

August 2020

# **Greater Bunbury Region Scheme Amendment 0059/41 (Major Amendment)**



## **Wanju Urban Expansion Area**

Amendment Report

Shire of Dardanup

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**Greater Bunbury Region Scheme  
Amendment 0059/41  
(major amendment)**

**Wanju Urban Expansion Area**

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**Amendment Report**

**Shire of Dardanup**



August 2020

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Internet: [www.wa.gov.au](http://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 0059/41 Amendment Report  
File RLS/0865

Published August 2020

Internet: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)  
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# **The Greater Bunbury Region Scheme**

## **What it is and how it is amended**

### **(Major Amendments)**

#### **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 it is seen to be necessary.

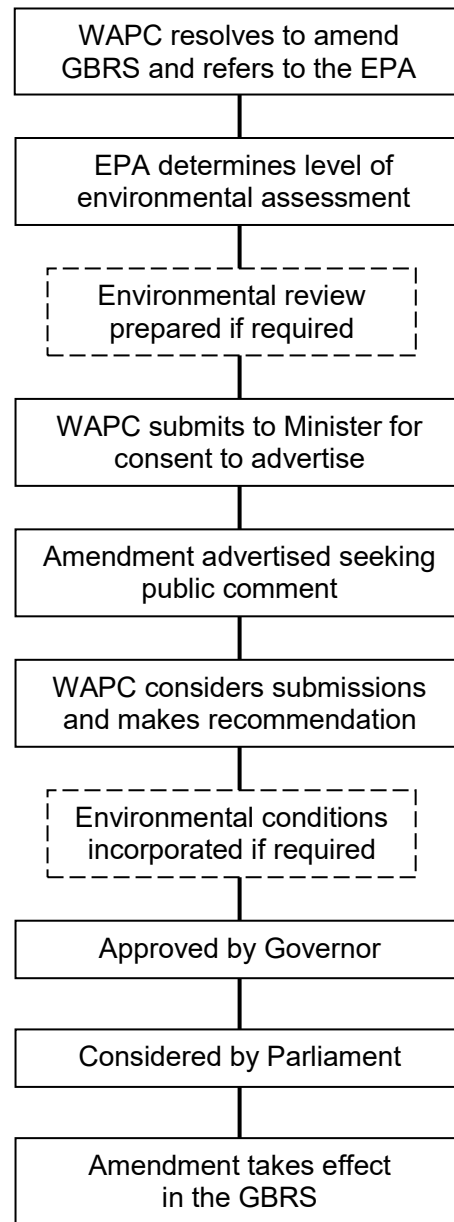
The amendment process is regulated by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 41 (often referred to as a major amendment).

The process of a major 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.
- Consent by the Minister for Planning to call for submissions.

- 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 receive public submissions over a three month period.
- WAPC considers written submissions. People who have made submissions may, if they wish, also make an oral presentation to a special committee appointed to consider and report on these submissions.
- WAPC reviews the proposed amendment in light of submissions. The amendment may be modified before proceeding.
- Readvertising for further public submissions may be required by the Minister for Planning if the amendment is substantially modified as a result of submissions.
- Minister presents the amendment with WAPC recommendations to the Governor for approval.
- Placing of the amendment, as approved by the Governor, before each House of State Parliament, where it must remain for 12 sitting days. During this time, the amendment is again on public display with the WAPC's report on submissions.
- In Parliament, a member may introduce a motion to disallow the amendment. If this motion succeeds, the GBRS will not be amended. Otherwise, the amendment becomes legally effective in the GBRS.

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 the 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: to provide for other public purposes as denoted on the Scheme Map ie; land for public facilities such as hospitals, high schools, universities, 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.

People writing submissions may choose also to attend a hearing. This follows the submission period, where you can express your views to a hearings panel.

## **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.

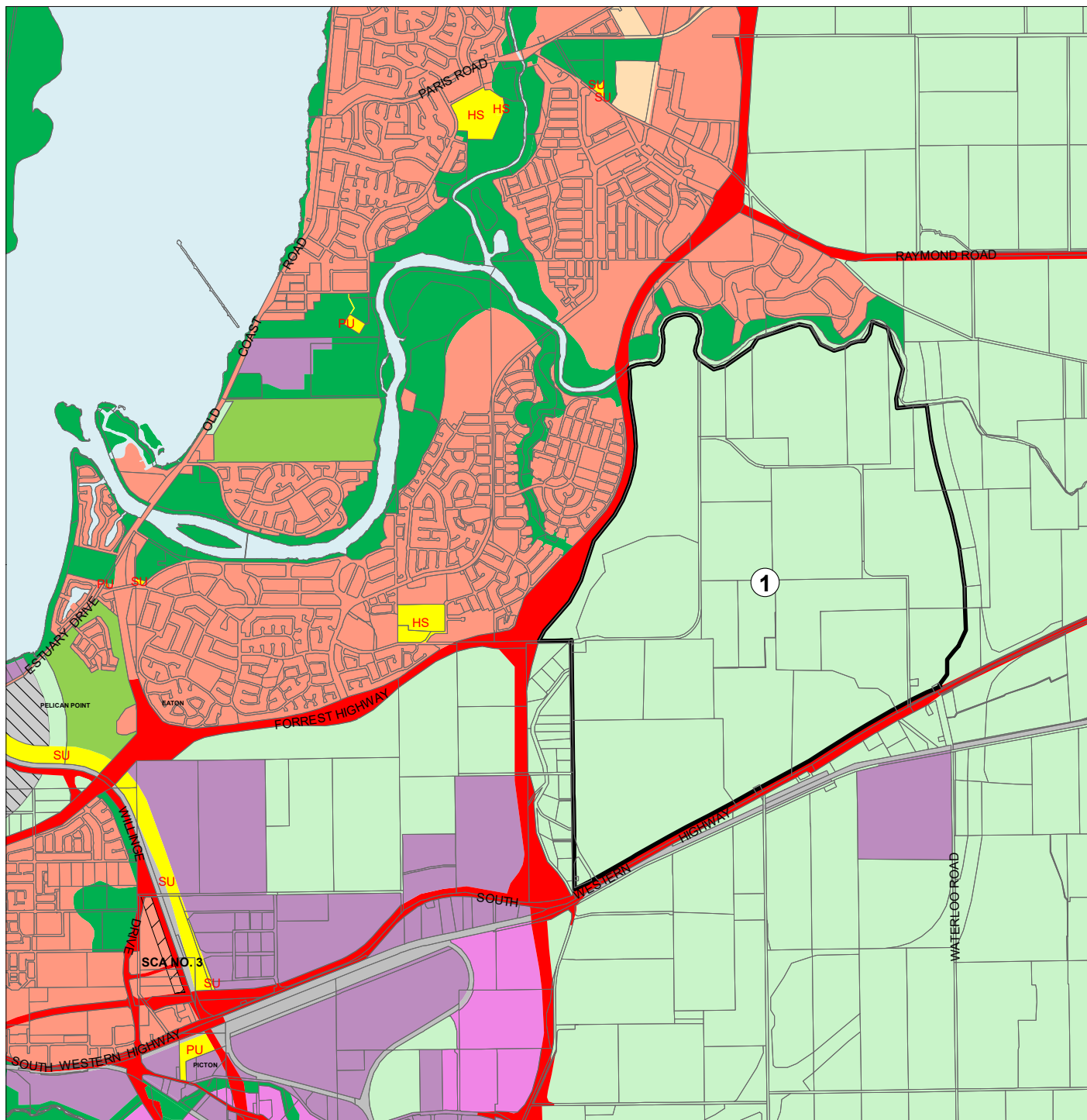
### Transcript of Hearings

The hearings procedures are recorded and transcribed. All transcripts are published as a public record.



**Amendment 0059/41**

**Location Plan**



## Proposed Amendment to the Greater Bunbury Region Scheme Wanju District Structure Plan

Proposed:

**1** rural zone  
to urban deferred zone

### Greater Bunbury Region Scheme Legend

#### Reserved Lands

- Regional open space
- Railways
- State forests
- Waterways
- Port installations

#### Roads:

- Primary regional roads
- Other regional roads

#### Public purposes - denoted as follows:

- A Airport
- H Hospital
- HS High school
- P Prison
- PU Public utilities
- SU Special uses
- TS Technical school
- U University

#### Zones

- Urban
- Urban deferred
- Regional centre
- Industrial
- Rural
- Private recreation
- Special control areas

SCA NO. 3 Glen Iris service  
corridor buffer area

## Greater Bunbury Region Scheme Amendment 0059/41

### Wanju Urban Expansion Area

#### 1. Planning objective

The purpose of this proposal is to amend the Greater Bunbury Region Scheme (GBRS) by rezoning:

- Lots 15, 50, 536, 3251, 1215, 644, 166, 424 (part), 706, 707, 167 (part), 11, 8, 101 and 21 Clifton Road Waterloo;
- Lots 9 (part), 10 (DP 28073) (part), 10 (DP 40650) (part), 12 (part), 70 (part), 1 (part) and 2 (part) South Western Highway, Waterloo; and
- Lots 8, 100 and 4086 Hynes Road, Waterloo,
- Reserve 31541
- Road Reserves for Clifton Road and Barbetti Road and the southern part of Hynes Road
- as shown on Legal Plan No. 3.2754

from the Rural Zone to the Urban Deferred Zone and in order to facilitate future urban developments at the Wanju Urban Expansion Area as anticipated through the *Greater Bunbury Strategy 2013*, the *Greater Bunbury Structure Plan*, the *Wanju District Structure Plan* and the Shire of Dardanup Local Planning Strategy (2015).

#### 2. Background

The Wanju Urban Expansion Area was formally identified in the WAPC endorsed *Greater Bunbury Strategy 2013* following an extensive public consultation and public advertising of the draft Strategy in 2011. It is an area east of the existing suburb of Eaton and the Forrest Highway and represents the major greenfield urban expansion area for Greater Bunbury once the existing greenfield sites of Kingston, Treendale, Millbridge, Parkridge, Eaton, Glen Iris, Tuart Brook and Dalyellup have been largely developed out.

The Department of Planning, Lands and Heritage, in collaboration with the Shire of Dardanup and other Government agencies, has prepared a District Structure Plan for Wanju.

An initial draft *Wanju District Structure Plan* was publicly advertised between April and July 2016 for public comment. The comments were analysed by the then Department of Planning and reported back to the WAPC. Following the realignment of the Bunbury Outer Ring Road (BORR) by Main Roads WA the draft Wanju DSP was revised to take into account the implications of the new BORR alignment on Wanju and this revised draft *Wanju DSP* was published for public advertising between February and April 2019. The comments were again analysed by the Department and reported to the WAPC in October 2019, along with the finalised DSP.

Land uses proposed by the district structure plan include: residential, mixed use /town and local centres, commercial, public purpose – state schools, special use - private schools, public open space, public purpose – emergency services, public purpose – infrastructure services, primary road, and integrator streets.

The DSP was endorsed by the WAPC at its meeting on 30 October 2019. The purpose of the DSP is to set out an informing strategy to guide the vision and desired development and environmental outcomes for urban expansion area, and in doing so, to provide the context and framework for proposed amendments to the GBRS, the Shire of Dardanup's Local Planning Scheme No. 3 (LPS3) and more detailed planning in the form of Local Structure Plans.

The subject land currently supports agricultural uses, primarily grazing. The lots making up the urban expansion are both owned by private owners (16), Western Power (Lot 706 – 40.69 ha), the State Government (Lot 2 – 0.4 ha, and Reserve R1083 – 1.00 ha) and Road Reserves for Clifton Road and Barbetti Road.

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

Request is made for an amendment to the GBRS for:

- Lots 15, 50, 536, 3251, 1215, 644, 166, 424 (part), 706, 707, 167 (part), 11, 8, 101 and 21 Clifton Road Waterloo;
- Lots 9 (part), 10 (DP 28073) (part), 10 (DP 40650) (part), 12 (part), 70 (part), 1 (part) and 2 (part) South Western Highway, Waterloo; and
- Lots 8, 100 and 4086 Hynes Road, Waterloo,
- Reserve 31541
- Road Reserves for Clifton Road and Barbetti Road and the southern part of Hynes Road
- as shown on Legal Plan No. 3.2754

The subject land is 1134 hectares in area and extends from the southern bank of the Collie River in the north to South West Highway, and from Forrest Highway / Hynes Road in the west to the proposed alignment of the Bunbury Outer Ring Road in the east. The subject land is situated in the locality of Waterloo, some 9 to 13 kms east of the Bunbury CBD. The rural precinct between South Western Highway and the railway line is not included as part of this amendment.

The proposal involves the amendment of the existing zoning of the subject land from the Rural Zone to the Urban Deferred Zone under the GBRS.

The current zoning under both the GBRS and LPS3 covering the subject land does not make provision for the District Structure Plan's vision hence the request for amendments in order to implement components of the District Structure Plan.

The transfer of land from the Urban Deferred zone to an Urban zone may be initiated by either the landowner, the local government or any public authority. Before agreeing to the transfer of land from the Urban Deferred zone to the Urban zone, the WAPC will require evidence, such as a draft Local Structure Plan, that:

- the land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;
- planning is sufficiently advanced to depict an acceptable overall design to guide future development;
- the proposed requirements, such as regional roads, open space and public purpose, have been satisfied or provision made for them; and
- any constraints to urban development, including in relation to environmental, hazard and risk issues, can be satisfactorily addressed.

Where there is a proposal to lift the Urban Deferred zoning it will be referred to the local government and relevant State Government agencies for comment. The proposal, with supporting information and justification in accordance with the *Lifting of Urban Deferment Guidelines* will be considered and determined by the WAPC. The assessment of this amendment will further refine the criteria required to lift the Urban Deferment, which will be detailed in the report on submissions to guide future planning.

#### **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. As part of the background to the Wanju DSP an *Ethnographic and Archaeological Heritage Assessment* (2014) was carried out including a comprehensive desktop review to confirm the nature and extent of all Aboriginal sites within the Wanju urban expansion area.

#### **5. Coordination of Region and Local Scheme amendments**

The Shire of Dardanup's Local Planning Scheme is required to be consistent with the Greater Bunbury Region Scheme. Once the Urban Deferred and subsequent Urban zonings have been approved for the GBRS Local Planning Scheme amendments to LPS3 will be required to ensure consistency with the Greater Bunbury Region Scheme.

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

Under the GBRS, the Wanju DSP area is presently zoned Rural. The Rural zone over the subject land would not permit development of mixed use or residential development, hence amendment of the GBRS is required in order to facilitate the development of such uses.

The proposed amendment on the subject land is considered to be orderly and proper planning as the proposal explored planning solutions in line with the district structure plan.

Strategic planning for the area further is set out in the *Greater Bunbury Strategy* 2013, where higher residential densities, alongside infill development in all areas of existing developed land, are strongly promoted. This provides the opportunity for housing diversity, housing affordability, greater emphasis on walking, cycling and public transport, as well as providing a more attractive urban environment.

The subject land is further flanked by the developed residential areas of Eaton and Millbridge to the west. Detailed planning through the local structure planning for individual precincts will address the level of services provided with regards to reticulated water and sewerage, drainage, underground electricity, telecommunication, access, fill. The Local Structure Plans will need to meet with the requirements set out for each precinct set out in the Wanju District Structure Plan and be accompanied by Local Water Management Strategies which are consistent with the District Water Management Strategy. Where appropriate, they will also need to be consistent with the various background reports including the Landscape Vision Plan.

## **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 constitutes a substantial alteration to the GBRS having regard to the significant spatial extent of the proposed area for development.

The *Greater Bunbury Strategy* strongly promotes higher residential densities alongside infill development in all areas of existing developed land. This provides the opportunity for housing diversity, housing affordability, urban regeneration and revitalisation, as well as providing a more attractive urban environment. As such it is considered appropriate for this amendment to be processed as a major 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*. The EPA provided advice and recommendations as shown at Appendix A.

## **9. The Amendment Process**

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

Section 41 of the *Planning and Development Act 2005* sets out the procedure for processing amendments which the Commission considers a substantial alteration to 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 90 days from 15 September 2020 to 14 December 2020.

Advertising of the amendment will occur on the Department's website, Shire of Dardanup website and local newspapers.

Copies of the amendment will be available online at the Department's website or available on request.

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 14 December 2020.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (Form 41) is contained in this report Appendix E. Additional copies of the form are available on request or on the Department'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 amendment is tabled in Parliament.

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. Hearings**

Any person making a written submission has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. Details required for attending the hearings are on side two of the submission form.

Presentations made to the hearings committee are an extension of the submission process and the transcript of all hearings will become a public document. The transcript is published and made available when the amendment is presented to both Houses of Parliament.

Before completing your submission form, please refer to the information regarding hearings in appendix D of this report.

## **12. Modifications to the amendment**

After considering any comments received from the public and government agencies, the WAPC may make modifications to the amendment.

The recommendations of the WAPC, including any modifications, are published in a report on submissions. Anyone who has made a submission will receive a copy of this document when the amendment is tabled in Parliament. The report will also be available on the WAPC's website [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)

## **13. Final outcome**

Following consideration by both Houses of Parliament, those who made submissions will be notified of the final outcome, along with all affected landowners.

## 14. References

- Wanju District Structure Plan and background reports:  
<https://www.dplh.wa.gov.au/wanju>
- Ethnographic and Archaeological Heritage Assessment, Industrial and Urban Expansion Areas (Big Island Research, 2014):  
[https://www.dplh.wa.gov.au/getmedia/a2f32e39-5eb5-4825-abae-a1f576c2f22e/DSP\\_Draft\\_Wanju\\_Ethnographic\\_and\\_Archaeological\\_Report\\_-\\_Dardanup](https://www.dplh.wa.gov.au/getmedia/a2f32e39-5eb5-4825-abae-a1f576c2f22e/DSP_Draft_Wanju_Ethnographic_and_Archaeological_Report_-_Dardanup)
- DC Policy 1.9 – Amendment to Region Schemes (WAPC, January 2017):  
[https://www.dplh.wa.gov.au/getmedia/0ab32345-7ede-4b3d-90ee-babafcd3d840/DCP\\_1-9\\_-\\_amendment\\_region\\_schemes](https://www.dplh.wa.gov.au/getmedia/0ab32345-7ede-4b3d-90ee-babafcd3d840/DCP_1-9_-_amendment_region_schemes)
- Lifting of Urban Deferment Guidelines (WAPC, November 2019):  
[https://www.dplh.wa.gov.au/getmedia/3457d12f-8b13-40a6-a1ee-53b4f0ce78dc/GD-Lifting\\_of\\_Urban\\_Deferment\\_Guidelines\\_Nov2019](https://www.dplh.wa.gov.au/getmedia/3457d12f-8b13-40a6-a1ee-53b4f0ce78dc/GD-Lifting_of_Urban_Deferment_Guidelines_Nov2019)
- Greater Bunbury Region Scheme:  
<https://www.dplh.wa.gov.au/gbrs>
- Shire of Dardanup Local Planning Strategy (2015):  
<https://www.dardanup.wa.gov.au/planning/structure-plans/local-planning-strategy/>
- Shire of Dardanup Local Planning Scheme No.3:  
<https://www.dplh.wa.gov.au/getmedia/c2cdeacd-b559-4700-b0f8-bbbb4540c433/Dardanup-scheme-text>
- Greater Bunbury Strategy 2013 and Greater Bunbury Structure Plan (WAPC):  
[https://www.dplh.wa.gov.au/getmedia/0597c8b4-73b2-40b3-b934-eec50d265cfd/SWT\\_Greater\\_Bunbury\\_Strategy\\_2013](https://www.dplh.wa.gov.au/getmedia/0597c8b4-73b2-40b3-b934-eec50d265cfd/SWT_Greater_Bunbury_Strategy_2013)
- Greater Bunbury Region Scheme Priority Agricultural Land Policy 2017 (WAPC):  
[https://www.dplh.wa.gov.au/getmedia/a2922ff0-6036-4c3b-b765-84883563d96b/POL-GBRS\\_Priority\\_Agricultural\\_Land\\_Policy\\_2017](https://www.dplh.wa.gov.au/getmedia/a2922ff0-6036-4c3b-b765-84883563d96b/POL-GBRS_Priority_Agricultural_Land_Policy_2017) .



**Amendment 0059/41**

**Figure 1**



## **Appendix A**

### **Notice of environmental assessment**

Ms Sam Fagan  
The Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
**PERTH WA 6001**

Our Ref: CMS 17859  
Enquiries: Renee Blandin, 6364 6499  
Email: [Renee.Blandin@dwer.wa.gov.au](mailto:Renee.Blandin@dwer.wa.gov.au)

Dear Ms Fagan

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

<b>SCHEME</b>	<b>Greater Bunbury Region Scheme 0059/41</b>
<b>LOCATION</b>	<b>Wanju Urban Expansion Area</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Various lots within the Shire of Dardanup</b>
<b>DECISION</b>	<b>Western Australian Planning Commission</b>
	<b>Referral Examined, Preliminary Investigations</b>
	<b>and Inquiries Conducted. Scheme Amendment</b>
	<b>Not to be Assessed Under Part IV of the EP Act.</b>
	<b>Advice Given. (Not Appealable)</b>

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) but nevertheless provides the attached advice and recommendations. I have also attached a copy of the Chairman's determination of the scheme.

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 the Chairman's determination, 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 black ink, appearing to read 'A. Sutton', with a horizontal line extending from the end of the signature.

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

3 August 2020

Encl. Chairman's Determination  
Scheme Advice and Recommendations



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

**Greater Bunbury Region Scheme 0059/41 Wanju Urban Expansion Area**

**Location:** Various lots within Shire of Dardanup

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

**Determination Published:** 3 August 2020

**Summary**

The Western Australian Planning Commission (WAPC) proposes to rezone 1134 hectares of land in the Shire of Dardanup from 'Rural' to 'Urban Deferred' in the Greater Bunbury Region Scheme (GBRS) to facilitate the future development of the proposed 'Wanju Urban Expansion Area'.

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 has based its decision on the documentation provided by the WAPC. 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:

- Flora and Vegetation
- Terrestrial Fauna
- Inland Waters
- Social Surroundings

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

The EPA considers this GBRS amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. However there are a number of environmental issues which require resolution prior to the initiation and referral of future local planning amendments to the EPA. For this reason, a concurrent rezoning of both the region and local schemes should not be undertaken. The following advice is provided in this context:

**Flora and Vegetation and Terrestrial Fauna**

The EPA notes the amendment area is mostly cleared, but contains some flora, vegetation and terrestrial fauna environmental values.

These values include:

- Poorly represented remnant native vegetation (including Jarrah Marri, and Wandoo) as well as the Threatened Ecological Community (TEC) Banksia Woodlands of the Swan Coastal Plain
- The Department of Biodiversity, Conservation and Attractions (DBCA) reserve to the south of the site contains the TECs 'Herb rich shrublands in claypans' and '*Corymbia*

*calophylla* – *Xanthorrhoea preissii* woodlands and scrublands of the Swan Coastal Plain’.

- Significant fauna habitat including species of black cockatoo, Western Ringtail Possum, Water Rat, Carter’s Freshwater Mussel and various migratory bird species.

Given these values:

- Remaining vegetation should be a priority for retention through the future stages of planning, particularly vegetation along existing roads and river/drainage lines mapped as black cockatoo habitat.
- Development should be located within existing cleared land, or within areas of existing degraded vegetation, where that vegetation is not significant habitat for threatened fauna.
- An updated study including survey for specific locations of suitable breeding trees is recommended prior to development of the local planning scheme amendment.
- The implementation of ecological linkages through the site at the future stages of planning is recommended. Ecological linkages and buffers should protect, retain and enhance the environmental values.

## **Inland Waters**

The amendment area is within the Leschenault Estuary Catchment and is traversed by Millers Creek. The Collie River runs adjacent to the northern boundary.

Development of the site for urban land use has the potential to impact groundwater and surface water quality and pre-development hydrology. Impacts can be managed through buffers to waterways, provision of ecological linkages (including wetland and vegetation retention areas) and implementation of water management planning for the site, as required by structure planning. Water management planning should maintain or improve groundwater and surface quality, with particular regard to be given to the water quality objectives within the *Leschenault Estuary water quality improvement plan* (Department of Water 2012). Maintenance of pre-development hydrology should be considered at various scales as part of future water management planning in consultation with the Department of Water and Environmental Regulation (DWER) South West Region. Consideration should also be given to potential impacts of hydrological changes on TECs. Requirements for buffer distance, riparian vegetation retention and establishment, fencing, floodway setbacks, and stormwater management should be referred to DWER and DBCA where appropriate, as part of the future planning process.

## **Social Surroundings**

The amendment area is adjacent to proposed industrial and strategic minerals resources areas. Industrial development and resource extraction activities may impact sensitive land uses within the amendment area. The EPA’s Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* should be considered to advise decision making on the potential impacts to surrounding land uses and separation distances. Further investigation into the separation distances should be undertaken at the local scheme amendment and structure planning phases.

## **Conclusion**

The EPA concludes the scheme amendment can be managed to meet the EPA’s environmental objectives through existing planning controls at the region scheme level of planning. The EPA further recommends future Shire of Dardanup local planning scheme amendments should contain specific scheme provisions, informed by surveys, to demonstrate

how impacts to these values will be avoided and/or managed. Future significant proposals may also require referred to the EPA pursuant to Part IV of the EP Act.





GOVERNMENT OF  
WESTERN AUSTRALIA

S48A Referrals

## Environmental Protection Authority

**Title:** Greater Bunbury Region Scheme 0059/41 Wanju Urban Expansion Area.

**Location:** Various lots within the Shire of Dardanup.

**Description:** The Western Australian Planning Commission proposes to rezone parcels of land in the Shire of Dardanup from 'Rural' to 'Urban Deferred' to facilitate the development of the proposed 'Wanju Urban Expansion Area'.

**Ref ID:** CMS17859

**Date Received:** 07/07/2020 **Date Sufficient Information Received:** 07/07/2020

**Responsible Authority:** Western Australian Planning Commission

**Contact:** Sam Fagan

**Preliminary Environmental Factors:** Flora and Vegetation, Terrestrial Fauna, Inland Waters, Social Surroundings.

**Potential Significant Effects:** Clearing of vegetation and terrestrial fauna habitat (including threatened communities and species); potential impact on waterways (Millers Creek and Collie River) and groundwater and surface water quality; potential for sensitive land uses to be impacted by noise, dust and odour impacts from surrounding land use.

**Management:** Implementation of ecological linkages to protect environmental values and provide buffers to waterways as depicted in the Wanju District Structure Plan, through site environmental and water management strategies required for structure planning, and through future local planning scheme provisions. Implementation of EPA advice regarding management of environmental impacts. Review at the local planning scheme amendment stage will provide further management of environmental values.

**Determination:** Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable)

The EPA has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA. This Determination is not appealable.

Chairman's Initials:

Date: 29 July 2020

## **Appendix B**

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

**Wanju Urban Expansion Area  
Rezone to Urban Deferred**

**Proposed major amendment**

**Amendment 0059/41**

**as advertised**

**3.2754**

**Detail plans**

1.4663  
1.4666  
1.4697  
1.4699  
1.4700  
1.4705  
1.4707  
1.4708  
1.4715

## **Appendix C**

### **Your Property and the Greater Bunbury Region Scheme**



## **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 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.

## **Your Property and Regional Planning Schemes**

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 Property Services branch.**

## **Appendix D**

### **Preparing a submission and for a hearing presentation**

## **Preparing a submission and for a hearing presentation**

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 welcome.

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 41 – Appendix E). Include your name and full postal address on side one and information related to the hearings on side two. 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 41 and in the submissions on the amendment section of the amendment report. To be eligible to make a presentation to the hearing committee, your written submission must be received by the closing date.

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. Presentations made to the hearings committee are an extension of the submission process and the transcript of all hearings also becomes a public document.



## **Do you want a hearing?**

The *Planning and Development Act 2005* provides the opportunity for people who have made a written submission to personally present the basis of their submission to a sub-committee of the WAPC. You do not have to attend a hearing. The comments presented by you in your submission will be considered in determining the recommendation for the proposed amendment.

Hearings are arranged so that the WAPC can listen to a person, should they wish to explain or expand on their written submission. A hearing is for listening to points of view and planning rationale, it is not a forum of general public debate. In the case of a group, a spokesperson must be appointed to represent the group. The time allocated for a hearing is usually 15 minutes, which includes time for questions the committee may have of the presenter.

The hearings committee is appointed by the WAPC and is usually comprised of two WAPC committee members and one other person with planning knowledge and expertise related to issues raised in submissions.

You may choose to have your presentation conducted in public or private. A public hearing allows other persons, including the media, to attend. In a private hearing only those persons nominated by you and by the hearings committee may attend.

All hearings, public and private, are recorded and transcribed. The transcripts, along with the written submissions, are published as public records. The WAPC recommendations are also published in a report on submissions.

## **Appendix E**

**Submission form for this amendment  
(Form 41)**

Planning and Development Act 2005  
**Section 41 Amendment (Substantial)**  
Form 41

**Submission**  
**Greater Bunbury Region Scheme Amendment 0059/41**

**Wanju Urban Expansion Area**

OFFICE USE ONLY

SUBMISSION NUMBER

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

Name .....  
(PLEASE PRINT CLEARLY)

Address ..... Postcode .....

Contact phone number ..... Email address .....

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

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**turn over to complete your submission**

## Hearing of submissions

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

For information about the submission and hearings process, please refer to the amendment report and in particular Appendix E.

### Please choose one of the following:

☐ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

**I will be represented by:**

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

**or**

☐ A spokesperson

Name of spokesperson: .....

Contact telephone number (business hours): .....

Postal address: .....

**I would prefer my hearing to be conducted in:**

☐ Public (members from the general public may attend your presentation)

**OR**

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- **The Hearings Panel is NOT a decision making body. Information presented at the hearings will be forwarded to the WAPC for consideration in determining the recommendation for the proposed amendment.**
- 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.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are presented to the Minister for Planning and published as public records should the Minister approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions.

### **To be signed by person(s) making the submission**

Signature ..... Date .....

**Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 14 December 2020. Late submissions will NOT be considered.**