scheme. If any remnant vegetation within these reservations requires clearing for the construction of the proposed deviation or associated railway line realignment, the proponent will need to obtain the appropriate environmental approvals and/or permits.

Determination:


Submission: 13
Submitted by: Department of Transport
Nature of Interest: Government Agency
Affected Land: General
Summary of Submission:

1. Supports the proposed amendment.
2. Vehicular access to property severed by land resumption should be maintained.
3. South Western Highway should include pedestrian and cycle path facilities over the length of the project.
4. As per State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning, noise and vibration matters should be addressed at the appropriate planning stage.
5. Rail design standard should meet current legislation and Rail crossings should be fitted with boom gate type protection systems.

Planning Comment:

1. Noted.
2. The proposed amendment includes land for a realignment of McNeill Road, which will serve to maintain access to properties.
3. The potential inclusion of pedestrian and cycle paths over the length of the deviation would be more appropriately considered during the finalisation of detailed plans for the proposed deviation.
4. The potential impact of noise on residences will need to be investigated and mitigated in accordance with the policy and legislative requirements applicable at the time of the deviation being constructed. It is not possible to determine what requirements for noise mitigation may be in place more than 30 years from now. Further, the need for noise mitigation measures will be affected by changing vehicle technologies and improvements in road design and construction - for example, electric cars are quieter than petrol driven cars and smoother road surfaces produce less noise.

Future environmental approvals relating to the detailed design and construction of the proposed deviation and the associated railway realignment may impose specific conditions relating to noise. For example, Main Roads WA monitors noise levels generated by traffic using the Forrest Highway to identify areas where noise levels are high enough to warrant the construction of additional noise mitigation measures.

It should be noted that although noise caused by traffic using any future deviation may affect some residences, the reduction in noise associated with the current alignment of South Western Highway would benefit a greater number of residences.

5. Noted.

Determination:

1-5. Noted.
Submission:  Late Submission
Submitted by:  Heather Brown
Nature of Interest:  Landowner
Affected Land:  Lot 12 (No. 19) Drake Road, Waroona

Summary of Submission:

1.  Objects to the proposed amendment for the following reasons:
   (i)  there is no need to go ahead with the proposed deviation as the volume of traffic travelling through Waroona has drastically reduced following the construction of the Forrest Highway;
   (ii) construction of the proposed deviation will be detrimental to Waroona and its businesses; and
   (iii) the deviation is a waste of taxpayers' money and the government would be better off spending its money on the Pinjarra deviation.

Planning Comment:

1.  In respect of the issues raised:
   (i)  The volume of traffic using South Western Highway did decline after the opening of the Forrest Highway, however, continued development of the Peel and South-West regions will lead to an increasing volume of traffic using South Western Highway.

       Considering the likely future increases in traffic volumes and the nature of traffic using the highway, it is considered that in the long-term (30 or more years) the highway will need to deviate around the Waroona townsite.

   (ii) With regard to the impact of the proposed, future, deviation on the volume of passing traffic:

       (a)  the design of any future deviation has not been finalised - it is possible for any proposed, future, deviation to be designed for the specific purpose of diverting heavy vehicle (that is, class three and above) traffic around the townsite, while maintaining light vehicle traffic through the townsite;

       (b)  any proposed, future, deviation of South Western Highway is a long-term proposal (30 or more years); and

       (c)  the construction of a deviation would not be triggered by traffic volumes alone, but would be triggered by a combination of factors that include broader community support.

       It should also be noted that current planning for the proposed, future, deviation provides a direct connection from the proposed deviation to the Waroona town centre, to ensure that it is easy for passing traffic to leave the deviation and visit the Waroona town centre.

       For more detailed discussion about the impact of the proposed, future, deviation and railway realignment on businesses within the Waroona town centre, please refer to sections 10.2 and 11.2 of the Report on Submissions.
The proposed amendment would protect land likely to be required for the proposed deviation from development for other purposes. Land required for the proposed Pinjarra Bypass is already within the Primary Regional Roads reservation in the Peel Region Scheme and is, therefore, already protected from development for other purposes.

Construction of the proposed bypass and/or deviation is likely to occur in the longer-term (30 or more years) and be based on the volume and type of traffic travelling through Pinjarra and Waroona.

**Determination:**

1. Dismissed.

**Submission:**  
**Late Submission**

**Submitted by:**  
Nick De Rosa

**Nature of Interest:**  
Landowner

**Affected Land:**  
Lot 1 South Western Highway, Waroona  
Lot 2 South Western Highway, Waroona  
Lot 61 South Western Highway, Waroona

**Summary of Submission:**

1. A farm machinery business operates from Lot 2 South Western Highway and although the affected part of the lot is undeveloped it provides necessary storage, parking and manoeuvring space.

2. The business cannot be sold if the amendment reserves part of Lot 2.

3. The proposed deviation was first brought to their notice 15 years ago. During that time they have continually expressed their opposition to the proposal.

4. Further input should be sought, particularly from businesses in the main street, as the residents of Waroona were consulted ten years ago. At that time no-one had heard of the Forrest Highway or knew what effect it would have on the volume of traffic travelling through the townsite.

5. Recommends consideration be given to alternative routes, which would be cheaper and less invasive than the current proposal, if it is considered the highway still needs to deviate around the townsite.

6. The rear of Lot 1 South Western Highway (which contains a large storage shed and garage facility) would be affected by the proposed deviation and the existing residence would be located between two major regional roads.

**Planning Comment:**

1. Upon finalisation of the amendment the land referred to in this submission will be transferred to the Primary Regional Roads reservation, but it is likely to be more than 30 years before this land will be required for the proposed, future, deviation.

Until the land is required for the purpose for which it is reserved (whether the land is reserved for Primary Regional Roads, Railways or Regional Open
the landowner can continue to use the land for any activity approved by the Council prior to reservation of the land.

This means that affected businesses can continue to use the land for the next 30 to 40 years, which will give the affected businesses an appropriate opportunity to make arrangements that will accommodate the eventual loss of the land.

It should be noted that the continued use of any reserved land is subject to the non-conforming use not being changed and any existing buildings on the reserved land not being altered or extended without planning approval being obtained from the WAPC, pursuant to the requirements of the Peel Region Scheme.

2. Noted. The Planning and Development Act 2005 provides for the payment of compensation to the owners of land reserved under a planning scheme for a public purpose.

3. Although more than 10 years has passed since the community ballot held in 2001, work to better define the boundaries of the reservations has continued during that time. In addition:

   (i) in 2003, the Council and the WAPC endorsed the route of the proposed, future, deviation and railway realignment;

   (ii) in 2006, a planning control area was declared over the route of the proposed, future, deviation and railway realignment;

   (iii) in 2009, the final version of the local planning strategy was released - this showed the route of the proposed deviation as a Future/Potential Significant Road;

   (iv) in February 2011, the planning control area declared in 2006 expired;

   (v) in June 2011, the Council considered and endorsed the route of the proposed, future, deviation; and

   (vi) in October 2011, a new planning control area was declared over the route of the proposed, future, deviation and railway realignment.

While the route of the deviation was originally selected on the basis of the community ballot held in 2001, the amendment is also based on the more detailed work carried out since that time.

4. Further input has been sought. In this respect, the proposed amendment has been publicly advertised pursuant to the requirements of the Planning and Development Act 2005, and:

   (a) more than 110 landowners were sent copies of the Amendment Report and invited to make submissions in respect of the proposed amendment;

   (b) on three separate occasions, advertisements were placed in the Government Gazette, the West Australian, the Sunday Times and the Mandurah Mail; and

   (c) notice of the proposed amendment and a call for public submissions was also published on the Planning WA website.

It should also be noted that the Planning and Development Act 2005 requires a substantial amendment to a region scheme be advertised for a period of 90 days, but the proposed amendment was advertised for a period of 120 days.
The WAPC has also accepted late submissions.

People who lodge a written submission have also been given the opportunity to present their submission to a hearings committee established by the WAPC.

5. As detailed in the Report on Submissions, alternative alignments were considered by the community in 2001, the Council in February 2003, and the WAPC in May 2003. The current alignment was supported by the Council and the WAPC on the basis of community feedback supporting this alignment.

Furthermore, in June 2011 the Shire of Waroona supported the declaration of a new planning control area over land affected by this amendment and requested the WAPC initiate this amendment.

6. It is acknowledged that the proposed deviation will affect existing shed and storage facilities on Lot 61 and the residence on Lot 1. However, the need to protect South Western Highway’s status, in the long-term, as a significant freight route is of greater importance than the effect of the proposed deviation on Lot 1.

*This submission was supported by a hearing.*

**Determination:**

1. Dismissed.

2. Noted.

3-6. Dismissed.
Good afternoon,

Town of Port Hedland have no comments to provide.

Thank you ☺️

Rhiannon Woods
A/Development Assessment Facilitator | PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9300 Fax: (08) 9158 9399
Email: daf@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

24 September 2012

Amendment 030/41 to the Peel Region Scheme - South Western Highway – Waroona Deviation

The Western Australian Planning Commission proposes to amend the Peel Region Scheme
and is seeking public comment.

The purpose of the proposed amendment is to include land required for:

- the South Western Highway – Waroona Deviation within the Primary Regional Roads reservation;
- realigning part of the Perth to Bunbury Railway within the Railways reservation; and
- protecting a wetland, significant vegetation and Aboriginal and European heritage sites within the Regional Open Space reservation.

Unsubscribe from receiving the updates

Department of Planning
140 William Street
Perth 6000
Western Australia

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For more information please visit http://www.symanteccloud.com
Sent: Tuesday, 25 September 2012 2:10 PM
To: corporate
Subject: Ref: RLS/0230- Proposed Amendment 030/41 To Peel Region Scheme- South Western Highway- Waroona Deviation and Associated Railway Realignment

There are no objections, however, there are overhead powerlines and underground cables, adjacent to or traversing the property. Therefore, the following should be considered, prior to any works commencing at the above site/development/property.

Working in proximity to Western Power Distribution Lines
All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted.
For more information on this please visit the Western Power Website links below:


Working in proximity to Western Power Transmission Lines
All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. Our standard conditions for working in close proximity to overhead transmission lines are attached for your information.
For more information on this please visit the Western Power Website link below:


Please note:
Western Power must be contacted on 13 10 87, if your proposed works involve:

A) Any changes to existing ground levels around poles and structures.

B) Working under overhead powerlines and/or over underground cables.

Western Power is obliged to point out that any change to the existing(power) system, if required, is the responsibility of the individual developer.
GENERAL CONDITIONS FOR WORKING IN CLOSE PROXIMITY TO OVERHEAD TRANSMISSION LINES

Contact with high voltage electricity is usually fatal, therefore extreme care must be taken when working in close proximity to any overhead electric transmission line. The Occupational Safety and Health Regulations 1996 (3.64) state that personnel, plant or material, which includes scaffolding, guttering and metal building materials, shall not be used within 6.0m of overhead electric transmission wires (33 kV and above). Read Worksafe WA brochure ‘Guidelines for Work in the Vicinity of Overhead Transmission Lines’ for more information.

It must be understood that the 6m danger zone is not based on the static position of the conductors. Allowance must be made for conductor sag and wind deflection to assess the worst case situation.

If any aspect of the intended works has the potential to encroach within the 6.0m ‘danger zone’ of a transmission line the following will apply:

1. The proponent must contact Western Power’s Networks Customer Services on 131087 to register their project and obtain the relevant forms. These forms must be completed and submitted at least four weeks prior to work commencing.

2. Advice regarding the project enquiry will be forwarded by Networks Customer Services to Western Power’s sponsors for Working in Proximity issues. A sponsor will contact the proponent to clarify the intended works and assist the proponent in determining the appropriate solution.

3. Transmission lines cannot be insulated, so to allow the proposed works to proceed it may be necessary to de-energise, or shutdown, the line. The need for such action will be determined during consultation between sponsor and proponent.

4. When a line is shutdown to allow for works to be performed within the danger zone, all workers intending to enter the danger zone, or operating plant or handling materials which may do so, must sign on to a Western Power permit prior to commencing work.

5. There are two types of permit used for working in proximity. The less restrictive is called a Vicinity Authority (VA) and applies to situations where works occur within the 6m zone but no closer than 3m.

6. The second type of permit is an Electrical Access Permit (EAP) and applies when works will occur within 3m of the line conductors. Under these circumstances additional restrictions apply requiring the line to be isolated and earthed.

7. The Vicinity Authority (VA) or Electrical Access Permit (EAP) will be issued by Western Power’s Network Operations Control Centre (NOCC). However, these documents will only be issued to a trained Recipient in...
GENERAL CONDITIONS FOR WORKING IN CLOSE PROXIMITY TO OVERHEAD TRANSMISSION LINES

Charge (RiC). The RiC is a person authorised by Western Power to supervise the application of a VA or EAP, having been trained in the dangers and restrictions applicable to working in the vicinity of powerlines. The RiC remains at site for the duration of the works sanctioned by the permit and has the authority to control activities within the danger zone.

8. The Recipient in Charge is generally a private contractor. The project sponsor will advise the proponent of his options in this regard.

9. The RiC may determine that a greater or lesser degree of protection is required than has been arranged. This is his prerogative as responsibility for what happens with regard to the works in proximity rests with the RiC.

10. Shutting down a transmission line has the potential to reduce the security of Western Power’s network. Any such shutdown is at all times subject to operational requirements as determined by NOCC. A Vicinity Authority or Electrical Access Permit may be cancelled at any time and the affected line recalled to service at 2 hours’ notice. Western Power will not be liable for any losses suffered as a consequence.

11. The provision of advice by Western Power is free, however if a shutdown proves necessary it will incur costs which are to be paid by the proponent. An indicative assessment of these costs will be advised when the probable extent of shutdown requirements has been determined.

The proponent will be required to pay the estimated cost of the shutdown prior to it being scheduled in the NOCC works programme.

Western Power provides these services on a cost-recovery basis. The actual cost will be reconciled with the proponent on completion of the works. If the actual cost exceeds the amount paid then Western Power will recover the additional costs from the proponent. Should the actual cost be less than the amount paid then Western Power will refund the excess to the proponent.

12. The costs referred to above apply to Western Power only, and do not include the provision of an RiC, except in such cases as Western Power agrees to provide this service. All costs for a private contractor RiC are to be paid by the proponent to the RiC.

Should you wish to discuss the above information further, please contact:

Michael Tamai  9326 6429
Warren Preece  9326 4686
Riccardo Berti  9326 4635
Gina Chivers  9326 4853
STANDARD EASEMENT CONDITIONS
66, 132, 220 & 330kV OVERHEAD TRANSMISSION LINES
Energy Operators (Powers) Act 1979

The Grantor COVENANTS with Electricity Networks Corporation not to:

a) alter or disturb the present grades and contours of the surface of the land within the
   Easement except:

   (i) in the course of normal farming operations; or
   (ii) otherwise with the prior written consent of Electricity Networks Corporation on
        each occasion.

b) construct, erect or set up any building, structure or improvement within the Easement
   other than:

   (i) a fence or trellis not exceeding two (2) metres in height from the natural
       surface of the Land, earthed to the satisfaction of Electricity Networks Corporation
       in the case of a metallic fence or trellis; and
   (ii) those structures and improvements specified in and to the extent permitted
        by subclause (c).

c) construct, erect, set up, improve, enlarge or alter any:

   (i) contour bank;
   (ii) fenced stormwater drain or compensating basin; or
   (iii) fenced artificial lake;

   within the Easement without prior written consent of Electricity Networks Corporation,
   which Electricity Networks Corporation shall be under no obligation to grant and then
   upon those terms and conditions, if any, which Western Power Corporation may
determine;

d) grow, cultivate or maintain any vegetation exceeding one (1) metre in height from the
   natural surface of the land within the Easement;

e) stack, place or store any plant or material within the Easement;
f) bring within the easement any vehicle or machinery which together with any
   attachment, aerial or accessory exceeds 4.5 metres in height from the natural surface
   of the land;

g) park or leave stationary within the Easement any vehicle or machinery exceeding 2.5
   metres in height from the natural surface of the land;
h) bring onto or permit to be brought onto the Easement any explosive, flammable or
   unstable substance or material other than agricultural crops;
i) blast or permit any blasting within the Easement;
j) carry on or permit to be carried on any activity or operation which endangers the safety
   of the Transmission Works or the safe, efficient and continuous operation of those
   Works.
Mr N Thomson
Secretary
Western Australian Planning Commission
61 Victoria Street
BUNBURY WA 6230

Attention Brett Pye

Dear Brett

PEEL REGION SCHEME AMENDMENT 030/41 SOUTH WESTERN HIGHWAY WAROONA DEVIATION.

I refer to your correspondence of 20 September 2012 and advise that Main Roads has no objection to the proposed amendment.

If you require any further information please contact me on 9724 5662.

Yours faithfully,

Paul Davies
ROAD CORRIDOR PLANNING MANAGER
31 October 2012

Western Australian Planning Commission
Peel Office
Unit 2B, 11-13 Pinjarra Road
Mandurah WA 6210

Attn: Brett Pye

Dear Brett

Re: Proposed Amendment 030/41 to the Peel Region Scheme
South Western Highway - Waroona Deviation and Associated Railway
Realignment

Thank you for the above referral dated 20 September 2012 requesting comments on the proposed Peel Region Scheme (PRS) amendment. The Department of Water (DoW) has reviewed the proposed PRS amendment and provides the following advice:

**Drainage**

1. Any drainage infrastructure proposed for this project should be designed and constructed consistent with DoW’s Stormwater Management Manual for Western Australia.

**Crossing over Waterway**

2. Road and vehicle/pedestrian crossings over waterways would be required to be designed and constructed to minimise impact on the waterway’s natural form and function.

Furthermore, DoW offers the following advice

**With regards to advice 1:**
At no point should drainage from this proposed project, either during or post construction, directly discharge into watercourses or wetlands. It is expected that surface and ground water, quality and quantity, in the area of proposed works is maintained and that the proposed project would have no detrimental impact to the surrounding watercourses.

The proposed route of the South Western Highway (Waroona Deviation) passes through a Resource Enhancement Wetland (REW) and Multiple Use Wetlands (MU). The proposed route crosses Drakes Brook and Samson Brook. To protect the local ecology of watercourses, the Rights in Water and Irrigation Act 1914, which forms the basis for water resource management in this state, requires persons proposing to interfere with the bed or banks of watercourses to apply to the DoW for a permit.
It is a requirement of the Western Australian Planning Commission's State Planning Policy 2.9, Water Resources, that the environmental functions and values of these wetlands and waterways be restored or maintained.

**With regards to advice 2:**
DoW’s Water Quality Protection Note 44: Roads near sensitive water resources, (DoW, 2006) details the department’s position on road location, design and environmental issues to be taken into consideration during planning.

**Groundwater**
The subject area is located within the Murray Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer is subject to licensing by the Department of Water. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee. For further information regarding Groundwater Licensing requirements in the area, please contact the Mandurah office on 9550 4222.

**Acid Sulfate Soils**
It appears that there is a moderate to low risk Acid Sulphate Soils present on the subject land. For this reason, this proposal must be referred to the Land Use Planning section at the Department of Environment and Conservation's Swan Region (C/- Locked Bag 104, Bentley Delivery Centre, WA 6983).

**Peel Harvey Coastal Plain Catchment**
The proposal is located within the Peel-Harvey catchment and the provisions of the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 and the Statement of Planning Policy No 2.1 – the Peel-Harvey Coastal Plain Catchment (SPP 2.1) shall apply.

If you wish to discuss the above further please contact the DoW’s Mandurah Office on (08) 9550 4228.

Yours sincerely,

Brett Dunn
Acting Program Manager – Urban Water Management
Peel Region
28th December 2012

Dear Sir/Madam

RE: PROPOSED AMENDMENT 030/41 TO THE PEEL REGION SCHEME
SOUTH WESTERN HIGHWAY - WAROONA DEVIATION & ASSOCIATED RAILWAY REALIGNMENT

I am writing to express my thoughts on the Waroona Town Centre Bypass.

Firstly I would like to mention that it is very poor communication both from the Main Roads point of view as well as the Waroona Shire Council. I have established 2 businesses in the main street in the last 6 months and not once has anyone mentioned the proposed realignment of the Highway. Had I known this, my money would have been best spent elsewhere. Having traded at Country Cafe for the past 4 months it is well noted that the turnover is about 50% locals and 50% passing trade. If the passing trade is diverted the local business cannot sustain the capital outlay required for my business.

I am therefore strongly opposing the proposed realignment of the Highway and would also like to know why this was not mentioned before the application approval for both Country Cafe and Waroona Seafood.

A reply from the Waroona Shire Council and the Main Roads will be appreciated to say the least.

Yours sincerely

John Ferraro

Cc: Shire of Waroona
Attention: Brett Pye

Dear Sir/Madam,

PROPOSED PEEL REGION SCHEME AMENDMENT (PRS) 030/41 – SOUTH WESTERN HIGHWAY- WAROONA DEVIATION AND ASSOCIATED RAILWAY REALIGNMENT.

Your request for comment dated 20 September 2012 regarding the above matter refers.

Council considered the then proposed Planning Control Area to protect the land required for the reservation of the South Western Highway (Waroona Bypass) deviation and the associated railway realignment, at its Ordinary Meeting of 28 June 2011 (OCM11/06/067).

The resolution of Council in relation to the matter was as follows:

That in relation to the proposed new alignments by the Western Australian Planning Commission of the South Western Highway Deviation and Waroona railway line Council resolves:

1. That in order to adopt the proposed adjustment to the location of the railway line in the previously agreed to Option 2 of the South Western Highway deviation, Council, revoke its resolution of 11 February 2003, and replaces it with:

2. That Council advises the Western Australian Planning Commission that it continues to support Option 2 of the South Western Highway deviation with the inclusion of the moving of the railway line to a more westerly position as reflected in Attachment 9.2.8.c to protect the Railway Cottages, an Aboriginal Historic site, wetland and remnant vegetation.

3. That Council advises the Western Australian Planning Commission that it is imperative that affected landowners be adequately compensated by the State Government in relation to land injuriously affected by the declaration of the Planning Control Area.

4. That Council requests that the Western Australian Planning Commission commence the necessary reservation of the railway line and South Western Highway deviation in the Peel Region Scheme without delay subsequent to the declaration of the Planning Control Area, in order to provide certainty to landowners in relation to the use and development of land.
With the advertisement of PRS amendment 030/41 it is noted that the Western Australian Planning Commission has commenced the reservation of the railway line and South Western Highway deviation in the Peel Region Scheme consistent with the Planning Control Area. Council wishes to reiterate its support of the Peel Region Scheme Amendment as per Council resolution (OCM11/06/067) of 28 June 2011. (See part 2 and 4 of the resolution in particular).

Further to this Council wishes to reiterate its advice to the Western Australian Planning Commission that it is imperative that affected landowners be adequately compensated by the State Government in relation to land injuriously affected by the amendment of the Peel Region Scheme.

Should you have any queries regarding the request, please do not hesitate to contact Town Planner Greg Delahunty on 9733 7800.

Yours faithfully,

LOUIS FOUCHE
DIRECTOR PLANNING SERVICES
To: Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

SUBMISSION NUMBER
7

Name .................. ALDO CARATTI
(Address) (PLEASE PRINT CLEARLY)
PO BOX 355 VAROONA
Postcode 6215

Contact phone number 0407710286
Email address margalod72@gmail.com

My interest in forwarding this submission
is to draw to your attention
my property - lot 36 McNeill Rd.

The WAPC deviation map proposes
McNeill Rd will be too close to the house
on lot 36 McNeill Rd. This will be
totally unacceptable to myself and
family as owners of this residence.
The risk of children being injured
by McNeill Road being literally on
the back verandah plus the noise
factor would be extremely hard to
live with.

I propose that the WAPC include
the cost of the house in their
reclaiming of property on lot 36
McNeill Rd.
Hearing of Submissions

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

For information about the submission and hearings process, please refer to the Amendment Report and in particular Appendix E, titled 'Preparing for your submission and hearing'.

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)

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

Signature ................................................................. Date 11/1/2013

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on Friday 18 January 2013. Late submissions will NOT be considered.
AINTREE DAIRY FARMS

PW & LE WARD
PO BOX 31
WAROONA WA 6215
Tel & Fax: 97331262
Mobile: 0403049692

FACSIMILE

Attention: Secretary

Company WA Planning Commission

Fax Number: 95815491

From: Peter & Lynette Ward

No. of Pages (including this page) 3

Date: 16/1/13

DEPARTMENT OF PLANNING
MANAGEMENT OFFICE

16 JAN 2013

RKS/02301
Planning and Development Act 2005
Section 41 Amendment (Substantial)
FORM 41

SUBMISSION
Peel Region Scheme Amendment 030/41
South Western Highway - Waroona Deviation And Associated Railway Realignment

To: Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

Name (PLEASE PRINT CLEARLY)

Address
Postcode 6215

Contact phone number 040364692, Email address

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

We own property between Waterloo Rd and Alex Rd East with S/W Henry Arter

Access to both properties is off S/W Henry Arter. It will serve Merry Mews, Merry Mews, Northbridge and the other developments on the west of Mayfield Park. South of Henry Arter.

CONCERNS

1. Maintain existing access
2. Consideration for Feature Subdivision on Property along Waterloo East.
3. With the SHank in the overall form be maintained between Mayfield & Littlefield East.

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

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**✓ 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): ........................................
  - ☐ 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)
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**TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION**

Signature .......................................................... Date 16-1-13

**NOTE:** Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on Friday 18 January 2013. Late submissions will NOT be considered.
We are writing to express our concerns over this new proposed amendment which will be very close to the corner boundary of our property. We feel that this will adversely affect our home life and our town.

Our property is accessed via the South Western Highway, so therefore we can attest to the fact that the amount of heavy traffic has significantly reduced since the introduction of the Forrest Highway despite what the statistics say.

We would also like to know what provisions are in place in regard to a noise barrier for our property. Is this even a consideration? We are also concerned that the value of our property will be affected. We have a creek running through our property also so how will that be affected?

We hope you can give us answers to our questions and take our concerns into consideration.
Hearing of Submissions

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Name of Spokesperson: ...........................................................
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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ................................................................. Date 16-1-13 ...

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on Friday 18 January 2013. Late submissions will NOT be considered.
Planning and Development Act 2005
Section 41 Amendment (Substantial)
FORM 41

SUBMISSION
Peel Region Scheme Amendment 030/41
South Western Highway - Waroona Deviation
And Associated Railway Realignment

To: Secretary
Western Australian Planning Commission
Unit 28, 11-13 Pinjarra Road
MANDURAH WA 6210

Name: LANA JONES
(Please Print Clearly)
Address: 90 FOURACRE STREET
Waroona
Postcode: 6215
Contact phone number: (08) 97333110
Email address: fredaturtle@live.com.au

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

PLEASE SEE ATTACHED ~

(1) WRITTEN SUBMISSION X 17 PAGES

(2) SELECTION OF PHOTOGRAPHS X 12 PAGES

(3) DIARY RECORDS FOR DECEMBER 2012 AND JANUARY 2013 X 7 PAGES

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature .......................................................... Date 17/01/2013

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OBJECTIONS TO PEEL REGION SCHEME AMENDMENT 030/41

SOUTH WESTERN HIGHWAY-WAROONA DEVIATION AND ASSOCIATED RAILWAY REALIGNMENT

Grounds –

1) environmental impact upon endangered fauna: colony of Carnaby’s black cockatoos which forage, roost and nest in and around current railway reserve abutting Fouracre Street Waroona and other areas close by and adjoining the proposed highway deviation site;

2) environmental impact upon threatened fauna: colony of Southern Brown Bandicoots (quendas) which inhabit land on current railway reserve abutting Fouracre Street Waroona;

3) more than a decade has elapsed since community consultation period with respect to proposed highway deviation route and data collected during the consultation process is no longer an accurate representation of local community views; composition of the Waroona Shire Council body has also altered substantially since the Shire’s endorsement was given to the proposed scheme;

4) insufficient public awareness of impact of proposed highway deviation and railway realignment upon critically endangered and threatened fauna species, and in particular, insufficient community awareness of the same within the present greater Waroona community;

5) apparently insufficient research conducted by the Environmental Protection Authority into the matters of impact of proposed highway deviation and railway realignment upon critically endangered, threatened and vulnerable fauna species; it would appear that the matter was not referred at all to SEWPac for assessment and approval as required by law;

6) Possible habitat within railway reserve and/or areas immediately adjacent to it, of the Noisy Scrub-bird (Atrichomys clamosus) ; a critically endangered species that is listed on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species (also known as the IUCN Red List or Red Data List);

7) the grove of a dozen old-growth Moreton Bay Fig trees which stand next to the railway reserve at the Coronation Road end of Fouracre Street and would likely need to be cleared in order to accommodate the proposed deviation route; these trees provide a well-used and thickly-shaded recreation and picnic area for both locals and many travellers over the hot Summer months; it is difficult to imagine either the community or the tourists being especially pleased to see them go;
8) Several small soaks of water exist within the section of the railway reserve abutting Fouracre Street and serve to support much of the ecologically bio-diverse flora and fauna found in that area; should the proposed highway deviation and railway realignment occur in its current form, these water sources would undoubtedly be filled in and therefore lost;

9) necessity of diversion questioned in view of the September 2009 opening of the Forrest Highway which has led to a substantial reduction in the flow of traffic through Waroona.

1/

In a 31 October 2012 media release entitled, “New act to protect threatened species”, Colin Barnett is quoted as saying, “This new piece of legislation will significantly increase the penalties associated with harming threatened species,” and, “Under the new act, deterrent penalties of up to $500,000 for harming a critically endangered species ...will apply.”

Environment Minister Bill Marmion is quoted as saying, “This Government is committed to providing greater levels of protection to Western Australia’s unique flora and fauna, in particular our threatened species.”

In a 5 December 2012 media release entitled, “Funding to protect endangered cockatoo”, the Liberal-National Government is quoted as having allocated $45,000 to a community project in the Wheatbelt dedicated to protecting the rare and endangered Carnaby’s Black Cockatoo.

Agriculture and Food Minister Terry Redman said, “The project will increase the area of suitable feed habitat for Carnaby’s Black Cockatoo in these small, isolated areas to enhance the breeding prospects of this rare species.”

Yet Peel Region Scheme Amendment 030/41 proposes to demolish a significant number of mature trees in which this very same bird species habitually forages, roosts and breeds.

The South West of the state of Western Australia and the Peel region in particular, has been identified as an international biodiversity hot-spot. Several species of fauna that are endemic to the area appear nowhere else in the country; others appear nowhere else on earth. Some of these animals have long been identified as having a threatened or fragile conservation status, with development for economic reasons and in particular the land-clearing associated with such development, bearing a major responsibility for the rapid and dangerous decline in their numbers.
In 2002, GHD Pty Ltd (GHD) was commissioned to provide an Environmental Impact Assessment and Environmental Management Plan (EIA/EMP) with respect to the proposed route for a Waroona deviation project. Follow-up research was conducted by GHD in 2005. The conclusions reached by GHD with respect to Carnaby’s cockatoo habitat within the project area and recorded at paragraph 6 on page 2 of the subsequently published EIA/EMP report (report) are nothing short of astonishing.

Their efforts record that, "During the 2005 flora survey 10 to 12 White-tailed Black Cockatoos were observed within the project area, feeding on the Marri and Jarrah...", but that, "None of the remaining conservation significant species or evidence of their passage (was) observed within the project area during either (i.e. the 2001 or the 2005) survey. The proposed works are not believed to pose any threat to the long-term survival of the six conservation significant species."

Again, on page 19 of the same document, at paragraphs 2, 6 and 8, claims are variously made that, "It is unlikely that construction of the Waroona deviation will increase fauna roadkills...", and, "Carnaby’s...(are) listed on the Environment Australia database as potentially occurring within the project area...(and) considered likely to be a transitory visitor to the project area and may utilise the remnant vegetation in passing. Clearing required for the construction of the Deviation is not expected to threaten the long term survival of this species", and, "During the 2005 spring botanical survey, a flock of 10 – 12 White-tailed Black Cockatoos were observed on the (solitary!) habitat Marri tree located 100m south of Coronation Road and west of McNeill Road and feeding in the surrounding Jarrah blossoms. It was not possible to determine if these birds were Baudin’s or Carnaby’s cockatoos, due to distance."

I find all of this simply amazing: as an average Joe Blow non-scientist, I have managed to regularly track over 40 White-tailed Black Cockatoos regularly (not transitorily) foraging, roosting and breeding in this same area. Without stepping outside of my town block boundary, I am able to observe the comings and goings of these birds in no less than 3 habitat trees and with the aid of a good camera, a little persistent observation and a decent field guide to Australian bird species, have been able to identify them as Carnaby’s cockatoos.

The “remnant vegetation” that GHD claim “may” be “utilised in passing”, is in fact the basis of the flock’s staple diet on any given day. Nearby plantation pine at the James Road end of the proposed project along with the small stand of pines in Centennial Park and another on the immediate western side of the railway reserve form much of the rest, whilst Jarrah and Marri trees further east and around the golf course and caravan park in the Recreation Road and Hill Street areas appear to frame the territory held by the birds.
GHD conclude that black cockatoos possibly sweep through the area for an occasional nibble on largely unimportant remnant vegetation, despite their report, on page 31 under the heading 5.3 “Shire of Waroona Landcare Officer”, recording that Kim Wilson (said officer), has advised that, “The numerous marri trees occurring alongside McNeill Road provide feeding habitat for the white and red-tailed black cockatoos”.

Incredibly, the document states in paragraph 6 of page 3, that, “None of the impacts identified during the environmental impact assessment occur on issues of National Environmental Significance. As such, the project does not warrant referral to the Commonwealth Minister for the Environment under the provisions of the Environmental Protection and Biodiversity Conservation Act (1999)”.

There is, however, an admission in passing at paragraph 2 on page 10 of the document that the Perth-Bunbury railway reserve is recognised as a “conservation oriented reserve”.

The Waroona town-site is identified by the Australian Federal Government’s Department of Sustainability, Environment, Water, Population and Communities’ (SEWPaC) 2011 SPRAT database Protected Matters “Map 2 known breeding range of Calyptorhynchus latirostris " (in the EPBC Act referral guidelines for three threatened black cockatoo species), as being situated at the edge of the territory known to be inhabited by short-billed Carnaby’s black cockatoos.

Whilst the SEWPaC data lists the Carnaby’s cockatoo as endangered, it also lists both other endemic southwest and Peel region species of black cockatoo – i.e. the Forrest Red-tailed and the Baudin’s white-tailed cockatoo – as vulnerable. In fact, there are a number of the Forrest Red-tailed black cockatoos that regularly frequent the same area of Waroona as the Carnaby’s, which area is under direct threat of proposed major development if the Waroona deviation was to proceed as per Amendment 030/41 of the Peel Region Scheme.

The State Government of Western Australia’s Department of Environment and Conservation’s (DEC) 2012 published “Counting Cockies – an update of the status of Black Cockatoos in the southwest", records just 40,000 (approx.) of these birds are left and that their area of occupancy has declined by some 50% since 2003 – just one decade ago. Notably, this dangerous decline was published after at least one set of data (from a CALM/DEC botanical survey in 2001), upon which GHD apparently relied to frame their assessment.

Another map in this same publication indicates a high concentration of known breeding ground in southern forests, in and around the Swan Coastal Plain (which includes Peel’s lake, wetland and estuarine systems). It further states that only 40% of the potential cockatoo feeding habitat remains at this time and that only around a third of potential feeding habitat occurs in DEC estate – in other words, around two thirds, or the vast majority, of feeding occurs on unprotected land: such as that abutting Fouracre Street in Waroona.
Carnaby's black cockatoos have been especially subjected to such human-caused threat due in large part to the removal of old-growth forest and suitable long-established nesting hollows in old, established trees within their territory: such as those abutting and adjoining Fouracre Street in Waroona. The decimation of this species by such activities has brought this bird to the point where they are now considered to be endangered to the point that they are likely to become extinct.

The DEC Black Cockatoo Recovery Team’s common objective is listed as, “To stop any further decline in breeding populations and to ensure their persistence throughout their respective ranges in the south-west of Western Australia”.

On 13 August 2012, PerthNow published an article revealing that the 15 April 2012 “Great Cocky Count”, run jointly by DEC and Birdlife Australia, showed a 40% decrease since 2010 (in just 2 years) in the number of Carnaby’s in night roosts in the Swan region (which includes Peel - and coincides with extensive land clearing and frenetic development within the region).

In an 8 March 2012 media release, Birdlife Australia stated that, “...Increasing habitat clearance and fragmentation is the biggest threat to (Carnaby’s) cockatoo”. This information can be found on the Western Australian Government’s Department of Environment and Conservation’s website.

Carnaby’s cockatoo is listed as threatened internationally, federally and under WA State law. It is listed as Endangered under the International Union for Conservation of Nature (IUCN) Red List, Endangered under the federal Environment Protection and Biodiversity Conservation Act 1999 and as rare and likely to become extinct by the WA State Wildlife Conservation Act 1950.

A colony of at least 40 Carnaby’s cockatoos (but likely more) forage, roost and nest specifically in and around the area proposed for clearing and highway construction. The railway reserve opposite my home in Fouracre Street rarely sees a day without the birds being clearly visible, highly audible and continually active in this very area.

Contrary to GHD’s assertions at the last paragraph on page 18 of their report that, “The location of the deviation close to the Waroona townsite, the presence of local road and the rail line on and adjacent to the new road and poor quality of habitat for fauna species indicates that the over(all) impact of the road on fauna dispersal patterns will be negligible”, I would argue that this part of town has traditionally been very quiet – despite the road and the railway line – and that both the Carnaby’s cockatoos as well as the quendas have for a long time found the alleged “poor quality of habitat” very much to their liking.
Contrary to GHD’s assertions at the first 2 paragraphs on report that, “The loss of fauna habitat will...be offset by the post construction revegetation.”, and that, “It is unlikely that the construction of the Waroona Deviation will increase fauna roadkills for the above reasons”; I would argue that the quendas which use this area exclusively and the Carnaby’s which use this area on a daily basis, would beg to differ.

On the same page it is acknowledged by GHD that the extent of their EIA with regard to fauna species in the project area consisted of only “a desktop review” (of what I would argue was even at that time, out-of-date and inaccurate data) – plus “Opportunistic observation of significant fauna species”, whilst carrying out the biological surveys for flora in 2001 and 2005. On the basis of such flimsy “investigation”, in which no specific on-the-ground fauna research was undertaken, the threatened and vulnerable fauna species that actually do exist within the project area – and have done for many years – have been doomed to what amounts to a rubber-stamped, tacit approval by the EPA; and SEWPaC have been left completely and utterly in the dark, where they are joined by both the greater Peel region community along with the community of Waroona which will bear the brunt of the proposal.

I have diarised sightings of the birds as well as photographic evidence and video evidence of this. I have supplied this evidence to the Honourable Sally Talbot (MP), SEWPaC, DEC, and to the following member groups of the Conservation Council of Western Australia –

Birdlife Australia
Darling Range Wildlife Shelter
Environmental Defender’s Office WA Inc
FAWNA Inc
FRAGYLE
Friends of Paganoni Swamp
Friends of the Earth Southwest WA
Mandurah Wildlife Rescue Inc
Nature Reserves Preservation Group Inc
Peel Preservation Group Inc
Save Beelier Wetlands
South West Environment Centre Inc
Sustainable Transport Coalition
The Black Cockatoo Preservation Society
The Wilderness Society
Urban Bushland Council WA
WA Naturalists’ Club Inc.

I have also arranged appointments with various media spokespersons, with the aim of highlighting, in particular, the plight of the Carnaby’s cockatoos should this proposed amendment be passed.
The birds' usual range extends from the immediate western side of the railway reserve, where small stands of old growth gum trees and some residual introduced old-growth pine trees form a sparse canopy in and around the railway line and the residential and rural properties either side of it, at least as far east (and up hill) as the Drakesbrook Weir.

Regular foraging by them has been observed along Fouracre Street, in Centennial Park (bounded by Fouracre Street, Birch Street, De Hamel Street and the Southwest Highway), along Hill Street between the golf course and the caravan park, along Recreation Road (one street back from the South West Highway) on both residential and rural properties there and along McLarty Road extending from the railway reserve area where it joins Fouracre Street and – at times - all the way up to the properties at the eastern (hills) end of McLarty Road. This range of several square kilometres is typical of the usual territory holding for groups of Carnaby's cockatoos.

I have not ever seen them in the rural and mostly cleared land which lies to the west, beyond the scope of the three railway cottages and the heritage listed farm property immediately abutting the railway reserve. This observation is backed up by both DEC's and SEWPaC's most recently published habitat mapping data.

GHD's statement in paragraph 2 on page 21 that, "Main Roads proposed revegetation of the widened road reserve would provide alternative fauna habitat in the longer term", unfortunately describes a situation of "way too little, way too late"; I have yet to see any revegetation program successfully reinstate the type of established old-growth trees that currently line the railway reserve and adjoin the dampland area on McNeill Road – even in the "longer term". Once it's gone, it's all over.

I have lived at my property on Fouracre Street in Waroona for over 5 years, worked in the town for the past 9 years and have lived in the greater Peel region since 1989. During the 23 years that I have lived in the region, I have always observed the regular presence of Carnaby's cockatoos around Fouracre Street and the railway reserve, having been a long-standing and frequent visitor to Waroona prior to moving here in 2007.

For me, the statements by GHD that appear to encapsulate how very completely they have missed the entire point of an "Environmental Impact Assessment", may be found in the last 2 paragraphs on page 32, under the heading 6.1 "Commonwealth Government", where they state: "As noted previously it is believed that the impact of the proposed Waroona Deviation on populations of these species will be negligible and not threaten their long term survival. Formal referral of the Waroona deviation project, based on expected impacts on issues of National Environmental Significance protected under the EPBC Act, to the Commonwealth Minister for the Environment is not considered".
Exactly what I had already been forced to conclude; there has been no REAL consideration of nationally significant fauna species – only a flick through some old data and a cursory look (on just one occasion 8 years ago) to the skies at a single and unrepresentative moment in time.

2/

A joint media release by DEC and the World Wildlife Fund (WWF) on 14 May 2012 described how the quenda has all but disappeared from other Australian cities and stated that conservation groups are concerned that numbers in Western Australia have also fallen significantly. The two primary threats to their survival were identified as habitat loss and vehicle strike.

These two factors can not help but wipe out the thriving and well-established colony of quendas that inhabit the stretch of railway reserve abutting Fouracre Street from the Coronation Road T-junction to the opposite end of Fouracre Street where it joins McLarty Road. I have personally observed quendas at several locations along the entirety of the road on which I live.

The quenda was specially protected in 1990 under the Wildlife Conservation Act 1950, as it was deemed to be threatened at that time. After some 8 years and extensive baiting for foxes (its primary predator), it was removed from the threatened list in 1998 and given a Priority 5 species status; meaning that it still requires ongoing monitoring as it could easily slip into significant decline and become threatened once more.

DEC Swan region ecologist Geoff Barrett is quoted in The West Australian on 15 May 2012 as saying that, “their numbers were thought to be rapidly declining”.

GHD make statements about the fragile nature of the species under the heading “Priority 5: Taxa in need of monitoring; conservation dependent”, on page 20 of their report, and then follow that up with the rather nebulous comment that, "Surviving populations may occur in the Waroona area", even though further on in the same document, on page 31 under the heading 5.3 “Shire of Waroona Landcare Officer”, they admit that Kim Wilson (said officer), has advised that a trapping and relocation program of quendas should be undertaken in and around the railway reserve and McNeill Road, prior to clearing these areas.

Contrary to GHD’s assertions at the 4th paragraph on page 20 of their document that, “No evidence of bandicoots was found at any of the more suitable habitat sites within the dameland area on McNeill Road or at any of the watercourse crossings”, I can personally vouch for the existence of a substantial and very active colony of bandicoots that stretches from immediately south of the Waroona train station/siding and down at least as far as the end of Fouracre Street within the railway reserve; and I have also seen them along the McNeill Road side of the reserve. Other landholders in Fouracre Street are also able to attest to their long-standing presence here.
In the more than 5 years that I have lived here, I have never seen any of the quendas in this street wind up as road-kill — the street at present is quiet and has very little traffic. Nor am I aware of any having been collected injured from the area around the Waroona railway reserve where they live; I am a member of the region’s wildlife conservation group, Mandurah Wildlife Hospital, as well as being one of their wildlife carers.

3/

More than a decade has elapsed since the community consultation period with respect to proposed highway deviation route and data collected during the consultation process is no longer an accurate representation of local community views. In addition to this, the composition of the Waroona Shire Council body has altered substantially since the Shire’s endorsement was given to the proposed development 10 years ago.

The “community consultation” process leaves much to be desired. As a wildlife carer, a regular news watcher and an avid reader of local newspapers, I had no inkling at all of the proposed highway deviation etc, until the Peel Region Scheme Amendment 030/41 report copy landed in my letterbox at the end of September 2012.

When I asked a staff member at the Peel office of the Western Australian Planning Commission (WAPC) about this, I was advised that the proposal had been comprehensively and variously advertised —

- on their website: to which my response is that unless I, or indeed any other member of the Waroona community was aware of the plans afoot, we would have had no reason whatsoever to visit the website;

- in the West Australian newspaper: to which my response is that I do not buy or read that newspaper and I am unlikely to be in the minority within this community on that score;

- in the Mandurah Mail newspaper: to which my response is that delivery of that local paper in my street (and many others that I am aware of) is hit and miss to say the least; papers often wind up run over on the road so that they are rendered unreadable, or else they are put in the trash by those adjoining neighbours onto whose property they have accidentally landed; further to that, many Waroona residents live on rural properties to which no local paper is delivered; and notwithstanding all of that, I read every Mandurah Mail that DOES manage to make it onto my front verge successfully and in one piece and have not once come across any reference in it to Peel Region Scheme Amendment 030/41;
- by way of posting the report to directly affected, reserved and abutting property owners: to which my response is, that of the 980 owned properties recorded by the ABS’ 2011 Census as being in Waroona 2 years ago, only around 20 – 30 of them would have received a copy of the report; that is around 3% of households (or 1 in every 32.6) in a best-case scenario or around 1 - 2% of households (or 1 in every 49 - 100), in a far-more-likely scenario – hardly an accurate representation of the greater Waroona community.

4/

There exists insufficient Waroona community and general public awareness of both the proposed highway deviation and railway realignment OR of the potential impact of the proposal upon critically endangered and threatened fauna species.

Reasons as outlined above in 3/.

5/

SEWPaC’s referral guidelines for the three black cockatoo species (which are all listed as threatened in the Environment Protection and Biodiversity Act 1999) state that any project, development, undertaking, activity or series of activities that is likely to have a significant impact on a nationally listed threatened species must refer such proposal to SEWPaC for assessment and approval. This does not appear to have happened with Peel Region Scheme Amendment 030/41.

The Federal Government publication “Matters of National Environmental Significance” (published by SEWPaC under its former moniker of the Department of the Environment, Water, Heritage and the Arts) in section 1.1 on pages 9 - 12 clearly outline criteria which undeniably apply to Peel Region Scheme Amendment 030/41. This is vastly at odds with the actions of the state EPA, which, in it’s 13 August 2012 correspondence to the Secretary of the Peel Region Planning Committee (PRPC), (attached as Appendix B to the amendment report), states that the proposed scheme amendment does not require assessment under the Act (i.e., with respect to Environmental impact assessment), and that, “it is not necessary to provide advice or recommendations”.

In April 2012, SEWPaC published EPBC Act referral guidelines specifically dealing with the three threatened black cockatoo species. Page 17 of these guidelines defines the habitat assessment process in relation to black cockatoos that is required prior to any development approval for an affected area and states that such surveys should be carried out by a suitably qualified person with experience in cockatoo surveys.
The same guidelines list as the primary threats to cockatoo colonies, habitat loss and degradation and interactions with humans – with the most notable detrimental form of such interaction identified as death or injury when hit by cars or trucks, and including disturbance to birds from noise, light, vibrations and fumes associated with traffic.

DEC’s October 2012 Western Australian Wildlife Management Program No. 52 "Carnaby’s Cockatoo Recovery Plan" (the plan), describes such habitat as is currently under threat by Peel Region Scheme Amendment 030/41, as critical to survival for Carnaby’s cockatoos.

On page 7 of the plan, the statement is made that, “There are a number of resident populations throughout the species range that do not show breeding migration but remain close to their breeding sites year round”, and goes on to cite the Peel region as being one such area where this occurs. This is exactly what happens here in Waroona; and I have documented photographic, diary-recorded and video evidence to support my own observations of this fact.

Page 11 of the plan states, at the second paragraph under 2.5 Biology and ecology, that, "One of the indirect effects of broad-scale clearing for agriculture in the south-west of western Australia is that there is a lack of recruitment of nesting trees (Saunders et al. 2003). As a consequence there may be a shortage of suitable nesting hollows in some areas in the future, regardless of whether there is sufficient suitable foraging habitat present within close proximity to those breeding sites.” Without stepping from my own property, I have a clear view of no less than three suitable nesting hollows and have personally observed the birds using them as recently as this year’s breeding cycle.

Page 21 of the plan states, at the last paragraph under 5 GUIDE FOR DECISION MAKERS, “Habitat of Carnaby’s cockatoo is considered under Guidance Statement No. 33 as areas of high conservation significance that the EPA expects must be fully protected in Western Australia. Further, Guidance Statement No. 33 states that the EPA is unlikely to recommend the approval of projects that have significant adverse impact on the species.”

Given that the (at least) 40 birds that live around Fouracre Street represent around 0.1% (or one out of every thousand) of the estimated 40,000 birds still left in the wild, the flock of Carnaby’s about which I am concerned can be of no small significance in the race to save the species. Contrasting the very clear wording of the DEC plan with the EPA’s actual response with respect to the substantial and significantly destructive and disruptive development of regularly inhabited areas that will adversely impact upon this cockatoo colony, I am appalled that so little interest appears to have been taken of these matters by either the EPA or DEC.

I feel certain that SEWPaC remains completely unaware of the situation and the attendant environmental implications should the proposal proceed in its current form. For that reason, I have forwarded their office a copy of this submission.
The Noisy Scrub-bird \textit{(Atrichornis clamosus)} is given special protection under \textit{Western Australia's Wildlife Conservation Act 1950}. It is listed as "Declared Threatened Fauna: Schedule 1 - Fauna that is rare or is likely to become extinct". It is also listed as Vulnerable under the \textit{Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999}. It has a ranking under World Conservation Union criteria of "Vulnerable D2: population very small or restricted to number fewer than 1000 mature individuals, and population with a very restricted area of occupancy (typically less than 20 km2) or number of locations (typically five or fewer) such that it is prone to the effects of human activities or stochastic events within a very short time period in an uncertain future, and is thus capable of becoming Critically Endangered or even Extinct in a very short time period" (IUCN 2007). BirdLife International 2007 lists the species as Vulnerable (BirdLife International 2007) and it appears on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species.

It is a little known fact that the first known specimen in Western Australia occurred just several kilometres from the railway reserve, near the Drakesbrook Weir, in 1842 when John Gilbert, ornithologist and James Drummond, Colonial Botanist, discovered the noisy scrub bird in the valley of Drakes Brook, while exploring and collecting for English Ornithologist John Gould. In 1948 a memorial to the "sweet voiced bird of the bush" was placed at the Dam wall overlooking the Weir. A walk trail known as the "Noisy Scrub Bird Walk Trail" provides a link from the picnic area to the Noisy Scrub Bird historical marker.

The weir is approximately 2 kilometres from the railway reserve – as the crow (or, in this case, potentially the Noisy Scrub-bird) flies - males are known to have moved up to 8 km (straight line map distance). Male core territories are 0.75-2.25 ha in size; other data are Mt Gardner to Lakes: 3 km; translocated males at Mt Manypeaks up to 5 km from release site.

For many years prior to 1961, the bird was thought to be extinct. The species has undergone 35 years of intense research, monitoring and management, including protection from fire and translocation. The total population in 1994 was probably around 1100.

In 1997 the Department of Conservation and Land Management and Alcoa cooperated in efforts to reintroduce male Noisy Scrub birds from Two Peoples Bay Nature Reserve (near Albany) to the Drakesbrook area. In 1998 females were released into areas where male birds remained.

From 1997 to 2003, DEC reintroduced the Noisy Scrub-bird to eight areas within the northern Darling Range, some of which occur within Alcoa's mine lease. A total of 60 males and 20 females were released into habitat assessed as suitable for Noisy Scrub-birds. Males were introduced to a new area and if successful, females were introduced the following season (Harris 2007).
In 2000, approximately five of the 23 males released at Upper Harvey were recorded singing. In 2006, only one of the six males released at Sixty-One Form and only one of the four released at Samson West were surviving. It is thought the male at Sixty-One Form is a new individual, indicating that breeding may have occurred in the Darling Range (Comer and Rule 2007) reintroduced population near Drakesbrook, the type locality, south of Perth.

It would appear that no recent research (i.e. after 2007) has been conducted into the possibility of the continued existence of the highly endangered bird in land either within or else within a reasonable distance of, the release sites; and it is entirely possible that land within the southern and eastern sections of the proposed project – which land includes a large (by Noisy Scrub-bird standards) section of existing railway reserve - could well form current habitat for the species. The railway line crosses Drakes Brook, which feeds west down the hill and under the railway line, from the release sites of those translocated birds.

In the Wagerup Refinery Annual Audit Compliance Report - 2008 it is recorded that, "Rare and Endangered fauna management plans have been developed for the five species known to occur in the mineral lease (chuditch, quokka, noisy scrub bird, Baudin's cockatoo & Carpet python)."

If Alcoa (who are driven by economic considerations) can see the need to plan around endangered species, shouldn’t we be able to expect our State Government departments to reflect at least a slightly more moral and holistic consideration in their deliberations over fragile environmental issues?

A grove of a dozen old-growth Moreton Bay Fig trees stand alongside the present railway reserve at the Coronation Road end of Fouracre Street and would likely need to be removed in order to accommodate the proposed deviation route in its current form.

These trees provide a well-used and thickly-shaded recreation and picnic area for both locals and many travellers over the hot Summer months. It further provides an overflow parking area for popular functions and musical concerts periodically held at the Waroona Hotel, which is situated directly opposite these trees. It is difficult to imagine either the Waroona community, the hotel’s patrons or the tourists being especially pleased to see them go.

The planned removal of large, historic trees generally attracts considerable community outrage, much protest and wide public attention.
I refer you to the 5 December 2012 issue of NSW’s Bay Post newspaper and the article by Josh Gidney, under the headline, “Protester holes up in doomed Moruya fig”; as well as the 30 October 2012 issue of the Herald Sun newspaper and the article by Louise Clifton-Evans, under the headline, “Protesters climb tree to block historic Moreton Bay fig tree chop”; and finally to our own 16 June 2012 issue of the West Australian newspaper and the article by Tayissa Barone and Beatrice Thomas, “Century old’ tree cut down despite protest”.

It seems that big, old Moreton Bay Fig trees don’t tend to come down quietly in this country.

And it would seem that Australians are not alone in their capacity to care about big, old trees and their historical significance: In La Crescenta in the Crescenta Valley, USA recently, residents “…mobilized to save a 100-year-old tree … that they say could be irreparably harmed by a planned (development)...While many involved said they are also opposed to the project because of its size, the potential loss of the historic tree has become the flashpoint.” I would respectfully suggest that the historicity of the Moreton Bay Fig trees on Fouracre Street will likely become just such a flashpoint.

People, in general, like their big, old, historic trees to stay where they are. Especially those people whose community has already lost many significant and historic big, old trees – including its famed and much-grieved giant “Christmas tree” from its central recreational park - in a freak tornado less than 18 months ago...

8/

Several small soaks of water exist along the railway reserve and serve to support much of the ecologically bio-diverse flora and fauna found in that area; should the proposed highway deviation and railway realignment occur in its current form, these water sources would undoubtedly be filled in and therefore lost forever.

As will the ecosystems which depend upon them for survival.

9/

The necessity of a Waroona highway diversion has to be questioned in view of the September 2009 opening of the Forrest Highway which has led to a substantial reduction in the flow of traffic through Waroona.

At paragraph 2 on page 6 of the GHD report, the comment is made that, “The need to deviate the South Western Highway from its current route through the town centre of Waroona dates back to the 1950’s”. This idea arguably did not take into account the subsequent decision, many decades later, to construct the Forrest Highway.
GHD’s statement in the last paragraph on page 7 is to the effect that the indications (formed at the time of their being commissioned to undertake the EAI/EMP around 2002) were that construction of a Waroona deviation, “will be required within the next 10 to 15 years, based on current traffic growth.” There is no mention of what would still – at that point in time – have been the mitigating effect of the proposed construction of the Forrest Highway. Presumably the 10 – 15 year time frame touted here would have translate to somewhere between the years 2012 – 2017; yet here we are in the year 2013 with, rather than an increase in traffic flow along the South West Highway, instead a reduction in traffic flow. Clearly this previously held view demands to be revisited.

I don’t have any figures or statistics around this issue, but I do have personal knowledge from my own observations and from the comments of other locals that this is the case; the admission of the WAPC on page 2 of the report, that the volume of Waroona through-traffic has reduced, concurs with these opinions.

Nevertheless, should it actually prove to be the case that a highway deviation is required in the Waroona area, I have a proposition to put that would not only address all of the previous objections that I have raised (i.e. 1 – 8), but that would also potentially save the State Government the millions of dollars in funding that the proposed realignment of the railway line would surely demand.

My proposition is this: leave the railway line exactly where it is; the land already proposed to be reserved for the new, replacement section of railway line, could be used instead to construct the proposed highway deviation, should it be required at all.

Based upon the map contained within the report and the distance between my front property boundary and the front property boundary of the protected and the heritage-listed farmhouse and railway cottages situated on rural land almost directly opposite, on the western side of the railway line, the geographical footprint of each (both the proposed highway and the existing railway line and abutting reserved land) is not dissimilar.

The private rural and residential properties that have already been earmarked for reservation and the construction of rail works would be no more inconvenienced than they presently are by the proposed amendment if it were to rather be construction of a roadway. Indeed, far fewer land-holders would be adversely affected by swapping a new railway line for a new highway in the same place instead - both in the short-term as well as into the future.

Aboriginal heritage sites and the Heritage Council of Western Australia (HCWA) heritage listed buildings (as identified in the report) would be preserved as they currently exist - and the environmentally fragile species that GHD, the EPA (and everybody else involved in the planning process) appears to have overlooked, would all be taken care of.
To my knowledge, the area where the new railway line is proposed to be located (and where I would propose that instead, should it be required, the new highway be located), does not form a part of the foraging, roosting or nesting habitat of either of the two black cockatoo species that live around this immediate area. As most of that earmarked land is already cleared, zoned and presently being used for rural purposes, there is far less likelihood that substantial numbers of vulnerable fauna species (if any) inhabit that area.

Overall, there would be significantly less land-clearing required for a highway than if both a new highway and a new railway line were to be constructed.

The small soaks of water that support the ecologically bio-diverse flora and fauna along the railway reserve would be preserved.

The slight extra distance that the new highway would have to traverse would be insignificant compared to the environmental, heritage, social and logistical issues that would be mitigated by its construction on the western side of the existing railway line, rather than the two major constructions projects that are currently proposed.

I have not attempted herein to address the many detrimental social or economic consequences likely to arise from the proposed amendment, nor have I discussed here the loss of visual amenity to residents of Fouracre Street (such as myself), who have specifically purchased property here for the visual amenity that it presently provides; the issues of construction noise, air emissions and dust, are also major factors that weigh heavily against the project proposal in its current format, from a residential point of view.

As it stands, I have chosen to concentrate herein upon the environmental impact, believing this to be the most urgent consideration in need of attention.

I believe that GHD’s admission in paragraph 1, page 30, under the heading “Consultation”, encapsulates the gist of my objections, where it states: “No formal public consultation has undertaken in preparation of this Environmental Impact Assessment and Environmental Management Plan.”

I feel confident that if it had been, the conclusions drawn by GHD as to the likely environmental impact upon significant species of national concern would have looked very different.

I do intend in the near future, to canvass local business owners and members of the greater Waroona community on these other issues, as well as those I have raised here in this submission; however given the very short period of time that was allocated in which I was required to frame a response to the Amendment report, I have concentrated my efforts on the fauna that does not have a voice and would not otherwise have been heard or noticed.

Carnaby’s black cockatoo, the Forest red-tailed black cockatoo and the Noisy Scrub Bird are ALL listed in DEC’s Threatened and Priority Fauna rankings list dated 10 January 2013, under “SCHEDULE 1 - Fauna that is rare or is likely to become extinct (THREATENED FAUNA).”
Of those three species, one lives here and can be observed in the proposed project area most of the time, one forages here regularly and the third — and the most critically endangered of them - might well be hiding out here.

THIS is the up-to-date data that ought to be relied upon when considering the proposed project. GENUINE community consultation should be undertaken instead of what appears to have actually happened here.

Major development and construction decisions being made in the year 2013 should be based upon reliable data and scientifically solid information that is accurate and relevant for the year 2013.

The issue date for GHD's report was 10 February 2006.

If I – as a nobody who knows very little and comes from nowhere – have in three short months, been able to draw together the various pieces of this puzzle, then why on this earth haven't the environmental scientists and other custodians of such heavy decision-making been able to?

Thank you for the time you have taken to consider my submission.
RAILWAY RESERVE: OPPOSITE MY HOUSE
RAILWAY RESERVE:
OPPOSITE MY HOUSE
RAILWAY RESERVE

BEHIND MY HOUSE

HABITAT TREE:
ONE BABY
THIS YEAR.

RAILWAY RESERVE

RAILWAY RESERVE
BEHIND MY HOUSE

3 PROPERTIES NORTH

ROASTING TREE
BEHIND MY HOUSE

HABITAT TREE: ONE BABY THIS YEAR

HABITAT TREE - RAILWAY RESERVE

ONE BABY THIS YEAR

BEHIND MY HOUSE
Black cockatoo diary

(PLEASE NOTE# notes were made at times when I was at home and happened to be outside (there were other occasions when I could hear the birds from inside the house but was too busy to go out and record their numbers and movements); up to 21st December 2012, I was at work much of the time as well as studying for and attending end-of-year TAFE assessments so was not around home that much during daylight hours; after 22nd December 2012 I started my holidays and have kept records on those days when I have been at home and in a position to do so)

Saturday 1 December 2012
5.50pm
group of 4 Forrest red-tailed black cockatoos flew over back yard heading up hill from railway reserve

Monday 3 December 2012
6.22pm
pair of white-tailed black cockatoos flew from pines across the railway track to roosting trees (Marris) behind my place

Tuesday 4 December 2012
6.10pm
pair of white-tailed black cockatoos flew from pines across the track to roosting trees behind
6.40pm
could hear a group of white-tailed black cockatoos in roosting trees out the back

Wednesday 5 December 2012 - photographed Carnaby’s

Friday 7 December 2012 - photographed Carnaby’s

Sunday 9 December 2012
(on and off all day)
14 white-tailed black cockatoos roosting in trees behind house and flying over to forage across the road at the railroad reserve – photographed birds
Monday 10 December 2012
6.50pm
4 white-tailed black cockatoos flew from pines across the track to roosting trees behind

Tuesday 11 December 2012
7pm
4 white-tailed black cockatoos flew over from west side of road to roosting sites east up hill

Saturday 29 December 2012
6.35pm
2 white-tailed black cockatoos flew over from west side of road to roosting sites east up hill; lingered for about 10 minutes in gum trees both sides (crossing from back to front) of my house and were low enough to identify as having short beaks, i.e. Carnaby’s

Sunday 30 December 2012
7.14pm
2 white-tailed black cockatoos flew over from west side of road (pine tree on farmland opposite) to roosting sites east up hill; were low enough to identify as having short beaks, i.e. Carnaby’s

7.22pm
1 white-tailed black cockatoo flew over from west side of road (pine tree on farmland opposite) to roosting sites east up hill; was low enough to identify as Carnaby’s

Monday 31 December 2012
11.45am
1 white-tailed Carnaby’s black cockatoo flew over from west side of road (pine tree on farmland opposite) to large Marri trees behind my house; low enough to identify

7.06pm
2 white-tailed black Carnaby’s cockatoos flew over from west side of road (pine tree on farmland opposite) to roosting sites east up hill; were low enough to identify
Tuesday 1 January 2013
11.55am
1 Carnaby's flew over from west side of road (pine tree on farmland opposite) to roosting sites east up hill; low enough to identify
4.34pm
3 Carnaby's flew low over from west side of road (pine tree on farmland opposite) across my back yard to Marri trees in vacant blocks behind; were low enough to identify
6.14pm
1 Carnaby's flew over from west side of road (pine tree on farmland opposite) to roosting sites east up hill; low enough to identify
6.20pm
several (at least 7) Carnaby's roosting in large Marri trees on vacant block behind my house

Thursday 3 January 2013
12.10pm
1 Carnaby's flew over from west side of road (pine tree on farmland opposite) to roosting sites east up hill; low enough to identify
6.40pm
2 Carnaby's flew low over from west side of road (pine tree on farmland opposite) across my back yard to Marri trees in vacant blocks behind; were low enough to identify
7.20pm
6 Carnaby's flew over from west side of road (pine tree on farmland opposite) to roosting sites east up hill directly behind my house; were calling continuously for around 20 minutes; low enough to identify
7.30pm
1 Carnaby's flew over from west side of road (pine tree on farmland opposite) circling and calling several times before landing in olive tree in my backyard

Friday 4 January 2013
9.05am
1 Carnaby's flew over from west side of road (pine tree on farmland opposite) circling and calling several times before flying to roosting sites east up hill; low enough to identify
Saturday 5 January 2013
8.20am
2 Carnaby's flew over from west side of road (pine tree on farmland opposite) circling and calling several times before flying to roosting sites east up hill; low enough to identify
11.45am
4 Carnaby's flew over from west side of road (pine tree on farmland opposite) circling and calling several times before flying to roosting sites east up hill; low enough to identify
4.30pm
2 Carnaby's flew over from west side of road (pine tree on farmland opposite) circling and calling several times before flying to roosting sites in trees directly behind my house and stayed there for around an hour; low enough to identify
6.08pm
4 Carnaby's flew over from west side of road (pine tree on farmland opposite) calling several times before flying to roosting sites in trees directly behind my house; low enough to identify
7.25pm
2 Carnaby's flew over from west side of road (pine tree on farmland opposite) calling several times before flying to roosting sites in trees directly behind my house; low enough to identify

Monday 7 January 2013
Carnaby's around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling

Tuesday 8 January 2013
Carnaby's around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling

Wednesday 9 January 2013
Carnaby's around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling

Thursday 10 January 2013
Carnaby's around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling
- photographed Carnaby's and took video and audio of birds calling
Friday 11 January 2013
Carnaby’s around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling

Saturday 12 January 2013
Carnaby’s around all day from 6.30am until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling

Sunday 13 January 2013
Carnaby’s around all day from 5.50am until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling and off all day
- photographed Carnaby’s, close-ups and flight shots

Monday 14 January 2013
Carnaby’s around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling

Tuesday 15 January 2013
Carnaby’s around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling

Wednesday 16 January 2013
Carnaby’s around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling; a bit rainy today, so a lot of activity from the Reds; was out in backyard around 7pm and there were about 10 Carnaby’s in the back trees, when they called the following groups flew to join them in fits and spurts over a 5 – 10 minute period: 9, 8, 4, 1, 1, 2, 1 = 27, making around 37 altogether in the back trees by around 7.10pm, and could still hear another 4 – 6 out the front down in the pines abutting the railway reserve on McNeill Road, so potentially at least 41 – 43 birds today. UPDATE: while I was still outside and keeping an eye out for the rest to fly up to roost for the night, 4 went back down to the pines, calling to the others that were still down there, then 20 flew back over about a 2 – 3 minute period (2, 1, 1, 5, 8, 2, 1) and there were still at least 2 left down in the pines, calling. Taking into account the 4 that flew back down the hill, I appear to have underestimated their numbers by quite a lot: there must be at least 55 of them (minimum of 37 in the back trees plus 16 extra that came home late, plus at least 2 still lingering in the pines)
Thursday 17 January 2013
Carnaby’s woke me up at 5.36am this morning and carried on for about an hour across the road (railway verge) before settling down; around all day from early morning until dusk; usual places; can also hear several Forrest Red-tailed Blacks calling; 6.55pm followed some of the Carnaby’s up the hill in my car and counted 46+ in 3 trees at the Drake’s Brook crossing on the South West Highway; they collected in groups, gradually flying in with the birds waiting around 6 – 8 minutes while the rest of the flock gathered; they then all took off in the direction of the railway reserve again and landed in trees just south of Fouracre Street and behind (in a line from the highway with) Coates Hire.

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<th>December 2012</th>
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<td>Sunday</td>
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<td>1</td>
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<tr>
<td>4 REDS</td>
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<td>9</td>
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Planning and Development Act 2005
Section 41 Amendment (Substantial)
FORM 41

SUBMISSION
Peel Region Scheme Amendment 030/41
South Western Highway - Waroona Deviation
And Associated Railway Realignment

To: Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

Name: Charles Hull Contracting Co. Pty Ltd
Address: PO Box 63, Waroona
Postcode: 6215
Contact phone number: 97331922
Email address: richard@charleshull.com.au

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

A number of properties in the ownership of Charles Hull Contracting are affected. At our main yard on Southwest Highway (Lots 11, 43, 44), we have facilities to maintain and rebuild our heavy equipment and plant. Our repair complex includes a new workshop and offices, which demonstrate our company's investment in future growth. The chosen highway/railway realignment would effectively remove the rear of our yard (behind workshops) which would severely impede day to day operations and storage. Access for heavy equipment at rear of workshop and turnaround space for oversize loads, as well as other infrastructure located in this part of the properties will be compromised esp. with regards to safety. The realignment could be modified so that it commences south of the McDowell St intersection, leaving Charles Hull Contracting's main workshop complex unaffected.

Our Coronation Rd/McNeill Rd property will lose acreage, have an increase in noise at farmhouse, loss of access to Drakes Brook (inc. water rights) and reduced property value.

The MCLarkey St property is also affected with loss of land & buildings and increased noise.

Alternative routes are available and should be investigated as considerable time has lapsed since this alignment was chosen and may no longer be the best design in regards to project costs, services affected, traffic movements, sustainability and safety of local residents.

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

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

For information about the submission and hearings process, please refer to the Amendment Report and in particular Appendix E, titled 'Preparing for your submission and hearing'.

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:

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature …………………………………………………………………………… Date 17/1/2013

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on Friday 18 January 2013. Late submissions will NOT be considered.
To: Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

Name: PEAZ PRESERVATION GROUP

Address: PO BOX 1784 MANDURAH
Postcode: 6210

Contact phone number: 
Email address: 

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

AS ATTACHED

TURN OVER TO COMPLETE YOUR SUBMISSION
**Hearing of Submissions**

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

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**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): ............................................
  - ☐ 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)
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**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 (5.00pm) on Friday 18 January 2013. Late submissions will NOT be considered.
Peel Preservation Group Inc.

Secretary
WAPC
Unit 2B, 11 – 13 Pinjarra Rd
MANDURAH WA 6210

14.1.3013

Peel Region Scheme Amendment 030/41
South West Highway – Waroona Deviation and Railway Realignment

This proposed amendment will allow a safer route for the South West Highway through Waroona.

The important environmental issues are
- Preservation of the Drake Road Dampland
- Retention of the significant vegetation, including trees, on the Public Open Space between Coronation and McLarty Roads.

Should either of these areas be damaged, appropriate offsets need to be provided.

S.M. Joiner
Secretary
Peel Preservation Group

PPG is a non-profit organisation devoted to conservation of the natural environment in the Peel Region of Western Australia.
Dear Neil Thomson,

Proposed Amendment 030/41 to the Peel Region Scheme South Western Highway (SWH) – Waroona Deviation and Associated Railway Realignment

Thank you for your letter dated 20 September 2012 requesting the Department of Transport (DoT) to provide comments on the proposed amendment.

DoT has consulted with Main Roads Western Australia (MRWA) and the Public Transport Authority (PTA) Portfolio and supports the realignment of the South West Highway (SWH) with recommendation that the following matters be taken into consideration when the rail and SWH realignment is constructed.

• Vehicular access to property severed by land resumption should be maintained.
• SWH should include a pedestrian and cycle path facility over the length of the project.
• Noise and vibration matters should be addressed as per State Planning Policy 5.4 at the appropriate planning stage.
• Rail design standard should meet current legislation.
• Rail crossings should be fitted with boom gate type protection systems.

Yours sincerely

Robert Campbell
Director: Travel Demand Management

18/10/2013

CC Paul Davies MRWA
Louise Howells PTA
To: Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

SUBMISSION
Peel Region Scheme Amendment 030/41
South Western Highway - Waroona Deviation
And Associated Railway Realignment

Name: Heather Brown
Address: 19 Drake Road, Waroona
Postcode: 6215
Contact phone number: 0409 686 627
Email address: heather0107@bigpond.com

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

I am writing to express my disapproval of the proposed Waroona Deviation. I am a homeowner on Drake Rd and the deviation would run directly along my rear side boundary. I am a mother of 2 young children who strongly disagrees with the idea of having a highway so close. I believe there is no need to go ahead with the deviation as now that the Forrest Highway has been completed the traffic travelling through Waroona has drastically reduced. Unfortunately, due to lack of local support and the Forrest Highway, the townsite is like a ghost town. Continuing with the deviation would be detrimental to Waroona and what businesses we do have would suffer even more. The deviation is a waste of taxpayer's money and unwarranted. The government would be better off spending its money doing a deviation through Pinjarra.
Hearing of Submissions

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

For information about the submission and hearings process, please refer to the Amendment Report and in particular Appendix E, titled 'Preparing for your submission and hearing'.

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

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I will be represented by:

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

OR

☐ A SPOKESPERSON

Name of Spokesperson: ......................................................................................
Contact telephone number (business hours): ......................................................
Postal address: ...................................................................................................

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ................................................................. Date 12/1/13

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on Friday 18 January 2013. Late submissions will NOT be considered.
21/03/2013

Mr Neil Thomson
Secretary
Western Australian Planning Commission
Unit 2b 11-13 Pinjarra Rd
Mandurah WA 6210

Dear Mr Thomson

Peel Region Scheme – Amendment 030/41

In September 2012 we received from you a copy of the above amendment which has a huge impact on our business and residential properties. I refer to lots 1, 2 and 61 South Western Highway. Submissions were sought and were required to be submitted prior to the 18th of January 2013. Unfortunately, due to a massive oversight in this office, we did not respond within the required time.

While we appreciate that it is now too late to make a submission, or indeed ask to appear at the formal hearing, we would like the Commission to take into account our earlier correspondence in regard to this matter. I refer in particular to our letters of the 14th of April 2011 to the Minister for Planning and to your office on the 3rd of May 2011 and on the 24th of November 2011 in which a formal hearing was requested. These were the culmination of correspondence regarding this matter dating back to 1998. Our objections to the proposal are clearly outlined in these letters. I have attached copies for the information of the Commission.

Will you please advise as to when and where the hearings will take place so as we may attend as part of the public hearing process.

Yours sincerely,

Nick De Rosa
Dealers Principle
DeRosa’s Highway Motors

T (08) 9733 1462 F (08) 9733 111
Nick De Rosa 0418 953 955

admin@derosa.com.au

South-West Hwy WAROONA
PO Box 103, WAROONA 6215

LATE SUBMISSION
SUBMISSION NUMBER 15
Dear Minister

**The Regional Planning Control Area No1 – South West Highway (Waroona Bypass)**

The Regional Planning Control Area No1 – South West Highway (Waroona Bypass) and associated Railway Realignment was published in the Government Gazette on the 17th of February 2006. This control area incorporates substantial portions of our land. I refer to blocks number 1, 2 and 61 South West Highway Waroona. The declaration of the control area placed restrictions on our land and impacted significantly on the possible sale of this business.

With the expiry of the mandatory five year period of the control area on February 18th this year, I wrote to the Western Australian Planning Commission asking them for confirmation that all restrictions on our land would now be removed and if there would, in the future, be any requirement for this proposal or any modified version of it to proceed. I have now received a reply from the Department of Planning informing me that there are still a number of unresolved issues with this proposal and that at some stage in the future it would still be required and that they expect the WAPC to declare a new planning control area – subject to your approval – as an interim measure. Presumably this means another five years of procrastination by them and uncertainty for us.

For your information this proposal was first brought to our attention in late 1996. There were community consultations during 1997 and 1998 when four options for a bypass were discussed. The option (known as option 2) which takes in significant portions of ours and other adjoining businesses land was selected after a poll was conducted in 2001 comprising of electors within the Shire of Waroona. It then took another five years before a control area was gazetted and we were advised of the extent to which we would be affected. Nearly one third of our three blocks totalling 8553 square metres would be excised from our properties.

T (08) 9733 1462 F (08) 9733 111
Nick De Rosa 0418 953 955

South-West Hwy WAROONA
PO Box 103, WAROONA 6215
From the very first time we became aware of this proposal we objected to it. On the larger of the blocks (lot 2) we run a successful tractor and farm machinery business servicing a substantial portion of the south west of the state. The land in question has no buildings on it but is essential to the viability of the business in that it provides us with storage and parking space at the rear of the main workshop and enables safe manoeuvring of large machinery and tractors. This business could not operate satisfactorily without this land. The proposal would also affect me personally as the land resumed would take the bypass road to the back fence of my residence (lot 1). This effectively puts my house in a sandwich between two major roads.

In light of the changed traffic flows in this area since the opening of Forrest Highway we respectfully ask that you direct your Department to re-examine the need for any bypass road around Waroona and if it is found that there is such a need that the two minimalist options (options 1 and 3) that were originally put forward for consultation be seriously looked at again. Both of these options were many times cheaper and less invasive than the proposal that has been selected. It should also be noted that the poll of electors was conducted ten years ago, prior to local people knowing of the impact Forrest Highway would have on traffic in the area.

The situation that we, and others, have endured for fifteen years is unacceptable. We believed that at the end of the control period we would have some clarity as to the future of our land and that, if we choose, we would be able to put the business on the market unencumbered. This is now not the case and we are faced with the prospect of a further five years of uncertainty.

We would very much appreciate your assistance to resolve this problem.

Yours sincerely

Nick DeRosa
Proposed Planning Control Area South Western Highway (Waroona Deviation) Waroona

Thank you for your letter of 12th of April seeking comments from affected land owners regarding the preparation of a new Regional Planning Control Area which incorporates substantial portions of our land. I refer to blocks 1, 2 and 61 South West Highway in Waroona. On the larger of these blocks (lot 2) we run a successful tractor and farm machinery business servicing a substantial portion of the South West of the state.

At the expiry of RPCA No 1 I wrote to the WAPC outlining the impact that the restrictions of a control area have on our business, in particular that the business could not be sold unencumbered while ever it was under such an order. It should be noted that the business can not be run effectively without the land in question so any potential buyer would immediately lose interest. The area concerned has no buildings on it but it is essential to the viability and the marketability of the business in that it provides us with storage and parking space at the rear of the main workshop and enables safe manoeuvring of large machinery and tractors.

The following factors should be taken into account before any proposal is put forward to the WAPC.

- It is now fifteen years since this proposal was first brought to our notice. We have constantly objected to it and have been living with uncertainty ever since.
- It is ten years since a poll was conducted amongst the electors of the Shire of Waroona to have a say in which of four options for a bypass was considered the most appropriate. Ten years ago no one in the town had even heard of Forrest Highway or the impact it would have on lowering traffic volumes in the main street. Further community input must be sought, particularly from the businesses in the main street, before this plan goes ahead.
- You indicated in your letter that the new control area is to be an interim measure pending the preparation of an amendment to the Peel Region Scheme. Does interim mean another five years of uncertainty for us and others in the town? It is five years since RPCA No 1 was declared as a short term measure pending final planning. It is not unreasonable to assume that declaring a new control area will mean another five years of procrastination and uncertainty.
Further consideration should immediately be given to the need for a bypass around Waroona and if it is found that there is such a need then the two minimalist options (options 1 and 3) that were originally put forward for consultation be seriously looked at again. Both of these options were very much cheaper and less invasive than the proposal that was selected.

Consideration should be given not only to the impact on our business on lot 2 but also as to how it would affect me personally as the land resumed would take the bypass to the back fence of my residence on lot 1. This effectively puts my house in a sandwich between two major roads. It also denies us the use of the land at the rear of lot 61 which is occupied by a large storage shed and garage facility for our school buses.

After receiving your reply to my earlier letter addressed to the WAPC, dated 18th February 2011, I wrote to the Minister for Planning, Mr Day, and outlined to him my concerns and frustrations that this situation has caused to myself and my family. I also asked that he instruct your department to re-examine options 1 and 3. I urge you to do so.

While the contents of your letter indicate to me that this proposal is fait accompli I would like an assurance from you that my concerns will be addressed and that they will be sent to the WAPC when your plans go forward for approval. I would appreciate your acknowledgement of this letter and also ongoing information as to the progress of the proposal.

Yours sincerely

Nick DeRosa
24th November 2011

Mr Neil Thomson  
A/g Secretary  
Western Australian Planning Commission  
Unit 2b 11-13 Pinjarra rd  
Mandurah  WA 6210

Dear Mr Thomson

Planning Control Area No 2 South Western Highway (Waroona Deviation)

Thank you for your letter of 28th October advising us of the declaration of a new control area affecting our properties. I refer to blocks 1, 2 and 61 South Western Highway in Waroona.

Over the past fifteen years we have constantly objected to this proposal and have indicated to your Department and to the Minister our concerns about the future viability and marketability of our business should it proceed. We reiterate now that the loss of between 30% and 40% of the land on each of these lots will have a significant impact. The tractor and farm machinery business on lot 2 cannot operate effectively without the land in question. This land is used for storage and parking space and provides an area for the safe manoeuvring of large machinery and tractors. My house on lot 1 will be affected by removing the entire rear of the block and sandwiching the house between two major roads. Similarly on lot 61 it denies us the use of the land at the rear of our large shed that is used, among other things, to house two school buses and for storage of machinery and parts for the business.

Now that the design of the road is finalised and an amendment to the Peel Region Scheme is imminent I wish to accept your offer of a formal hearing in regard to this matter so our concerns may be more readily emphasised. Will you please advise when and where this hearing may take place.

Yours sincerely

Nick DeRosa

T (08) 9733 1462 F (08) 9733 111  
Nick De Rosa 0418 953 955  
South-West Hwy WAROONA  
PO Box 103, WAROONA 6215
Appendix H

Transcripts of Hearings
Recording and Transcription

This transcript is produced from live audio recordings. Whilst every care is taken in its preparation, absolute accuracy cannot be guaranteed. No changes are made to grammar and syntax.
Minutes of the committee hearing submissions on Peel Region Scheme Amendment 030/41 – South Western Highway: Waroona Deviation and Associated Railway Realignment

Tuesday 2 April 2013
Shire of Waroona Council Chambers

The Hearings Committee was established by resolution of the Western Australian Planning Commission on 14 March 2013.

Chairperson
Mr Paul Fitzpatrick
Member of the
Peel Region Planning Committee

Members
Ms Lynette O'Reilly
Member of the
Peel Region Planning Committee

Cr Christine Thompson
Member of the
Peel Region Planning Committee

In attendance
Mr Cameron Bulstrode
Department of Planning

Mr Aiden O'Brien
Department of Planning

Mr Steve van Sambeeck
Department of Planning

Presentations to the committee commenced at 10.33 am.

The proceedings were recorded by ‘Spark & Cannon Pty Ltd’.

The following people made presentations:

1. Mr Glen Wilson for submission number nine;
2. Mr Bob Thomas for submission number 15; and
3. Ms Lana Jones for submission number 10.

Mr Fitzpatrick declared the hearings closed at 11.39 am.

Chairperson:

Date: 14 May 2013
Mr Glen Wilson
10.33 AM, TUESDAY, 2 APRIL 2013

MR FITZPATRICK: Welcome, everybody, to this hearings committee. All the mics are on. I'll declare the meeting open, and in doing so, I'd like to acknowledge the traditional owners of the land that we are holding this meeting on. Also introducing myself, I'm Paul Fitzpatrick. I'm chair of this committee. With me I have Lyn O'Reilly on my left who's from the WA Planning Committee, and Councillor Christine Thompson who is from the Shire of Murray, who is councillor for the Shire of Murray - welcome. With this particular hearing, all members of the committee - and I just want to confirm this, that they have actually read the papers that have been submitted. Christine, would you acknowledge that?

MS THOMPSON: Yes, I acknowledge this.

MR FITZPATRICK: Lynette?

MS O' REILLY: Yes, acknowledged.

MR FITZPATRICK: You have? You've read all the papers - - -

MS O' REILLY: Yes.

MR FITZPATRICK: - - - that have come in from the about 15 or 16 respondents, and understand the material, and any questions you've had clarified prior to this hearing, thank you. The procedures for this particular hearings committee are recorded as I indicated earlier, and the transcript will be produced and published. The hearing is an opportunity here today for you to come before this committee and expand on the content of the submission that you've already put in. We do have three members of the community who will be presenting today for that purpose, and the first person I have in front of me is Glen Wilson. This is a request submitted by Glen and Rosanne Wilson, so I'll leave that open now, Glen, for you to present or expand on any of the issues that you have already submitted, and if there's anything that we can help clarify for you, we will, but I also just want to mention that - and this will be to all other people that do present - if there are any questions that we can follow up we'll take note of that, and like I said, we are here today to hear what you have to say, to add on to your previous submission. So please go ahead.

MR WILSON: Thanks very much, Paul. So do I need to read the letter out that was sent through to you guys, just to clarify on a couple of things?

MR FITZPATRICK: I'm quite happy for you to do that, because it is recorded, as I said, and it will add extra value to your submission.

MR WILSON: Okay. These are our concerns:

We are writing to express our concerns over the new proposed amendment which
will be close to the corner boundary of our property. We feel very strongly about the whole exercise. It's totally unnecessary and an extreme waste of taxpayers' funds, and it will adversely affect our home life and our town, not to mention the damage and effect on wildlife and flora in the area. Our property is accessed via South Western Highway, so therefore we can attest to the fact that the flow of traffic has significantly reduced since the introduction of the Forrest Highway, despite what the statistics say.

We would also like to know what provisions are in place in regard to noise barrier for our property. Is this even a consideration? We are also concerned that the value of our property will be affected. We have a creek running through our property also, so how will that be affected?

The proposal states that it will "improve the amenity and function of the town centre, thereby facilitating its growth and development." However, there is no evidence or explanation on the proposal having this outcome. We hope you will take our concerns into consideration.

So Rosanne's and my - both our main concern is the noise barrier.

MR FITZPATRICK: Right.

MR WILSON: And also effectively after being down there for 15 years, we've seen obviously the flora and the wildlife growth, and the habitats of frogs and all sorts of stuff, and I'm just worried, you know, if this creek gets damaged, or what are the proposals with that. Is it going to be diverted? Is there going to be pipes put underneath, basically like the structure on the South West Highway, where you've got the 1800 concrete drain underneath the highway?

MR FITZPATRICK: Yes.

MR WILSON: Whether or not that happens, or do they divert the creek? Does the creek become non-existent?

MR FITZPATRICK: I mean, all of those processes have to go through the relevant bodies once - and this hearing is, like, another about three or four stages before it actually gets to go through parliament and be endorsed by parliament, and obviously once that even happens, then the relevant bodies are then called in to give the details or outline the details as to how this can be actually put in place, which obviously takes into place like EPA issues.

MR WILSON: Yes. Sorry to rudely interrupt, Paul, but wouldn't that all have been thought of by now?

MR FITZPATRICK: Those agencies have obviously - on the preliminary submissions they've actually come back on that, but then there has to be more details as to how it's going to impact. Obviously things will change, I'm sure, but under the final design of that.
MR WILSON: So do we get to see the outcome of all that?

MR FITZPATRICK: I can - you know, we can - yes, I can take that on notice obviously as a question that you've raised already in writing anyway, and you'll be advised of that.

MR WILSON: Yes. So it says in here as well under the transcripts that, "The written and verbal submissions will be taken into account as consideration is given."

MR FITZPATRICK: Yes.

MR WILSON: I don't understand that. I never went to school so I don't really understand the big words.

MR FITZPATRICK: Say that again. Do you - - -

MR WILSON: Like, "The written and verbal submissions," which is this - - -

MR FITZPATRICK: Yes.

MR WILSON: - - - and the verbal stuff that's coming out now, okay, "will be taken into account as consideration is given" so there's no guarantee what Rosanne and I are bringing up is going to be relatively fixed.

MR FITZPATRICK: Well, these will - obviously today's hearings and what you have actually written - - -

MR WILSON: Yes.

MR FITZPATRICK: - - - and the verbal, which you are doing right now - - -

MR WILSON: Yes.

MR FITZPATRICK: - - - is all part of that whole submission that goes up to the Planning Commission for approval.

MR WILSON: Okay. So then that's what I - - -

MR FITZPATRICK: That's why coming in here personally today and presenting is then added to the - in a verbal sense - - -

MR WILSON: Yes.

MR FITZPATRICK: - - - to endorse the comments that you've already written down.

MR WILSON: Okay. So then we come back again later on in the proceedings, do we?
MR FITZPATRICK:  Well, then, when it's finally either endorsed or maybe cancelled - I don't know - then it's obviously - everyone is advised of that.

MR WILSON:  Okay, and then there's a - - -

MR FITZPATRICK:  And then there's a process to go through - - -

MR WILSON:  After that.

MR FITZPATRICK:  - - - before it even gets done, yes.

MR WILSON:  Okay, that's about it.

MR FITZPATRICK:  It's a long drawn-out process.

MR WILSON:  The main - yes, so basically what we've put in here, what I'm saying today is the noise concern, the habitat effect - - -

MR FITZPATRICK:  The habitat.

MR WILSON:  - - - the creek diversion - hopefully that's not going to be affected. Whenever it goes through to the relevant bodies and gets - - -

MR FITZPATRICK:  And it's all taken into account, absolutely.

MR WILSON:  - - - taken into account, and we get some answers. Is that the way I read it?

MR FITZPATRICK:  That's right, yes.

MR WILSON:  That's it from me.

MR FITZPATRICK:  Thanks for coming in.

MR WILSON:  No worries. Thanks for having me.

HEARING ADJOURNED AT 10.40 AM ACCORDINGLY
Mr Bob Thomas
representing Mr Nick DeRosa

10.45 AM, TUESDAY, 2 APRIL 2013

MR FITZPATRICK: All the committee members are aware where your operations are, Nick, so we certainly have all the details of your submission over the last number of years, so I'll leave it open for you to add to what we already have, or repeat by all means anything that you want to particularly highlight, and that can come from both of you, or if you just want to do it, well, it's up to you, Nick.

MR THOMAS: I'll do the majority of the talking.

MR FITZPATRICK: Yes, okay.

MR THOMAS: Nick may come in for some expertise.

MR FITZPATRICK: By all means.

MR THOMAS: First off, thanks very much to the commission for hearing us. As you know, we were a bit late in getting our submission in, but thank you very much.

MR FITZPATRICK: Okay.

MR THOMAS: This proposal affects three lots that the De Rosa family own. There's lot 2 which is a farm machinery business - tractor sales and farm machinery business; lot 1 is the residence of Nick and Barbara De Rosa, which is alongside; and lot 61 is a bus shed and storage area for the business. I'll just deal with each of them separately.

Lot 2 is the main concern. That is where the farm machinery business is situated. It's been on that site for over 43 years, and it's been a source of employment for up to 20 people over the years, currently around about 11 or 12 people employed there. The lot in total is 22,916 square metres, and the De Rosa family lose out of that 8150, so that's a 35 per cent reduction in the size of the land that they own. Now, that's a very significant section of land that they own.

Objections to the proposal for that lot are that the vacant land that we're talking about - it is certainly vacant, the land that is proposed to be taken, that 35 per cent. It is at the rear of the current building, and there are no buildings on it, so I can see why the Planning Department have said, "Yes, we'll have that. That's nice."

MR FITZPATRICK: Yes.

MR THOMAS: But the vacant land is extensively used for parking and for storage of tractors and other large machinery. It's essential for the manoeuvrability of the machinery around the area, and for testing of some of the farm machinery equipment that is used there.
In particular it is used extensively during hay season time, which some of you would be aware of when that is. It's around the August, September, October time and then it is very busy, very much used.

MR DE ROSA:  Crazy time of the year.

MR THOMAS:  Crazy time, sure is. The loss of the land would seriously affect the viability of this business. When the business was established over 43 years ago, that land was bought with the very intention of using it for those purposes. We object also on the grounds that it would make the future sale of the business unlikely. A prospective buyer of this type of business simply wouldn't be interested without that land, so that's significant.

MR FITZPATRICK:  Yes.

MR THOMAS:  The value of that block of land would be reduced markedly. It would not be able to be used probably for the same type of business. You would have to rely on some other type of business taking it up. We also object on the grounds of a loss of business from passing traffic because the road then would be round the back. We have a service station garage as well as the farm machinery. Fuel wouldn't be sold any more because all the vehicles would be going past the rear of the building rather than the front of the building, so that is significant.

We also object on the reasoning that a referendum was held to determine which of four options were selected by Main Roads in the first place - I believe selected the option that we're going with, or that the Department of Planning is going with, and they say it would best suit the requirements of Waroona. This referendum was held 12 years ago. Most of the ratepayers who voted are completely unaffected by this proposal, and they simply agreed with the Main Roads preferred option which is this option 2 that has been selected.

MR FITZPATRICK:  Yes.

MR THOMAS:  When the referendum was held those 12-odd years ago, no-one had even heard of Forrest Highway. It hadn't been considered. Nobody in the town would have known about it certainly. I doubt whether the council would have even known about it at that time, or the impact that it would have on reducing the traffic flow through the town. We think that Forrest Highway is the only bypass that's required around Waroona. It's suitable. However, if the Planning Department do determine that a bypass of some sort is required from the main street, option 1 which is a really minimalist option, and indicated that the main road would go down Fouracre Street, rather than through the centre of town - that was an option that we asked to be reconsidered. In our submission to the minister some time ago, we asked that that be reconsidered. We don't believe it ever was.

MR FITZPATRICK:  So that would leave the railway line as it is?

MR THOMAS:  Yes.
MR FITZPATRICK: Okay.

MR THOMAS: It would certainly be a very markedly cheaper option, without having to move the railway line, and I think it would suit most of the requirements. I can't see - it would suit all the businesses. It would suit the people that spoke earlier. It would suit nearly everybody in the town, I'm quite sure, if that one was seriously considered again.

MR FITZPATRICK: Okay.

MR THOMAS: I'll just move on to lot 1, which is the residential property of Nick and Barbara De Rosa. The proposal removes nearly all the back portion of the block. It reduces the overall area from 4362 square metres to 2488. That's a loss of 43 per cent of that particular block. That's even more significant than the loss on lot 2. The rear portion of this block behind the house provides actual access between lot 2 and lot 61 which is the farm machinery business and the next one over which is the bus shed. So the rear portion there provides access which we would be denied if this was done. It also sandwiches the house in between two fairly major roads, certainly the new major road and the old South West Highway, so we have a house jammed right in between the two. Noise problems would be significant.

I'll move on to lot 61, which is the bus and storage shed. This proposal reduces the size of this block from 2541 square metres to 1385 square metres, or a loss of over 45 per cent. That's very near half of the total block which is lost.

MR FITZPATRICK: What was the percentage on that last one? 40 - - -

MR THOMAS: On the one just then? 45 per cent.

MR FITZPATRICK: 45 per cent.

MR THOMAS: Yeah, it's just over, in fact. I didn't go into detail on it - just over 45 per cent.

MR FITZPATRICK: Yes.

MR THOMAS: On the south-west corner of this shed, the proposed boundary line of the resumed land will be less than two metres from double doors - less than two metres from double doors. That's about from me to you, and at the moment we take forklifts in there; we take trucks in there, and it's used extensively. To me that just seems remarkably poor planning.

MR FITZPATRICK: Yes.

MR THOMAS: It just doesn't allow us to use it at all. Our conclusions after talking about the three lots is that the Department of Planning has not provided any information that would indicate a future need for this proposal to proceed, not to us anyway. Would through traffic increase to the extent that such a proposal should be considered? This has been going on
for 15 years - bear in mind - at least 15 years, and the De Rosas have been putting up with these control areas and whatever for all that time. 15 years ago we were told by the Main Roads at the time that it would be about 20 years before this was needed. That was prior to Forrest Highway ever being heard of. That 20 years is not far away from being up.

No-one has really given us any reasons apart from one letter we had where it said, "Oh, we think in the future that the traffic flows will resume. We'll come back to needing this type of bypass.” The cost of relocating the railway line and providing the infrastructure required for the proposal would be really prohibitive. It would be enormous, and is it required? Is it really necessary? Can we have some determination on that? It doesn't seem to be to us. There are realistic options available. As I mentioned earlier, option 1 of the original planning is a realistic option.

Another realistic option to our point of view would be to upgrade the existing main street with an emphasis on parking arrangements, so that there is clear access right through the town with no parking. Off-street parking, I'm sure, could easily be provided. We really believe a new survey of all businesses in the main street would be very enlightening, because the anecdotal evidence to us is that the businesses would not be in favour of anything happening here.

MR FITZPATRICK: Sorry, just repeat that last bit? You said - - -

MR THOMAS: The anecdotal evidence is that the businesses would not support this proposal.

MR FITZPATRICK: The bypass.

MR THOMAS: Yes. De Rosa Highway Motors which is the one on lot 2 could not continue to operate in its present form. Future sale would be jeopardised. We're aware that compensation is payable, but we're not really interested in compensation. The De Rosas want to be able to run the business suitably, the way they have done over the years. We would have to consider very carefully the future of the business if this proposal goes ahead. Thank you very much.

MR FITZPATRICK: Thanks, Bob. That's hit it on the head, as they say.

MS THOMPSON: Yes.

MR FITZPATRICK: Chris, did you have anything - - -

MS THOMPSON: No, I think that's very well, you know, explained.

MR FITZPATRICK: Lynette, do you want to add anything? Nick, did you want to add any more to - - -

MR DE ROSA: Well, I just want to reiterate that when we went there in 1968 and bought
the building, we were aware of the bypass, which was number 1. We were happy with that one, you know, and we still are very happy with bypass number 1. I think it's plenty good enough for what Waroona needs.

MR FITZPATRICK: That was back in 1968, they were talking about that?

MR DE ROSA: Yes, in 68 is when we built the building, and you don't have to, you know, change the railway. You don't have to do anything, you know, and it's got to be so much cheaper, and it's still going to bypass the town, but it's not going to affect my business at all. All it's going to go through the empty land that's next door to me, which is fine, and through the empty land behind Dewson's and so forth, and come out the other end, so that's our theory, and we'd like to be left alone the way we are now, to carry on business the way we've been doing it for the last 45 years.

MR FITZPATRICK: Fair comment.

MR DE ROSA: Thanks for that.

MR THOMAS: Excuse me, Paul. Could I just table what I've read out effectively?

MR FITZPATRICK: Yes, by all means.

MR THOMAS: If I could table that to somebody there - that's all printed up there.

MR FITZPATRICK: Thanks very much for coming in. It's certainly added more or reiterated what you have submitted in writing, and I appreciate the overview. Thanks.

MR THOMAS: Thank you very much.

HEARING ADJOURNED AT 10.59 AM ACCORDINGLY
MR FITZPATRICK: Welcome, Lana. As I said, I'm Paul Fitzpatrick.

MS JONES: Sure.

MR FITZPATRICK: You weren't here for the initial introductions.

MS JONES: No.

MR FITZPATRICK: - - - so I'll go through that now for you. On my right I have Councillor Christine Thompson from the Shire of Murray.

MS JONES: Hello

MR FITZPATRICK: On my left is Lynette O'Reilly from the WA Planning Commission.

MS JONES: Okay.

MR FITZPATRICK: As part of that we are - I'm chair of the committee - to hear the hearings today. We have received a number of submissions which have been read by the committee, and we have two or three people who actually asked to come in and present, and the whole idea of that is that it allows you the opportunity to expand on the content of your own submission, and you do have a very detailed submission, so I did have a good read of that, and I thank you for doing that, because the more information we have the better. It makes our job a lot easier, so all the committee members have outlined earlier and when we opened the meeting that they have read your submission completely.

MS JONES: Excellent.

MR FITZPATRICK: So now is your opportunity to expand, but also to understand this is recorded.

MS JONES: Sure.

MR FITZPATRICK: And there will be a transcript made available later on through the whole process before it goes through to parliament eventually, or whatever. So feel free.

MS JONES: Okay. First of all, just bear with me if I get confused. I've dragged myself off my sick bed to be here today, because that's how important I think it is. I'm really not well, and my brain and my mouth are very loosely connected today, so I'm a bit disappointed that perhaps I won't do as good a job as I had hoped to, but - - -

MR FITZPATRICK: Well, you have as much time as you need.
MS JONES: Excellent, okay.

MR FITZPATRICK: I won't be rushing you at all, and if you think that I am rushing you, please say so.

MS JONES: Thank you.

MR FITZPATRICK: But like I said, it's a very detailed written submission which we have well and truly read, but please take your time, go through the various points that you want to raise or re-raise, or read out again. Take your time, okay?

MS JONES: Excellent. The first thing that I'm going to mention is probably what was going to be my last thing, but I would like to piggyback on top of the last presentation. It wasn't mentioned in my submission because I was working at the time, and I only had between the time I got home and the time I got up the next morning to cobble it together, and I concentrated on the environmental side of things, and the amenity side of things. I do have a really strong concern for the businesses on the South West Highway. I've been in this area for 23 years, and I have watched - I tend to watch real estate. I've had a few business ideas myself so I watch businesses that are for sale, and in my 23 years of observing the main street of Waroona, I can tell you that there are maybe five or six businesses that manage to hang on because they are core businesses. Now, one of those is actually Mr De Rosa's business because it is a farm machinery business, so obviously that's crucial to this area, and they've been around for decades.

If you've got a pub, a newsagency, a hardware store or a petrol station, then you've got a good chance of hanging in in the town of Waroona. If you are anything else, whether you're a cafe or a dress shop - anything else - you tend to appear when there are eight or nine or 10 shops empty. You have a great idea. You go in; you do the business up; people get interested; it opens in a flurry and a fanfare; it's well supported for about six months. Other people see this happening. Other people have business ideas. They go in; they lease shops or buy shops and this town suddenly has four or five or six new businesses open within a very short period of time. And for some months they do okay, and then gradually they wind down, they lose support. Now, this is with the passing trade of Alcoa workers and the rest of the South West Highway. So even with that passing trade, these businesses die a death typically within 18 months to three years, from what I've seen.

I think about the core businesses that do manage to hang in, and I know, because of the way the rest of the town's economy works, the only reason they are able to make a buck is because they're on that highway. There's not the population here in Waroona to support those businesses all year. If they didn't have that passing trade, they'd probably go the way of the other businesses that come and go, so that was something that wasn't in my submission, but that I felt very strongly about, and I had every intention of canvassing the businesses along that stretch of South West Highway, if it looks like this proposal is going to go any further in its current form, because just like the last presentation, I honestly believe that you would find every single businessperson on the South West Highway dead against this, because it would kill their trade. So that's the first point.
The second thing I have outlined pretty thoroughly as you said in my submission about the black cockatoos. There's some debate politically as to how endangered this species is, and if all you do is listen to the radio and watch TV, you might be undecided, but that's not all I do. I read the reports by CSIRO. I read the scientific data. I keep up to date. I'm on the management committee of Mandurah Wildlife Rescue which is the only hospital facility within about a 100 K radius. When we get black cockatoos in at the centre, we take them up to Kaarakin, which is in Perth, which is a specialised black cockatoo facility. That facility opened because there was recognition of the fact that this bird - well, in particular the Carnaby's cockatoo - is critically endangered. It's on the international red list. That means they expect it to become extinct in the near future - not that it might be; not that we've got to watch it - they expect that that will happen unless we change the way we do things.

The conflicting things that are happening is that on one hand you have the state government allocating $45,000 for funding to grow some more trees to feed the birds out in the wheatbelt, because they know it's a problem. The figures that we've got coming in from the scientific data are that within the last 10 years - and I hope I remember this correctly - within the last 10 years, Carnaby's cockatoos in particular, which is the white-tailed short-beaked version of the black cockatoo - they are only found here in our south-west, in Western Australia. They are not found anywhere else in the world. So if Western Australia doesn't do anything about it, nobody else ever gets to see them if they're gone. We are their only chance here in the south-west. Over the last decade, their habitat has declined by 50 per cent, so half of everywhere they used to live has been pushed over and houses built. So that's already put them in a very precarious position.

The reports that came out at the same time suggest that they're only using 40 per cent of the places they used to go to have a feed, so even though there may be more of that habitat still existing, they're not using it. We don't know what the reasons for those are, but we can probably assume that they're too close to development in some cases. So we have a suggestion from the Planning Commission that when they move the railway, and they knock down all the trees opposite my house on Fouracre Street, from where I can see quite a lot of habitat trees, and can clearly identify the Carnaby cockatoos that the environmental scientists weren't sure what they were - when they do that, they've suggested that it's really just a matter of replacing what is only sparse remnant vegetation of poor habitat quality, that really isn't supporting anything, and there's no evidence anything actually lives there. A couple of things might just be passing through, none of which is actually true, if you live there and you see and hear what those of us on Fouracre Street see and hear every day and every night.

But if you do that, the way around that, the mitigating way around that is, "Well, we'll just replant. We'll revegetate." Now, that's all well and good. You might replant marri and jarrah trees and it could take 20 to 30 years before they're viable for birds to feed on, and you might say, "Well, that's a pretty good result." But if you compare 20 to 30 years for a foraging tree to the fact that in the last 10 years we've wiped out half of what they eat and where they live, the numbers are a lot more desperate than the report would suggest. It gets worse when you look at the trees that they make their babies in, because specifically if they can, they like to find a great big old marri tree or karri tree, but typically these take anywhere
between 150 to 300 years before they are suitable for nesting in. So by the time anything is
grown that is suitable for babies to be laid and reared in, there won't be anything to lay and
rear babies in them. The time just isn't there. We do not have the time to try and replant
and hope for the best. The time factor is critical for these birds.

It seems kind of crazy to me that the state government will give $45,000 to plant some more
trees in the wheatbelt, because they've recognised, they've gone on the record that this is
urgent and important, and that a wildlife facility has been built specifically for the black
cockatoos, for all three species that we have here, but particularly to run a captive breeding
program for Carnabies and for forest red-tailed black cockatoos, with the emphasis at the
moment on the Carnabies because they are the most critically endangered. Captive
breeding programs aren't run unless it's the last resort. They're something that zoos and
wildlife centres do because everybody who knows stuff, everybody who's scientific and
actually out there on the ground and sees what's going on, can see that if special measures
aren't taken, we will lose this species. So for everything we adjust in our development and
our community there is obviously still the scientific feeling among that community that if we
don't start a captive breeding program, they're gone anyway.

So I then go to GHD's - and I know the tape recorder can't see this - environmental
management plan and environmental impact assessment, where they talk about the marri
trees as being "sparse, poor habitat and remnant". Yet in this same report in one of the
appendices where they quote Waroona Shire's land care officer, they say that she has said,
"Well, you've got to be careful because the birds come and feed, the black cockatoos come
and feed on the many marri trees that are here." So there's a contradiction there, within their
own report as far as the cockies go. Probably I'll leave the cockies there for now, and I'll talk
to you about frogs in soaks, and I didn't mention the frogs in my report, in my submission.

It's well known among wildlife and scientist people that an abundance of frogs is a sign of a
good ecology, a good ecosystem, a good environment, a healthy place to live, so if it's such
poor habitat down at the railway reserve, I wonder why I can't hear myself if I stand out on
the deck during frog season; why my partner and I have to raise our voices to be heard over
the frogs, if it's such poor habitat. The fact that the frogs are there in such large numbers as
well suggests that there's more than just the Drakesbrook soak to be looked at. There are
little soaks all along that railway reserve. There are pockets of them. I've waded through
there in my gumboots, and I can tell you they're quite deep. They don't just fill up in winter.
They are there for a lot of the year, so we do have a little wetland ecosystem in there.

No-one has gone down there to have a look what frogs there are, and we have a number of
frogs that we've lost or that we're in danger of losing, so why hasn't anybody gone down
there and had a look at that. That's what I'd like to know. So the two things: why hasn't
anybody gone there, and if it's such poor habitat, why are there thousands of frogs down
there, because frogs know better than that.

Quendas - they're the third thing that apparently don't live there. I had to laugh at the
environmental assessment that said - and I think the words they used, if I can just
paraphrase, were to the effect that there was no proof or no evidence of any southern brown
bandicoots or quendas living in any of the more suitable habitat areas 100 metres south of Coronation Road and west of McNeill. That's a really tiny spot in that whole area, but they couldn't have looked too hard because they are there. They've been there for 23 years that I know of. Anecdotally my neighbours who have been in the area for longer than that have said they've always been there. They're there to the point that in summer and spring they cross the road and eat the seeds off people's front lawns. You can drive along the road and see them in summer.

Now, they're a very shy creature so the fact that you can see them means that there are more hiding. There is a big colony in there. The data from CARM or DEC now suggests that because there's been clearing, the southern brown bandicoot has adapted, and it may not be found in what an environmental scientist considers to be the best and most suitable habitat. Again, if you go to the land care officer's report in the appendix, you'll see that she's told them that. She's told them, "You're going to have to go down there and trap the bandicoots, because there's a colony down there," and yet in their report, they say they've seen no evidence of it.

One of the other things that came up was the Watsonia grass and onion grass, which are both weeds that are infesting the railway reserve in places. Well, when a southern brown bandicoot runs out of ideal habitat, that's where they go, and that is where they're living, and I have seen them, and I will endeavour to photograph them, but you can doorknock along there, and you can ask the people who live there, because they're there.

I have serious concerns over any company that claims to have undertaken an environmental assessment and then puts a report forward such as this, where they recommend that it doesn't need referral under federal and state law, under the EPA Act, and there is nothing of a national matter of environmental significance happening there; that then goes on to our local EPA who apparently just stick a rubber stamp on it - don't find out for themselves, just say, "Oh, well, you know, here's the report. That's what they said." Well, in whose interests is it to say there are no bandicoots, black cockies, frogs, quendas, whatever living down there? In whose interests is that? Certainly not in GHD's.

At their own admission, their entire environmental assessment consisted of two things: something they call "desktop research" which if you read the surrounding documents, and you read between the lines, pretty well comes out as someone sat down at a computer and looked up whether anybody else had been out there, and somebody had. Joy oh joy, in 2001, DEC had been out there doing a flora survey - not looking for animals; looking for plants - and while DEC were out there in 2001, which is 12 years ago by the way, they saw 10 to 12 cockies up a tree but couldn't really tell what they were even though they were DEC officers; couldn't tell what they were, but nobody bothered to get closer and try and find out what they were, and it was really just a passing remark in the flora report.

So that's half of what GHD have based their environmental assessment on. The other half was when apparently a couple of them went out there four years later in 2005 - and again, I'd say that's eight years ago - and they saw about 10 or 12 cockies up a tree in passing, and they drew the same conclusion that they'd drawn from when they did their desktop research,
that there were only 10 to 12. We couldn't be sure they were the critically endangered ones because they were too far away to have a look, and they looked like they were just passing through, and given the "sparse remnant vegetation" and the "poor habitat" that's likely to add up, except that it's not, and it doesn't add up, and they are Carnabies and on Saturday just gone, I counted 58, and I didn't get them all. Now, I know my submission says "40 plus" but that went in some months ago. I've regularly been counting over 50. Saturday is the most I've been able to count in one go, because when they take off in a flock and I'm inside and I hear them, by the time I've run out some of them have gone over the house already. So I have a firm count of 58, and I know there's more than that.

When you consider that there are 40,000 estimated left in the wild hanging on to 40 per cent of their habitat, critically endangered, internationally recognised, let's throw 45,000 into the wheatbelt, grow them some more trees because we know it's a problem. We've got state and federal legislation that says the single biggest factor weighing against these birds is unnecessary development or more urban development where they live. Why would you look at running a major highway through the middle of the trees they sit in all day every day, and I have photos and I have videos that prove this, and I've been diarising it since September, and that's six months, but they were there for 23 years that I know about before that. There is not a day that goes past that they're not there. They eat there. I can tell you which trees they nest in. I can tell where they go to sleep at night. I even got in my car and followed them, thinking that at an early stage they were sleeping up the back towards the hills, but they weren't. There are other pockets of them and they collect themselves together at night.

I traced them from where I live on Fouracre Street. I followed them up the hill. They picked up another mob around Hill Street near the industrial area. They flew down to Drakesbrook. I've got photos of them on the highway, collected in two big trees near the stream. They waited for about half an hour, and I parked opposite. More flew in and when they were all there, they went back to sleep on the railway reserve just south of my place. So for an environmental scientist to say, "Maybe 10 or 12 just passing through, don't live here, not a concern, does not need to be referred under legislation," is just ludicrous. You can tell I feel quite passionately about that one, I'm sure.

MR FITZPATRICK: I do, and you have the photos there.

MS JONES: And I've got more, but I won't bore you with them. Okay. Community consultation - as has already been mentioned, some kind of referendum 12 years ago didn't involve the people who actually live there, and it's actually going to affect. Not only that, the endorsement that GHD talk about that they apparently got around 2000, 2001 from Waroona Shire Council, only two of those councillors that were around back then, 12 or 13 years ago, are still on council today. My bet is neither of them live on Fouracre Street. I think apart from the fact - and in the report they acknowledge there has been no formal community consultation. Well, the anecdotal evidence I have of that - I mean, I haven't stopped talking about this on the street. Everybody I know who is from Waroona - and I know people who have been here for so long they went to the primary school before it burned down and was rebuilt. Their children went to primary school and high school here and their grandchildren are now in school here, and they don't remember being asked the question.
What they do remember is that a very long time ago, it was thought that Alcoa would expand more than it has done by now. It was thought that there were other projects that may go ahead - different types of mining around the Yarloop area that have actually been knocked on the head in the interim, and not gone ahead. It was because of what they thought was going to happen in Waroona, and the increase of traffic that they thought back in the 60s would be our situation by now, that this whole idea for a deviation was even mooted. The information that was based on, and the projections that was based on have come to nothing. If anything, we've seen our town go through cycles where it seems to hit a boom and then it dies. We had about four or five years ago just such a thing happen. Property prices suddenly got better than they'd ever been. People bought up great big lots of land, developers moved in and started selling off house and land packages, and they sold about half a dozen and then they sat.

Then Iluka unexpectedly pulled out of the mineral sands. One of the abattoirs went through a lot of retrenchments and down-scaled their operations. A big expansion that Alcoa had been talking about for some time was put on hold, and overnight just about the town died, and I can tell you from the property prices, my property - which I have had professionally valued - halved in value during that time period because of those factors. We went back to being a bit of a ghost town, and there are still blocks of land sitting there for sale and there are still empty houses that nobody is buying. So what was anticipated for Waroona back then in the 60s has not come to pass, so that does beg the question, "Why do we even need a bypass?" Of course, backing that up as has already been mentioned by other submissions, this was all conceived and put forward as maybe a good idea before anybody had thought of the Bunbury Forrest Highway.

So even if we had increased traffic in Waroona, which we don't - it's actually decreased - but even if it had increased, there is that great big new highway now that has taken the bulk of that. But like the last person making a submission, if the Planning Commission does decide that it really, really, really does need doing, despite all the rest of what I've said and everybody else has said - I wasn't around here when the options came out - option 1 to 4. I had no idea what option 1 was. I can only gather that it's pretty close to the idea I came up with: don't move the railway. If you're going to put a road in, and you've already inconvenienced all those people where you're planning to put the new railway, put the road where the railway was going, and only have one big project that goes through farmland, and I'm sure the farmers might have something to say about that, but it would just address so many of the other concerns.

I'm not happy on a personal level about having deliberately bought in what was the quietest street in town, so that I could watch the train go past and look at the cockies and pat the bandicoots and watch the cows in the farm across the road. I'm the first to admit, I'm not happy to have a highway on my front door, but what I think is more important than whether or not I'm happy is what this community needs, what this community knows. And from the people I've spoken about, other than the handful who were mailed a copy of the report, people in town thought it was dead in the water, because it was 40 years ago. People didn't realise this was still being talked about. When I mentioned it to them - and I'm talking the grandmothers and the grandfathers, the people who were around - they were shocked and
said, "But why?"

So they've been here and watched the growth or non-growth of the town. They're in a better position than me to argue against this, and they can't understand why there's any need for a bypass, but if there is, save the money and put the road where the railway was going to go, and don't shift the railway. Don't kill the frogs, don't kill the bandicoots, don't kill the cockies, don't wipe out our town centre - well, that would wipe out our town centre. Yeah, that's that bit. Let me just have a look.

MR FITZPATRICK: Does anyone have a question in the meantime? Chris? Anything to clarify?

MS THOMPSON: No, not at the present time, thank you.

MR FITZPATRICK: Lyn?

MS O'REILLY: I've probably got a couple of things. The first one-

MR FITZPATRICK: Would you like to take a couple of questions as a bit of a break from what you're - - -

MS JONES: Yeah, absolutely, thank you.

MR FITZPATRICK: Okay. Yes.

MS O'REILLY: The first one is probably more a comment that if you were aware in June 2011 the council endorsed the route of the proposed deviation?

MS JONES: No, not at all.

MS O'REILLY: So that's - they did, and also just a question with regards to the businesses, there hasn't been a large response from business, and why do you think that is?

MS JONES: Most of them are closed at the moment. We're in that part of the cycle. The most recently-opened one that I can think of is the Country Cafe, which is the relocated original bakery plus a takeaway store, and the situation for that business has been so grim. I think they've only been open 12 months or less, roundabout there. The situation for that business which started in a flurry, in a fanfare and every night you could drive past there and something was open at night apart from the pubs where you could get a feed, and every table was full for a few weeks. Then it got to the point where in the last little local paper that we have, the Drakesbrook Dispatch, which is locally produced by local people, there was a full-page plea to support that business because it was going downhill. Its opening hours were contracting. It wasn't being supported. It wasn't getting the passing trade.

Now, that full-page plea in that little paper, if you wind back the clock about 18 months ago, somebody took over the fish and chip shop, went in, gutted it, renovated it, had all these
great ideas, and within a very short period of time were printing the same kind of plea to the locals because it wasn't making ends meet, and it has closed. We're in that part of the cycle. I imagine you may have heard from the five or six core businesses but most of everything else is shut. We've got empty shops everywhere, and I would imagine that's why, but that's the nature of our economy in Waroona, and that's why we can't afford to take that passing trade away from those shops that do rely on it and manage to hang in there, because they won't.

MS O'REILLY: Thanks.

MS JONES: I actually might have covered everything, I think.

MR FITZPATRICK: Well, we do have your full detailed submission anyway, but I'm pretty sure from what you've outlined to us today, you have. I know you talked about the noisy scrub bird.

MS JONES: Nobody has gone looking for it in six years.

MR FITZPATRICK: I know you mentioned that in your - - -

MS JONES: And 80 were released just up the road from the railway reserve - - -

MR FITZPATRICK: Yes, I just read that bit.

MS JONES: - - - as part of the captive breeding program, and no-one has been looking for them. I actually mentioned it to an ornithologist who said, "You're joking. I didn't know they were there." We're the first place in WA they were ever found.

MR FITZPATRICK: Yes, I think there was something about 1840 or 1850.

MS JONES: Yeah, it's astonishing. One thing I will just mention about the southern brown bandicoot, the quenda - - -

MR FITZPATRICK: Yes.

MS JONES: - - - and this is partly covered in my submission, it was specially protected in 1990 under the Wildlife Conservation Act because it was deemed to be threatened at that time. It was eight years later, after there had been intensive measures put in place to try and fix that problem, it was downgraded and it was a bit like they downgrade the fire. There was no threat to life and home, but it was a watch and see, and they were put on a watch and see. The recommendation was that they were still vulnerable, but they were no longer considered in danger of becoming extinct within the foreseeable future. It's only been 14 years since that was upgraded, and in that 14 years, we've now reached a point where this time last year there was a spread in the Western Australian where Geoff Barrett, who is a Swan Region ecologist for DEC, said that their numbers were thought to be rapidly declining.
Now, that specifically was speaking to urbanisation in the Perth area because of habitat being cleared. You know, there was no mention that they were becoming extinct further south, or that they were more critically endangered further south, but it stands to reason that if you wipe them out in Perth, then the pocket that's down here, it assumes even greater importance. I just don't know why you'd build a road over the top of a colony you know you've got happening, when they're living there and managing to dodge the trains which are fairly infrequent. In fact, the Carnabies over the years, they've learnt. They know when the trains are coming. They hear them down the line. They're in the marri trees, the jarrah trees and on the other side, the pine trees, and I know when a train is coming because they talk to each other and they say, "There's a train coming," in cocky language, which I don't claim to understand but I've worked out what that noise is, and sure enough within a couple of minutes, the train comes past, so they do manage. They've adjusted their flight pattern. I've watched them do it. They move out of the trees that are closest to the line when they feel it coming along the railway line. When the train has gone past, within five minutes they're all back.

MR FITZPATRICK: All back again.

MS JONES: But there's a predictability to that, and it's not that frequent. You put the equivalent of the South West Highway there, with trucks barrelling along it, and unpredictability of schedules, you're not going to have the same result. You're going to have black feathers all over the road.

MR FITZPATRICK: Yes.

MS JONES: I suppose the last thing I wanted to say, I really do consider the fact that these species that are of national - I can't remember the phrase, but matters of national importance which concerns vulnerable endangered and critically endangered species, which we have living here on the rail reserve and close by - the fact that that wasn't referred under federal and state legislation as it should have been; the fact that the recommendation was, "They're not here," which is simply not true, and it's not even like there was extensive research done that was contrary to anecdotal evidence and observations of people who live here. It's not even like there was - if it went to court it wouldn't stand up, but on the flimsy basis of that, our state EPA didn't even want to look at it, and our federal EPA don't even know it's happened, and I consider that highly illegal. That's it, thank you.

MR FITZPATRICK: Thank you, Lana, for that.

MS JONES: Aren't you glad I wasn't feeling well?

MR FITZPATRICK: No, you covered it very well. I thank you for your detailed submission. It certainly has enlightened the committee.

MS JONES: Excellent.

MR FITZPATRICK: Like I said, that's why you're here today, is to elaborate on things that you put in here, and it's our job now to take all that into account, plus all the other
submissions that have come in. Just because those other people didn't present, they did give us detailed submissions, so from there - - -

MS JONES: Can I just ask, will they be published, like, publicly?

MR FITZPATRICK: That is the case, isn't it?

MR BULSTRODE: Yes.

MR FITZPATRICK: What is the process, Cameron, from now?

MR BULSTRODE: The process from now is that the Peel Region Planning Committee will receive a recommendation from the hearings committee, and the Peel Region Planning Committee is a committee of the Western Australian Planning Commission. Their advice or report on submission goes through the minister, then on through the governor, where it's tabled in parliament, and then when it's tabled in parliament, notification is sent out to all those people who made submissions and there's the opportunity to see all the transcript and the responses to the submissions when it's tabled in parliament.

MS JONES: So does it end up in Hansard in its entirety, or just referenced in Hansard?

MR BULSTRODE: No, it doesn't, not in Hansard, it doesn't.

MS JONES: Okay.

MR BULSTRODE: No, not the report and the responses, no. Hansard records any debate or discussion that occurs in parliament about the proposed amendment.

MS JONES: Okay.

MR FITZPATRICK: So all of the applicants get a report from what we come up with today. That comes back to them eventually?

MR BULSTRODE: Yes, yes.

MR FITZPATRICK: That's what I meant, yes.

MS JONES: Excellent.

MR FITZPATRICK: Okay, thanks, Cameron.

MS JONES: Thank you for your time.

MR FITZPATRICK: Thank you again. Thanks very much, and that completes it. I can officially declare the meeting closed as such. Thank you everyone for attending.
HEARING ADJOURNED AT 11.39 AM ACCORDINGLY
Appendix I

Material Tabled During Hearings
Planning and Development Act 2005
Section 41 Amendment (Substantial)
FORM 41

SUBMISSION
Peel Region Scheme Amendment 030/41
South Western Highway - Waroona Deviation
And Associated Railway Realignment

To: Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

OFFICE USE ONLY

SUBMISSION NUMBER

Name

Address
P.O. Box 103, WAROONA WA

Postcode
6215

Contact phone number 0418 953955 Email address NICKDEAROSA.COA

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

SEE ATTACHED

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

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

For information about the submission and hearings process, please refer to the Amendment Report and in particular Appendix E, titled 'Preparing for your submission and hearing'.

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 Western Australian Planning Commission (WAPC) is subject to the Freedom of Information Act 1992 (FOI Act) and as such, submissions made to the WAPC may be subject to applications for access under the FOI 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 presented to the Minister for Planning and Infrastructure and published as public records should the Minister approve the proposed amendment. The WAPC recommendations are similarly published in a Report on Submissions.

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature: ................................................................. Date: 2.4.13

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on Friday 18 January 2013. Late submissions will NOT be considered.
1. Thanks to the Commission for accepting this late submission.
2. We have three lots affected by this proposal.
   - Lot 2 – the farm machinery business
   - Lot 1 - Residence of Nick and Barbara DeRosa
   - Lot 61 – Bus shed and storage for the business

They will be dealt with separately.

3. Lot 2 is the main concern.
   - Tractor and farm machinery business has been on this site for forty three years.
     Source of employment of up to twenty
   - Lot in total is 22916 sq.m. We lose 8150 sq.m. or 35.5% of the total

4. Objections
   - This vacant land is extensively used for parking and storage of tractors and other large farm machinery and it is essential for the manoeuvrability and testing of these machines. The loss of this amount of land will seriously affect the viability of the business. When the business was established it was in the knowledge that this portion of land was available for these purposes.
   - We object on the grounds that this would make a future sale of the business unlikely. Any prospective buyer of a business such as this would be deterred by the lack of open space
   - We object on the grounds of a loss of business from passing traffic.
   - We object to the reasoning that a referendum was held to determine which of four by-pass options would best suit the requirements of Waroona. This was held 12 years ago. Most of the ratepayers who voted are unaffected by the proposals and simply agreed with the MRD preferred option (option2).
   - When the referendum was held no one had even heard of Forrest Hwy or the impact that it would have on reducing traffic flow in the town. We believe Forrest Hwy is the only by-pass that is required
   - If it is determined that a by-pass is required around the main street we would re-iterate our earlier request that further consideration be given to the minimalist option 1
Lot 1 – Residential property of Nick and Barbara DeRosa

- This proposal removes most of the back portion of the house block. It reduces the overall area from 4362 sq.m to 2488 sq.m. or a loss of 43% of the total area.

- The rear portion of this block provides access between the main business and the bus/storage shed.
- The proposal sandwiches the house in between two major roads. Creates a noise problem.

Lot 61 - Bus and Storage shed

This proposal reduces the size of this block from 2541 sq.m. to 1385 sq.m. or a loss of over 45% of the total area.

On the SW corner of the shed the proposed boundary line of the resumed land will be less than 2 metres from the double doors. This will preclude access with any large vehicle or a forklift. This appears to us to be very poor planning.
Conclusion –

- The Dept of Planning has not provided any information that would indicate a future need for this proposal to proceed. There has been no information provided that indicates that thru traffic would increase to the extent that such a proposal should be considered?
- 15 years ago we were told by Main Roads that it would be 20 years before this was needed. That's nearly up. But now we have Forrest Hwy. No one has given any reasons as why it will be needed
- The cost of relocating the Railway line and providing the infrastructure required for this proposal would be prohibitive
- Realistic options are available:
  - Option 1 of the original planning options.
  - Upgrade the existing main street with an emphasis on parking arrangements
  - A new survey of all businesses in the main street would be enlightening

- This business could not continue to operate in its present form. A future sale would be jeopardized.
- We are aware that compensation is payable. We are not interested. Would like to continue to provide our service to Waroona farmers as we have for 43 years

We would have to consider very carefully the future of this business

Thank you
Appendix J

List of Detail Plans
Peel Region Scheme Amendment 030/41
(major amendment)
South Western Highway – Waroona Deviation and Associated Railway Realignment

Amending Plans
2.0805

Detail Plans
1.4289/1
1.4291/2
1.4308/2
Appendix K

Your Property and the Peel Region Scheme
Your Property and the Peel Region Scheme

If land is reserved in the Peel Region Scheme

Land which is affected by a reservation in the Peel Region Scheme (PRS) 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 reservations, 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 PRS, 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 Peel Region Scheme 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 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, you will need to 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 of Valuers 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 that 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 is lodged on the Certificate of Title, to indicate 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 Peel Region Scheme, you may make a claim for compensation for injurious affection within six months of the WAPC’s determination of 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, sworn 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 Peel Region Scheme. 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 WAPC Property Management Services.