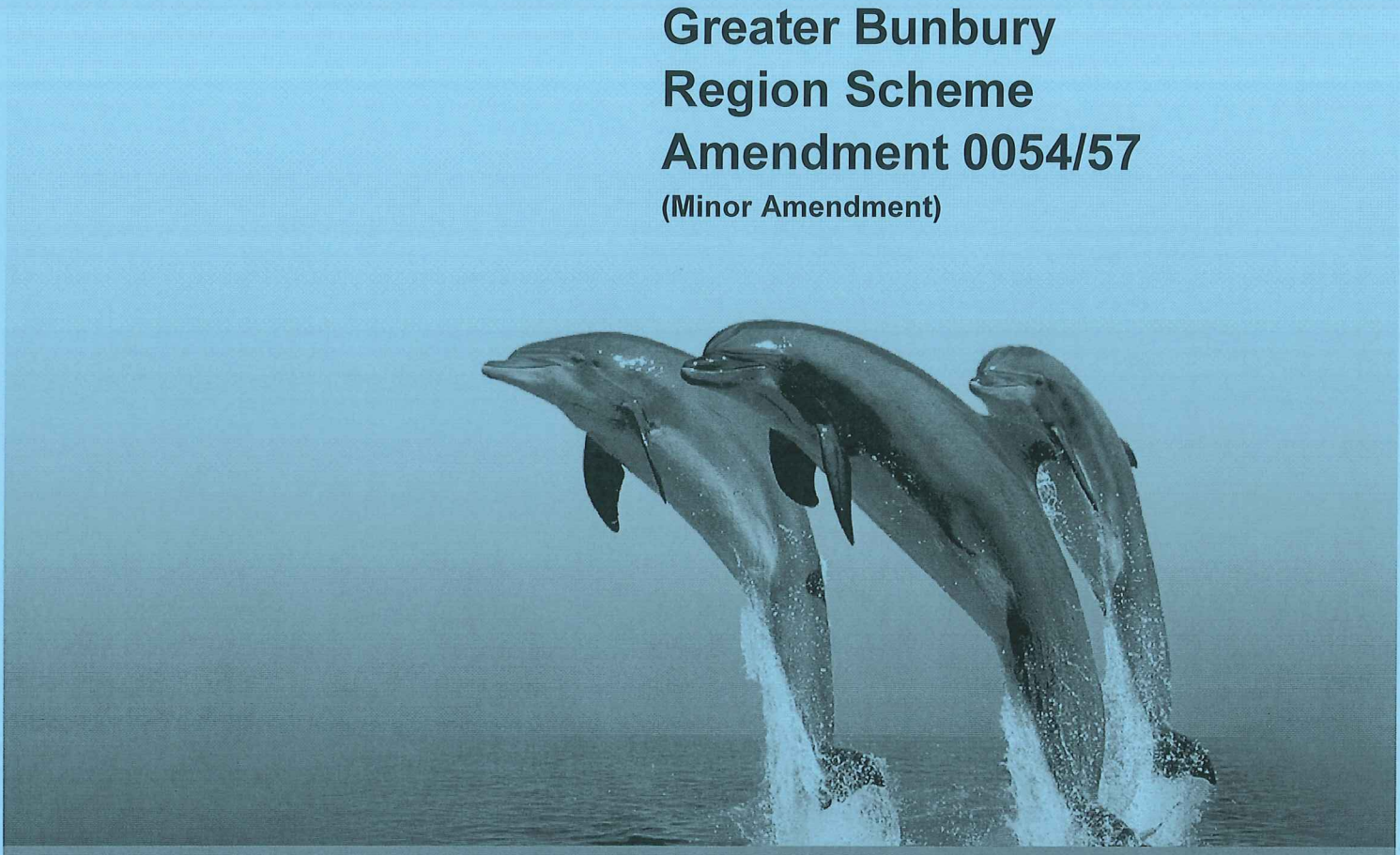




February 2019

**Greater Bunbury  
Region Scheme  
Amendment 0054/57  
(Minor Amendment)**



**Lot 29 Jeffrey Road,  
Glen Iris**

Amendment Report

City of Bunbury

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**Greater Bunbury Region Scheme  
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(minor amendment)**

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**Amendment Report**

**City of Bunbury**



February 2019

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

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# 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 .....	2
6 Sustainability appraisal .....	2
7 Substantiality .....	2
8 Environmental Protection Agency advice .....	3
9 The amendment process .....	3
10 Submissions on the amendment.....	4
11 Modifications to the amendment .....	4
12 Final outcome .....	4

Proposal 1	Proposed Amendment
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).

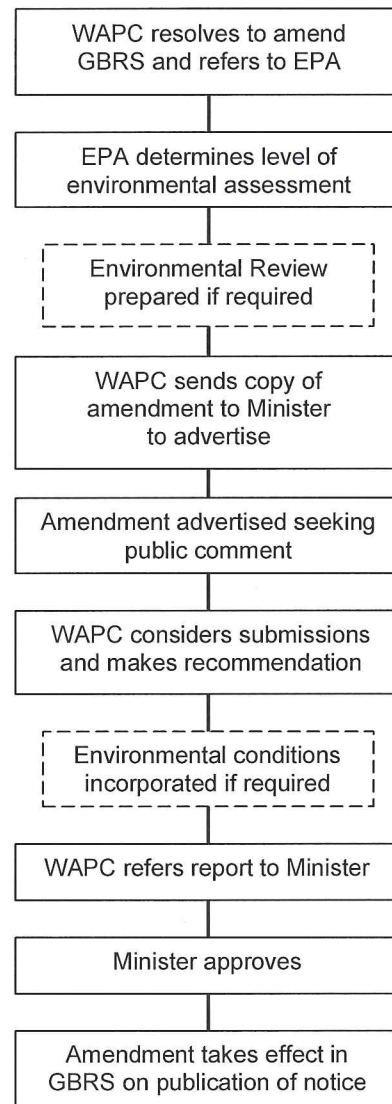
The process of a minor amendment to the GBRS includes the following steps:

- 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

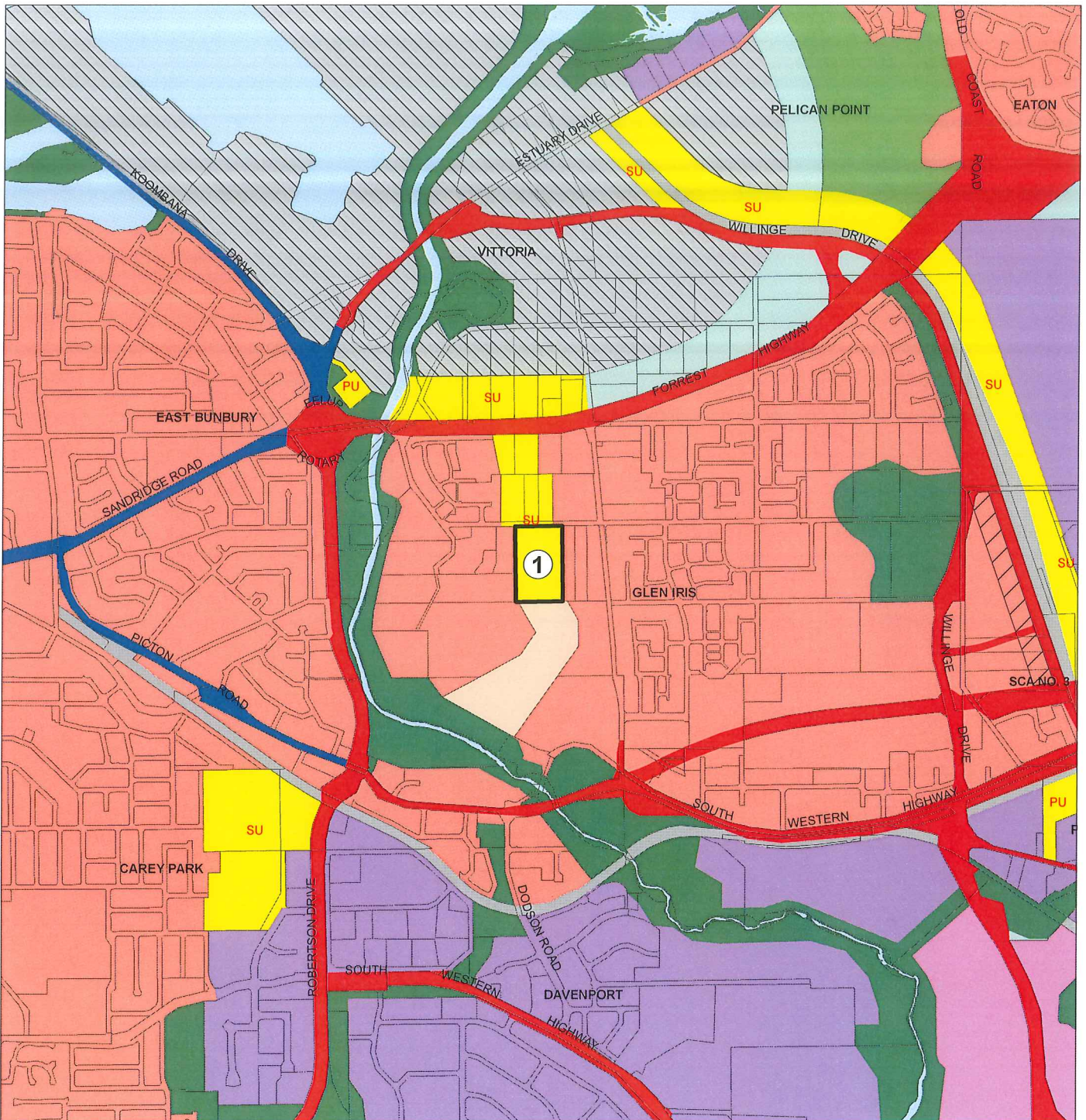
This publication documents the planning rationale, determination of submissions received and the recommendations for final approval of the amendment made by the WAPC.

#### Submissions

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



**Lot 29 Jeffrey Road, Glen Iris**  
**Location Plan**



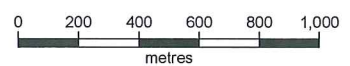
**Proposed Amendment to the Greater Bunbury Region Scheme**  
**Lot 29 Jeffrey Road, Glen Iris**

Proposed:

- 1** public purposes (special uses) reservation to urban deferred zone

**Greater Bunbury Region Scheme Legend**

<b>Reserved Lands</b>	<b>Public purposes - denoted as follows:</b>	<b>Zones</b>
Regional open space	<b>A</b> Airport	Urban
Railways	<b>H</b> Hospital	Urban deferred
State forests	<b>HS</b> High school	Regional centre
Waterways	<b>P</b> Prison	Industrial
Port installations	<b>PU</b> Public utilities	Rural
<b>Roads:</b>	<b>SU</b> Special uses	Private recreation
Primary regional roads	<b>TS</b> Technical school	Special control areas
Other regional roads	<b>U</b> University	Glen Iris service corridor buffer area
		<small>SCA NO. 3</small>



## Greater Bunbury Region Scheme Amendment 0054/57

### Lot 29 Jeffrey Road, Glen Iris

#### 1. Planning objective

The purpose of this Greater Bunbury Region Scheme (GBRS) amendment is to rezone Lot 29 Jeffrey Road, Glen Iris from 'Public Purpose - Special Uses' reserve to 'Urban Deferred' zone. Lot 29 is reserved for 'Public Purposes – Special Uses' under the GBRS and the City of Bunbury Local Planning Scheme No. 8 (LPS 8).

The reservation was in place for the purposes of the Glen Iris Relief Floodway (GIRF), however this is no longer required for flood relief purposes. As such, this amendment proposes to rezone Lot 29 Jeffrey Road, Glen Iris from 'Public Purposes – Special Uses' reserve to 'Urban Deferred' zone to facilitate residential development of the site.

#### 2. Background

The lot is located approximately five kilometres south-east of the Bunbury Central Business District and is 6.5 hectares in area. The majority of the land is parkland cleared with intermittent stands of vegetation and a wetland soak on the southern boundary. Historically the land was used for rural purposes, mainly low intensity grazing and horse agistment. There are no structures on the lot.

The reservation on the lot had been for the purposes of the GIRF. At that time the subject land was owned by the Crown (South West Development Commission) having been acquired for the purpose of facilitating the GIRF.

Since then, detailed flood modelling has demonstrated that Lot 29 is no longer required for this purpose and this has been reflected in the GBRS Floodplain Management Policy. The north-west corner of the lot is within the Floodplain of this policy. As the lot was no longer required for the GIRF, the land was surplus to government requirements and was put up for sale. The lot was consequently purchased by the current landowners and they now wish to rezone the land to facilitate residential development of the site.

Most of the lot is within the Designated Bush Fire Prone Areas. To address this, a Bushfire Management Plan has been prepared for the site.

#### 3. Scope and content of the amendment

The proposed amendment involves the rezoning of Lot 29 from 'Public Purpose - Special Uses' reserve to 'Urban Deferred' zone for future residential development.

As the land is no longer required for the purposes of the reserve, it would be inappropriate to have the reservation remaining over the land, in particular as the land is in private ownership.

Under the GBRS, land to the west and east of Lot 29 are zoned 'Urban' and consists of residential development. Land to the north is still reserved 'Public Purposes – Special Uses' reserve for the purposes of the GIRF. Land to the south (Lot 312) is zoned 'Urban Deferred'. Lot 312 was rezoned from 'Public Purposes – Special Uses' reserve to 'Urban Deferred' zone in 2014 as that lot was also no longer required for the GIRF.

The proposed 'Urban Deferred' zone on Lot 29 and the subsequent 'Urban' zone are consistent with the zoning of the surrounding land and would be logical inclusion into the existing residential area. Structure planning of this area with linkages to the adjoining lots is currently being undertaken by the applicant.

#### **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**

The Environmental Protection Authority (EPA) has stated that it does not support a concurrent amendment to LPS 8 to be undertaken under Section 126(3) of the *Planning and Development Act 2005*. The EPA would like the amendment under LPS 8 to be initiated to rezone the land from 'Public Purpose - Special Uses' reserve to 'Urban Development' zone'. As part of this process the EPA would have the opportunity to adequately address issues relating to the retention, protection and management of the significant areas of native vegetation and flora and fauna values. The DPLH will request the City of Bunbury to initiate the amendment under LPS 8.

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

The proposed amendment is considered to be orderly and proper planning as the land is no longer required for the purpose of the reserve. It is appropriate to have the correct zoning over the land to reflect the land use.

The subject land is further flanked by already developed residential areas to the north, east and west. Land to the south has been rezoned to 'Urban Deferred' zone to allow for future residential development.

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

#### **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 GBRS for the following reasons:

- the land is no longer required for the purposes that it is reserved for;
- the rezoning would reflect the proposed land use;
- the 'Urban Deferred' zone and the subsequent 'Urban' zone would be consistent with the surrounding zoning and land use; and
- it would be logical inclusion into the existing residential area.

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 EPA has considered that the amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.

Remnant vegetation and existing habitat trees should be retained where practical to retain fauna habitat and amenity values. These values should be retained in Public Open Space and throughout the site, not only to retain habitat functions but to help address the urban heat island effect. The EPA supports the recommendation of a Fauna Management Plan being implemented to ensure direct impacts to fauna are minimised.

As stated above, the EPA would like an amendment to be initiated under LPS 8 to adequately address these matters.

## **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 6<sup>th</sup> March until the 6<sup>th</sup> May 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 Bunbury office of the Department of Planning, Lands and Heritage (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 6<sup>th</sup> May 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 [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**

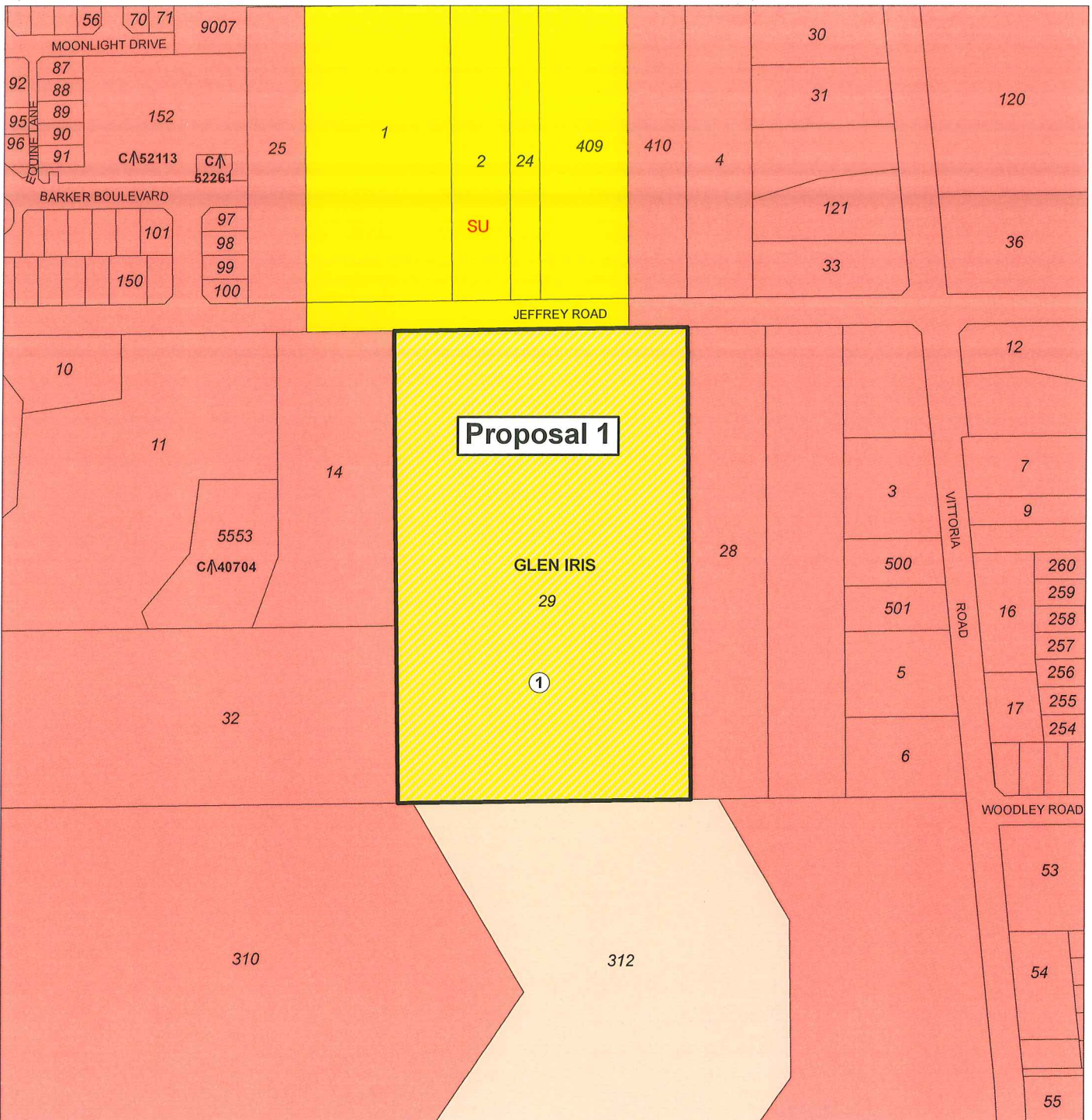
After considering any comments received from the public and government agencies, the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without modifications in response to submissions, or may decline to approve the amendment.

## **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.

**Lot 29 Jeffrey Road, Glen Iris**


**Proposal 1**



## Proposed Amendment to the Greater Bunbury Region Scheme Lot 29 Jeffrey Road, Glen Iris

Proposal 1

Proposed Amendment:

 Urban deferred zone

Existing Region Scheme:

 SU Public purposes - special uses

 Urban

 Urban deferred

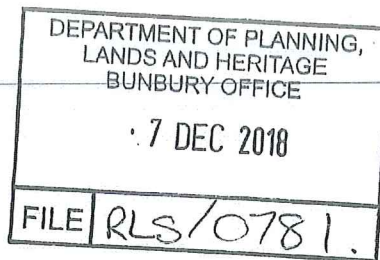


## **Appendix A**

### **Notice of environmental assessment**



## Environmental Protection Authority



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

Our Ref: CMS17506  
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  
0054-57  
**LOCATION:** Lot 29 Jeffery Road, 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



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

3 December 2018

Encl. Scheme Advice and Recommendations

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

**Greater Bunbury Region Scheme Amendment 0054-57**

**Location: Lot 29 Jeffery Road, Glen Iris**

**Determination: Scheme Not Assessed – Advice Given (not appealable)**

**Determination Published: 3 December 2018**

**Summary**

The Western Australian Planning Commission (WAPC) has initiated Amendment 0054-57 to the Greater Bunbury Region Scheme to rezone Lot 29 Jeffery Road, Glen Iris from 'Public Purpose – Special Uses' reserve to 'Urban Deferred' zone to facilitate future residential development.

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

**1. Environmental Factors**

Having regard to EPA's Statement of Environmental Principles, Factors and Objectives, the EPA has identified the following preliminary environmental factors relevant to this scheme:

- Inland Waters;
- Flora and Vegetation; and
- Terrestrial Fauna.

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

**Inland Waters, Flora and Vegetation, Terrestrial Fauna**

Lot 29 is proposed to be rezoned to the 'Urban Deferred' zone to facilitate future residential development. The EPA acknowledge that detailed flood modelling has demonstrated that Lot 29 is no longer required for the Glen Iris Relief Floodway and this has been confirmed by the *GBRS Floodplain Management Policy 2016*.

The EPA note that the Fauna Assessment, dated July 2018, prepared by Zoologist Greg Harewood Pty Ltd states that Lot 29 contains potential habitat for Threatened Fauna species; Black Cockatoos and the Western Ringtail Possum.

Remnant vegetation and existing habitat trees should be retained where practical to retain fauna habitat and amenity values. These values should be retained in Public Open Space and throughout the site, not only to retain habitat functions, but to help address the urban heat island effect. The EPA supports the recommendation of a Fauna Management Plan be implemented to ensure direct impacts to fauna are minimised.

The EPA understands that through a resolution of the WAPC, a concurrent amendment to the region and local planning schemes under section 126 of the *Planning and Development Act 2005* could be undertaken to amend the local scheme maps so that they are consistent with the region scheme. The EPA does not support this approach, as it would not allow for the local scheme to be amended to require the retention, protection and management of the significant areas of native vegetation, flora and fauna values. Specifically, the EPA considers the local scheme should be initiated to require future development to retain remnant vegetation and habitat trees.

### **Conclusion**

The EPA concludes that the amendment can be managed to meet the EPA's environmental objectives through existing scheme controls, and the retention of remnant vegetation and habitat trees in future development.

The EPA supports the initiation of a future local scheme amendment containing specific mechanisms and/or provisions to require future development to retain remnant vegetation and habitat trees. The EPA recommends that the Department of Planning, Lands and Heritage liaise with the City of Bunbury to develop appropriate mechanisms and/or text which can be included in the local scheme.

## **Appendix B**

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

**Lot 29 Jeffrey Road, Glen Iris**

**Proposed minor amendment**

**Amendment 0054/57**

**as advertised**

**Legal plan**

3.2728

## **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 Monday 6<sup>th</sup> May 2019 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>