

February 2018

**Greater Bunbury  
Region Scheme  
Amendment 0051/57  
(Minor Amendment)**



**Various Lots Jubilee and  
Jeffrey Roads, Glen Iris**

**Amendment Report**

**City of Bunbury**

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GBRS Amendment 0051/57 Amendment Report  
File RLS/0706

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# **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).

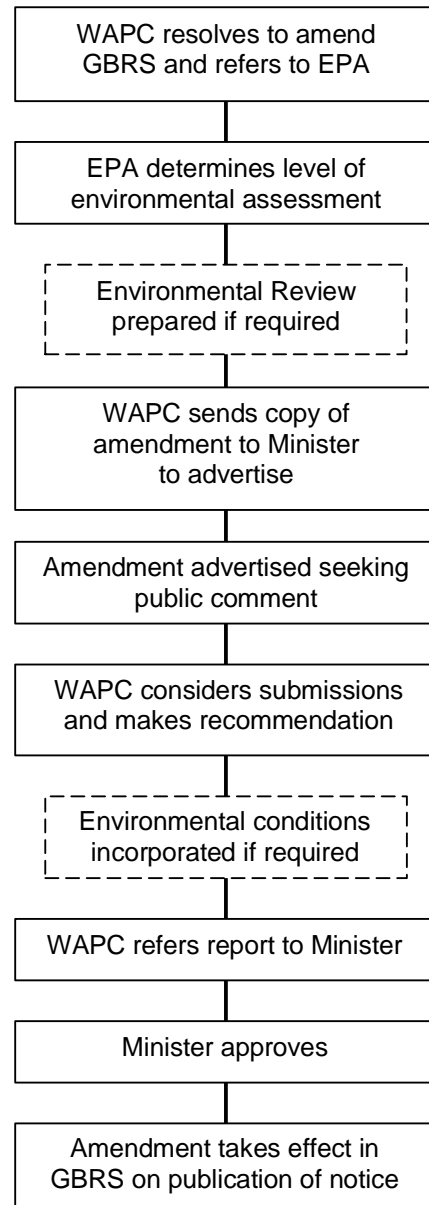
The process of a minor amendment to the GBRS includes the following steps:

- 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

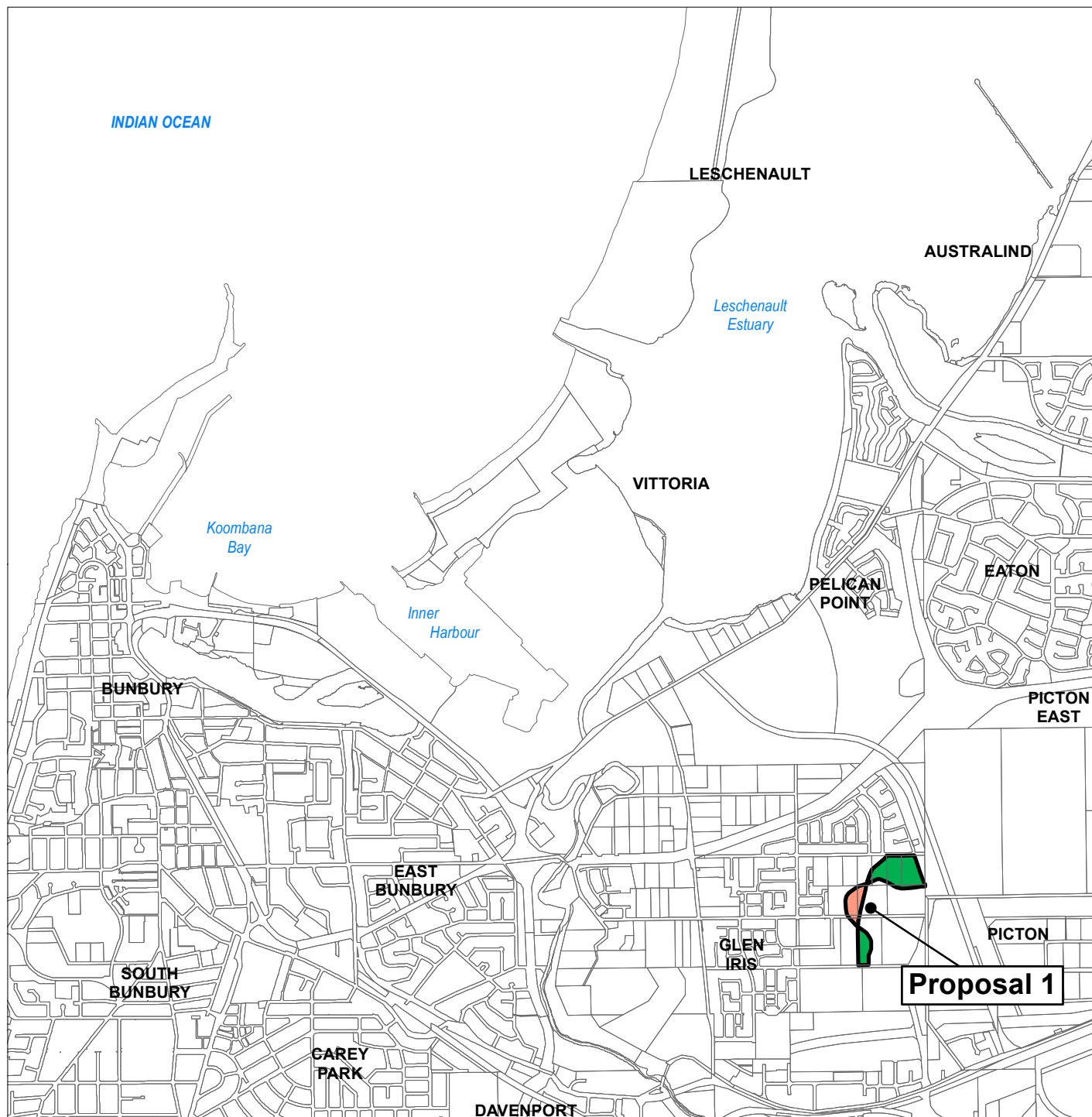
This publication documents the planning rationale, determination of submissions received and the recommendations for final approval of the amendment made by the WAPC.

#### Submissions

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





**Various Lots Jubilee and Jeffrey Roads, Glen Iris**  
**Location Plan**



## Proposed Amendment to the Greater Bunbury Region Scheme Locality Plan

25 October 2017

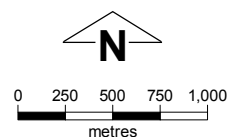
Proposed Amendment:

-  Regional open space reservation
-  Urban zone

Oracle reference no: 2931  
File number: RLS/0706  
Version number: 2



Date: 19/09/2017  
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Base information supplied by Western Australian Land Information Authority LI 862-2016-1



## Greater Bunbury Region Scheme Amendment 0051/57

### Various Lots Jubilee and Jeffrey Roads, Glen Iris

#### 1. Planning objective

The purpose of this amendment is to rezone/reserve various lots in Jubilee Road and Jeffrey Road, Glen Iris which would result in an Urban zone / Regional Open Space reserve 'swap'. The subject land comprises both Urban zoned and Regional Open Space reserved land and is approximately 46.6ha in area. The zone/reserve 'swap' involves rezoning of approximately 8.25ha of currently Urban zoned land to Regional Open Space reserve and approximately 2.65ha of Regional Open Space reserve to the Urban zone under the Greater Bunbury Region Scheme (GBRS) in order to facilitate future urban development and environmental protection over the land.

#### 2. Background

Application is made for an amendment to the GBRS for Parts of Lots 21, 22, 23 & 24 Jubilee Road and Parts of Lots 40, 41, 42, 44 and Road Reserve, Jeffrey Road, Glen Iris.

The proposal involves the modification of the existing Urban and Regional Open Space boundaries relating to the land under the GBRS.

Land involved in the proposed amendment (the subject land) and the proposed zoning/reserve 'swap' applicable to each are as follows:

- Parts of Lots 21, 22 & 23 Jubilee Road and Part of Lot 42 Jeffrey Road, Glen Iris from the Urban Zone to a Regional Open Space Reserve;
- Part of Lot 24 Jubilee Road and Part of Lot 44 Jeffrey Road, Glen Iris from the Urban Zone to a Regional Open Space Reserve and Part from the Regional Open Space Reserve to the Urban Zone; and
- Parts of Lots 40 & 41 Jeffrey Road, and Part of Jeffrey Road Reserve, Glen Iris from the Regional Open Space Reserve to the Urban Zone.

The subject land is located within the local government area of the City of Bunbury, approximately 5.5km south-east of Bunbury City Centre. The site is bounded by Willinge Drive to the east, Woodley Road to the south with the Glen Iris residential area to the west and north. All the land involved in this proposal (Urban zoned and Regional Open Space Reserve) is owned by the Housing Authority and will result in a residential development by the Department of Community Services.

The total area of the subject site is approximately 46.6ha and is both zoned and reserved Urban and Regional Open Space. The zone/reserve 'swap' involves rezoning of approximately 8.25ha of currently Urban zoned land to Regional Open Space reserve and approximately 2.65ha of Regional Open Space reserve to the Urban zone. The effect of the proposed amendment is that the total area of Urban zoned land decrease from 22.7ha to 17.1ha and the total area of land reserved for Regional Open Space purposes increase from 23.9ha to 29.5ha.

The subject land is undeveloped and part of the cleared land was previously used for grazing purposes. The remainder of the land contains substantial remnant vegetation. There is some clearing associated with numerous paths and firebreaks traversing the site. Predominant land use has been for rural activities and informal, and often illegal, recreation purposes.

### 3. Scope and content of the amendment

The proposed amendment involves the modification of Urban zoning and Regional Open Space reserve boundaries on various lots on Jubilee Road and Jeffrey Road, Glen Iris.

The main reasons for the proposal are the identification, consideration and response to the following key issues:

- Environmental approval from the Federal Department of Environment and Energy under Section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*;
- The impact on the subject land by the 500m buffer from the DBC abattoir; and
- Bulletin 1108 and the associated Ministerial Statement No. 697.

The purpose of a Regional Open Space reserve as defined in the GBRS is: *“to protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access”*

The purpose of the Urban zone as defined in the GBRS is: *“to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities”*

Whilst the overall Regional Open Space reserve is increased from 23.9ha to 29.5ha, an area of 2.65ha former Regional Open Space reserve will now be zoned Urban.

The subject land is identified in the WAPC endorsed Glen Iris Structure Plan as land subject to further investigations and subject to a separate structure plan. Detailed studies for the site such as acid sulphate soil area investigations, water/drainage management, access, bushfire management etc. are therefore to be finalised as part of the detailed structure plan to clearly identify usable urban land (these studies are also required under Bulletin 1108 and Ministerial Statement No. 697). The Glen Iris Structure Plan further indicates planning solutions that may be explored include land swaps with degraded land in adjoining Regional Open Space.

Amendments to the City of Bunbury's Town Planning Scheme No. 7 (TPS No. 7) include the rezoning of the proposed Urban zoned area of the subject land to Development Zone – Residential. Within the Development Zone, no development is to be permitted unless the local government considers that it complies with a structure plan that has been adopted by the local government and endorsed by the WAPC.

Any issues raised during the advertising process may result in the amendment boundaries being modified prior to final consideration by the WAPC.

The WAPC endorsed Wimbridge Precinct Structure Plan indicates a 500m buffer area around the DBC Abattoir site and stipulates that no residential or other sensitive land uses are to be located on land within the buffer area. Land subject of this amendment within the buffer area will be reserved for Regional Open Space purposes and everything outside the buffer area on the subject land will either remain or become Urban. A strip of land approximately 20m wide within the buffer area will however form part of the Urban area in order to allow a future road to be constructed between the proposed residential development and the Regional Open Space. The effective buffer distance from the DBC Abattoir site is therefore 480m and reserved for Regional Open Space purposes plus a 20m road reserve which will be zoned Urban. The Federal Department of Environment and Energy's approval under the *Environment Protection and Biodiversity Conservation Act 1999* has taken the 20m variation into account.

A pre-development bushfire hazard level assessment was done for the Urban zone and concluded that the proposed development is not prohibitive. A bushfire management plan will be required to support any application for future subdivision or development of the land.

#### **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**

Amendments to the City of Bunbury Town Planning Scheme No. 7 to reserve part of the subject land for Regional Open Space purposes and to rezone part of the subject land for Development Zone – Residential will be done as part of the Region Scheme amendment under Sections 126(1) & 126(3) of the Planning and Development Act 2005 which allows for the concurrent amendment of a Local Planning Scheme to a reserve for any public purpose or rezone to an Urban zone by these sections and without any further action under the Act.

#### **6. Sustainability appraisal**

The modification of the Urban zoning and Regional Open Space reserve boundaries on the subject land is considered to be orderly and proper planning as the proposal explored planning solutions that include land swaps with degraded land in adjoining Regional Open Space as proposed under the Glen Iris Structure Plan.

Planning strategy for the area further comes under the *Greater Bunbury Strategy 2013* where higher residential densities and infill development in all areas of existing developed land are strongly promoted. This provides the opportunity for housing diversity, housing affordability, urban regeneration and revitalisation, as well as providing a more attractive urban environment.

The subject land is further flanked by already developed residential areas to the north and west.

The proposal would be subject to further environmental assessments as part of the structure plan process and subdivision stage.

Further detailed planning at local structure planning and subdivision stage will address the level of services provided with regards to reticulated water and sewerage, underground electricity, telecommunication, access, etc.

## **7. Substantiality**

The *Planning and Development Act 2005* allows for an amendment to a region planning scheme to be processed as either 'minor' or 'major' amendment, depending on whether the WAPC considers 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 Greater Bunbury Region Scheme for the following reasons:

- consistency of the amendment with the Glen Iris and Wimbridge Precinct Structure Plans in that the area is earmarked as an investigation area subject to further structure planning including possible land swaps and the recognition of the DBC Abattoir site's 500m separation distance;
- the zoning under the City of Bunbury Town Planning Scheme No. 7 will be Development Zone and no development is to be permitted unless it complies with a structure plan that has been endorsed by the WAPC; and
- the rezoning to Urban will be followed by a structure plan process and will ensure consistency with the requirements under Bulletin 1108 and Ministerial Statement No. 697 where certain detailed studies for the site may be required and are to be finalised as part of the detailed structure plan.

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 Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required.

The EPA has advised that the proposed amendment does not require formal assessment under Part IV Division 3 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 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 **16 February to 17 April 2018**.

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's Bunbury Office (Level 6, 61 Victoria Street, Bunbury);
- the office of the City of Bunbury; 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

Submissions can also be lodged via email to: **[gbrs@dplh.wa.gov.au](mailto:gbrs@dplh.wa.gov.au)**.

**Submissions must be received by 5 pm Tuesday 17 April 2018.**

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 [www.dplh.wa.gov.au](http://www.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.

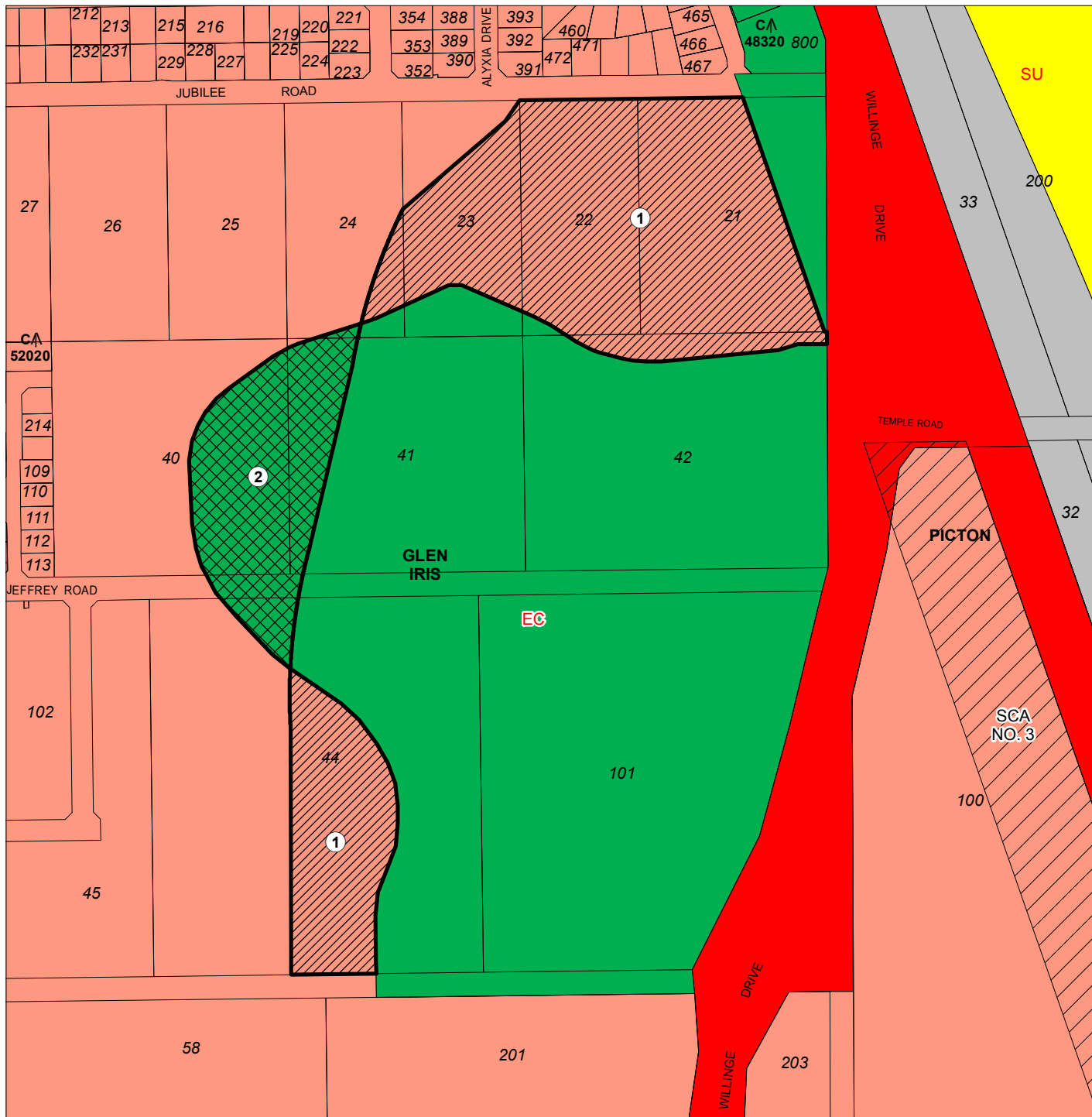
## **12. Final outcome**

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.





**Various Lots Jubilee and Jeffrey Roads, Glen Iris**

**Proposal 1**










**Proposed Amendment to the Greater Bunbury Region Scheme**  
**Pt Lots 21 to 24 Jubilee Rd and Pt Lots 40, 41, 42, 44 & Road Reserve Jefferey Rd, Glen Iris**  
**as advertised**  
 25 October 2017 Proposal 1

**Proposed Amendment:**

-  Regional open space reservation
-  Urban zone

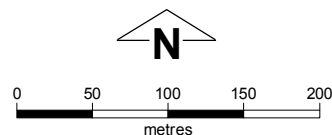
**Existing Region Scheme:**

- |   |  |  |
|---|--|--|
|  Primary regional roads            |  Regional open space                    |  Environmental conditions |
|  SU Public purposes - special uses |  Urban                                  |  |
|  Railways                          |  Glen Iris service corridor buffer area |  |

Oracle reference no: 2931  
 File number: RLS/0706  
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Date: 19/09/2017  
 Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA  
 Base information supplied by Western Australian Land Information Authority LI 862-2016-1



## Appendix A

### Notice of environmental assessment

The Secretary  
Western Australian Planning Commission  
Bunbury Tower, 61 Victoria Street  
**BUNBURY WA 6230**

Your Ref:  
Our Ref: CMS17248  
Enquiries: Teresa Bryant, 6364 7600  
Email: Teresa.Bryant@dwer.wa.gov.au

Dear Sir/Madam

DEPARTMENT OF PLANNING, LANDS AND HERITAGE BUNBURY OFFICE	
13 DEC 2017	
FILE	

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

**SCHEME:** Greater Bunbury Region Scheme Amendment 0051/57  
**LOCATION:** Various lots Jubilee and Jeffrey Roads, Glen Iris  
**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. Advice Given. (Not Appealable)

Thank you for referring the above proposed 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) but nevertheless provides the attached advice and 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.

A copy of this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'P' followed by a long, horizontal, slightly wavy line.

**Patrick Seares**  
**Delegate of the Environmental Protection Authority**  
Executive Director EPA Strategic and Guidance

11 December 2017

Encl. Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)  
ENVIRONMENTAL PROTECTION ACT 1986**

**Greater Bunbury Region Scheme Amendment 0051/57**

**Location:** Various lots Jubilee and Jeffrey Roads, Glen Iris

**Determination:** Scheme Not Assessed – Advice Given (no appeals)

**Determination Published:** 11 December 2017

**Summary**

The Western Australian Planning Commissions proposes to amend the rezone/reserve various lots in Jubilee Road and Jeffrey Road, Glen Iris which will result in an Urban Zone and Regional Open Space reserve 'swap'. The amendment area is approximately 46.6 hectares (ha). The swap involves rezoning approximately 8.25ha of Urban zoned land to Regional Open Space (ROS), and approximately 2.65ha of ROS reserve to Urban, to facilitate future urban development and protection of environmental values.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment as set out is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. Having considered this matter, the following advice is provided.

**1. Environmental Factors**

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Hydrological Processes;
- d) Inland Waters Environmental Quality; and,
- e) Social Surroundings.

**2. Advice and Recommendations regarding Environmental Factors**

The EPA has based its decision on the scheme amendment documentation provided by the Western Australian Planning Commission (WAPC), proposal referral information submitted to the Commonwealth Department of the Environment and Energy under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and information provided by the proponent during conceptualisation of the proposed development.

The amendment area is identified in the Greater Bunbury Region Scheme (GBRS) being subject to Environmental Conditions, which is the result of EPA report 1108 and Ministerial Statement (MS) 697. The conditions require the protection of a wetland on portions of Lot 40-44 Jeffrey Road, Picton and Environmental Management Plans, prepared to the satisfaction



of the Western Australian Planning Commission or local government and having regard for advice from the relevant government agencies.

**a. Flora and Vegetation and Terrestrial Fauna**

The amendment area contains vegetation ranging in condition from Good - Very Good to Degraded. The EPA supports the retention of areas of Good - Very Good and Good condition vegetation within a consolidated area of existing and proposed ROS reserve. The EPA recommends native vegetation be retained where possible throughout the proposed urban development area.

The EPA notes the proposed amendment will not result in the clearing of more than 15ha of vegetation which is habitat for Western Ringtail Possum and all three species of Black Cockatoo. A proposal to clear the habitat for residential development has been approved by the Commonwealth Department of the Environment and Energy, with conditions (Reference 2013/6955). The conditions include revegetation of degraded areas within the proposed ROS reserve and protection of a 7ha offset site known as Catalpa Park.

The approval conditions of 2013/6955 require that an Environmental Management Plan (EMP) for listed threatened species be prepared. The EPA notes other fauna species including the Quenda may inhabit the site.

Consistent with the GBRS Environmental Conditions and MS 697, the EPA recommends that provisions be included in the structure plan to require an EMP for management of other fauna species, prepared on advice of the Department Biodiversity Conservation and Attractions.

**b. Hydrological Processes and Inland Waters Environmental Quality**

The EPA notes a multiple use wetland part of which was previously protected under the *Environmental Protection (Swan Coastal Plain Lakes) Policy* 1992 (now rescinded) has been more accurately mapped and the greater part of the multiple use wetland will be retained in the ROS reserve. This is consistent with Condition 1-1 of Ministerial Statement 697 and the Environmental Conditions place on the Greater Bunbury Region Scheme for the amendment area.

Water management planning for the site needs to consider water balance, drainage, flooding and wetland hydrology. The EPA advises that previous investigations for the site revealed the shallow groundwater was highly eutrophic. A review of previous reports and/or further investigations should be undertaken to inform revegetation strategies and water management planning for the amendment area to help improve water quality.

To fulfil the requirements of GBRS Environmental Conditions and MS697, the EPA expects that a Wetland Environmental Management Plan will be required at the local structure planning stage, and that structure planning for the site will be supported by a Local Water Management Strategy, prepared to the satisfaction of the Department of Water and Environmental Regulation.

**c. Social Surroundings**

The amendment area is in close proximity to the Dardanup Butchering Company (DBC) abattoir. The EPA notes a 500m buffer has been provided consisting of land within the existing and proposed ROS reserve and a 20m strip of proposed Urban zoned land for the purpose of road reserve.

The EPA's Guidance No. 3 *Separation Distances between Industrial and Sensitive Land Uses* advises the potential impacts from abattoirs to sensitive premises are noise, dust and odour and recommends a distance of between 500 and 1000 metres, depending on the size of the facility. The proposed buffer of 500m is the minimum distance recommended.

Generally, the EPA expects the potential for land use conflicts to be resolved through the land use planning process, following consideration of adequate technical information and advice from the relevant agencies. The EPA expects that future structure planning will ensure sensitive premises are not located within 500m of abattoir. To ensure sensitive premises within 500 to 1000m are not impacted by odour, an empirical (field) data study could be undertaken, to the satisfaction of the Department of Water and Environmental Regulation, prior to structure planning. Alternatively, the EPA recommends that notifications be placed on Certificates of Title advising that residences are located in close proximity to an abattoir and may be impacted by odour.

The EPA understands an Aboriginal Heritage Survey and consultation with the Gnaala Karla Booja Native Title Claim has been undertaken. The dunal ridge was identified as an important area and its retention in the ROS reserve is supported.

#### **Other**

The EPA understands that through a resolution of the WAPC, a concurrent amendment to the region and local planning scheme under section 126 of the *Planning and Development Act 2005* to amend the local scheme maps so that they are consistent with the region scheme is proposed. The EPA considers the above is acceptable on the basis that the requirements of the GBRS Environmental Conditions and MS 697 are implemented as part of structure planning. Also, that the EPA's advice and recommendations contained herein are considered during structure planning. The Departments of Water and Environmental Regulation, and Biodiversity, Conservation and Attractions should be consulted as part of structure planning.

#### **Recommendations**

The EPA recommends that structure planning for the amendment area contain specific provisions to adequately protect and manage the environmental and social values. Specifically, in addition to requirements of GBRS Environmental Conditions, MS 697 and the approval conditions issued under the EPBC Act (2013/6955), the EPA considers the following is necessary:

- Remnant native vegetation be retained where possible throughout the proposed urban development area.
- An Environmental Management Plan for fauna, not included in the EPBC Act approval conditions, be required prior to the commencement of construction, and prepared in consultation with the Department of Biodiversity, Conservation and Attractions.
- That structure planning requires preparation and implementation of a Wetland Environmental Management Plan, prepared in consultation with the Department of Biodiversity, Conservation and Attractions.
- That structure planning be informed by a Local Water Management Strategy, prepared to the satisfaction of the Department of Water and Environmental Regulation.
- Investigations for odour to the satisfaction of the Department of Water and Environmental Regulation and/or notification on Certificates of Title advising that residences may be impacted by odour from the nearby abattoir.



## **Appendix B**

### **List of plans supporting the amendment**

**Various Lots Jubilee and Jeffrey Roads, Glen Iris**

**Proposed minor amendment**

**Amendment 0051/57**

**as advertised**

**Legal plan**

3.2704

## **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)





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 Tuesday 17 April 2018. Late submissions will NOT be considered.**

Contacts: Telephone - (08) 9791 0577; Fax - (08) 9791 0576; Email – [gbrs@dplh.wa.gov.au](mailto:gbrs@dplh.wa.gov.au); Website - <http://www.dplh.wa.gov.au>