

March 2019

Greater Bunbury Region Scheme Amendment 0053/57

(Minor Amendment)



Omnibus No 5 Anomalies Amendment

Amendment Report

City of Bunbury, Shire of Dardanup,
Shire of Harvey

**Greater Bunbury Region Scheme
Amendment 0053/57
(minor amendment)**

Omnibus No 5 - Anomalies Amendment

Amendment Report

City of Bunbury, Shire of Dardanup & Shire of Harvey



March 2019

Disclaimer

This document has been published by the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© State of Western Australia
Internet: www.wa.gov.au

Published by the
Western Australian Planning Commission,
140 William Street,
Perth WA 6000

Locked Bag 2506
Perth WA 6001

GBRS Amendment 0053/57 Amendment Report
File RLS/0761

Published March 2019

Internet: www.dplh.wa.gov.au
Email: info@dplh.wa.gov.au
Phone: (08) 655 19000
Fax: (08) 655 19001
National Relay Service: 13 36 77
Infoline: 1800 626 477

This document is available in alternative
formats on application to Communications Services.

Contents

The Greater Bunbury Region Scheme	v
Location Plan	ix
1 Planning objective	1
2 Background	1
3 Scope and content of the amendment	1
4 Aboriginal Heritage	2
5 Co-ordination of Region and Local Scheme amendments	3
6 Sustainability appraisal	3
7 Substantiality	3
8 Environmental Protection Agency advice	3
9 The amendment process	4
10 Submissions on the amendment	4
11 Modifications to the amendment	5
12 Final outcome	5

Attachment 1	Amendment Plans (Proposals 1-21)
Appendix A	Notice of environmental assessment
Appendix B	List of plans supporting the amendment
Appendix C	Your property and the Greater Bunbury Region Scheme
Appendix D	Preparing a submission
Appendix E	Submission form for this amendment (form 57)

The Greater Bunbury Region Scheme

What it is and how it is amended

Planning Greater Bunbury's future

The most populous area of the South-West Region of Western Australia is the area encompassed by the Greater Bunbury Region Scheme (GBRS). The GBRS covers the City of Bunbury and the Shires of Capel, Dardanup and Harvey.

The Greater Bunbury locality is one of the fastest growing areas in Australia, with a population projected to exceed 100,000 by 2031. As it grows, change must be well planned and well managed.

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

The GBRS provides for this change, and the means by which affected landowners can be compensated for land acquired for regional public purposes.

What is the Greater Bunbury Region Scheme?

The GBRS is a region planning scheme for land use in the Greater Bunbury area. This area stretches from Lake Preston in the north, Peppermint Grove Beach in the south and east to the Darling Scarp.

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

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

This plan has been in operation since November 2007 and provides the legal basis for planning in the Greater Bunbury area.

To plan for changing needs, the GBRS is amended from time to time.

What is an amendment?

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

When a rezoning or a new reservation is considered, an amendment to the GBRS is advertised to seek comment from the wider community and all levels of government.

The process allows for extensive community consultation and discussion in Parliament before a final decision is made.

How is the Greater Bunbury Region Scheme amended?

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

The amendment process is regulated by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 57 (often referred to as a minor amendment).

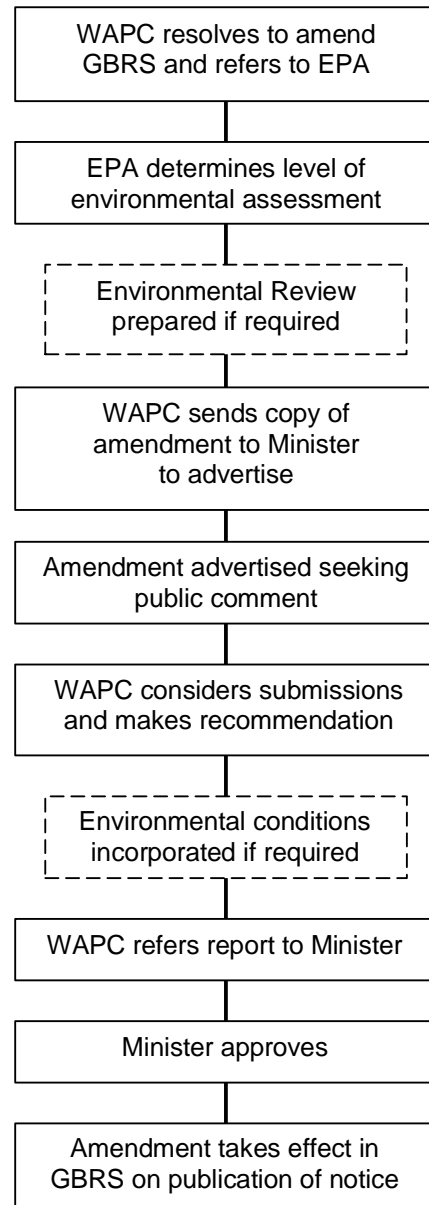
The process of a minor amendment to the GBRS includes the following steps:

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

affected by a proposed change are contacted in writing. Where there is an environmental review, this is also made available for comment.

- WAPC receiving public submissions over a period of 60 days.
- WAPC considering written submissions. WAPC recommends whether to modify the amendment or proceed with the original proposal.
- WAPC presenting a report and recommendation to the Minister for Planning.
- Minister approving amendment, with or without modification, which becomes legally effective in the GBRS with the publishing of a notice advising of the Minister's approval. Minister may also decline to approve. The approved amendment is placed on public display.

The following diagram shows the main steps.



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

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

Zones and reservations

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

Zones

Urban: to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

Urban Deferred: land suitable for future urban development but where there are various planning servicing and environmental requirements which need to be addressed before urban development can take place.

The WAPC must be satisfied that these issues have been addressed before rezoning to urban.

Regional Centre: the Bunbury central business district within which commercial, civic, cultural, residential, service and administration activities serving the region are located.

Industrial: to provide for manufacturing industry, the storage and distribution of goods and associated uses.

Industrial Deferred: land suitable for future industrial development but where there are various planning, servicing and environmental requirements which need to be addressed before industrial development can take place.

Rural: to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban area and accommodate carefully planned rural living developments.

Private Recreation: to accommodate regionally significant open space and recreation activities in private use.

Reservations

Land is reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure.

Regional Open Space: to protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access.

Primary Regional Roads: to provide a regional road network to accommodate current and future transport needs on roads declared under the *Main Roads Act 1930*.

Other Regional Roads: to provide a regional road network to accommodate current and future transport needs on roads for which the planning responsibilities are shared between the Commission and local government.

Railways: to provide for the passage of trains, the marshalling, maintenance and storage of rolling stock, and the conveying of public and freight by rail.

Port Installations: to provide for the current and future expansion needs of the Port of Bunbury.

Waterways: to recognise permanently inundated inland and coastal lands below the high water mark, and existing and proposed water canals.

State Forests: to recognise State forests.

Public Purposes: land for public facilities such as airports, hospitals, high schools, universities, technical schools, prisons, utilities for electricity, water and treatment of wastewater, commonwealth government and other special uses.

What if my land is rezoned?

Landowners may find that an amendment seeks to rezone their property, for example from rural to urban or urban deferred.

If the zoning is changed, landowners do not have to change their use of the land or lifestyle. They can stay as they are or they may set about changing their land use. For

instance, some may seek approval to subdivide their land or apply to develop it in some way that suits the new zoning.

The WAPC realises that many people choose their properties because they like them as they are and may not want to change from, for example, a rural-residential lifestyle to an urban area. Others are keen to change the land use.

For these reasons, amendments to the GBRS are advertised so that all affected landowners and anyone else have time to examine the proposals and lodge a submission.

What if my land is reserved?

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

If your land is marked for a reservation in an advertised amendment, you can continue to use and enjoy your property. Generally, reserved land can remain in private ownership until it is needed for the purpose for which it is reserved. The WAPC has reservations over many areas of land, which are privately owned.

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

How can my views be heard?

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

Publications

In the course of each substantial amendment to the GBRS, information is published under the following titles:

Amendment report

This document is available from the start of the public submission period of the proposed amendment. It sets out the purpose and scope of the amendment, explains why the proposal is considered necessary and informs people how they can comment.

Environmental review report

The EPA considers the environmental impact of an amendment to the GBRS before it is advertised. Should the EPA require formal assessment an environmental review is undertaken and that information is made available for comment at the same time as the amendment report.

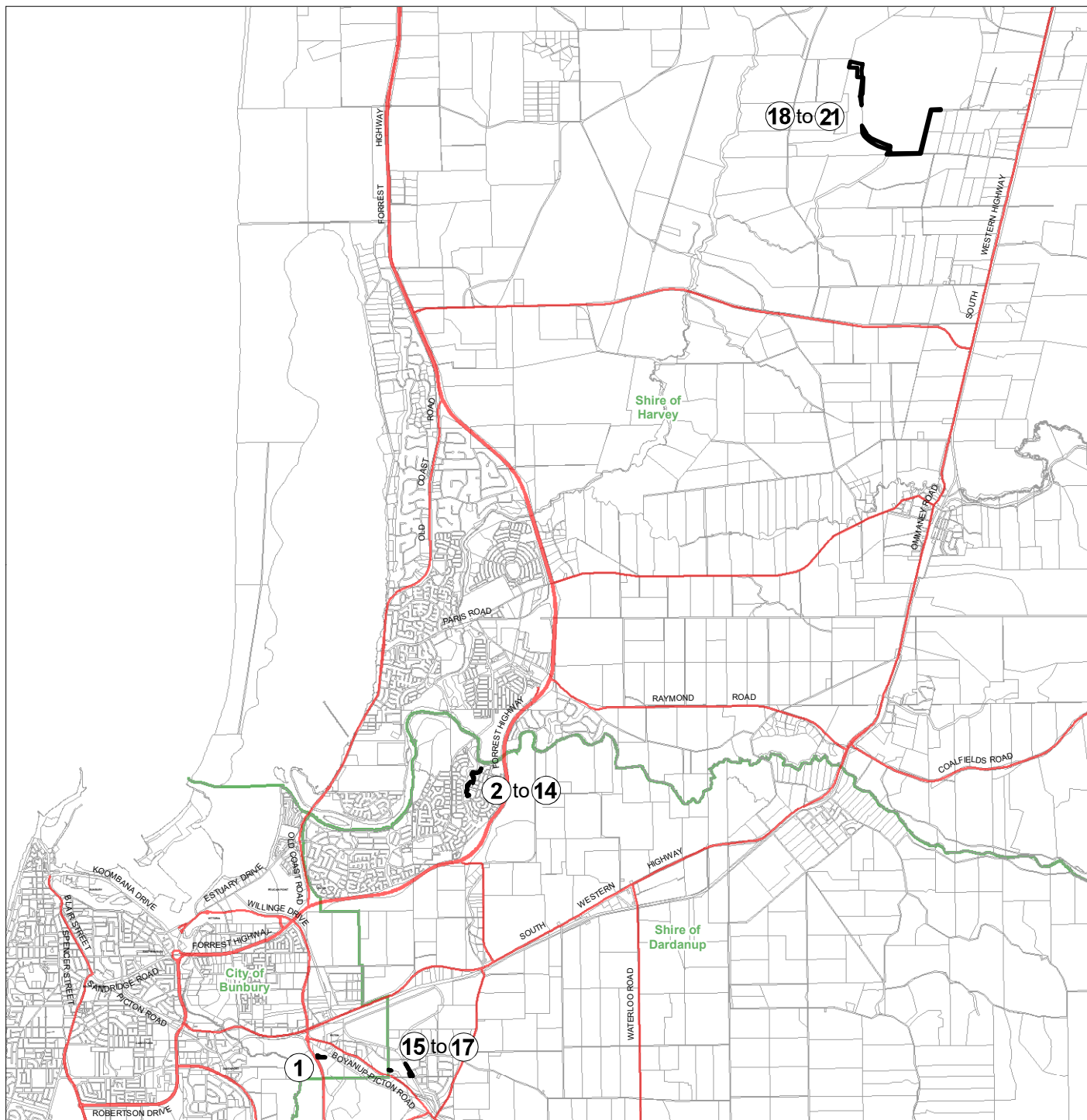
Report on Submissions

This publication documents the planning rationale, determination of submissions received and the recommendations for final approval of the amendment made by the WAPC.

Submissions

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

Omnibus No 5 - Anomalies Amendment
Location Plan



Proposed Amendment to the Greater Bunbury Region Scheme Omnibus Number 5

Legend:



Proposed amendments



Greater Bunbury Region Scheme Amendment 0053/57

Omnibus Amendment No. 5 - Anomalies Amendment

1. Planning objective

The planning objective of this amendment is to update various zones and reservations in the Greater Bunbury Region Scheme (GBRS) locality in relation to government and landowner proposals, rationalisation of zoning and reservation anomalies to match cadastral boundaries and generally to ensure the GBRS is kept up-to-date as the statutory region plan for Greater Bunbury.

This amendment contains 21 separate proposals in the City of Bunbury and Shires of Dardanup and Harvey, all of which are of a minor nature.

2. Background

The amendment is part of a continuing program of amendments to the GBRS. Omnibus amendments are being utilised for progressing groups of proposals of relatively less significance in a regional context rather than progressing the proposals as individual amendments.

3. Scope and content of the amendment

CITY OF BUNBURY

PROPOSAL 1

To transfer portion of Lot 502 Willinge Drive, Picton from the 'Rural' zone to the 'Regional Open Space' reserve.

The rezoning is proposed to correctly reflect the 'Regional Open Space' and 'Rural' interface to reflect the final cadastre after the subdivision of offset lots, as a part of the Bunbury Port Access Road Project.

SHIRE OF DARDANUP

PROPOSALS 2 TO 14

Proposals 2 to 14 comprise the realignment of the 'Regional Open Space' reservation and 'Urban' zone interface along the eastern boundary of Millar's Creek in the Millbridge residential estate. The proposals are the result of the final subdivision along this boundary which is not identical to the existing zone boundary. The proposals rezone portions of the following lots to either the 'Regional Open Space' reserve or the 'Urban' zone in order to match the existing cadastre and includes -

1. Transferring the following lots (portions) from the 'Regional Open Space' reserve to the 'Urban' zone:
 - Part public road and Part Lot 2010 (R52264) Hazelgrove Crescent, Millbridge (proposal 2);
 - Part Lot 2010 (R52264) Hazelgrove Crescent, Part Lot 1154, Part Lot 1155

- and Part Lot 1156 Primrose Vista, Millbridge (proposal 4);
- Part public road, Part Lot 1656 and Part lot 1063 Primrose Vista and Part Lot 1061 and Part Lot 1060 Beaufort Loop, Millbridge (proposal 6);
- Part public road Beaufort Loop, Millbridge (proposal 8); and
- Part Lot 9535 Hatfield Way, Millbridge (three portions, proposals 10, 12 and 14).

2. Transferring the following lots from the 'Urban' zone to the 'Regional Open Space' reserve:

- Part lot 2011 (UCL) Hazelgrove Crescent, Millbridge (proposal 3);
- Part Lot 2009 (R52942) Primrose Vista, Millbridge (proposal 5);
- Part Lot 2009 (R52942) Beaufort Loop, Millbridge (three portions proposals 7, 11 and 13); and
- Part public road Beaufort Loop, Millbridge (proposal 9).

PROPOSALS 15 TO 17

Proposals 15 to 17 comprise the realignment of a portion of the 'Railway' reserve and 'Regional Open Space' (Ferguson River) reserve. The revised boundary is to reflect current land use and cadastre of the railway line and river. The amendments include rezoning Part Lot 5228 (R34586), Picton East from the 'Industrial' zone to the 'Regional Open Space' reserve (proposal 15) and two portions of Lot 516 (R50461) Pedretti Road, Picton East from the 'Industrial' zone to the 'Railways' reserve (proposals 16 and 17).

SHIRE OF HARVEY

PROPOSALS 18 TO 21

Proposals 18 to 21 comprise the realignment of the interface of the 'Regional Open Space' reservation and the 'Rural' zone surrounding the southern side of the Benger Swamp. The revised boundary is proposed to reflect the existing lot boundaries and property ownership. The amendments include rezoning two parts of Lot 4 (R34811) Swamp Road, Benger from the 'Rural' zone to the 'Regional Open Space' reserve (proposals 19 and 21) and rezoning Part Lot 5 and Part Lot 6 Campbell Road, Benger from the 'Regional Open Space' reservation to the 'Rural' zone (proposals 18 and 20). The former Department of Conservation and Land Management completed a Benger Swamp boundary alignment rationalisation and this proposal reflects this.

4. Aboriginal Heritage

The *Aboriginal Heritage Act 1972* provides for the protection and preservation of Aboriginal heritage and culture in Western Australia, including places and objects of significance to Aboriginal people, whether previously recorded, or not.

The process of rezoning land in a region scheme is not itself directly affected by the *Aboriginal Heritage Act 1972*, as the proposed land use changes are very broad in nature and do not, themselves, physically interfere with the land. The protection of Aboriginal heritage sites is specifically addressed during later stages of the planning process, usually when a local structure plan is being developed.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the proposed amendment will be assessed against the provisions of the *Aboriginal Heritage Act 1972* during the consultation phase of the amendment process.

5. Coordination of Region and Local Scheme amendments

A number of the lots are to be rezoned under the Shire/City's Local Planning Scheme under Section 126(3) of the *Planning and Development Act*. This will take place after the amendment has been granted final approval by the Minister, and the amendments are published in the Government Gazette.

6. Sustainability appraisal

The proposed amendment is to correct various zoning and reservation anomalies found within the GBRS. The changes to the scheme are not substantial and aim to correct a range of errors identified with the scheme as part of the ongoing review process. Given that the GBRS was fully assessed by the Environmental Protection Authority (EPA) prior to gazettal and that this amendment does not significantly alter the scheme and increases its functionality, the proposal is considered sustainable.

7. Substantiality

The *Planning and Development Act 2005* allows for an amendment to a region planning scheme to be processed as either a 'minor' or 'major' amendment, depending upon whether the WAPC considered the amendment to be a substantial alteration to a scheme, or not.

The WAPC is of the opinion that this amendment would not constitute substantial alterations to the GBRS for the following reasons:

- The proposal is an omnibus amendment which does not change existing land uses and provides minimal impact on neighboring land;
- the amendment is proposed to provide consistency with current land ownership and cadastre; and
- the amendment does not provide for further development or subdivision opportunities of the subject land.

As such it is considered appropriate for this amendment to be processed as a minor amendment to the GBRS.

8. Environmental Protection Authority advice

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

The EPA has advised that the proposed amendment does not require formal assessment under part IV of the Environmental Protection Act 1986. A copy of the notice from the EPA is included at Appendix A.

9. The amendment process

The procedures for amending the GBRS are prescribed by the *Planning and Development Act 2005*.

Section 57 of the *Planning and Development Act 2005* sets out the procedure for processing amendments which the WAPC considers do not constitute a substantial alteration to the Scheme. In essence, this process involves:

- preparation of the proposed amendment by the WAPC;
- referral to the Environmental Protection Authority for environmental assessment;
- completion of an Environmental Review (if required) in accordance with the Environmental Protection Authority's instructions;
- public submissions being sought on the proposed amendment (including Environmental review if required);
- consideration of submissions;
- approval, with or without any modifications in response to submissions, or decline to approve by the Minister; and
- publication of a notice in the Government Gazette, advising of the approved amendment and giving it effect in the Scheme.

A more detailed explanation of this process, entitled 'The Greater Bunbury Region Scheme - What it is and how it is amended' can be found in the front of this report.

10. Submissions on the amendment

The WAPC invites people to comment on the proposed amendment to the GBRS.

The amendment is being advertised for public submissions for a period of 60 days from 5 April – 10 June 2019.

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

- the Perth office of the Western Australian Planning Commission (140 William Street)
- the Department of Planning Lands and Heritage Bunbury Office (61 Victoria Street, Bunbury);
- the office of the Shire of Dardanup, City of Bunbury and Shire of Harvey; and
- the State Library of WA, Perth Cultural Centre, Northbridge.

Written submissions or comments on the amendment should be sent to:

The Secretary
Western Australian Planning Commission
Level 6, 61 Victoria Street
Bunbury WA 6230

and must be received by 5 pm 10 June 2019.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (Form 57) is contained in this report Appendix E. Additional copies of the form are available from the display locations and the WAPC's website <https://consultation.dplh.wa.gov.au>

You should be aware that calling for submissions is a public process and all submissions lodged will become a public document. All submissions are published and made available when the Minister has made a determination on the amendment. Advice of disclosure and access requirements are shown on side two of the submission form.

Before making your submission, it is recommended that you read the information in Appendix D of this report regarding preparing a submission.

11. Modifications to the amendment

After considering any comments received from the public and government agencies, the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without modifications in response to submissions, or may decline to approve the amendment.

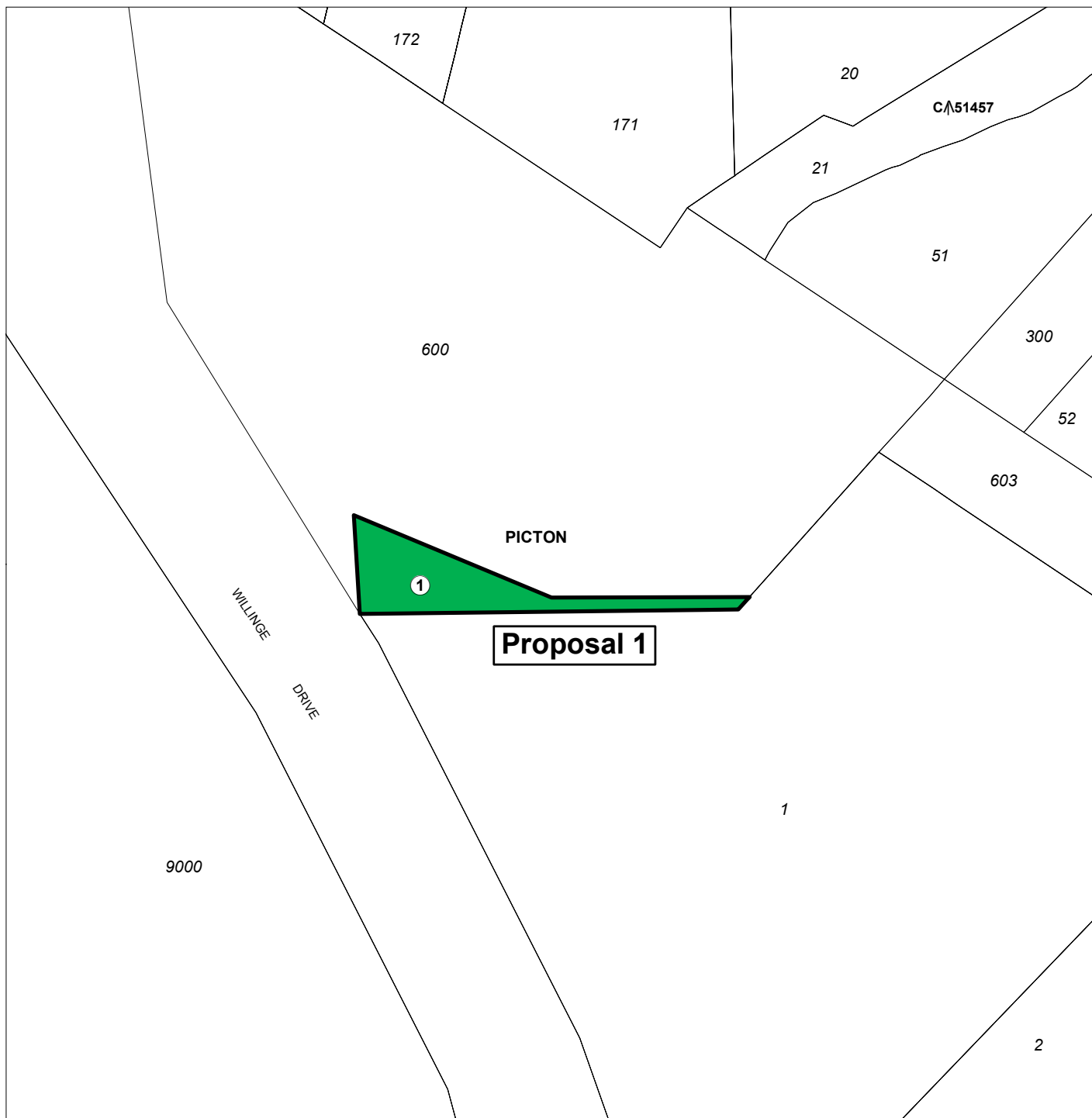
12. Final outcome

The recommendations of the WAPC, including any modifications, along with the determination of the Minister, are published in a report on submissions. Anyone who has made a submission, along with affected landowners, will receive a copy of this document when the amendment is gazetted to give it legal effect.

Attachment 1

Omnibus No 5 - Anomalies Amendment


Proposal Plans 1-21



**Proposed Amendment to the Greater Bunbury Region Scheme
Omnibus No. 5 - Lot 502 Willinge Drive, Picton
as advertised**

Proposal 1

Proposed Amendment:

 Regional open space reservation

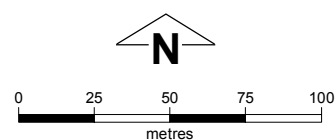
Oracle reference no: 2965

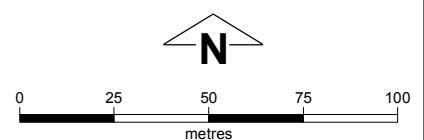
File number: RLS/0761

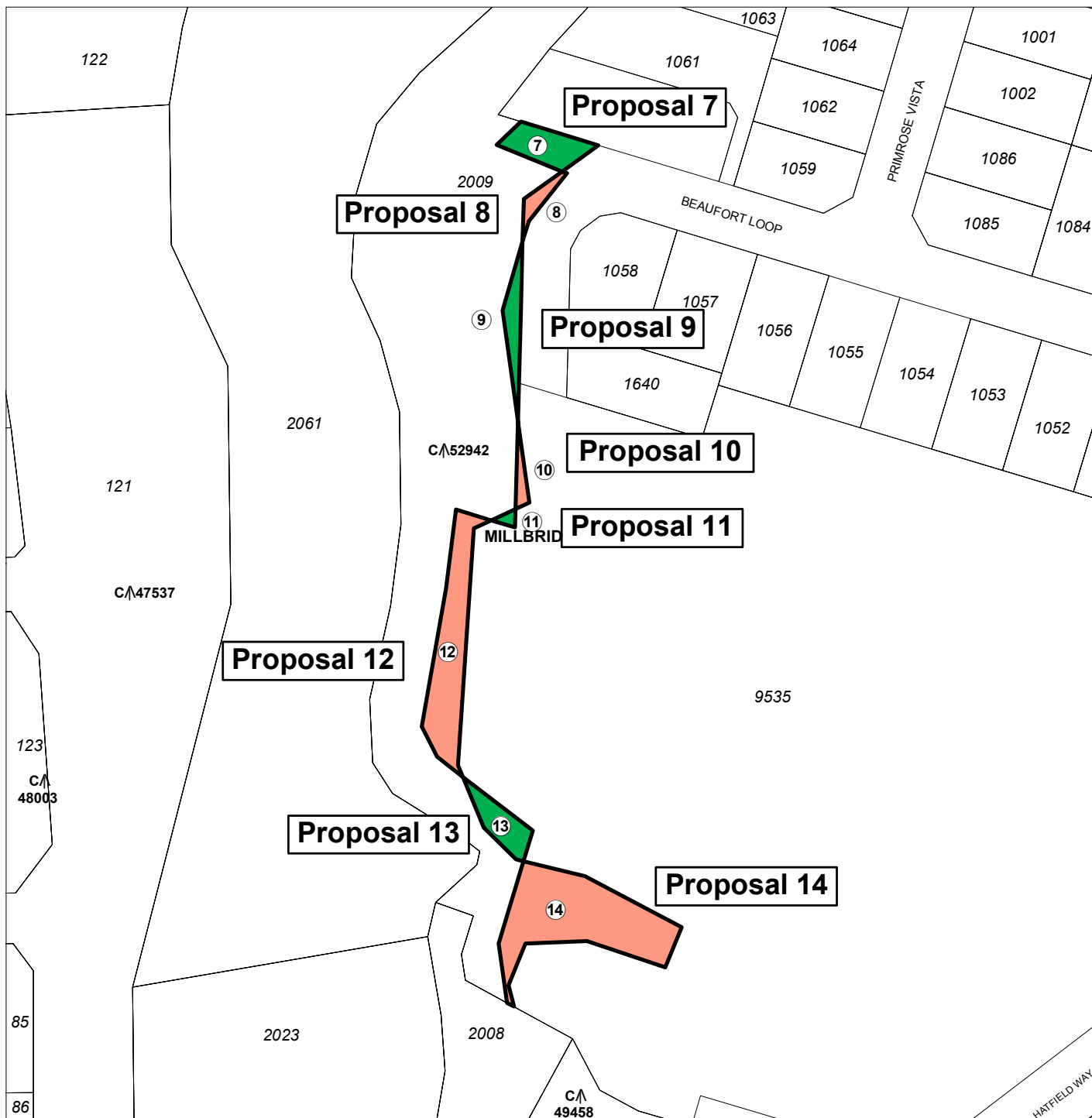
Version number: 1



Date: 4/04/2019
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1







**Proposed Amendment to the Greater Bunbury Region Scheme
Omnibus No. 5 - Millars Creek Foreshore, Millbridge
as advertised**

Proposals 7 to 14

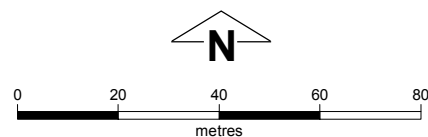
Proposed Amendment:

- Regional open space reservation
- Urban zone

Oracle reference no: 2965
File number: RLS/0761
Version number: 1



Date: 4/04/2019
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1






**Proposed Amendment to the Greater Bunbury Region Scheme
Omnibus No. 5 - Part Lot 5228 (R34586), Picton East
as advertised**

Proposal 15

Proposed Amendment:

 Regional open space reservation

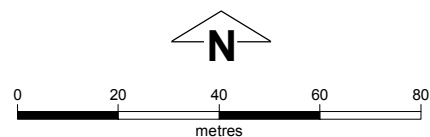
Oracle reference no: 2965

File number: RLS/0761

Version number: 1



Date: 4/04/2019
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1





**Proposed Amendment to the Greater Bunbury Region Scheme
Omnibus No. 5 - Part Lot 516 (R50461) Pedretti Road, Picton East**
as advertised

Proposals 16 & 17

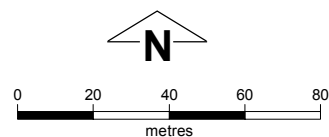
Proposed Amendment:

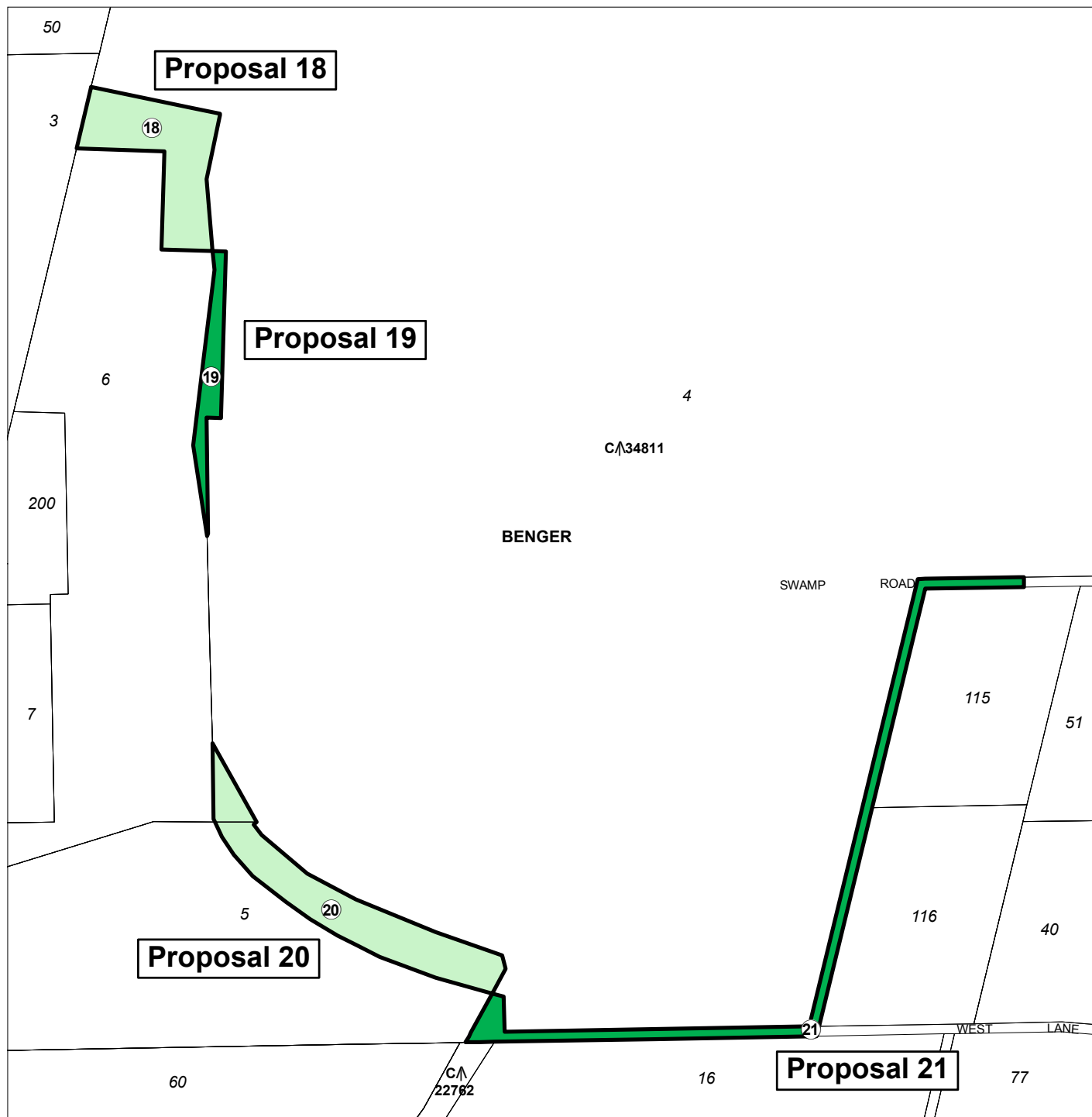
 Railways reservation

Oracle reference no: 2965
File number: RLS/0761
Version number: 1



Date: 4/04/2019
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1





**Proposed Amendment to the Greater Bunbury Region Scheme
Omnibus No. 5 - Benger Swamp, Benger
as advertised**

Proposals 18 to 21

Proposed Amendment:

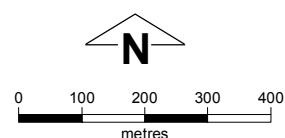
- Regional open space reservation
- Rural zone

Existing Region Scheme:

Oracle reference no: 2965
File number: RLS/0761
Version number: 1



Date: 4/04/2019
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1



Appendix A

Notice of environmental assessment

7 DEC 2018

FILE RLS/0761

0762.

Ms Sam Fagan
The Secretary
Western Australian Planning Commission
South West Office Bunbury Tower
61 Victoria Street
BUNBURY WA 6230

Our Ref: CMS17507
Enquiries: Angela Coletti, 6364 7600
Email: Angela.Coletti@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME: Greater Bunbury Region Scheme Amendment
0053-57
LOCATION: Omnibus Amendment in the City of Bunbury and
Shires of Dardanup and Harvey
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act. No
Advice Given. (Not Appealable)

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

After consideration of the information provided by you, the EPA considers that the proposed scheme 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 is defined as an assessed scheme. In relation to the implementation of the scheme, 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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Sutton', with a stylized flourish at the end.

Anthony Sutton
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

13 December 2018

Appendix B

List of plans supporting the amendment

Omnibus No 5 – Anomalies Amendment

Proposed minor amendment

Amendment 0053/57

as advertised

Legal plan

3.2718

3.2719

3.2720

3.2721

Detailed Plans

1.4625

1.4627

1.4697

1.4696

1.4742

1.4731

Appendix C

Your Property and the Greater Bunbury Region Scheme



Your Property and Regional Planning Schemes

Your land is reserved in a Regional Planning Scheme

The Western Australian Planning Commission (WAPC) administers three Regional Planning Schemes (RPS's). The Metropolitan Region Scheme, the Peel Region Scheme and the Greater Bunbury Region Scheme.

RPS's are town planning schemes that cover the Perth metropolitan area, the Peel region and the Greater Bunbury region. They classify land into broad zones and reservations. As these regions develop, so the WAPC must amend the RPS's. The RPS's are available for inspection at a local authority office, the Department of Planning, Lands and Heritage, and the WAPC.

Zones are large areas identified as being suitable for purposes such as industry (Industrial zone) and residential (Urban zone).

Reservations are areas required for public purposes such as school sites, railways, major roads and parks and recreation areas.

Before rezoning or reserving land, the WAPC approaches affected landowners and invites them to make submissions on the changes proposed through the amendment process.

The government will ultimately acquire reserved land, but the land can generally remain in private ownership until the government needs it for the public purpose.

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

- Retain ownership of your property and continue quiet enjoyment of the property until the government needs it for the public purpose. You may complete any development or subdivision of the property approved before the reservation came into effect.

Under non-conforming use rights, you may continue to use the property for purpose it was legally being used immediately before the reservation came into effect.

- Sell the property on the open market to another person(s). The WAPC recognises that due to the reservation this may be difficult. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing 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 purchasing a reserved property. The WAPC purchases a property at its current market value ignoring the effect of the reservation. The WAPC obtains two independent valuations to provide it with advice on the value of the property.
- If the WAPC refuses a development application on reserved land, or approves a development application subject to conditions that are unacceptable to the applicant, the applicant can make a Claim for Compensation for Injurious Affection. However, you must be the owner of the property when it was first reserved to be eligible to make a claim

In such cases, the WAPC may elect to purchase the property instead of paying compensation. The purchase price can be determined by negotiation, by reference to the State Administrative Tribunal or by arbitration.

Am I entitled to compensation?

If your land is reserved in a RPS and you are the owner of the land when it was first reserved, you may be able to make a Claim for Compensation for Injurious Affection if:

- You wish to sell the property on the open market at a reduced price; **or**
- The WAPC either has refused a development application over the property or has approved a development application over the property subject to conditions that are unacceptable to the applicant.

How do I claim compensation?

1. Private Sale

If wish to sell the property on the open market at a reduced price, complete a Notice of Intention to Sell form which is available from the Department. 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 value of the property as unaffected by the reservation. You may wish to attend the Board's meeting to present any matters you believe are relevant to the value of your property.

Following the Board's decision:

- The Board will advise you of the unaffected value of the property.
- You pay the Board's valuation fee to the Department. The Department will advise you of the affected value of the property. This is the minimum price for which you can sell the property and receive the full amount of compensation. The valuation fee is refundable upon the sale of the property.
- You then arrange the sale of the property (either privately or through an agent). The sale price must not be less than the affected value.

You (and your agent) must inform prospective purchasers that you are selling the property at a reduced price and that you will be claiming compensation for injurious affection from the WAPC. You must also include a special condition in the Offer and Acceptance.

- After you sell the property, you 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 to revalue the property. The sale process is then repeated.
- After the WAPC pays compensation, the WAPC will lodge a Notification on the Certificate of Title to identify that it has paid

compensation. 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. Refused Development

If the WAPC refused your development application or approved it subject to unacceptable conditions **and** the property is reserved in a RPS, you may make a Claim for Compensation for Injurious Affection within six months of the WAPC's decision on the application.

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

If the WAPC elects to purchase the property, it obtains valuations for the market value of the property as at the date of the election to purchase. The date of valuation is fixed at the date of election to purchase.

What is compulsory acquisition?

A situation may arise where the government urgently requires a property for a public purpose and the owner is unwilling to sell the property to the WAPC. In such a case, the government may compulsorily acquire ("resume" or "take") the property for that public purpose.

When the WAPC takes a property, you have the right to make a Claim for Compensation for the land taken. The WAPC will obtain valuations of the taken land and, after checking of the compensation claim, will make you an offer of compensation.

Should you have any queries about the information in this brochure, please contact the Department's WAPC Property Management Services branch.

Appendix D

Preparing a submission

Preparing a submission

The WAPC welcomes comment on proposed amendments to the Greater Bunbury Region Scheme (GBRS) from interested individuals, groups and organisations.

What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding.

Advertised proposals are often modified in response to the public submission process.

What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

Before lodging your submission

Please remember to complete the submission form (form 57 – appendix E). Include your name and full postal address on side one. It is preferred that any attachments be loose rather than bound.

The closing date for submissions and where they should be lodged is shown on form 57 and in the submissions on the amendment section of the amendment report.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access and will become a public document.

Appendix E

**Submission form for this amendment
(Form 57)**

Planning and Development Act 2005
Section 57 Amendment (Minor)
 Form 57

Submission

Greater Bunbury Region Scheme Amendment 0053/57

Omnibus No 5 – Anomalies Amendment

OFFICE USE ONLY Y

SUBMISSION NUMBER

To: Secretary
Western Australian Planning Commission
Level 6, 61 Victoria Street
Bunbury WA 6230

Or: gbrs@dplh.wa.gov.au

Name
(PLEASE PRINT CLEARLY)

Address Postcode

Contact phone number Email address

The following proposals are the subject of my submission

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

turn over to complete your submission

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the Act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- Should the Minister approve the proposed amendment the WAPC recommendations are published in a report on submissions.

To be signed by person(s) making the submission

Signature Date

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 10 June 2019. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9791 0577; Email – gbrs@dplh.wa.gov.au; Website - <http://www.dplh.wa.gov.au>